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May 30, 1997

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Free **Electronic Bulletin Board** service for Public Law numbers, **Federal Register** finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

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Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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

OFFICE OF MANAGEMENT AND BUDGET

5 CFR Part 1305

RIN 0348–AB35

Release of Official Information, and Testimony by OMB Personnel as Witnesses, In Litigation

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Final rule.

SUMMARY: This final rule sets forth regulations to be followed by the Office of Management and Budget (OMB) staff when, in litigation (including administrative proceedings), a subpoena, order or other demand of a court or other authority is issued for the production or disclosure of: Any material contained in the files of OMB; any information relating to materials contained in the files of OMB; or any information or material acquired by any person while such person was an employee of OMB as a part of the performance of the person's official duties or because of the person's official status. Many agencies have issued regulations of this kind in the past in order to establish procedures to respond to such demands in an orderly and consistent manner.

EFFECTIVE DATE: June 30, 1997.

FOR FURTHER INFORMATION CONTACT: Steven Aitken, Assistant General Counsel, Office of Management and Budget, at (202) 395–4728.

SUPPLEMENTARY INFORMATION: On December 17, 1996 (61 FR 66232), OMB requested public comment on proposed regulations which set forth the procedures to be followed when, in litigation (including administrative proceedings), a subpoena, order or other demand of a court or other authority is issued for the production or disclosure of: Any material contained in the files of OMB; any information relating to materials contained in the files of OMB; or any information or material acquired by any person while such person was an employee of OMB as a part of the performance of the person's official duties or because of the person's official status. Such regulations were upheld by the Supreme Court in its decision in *United States ex rel. Touhy* v. *Ragen,* 340 U.S. 462 (1951). This regulation establishes procedures to respond to such demands in an orderly and consistent manner.

No public comments were received in response to the December 1996 proposed rule. No changes have been made to the proposed rule, which is being adopted.

The proposed OMB ''*Touhy*'' regulation, which is set forth below, will be placed in a new Part 1305 in OMB's regulations, which are found at 5 CFR Chapter III.

Paperwork Reduction Act

As part of the notice of proposed rulemaking, OMB published a request for comments concerning the collection of information contained in §§ 1305.3(a), 1305.3(b), and 1305.4 of the proposed rule. See 61 FR 66232. OMB received no comments regarding the collection of information. The sponsoring office in OMB also submitted an analysis of the information collection to the Office of Information and Regulatory Affairs (OIRA) in OMB for review in accordance with section 3507(d) of the Paperwork Reduction Act of 1995. See 44 U.S.C. 3507(d). OIRA, acting for OMB, assigned a control number, 0348–0056, and approved the information collection without conditions with an expiration date of February 28, 2000. Potential respondents are not required to respond to the collection of information unless the regulation collecting the information displays a currently valid control number assigned by OMB. See, *id.,* 3512(a). The final rule does not modify the approved information collection.

Regulatory Flexibility Act, Unfunded Mandates Reform Act, and Executive Orders 12866 and 12875

For purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the final rule will not have a significant economic effect on a substantial number of small entities; the final rule addresses only the procedures to be followed in the production or disclosure of OMB materials and information in litigation. For purposes of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), as well as Executive Orders No. 12866 and 12875, the final rule will not significantly or uniquely affect small governments, and will not result in increased expenditures by State, local, and tribal governments, or by the private sector, of $100 million or more. Finally, the final rule is not a ''major rule'' under 5 U.S.C. Chapter 8; the rule will not have any of the effects set forth in 5 U.S.C. 804(2).

List of Subjects in 5 CFR Part 1305

Administrative practice and procedure.

Issued in Washington, D.C., May 19, 1997.

Franklin D. Raines,
Director.

For the reasons set forth in the preamble, OMB amends 5 CFR chapter III by adding a new part 1305 to read as follows:

PART 1305—RELEASE OF OFFICIAL INFORMATION, AND TESTIMONY BY OMB PERSONNEL AS WITNESSES, IN LITIGATION

Sec.
1305.1 Purpose and scope.
1305.2 Production prohibited unless approved.
1305.3 Procedures in the event of a demand for disclosure.
1305.4 Procedure in the event of an adverse ruling.
1305.5 No private right of action.

Authority: 31 U.S.C. 502.

§ 1305.1 Purpose and scope.

This part contains the regulations of the Office of Management and Budget (OMB) concerning procedures to be followed when, in litigation (including administrative proceedings), a subpoena, order or other demand (hereinafter in this part referred to as a ''demand'') of a court or other authority is issued for the production or disclosure of:

(a) Any material contained in the files of OMB;

(b) Any information relating to materials contained in the files of OMB; or

(c) Any information or material acquired by any person while such person was an employee of OMB as a

part of the performance of the person's official duties or because of the person's official status.

§ 1305.2 Production prohibited unless approved.

No employee or former employee of OMB shall, in response to a demand of a court or other authority, produce any material contained in the files of OMB, disclose any information relating to materials contained in the files of OMB, or disclose any information or produce any material acquired as part of the performance of the person's official duties, or because of the person's official status, without the prior approval of the General Counsel.

§ 1305.3 Procedures in the event of a demand for disclosure.

(a) Whenever a demand is made upon an employee or former employee of OMB for the production of material or the disclosure of information described in § 1305.2, he shall immediately notify the General Counsel. If possible, the General Counsel shall be notified before the employee or former employee concerned replies to or appears before the court or other authority.

(b) If information or material is sought by a demand in any case or matter in which OMB is not a party, an affidavit (or, if that is not feasible, a statement by the party seeking the information or material, or by his attorney) setting forth a summary of the information or material sought and its relevance to the proceeding, must be submitted before a decision is made as to whether materials will be produced or permission to testify or otherwise provide information will be granted. Any authorization for testimony by a present or former employee of OMB shall be limited to the scope of the demand as summarized in such statement.

(c) If response to a demand is required before instructions from the General Counsel are received, an attorney designated for that purpose by OMB shall appear, and shall furnish the court or other authority with a copy of the regulations contained in this part and inform the court or other authority that the demand has been or is being, as the case may be, referred for prompt consideration by the General Counsel. The court or other authority shall be requested respectfully to stay the demand pending receipt of the requested instructions from the General Counsel.

(Approved by the Office of Management and Budget under control number 0348–0056)

§ 1305.4 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 1305.3(c) pending receipt of instructions from the General Counsel, or if the court or other authority rules that the demand must be complied with irrespective of the instructions from the General Counsel not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand (United States ex rel. *Touhy* v. *Ragen*, 340 U.S. 462 (1951)).

(Approved by the Office of Management and Budget under control number 0348–0056)

§ 1305.5 No private right of action.

This part is intended only to provide guidance for the internal operations of OMB, and is not intended to, and does not, and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law by a party against the United States.

[FR Doc. 97–13964 Filed 5–29–97; 8:45 am]

BILLING CODE 3110–01–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 97–038–1]

Gypsy Moth Generally Infested Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the gypsy moth quarantine and regulations by adding Wisconsin to the list of States quarantined because of gypsy moth and by adding areas in Ohio, Virginia, West Virginia, and Wisconsin to the list of generally infested areas. These changes affect 2 areas in Ohio, 8 areas in Virginia, 1 area in West Virginia, and 4 areas in Wisconsin. These actions are necessary in order to impose certain restrictions on the interstate movement of regulated articles to prevent the artificial spread of gypsy moth.

DATES: Interim rule effective May 30, 1997. Consideration will be given only to comments received on or before July 29, 1997.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 97–038–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 97–038–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Coanne E. O'Hern, Operations Officer, Domestic and Emergency Programs, PPQ, APHIS, suite 4C10, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8247, or e-mail cohern@aphis.udsa.gov.

SUPPLEMENTARY INFORMATION:

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a destructive pest of forest trees. The gypsy moth regulations (contained in 7 CFR 301.45 through 301.45–12, and referred to below as the regulations), quarantine certain States because of the gypsy moth, and restrict the interstate movement of certain articles from generally infested areas in the quarantined States to prevent the artificial spread of the gypsy moth.

In accordance with § 301.45–2 of the regulations, generally infested areas are, with certain exceptions, those areas in which a gypsy moth general infestation has been found by an inspector, or each portion of a State which the Administrator deems necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. Less than an entire State will be designated as a generally infested area only if: (1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles; and, (2) the designation of less than the entire State as a generally infested area will be adequate to prevent the artificial interstate spread of infestations of the gypsy moth.

Designation of Areas as Generally Infested Areas

We are amending § 301.45(a) of the regulations by adding Wisconsin to the list of States quarantined because of gypsy moth. We are also amending

§ 301.45–3(a) of the regulations, which lists generally infested areas, by adding Guernsey and Ottawa Counties in Ohio; Appomattox, Brunswick, Campbell, Charlotte, Halifax, Lunenburg, Mecklenburg, and Pittsylvania Counties in Virginia; Webster County in West Virginia; and Brown, Door, Kewaunee, and Manitowoc Counties in Wisconsin to the list of generally infested areas.

We are taking this action because, in cooperation with the States, the United States Department of Agriculture conducted surveys that detected all life stages of the gypsy moth in these areas. Based on these surveys, we determined that reproducing populations exist at significant levels in these areas. Eradication of these populations is not considered feasible because these areas are immediately adjacent to areas currently recognized to be generally infested and therefore subject to continued reinfestation.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary because of the possibility that the gypsy moth could be spread artificially to noninfested areas of the United States, where it could cause economic loss due to defoliation of susceptible forest areas.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon publication in the **Federal Register**. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. It will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This action amends the list of generally infested areas under the gypsy moth quarantine and regulations by adding areas in Ohio, Virginia, West Virginia, and Wisconsin. Immediate action is necessary in order to prevent the artificial spread of gypsy moth to noninfested areas of the United States.

This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. If we determine that this rule would have a significant economic impact on a substantial number of small entities, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our Final Regulatory Flexibility Analysis.

Executive Order 12372

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

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, 7 CFR part 301 is amended as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

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

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

§ 301.45 [Amended]

2. In § 301.45, paragraph (a) is amended by removing the phrase ''and West Virginia'' and by adding the phrase ''West Virginia, and Wisconsin'' in its place.

3. In § 301.45–3, paragraph (a) is amended by adding an entry for Wisconsin, and by adding areas in the entries for Ohio, Virginia, and West Virginia, in alphabetical order, to read as follows:

§ 301.45–3 Generally infested areas.

* * * * *

Ohio

* * * * *

Guernsey County. The entire county.

* * * * *

Ottawa County. The entire county.

* * * * *

Virginia

* * * * *

Appomattox County. The entire county.

* * * * *

Brunswick County. The entire county.

* * * * *

Campbell County. The entire county.

* * * * *

Charlotte County. The entire county.

* * * * *

Halifax County. The entire county.

* * * * *

Lunenburg County. The entire county.

* * * * *

Mecklenburg County. The entire county.

* * * * *

Pittsylvania County. The entire county.

* * * * *

West Virginia

* * * * *

Webster County. The entire county.

* * * * *

Wisconsin

Brown County. The entire county.
Door County. The entire county.
Kewaunee County. The entire county.
Manitowoc County. The entire county.

Done in Washington, DC, this 23rd day of May 1997.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 97–14200 Filed 5–29–97; 8:45 am]

BILLING CODE 3410–34–P

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1314

Book-Entry Procedures for TVA Power Securities Issued Through the Federal Reserve Banks; Technical Amendments

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Technical amendments.

SUMMARY: This document contains amendments to the regulations which were published in the **Federal Register**

on Tuesday, January 7, 1997 (62 FR 920). The regulations relate to the book-entry procedures for TVA Power Securities issued through the Federal Reserve Banks.

EFFECTIVE DATE: May 30, 1997.

FOR FURTHER INFORMATION CONTACT: Edward S. Christenbury at (423) 632–2241.

SUPPLEMENTARY INFORMATION:

Background

The regulations that are the subject of these technical amendments revised TVA's book-entry procedures to incorporate recent changes in commercial and property law and to bring them into accord with the revised book-entry procedures of the United States Department of Treasury published in the **Federal Register** on August 23, 1996 (61 FR 43626).

Need for Technical Amendments

As published, the regulations contain items which are in need of clarification.

List of Subjects in 18 CFR Part 1314

Accounting, Bonds, Brokers, Federal Reserve System, Reporting and recordkeeping requirements, Securities.

According, 18 CFR Part 1314 is amended by making the following technical amendments:

PART 1314—BOOK-ENTRY PROCEDURES FOR TVA POWER SECURITIES ISSUED THROUGH THE FEDERAL RESERVE BANKS

1. The authority citation for Part 1314 continues to read as follows:

Authority: 16 U.S.C. 831–831dd.

§ 1314.2 [Amended]

2. In § 1314.2, paragraph (i) is amended by revising ''Book-entry Securities'' to read ''Book-entry TVA Power Securities'' and paragraphs (g), (h), (t), and (v) are revised to read as follows:

§ 1314.2 Definition of terms.

* * * * *

(g) *Other TVA Power Evidences of Indebtedness* means any TVA Power Security issued consistent with section 2.5 of the TVA Basic Bond Resolution (see paragraph (r) of this section).

(h) *Participant* (also called ''holder'' in the TVA Basic Bond Resolution and in other resolutions adopted by the TVA Board of Directors relating to Book-entry TVA Power Securities) means a Person that maintains a Participant's Security Account with a Reserve Bank.

* * * * *

(t) *TVA Power Bond Anticipation Obligation* means any TVA Power Security issued consistent with section 2.4 of the TVA Basic Bond Resolution.

* * * * *

(v) *TVA Power Security* means a TVA Power Bond, TVA Power Bond Anticipation Obligation, TVA Power Note, or Other TVA Power Evidence of Indebtedness issued by TVA under Section 15d of the TVA Act, as amended.

§ 1314.3 [Amended]

3. In § 1314.3, paragraph (a)(3) is amended by revising ''Securities Accounts'' to read ''Security Accounts''.

§ 1314.4 [Amended]

4. In § 1314.4, paragraph (a) introductory text is amended by removing the semicolon and adding a colon in its place, paragraph (b) is amended in the first sentence by revising ''securities account'' to read ''Security Account''; and paragraph (d) is amended by revising ''Security Documentation'' to read ''Securities Documentation''.

Dated: May 23, 1997.

John L. Dugger,

Assistant General Counsel.

[FR Doc. 97–14181 Filed 5–29–97; 8:45 am]

BILLING CODE 8120–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[DEA No. 160I]

Schedules of Controlled Substances: Exempt Anabolic Steroid Products

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Interim rule and request for comments.

SUMMARY: The Drug Enforcement Administration (DEA) is designating ten preparations as exempt anabolic steroid products. This action, as part of the ongoing implementation of the Anabolic Steroid Control Act of 1990, removes certain regulatory controls pertaining to Schedules III substances from the designated entities.

DATES: Effective Date: May 30, 1997. Comments must be submitted on or before July 29, 1997.

ADDRESSES: Comments and objections should be submitted to the Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537. Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, 202–307–7183.

SUPPLEMENTARY INFORMATION: Section 1903 of the Anabolic Steroids Control Act of 1990 (ASCA) (title XIX of Pub. L. 101–647) provides that the Attorney General may exempt products which contain anabolic steroids from all or any part of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.*) if the products have no significant potential for abuse. The procedure for implementing this section of the ASCA is described in § 1308.33 of Title 21 Code of Federal Regulations. The purpose of this rule is to identify ten products for which applications were made and which the Acting Deputy Assistant Administrator finds meet the exempt anabolic steroid product criteria.

The Acting Deputy Assistant Administrator, Office of Diversion Control, having reviewed the applications, the recommendations of the Secretary of the Department of Health and Human Services, and other relevant information, finds that each of the products described below has no significant potential for abuse because of its concentration, preparation, mixture or delivery system. Therefore, pursuant to the authority vested in the Attorney General by title XIX of Public Law 101–647 as delegated to the Administrator of the DEA pursuant to 21 U.S.C. 871(a) and 28 CFR 0.100, the Acting Deputy Assistant Administrator hereby orders that the following anabolic steroid containing compounds, mixtures, or preparations be exempted from application of sections 302 through 309 and 1002 through 1004 of the CSA (21 U.S.C. 822–829 and 952–954) and §§ 1301.11, 1301.13, 1301.71 through 1301.76 of Title 21 Code of Federal Regualtions for administrative purposes only and be included in the list of products described in 21 CFR 1308.34.

EXEMPT ANABOLIC STEROID PRODUCTS

Trade name	Company	NDC No.	Form	Ingredients	Quantity
Menogen	Sage Pharmaceuticals, Shreveport, LA.	59243–570	TB	Esterified estrogens Methyltestosterone	1.25 mg. 2.5 mg.
Menogen HS	Sage Pharmaceuticals, Shreveport, LA.	59243–560	TB	Esterified estrogens Methyltestosterone	0.625 mg. 1.25 mg.
Synovex Plus, in-process, granulation.	Fort Dodge Animal Health, Fort Dodge, IA.		Drum	Trenbolone acetate Estradiol benzoate	25 parts. 3.5 parts.
Synovex Plus, in-process, bulk pellets.	Fort Dodge Animal Health, Fort Dodge, IA.		Drum	Trenbolone acetate Estradiol benzoate	25.00 mg. 3.50 mg pellet.
Testoderm, 4 mg/d	Alza Corp., Palo Alto, CA	17314–4608	Patch	Testosterone	10 mg.
Testoderm, 6 mg/d	Alza Corp., Palo Alto, CA	17314–4609	Patch	Testosterone	15 mg.
Testoderm, with Adhesive, 6 mg/d.	Alza Corp., Palo Alto, CA	17314–2836	Patch	Testosterone	15 mg.
Testoderm, in-process film.	Alza Corp., Palo Alto, CA		Sheet	Testosterone	0.25 mg/cm^2.
Testoderm, with Adhesive, in-process film.	Alza Corp., Palo Alto, CA		Sheet	Testosterone	0.25 mg/cm^2.
Tilapia Sex Reversal Feed (Investigational).	Rangen, Inc., Buhl, ID		Plastic Bags	Methyltesterone	60 mg/kg fish feed.

Interested persons are invited to submit their comments in writing in regard to this interim rule. If any comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which this order is based, the Acting Deputy Assistant Administrator shall immediately suspend the effectiveness of this order until he may reconsider the application in light of the comments and objections filed. Thereafter, he shall reinstate, revoke, or amend his original order as he determines appropriate.

This exemption relieves persons who handle the products in the course of legitimate business from the registration, records, reports, prescription, physical security, import, and export requirements associated with Schedule III substances. Accordingly, the Acting Deputy Assistant Administrator certifies that this action will have no impact on the ability of small businesses to compete and he therefore determines that no regulatory flexibility analysis is required.

This action has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that this matter does not have sufficient federalism implications to require the preparation of a Federalism Assessment.

It has been determined that drug control matters are not subject to review by the Office of Management and Budget (OMB) pursuant to the provisions of E.O. 12866. Accordingly, this action is not subject to those provisions of E.O. 12778 which are contingent upon review by OMB. Nevertheless, the Acting Deputy Assistant Administrator has determined that this is not a ''major rule,'' as that term is used in E.O. 18866, and that it would otherwise meet the applicable standards of sections 2(a) and 2(b)(2) of E.O. 12778.

Dated: May 21, 1997.

Terrance W. Woodworth,

Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–14111 Filed 5–29–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[DEA No. 161I]

Schedules of Controlled Substances: Excluded Veterinary Anabolic Steroid Implant Products

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: Interim rule and request for comments.

SUMMARY: The Drug Enforcement Administration (DEA) is designating eight veterinary anabolic steroid implant products as being excluded from the Controlled Substances Act. This action is part of the ongoing implementation of the Anabolic Steroids Control Act.

DATES: Effective Date: May 30, 1997. Comments must be submitted on or before July 29, 1997.

ADDRESSES: Comments and objections should be submitted to the Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537. Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Frank Sapienza, Chief, Drug and Chemical Evaluation Section. Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION: The Anabolic Steroids Control Act of 1990 (ASCA) (title XIX of Pub. L. 101–647) placed anabolic steroids into Schedule III of the Controlled Substances Act (CSA) (21 U.S.C. 801 *et seq.).* Section 1902(b)(41)(B)(i) of the ASCA provides for the exclusion of any anabolic steroid which the Secretary of Health and Human Services has approved for administration through implants to cattle of other nonhuman species. The procedure for implementing this section of the ASCA is described in section 1308.25 of Title 21 Code of Federal Regulations. The purpose of this rule is to identify eight products which the Acting Deputy Assistant Administrator for the Office of Diversion Control finds meet the excluded veterinary anabolic steroid implant product criteria.

The Acting Deputy Assistant Administrator, having reviewed the applications which were made in conformance with 21 CFR 1308.25, finds that the anabolic steroid products, Component™ E–H, Component™ TE–S, Component™ T–H, Component™ T–S, Revalor®-G, Revalor®-H, Synovex® H, and Synovex® Plus, are expressly intended for administration through

implants to cattle and have been approved by the Secretary of Health and Human Services for such use. Therefore, pursuant to the authority vested in the Attorney General by title XIX of Pub. L. 101–647 as delegated to the Administrator of the DEA pursuant to 21 U.S.C. 871(a) and 28 CFR 0.100, the Acting Deputy Assistant Administrator hereby orders that the following anabolic steroid veterinary implant products be added to those described in 21 CFR 1308.26(a) and excluded from application of the CSA.

EXCLUDED VETERINARY ANABOLIC STEROID IMPLANT PRODUCTS

Trade name	Company	NDC code	Delivery system	Ingredients	Quantity
Component E–H ..	VetLife, Inc., Norcross, GA	021641–002	20 implant belt ..... 8 pellets/implant	Testosterone propionate .... Estradiol benzoate	200 mg/implant. (25 mg/pellet). 20 mg/implant. (2.5 mg/pellet).
Component E–H ..	Elanco, Scarborough, Ont ..	DIN01968327	20 implant belt ..... 8 pellets/implant	Testosterone propionate .... Estradiol benzoate	200 mg/implant. (25 mg/pellet). 20 mg/implant. (2.5 mg/pellet).
Component TE–S	VetLife, Inc., Norcross, GA	021641–004	20 implant belt ..... 6 pellets/implant	Trenbolone acetate ..... Estradiol	120 mg/implant. (20 mg/pellet). 24 mg/implant. (4 mg/pellet).
Component T–H ..	VetLife, Inc., Norcross, GA	021641–006	20 implant belt ..... 10 pellets/implant	Trenbolone acetate	200 mg/implant. (20 mg/pellet).
Component T–S ..	VetLife, Inc., Norcross, GA	021641–005	20 implant belt ..... 7 pellets/implant	Trenbolone acetate	140 mg/implant. (20 mg/pellet).
Revalor-G	Hoechst Roussel Vet, Somerville, NJ.	12799–811	10 implant cartridge .. 2 pellets/implant	Trenbolone acetate ..... Estradiol	40 mg/implant. (20 mg/pellet). 4 mg/implant. (2 mg/pellet).
Revalor-H	Hoechst Roussel Vet, Somerville, NJ.	12799–810	10 implant cartridge .. 7 pellets/implant	Trenbolone acetate ..... Estradiol	140 mg/implant. (20 mg/pellet). 14 mg/implant. (2 mg/pellet).
Synovex H	Fort Dodge Labs, Fort Dodge, IA.	0856–3901	10 implant cartridge .. 8 pellets/implant	Testosterone propionate .... Estradiol benzoate	200 mg/implant. (25 mg/pellet). 20 mg/implant. (2.5 mg/pellet).
Synovex Plus	Fort Dodge Labs, Fort Dodge, IA.	0856–3904	10 implant cartridge .. 8 pellets/implant	Trenbolone acetate ..... Estradiol benzoate	200 mg/implant. (25 mg/pellet). 28 mg/implant. (3.5 mg/pellet).

The exemption of these products relates to their production, distribution, and use in animals only. If any person distributes, dispenses or otherwise diverts these products to use in humans, he/she shall be deemed to have distributed a Schedule III controlled substance and may be prosecuted for CSA violations.

Interested persons are invited to submit their comments in writing with regard to this interim rule. If any comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which this order is based, the Acting Deputy Assistant Administrator shall immediately suspend the effectiveness of this order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Acting Deputy Assistant Administrator shall reinstate, revoke, or amend his original order as he determines appropriate.

The granting of excluded status relieves persons who handle the excluded products in the course of legitimate business from the registration, record keeping, security, and other requirements imposed by the CSA. Accordingly, the Acting Deputy Assistant Administrator certifies that this action will have no negative economic impact upon small entities whose interests must be considered under the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

This action has been analyzed in accordance with the principles and criteria contained in E.O. 12612, and it has been determined that this matter does not have sufficient federalism implications to require the preparation of a Federalism Assessment.

It has been determined that drug control matters are not subject to review by the Office of Management and Budget (OMB) pursuant to the provisions of E.O. 12866. Accordingly, this action is not subject to those provisions of E.O. 12778 which are contingent upon review by OMB. Nevertheless, the Acting Deputy Assistant Administrator has determined that this is not a ''major rule,'' as that term is used in E.O. 12866, and that it would otherwise meet the applicable standards of sections 2(a) and 2(b)(2) of E.O. 12778.

Dated: May 21, 1997.

Terrance W. Woodworth,

Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 97–14112 Filed 5–29–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

[SPATS No. CO–034–FOR]

Colorado Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the Colorado regulatory program (hereinafter referred to as the ''Colorado program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Colorado proposed, in addition to several nonsubstantive editorial revisions, revisions to Colorado's rules pertaining to the applicability of Colorado's rules and language identifying where referenced material may be viewed; definitions; the requirement to repeal any State rule required by a Federal law or rule which is repealed; the operations plan permit application requirements; experimental practices; the right of successive permit renewal; transfer, assignment or sale of permit rights; terms and conditions of an irrevocable letter of credit; performance standards for sedimentation ponds; embankment design for sedimentation ponds; sign and markers for temporary and permanent cessation of operations; availability of records; and a permittee's failure to abate a violation. The amendment revised the State program to clarify ambiguities and improve operational efficiency.

EFFECTIVE DATE: May 30, 1997.

FOR FURTHER INFORMATION CONTACT: James F. Fulton, Telelphone: (303) 844–1424.

SUPPLEMENTARY INFORMATION:

I. Background on the Colorado Program

On December 15, 1980, the Secretary of the Interior conditionally approved the Colorado program. General background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program can be found in the December 15, 1980, **Federal Register** (45 FR 82173). Subsequent actions concerning Colorado's program and program amendments can be found at CFR 906.15, 906.16, and 906.30.

II. Proposed Amendment

By letters dated February 25, 1997, Colorado submitted a proposed amendment (administrative record No. CO–683) to its program pursuant to SMCRA (30 U.S.C. 1201 *et seq.*). Colorado submitted the proposed amendment at its own initiative.

OSM announced receipt of the proposed amendment in the March 13, 1997, **Federal Register** (62 FR 11805), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. CO–683–2). Because no one requested a public hearing or meeting, none was held.

The public comment period ended on April 14, 1997.

III. Director's Findings

As discussed below, the Director, in accordance with SMCRA and 30 CFR 732.15 and 732.17, find that the proposed program amendment submitted by Colorado on February 25, 1997, is no less effective than the Federal regulations in implementing the requirements of SMCRA. Accordingly, the Director approves the proposed amendment.

1. Nonsubstantive Revisions to Colorado's Rules

Colorado proposed revisions to the following previously-approved rules that are nonsubstantive in nature and consist of minor editorial changes (corresponding Federal regulation provisions are listed in parentheses):

Rule 1.01(9) (No Federal counterpart), concerning materials incorporated by reference in Colorado's rules, to identify in this rule, which is applicable to all Colorado rules (rather than in each rule citing referenced material) the location where material incorporated by reference may be examined or obtained;

Rule 1.04(4) (No Federal counterpart), concerning the definition of ''[a]ctive mining area,'' to remove a reference to a rule that is not applicable;

Rule 1.04(12) (30 CFR 701.5), concerning the definition of ''[a]pplication,'' to remove an extraneous ''of;''

Rule 1.04(21) (30 CFR 700.5), concerning the definition of ''[c]oal,'' to remove the language now incorporated in Rule 1.01(9) regarding where material incorporated by reference may be examined or obtained;

Rule 1.04(41) (30 CFR 706.3), concerning the definition of ''employee,'' to identify the section of Colorado's rules to which the definition is applicable;

Rule 1.04(149) (30 CFR 761.5), concerning the definition of ''[v]alid existing rights,'' to recodify existing paragraphs within the definition;

Rule 2.05.3(3)(b)(i)(D) (30 CFR 780.12(a)(4)), concerning the description of existing structures in the operations plan for a permit application, to remove a reference to requirements that do not exist;

Rule 2.05.3(3)(c)(ii) (30 CFR 780.37(c) and 784.24(c)), concerning the description of mine facilities (road, conveyor, or rail system) in the operations plan for a permit application, to correct a referenced rule citation;

Rule 2.06.6(2)(a)(i) (30 CFR 785.17(b)(3)), concerning special requirements for permit applications involving prime farmlands, to remove the language now incorporated in Rule 1.01(9) regarding where material incorporated by reference may be examined or obtained;

Rule 3.05.5(1) (30 CFR 800.40(c)), concerning criteria for the release of performance bonds, to remove an extraneous ''the;''

Rule 4.03.1(1)(e) (30 CFR 816.151(b) and 817.151(b)), concerning general performance standards for haul roads, to remove a portion of the subparagraph that was duplicated;

Rule 4.05.6(6)(a) (30 CFR 816.46(c)(2)), concerning the storm event used to design sedimentation ponds, to repromulgate previously-approved language that was inadvertently removed;

Rule 4.05.6(11)(h) (30 CFR 816.49(a)(3) and (4)), concerning embankment design for sedimentation ponds, to correct a referenced rule citation;

Rules 4.07.3(3)(f) and 4.07.3(3)(g) (30 CFR 816.15), concerning permanent sealing of drill holes, to correct typographical errors; and

Rule 5.03.3(5) (30 CFR 843.13(d)), concerning a permittee's failure to abate a violation, to correct a referenced rule citation.

Because the proposed revisions to these previously-approved Colorado rules are nonsubstantive in nature, the Director finds that they are no less effective than the Federal regulations. The Director approves these proposed rules.

2. Rule 1.13, Repeal of Colorado Rules Which are More Stringent than Required to be as Effective as SMCRA and the Federal Regulations

Colorado's Rule 1.13 requires that any Colorado rule which is required by a Federal law, rule, or regulation shall become repealed and shall not be enforced when said Federal law is repealed or said Federal rule or regulation is deleted or withdrawn. Colorado proposed to revise Rule 1.13 to state that the repeal of any such rule shall not become effective to ninety, rather than sixty, days after repeal of the Federal regulation during which time the repeal may be subject to a rulemaking hearing. Colorado proposed this revision of Rule 1.13 in order that the rule would be consistent with its authorizing statutory provision at C.R.S. 34–33–108 (1) and (2), which OSM

approved as no less stringent than section 503 of SMCRA (see finding No. 4, 61 FR 59332, 59333, November 22, 1996).

The Federal regulations at 30 CFR 730.5 define ''consistent with and in accordance with'' to mean, with regard to SMCRA, that the State laws and regulations are no less stringent than, meet the minimum requirements of, and include all applicable provisions, and, with regard to the Federal regulations, that the State laws and regulations are no less effective than the Secretary's regulations in meeting the requirements of SMCRA.

There is no Federal counterpart regarding automatic appeal of State rules if the Federal rule is repealed; however, there is nothing in Colorado's proposed Rule 1.13 which causes the rule to be inconsistent with the Federal regulations at 30 CFR 730.5. Allowing an extra thirty days prior to repeal, during which any person may request a rulemaking hearing, provides for greater public participation than did the existing rule.

Therefore, the Director finds that proposed Rule 1.13is consistent with and no less effective than the Federal regulations and approves the proposed revision.

3. Rule 2.06.2(4), Approval of Experimental Practices

Colorado proposed to revise Rule 2.06.2(4) to note that the Director of OSM is the authorized representative of the Secretary of the Department of the Interior for all experimental practices. Experimental practices must be approved by both the ''Board'' and the ''Director.'' The ''Board'' is the Colorado Mined Land Reclamation Board (defined at Rule 1.04(18)) and the ''Director'' is the Director of OSM (defined at Rule 1.04(35).

The counterpart Federal regulation at 30 CFR 785.13(d) requires the approval of OSM for all proposed experimental practices.

Colorado proposed to revise Rule 2.06.2(4) to ensure that it would be consistent with the authorizing statute (C.R.S. 34–33–134), which requires approval by the Secretary of the U.S. Department of Interior. Colorado's proposed rule clarifies that the Director of OSM is the authorized representative for the Secretary.

Because Colorado has only clarified approval authority in Rule 2.06.2(4) and has not substantively revised the requirements of the rule, the Director finds that Rule 2.06.2(4) remains no less effective than the counterpart Federal regulation at 30 CFR 785.13(d) and approves it.

4. Rule 2.08.5(2)(b)(ii), Advertisement of Public Notice for Applications Concerning Permit Renewal

Colorado proposed to revise Rule 2.08.5(2)(b)(ii) to require that applicants for permit renewals submit a copy of the newspaper notice, which must be published in accordance with Colorado's Rule 2.07.3(2), at the time of initial application and proof of publication within four weeks of the last date of publication.

The Federal regulation at 30 CFR 774.15(b)(2)(iv) requires the applicant for permit renewal to submit a copy of the proposed newspaper notice and proof of publication of same.

Proposed Rule 2.08.5(2)(b)(ii) clarifies the timing of submittal of proof of publication of the required newspaper notice for a permit renewal. The Director finds that proposed Rule 2.08.5(2)(b)(ii) is consistent with and no less effective than the requirements of 30 CFR 774.15(b)(2)(iv) and approves it.

5. Rule 3.02(2)(d)(i); Letters of Credit That Are Acceptable as Performance Bonds

Colorado's existing Rule 3.02.4(2)(d)(i) requires that irrevocable letters of credit may only be issued by a bank organized or authorized to do business in the U.S. and located in the state of Colorado, except that the bank need not be located in the state of Colorado if the letter of credit can be exercised at an affiliate or subsidiary located in the State of Colorado. Colorado proposed to revise Rule 3.02.4(2)(d)(i) to also allow for letter of credit performance bonds issued by a bank located in the Untied States but outside of the State of Colorado, if it (1) is confirmed by a bank located in the State of Colorado or (2) at the Board's discretion, is determined to be an acceptable letter of credit.

The counterpart Federal regulation at 30 CFR 800.21(b)(1) only require that the bank be authorized to do business in the United States. Colorado's proposed Rule 3.02.4(2)(d)(i) provides requirements for letters of credit as forms of collateral bond that are in addition to those provided in the Federal program. These requirements afford a measure of protection beyond that afford by the Federal regulations and is not inconsistent with the Federal regulations.

Therefore, the Director finds that proposed Rule 3.02.4(2)(d)(i) is no less effective than the Federal regulation at 30 CFR 800.21(1)(e), and approves it.

6. Rules 4.02.2(2). 4.30.1(3), and 4.30.2(3), Information Required To Be on Mine Identification Signs Which are Posted at the Entrance to Mine Sites

Colorado proposed to revise Rules 4.30.1 and 4.30.2, concerning cessation of operations, by adding a paragraph (3) to each rule to require that, as soon as it is known that a temporary cessation will last more than 30 days or when a mine is in permanent cessation, the name, address and telephone number of the Division be included on mine identification signs which are posted at the entrance to mine sites. Colorado also proposed to remove the requirement for this information on all signs and markers for all surface coal mining operations from Rules 4.02.2(2)(a) through (c), which were previously approved by OSM never actually promulgated by Colorado.

The Federal regulation at 30 CFR 8.16.11(c)(2) requires that identification signs be displayed at each point of access to the permit area from public roads and that such signs shall show the name, business address, and telephone number of the person who conducts the surface mining activities and the identification number of the current permit authorizing surface mining activities. Neither this rule nor the Federal regulations concerning cessation of operations at 30 CFR 816.131 and 816.132 include the requirement for the additional information on the identification signs.

Colorado's proposed inclusion of the requirement at Rules 4.30.1(3) and 4.30.2(3), that the name, address, and telephone number of the office where the mining and reclamation permit is filed, provides for information on the mine identification sign that will facilitate the public's ability to participate in the development, revision, and enforcement of regulations, standards, reclamation plans, or programs established by Colorado and is, therefore, not inconsistent with the Federal regulations at 30 CFR 816.11(c)(2), 816.131, and 816.132. Because Colorado's Rule 4.02.2(2) requires the same information on all signs and markers as does the Federal regulation at 30 CFR 816.11(c)(2), Colorado's proposed deletion of the additional requirement for the permit number and where information regarding the permitted operation may be viewed is not inconsistent with the requirements of the Federal regulations at 30 CFR 816.11(c)(2).

Based on the above discussion, the Director finds that proposed Rules 4.02.2(2), 4.30.1(3), and 4.30.2(3) are no

less effective than the Federal regulations at 30 CFR 816.11(c)(2), 816.131, and 816.132. The Director approves Rules 4.02.2(2), 4.30.1(3), and 4.30.2(3).

7. Rule 5.02.4(1) and (2), Maintenance of Records of Surface Coal Mining Operations

Colorado proposes to revise (1) Rule 5.02.4(1) by deleting the general requirement that records be retained for at least five years after the period during which the operations is covered by any portion of reclamation bond and adding the requirement that the permittee maintain records for public review only until the Division has terminated jurisdiction at a reclaimed coal mining and reclamation operation, and (2) Rule 5.02.4(2) by adding the requirement that the Division maintain records of surface coal mining operations for five years after the operation was last active or covered by any portion of reclamation bond and provide for public review of such information.

The Federal regulation at 30 CFR 840.14(b) requires that, with the exception of certain investigative and enforcement materials, information designated as confidential according to 30 CFR 772.15 and 773.13(d), and as otherwise provided by Federal law; copies of all records, reports, inspection materials, or information obtained by the regulatory authority shall be made immediately available to the public in the area of mining until at least 5 years after expiration of the period during which the operation is active or is covered by any portion of a reclamation bond so that they are conveniently available to residents of that area (emphasis added). The Federal regulation at 30 CFR 840.14(c) requires that the State regulatory authority ensure compliance with paragraph (b) by either: (1) making copies of all records, reports, inspection materials, and other subject information available for public inspection at a Federal, State, or local government office in the county where the mining is occurring or proposed to occur; or (2) at the regulatory authority's option and expense, providing copies of subject information promptly by mail at the request of any resident of the area where the mining is occurring or is proposed to occur, provided, that the regulatory authority shall maintain for public inspection, at a Federal, State, or local government office in the county where the mining is occurring or proposed to occur, a description of the information available for mailing and the procedure for obtaining such information.

The Federal regulation at 30 CFR 700.11(d)(1) provides that the regulatory authority may terminate its jurisdiction at a surface coal mining and reclamation operation after release of all performance bonds. However, the requirement to maintain, for 5 years after all performance bonds have been released, public records relevant to the surface coal mining and reclamation operation is an obligation of the regulatory authority.

Colorado's proposed revisions at Rules 5.02.4 (1) and (2) clarify that the permittee is obligated to maintain records only until Colorado terminates jurisdiction over the operation and that Colorado will both maintain records relevant to the surface coal mining and reclamation operation for at least 5 years after release of all performance bonds and provide for public review of such information. Therefore, the Director finds that proposed Rules 5.02.4 (1) and (2) are consistent with and no less effective than the Federal regulations at 30 CFR 840.14 (b) and (c), and approves them.

IV. Summary and Disposition of Comments

Following are summaries of all substantive written comments on the proposed amendment that were received by OSM, and OSM's responses to them.

1. Public Comments

OSM invited public comments on the proposed amendment.

The Colorado Mining Association (CMA) responded on March 18, 1997, that the Colorado Division of Minerals and Geology has kept the public continuously informed of the changes under consideration and that CMA has no objection to and supports many of the proposals currently before OSM (administrative record No. CO–680–3).

2. Federal Agency Comments

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Colorado program (administrative record No. CO–683–1).

The U.S. National Resources Conservation Service (NRCS) responded on April 1, 1997, that the title of its agency was changed in 1995 from the Soil Conservation Service (SCS) to the NRCS. NRCS noted that in Colorado's amendment several references in one rule are made to its old title, the SCS, and requested that Colorado revise its program to refer to NRCS rather than the SCS (administrative record No. CO–680–4). Because Colorado references the SCS in several places throughout its approved program, OSM will not require, at this time, that Colorado make this revision in the one rule where the reference to SCS is made in this amendment. However, in response to this comment, OSM will, in a near-future 30 CFR Part 732 letter to Colorado, request that Colorado revise all references to the SCS to refer instead to the NRCS.

3. Environmental Protection Agency (EPA) Concurrence and Comments

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to solicit the written concurrence of EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*).

None of the revisions that Colorado proposed to make in its amendment pertain to air or water quality standards.

Therefore, OSM did not request EPA's concurrence.

Pursuant to 732.17(h)(11)(i), OSM solicited comments on the proposed amendment from EPA (administrative record No. CO–683–1). It did not respond to OSM's request.

4. State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Pursuant to 30 CFR 732.17(h)(4), OSM solicited comments on the proposed amendment from the SHPO and ACHP (administrative record No. CO–683–1). Neither SHPO nor ACHP responded to OSM's request.

V. Director's Decision

Based on the above findings the Director approves Colorado's proposed amendment as submitted on February 25, 1997.

The Director approves, as discussed in:

Finding No. 1, Rules 1.01(9); 1.04 (4), (12), (21), (41), and (149), 2.05.3(3)(b)(i)(D) and (3)(c)(ii); 2.06.6(2)(a)(i); 3.05.5(1); 4.03.1(1)(e); 4.05.6 (6)(a) and (11)(h); 4.07.3 (3)(f) and (3)(g), and 5.03.3(5), concerning nonsubstantive revisions;

Finding No. 2, Rule 1.13, concerning repeal of Colorado rules which are more stringent than required to be as effective as SMCRA and the Federal regulations;

Finding No. 3, Rule 2.06.2(4), concerning approval of experimental practices;

Finding No. 4, Rule 2.08.5(2)(b)(ii), concerning advertisement of public notice for applications concerning permit renewal;

Finding No. 5, Rule 3.02.4(2)(d)(i), letters of credit that are acceptable as performance bonds;

Finding No. 6, Rules 4.02.2(2), 4.30.1(3), and 4.30.2(3), concerning information required to be on mine identification signs which are posted at the entrance to mine sites, and;

Finding No. 7, Rule 5.02.4 (1) and (2), maintenance of records of surface coal mining operations.

The Federal regulations at 30 CFR Part 906, codifying decisions concerning the Colorado program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

1. Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

2. Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

4. Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

5. Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

6. Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 906

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 29, 1997.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

For the reasons set out in the preamble, title 30, chapter VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 906—COLORADO

1. The authority citation for part 906 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 906.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 906.15 Approval of Colorado regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
February 25, 1997	May 30, 1997	2 CCR 407–2, Rules 1.01(9); 1.04 (4), (12), (21), (41), (149); 1.13; 2.05.3(3)(b)(i)(D), (3)(c)(ii); 2.06.2(4); 2.06.6(2)(a)(i); 2.08.5(2)(b)(ii); 3.02.4(2)(d)(i); 3.05.5(1); 4.02.2(2); 4.03.1(1)(e); 4.05.6(6)(a), (11)(h); 4.07.3(3) (f), (g); 4.30.1(3), .2(3); 5.02.4 (1), (2); 5.03.3(5)

[FR Doc. 97–14156 Filed 5–29–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–117–FOR]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendments.

SUMMARY: OSM is approving a proposed amendment to the Pennsylvania permanent regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment (Administrative Record Number PA 843.00) revises the Pennsylvania program to incorporate

changes made to Chapter 86 (relating to areas unsuitable for mining) by the Pennsylvania Environmental Quality Board. The proposed amendment is intended to clarify ambiguous language contained in Subchapter D concerning the designation of areas as unsuitable for mining, and to correct typographical errors.

EFFECTIVE DATE: May 30, 1997.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, Suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone (717) 782–4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program.
II. Submission of the Amendment.
III. Director's Findings
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Pennsylvania Program

On July 31, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. Background information on the Pennsylvania program including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982, **Federal Register** (47 FR 33050). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Submission of the Amendment

By letter dated December 19, 1996 (Administrative Record Number PA 843.00), Pennsylvania submitted amendments to the regulations in the Pennsylvania program concerning designating areas unsuitable for coal surface mining. The amendments are intended to clarify ambiguous language contained in Subchapter D concerning the designation of areas as unsuitable for mining, and to correct typographical errors.

The proposed amendment was published in the January 30, 1997, **Federal Register** (62 FR 4504), and in the same notice, OSM opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on March 3, 1997.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Pennsylvania program.

At § 86.101, in the definition of ''fragile lands'' two citations of the State Surface Mining Conservation and Reclamation Act are being amended. The Director finds that this change corrects the previous and erroneous citation, and does not render the Pennsylvania program less effective than the Federal regulations.

At § 86.101, in the definition of ''surface mining activities,'' the term that is being defined, ''surface mining activities'' is being changed to read ''surface mining operations. This change has been made to improve consistency and clarity of the subchapter by using a single term, ''operations,'' throughout. No change has been made to the definition. The Director finds that the change will improve the clarity and consistency of the subchapter, and does not render the Pennsylvania program less effective than the Federal regulations.

In various places, the terms ''surface mining activities'' and ''surface mining activity'' are being amended to read ''surface mining operation'' and ''surface mining operation.'' respectively. The Director finds that these changes are consistent with the change made to the definition of ''Surface Mining Operations'' at § 86.101 as discussed above, and to not render the Pennsylvania program less effective than the Federal regulations.

In various places the word ''surface'' is being added to clarify that the term ''surface mining operations'' is intended. And, at various places the work ''activities'' is being replaced by the phrase ''surface mining operations.'' The Director finds that these changes improve the clarity of the regulations, are consistent with the same change of the term ''Surface Mining Operations'' at § 86.101. These changes do not render the Pennsylvania Program less effective.

At § 86.121(a) the citation for the State Surface Mining Conservation and Reclamation Act is being amended. The Director finds that the change does not render the Pennsylvania program less effective than the Federal regulations.

At § 86.127(b) the list of sources of information concerning petition areas to more accurately reflect current agency titles and likely sources of information. This list is not intended to be an all inclusive list of possible sources of information, but a representative list of likely sources of information. The Director finds that the revisions to this list are reasonable, and do not render the Pennsylvania program less effective than the Federal regulations.

At § 86.130 (a) and (b), the words ''all or certain types of'' are being added to clarify that § 86.130 pertains to areas designated as unsuitable for all or certain types of surface mining operations. The Director finds that these changes are consistent with the Federal use of the phrase ''all or certain types of'' at 30 CFR 764 concerning the State processes for designating areas unsuitable for surface coal mining operations.

Various typographical, grammatical, style, and organizational name changes are being made throughout the amendment. The Director finds that these changes are nonsubstantive and do not render the Pennsylvania regulations less effective than the Federal regulations.

IV. Summary and Disposition of Comments

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(I), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Pennsylvania program. The U.S. Department of Labor, Mine Safety and Health Administration (MSHA), District 1 responded that the amendments will not conflict with existing MSHA regulations. MSHA, District 2 responded and had no comments.

Public and State Agency Comments

The following comments were received in response to the public comment period that closed on March 3, 1997. The Pennsylvania Historical and Museum Commission, Bureau of Historic Preservation responded and stated that the regulations, as they are now written, will protect in an appropriate manner the historic and archaeological resources of the Commonwealth of Pennsylvania.

No other comments were received.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that these amendments do not pertain to air and

water quality standards, and that EPA's concurrence is not required.

On January 8, 1997, OSM solicited EPA's comments on the proposed amendment (Administrative Record No. PA–843.01). The EPA did not provide any comments.

V. Director's Decision

Based on the above findings, the Director is approving the proposed amendment as submitted by Pennsylvania on December 19, 1996.

The Federal regulations at 30 CFR Part 938, codifying decisions concerning the Pennsylvania program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 2, 1997.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 938—PENNSYLVANIA

1. The authority citation for Part 938 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

§ 938.15 [Amended]

2. Section 938.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 938.15 Approval of Pennsylvania Regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	* * * * *
December 19, 1996 ...	May 30, 1997	25 PA Code, Chapter 86, Subchapter D: 86.101; 86.102; 86.103; 86.121; 86.122; 86.123; 86.124; 86.125; 86.126; 86.127; 86.128; 86.129; 86.130.

[FR Doc. 97–14159 Filed 5–29–97; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–73–1–7316a, FRL–5830–7]

Approval and Promulgation of Air Quality Plans, Texas; Alternate Reasonably Available Control Technology Demonstration for Bell Helicopter Textron, Incorporated; Bell Plant 1 Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving a site specific revision to the Texas State Implementation Plan (SIP) for Bell Helicopter Textron, Incorporated (Bell) of Fort Worth. This revision was submitted by the Governor on April 18, 1996, to establish an alternate reasonably available control technology (ARACT) demonstration to control volatile organic compounds (VOC) for the surface coating processes at the Bell Plant 1 facility. The EPA has determined that the control strategy, solvent and coating emission limits, submitted by Bell and the Texas Natural Resource Conservation Commission (TNRCC), demonstrate Reasonably Available Control Technology (RACT) for the Bell Plant 1 facility. This ARACT demonstration is approvable because Bell has demonstrated that it is not cost effective to control their VOC emissions to the presumptive norm set forth in the EPA's Control Technique Guidelines (CTG) document (EPA 450/2–78–015), and the alternate emission rate at the facility is the lowest that is economically reasonable and technically feasible.

DATES: This action is effective on July 29, 1997, unless notice is received by June 30, 1997 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Copies of the State's request and other information relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

Anyone wishing to review this petition at the EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7219.

SUPPLEMENTARY INFORMATION:

I. Background

Part D of the Clean Air Act (the Act) requires ozone nonattainment plans to include regulations providing for VOC emission reductions from existing sources through the adoption of RACT. The EPA defined RACT in a September 17, 1979, **Federal Register** notice (44 FR 53762)as:

> The lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Through the publication of CTG documents, EPA has identified pollution control levels that EPA presumes to constitute RACT for various categories of sources. Where the State finds the presumptive norm applicable to an individual source or group of sources, the State typically adopts requirements consistent with the presumptive norm. However, States may develop case-by-case RACT determinations. The EPA will approve these RACT determinations as long as the State demonstrates they will satisfy the Act's RACT requirements based on adequate documentation of the technical and economical circumstances of the particular source being regulated. Texas adopted the CTG, entitled *Miscellaneous Metal Parts and Products*, as the presumptive norm for VOC limits on aerospace surface coating processes.

These VOC limits were adopted as part of 30 TAC § 115.421, *Emission Specifications*. The presumptive norm for the exterior of aircraft in Dallas and Tarrant Counties is 6.7 pounds per gallon of solids delivered to the application system.

The EPA developed a guidance document entitled *Guidance for Developing an Alternate Reasonably Available Control Technology (RACT) Demonstration for the Tulsa Aerospace Industry*, dated October 2, 1989. This document applies to the aerospace industry and was applicable to Bell's ARACT analysis as well. This document was issued for States and industries to follow in developing documents to justify deviation from the recommended CTG approach. The EPA has reviewed the Bell ARACT proposal based on this guidance.

Bell manufactures helicopters and helicopter parts for private, commercial, and military use at its Fort Worth, Texas facility, also known as Bell Plant 1. As part of its manufacturing operations, Bell coats helicopters, rotors, and helicopter parts with extreme performance coatings.

Bell was issued a Notice of Violation (NOV) by the TNRCC Region 4 Office on September 25, 1992, for exceeding 6.7 pounds of VOC per gallon of solids limit on an individual line basis. Bell submitted an ARACT application on December 22, 1993, as allowed under 30 TAC Chapter 115, section 115.423(a)(4) to resolve the NOV. An Agreed Order was signed on November 18, 1994, which requires Bell to obtain this ARACT. On April 18, 1996, the State of Texas submitted to the EPA its request for an ARACT approval for surface coating operations at the Bell Plant 1 facility. This site-specific SIP revision was submitted to meet RACT for Bell's surface coating operations. The EPA believes that Bell and the State of Texas have provided adequate documentation that the emission limits developed under this site-specific SIP revision are RACT based on consideration of economical reasonableness and technical feasibility. Since case-by-case RACT determinations are allowable under EPA's definition of RACT, Bell and the State opted for this ARACT approach to fulfill compliance requirements.

II. Alternate RACT Analysis

Bell investigated the options available for reducing emissions from its surface coating operations. Among those were coating reformulation, enhanced application techniques that would improve transfer efficiency, facility redesign, and add-on control equipment to reduce VOC emissions.

Bell has evaluated control options for the ARACT sources. Bell has already put VOC emissions control devices on two booths which are the most reasonable sources to be controlled. Bell installed a carbon incineration system (KPR), which achieves an overall VOC destruction efficiency of 90 percent, to control the VOC emissions from the Blade Paint Shop (see Provision 17). The emissions from the Blade Paint Shop, if released uncontrolled to the

atmosphere, would represent nearly half of the total ARACT source VOC emissions. The controlled VOC emissions from this shop now represent only 7.7 percent of the total ARACT source VOC emissions. In addition to the KPR system, Bell installed four carbon canisters in the Rotor Touch-Up Booth, which has a manufacturer guaranteed minimum VOC removal efficiency of 85 percent. The emissions from Rotor Touch-Up Booth are small compared to the emissions from the Blade Paint Shop, but in case of KPR failure, the work load from the Blade Paint Shop will be routed through the Rotor Touch-Up Booth and the emissions will be controlled by the carbon canisters.

Bell has submitted a cost summary for a number of add-on control options for further add-on controls. The least expensive option for an individual painting booth is estimated to have an annualized cost of $22,424 per ton of VOC emissions reduced, and therefore, considered cost prohibitive. Besides the add-on control options, Bell also evaluated several facility redesign options such as, the recirculation of exhausts, the reduction of air flows and the consolidation of ARACT sources, which all turned out to be technically or economically infeasible at this time.

Bell has, and will continue to, investigate and test compliant coatings to replace currently utilized non-compliant coatings and implement them when feasible. To date, Bell has found some possible substitutes in lacquers, epoxy primers and urethane enamels coating categories and has been successful in its efforts to replace epoxy primers, which represents 20 percent of the total coatings used at Bell, with water-based primers.

Bell has demonstrated in their application that the coatings being used at the facility have the lowest feasible VOC contents. Safety, performance and specifications prevent Bell using all compliant coatings at their facility. The coating operation which has the largest VOC emission rate is the Adhesive Prime Booth, in which coating materials are used to hold the helicopter's metal rotor blades together. These coatings must have special physical properties in order to ensure the safety of helicopters. Bell's helicopters are required to have a specific operating temperature range from −67°F to 180°F which very few commercially-available coatings meet. Finally, most of the coating activities at Bell are conducted in support of the military production line and coating parameters are strictly regulated by military specifications.

The VOC limitations on each coating are governed by Provision 11 and Table II of the State submittal. As this ARACT must be reviewed every two years, EPA or TNRCC may, at that time, request information on any new, lower VOC coatings that may have been developed during the interim.

III. Other Measures To Reduce Emissions

Bell will be implementing several equipment, coatings and solvent changes to reduce VOC emissions as far as possible without more add-on controls. Bell will purchase and install 10 enclosed gun cleaners for the washing of ARACT source spray equipment within three months of the final ratification of this ARACT. Bell will also purchase and install plural component mixing systems at the Conveyor Prime and Blade Paint Shop within six months of the final ratification of this ARACT. These mixing systems will replace both the existing pressure pot system at the Conveyor Prime Booth and the prime and topcoat pressure pot systems at the Blade Paint Shop. The new mixing systems will provide substantial savings in both paint and thinner use. Bell indicated in their application that high transfer efficiency application equipment is used to apply the coatings at their facility when feasible. Bell currently uses high volume/low pressure, electrostatic and air brush application equipment all with a transfer efficiency of at least 60 percent which reduces the amount of coatings used, and subsequently reduced the VOC emissions.

Bell will substitute low vapor pressure solvents for the higher vapor pressure solvents currently used for the wipedown of parts and assemblies in some of the booths, where feasible. Bell will begin production testing of low vapor pressure (<5 mmHg) solvents as soon as Permit R–1996 is approved. The EPA Aerospace National Emission Standards for Hazardous Air Pollutants (NESHAP) for Aerospace Manufacturing and Rework Facilities allows wipe solvents up to 45 mmHg vapor pressure to be used. Bell will be expected to comply with the primer, topcoat, and operating practices included in this NESHAP (60 FR 45948).

IV. Final Rulemaking Action

The EPA has reviewed the information developed by Bell and agrees that the majority of the costs should not be considered cost effective in this situation relative to the cost effectiveness assumed in the CTG for miscellaneous metal parts and products. The EPA's review of the information submitted by both the State of Texas and Bell indicates that, at this time, low VOC coatings for certain applications and processes are not commercially available. Furthermore, the cost effectiveness of controls on emissions from certain processes at this facility are not economically feasible. The EPA finds that the requirements in the recommended CTG are not reasonable for certain processes and that the proposed source specific alternate RACT determinations in the SIP submittal should be considered RACT in this case.

In this final action, EPA is approving the revision to the Texas SIP and adopting the Bell site-specific SIP revision as RACT for the Bell Plant 1 facility. This revision was submitted by the Governor to EPA by letter dated April 18, 1996.

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

V. Administrative Requirements

A. Executive Order (E.O.) 12866

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

B. Regulatory Flexibility Act

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

The SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I

certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids EPA to base its actions concerning SIPs on such grounds. See *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

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

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. § 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. § 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 29, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2) of the Act.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Ozone, Reporting and recordkeeping, and Volatile organic compounds.

Dated: February 12, 1997.

Jerry Clifford,

Acting Regional Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart SS—Texas

2. Section 52.2270 is amended by adding paragraph (c) (100) to read as follows:

§ 52.2270 Identification of Plan.

* * * * *

(c) * * *

(100) A revision to the Texas State Implementation Plan (SIP) to adopt an alternate control strategy for the surface coating processes at the Bell Helicopter Textron, Incorporated (Bell) Plant 1 Facility.

(i) Incorporation by reference.

(a) Texas Natural Resource Conservation Commission Agreed Order for Docket No. 95–1642–SIP, issued and effective April 2, 1996, for Bell's Plant 1 facility.

(b) A letter from the Governor of Texas dated April 18, 1996, submitting to the EPA the Agreed Order and the site-specific SIP revision for Bell.

(ii) Additional material.

(a) The site-specific revision to the Texas State Implementation Plan for Bell, dated January 16, 1996.

(b) The alternate reasonably available control technology demonstration prepared by Bell, dated December 1995.

* * * * *

[FR Doc. 97–14196 Filed 5–29–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–160–9624a; FRL–5831–7]

Approval and Promulgation of Air Quality Implementation Plans, Tennessee; Approval of Revisions to Permit Requirements, Definitions, Exemptions, and Internal Combustion Engines Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the permit requirements for major sources of air pollution, definitions, exemptions, and internal combustion engine regulations for the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP). On December 28, 1995, the State submitted revisions to the Nashville/Davidson portion of the Tennessee SIP on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, the permit requirements, and the exemption sections. Also included was a revision to the regulations for internal combustion engines. The purpose of these amendments was to satisfy the requirements of the 1990 Clean Air Act Amendments and the comments made by EPA on previous SIP submittals. EPA is approving all of the submitted revisions, except those which were withdrawn, as noted in the paragraphs below.

DATES: This final rule is effective July 29, 1997 unless adverse or critical comments are received by June 30, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments on this action should be addressed to Karen C. Borel at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN160–01–9624. The Region 4 office may have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102),

U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303. Karen Borel, 404/562–9029.

Bureau of Environmental Health Services, Metropolitan Health Department, Nashville-Davidson County, 311—23rd Avenue, North, Nashville, Tennessee 37203. Phone number: 615/340–5653.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243–1531. Phone number: 615/532–0554.

FOR FURTHER INFORMATION CONTACT: Karen C. Borel at 404/562–9029.

SUPPLEMENTARY INFORMATION: The State of Tennessee submitted revisions to the Nashville/Davidson County portion of the Tennessee SIP to EPA on December 28, 1995. EPA found these submittals to be complete on February 28, 1996.

A. SIP Revisions

The Nashville/Davidson County Board of Health, officially adopted proposed amendments to the Chapter 10.56, ''Air Pollution Control'' of the Metropolitan Code of Laws on December 14, 1995. These regulatory revisions to Chapter 10.56 add the definition of ''Regulated Pollutant'' to section 10.56.010, and revise sections 10.56.040 and .050 with general administrative amendments which support revisions to their title V program. Section 10.56.240 is revised to correct an administrative error. The revisions to section 10.56.080 and to paragraph (E) of section 10.56.050 were withdrawn by the State in a letter from Mr. John Walton to Ms. Linda Anderson-Carnahan, dated January 17, 1997, as previously requested by Ms. Anderson-Carnahan on September 17, 1996. The amendment to the definition of ''volatile organic compound'' in section 10.56.010 is currently being revised by Nashville in accordance with EPA comments, dated September 17, 1996, and therefore action will not be taken on this revision at this time. The remaining revisions were made to bring the SIP into compliance with title I requirements and to support title V requirements. EPA is also approving the following revisions as discussed in the paragraphs below.

Section 10.56.010—Definitions

The definition of ''potential emissions'' is amended by adding the following phrase to the end of the definition:

* * * unless otherwise provided in the Metropolitan Health Department, Pollution Control Division's Regulation No. 13, ''Part 70—Operating Permit Program''.

The definition of ''Regulated Pollutant'' is added, as follows:

''Regulated Pollutant'' means each of the following:

1. Nitrogen oxides or any volatile organic compound;
2. Any pollutant regulated under section 111 or 112 of the Clean Air Act as amended;
3. Any pollutant for which a national primary ambient air quality standard has been promulgated;
4. Any Class I or Class II substance listed pursuant to section 602 of the Clean Air Act as amended.

Section 10.56.040—Operating Permits

This paragraph has been amended by adding the following phrase to the end of the second sentence of subsection B:

except as otherwise provided in the Metropolitan Health Department, Pollution Control Division's Regulation No. 13, ''Part 70—Operating Permit Program''.

Section 10.56.050—Exemptions

Paragraph A has been revised to add a phrase which was inadvertently omitted from an earlier submittal. This is done by adding a new subsection ''7'' which reads as follows:

7. Mobile sources, such as automobiles, trucks, buses, locomotives, airplanes and boats.

A new paragraph F has been added which shall state as follows;

F. Notwithstanding any exemption in this section, and application submitted in accordance with section 10.56.020 and section 10.56.040 of this Chapter shall include all emission sources and quantify emissions if needed to determine major source status, to determine compliance with an applicable requirement, and/or the applicability of any applicable requirement such as NSPS, NESHAPS, or MACT standard, etc., or in calculation permit fees in accordance with section 10.56.080.

Section 10.56.240.—Internal Combustion Engines

Subparagraph ''C'' was amended by deleting the term ''Department of Health, Education and Welfare'' and replacing it with ''Environmental Protection Agency.''

Final Action

EPA is fully approving the submitted revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP) as discussed in the previous paragraphs.

The Agency has reviewed this request for revision of the Federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective on July 29, 1997 unless, by June 30, 1997, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on July 29, 1997.

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

Administrative Requirements

A. Executive Order 12866

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

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603

and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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

C. Unfunded Mandates

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

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

D. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by section 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 29, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: April 22, 1997.

A. Stanley Meiburg,

Acting Regional Administrator.

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart RR—Tennessee

2. Section 52.2220 is amended by adding paragraph (c)(152) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(C) * * *

(152) On December 28, 1995, the State submitted revisions to the Nashville/Davidson portion of the Tennessee SIP on behalf of Nashville/Davidson County. These were revisions to the permit requirements for major sources of air pollution, including revisions to the general definitions, the permit requirements, and the exemptions. Also included was a revision to the regulations for internal combustion engines. These revisions incorporate changes to Nashville's Chapter 10.56 which are required in the Clean Air Act as amended in 1990 and 40 CFR part 51, subpart I.

(i) Incorporation by reference.

(A) Code of Laws of the Metropolitan Government of Nashville and Davidson County, Tennessee, Chapter 10.56 Air Pollution Control, approved on December 14, 1995.

(I) Section 10.56.010, definitions for ''Potential Emissions,'' ''Regulated Pollutant,'' and ''Volatile Organic Compound.''

(II) Section 10.56.040, Paragraph B.

(III) Section 10.56.050, Paragraphs A and F.

(IV) Section 110.56.240, Paragraph C.

(ii) Other material. None.

[FR Doc. 97–14194 Filed 5–29–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–5832–8]

Final Authorization of State Hazardous Waste Management Program; Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Missouri has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976, as amended (hereinafter RCRA). The Environmental Protection Agency (EPA) has reviewed Missouri's application and has made a decision, subject to review and comment, that Missouri's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Missouri's hazardous waste program revisions, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (hereinafter HSWA). Missouri's application for program revision is available for public review and comment.

DATES: Final authorization for Missouri shall be effective July 29, 1997, unless the EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on the Missouri program revision application must be received by the close of business June 30, 1997.

ADDRESSES: Written comments should be sent to Mr. Aaron Zimmerman, Iowa RCRA and State Programs Branch, U.S. Environmental Protection Agency,

Region 7, 726 Minnesota Avenue, Kansas City, Kansas 66101 (913/551–7333). Copies of the Missouri program revision application are available for inspection and copying during normal business hours at the following addresses: Missouri Department of Natural Resources, Division of Environmental Quality, P.O. Box 176, Jefferson City, Missouri 65102 (314/751–4422); U.S. EPA Headquarters Library, PM 211A, 401 M Street, S.W., Washington, D.C. 20460 (202/382–5926); U.S. EPA Region 7 Library, 726 Minnesota Avenue, Kansas City, Kansas 66101 (913/551–7241).

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Zimmerman, U.S. EPA Region 7, 726 Minnesota Avenue, Kansas City, Kansas 66101 (913/551–7333).

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. § 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the federal hazardous waste program. The Hazardous and Solid Waste Amendment of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter HSWA) allows states to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive ''interim authorization'' for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. § 6926(g), and later apply for final authorization for the HSWA requirements.

In accordance with 40 CFR 271.21, revisions to state hazardous waste programs are necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, state program revisions are necessitated by changes to the EPA's regulations in 40 CFR Parts 124, 260–266, 268, 270, 273, and 279.

B. Missouri

Missouri initially received final authorization for its base RCRA Program effective December 4, 1985 (50 FR 47740). Missouri received authorization for a revision to its program effective on April 28, 1989 for Non-HSWA Cluster I, II, III, IV, VI, and HSWA Cluster I (54 FR 8190). Missouri received additional approval for a revision to its program effective on March 12, 1993, for Non-HSWA Cluster III, IV, V, and HSWA Cluster I and II (58 FR 3497). On September 30, 1993, Missouri submitted a program revision to its authorized program. This application includes rules in Non-HSWA Cluster II, V, and VI, and HSWA Cluster I and II and RCRA Cluster I. A final application was submitted for program approval to include rules in Non-HSWA Cluster V, VI, and HSWA Cluster II on January 16, 1997. Missouri is seeking approval of its program revisions in accordance with 40 CFR 271.21 (b)(3).

The EPA has reviewed the Missouri application and has made an immediate final decision that the Missouri hazardous waste program revision satisfy all of the requirements necessary to qualify for final authorization. Consequently, the EPA intends to grant final authorization to Missouri for its additional program modification. The public may submit written comments on EPA's immediate final decision up until June 30, 1997. Copies of the Missouri application for program revision are available for inspection and copying at the locations indicated in the ''**ADDRESSES**'' section of this document.

Approval of the Missouri program revision shall become effective in sixty (60) days, unless an adverse comment pertaining to the state's revisions discussed in this document is received by the end of the comment period. If an adverse comment is received, the EPA will publish either: (1) a withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

On July 29, 1997, Missouri will be authorized to carry out, in lieu of the federal program, those provision of the state's program which are analogous to the following provisions of the federal program.

Federal requirement	Missouri regulation
Checklist 17H—Double Liners, May 9, 1990, 55 FR 19262	10 CSR 25–7.264(1) 10 CSR 25–7.264(2)(K)1.A. 10 CSR 25–7.264(2)(K)1.B. 10 CSR 25–7.264(2)(K)1.C. 10 CSR 25–7.264(2)(K)1.D. 10 CSR 25–7.264(2)(N)2.A. 10 CSR 25–7.264(2)(N)2.C. 10 CSR 25–7.265(1) 10 CSR 25–7.265(2)(K)
Checklist 24A—Financial Responsibility; Settlement Agreement, May 2, 1986, 55 FR 25976.	10 CSR 25–7.264(1) 10 CSR 25–7.265(1)
Checklist 31—Exports of Hazardous Waste, August 8, 1986, 51 FR 28664–28686.	10 CSR 25–4.261(1) 10 CSR 25–5.262(1) 10 CSR 25–5.262(5)(B) 10 CSR 25–6.263(1) 10 CSR 25–6.263(2)(B)1.A.(IV) 10 CSR 25–6.263(2)(B)1.
Checklist 39—California List Waste Restrictions, July 8, 1987, 52 FR 25760, as amended on October 27, 1987, 52 FR 41295–41296.	10 CSR 25–3.260(1), 10 CSR 25–5.262(1), 10 CSR 25–7.264(1), 10 CSR 25–7.265(1), 10 CSR 25–7.268(1), 10 CSR 25–7.270(1)
Checklist 42—Exception Reporting for Small Quantity Generators of Hazardous Waste, September 23, 1987, 52 FR 35894–35899.	10 CSR 25–5.262(2)(D)2. 10 CSR 25–5.262(2)(D)3.
Checklist 48—Farm Exemptions; Technical Corrections, July 19, 1988, 3 FR 27164—27165.	10 CSR 25–5.262(1), 10 CSR 25–7.264(1), 10 CSR 25–7.265(1), 10 CSR 25–7.268(1), 10 CSR 25–7.270(1)

Federal requirement	Missouri regulation
Checklist 50—Land Disposal Restrictions for First Third Scheduled Waste, August 17, 1988, 53 FR 31138–31222, as amended on February 27, 1989, 54 FR 8264–8266.	10 CSR 25–7.264(1) 10 CSR 25–7.265(1) 10 CSR 25–7.266(2)(C) 10 CSR 25–7.268(1) 10 CSR 25–7.268(2)(C)1. 10 CSR 25–7.268(2)(C)2. 10 CSR 25–7.268(2)(D)1. 10 CSR 25–7.268(2)(D)2.
Checklist 52—Hazardous Waste Management System: Standards for Hazardous Waste Storage and Treatment Tank Systems, September 2, 1988, 53 FR 34079–34087.	10 CSR 25–3.260(1) 10 CSR 25–7.264(1) 10 CSR 25–7.264(2)(J)4. 10 CSR 25–7.265(1) 10 CSR 25–7.265(2)(J)2.
Checklist 54—Permit Modifications for Hazardous Waste Management Facilities, September 28, 1988, as amended on October 24, 1988, 53 FR 41649.	10 CSR 25–8.010(1)(L)5. 10 CSR 25–8.010(1)(L)1. 10 CSR 25–7.264(1) 10 CSR 25–7.265(1) 10 CSR 25–7.270(1) 10 CSR 25–7.270(2)(D)1.
Checklist 61—Changes to Interim Status Facilities for Hazardous Waste Management; Modification of Hazardous Waste Mgmt. Permit; Procedures for Post Closure Permitting, March 7, 1989, 54 FR 9596–9609.	10 CSR 25–7.270(1) 10 CSR 25–8.0109(1)(J) 10 CSR 25–7(2)(G)2.
Checklist 62—Land Disposal Restriction Amendments to First Third Scheduled Wastes; May 2, 1989, 54 FR 18836–18838.	10 CSR 25–7.268(1)
Checklist 63—Land Disposal Restrictions for Second Third Scheduled Waste, June 23, 1989, 54 FR 26594–26652.	10 CSR 25–7.268(1)
Checklist 64—Delay of Closure Period for Hazardous Waste Management Facilities, August 14, 1989, 54 FR 3376.	10 CSR 25–7.264(1) 10 CSR 25–7.265(1) 10 CSR 25–7.270(1)
Checklist 65—Mining Waste Exclusion I, September 1, 1989, 54 FR 36592.	10 CSR 25–4.261(1)
Checklist 66—Land Disposal Restrictions; Correction to the First Third Scheduled Wastes; September 6, 1989, 54 FR 36967, as amended on June 13, 1990, 55 FR 23935.	10 CSR 25–7.266(2)(C) 10 CSR 25–7.268(1)
Checklist 67—Testing and Monitoring Activities, September 29, 1989, 54 FR 40260.	10 CSR 25–3.260(1) 10 CSR 25–4.261(1)
Checklist 68—Reportable Quantity Adjustment Methyl Bromide Production Wastes, October 6, 1989, 54 FR 41402–41408.	10 CSR 25–4.261(1)
Checklist 69—Reportable Quantity Adjustment, December 11, 1989, 54 FR 50968–50979.	10 CSR 25–4.261(1)
Checklist 70—Changes to Part 124 Not Accounted for by Present Checklists, April 1, 1983, 48 FR 14146–14295; June 30, 1983, 48 FR 30113–30115; July 26, 1988, 53 FR 28118–28157; September 26, 1988, 53 FR 37396–37414; January 4, 1989, 54 FR 246–258.	10 CSR 25–7.270(2)(A)1. 10 CSR 25–7.270(2)(B)7. 10 CSR 25–8.010(1)(B)2. 10 CSR 25–7.270(2)(A)1. 10 CSR 25–7.270(2)(B)7. 10 CSR 25–8.010(1)(L)2. 10 CSR 25–8.010(1)(M)1. 10 CSR 25–8.010(1)(L)1. 10 CSR 25–8.010(1)(L)8. 10 CSR 25–8.010(1)(M)4. 10 CSR 25–8.010(1)(E)2.A. 10 CSR 25–8.010(B)4.G. 10 CSR 25–8.010(1)(E)2B.(VI) 10 CSR 25–8.010(1)(B)4.C. 10 CSR 25–8.010(1)(B)4.E. 10 CSR 25–8010(1)(H)
Checklist 71—Mining Waste Exclusion II, January 23, 1990, 55 FR 2322–2354.	10 CSR 25–3.270(1) 10 CSR 25–7.25–80 10(1)(J) 10 CSR 25–5.272(1)
Checklist 72—Modifications of F019 Listing	10 CSR 25–4.261(1)
Checklist 73—Testing and Monitoring Activities; Technical Corrections, March 9, 1990, 55 FR 8948–8950.	10 CSR 25–3.260(1)
Checklist 74—Toxicity Characteristics Revisions, March 29, 1990, 55 FR 11798–11877, as amended on June 29, 1990, 55 FR 26986–26998.	10 CSR 25–4.261(1) 10 CSR 25–7.264(1) 10 CSR 25–7.265(1) 10 CSR 25–7.268(1)
Checklist 75—Listing of 1, 1-Dimethylhydrazine Production Waste, May 2, 1990, 55 FR 18496–18506.	10 CSR 25–4.261(1)
Checklist 76—Criteria for Listing Toxic Waste; Technical Amendment, May 4, 1990, 55 FR 18726.	10 CSR 25–4.261(1)

Federal requirement	Missouri regulation
Checklist 77—HSWA Codification Rule 2, Double Liners; Correction, May 9, 1990, 55 FR 19262–19264.	10 CSR 25–7.264(1) 10 CSR 25–7.264(2)(K) 10 CSR 25–7.264(2)(N)2.A.
Checklist 78N & 78H—Land Disposal Restrictions for Third Third Scheduled Wastes, June 1, 1990, 55 FR 22520–22720.	10 CSR 25–4.261(1), 10 CSR 25–5.262(1), 10 CSR 25–7.264(1), 10 CSR 25–7.265(1), 10 CSR 25–7.268(1), 10 CSR 25–7.270(1)
Checklist 79—Organic Air Emission Standard for Process Vents and Equipment Leaks, June 21, 1990, 55 FR 25454–25519.	10 CSR 25–3.260(1), 10 CSR 25–4.261(1), 10 CSR 25–7.264(1), 10 CSR 25–7.265(1), 10 CSR 25–7.270(1)
Checklist 83—Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments, January 31, 1991, 56 FR 3864–3928.	10 CSR 25–4.261(1) 10 CSR 25–5.262(1) 10 CSR 25–5.262(2)(C)2. 10 CSR 25–7.268(1)

The state will assume lead responsibility for issuing permits for those program areas authorized today. For those HSWA provisions for which the state is not authorized, the EPA will retain lead responsibility. For those permits which will now change to state lead from the EPA, the EPA will transfer copies of any pending applications, completed permits, or pertinent file information to the state within 30 days of the effective date of this authorization. The EPA will be responsible for enforcing the terms and conditions of federally issued permits while they remain in force. The EPA will also be responsible for enforcing the terms and conditions of RCRA permits regarding HSWA requirements until the state has the authority to address the HSWA requirements.

The state has agreed to review all state-issued permits and to modify or reissue them as necessary to require compliance with the currently approved state law and regulations. When the states reissues federally issued permits as state permits, the state will take the lead in enforcing such permits, with the exception of those HSWA requirements for which the state has not received authorization. Missouri is not authorized to operate the Federal Program on Indian Lands. This authority remains with the EPA unless provided otherwise in a future statute or regulation.

C. Decision

We conclude that the Missouri application for program revision meets all of the statutory and regulatory requirements established by RCRA and its amendments. Missouri now has responsibility for permitting, treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Missouri also has primary enforcement responsibilities, although the EPA retains the right to conduct inspection under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Incorporation by Reference

The EPA incorporates by reference, authorized state programs in 40 CFR Part 272, to provide notice to the public of the scope of the authorized program in each state. Incorporation by reference of the Missouri program will be completed at a later date.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of the EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no federal mandates for state, local or tribal governments or the private sector. The Act excludes from the definition of a ''federal mandate'' duties that arise from participation in a voluntary federal program, except in certain cases where a ''federal intergovernmental mandate'' affects an annual federal entitlement program of $500 million or more that are not applicable here. The Missouri request for approval of revisions to its authorized hazardous waste program is voluntary and imposes no federal mandate within the meaning of the Act. Rather, by having its hazardous waste program approved, the state will gain the authority to implement the program within its jurisdiction, in lieu of the EPA thereby eliminating duplicative state and federal requirements. If a state chooses not to seek authorization for administration of a hazardous waste program under RCRA Subtitle C, RCRA regulation is left to the EPA.

In any event, the EPA has determined that this rule 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 one year. The EPA does not anticipate that the approval of the Missouri hazardous waste program referenced in today's notice will result in annual costs of $100 million or more. The EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector since the state, by virtue of the approval, may now administer the program in lieu of the EPA and exercise primary enforcement. Hence, owners and operators of treatment, storage, or disposal facilities (TSDFs) generally no longer face dual federal and state compliance requirements, thereby reducing overall compliance costs. Thus, today's rule is not subject to the requirements of section 202 and 205 of the UMRA.

The EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265, and 270 and are not subject to any additional significant or unique requirements by virtue of this program approval. Once the EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs under the approved state program, in lieu of the federal program.

Certification Under the Regulatory Flexibility Act

The EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. The EPA recognizes that small entities may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, since such small entities which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265, and 270, this authorization does not impose any additional burdens on these small entities. This is because the EPA's authorization would result in an administrative change (i.e., whether the EPA or the state administers the RCRA Subtitle C program in that state), rather than result in a change in the substantive requirements imposed on small entities. Once the EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small entities will be able to own and operate their TSDFs under the approved state program, in lieu of the federal program. Moreover, this authorization, in approving a state program to operate in lieu of the federal program, eliminates duplicative requirements for owners and operators of TSDFs in that particular state.

Therefore, the EPA provides the following certification under the regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. § 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively approves the Missouri program to operate in lieu of the federal program, thereby eliminating duplicative requirements for handlers of hazardous waste in the state. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, and Water supply.

Authority: This rulemaking is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended (42 U.S.C. §§ 6912(a), 6926, 6974(b)).

Dated: May 9, 1997.

William Rice,

Acting Regional Administrator.

[FR Doc. 97–14197 Filed 5–29–97; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 62, No. 104
Friday, May 30, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–85–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747–100, –200, and –300 series airplanes. This proposal would require the replacement of certain switches located in the cabin attendant's panel at doors 1 and 3 right with new, improved switches. This proposal is prompted by reports indicating that fires have occurred on some airplanes due to the internal failure of some of these switches. The actions specified by the proposed AD are intended to prevent the installation and use of switches that could short circuit when they fail, and consequently cause fire and smoke aboard the airplane.

DATES: Comments must be received by July 11, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–85–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Forrest Keller, Senior Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (425) 227–2790; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–85–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–85–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received several reports indicating that fires and smoke have occurred aboard Model 747–100 series airplanes behind the cabin attendant's panel at doors 2 right, 3 right, and 4 right. These incidents, reported by six operators, occurred during flight or after landing.

Investigation revealed that the fires were the result of internal failures in switches S4 and/or S5, or switches S7 and S8 at door 4 right, and equivalent switches at the other doors. These failures caused a short circuit between the switch and its ground.

Equivalent switches are also located in the cabin attendant's panel at door 1 right although no incidents of fire from the failure of those switches have been reported. In addition, switches of this type are found on Model 747–200 and –300 series airplanes.

The installation and use of a switch that could short circuit when it fails, if not corrected, could result in fire and smoke aboard the airplane.

Related AD Actions

On April 2, 1997, the FAA issued AD 97–08–05, amendment 39–9993 (62 FR 17534, April 10, 1997), applicable to certain Boeing Model 747–100, –200, and –300 series airplanes, that requires replacement of certain switches in the cabin attendant's panel at doors 2 right and 4 right with new improved switches. That AD was prompted by reports indicating that fires have occurred on some airplanes due to the internal failure of some of these switches. The actions specified by that AD are intended to prevent the installation and use of switches that could short circuit when they fail, and consequently cause fire and smoke aboard the airplane.

When that AD was issued, the FAA, in response to a comment during the making of that rule, acknowledged that certain switches at doors 1 right and 3 right also are subject to the same unsafe condition as the switches at doors 2 and 4. The FAA, however, determined that delaying the issuance of that AD in order to include those switches was not appropriate because of the urgency associated with correcting the unsafe condition at doors 2 right and 4 right, and in light of the time that had elapsed since the original proposed rule had been issued. The FAA pointed out, however, that it was considering additional rulemaking action to address doors 1 right and 3 right. This proposed action is the result of the FAA's review.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–33A2252, dated August 1, 1996, as revised by Boeing Notice of Status Change 747–33A2252 NSC 01, dated October 10, 1996. That alert service bulletin describes procedures for the replacement of switches S4 and/or S5, or switches S7 and S8 that are installed in the cabin attendant's panel at door 4 right with new, improved switches. Those same procedures can be used (and are just as effective) for replacing the equivalent switches installed in the cabin attendant's panel at doors 1 right and 3 right.

In the event that an improved switch fails internally, there will be no short circuit between the switch and its ground; therefore, the potential for fire or smoke to occur is reduced.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require replacement of the switches at doors 1 right and 3 right that are equivalent to the S4 and/or S5, or S7 and S8 switches installed in the cabin attendant's panel at door 4 right. These switches would be replaced with new, improved switches. The actions would be required to be accomplished in accordance with the Boeing alert service bulletin, as revised, described previously.

Cost Impact

There are approximately 648 Boeing Model 747–100, –200, and –300 series airplanes of the affected design in the worldwide fleet.

The FAA estimates that 167 airplanes of U.S. registry would be affected by this proposed AD. It would take approximately 10 work hours per airplane to accomplish the proposed actions, at an average labor rate of $60 per work hour. Required parts would cost approximately $2,600 per airplane ($1,300 per panel). Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $534,400, or $3,200 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [Amended]

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

Boeing: Docket 97–NM–85–AD.

Applicability: Model 747–100, –200, and –300 series airplanes; as listed in Boeing Alert Service Bulletin 747–33A2252, dated August 1, 1996, as revised by Boeing Notice of Status Change 747–33A2252 NSC 01, dated October 10, 1996; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the installation and use of switches in the cabin attendant's panel at doors 1 right and 3 right that could short circuit when they fail, and consequently cause fire and smoke aboard the airplane, accomplish the following:

(a) Within 10 months after the effective date of this AD, replace the switches located at doors 1 right and 3 right that are equivalent to switches S4 and/or S5, or S7 and S8 installed in the cabin attendant's panel at door 4 right with new, improved switches, in accordance with Boeing Alert Service Bulletin 747–33A2252, dated August 1, 1996, as amended by Boeing Notice of Status Change 747–33A2252 NSC 01, dated October 10, 1996.

Note 2: Although the procedures in this alert service bulletin, as revised, pertain to the replacement of the switches located at door 4 right, these procedures can be used (and are just as effective) for replacing the equivalent switches located at doors 1 right and 3 right.

(b) As of 10 months from the effective date of this AD, no person shall install at doors 1 right and 3 right of any airplane a cabin attendant's panel having a part number identified in the ''Old Switch '' column of any table contained in Boeing Alert Service Bulletin 747–33A2252, dated August 1, 1996, as revised by Boeing Notice of Status Change 747–33A2252 NSC 01, dated October 10, 1996.

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

Note 3. Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

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

Issued in Renton, Washington, on May 23, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–14184 Filed 5–29–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–174–AD]

RIN 2120–AA64

Airworthiness Directives; Fokker F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all Fokker Model F28 Mark 1000, 2000, 3000, and 4000 series airplanes. This proposal would require a one-time visual inspection of the rear cargo door and luggage auxiliary structure for corrosion, repetitive borescope inspections of the rear cargo door, and removal and repair of any corrosion found during the inspections. This proposal would also require the drilling of drain holes and application of a corrosion preventive and sealing compound inside the rear cargo door, and modification of the rear cargo door to aid in future routine borescope inspections. This proposal is prompted by reports of corrosion being found in the affected areas on several of the affected airplanes. The actions specified by the proposed AD are intended to prevent such corrosion, which could result in structural failure of the cargo door and loss of the door during flight, and consequent rapid decompression, aerodynamic instability, and/or damage to other fuselage structures.

DATES: Comments must be received by July 11, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–174–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2141; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–174–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–174–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, notified the FAA that an unsafe condition may exist on all Fokker F28 Mark 1000, 2000, 3000, and 4000 series airplanes. The RLD advises that corrosion has been found inside the rear cargo door during the replacement of the door hinge on several of the affected airplanes. In one instance, corrosion was so severe that a number of parts required replacement. The location of the rear cargo door is such that toilet fluids may enter the door, and the insulation blankets may absorb these fluids, which could cause a continuous corrosive environment inside the door. This condition, if not detected and corrected in a timely manner, could result in structural failure of the cargo door and loss of the door during flight, which could result in rapid decompression, aerodynamic instability, and/or damage to other fuselage structures.

Explanation of Relevant Service Information

Fokker has issued Service Bulletin F28–52–111, dated March 12, 1994, which describes procedures for the following:

—A one-time visual inspection of the rear cargo door and auxiliary structure for corrosion;
—Removal and repair of any corrosion;
—Drilling drain holes and applying a corrosion preventive and sealing compound inside the rear cargo door; and
—Modification of the rear cargo door to provide inspection holes for borescope inspections.

The RLD classified this service bulletin as mandatory and issued Dutch airworthiness directive BLA No. 1995–126 (A), dated November 30, 1995, in order to assure the continued airworthiness of these airplanes in the Netherlands.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time visual inspection of the rear cargo door and luggage auxiliary structure for corrosion, repetitive borescope inspections of the rear cargo door, and removal and repair of any corrosion found during the inspections.

This proposed AD would also require the drilling of drain holes and application of a corrosion preventive and sealing compound inside the rear cargo door, and modification of the rear cargo door to aid in the future routine borescope inspections. The actions would be required to be accomplished in accordance with the service bulletin described previously, except for the repetitive borescope inspections and follow-on actions, which would be required to be accomplished in accordance with the F28 Maintenance Manual.

Cost Impact

The FAA estimates that 37 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 13 work hours per airplane to accomplish the proposed initial inspection, at an average labor rate of $60 per work hour. The FAA has no way of determining how many repetitive inspections the owners/operators would incur over the life of the affected airplanes. Based on these figures, the cost impact of the initial inspection proposed by this AD on U.S. operators is estimated to be $28,860, or $780 per airplane.

It would take approximately 27 work hours per airplane to accomplish the proposed modification, at an average labor rate of $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be $59,940, or $1,620 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [Amended]

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

Fokker: Docket 96–NM–174–AD.

Applicability: All F28 Mark 1000, 2000, 3000, and 4000 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent corrosion in the rear cargo door, which could result in structural failure of the cargo door and loss of the door during flight, and consequent rapid decompression, aerodynamic instability, and/or damage to other fuselage structures, accomplish the following:

(a) Within 2 years after the effective date of this AD, accomplish the requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this AD, in accordance with Fokker Service Bulletin F28–52–111, dated March 12, 1994.

(1) Perform a one-time visual inspection of the rear cargo door and luggage auxiliary structure for corrosion. If any corrosion is found, prior to further flight, remove and repair it.

(2) Drill drain holes and apply a corrosion preventive and sealing compound inside the rear cargo door.

(3) Modify the rear cargo door to provide inspection holes for borescope inspections.

(b) Within 6,000 hours time-in-service (TIS) or 3 years after accomplishing the visual inspection required by paragraph (a)(1) of this AD, whichever occurs first; and thereafter at intervals not to exceed 6,000 hours TIS or 3 years, whichever occurs first: Perform a borescope inspection of the rear cargo door for corrosion in accordance with Chapter 52–30–2 of the F28 Maintenance Manual. If any corrosion is detected, prior to further flight, remove and repair it in accordance with the maintenance manual.

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

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

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished. Issued in Renton, Washington, on May 23, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–14183 Filed 5–29–97; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–17–AD]

RIN 2120–AA64

Airworthiness Directives; Aviat Aircraft Inc. Models S–2A, S–2B, and S–2S Airplanes (formerly Pitts Models S–2A, S–2B, and S–2S airplanes)

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 96–09–08 R1 applicable to certain Aviat

Aircraft Inc. (Aviat) Models S–2A, S–2B, and S–2S airplanes, which currently requires repetitively inspecting the upper longerons just aft of the rear cabane struts for cracks and repairing any cracks found. The proposed action would retain the same actions as the current AD, lengthen the time interval between repetitive inspections, require either installing a marked accelerometer in order to continue to perform acrobatic maneuvers and installing a placard that specifies gravity (''g'') force limitations; or, installing a placard prohibiting acrobatic maneuvers; and, require inserting revisions into the Airplane Flight Manual (AFM). The proposed AD is prompted by reports of cracking in the upper longerons and the availability of an improved design modification that, when incorporated, reinforces the upper longeron area. The actions specified by the proposed AD are intended to prevent cracking and subsequent failure of the airframe, resulting in possible loss of control of the airplane.

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

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97–CE–17–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Aviat Aircraft Inc., The Airport-Box No. 1240, 672 South Washington Street, Afton, Wyoming, 83110; telephone (307) 886–3151; facsimile (307) 886–9674. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Roger Caldwell, Project Engineer, FAA, Denver Aircraft Certification Office, 26805 East 68th Ave., Room 214, Denver, Colorado 80216; telephone (303) 342–1086; facsimile (303) 342–1088.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–17–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97–CE–17–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Airworthiness Directive (AD) 96–09–08 R1, Amendment 39–9690 (61 FR 35936, No. 132, July 9, 1996), currently requires repetitively inspecting the longerons around the rear cabane struts for cracks on Aviat Models S–2A (all serial numbers (S/N)), S–2B (S/N 5000 through 5350), and S–2S (all S/N), and repairing and reinforcing any crack found during the inspections.

Actions Since Issuance of Previous Rule

Additional reports have been received by the FAA regarding failures of the upper longerons just aft of the rear cabane struts and forward of the instrument panel on these airplanes. Upon investigation of the incidents, further analysis and testing show that hard landings and snap roll maneuvers in excess of the +6 and −3 gravity (''g'') force limits cause enough stress and fatigue to crack the upper longerons. This condition, if not corrected, could result in failure of the airframe and possible loss of control of the airplane.

Aviat has developed FAA-approved Kit No. S–2–513, which includes the parts and procedures to repair and reinforce the longeron aft of the rear cabane strut on Aviat Models S–2A, S–2B, and S–2S.

Relevant Service Information

Aviat revised Service Bulletin (SB) No. 24, Dated: March 20, 1996, Revised: November 22 1996, and issued Installation Instructions to Kit No. S–2–513, dated August 26, 1996, Revised: May 9, 1997. Aviat SB No. 24, Dated: March 20, 1996, Revised: November 22, 1996, specifies procedures for repetitively inspecting the longerons for cracks, installing an accelerometer and a placard that specifies ''g'' force limitations of +6 & −3, and inserting the revisions into the AFM. The Installation Instructions to Kit No. S–2–513, dated August 26, 1996, Revised: May 9, 1997, specify procedures for reinforcing the longeron area.

The FAA's Determination

After examining the circumstances and reviewing all available information related to the incidents described above, including the referenced service information. The FAA has determined that AD action should be taken to prevent cracking and subsequent failure of the airframe with consequent loss of control of the airplane.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Aviat Models S–2A, S–2B, and S–2S of the same type design, the proposed AD would supersede AD 96–09–08 R1 to require:

(1) Repetitively inspecting the upper longerons aft of the rear cabane struts and forward of the instrument panel for cracks;

(2) Modifying any cracked longeron found during any inspection required by the proposed AD by incorporating Aviat Kit No. S–2–513;

(3) Inserting the revisions referenced in the Aviat SB No. 24, Date: November 22, 1996; Revised: March 20, 1996 into the AFM; and

(4) Accomplishing one of the following:

— Installing a redlined accelerometer marked at the +6g and −3g hash marks indicating the acrobatic ''g'' force limitations and a placard (part number 2–7604–47) stating the ''g'' force limitations; or

— Fabricating and installing a placard in the pilot's clear view using at least ⅛-inch letters that incorporate the words: ''ACROBATIC MANEUVERS PROHIBITED.''

Differences Between the Proposed AD and the Aviat Service Bulletin

Aviat SB No. 24, Dated: March 20, 1996, Revised: November 22, 1996,

''ACCOMPLISHMENT INSTRUCTIONS, 6. B. 1.'' recommends (1) installing the placard on the panel above the accelerometer and marking the accelerometer with red lines at the +6g and −3g hash marks, (2) inserting the revision to flight limitations into the AFM, (3) changing step 1 of the 100 HOURLY INSPECTION of the Owner's and Maintenance Manual to include an inspections for cracks in the region just aft of the welds attaching the rear cabane struts, and (4) making an entry in the log book stating compliance with this revision and method of compliance.

The proposed AD recommends items (1) and (2) in the preceding paragraph, except that the proposed AD would require either installing an accelerometer (if not already installed), marking red lines on the accelerometer, and installing a placard stating the ''g'' force limitations; or fabricating and installing a placard to prohibit acrobatic maneuvers. The proposed AD also would not require items (3) and (4) in the preceding paragraph because the purpose of an AD is to correct an unsafe condition that is likely to exist or develop in aircraft, not to make corrections to the maintenance manual. Revisions to the maintenance manual are the responsibility of the aircraft owner and the aircraft manufacturer.

Cost Impact

The FAA estimates that 500 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 8 workhours per airplane to accomplish the proposed initial inspection and modification, and that the average labor rate is approximately $60 an hour. The installation of the revisions to the AFM and the placard may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7). Therefore, the only labor cost associated with this step is the time of the owner/operator. Parts costs are estimated to be approximately $400 for Aviat Kit No. S–2–513 and $10 for the placard. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $445,000 or $890 per airplane. The estimated cost does not account for the repetitive inspections because the FAA has no way to determine the number of repetitive inspections that might be incurred over the life of the airplane. The manufacturer has informed the FAA that they have distributed kits to reinforce 4 airplanes. With this in mind, the approximate cost for the proposed AD on U.S. operators would be reduced from $445,000 to $441,440.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§39.13 [Amended]

2. Section 39.13, is amended by removing Airworthiness Directive (AD) 96–09–08 R1, Amendment 39–9690, and adding a new AD to read as follows:

Aviat Aircraft Inc.: Docket No. 97–CE–17–AD; Supersedes AD 96–09–08 R1, Amendment 39–9690.

Applicability: Models S–2A (all serial numbers (S/N)), S–2B (S/N 5000 through 5350), and S–2S (all serial numbers) airplanes (formerly Pitts Models S–2A, S–2B, and S–2S), certificated in any category.

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

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent cracking and subsequent failure of the longerons with consequent loss of control of the airplane, accomplish the following:

(a) At the accumulation of 300 hours total time-in-service (TIS) or within the next 25 hours TIS after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 100 hours TIS, inspect (using a 10x magnifying glass) the longerons aft of the rear cabane strut and forward of the instrument panel for cracks in accordance with paragraphs A. 1. through A. 5. and Figure 1 in the ACCOMPLISHMENT INSTRUCTIONS of Aviat Aircraft Inc. (Aviat) Service Bulletin (SB) No. 24, Date: March 20, 1996, Revised: November 22, 1996.

(1) If cracks are found during any inspection required by this AD, prior to further flight, modify the cracked area by incorporating Aviat Kit No. S–2–513 in accordance with the INSTALLATION INSTRUCTIONS section in Aviat Kit No. S–2–513, dated August 26, 1996, Revised: May 9, 1997.

(2) The modification does not eliminate the 100-hour TIS interval repetitive inspections.

(b) At the accumulation of 300 hours total TIS or within the next 25 hours TIS after the effective date of this AD, whichever occurs later, insert revisions to the Airplane Flight Manual (AFM) in accordance with paragraph B. 2. in the ACCOMPLISHMENT INSTRUCTIONS of Aviat SB No. 24, Dated: March 20, 1996, Revised November 22, 1996.

(c) At the accumulation of 300 hours total TIS or within the next 25 hours TIS after the effective date of this AD, whichever occurs later, accomplish either (c)(1) or (c)(2) below:

(1) Install an accelerometer and permanently mark the face with red marks ($\frac{3}{16}$-inch × $\frac{1}{16}$-inch) at the +6 g and −3 g hash marks, and install a placard (Aviat part number 2–7604–47) stating the gravity (''g'') force limitations within the pilot's clear view in accordance with paragraph B. 1. of the ACCOMPLISHMENT INSTRUCTIONS in Aviat SB No. 24, Date: March 20, 1996, Revised: November 22, 1996; or

(2) Fabricate and install a placard in the pilot's clear view using at least $\frac{1}{8}$-inch letters that incorporates the following words: ''ACROBATIC MANEUVERS PROHIBITED.''

(d) The installation of the placard and the insertion of the revisions into the AFM may be performed by the owner/operator holding at least a private pilot certificate as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), and must be entered into the aircraft records showing compliance with this AD in accordance with

section 43.11 of the Federal Aviation Regulations (14 CFR 43.11).

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this action can be accomplished, provided no cracks are found during any inspections required by paragraph (a) of this AD. No special flight permits may be issued to any airplane with cracks in the upper longerons just aft of the rear cabane struts.

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Denver Aircraft Certification Office, 26805 East 68th Ave., Room 214, Denver, Colorado 80216. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Denver Aircraft Certification Office.

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

(g) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Aviat Aircraft Inc., The Airport-Box No. 1240, 672 South Washington Street, Afton, Wyoming, 83110; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on May 23, 1997.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–14180 Filed 5–29–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–AWP–3]

Proposed Establishment of Class E Airspace; Apple Valley, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a Class E airspace area at Apple Valley, CA. The development of a Global Positioning System (GPS) Runway (RWY) 18 Standard Instrument Approach Procedure (SIAP) at Apple Valley Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Apple Valley Airport, Apple Valley, CA.

DATES: Comments must be received on or before June 30, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Operations Branch, AWP–530, Docket No. 96–AWP–3, 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. 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. 96–AWP–3.'' 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, System Management 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) by establishing a Class E airspace area at Apple Valley, CA. The development of GPS SIAP at Apple Valley Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate Class E airspace for aircraft executing the GPS RWY 18 SIAP at Apple Valley Airport, Apple Valley, CA. Class E airspace area designations are published in Paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document 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 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this 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 71 part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AWP CA E5 Apple Valley, CA [New]

Apple Valley Airport, CA
(Lat. 34°44′45″N, long. 117°11′10″W)

That airspace extending upward from 700 feet above the surface with an 8-mile radius of the Apple Valley Airport and within 1.8 miles each side of the 016° bearing from the Apple Valley Airport, extending from the 8-miles radius to 12.5 miles north of the airport, excluding the Victorville, CA, Class E airspace area.

* * * * *

Issued in Los Angeles, California, on May 15, 1997.

George D. Williams,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 97–14202 Filed 5–29–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Part 243

RIN 2105–AC62

[Docket No. OST–97–2198, Notice No. 97–6]

Domestic Passenger Manifest Information

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Advance notice of proposed rulemaking (ANPRM); Reopening of comment period.

SUMMARY: At the request of the Air Transport Association, the Department is reopening the comment period for the domestic passenger manifest rulemaking to allow airlines to conduct passenger surveys on some of the issues raised in the advance notice of rulemaking. The comment period, which closed on May 12, 1997, is reopened and now closes on June 20, 1997.

DATES: Comments must be received by June 20, 1997.

ADDRESSES: Comments on the advance notice of proposed rulemaking should be filed with: Docket Clerk, U.S. Department of Transportation, Room PL–401, Docket No. OST–97–2198, 400 7th Street, SW., Washington, DC 20590. Five copies are requested, but not required.

FOR FURTHER INFORMATION CONTACT: Dennis Marvich, Office of International Transportation and Trade, DOT, (202) 366–4398; or, for legal questions, Joanne Petrie, Office of the General Counsel, DOT, (202) 366–9306.

SUPPLEMENTARY INFORMATION: On March 13, 1997, the Department issued an advance notice of proposed rulemaking (62 FR 11789) concerning passenger manifest information on domestic air flights. The ANPRM requested information concerning operational and cost issues related to U.S. air carriers collecting basic information (e.g., full name, date of birth and/or social security number, emergency contact and telephone number) from passengers traveling on flights within the United States. The ANPRM provided 60 days for comments, and the comment period closed on May 12, 1997.

On May 9, 1997, the Air Transport Association (ATA) requested an extension of the comment period to June 20, 1997, in order to allow the airlines to provide more responsive information to the issues and questions posed in the ANPRM. In particular, a number of ATA's members developed a passenger survey to help determine the likely impact resulting from the collection of passenger manifest information. ATA stated that some of the carriers that intend to participate in the survey have not been able to conduct it because they have diverted their in-house personnel who would be involved in the survey to the ongoing Federal Aviation Administration (FAA) domestic passenger baggage match test. According to ATA, when that test is completed on May 19, 1997, the affected air carriers will reassign personnel to performing the survey and evaluating its results. ATA noted that, ''[i]n view of the importance of the issues raised in the ANPRM and the current demands being placed on carrier resources because of the FAA bag match test, we ask that the comment period in this docket be extended until June 20. This will enable carriers to perform the survey, and ATA and its members to analyze the results, and better answer in joint comments the questions that the ANPRM poses.''

We agree that the ANPRM raises important issues and we are anxious to examine real-world data concerning the impacts of such potential requirements. The survey information should provide helpful information both for the Department in its deliberations in this rulemaking, and for the Task Force on Assistance to Families in Aviation Disasters. We are, therefore, reopening the comment period for the time requested. Comments are now due June 20, 1997.

Authority: 49 U.S.C. 40101, 40113, 40114, 41708, 41709, 41711 , 41702, 46301, 46310, 46316.

Issued in Washington, DC on 21, May 1997.

Rodney E. Slater,

Secretary of Transportation.

[FR Doc. 97–14158 Filed 5–29–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 101, 161, and 501

[Docket No. 92P–0441]

Food Labeling; Net Quantity of Contents; Compliance; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to September 2, 1997, the comment period for a proposal to revise the agency's human and animal food labeling regulations that pertain to declarations of net quantity of contents on food packages. The proposed rule was published in the **Federal Register** of March 4, 1997 (62 FR 9826). The agency is taking this action in response to two requests for an extension of the comment period. This extension is intended to provide interested persons with additional time to submit comments to FDA on its proposal.

DATES: Written comments by September 2, 1997.

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

FOR FURTHER INFORMATION CONTACT: Loretta A. Carey, Center for Food Safety and Applied Nutrition (HFS–158), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–5099.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 4, 1997 (62 FR 9826), FDA published a proposed rule to revise its human and animal food labeling regulations that pertain to declarations of net quantity of contents on food packages. That proposal set out procedures for determining whether net quantity of contents declarations accurately reflect the amount of product in food packages. Interested persons were given until June 2, 1997, to comment on the proposed rule.

FDA has received letters from trade associations that represent major segments of both the food and feed industries requesting the agency to grant a 90-day extension of the comment period on its proposed rule for determining compliance for net quantity of contents declarations. The requests argued that the proposed regulation is unusually technical in nature and includes procedures that will affect both food and feed manufacturers and consumers. The requests contend that additional time is needed for interested persons to evaluate fully the impact of the proposed regulation on various products and to assess and develop potential alternatives to the proposed procedures. The agency acknowledges that the proposed rule is quite technical in nature and, after careful consideration, has decided to grant an extension of the comment period until September 2, 1997.

Interested persons may, on or before September 2, 1997, submit to the Dockets Management Branch (address above) written comments regarding this proposed rule. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 13, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–14142 Filed 5–29–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 740, 745, 761, and 772

RIN 1029–AB42 and 1029–AB82

Valid Existing Rights and Prohibitions of Section 522(e); Extension of Public Comment Period

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Extension of comment period.

SUMMARY: On January 31, 1997, (62 FR 4836–72), the Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior published proposed rules which would implement and interpret section 522(e) of Surface Mining Control and Reclamation Act of 1977 (SMCRA). On that date, OSM also made available for public comment a draft economic analysis (DEA) analyzing the potential impacts of the proposed rules. As a result of requests received, OSM is extending the comment period for the proposed rules and the DEA.

DATES: *Electronic or written comments:* OSM will accept electronic or written comments on the proposed rules and DEA until 5:00 p.m. Eastern time on August 1, 1997.

ADDRESSES: *Electronic or written comments:* Submit electronic comments to osmrules@osmre.gov. Mail written comments to the Administrative Record, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, N.W., Washington, DC 20240 or hand-deliver to Room 117 at the above address.

FOR FURTHER INFORMATION CONTACT: Andy DeVito, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone (202) 208–2701; E-Mail:adevito@osmre.gov.

SUPPLEMENTARY INFORMATION: On January 31, 1997 (62 FR 4836–72) OSM published two proposed rules dealing with the interpretation and implementation of section 522(e) of SMCRA. The first rule, RIN 1029–AB42, would amend OSM's regulations to redefine the circumstances under which a person has valid existing rights to conduct surface coal mining operations in areas where such operations are otherwise prohibited by section 522(e) of SMCRA. The second rule, RIN 1029–AB82, is a proposed interpretative rulemaking to address the question of whether subsidence due to underground mining is a surface coal mining operation and thus prohibited in areas enumerated in section 522(e) of SMCRA. On January 31, 1997 (62 FR 4759), OSM also made available for public comment a DEIS analyzing the impact of the two proposed rules and the alternatives under consideration.

The comment period was scheduled to close on June 2, 1997. In order to accommodate several requests for an extension of the public comment period, OSM is extending the comment period until 5 p.m. Eastern time on August 1, 1997.

Under separate **Federal Register** Notice, the public comment period for the DEIS is also being extended until 5 p.m. Eastern time on August 1, 1997.

Dated: May 27, 1997.

Mary Josie Blanchard,

Assistant Director, Program Support.

[FR Doc. 97–14162 Filed 5–29–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 240

RIN 1510–AA45

Indorsement and Payment of Checks Drawn on the United States Treasury

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Proposed Rule.

SUMMARY: This reissues an earlier proposed revision of 31 CFR part 240, which governs the indorsement and payment of checks drawn on the United States Treasury. The purpose of this reissuance is to announce that it is Treasury's intention to supersede existing Federal common law regarding the apportionment of risk between Treasury and presenting banks with respect to certain materially defective Treasury checks, including counterfeits. Procedural changes are intended both to fix the time by which Treasury can decline payment on Treasury checks and to provide financial institutions with a date certain for final payment. These rules also provide greater clarity by defining previously undefined terms and by ensuring symmetry with current Treasury regulations governing Federal payments utilizing the Automated Clearing House method. In addition, these rules provide that Treasury may instruct Federal Reserve Banks to intercept and return, unpaid, benefit payment checks issued to deceased

payees. These proposed revisions are issued in response to concerns raised by financial institutions, Federal agencies, and other affected parties.

DATES: Comments must be submitted on or before July 29, 1997.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Ronald Brooks, Senior Program Analyst, Financial Processing Division, Financial Management Service, Prince Georges Center II Building, 3700 East-West Highway, Room 725–D, Hyattsville, Maryland 20782. Comments may be faxed to (202) 874–7534.

FOR FURTHER INFORMATION CONTACT: Ronald Brooks, (202) 874–7620 (Senior Program Analyst, Financial Processing Division); Paul M. Curran, (202) 874–6680 (Principal Attorney).

SUPPLEMENTARY INFORMATION:

Limitations on Payment

The current regulation provides that Treasury shall have the right to conduct first examination of Treasury checks presented for payment, and to refuse payment of any checks within a reasonable time. The current regulation also provides that such checks shall be deemed paid only upon Treasury's completion of first examination. The proposed rule clarifies this in two ways.

First, it defines first examination, and defines material defects or alterations as including counterfeit checks. These definitions are consistent with Treasury's longstanding interpretation of these terms.

Second, it fixes and narrows the time by which Treasury must complete first examination, and provides that if Treasury fails to do so within 150 days, the check will be deemed paid. This proposed change is intended to accommodate financial institutions which seek not only a more compressed time frame for first examination but also a date certain for final payment of Treasury checks.

While Treasury will, in most cases, complete first examination well within 30 days of presentment of a Treasury check to a Federal Reserve Bank, the 150 day maximum period affords Treasury sufficient time to complete first examination in certain problem cases. For example, up to 150 days may be required in instances where there are delays in Treasury's obtaining from check certifying or authorizing agencies the payment issue tapes necessary to complete first examination.

Recovery by Bank From Depositors

The proposed rule clarifies that the regulations contained in this Part neither authorize nor direct any financial institution to debit the account of any depositor. It further clarifies that any financial institution's right of recovery against depositors is derived from both the depository contracts with its customers and any self-help remedies authorized by State law governing the relationship between financial institutions and their customers. This provision mirrors the regulations codified in 31 CFR part 210, which pertains to ''Federal Payments Through Financial Institutions By the Automated Clearing House Method.''

Deceased Payee Check Intercepts

Currently, where a benefit payment check has been issued and negotiated after a payee's death, Treasury generally recovers the funds from financial institutions through the reclamation process. Financial institutions have expressed dissatisfaction with these procedures because Treasury reclamation actions only occur after final payment and because in many instances the depositors have closed their accounts or withdrawn most or all of the funds. These financial institutions seek a process by which Treasury can intercept such checks upon presentment and return such checks unpaid before the financial institutions are required under Federal Reserve Regulation CC (12 CFR part 229) to make funds permanently available to their depositors. This proposed rule responds to those concerns, and should result in a lower volume of payments to nonentitled payees.

Specifically, it clarifies that benefit payment checks issued after a payee's death are not payable. It also sets forth procedures by which Treasury will instruct the Federal Reserve to intercept such checks upon presentment and return unpaid those checks which are successfully intercepted to the depositary banks.

Forged Drawer's Signature

On September 11, 1995, the United States Court of Federal Claims filed an opinion in the case of *ABN AMRO Bank, N.V.* v. *United States*, 34 Fed.Cl. 126 (1995), which held that, under Federal common law, Treasury generally cannot recover on a Treasury check bearing the forged signature of a drawer (i.e., disbursing officer). The Court further held that this result is not changed when a check also bears a forged indorsement on the back. In so ruling, the Court relied on the precedent of *United States* v. *Chase National Bank*, 252 U.S. 485 (1920), which, in turn, had relied on the English case of *Price* v. *Neal*, 97 Eng.Rep. 871, 3 Burr. 1354 (1762). The Court went on to hold that Treasury had failed to act in a manner which made evident an intent to modify by regulation the holdings of these cases.

This ruling is inconsistent with Treasury's longstanding policy and interpretation of its regulations, which has been that the Government does not bear the loss on checks bearing forged drawers' signatures, including counterfeits. In order to clarify this matter, we are reissuing the proposed rule. Treasury is cognizant of relevant United States Supreme Court precedent interpreting the common law in this area and, by this regulation, will remove any ambiguity regarding Treasury having supplanted that common law. In so acting, Treasury relies on the Secretary's general rulemaking authority, 31 U.S.C. 321, as well as the specific statutory authority of the Secretary to prescribe regulations on the payment of drafts, found at 31 U.S.C. 3328(e).

Rulemaking Analysis

It has been determined that this regulation is not a significant regulatory action as defined in E.O. 12866. Therefore, a Regulatory Assessment is not required.

It is hereby certified pursuant to the Regulatory Flexibility Act that this revision will not have a significant economic impact on a substantial number of small business entities. Accordingly, a Regulatory Flexibility Act analysis is not required.

These regulations impose time frames within which first examination of Treasury checks must be accomplished, and establish consequences for the failure of Treasury to honor those time frames. Consequently, these regulations provide financial institutions with greater certainty regarding the entire payment process, and place higher standards of performance on Treasury in its processing of checks.

The other principal provision of these regulations will reduce the likelihood that final payment on Treasury checks will be made to nonentitled persons. Treasury's efficiency and its ability to serve the needs of legitimate payees of benefit programs will thereby be enhanced.

Although these regulations assign to banks the risk of loss on materially defective Treasury checks, this traditionally has been Treasury's practice and policy. Even if these regulations were to be viewed as representing a change in practice or policy, however, the impact on the economy, or any sector thereof, or on small business entities, would be minor.

Notice and Comment

Public comment is solicited on all aspects of this proposed regulation. Comments previously received on the substance of this proposed regulation will be considered together with comments submitted in response to this notice.

Therefore, while commenters are free to submit additional comments at this time, they need not re-submit earlier comments. Treasury does not intend to hold hearings.

List of Subjects in 31 CFR Part 240

Banks, Banking, Checks, Counterfeit checks, Federal Reserve system, Forgery, Guarantees.

For the reasons set out in the preamble, 31 CFR part 240 is proposed to be amended as follows.

PART 240—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE UNITED STATES TREASURY

1. The authority citation for part 240 is revised to read as follows:

Authority: 5 U.S.C. 301; 12 U.S.C. 391; 31 U.S.C. 321; 31 U.S.C. 3327; 31 U.S.C. 3328; 31 U.S.C. 3331; 31 U.S.C. 3334; 31 U.S.C. 3343; 31 U.S.C. 3711; 31 U.S.C. 3712; 31 U.S.C. 3716; 31 U.S.C. 3717; 318 U.S. 363 (1943).

2. Section 240.1 is revised to read as follows:

§ 240.1 Scope of regulations.

(a) The regulations in this part prescribe the requirements for indorsement and the conditions for payment of checks drawn on the United States Treasury. These regulations also establish procedures for collection of amounts due the United States Treasury because of payments on checks bearing forged or unauthorized indorsements or other material defects or alterations.

(b) Standards contained in this regulation supercede existing Federal common law holding that Treasury generally cannot recover on checks bearing forged disbursing officers' (i.e., drawers') signatures. Under the provisions of this regulation, the risk of loss on checks bearing forged disbursing officers' signatures, including counterfeits, is placed on presenting banks.

3. Section 240.2 is revised to read as follows:

§ 240.2 Definitions.

(a) *Agency* means any department, instrumentality, office, commission, board, service, or other establishment of the United States authorized to issue Treasury checks or for which checks drawn on the Treasury of the United States are issued.

(b) *Bank* means any financial institution, including but not limited to, any savings bank, national bank, state bank, and credit union created under Federal or state law.

(c) *Benefit payment* includes but is not limited to a payment of money for any Federal Government entitlement program or annuity.

(d) *Certifying agency* means an agency authorizing the issuance of a Treasury payment by a Treasury disbursing officer or a non-Treasury disbursing officer in accordance with 31 U.S.C. 3325.

(e) *Check* or *checks* means a check or checks drawn on the United States Treasury.

(f) *Check payment* means the amount paid to a presenting bank by a Federal Reserve Bank.

(g) *Commissioner* means the Commissioner of the Financial Management Service, Department of the Treasury.

(h) *Days* means calendar days.

(i) *Decline payment* means the process whereby Treasury refuses to make final payment on a check by instructing the Federal Reserve Bank to reverse its provisional credit to a presenting bank.

(j) *Federal Reserve Bank* means a Federal Reserve Bank and its branches.

(k) *Financial institution* means any bank, including but not limited to, any savings bank, national bank, state bank and credit union created under Federal or state law.

(l) *First examination* means the process of check reconciliation which involves comparing disbursing officer issue information on checks with Federal Reserve Bank payment information. Where the issue information is at odds with the payment information, first examination will include retrieval and inspection of the check, or the best available image thereof.

(m) *Item* means a reference, as in a monthly interest billing statement or similar document, to a check.

(n) *Material defect or alteration* means

(1) The counterfeiting of a check; or

(2) Any physical change on a check, including, but not limited to, the amount, date, payee name, or other identifying information printed on either the front or the back of the check; or

(3) Any forged or unauthorized indorsement appearing on the back of the check.

(o) *Monthly interest billing statement* means a statement prepared by Treasury and sent to a bank which includes the following information regarding each outstanding demand for refund:

(1) The reclamation date;

(2) The reclamation number;

(3) Check identifying information; and

(4) The balance due, including interest.

(p) *Person* or *persons* means an individual or individuals, or an institution or institutions, including all forms of financial institutions.

(q) *Presenting bank* means:

(1) A financial institution which, either directly or through a correspondent banking relationship, presents checks to and receives provisional credit from a Federal Reserve Bank; or

(2) A depositary which is authorized to charge checks directly to the Treasury General Account and present them to Treasury for payment through a designated Federal Reserve Bank.

(r) *Protest* means a bank's written statement and any supporting documentation tendered for the purpose of establishing that the bank is not liable for refund of the reclamation balance.

(s) *Reclamation* means a demand by Treasury for refund of the amount of a check payment.

(t) *Reclamation date* means the date on which a demand for refund was prepared. Normally, demands are sent to banks within 2 working days of the reclamation date.

(u) *Treasury* means the United States Department of the Treasury.

(v) *U.S. securities* means securities of the United States and securities of Federal agencies and wholly or partially Government-owned corporations for which Treasury acts as the transfer agent.

(w) *Unauthorized indorsement* means:

(1) An indorsement made by a person other than the payee or payees, except as authorized by and in accordance with § 240.5 and § 240.11 through § 240.15;

(2) An indorsement by a financial institution under circumstances in which the financial institution breaches the guaranty of indorsement required of it by § 209.9(a) of this title;

(3) A missing indorsement where the depositary bank had no authority to supply the indorsement.

4. Section 240.3 is amended by revising paragraphs (c), (d) and (e) to read as follows:

§ 240.3 Limitations on payment.

* * * * *

(c)(1) Treasury shall have the right as drawee to examine checks presented for payment and reconcile or direct the Federal Reserve Bank to refuse payment of any checks.

(2) Receipt of credit by a financial institution from a Federal Reserve Bank shall be provisional until Treasury

completes first examination of the check.

(3) When first examination by Treasury establishes that a check has a material defect or alteration, Treasury will decline payment on the check.

(d) Notwithstanding the provisions of paragraph (c) of this section, when issue information is not available within 150 days after the check is presented to the Federal Reserve Bank for payment, or when first examination is otherwise not completed within such time frame, Treasury will be deemed to have made final payment on the check.

(e) Notwithstanding the provisions of paragraph (d) of this section, if Treasury is on notice of a question of law or fact about whether a check is properly payable upon presentment for payment, and Treasury refers such question to the Comptroller General under 31 U.S.C. 3328(a)(2), the Commissioner may defer final payment on the check until the Comptroller General settles the question.

* * * * *

5. Section 240.4 is amended by removing paragraph (a) introductory text; by removing paragraph (b); by redesignating paragraphs (a)(1), (a)(2) and (a)(3) as paragraphs (a), (b) and (c); and by revising newly redesignated paragraphs (a) and (c) to read as follows:

§ 240.4 Cancellation and distribution of proceeds of checks.

(a) Any check issued on or after October 1, 1989 that has not been paid and remains outstanding for more than 12 months will be cancelled by the Commissioner.

* * * * *

(c) On a monthly basis, the Commissioner will provide to each agency that authorizes the issuance of Treasury checks a list of those checks issued for such agency which were cancelled during the preceding month pursuant to paragraph (a) of this section.

6. Section 240.6(a) is revised to read as follows:

§ 240.6 Reclamation of amounts of paid checks.

(a) If Treasury determines:

(1) That a check has been paid over a forged or unauthorized indorsement; or

(2) That a check containing a material defect or alteration is deemed paid under § 240.3, the presenting bank or any other indorser shall be liable to the Treasury for the full amount of the check payment. The Commissioner may reclaim the amount of the check payment from the presenting bank, or from any other indorser that breached its guaranty of indorsement prior to:

(i) The end of the 1-year period beginning on the date of provisional payment; or

(ii) The expiration of the 180-day period beginning on the close of the period described in paragraph (a)(2)(i) of this section if a timely claim under 31 U.S.C. 3702 is presented to the certifying agency.

* * * * *

7. Section 240.9 is amended by revising paragraphs (a)(1), (a)(3), introductory text, (a)(3)(ii), and (a)(3)(iv) to read as follows:

§ 240.9 Processing of checks.

(a) *Federal Reserve Banks.* (1) Federal Reserve Banks shall cash checks for Government disbursing officers when such checks are drawn by the disbursing officers to their own order. Payment of such checks shall not be refused except for material defect or alteration of the check.

* * * * *

(3) As a depository of public funds, each Federal Reserve Bank shall:

* * * * *

(ii) Give immediate provisional credit therefor in accordance with their current Time Schedules and charge the amount of the checks cashed or otherwise received to the account of the Treasury, subject to first examination and payment by Treasury.

* * * * *

(iv) Release the original checks to a designated Federal Records Center upon notification from Treasury. Treasury shall return to the forwarding Federal Reserve Bank a copy of any check the payment of which is declined upon the completion of first examination, together with notice of the declination. Federal Reserve Banks shall give immediate credit therefor in Treasury's account, thereby reversing the previous charge to the account for such check. Treasury authorizes each Federal Reserve Bank to release a copy of the check to the indorser when payment is declined.

* * * * *

8. Section 240.13 is amended by adding paragraph (c) to read as follows:

§ 240.13 Checks issued to deceased payees.

* * * * *

(c) *Deceased payee check intercepts.* (1) A benefit payment check, issued after a payee's death, is not payable. When a certifying agency learns that a payee has died, the certifying agency shall give immediate notice to Treasury. Upon receipt of such notice, Treasury will instruct the Federal Reserve Bank to refuse payment on the check upon presentment. The Federal Reserve Bank will make every appropriate effort to intercept the check. Where a check is successfully intercepted, the Federal Reserve bank will refuse payment, and return the check unpaid to the bank with an annotation that the payee is deceased. Where a financial institution learns that a date of death triggering action under this section is erroneous, the appropriate certifying agency which authorized the issuance of the check should be contacted.

(2) Nothing in this section shall limit the right of Treasury to institute reclamation proceedings under the provisions of § 240.6 with respect to a deceased payee check paid over a forged or unauthorized indorsement.

9. Section 240.16 is added to read as follows:

§ 240.16 Lack of authority to shift liability.

(a) This part neither authorizes nor directs a bank to debit the account of any party or to deposit any funds from any account in a suspense account or escrow account or the equivalent. However, nothing in this part shall be construed to affect a bank's contract with its depositor(s) under authority of State law.

(b) A bank's liability under this part is not affected by any action taken by it to recover from any party the amount of the bank's liability to the Treasury.

9. Section 240.17 is added to read as follows:

§ 240.17 Implementing instructions.

Procedural instructions implementing these regulations will be issued by the Commissioner of the Financial Management Service in volume I, part 4 and volume II, part 4 of the Treasury Financial Manual.

Russell D. Morris,

Commissioner.

[FR Doc. 97–14174 Filed 5–29–97; 8:45 am]

BILLING CODE 4810–35–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–73–1–7316b, FRL–5830–8]

Approval and Promulgation of Air Quality Plans, Texas; Alternate Reasonably Available Control Technology Demonstration for Bell Helicopter Textron, Incorporated; Bell Plant 1 Facility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: The EPA is proposing approval of a site-specific revision to the Texas State Implementation Plan for Bell Helicopter Textron, Incorporated of Fort Worth. This revision was submitted by the Governor on April 18, 1996, to establish an alternate reasonably available control technology demonstration to control volatile organic compounds for the surface coating processes at the Bell Plant 1 facility. Please see the direct final notice of this action located elsewhere in today's **Federal Register** for a detailed discussion of this rulemaking.

DATES: Comments on this proposed rule must be postmarked by June 30, 1997. If no adverse comments are received, then the direct final rule is effective on July 29, 1997.

ADDRESSES: Comments should be mailed to Thomas H. Diggs, Chief, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733. Copies of the State's petition and other information relevant to this action are available for inspection during normal hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

Anyone wishing to review this petition at the Region 6 EPA office is asked to contact the person below to schedule an appointment 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Air Planning Section (6PD–L), EPA Region 6, telephone (214) 665–7219.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final notice which is located in the Rules Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental regulations, Ozone, Reporting and recordkeeping, and Volatile organic compounds.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 12, 1997.

Jerry Clifford,

Acting Regional Administrator.

[FR Doc. 97–14195 Filed 5–29–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN–160–9624b; FRL–5831–6]

Approval and Promulgation of Air Quality Implementation Plans, Tennessee; Approval of Revisions To Permit Requirements, Definitions, Exemptions, and Internal Combustion Engines Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the revisions to the Nashville/Davidson County portion of the Tennessee State Implementation Plan (SIP) submitted by the State of Tennessee for the purpose of revising the current regulations for the permit requirements for major sources of air pollution, including revisions to the general definitions, permit requirements, and the exemptions. Also included was a revision to the regulations for internal combustion engines. In the final rules section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by June 30, 1997.

ADDRESSES: Written comments on this action should be addressed to Karen Borel, at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, GA, 30303. Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN–160–01–9624. The Region 4 office may have additional documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, Atlanta, Georgia 30303. [Contact Karen Borel, 404/562–9029].

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, 9th Floor L & C Annex, 401 Church Street, Nashville, Tennessee 37243–1531.

Bureau of Environmental Health Services, Metropolitan Health Department, Nashville-Davidson County, 311—23rd Avenue, North, Nashville, Tennessee 37203.

FOR FURTHER INFORMATION CONTACT: Karen C. Borel at (404) 562–9029.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: April 22 1997.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 97–14193 Filed 5–29–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS–42187H; FRL–5722–1]

RIN 2070–AC76

Proposed Test Rule for Hazardous Air Pollutants; Extension of Comment Period on Proposed Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of comment period on proposed test rule.

SUMMARY: EPA is extending the public comment period from June 30, 1997, to August 15, 1997, on the proposed rule to require the testing of 21 hazardous air pollutants (HAPs) for certain health effects. This proposed rule was published in the **Federal Register** on June 26, 1996 (61 FR 33178)(FRL–4869–1). On March 28, 1997, EPA extended the public comment period from March 30, 1997, to June 30, 1997 (62 FR 14850)(FRL–5598–4).

DATES: Written comments on the proposed rule must be received by EPA on or before August 15, 1997.

ADDRESSES: Submit three copies of written comments on the proposed HAPs test rule, identified by document control number (OPPTS–42187A; FRL–4869–1) to: U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics (OPPT), Document Control Office (7407), Rm. G–099, 401 M St., SW., Washington, DC 20460.

Comments and data may also be submitted electronically by following the instructions under Unit II. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Rm. ET–543B, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone 202–554–1404; TDD: 202–554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

For technical information contact: Richard W. Leukroth, Jr , Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: 202–260–0321; fax: 202–260–8850; e-mail: leukroth.rich@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On June 26, 1996 (61 FR 33178), EPA proposed health effects testing, under section 4(a) of the Toxic Substances Control Act (TSCA), of the following hazardous air pollutants (HAPs): 1,1'-biphenyl, carbonyl sulfide, chlorine, chlorobenzene, chloroprene, cresols [3 isomers], diethanolamine, ethylbenzene, ethylene dichloride, ethylene glycol, hydrochloric acid, hydrogen fluoride, maleic anhydride, methyl isobutyl ketone, methyl methacrylate, naphthalene, phenol, phthalic anhydride, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, and vinylidene chloride. EPA would use the data generated under the rule to implement several provisions of section 112 of the Clean Air Act and to meet other EPA data needs and those of other Federal agencies. In the HAPs proposal, EPA invited the submission of proposals for pharmacokinetics (PK) studies for the HAPs chemicals, which could provide the basis for negotiation of enforcable consent agreements (ECAs). These PK studies would be used to conduct route-to-route extrapolation of toxicity data from routes other than inhalation to predict the effects of inhalation exposure, as an alternative to testing proposed under the HAPs rule.

On October 18, 1996, EPA extended the public comment period on the proposed rule from December 23, 1996, to January 31, 1997 (61 FR 54383) (FRL–5571–3). This extension was for the purpose of allowing more time for the submission of PK proposals and adequate time for comments on the proposed rule to be submitted after the Agency had responded to the proposals. EPA received several PK proposals. Due to the complexity of the issues raised by these proposals, EPA successively extended the public comment period (61 FR 67516, December 23, 1996 (FRL–5580–6); 62 FR 9142, February 28, 1997 (FRL–5592–1); 62 FR 14850, March 28, 1997 (FRL–5598–4)) to allow the Agency more time to respond to the PK proposals and to finalize the test guidelines to be referenced in the proposed HAPs test rule.

The HAPs proposed rule published on June 26, 1996 (61 FR 33178) provides that testing would be conducted using the harmonized guidelines developed by the Office of Prevention, Pesticides, and Toxic Substances (OPPTS) that were proposed on June 20, 1996 (61 FR 31522)(FRL–5367–7). The process of developing these guidelines is proceeding at the same time as the development of the HAPs test rule. For the purposes of the proposed HAPs test rule and testing under TSCA section 4(a), the Office of Pollution Prevention and Toxics (OPPT) intends to promulgate final TSCA test guidelines. The Agency will solicit public comment on the applicability of the test guidelines to the HAPs rule and will follow this practice with respect to all future TSCA section 4(a) test rules. These guidelines will be published in the **Federal Register** as soon as possible but in any event no later than July 15, 1997.

EPA analysis of the PK proposals continue. The Agency intends to provide comments to all submitters of PK proposals as soon as possible but, at any event prior to the close of the comment period. EPA also recognizes that submitters may need to revise their proposals based on EPA comments. In addition, the Agency believes that the public should have adequate opportunity to comment on the development of ECAs based on the PK proposals. If the Agency finds the original or revised PK proposals acceptable, EPA will therefore announce, in the **Federal Register**, one or more public meetings to discuss the proposals and to negotiate ECAs based on the proposals. In that notice, the Agency will solicit persons interested in participating in or monitoring negotiations for the development of ECAs based on the revised PK testing proposals. The procedures for ECA negotiations are described at 40 CFR 790.22(b).

The Agency emphasizes that the submission of proposals to develop ECAs to conduct alternative testing using PK is no guarantee that EPA and the submitters will, in fact, conclude such agreements. Therefore, EPA urges all submitters of PK proposals to comment on the HAPs proposed rule as an activity separate from the PK proposal/ECA process.

II. Public Record

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under document control number [OPPTS–42187A; FRL–4869–1] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the document control number [OPPTS–42187A; FRL–4869–1]. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: May 27, 1997.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

Accordingly, EPA is extending the comment period on the proposed rule to August 15, 1997.

[FR Doc. 97–14199 Filed 5–29–97; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 51

[CC Docket No. 97–134; FCC 97–171]

Treatment of Guam Telephone Authority and Other Similarly Situated LECs as ILECs Under Section 251(h)(2) of the Communications Act

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Notice of Proposed Rulemaking for CC Docket No. 97–134 tentatively concludes that, pursuant to section 251(h)(2) of the Communications Act, the Guam Telephone Authority (GTA) and similarly situated carriers, if any, can be treated as incumbent LECs for purposes of section 251(c) of the Communications Act, as amended, if three conditions are met: Under section 251(h)(2)(A), the LEC must ''occup[y] a position in the market for telephone exchange service within an area that is comparable to the position occupied by a carrier described in (section 251(h)(1)).'' Under section 251(h)(2)(B), where the LEC at issue provides local exchange service to all or virtually all of the subscribers in an area that did not receive telephone exchange service from NECA member as of the date of enactment of the 1996 Act. Under section 251(h)(2)(C), treating the LEC as an incumbent LEC must be ''consistent with the public interest, convenience and necessity and the purposes of (section 251).''

DATES: Comments are due July 7, 1997, and reply comments are due July 28, 1997.

FOR FURTHER INFORMATION CONTACT: Alex Starr, Attorney, Common Carrier Bureau, Policy and Program Planning Division, (202) 418–1580.

SUPPLEMENTARY INFORMATION: Regulatory Flexibility Analysis: This is a summary of the Commission's Notice of Proposed Rulemaking adopted May 16, 1997 and released May 19, 1997.

Synopsis of Notice of Proposed Rulemaking

I. Introduction

1. In a Declaratory Ruling, CCB Pol 96–18, released simultaneously with this NPRM, the Commission determined that GTA is not an ''incumbent local exchange carrier'' within the meaning of section 251(h)(1). This determination means that, absent a Commission decision to provide for the treatment of GTA as an incumbent LEC for purposes of section 251, GTA will presently be under no legal mandate to comply with the obligations of section 251(c). *See Local Competition Order,* 61 FR 45476 (August 29, 1996).

2. IT&E and GCT suggest section 251(h)(2) as an alternative for applying the obligations of section 251(c) to GTA. IT&E asserts that section 251(h)(2) permits the application of the obligations of section 251(c) to GTA because ''GTA meets the spirit, if not the letter, of the statutory definition of an 'incumbent LEC.' '' GCT maintains that section 251(h)(2) permits the application of the obligations of section 251(c) to GTA because GTA ''occupies a position 'comparable' to the position occupied by an incumbent LEC (*i.e.*, a quasi-monopoly position).'' The Guam Commission notes that ''the Commission may, by rule, provide that GTA is comparable to an incumbent LEC pursuant to section 251(h)(2),'' but ''section 251(h)(2) may not be applicable in this instance'' because ''GTA has not replaced an ILEC.''

3. Section 251(h)(2) allows the Commission to treat a LEC (or class or category of LECs) as an incumbent LEC, for purposes of section 251, when the LEC ''occupies a position in the market for telephone exchange service within an area that is comparable to the position occupied by a carrier described in (section 251(h)(1))''; 47 U.S.C. section 251 (h)(2)(A) the LEC has ''substantially replaced an incumbent local exchange carrier described in (section 251(h)(1))''; 47 U.S.C. section 251(h)(2)(B) and ''such treatment is consistent with the public interest, convenience, and necessity and the purposes of (section 251).'' 47 U.S.C. 251(h)(2)(C). In this NPRM, we tentatively conclude that each of these requirements is met with respect to GTA.

4. Regarding the first requirement, we tentatively conclude that GTA occupies a position in the market for telephone exchange service in its service area that is comparable to an incumbent LEC's, because GTA appears to occupy a dominant position in that market. Regarding the second requirement, we tentatively reject an overly literal reading of the statutory language that would produce absurd results at odds with manifest Congressional intent. Instead, we tentatively conclude that the second requirement is satisfied where the LEC at issue provides local exchange service to all or virtually all of the subscribers in an area that did not receive telephone exchange service from a NECA member as of the date of enactment of the 1996 Act. Accordingly, we also tentatively conclude that GTA satisfies the second requirement, because GTA apparently provides all or virtually all of the telephone exchange service in Guam, and no NECA member provided telephone exchange service in Guam as of February 8, 1996. Regarding the third requirement, we tentatively conclude that treatment of GTA as an incumbent LEC would serve the public interest, convenience, and necessity and the purposes of section 251, because such treatment would foster the development of competitive telecommunications markets in Guam. In light of the foregoing tentative conclusions, we propose, pursuant to section 251(h)(2), to adopt a rule providing for the treatment of GTA as an incumbent LEC for purposes of section 251. We also seek comment whether LECs situated similarly to GTA exist and, if so, whether we should adopt the same rule with respect to such class or category of LECs.

A. Discussion

1. Section 251(h)(2)(A)

5. Under section 251(h)(2)(A), in order for the Commission to treat GTA as an incumbent LEC, GTA must ''occup(y) a position in the market for telephone exchange service within an area that is comparable to the position occupied by a carrier described in (section 251(h)(1)).'' 47 U.S.C. 251(h)(2)(A). Incumbent LECs typically occupy a dominant position in the market for telephone exchange service in their respective operating areas, and possess economies of density, connectivity, and scale that make efficient competitive entry quite difficult, if not impossible, absent compliance with the obligations of section 251(c). *See Local Competition Order,* 61 FR 45476 (August 29, 1996).

6. GTA seems to exercise such dominance in Guam. It apparently is the sole provider of local exchange and exchange access services on Guam. It therefore appears to control the bottleneck local exchange network on Guam and possess substantial economies of density, connectivity, and scale that, absent compliance with the obligations of section 251(c), can impede the development of telephone exchange service competition in Guam. Consequently, we tentatively conclude that GTA occupies a position in the market for telephone exchange service in Guam that is comparable to the position typically occupied by statutorily-defined incumbent LECs. Accordingly, we also tentatively conclude that GTA satisfies the requirement of section 251(h)(2)(A). We invite comment on these tentative conclusions.

2. Section 251(h)(2)(B)

7. Under section 251(h)(2)(B), in order for the Commission to treat GTA as an incumbent LEC, GTA must have ''substantially replaced an incumbent local exchange carrier described in (section 251(h)(1)).'' 47 U.S.C. 251(h)(2)(B) The word ''replace'' can mean ''to take the place of: serve as a substitute for or successor of: SUCCEED, SUPPLANT * * *'' *Webster's Third New International Dictionary of the English Language Unabridged* (1993) at 1925. Consequently, if construed literally, section 251(h)(2)(B) would mean that GTA must have supplanted an incumbent LEC (as defined in section 251(h)(1)) in its service area in order to be treated as an incumbent LEC for purposes of section 251. GTA did not supplant such an incumbent LEC, because none existed as of the date of enactment of the 1996 Act.

8. We invite comment on whether we should construe section 251(h)(2)(B) so literally. The Supreme Court has long and consistently recognized that the ''plain meaning'' rule of statutory construction must give way when its application would result in an absurd outcome contrary to the clear intent of Congress:

> It is a familiar rule, that a thing may be within the letter of the statute and yet not within the statute, because not within its spirit, nor within the intention of its makers * * * If a literal construction of the words be absurd, the Act must be construed to avoid the absurdity.

Holy Trinity Church v. *United States,* 143 U.S. 457, 459 (1898). *See, e.g., Public Citizen* v. *United States Department of Justice,* 491 U.S. 440, 454–455 (1989)(''Where the literal reading of a statutory term would compel an odd result, we must search for other evidence of congressional intent to lend the term its proper scope. The circumstances of the enactment of a particular legislation, for example, may persuade a court that Congress did not intend words of common meaning to have their literal effect''); *United States* v. *Ron Pair Enterprises, Inc.,* 489 U.S. 235, 242 (1989)(where ''the literal application of a statute will produce a result demonstrably at odd with the intention of its drafter[,] * * * the intention of the drafters, rather than the strict language, controls''); *United Steelworkers of America* v. *Weber,* 443 U.S. 193, 201–04 (1979). Indeed, the Supreme Court has further instructed that ''even when the plain meaning [of statutory language] d[oes] not produce absurd results but merely an unreasonable one plainly at variance with the policy of the legislation as a whole this Court has followed that purpose, rather than the literal words.'' *United States* v. *American Trucking Associations,* 310 U.S. 534, 543 (1967)(citations, footnote, and quotation marks omitted). *Compare MCI Telecommunications Corp.* v. *American Telephone and Telegraph Co.,* 512 U.S. 218 (1994)(adhering to literal meaning of tariff provision of Communications Act partly because doing otherwise would frustrate purposes of complaint provisions of that Act).

9. The United States Courts of Appeals have followed these precedents when necessary to avoid results that are clearly inconsistent with Congressional intent. *See, e.g., Environmental Defense Fund* v. *Environmental Protection Agency,* 82 F.3d 451, 468–469 (D.C. Cir.), *amended on other grounds,* 92 F.3d 1209 (D.C. Cir 1996) (''Because this literal reading of the statute would actually frustrate the congressional intent supporting it, we look to the EPA for an interpretation of the statute more true to Congress's purpose''); *In re Nofziger,* 925 F.2d 428, 434–435 (D.C. Cir. 1991)(''In statutory interpretation it is a given that statutes must be construed reasonably so as to avoid absurdities—manifest intent prevails over the letter''); *Quinn* v. *Butz,* 510 F.2d 743, 753–54 (D.C. Cir. 1975)(''The Secretary's interpretation obviously rests upon a literal reading of the language, a technique which may well stifle true legislative intent''); *Red River Broadcasting Co.* v. *Federal Communications Commission,* 98 F.2d 282, 287 (D.C. Cir.), *cert. denied,* 305 U.S. 625 (1938)(''A well-settled rule of statutory construction enjoins courts not to attribute to the Legislature a construction which leads to absurd results''). So, too, has the Commission. *See Application of Fox Television Stations, Inc.,* Third Memorandum Opinion and Order, 10 FCC Rcd 8452, 8471 (1995), *recon. denied,* 11 FCC Rcd 7773 (1996)(rejecting literal ''count-the-shares'' methodology for determining whether foreign ownership ceiling in 47 U.S.C. 310(b)(4) is reached), *petitions for review pending sub nom., Metropolitan Council of NAACP Branches, et al.* v. *FCC,* No. 95–1424 and consolidated case (D.C. Cir. filed Aug. 21, 1995).

10. In keeping with this consistent precedent, we tentatively conclude that we should find section 251(h)(2)(B) satisfied where, as here, the LEC at issue provides local exchange service to all or virtually all of the subscribers in an area that did not receive telephone exchange service from a NECA member as of the date of enactment of the 1996 Act. In our tentative view, we must so construe section 251(h)(2)(B) in order to avoid absurd and unreasonable results clearly contradictory of Congressional intent. We seek comment on these tentative conclusions.

11. These tentative conclusions are premised on Congress' clearly expressed purpose in the 1996 Act ''to provide for a pro-competitive, de-regulatory *national* policy framework designed to accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services to *all* Americans by opening *all* telecommunications markets to competition * * *'' Joint Explanatory Statement at 1 (emphasis added). *See generally* 47 U.S.C. 160(b)(providing in the 1996 Act that ''forbearance is in the public interest'' if it ''will promote competitive market conditions'' and ''enhance competition among providers of telecommunications services''); 47 U.S.C. 253(authorizing Commission to preempt state or local laws that ''may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service''); 47 U.S.C. 257(b)(describing the ''policies and purposes of this (1996) Act'' as ''favoring * * * vigorous economic competition''). To accomplish this purpose, Congress chose, *inter alia,* to impose on entities that are classified as incumbent LECs the duties of interconnection, access to unbundled network elements, resale of retail services, collocation, public notification of interoperability changes, and good faith negotiation specified in section 251(c). See 47 U.S.C. 251(c). These duties require incumbent LECs to share with competitors some of their inherent economic advantages—advantages that would otherwise render competitive entry very difficult, if not impossible. For example, the existing infrastructure of the incumbent LEC in an area enables the incumbent LEC to serve new customers therein at a much lower incremental cost than a facilities-based entrant that must install its own switches, trunking, and loops to serve its customers. Because the incumbent LEC is typically dominant in its service area, it has little economic incentive to assist new entrants. Prior to the enactment of section 251(c), an incumbent LEC also had the ability to discourage entry and robust competition by refusing to interconnect its network with the new entrant's network or by insisting on supracompetitive prices or other unreasonable conditions for terminating calls from the entrant's customers to its customers. *See Local*

Competition Order, 61 FR 45476 (August 29, 1996).

12. An unduly literal construction of section 251(h)(2)(B) would mean that these statutory objectives would be thwarted in Guam unless GTA were to comply voluntarily with each of the obligations of section 251(c). Indeed, GTA appears to possess all of the advantages of incumbency characteristic of the incumbent LECs described in section 251(h)(1), advantages that can impede the development of competitive markets. For example, GTA apparently has substantial financial resources, significant economies of density, connectivity, and scale, and, most importantly, control of the bottleneck local exchange network in Guam. Thus, the seemingly dominant market presence of GTA in Guam appears to be precisely the type of non-competitive situation that Congress intended section 251(c) to redress.

13. Moreover, we note that Congress left intact several provisions of the Communications Act that led the Commission in 1992 to conclude that ''the Communications Act was intended by Congress to apply, * * * in every respect, to all radio and wire communications originating or terminating on the Territory of Guam.'' *Guam Jurisdictional Order,* 7 FCC Rcd at 4024. First, in the 1996 Act, Congress incorporated by reference the definitions in the 1934 Act. 47 U.S.C. 153(b). Those definitions define the ''United States'' as including ''the several States and *Territories* * * * and the possessions of the United States * * *;'' 47 U.S.C. 153(50) (emphasis added) define ''State'' as including ''the Territories''; 47 U.S.C. 153(40) and define ''interstate communication'' as including ''communication or transmission * * * from any State, *Territory,* or possession of the United States * * * to any other State, *Territory,* or possession of the United States * * * .'' 47 U.S.C. 153(22) (emphasis added). Furthermore, despite amending section 1 of the 1934 Act in other respects, Congress left unchanged that section's command to the Commission ''to make available, so far as possible, to *all the people of the United States* * * * a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges * * * .'' 47 U.S.C. 151 (emphasis added). *See* Joint Explanatory Statement at 32. These provisions appear to make clear that Congress believed that ''the residents of Guam are just as entitled to the benefits of competition in telecommunications as any other Americans,'' *Guam Jurisdictional Order,* 7 FCC Rcd at 4024, 4026. *See Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934, as amended,* Report and Order, 61 FR 42558 (August 16, 1996) (applying rate integration requirements of section 254(g) to Guam because section 153(40) defines ''State'' to include ''the Territories''). and suggest that Congress did not intend to exclude GTA from treatment as an incumbent LEC for purposes of section 251(c).

14. Of course, under section 251(f), our holding in the Declaratory Ruling issued simultaneously with this NPRM that GTA is a ''rural telephone company'' within the meaning of section 3(37) would entitle GTA to an exemption, at least initially, from the obligations of section 251(c), should GTA be treated as an incumbent LEC in the future. Congress included within section 251(f), however, a procedure for terminating such an exemption under appropriate circumstances. Construing section 251(h)(2)(B) to foreclose the possibility of classifying GTA as an incumbent LEC would thwart that procedure, substituting a permanent exemption for the potentially temporary exemption expressly set forth in section 251(f).

15. An overly literal interpretation of section 251(h)(2)(B) would also exalt form over substance. As indicated previously, on May 12, 1997, the Commission granted NECA's petition to become a member of NECA. GTA apparently could have filed that petition at any time after the release of the *Guam Jurisdictional Order* on June 2, 1992. Thus, it appears that only the date of initial NECA membership will distinguish GTA from LECs that are incumbent LECs under section 251(h)(1).

16. In sum, the circumstances with respect to GTA and Guam appear to counsel against an overly literal construction of statutory language. *See, e.g., EDF* v. *EPA,* 82 F. 3d at 468–69. Construed so literally, the language of section 251(h)(2)(B) would produce absurd results ''demonstrably at odds with the intention of its drafters.'' *U.S.* v. *Ron Pair,* 489 U.S. at 242. The most immediate absurdity would be a permanent exemption of a seemingly dominant provider of local exchange and exchange access services—GTA—from the very requirements that Congress designed specifically to end such dominance and foster competition in local exchange and exchange access markets. Furthermore, this result would not be benign; rather, it apparently would conflict with Congress' pro-competitive objectives with respect to the twenty-ninth largest local telephone network in the United States. We seek comment, therefore, on whether the outcome suggested by an unduly literal reading of the statute's language would be an ''unreasonable one 'plainly at variance with the policy of the legislation as a whole.''' *Quinn* v. *Butz,* 510 F.2d at 753 (*quoting U.S.* v. *A.T.A.,* 310 U.S. at 543).

17. To avoid these absurd results and to construe the statute consistently with Congress' obvious pro-competitive purpose, we propose to interpret section 251(h)(2)(B) to include any LEC that provides telephone exchange service to all or virtually all of the subscribers in its service area, where, as here, no NECA member served the area at issue as of the date of enactment of the 1996 Act. Accordingly, we also propose to find that GTA satisfies section 251(h)(2)(B) as construed in this manner. We invite comment on these proposals.

18. We also seek comment whether reading section 251(h)(2) in conjunction with other provisions of the Communications Act creates ambiguity in Section 251(h)(2)'s meaning and intended application such that we may reasonably exercise our discretion to construe the statute to permit treating GTA as an incumbent LEC. Applying section 251(h)(2) so as to exempt GTA permanently from the statutory responsibilities of an incumbent LEC would, as described above, arguably conflict with sections 251(c) and 251(f), among other Communications Act provisions. *Cf. Lyons* v. *Ohio Adult Parole Authority,* 105 F.3d 1063, 1067–68 (6th Cir. 1997) (holding that two statutory provisions were in direct conflict, creating ''a rare but difficult form of ambiguity'').

3. Section 251(h)(2)(C)

19. Under section 251(h)(2)(C), in order for the Commission to treat GTA as an incumbent LEC for purposes of section 251, ''such treatment (must be) consistent with the public interest, convenience, and necessity and the purposes of (section 251).'' 47 U.S.C. 251(h)(2)(C). As described above, Congress has declared unequivocally that promoting competition in local exchange and exchange access markets serves the public interest, convenience, and necessity. Treating GTA as an incumbent LEC would promote competition in the local exchange and exchange access markets in Guam, because such treatment would require GTA to comply with the pro-competitive obligations of section 251(c), absent an exemption,

suspension, or modification under section 251(f). Moreover, because GTA appears to be the sole provider of local exchange and exchange access services in Guam, we tentatively conclude that GTA has market power, economies of density, connectivity, and scale, and control of the local network comparable to that possessed by entities that are incumbent LECs under section 251(h)(1). Consequently, treating GTA as an incumbent LEC may well be a prerequisite for the development of competition in the local exchange and exchange access markets in Guam. Thus, we tentatively conclude that treating GTA as an incumbent LEC for purposes of section 251 would be consistent with the public interest, convenience, and necessity.

20. For similar reasons, we also tentatively conclude that treating GTA as an incumbent LEC would be consistent with the purposes of section 251. Section 251's primary purpose is to foster competition that otherwise would not likely develop in local exchange and exchange access markets. It is possible that failing to treat GTA as an incumbent LEC would stifle competition in Guam.

21. Having tentatively concluded that GTA has market power, economies of density, connectivity, and scale, and control of the local network, and that treating GTA as an incumbent LEC would be consistent with the public interest, convenience, and necessity and the purposes of section 251, we further conclude tentatively that the circumstances here satisfy the requirements of section 251(h)(2)(C). We invite comment regarding these tentative conclusions.

4. Proposal to Treat GTA—and Possibly Others—as an Incumbent LEC

22. For all of the reasons explained above, we tentatively conclude that the relevant facts and circumstances meet the requirements of section 251(h)(2) for treating GTA as an incumbent LEC for purposes of section 251. Accordingly, we propose to provide for the treatment of GTA as an incumbent LEC for purposes of section 251. We seek comment regarding this tentative conclusion and proposal. We also seek comment whether LECs situated similarly to GTA exist and, if so, whether we should adopt the same rule with respect to such class or category of LECs.

B. Procedural Matters

1. *Ex Parte* Presentations

23. With respect to the rulemaking proposal in Part IV, *supra*, to treat GTA as an incumbent local exchange carrier pursuant to section 251(h)(2), this is a non-restricted notice-and-comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as required by the Commission's rules. *See generally* 47 CFR 1.1201, 1.1203, and 1.1206.

2. Initial Regulatory Flexibility Analysis

24. Section 603 of the Regulatory Flexibility Act, as amended, 5 U.S.C. 603, requires an initial regulatory flexibility analysis in NPRM and comment rulemaking proceedings, unless we certify that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' 5 U.S.C. section 605(b). Our proposal in Part IV, *supra*, to treat GTA as an incumbent local exchange carrier pursuant to section 251(h)(2) will affect only GTA and the limited number of entities that seek to interconnect with GTA's network or resell GTA's services. Even if all of these entities can be classified as small entities, we do not believe that they constitute a ''significant number of small entities'' for purposes of the Regulatory Flexibility Act. Therefore, we certify that the proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Secretary shall send a copy of this Notice of Proposed Rulemaking, including this certification and statement, to the Chief Counsel for Advocacy of the Small Business Administration. *See* 5 U.S.C. 605(b). A copy of this certification also will be published in the **Federal Register**.

3. Comment Filing Procedures

25. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments on or before July 7, 1997 and reply comments on or before July 28, 1997. To file formally in this proceeding, you must file an original and six copies of all comments, reply comments, and supporting comments. If you would like each Commissioner to receive a personal copy of your comments, you must file an original and eleven copies. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, NW, Room 222, Washington, DC 20554. Parties should also file copies of any documents filed in this docket with Janice Myles of the Common Carrier Bureau, 1919 M Street, NW, Room 544, Washington, DC 20554, and with the Commission's copy contractor, International Transcription Services, Inc., 2100 M Street, NW, Suite 140, Washington, DC 20037. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, 1919 M Street, NW, Room 239, Washington, DC 20554.

II. Ordering Clauses

26. *It is ordered* That, pursuant to sections 1, 2, 4, 251, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154, 251, and 303(r), the Notice of Proposed Rulemaking contained herein, is hereby adopted.

27. *It is further ordered* That the Secretary shall send a copy of this Notice of Proposed Rulemaking, including the regulatory flexibility certification, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with paragraph 603(a) of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (1981).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–14119 Filed 5–29–97; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 93–02; Notice 15]

RIN 2127–AF51

Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Containers

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes deleting the material and manufacturing process requirements in Standard No. 304, *Compressed Natural Gas Fuel Container Integrity*. The proposal is based on the most recent proposed voluntary industry standard. The agency believes that such an amendment would facilitate technological innovation, without any detriment to safety.

DATES: Comments must be received on or before July 14, 1997.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted to: Docket Section, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Charles Hott, NPS–12, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (Telephone 202–366–0247) (FAX 202–366–4329).

For legal issues: Mr. Marvin L. Shaw, NCC–20, Rulemaking Division, Office of Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (Telephone 202–366–2992) (FAX 202–366–3820) (Internet mshaw@nhtsa.dot.gov)

SUPPLEMENTARY INFORMATION:

I. Final Rule Establishing FMVSS No. 304

On September 26, 1994, NHTSA published a final rule addressing the safe performance of compressed natural gas (CNG) containers [1] (59 FR 49010). The final rule established a new Federal motor vehicle safety standard (FMVSS) FMVSS No. 304, *Compressed Natural Gas Fuel Container Integrity*. The Standard specifies pressure cycling, burst, and bonfire tests for the purpose of ensuring the durability, initial strength, and venting of CNG containers. In addition, the Standard specifies material and manufacturing process and labeling requirements for CNG fuel containers. FMVSS No. 304 took effect on March 27, 1995.

FMVSS No. 304 is patterned after the American National Standards Institute's (ANSI's) voluntary industry standard known as ANSI/NGV2. ANSI/NGV2 was developed by the Natural Gas Vehicle Coalition (NGVC). ANSI/NGV2 and FMVSS No. 304 specify detailed material and manufacturing process requirements for different types of CNG containers, including those made with aluminum alloys. For each type of container, ANSI/NGV2 and FMVSS No. 304 specify a unique safety factor for determining the internal hydrostatic pressure that the container must withstand during the burst test. In addition, a container must meet the applicable material and manufacturing requirements as well as the burst test.

FMVSS No. 304 specifies certain material and manufacturing characteristics for aluminum containers using alloy 6010 and alloy 6061, based on the specifications set forth in ANSI/NGV2. The material characteristics specify the percentage of various elements, including magnesium, silicon, copper, and manganese. In establishing the specifications applicable to aluminum alloys, the Natural Gas Vehicle Coalition relied on the *Aluminum Association Standards Data* document (Sixth Edition 1979).

II. Petitions Requesting Modification to FMVSS No. 304

On November 24, 1995, NHTSA issued a final rule amending the labeling and the bonfire test requirements in FMVSS No. 304. (60 FR 57943) In that notice, the agency stated that it decided to defer consideration of two rulemaking petitions to add additional aluminum alloys to FMVSS No. 304, until the new version of the ANSI/NGV industry standard was issued. Northwest Aluminum Association requested that the standard be amended to add 6069 aluminum alloy, and Luxfer requested the addition of a 7000 series alloy. The agency noted that the new ANSI/NGV2 industry standard may not specify CNG fuel container material and may be more performance-oriented than the current version, thus allowing manufacturers more flexibility to improve container design with respect to cost and performance. The agency also noted that adopting some of the new provisions of the revised voluntary industry standard may eliminate the need to add the two new aluminum alloys to FMVSS No. 304.

NHTSA is waiting for ANSI to issue its revision of the CNG container standard. In October 1996, the ANSI committee working on the revised standard completed its revisions and sent the revised document to its members for review. The proposed revision of ANSI/NGV2 would remove all material and manufacturing restrictions. Nevertheless, it would retain impurity limits for certain materials. Based on NHTSA's understanding of the draft, the tentative industry consensus is to eliminate the material and manufacturing requirements, but there is continued disagreement about certain environment testing procedures.

III. NHTSA Proposal

Based on this new information, NHTSA has decided to propose amending Standard No. 304 to eliminate the detailed material and manufacturing process requirements in S5. The agency has tentatively determined that CNG fuel container manufacturers should be allowed to use materials other than those materials currently listed in the standard. Such an amendment would provide manufacturers with the flexibility to design lighter weight, higher capacity fuel containers using the latest innovations, without the need to petition the agency to change the standard each time a new material or manufacturing process is developed.

NHTSA notes that today's proposal to remove the material and manufacturing requirements would be consistent with the proposed revision to ANSI/NGV, which has removed the design restrictions that were in the 1992 version of NGV2 on which FMVSS No. 304 was initially modeled. The proposed revision allows for materials and manufacturing processes that meet the performance requirements of the industry standard.

NHTSA believes that removing the material and manufacturing process requirements would have no detriment to safety. The CNG containers would still be subject to FMVSS No. 304's performance requirements, including those that evaluate initial strength and resistance to degradation over time. In addition, such containers would be subject to recall if they failed for any reason, including the degradation of material.

Based on these considerations, NHTSA has decided to propose deleting the following sections from the standard:

* Section S5.2 *Material designations.* This section specifies the material requirements for the various types of CNG fuel containers.

* Section S5.3 *Manufacturing processes for composite containers.* This section specifies the manufacturing process for each type of composite CNG fuel container.

* Section S5.4 Wall thickness and Section S5.5 *Composite Reinforcement for Type 2, Type 3, and Type 4 containers.* These sections contain the design criteria for specifying the wall thicknesses and stresses for each type of CNG fuel container. These sections also specify procedures for designing CNG fuel container walls along with the theoretical formula for calculating maximum wall stress.

* Section S5.6 *Thermal Treatment*, and S5.7 *Yield Strength*. These sections

[1] When used as a motor fuel, natural gas is stored on-board a vehicle in cylindrical containers at a pressure of approximately 20,684 kPa (3,000 psi). Among the terms used to describe CNG fuel containers are tanks, containers, cylinders, and high pressure vessels. The agency will refer to them as ''containers'' throughout this document.

contain detailed manufacturing process requirements for chrome-moly and carbon-boron steels, including specifying the temper temperatures for each steel.

Leadtime

The statute under which the agency conducts its vehicle safety rulemaking requires that each order (i.e., final rule) shall take effect no sooner than 180 days from the date the order is issued unless good cause is shown that an earlier effective date is in the public interest. NHTSA has tentatively concluded that there would be good cause not to provide the 180 day lead time given that this amendment would delete certain requirements and thus would have no mandatory effect on manufacturers. Based on the above, the agency has tentatively concluded that there is good cause for an effective date 30 days after publication of the final rule. NHTSA requests comments about whether a 30 day effective date is appropriate or whether more lead time is necessary.

Rulemaking Analyses and Notices

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

This proposal was not reviewed under E.O. 12866. NHTSA has analyzed this proposal and determined that it is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures. A full regulatory evaluation is not required because the rule, if adopted, would not significantly effect costs or benefits. It would also provide greater flexibility to CNG container manufacturers.

2. Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this action on small entities. Based upon this evaluation, I certify that the proposed amendment would not have a significant economic impact on a substantial number of small entities. CNG container manufacturers typically would not qualify as small entities. Further, the proposed changes would have only a minimal impact on the costs or benefits associated with FMVSS No. 304, since the agency does not anticipate that manufacturers would significantly modify their current manufacturing practices. Accordingly, no regulatory flexibility analysis has been prepared.

3. Executive Order 12612 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule would not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

4. National Environmental Policy Act

Finally, the agency has considered the environmental implications of this proposed rule in accordance with the National Environmental Policy Act of 1969 and determined that the proposed rule would not significantly affect the human environment.

5. Civil Justice Reform

This proposed rule would not have any retroactive effect. Under section 103(d) of the National Traffic and Motor Vehicle Safety Act (49 U.S.C. 30111), whenever a Federal motor vehicle safety standard is in effect, a state may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard. Section 105 of the Act (49 U.S.C. 30161) sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the agency proposes to amend Standard No. 304, *Compressed Natural Gas Fuel Container Integrity*, in Title 49 of the Code of Federal Regulations at part 571 as follows:

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50

§ 571.304 Standard No. 304, Compressed Natural Gas Fuel Container Integrity [Amended]

2. Section 571.304 would be amended by removing S5.2, S5.3, S5.4, S5.5, S5.6, and S5.7.

Issued on: May 22, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–14160 Filed 5–29–97; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 62, No. 104
Friday, May 30, 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.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 97–031N]

Australia's Pilot Proposal for Its Export-Meat Inspection Program

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of availability and request for comments.

SUMMARY: The Food Safety and Inspection Service (FSIS) announces that it is making available for public comment an Australian proposal for a pilot program intended to demonstrate the equivalence of Australia's proposed system of export meat inspection with traditional meat inspection, which is performed by Government inspectors. This proposal is described in a document entitled ''Summary of Australia's Project 2 Proposal,'' prepared by the Australian Quarantine and Inspection Service.

For the duration of the pilot program, the Australian Government requests that meat from the plants participating in the pilot maintain access to export markets, including the United States. FSIS seeks public comment on whether the inspection program detailed in the Australian proposal would ensure equivalence and the safety, wholesomeness, and truthful labeling of product produced under such a system.

DATES: Written comments must be received on or before July 29, 1997.

ADDRESSES: An electronic version of the Australian document is available online at FSIS's homepage at http://www.usda.gov/fsis. Hard copies of the document are available from the FSIS Docket Clerk in the FSIS Docket Room, Room 102 Cotton Annex, 300 12th Street, SW, Washington, DC 20250–3700, from 8:30 a.m. to 4:30 p.m., Monday through Friday.

Send comments on the Australian proposal to FSIS Docket Clerk, Docket #97–031N, at the above address. Comments received will be available for public inspection in the FSIS Docket Room during the above-stated hours.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Manis, Director, International Policy Development Division, Office of Policy, Program Development, and Evaluation; (202) 720-6400, mark.manis@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

As a result of the World Trade Organization (WTO) Agreement on Sanitary and Phytosanitary measures (commonly referred to as the ''SPS Agreement''), contracting parties, including the United States, are committed to harmonizing their human, animal, and plant health import requirements by basing their sanitary and phytosanitary (SPS) import requirements on ''equivalent'' sanitary measures or standards. Among other things, the SPS Agreement obliges the United States to respond to requests by other contracting parties to establish the equivalency of specified meat and poultry processing measures with those of the United States.

The Australian Government has requested that the United States and certain other governments consider its proposal to pilot-test a revised meat inspection system. This revised system reorients inspection to focus on pathogenic microorganisms and chemical residues. The HACCP-based pilot program is called ''Project 2.'' The proposal is described in a document entitled ''Summary of Australia's Project 2 Proposal,'' prepared by the Australian Quarantine and Inspection Service.

Of particular interest to the United States is the aspect of the pilot program that replaces traditional Government meat inspection with inspection by plant employees under stringent Government oversight. For the duration of the project, the Australian Government requests that meat from the four affected plants participating in the pilot maintain access to export markets, including the United States.

The Food Safety and Inspection Service (FSIS), U.S. Department of Agriculture, solicits public comment on Australia's ''Project 2'' proposal. Does the proposal provide adequate Government oversight to ensure equivalence and the safety, wholesomeness, and truthful labeling of product produced under such a system?

FSIS will take public comment into account in evaluating the Australian proposal. The Agency's decision will be announced in a notice in the **Federal Register** at the end of the public comment period.

Done at Washington, D.C., on: May 23, 1997.

Thomas J. Billy,

Administrator, Food Safety and Inspection Service.

[FR Doc. 97–14116 Filed 5–29–97; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 97–038 N]

National Advisory Committee on Microbiological Criteria for Foods; HACCP Subcommittee Meeting

The Hazard Analysis and Critical Control Point (HACCP) Subcommittee of the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will hold a meeting on June 3, 1997, from 8:00 a.m. to 5:00 p.m. in Suite 3709, West Franklin Court Building, 1099 14th Street, NW., Washington, DC 20250–3700.

NACMCF provides advice and recommendations to the Secretaries of Agriculture and Health and Human Services concerning the development of microbiological criteria by which the safety and wholesomeness of food can be addressed. This includes criteria pertaining to microorganisms that indicate whether food has been produced and transported using good manufacturing practices.

NACMCF decided at its April 2–4, 1997, meeting that the HACCP Subcommittee should meet to finalize its draft document entitled Hazard Analysis and Critical Control Point (HACCP) Application Guidelines before the full committee meets in August 1997 in Seattle, Washington. The Subcommittee meeting is open to the public on a space-available basis. Interested persons may file comments before and after the meeting takes place. Address your comments to Dr. Richard L. Ellis, Director, Scientific Research Oversight Staff, Department of

Agriculture, Suite 6709 West Franklin Court Building. Washington, DC 20250–3700.

Done at Washington, DC, on: May 21, 1997.

Thomas J. Billy,

Administrator.

[FR Doc. 97–14115 Filed 5–29–97; 8:45 am]

BILLING CODE 3410–CM–P

ARCTIC RESEARCH COMMISSION

Sunshine Act Meeting

May 22, 1997.

Notice is hereby given that the U.S. Arctic Research Commission will hold its 47th Meeting in Woods Hole, MA on June 9 and 10, 1997. On the morning of Monday, June 9, the Business Session open to the public will convene at 9:00 a.m. in the Meigs Room of the Marine Biological Laboratory's Swope Center in Woods Hole, MA. Agenda items include:

(1) Call to order and approval of the Agenda.

(2) Approval of the minutes of the 46th Meeting.

(3) Reports of Congressional Liaisons.

(4) Agency Reports.

On Tuesday, June 10, the Business Session will continue. The focus of the Business Session will be on terrestrial research in the Arctic.

The business meeting will be followed by an Executive Session followed by adjournment of the 47th Meeting.

Any person planning to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters must inform the Commission in advance of those needs.

Contact Person for More Information: Dr. Garrett W. Brass, Executive Director, Arctic Research Commission, 703–525–0111 or TDD 703–306–0090.

Garrett W. Brass,

Executive Director.

[FR Doc. 97–14229 Filed 5–27–97; 4:32 pm]

BILLING CODE 7555–01–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 proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 30, 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 addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Janitorial/Custodial

U.S. Courthouse and Federal Building

Allentown, Pennsylvania

NPA: Via of the Lehigh Valley, Inc., Bethlehem, Pennsylvania

Janitorial/Custodial

Wheeling USARC

Ohio County Airport Industrial Park

Wheeling, West Virginia

NPA: Russell Nesbitt Services, Inc., Wheeling, West Virginia.

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–14178 Filed 5–29–97; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: June 30, 1997.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, VA 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On March 7, 17, 21 and April 4, 1997, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (62 F.R. 10519, 12596, 13591 and 16135) of proposed additions to the Procurement List.

The following comments pertain to Janitorial/Custodial, Veterans Center, Roanoke, VA. Comments were received from the previous contractor in response to a request for sales data. The contractor declined to provide the data, and claimed that it would be severely impacted by the addition of this service to the Procurement List. The contractor indicated that two of its eight janitorial employees would be discharged as a result of the Committee's actions. The contractor questioned the capability of people who are blind or have other severe disabilities to perform the janitorial service. The contractor also claimed that veterans in the facility are easily distressed and would not react well to a new contractor.

The nonprofit agency is currently performing the service, and no problems have been experienced in dealing with the veterans at the facility, which is a small outpatient counseling center. The service is projected to require only 260 hours of direct labor a year, so its addition to the Procurement List could not be the cause for the contractor

discharging two employees. The nonprofit agency successfully performs several other janitorial contracts using people with severe disabilities, and the Government contracting activity waived its opportunity to assess the agency's capability before the service was added to the Procurement List. No blind persons will be involved in cleaning this facility. The Government pays a very small price for the service. While the contractor's refusal to provide sales data prevents the Committee from determining precisely the impact this Procurement List addition will have on the company, the Committee does not believe the impact will be severe, for the reasons just stated.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Tape, Electronic Data Processing
7045–01–354–3517

Cover, Helmet, Reversible
8415–00–NIB–0064 (camouflage)
(Requirements for the U.S. Soldier Systems Command, Natick, MA)

Services

Food Service
Goodfellow Air Force Base, TX

Janitorial/Custodial
Veterans Affairs Medical Center
Outpatient Clinic
Pensacola, FL

Janitorial/Custodial
Veterans Center
Roanoke, VA

Medical Transcription
Veterans Affairs Medical Center
Alexandria, LA.

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. 97–14179 Filed 5–29–97; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–605]

Frozen Concentrated Orange Juice From Brazil: Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On February 6, 1997, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on frozen concentrated orange juice (FCOJ) from Brazil. This review covers exports of the subject merchandise to the United States by Branco Peres Citrus S.A. (Branco Peres). The period of review (POR) is May 1, 1995 through April 30, 1996. This is the ninth period of review.

Based on our analysis of the comments received, we have not changed the preliminary results. The review indicates that there is no dumping margin for the above producer/exporter during this POR.

EFFECTIVE DATE: May 30, 1997.

FOR FURTHER INFORMATION CONTACT: Fabian Rivelis or Irina Itkin, Office of AD/CVD Enforcement, Group II, Import Administration-Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3853 or (202) 482–0656, respectively.

SUPPLEMENTARY INFORMATION:

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

Background

On February 6, 1997, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of its administrative review of the Antidumping Duty Order on FCOJ from Brazil (62 FR 5588). The Department has now completed that administrative review in accordance with § 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

Imports covered by this review are shipments of FCOJ from Brazil. This merchandise is currently classifiable under *Harmonized Tariff Schedule of the United States* (HTSUS) subheading 2009.11.00. Although the HTSUS subheading is provided for convenience and Customs purposes, our written description of the scope of this proceeding is dispositive. The POR is May 1, 1995 through April 30, 1996.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments only from Branco Peres.

Comment 1: Revocation of Antidumping Duty Order—In its Notice of Preliminary Results, the Department stated that it was not publishing a Notice of Intent to Revoke for Branco Peres because Branco Peres had not demonstrated that it sold subject merchandise at not less than normal value for three consecutive periods of review, in part because the respondent withdrew its request for review for the previous review period. Branco Peres argues that this rationale is incorrect. Branco Peres asserts that the Department's existing regulations for revocation do not require that there be sales at not less than normal value for three consecutive administrative periods of review, only that the Secretary must conclude that the exporter has ''sold the merchandise at not less than foreign market value for a period of three consecutive years.'' 19

CFR 353.25(a). Therefore, respondent maintains that the fact that it withdrew from the 1994–1995 administrative review is legally irrelevant. Moreover, Branco Peres states that the Department's proposed regulation 351.222(d) makes clear that revocation may be permitted so long as administrative reviews are undertaken in the first and third administrative reviews. Branco Peres maintains that the Department is already implementing the proposed regulations in a number of cases and the clarification set forth in proposed regulation 351.222(d) should apply to the current case.

Branco Peres notes that the revocation issue is moot in the current review because the Department has not yet issued its results of the 1993–1994 review. However, it argues that once the Department issues the result of the 1993–1994 review, and if that result is zero or *de minimis*, revocation will be appropriate under the Department's existing and proposed regulations. In this regard, Branco Peres claims that the liquidation of entries for the 1994–1995 review period demonstrates an absence of sales at not less than normal value for that period. Thus, Branco Peres asserts that the Department's final results for the current review should make clear that revocation is not yet appropriate only because the Department has not yet completed the results of the 1993–1994 review.

DOC Position: We disagree with Branco Peres. We are administering this review under the Department's existing regulations because the new regulations are not yet in effect. Where the existing regulations contain rules which were not overturned or modified by subsequent statutory enactment, the Department does not have discretion to ignore them. 19 CFR 353.25(a). The regulation governing company-specific partial revocations falls into this category. The respondent's suggestion that the Department is ignoring the current regulations and following the proposed regulations is erroneous.

Moreover, although 19 CFR 353.25(a) grants the Department broad discretion in ordering company-specific partial revocations, this discretion may be exercised only where, inter alia, the company in question has ''sold the merchandise at not less than foreign market value for a period of at least three consecutive years.'' In the third review of FCOJ from Brazil, the Department denied revocation for a respondent which had withdrawn from the second period of review. The respondent had argued that three consecutive individual findings of an absence of dumped sales are not required for revocation under 19 CFR 353.25(a). The Department responded that ''it is clear that each period used to justify a revocation under section 353.25(a) must, when considered individually, evidence a lack of sales at less than foreign market value.'' *See Frozen Concentrated Orange Juice From Brazil; Final Results and Termination In Part of Antidumping Administrative Review; Revocation In Part of the Antidumping Duty Order,* 56 FR 52510, 52513, (October 21, 1991).

The liquidation of entries for the 1994–95 review period, pursuant to the automatic assessment provisions of the regulations, does not constitute evidence of an absence of dumped sales for that period. The Department can conclude that a producer has sold merchandise at not less than fair value for three consecutive years, within the meaning of 19 CFR 353.25(a), only pursuant to administrative reviews of each of the three years.

Final Results of the Review

As a result of this review, we determine that the following weighted-average dumping margin exists for the POR:

Manufacturer/ exporter	Period	Margin percent-age
Branco Peres	5/1/95–4/30/96	0.00

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

Furthermore, the following deposit requirements will be effective for all shipments of FCOJ from Brazil entered, or withdrawn from warehouse, for consumption on or after publication date of the final results of this administrative review, as provided by § 751(a)(1) of the Act: (1) The cash deposit rate for Branco Peres will be zero percent; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original Less Than Fair Value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, a previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of the most recent review, or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 1.96 percent, the ''all-others'' rate established in the LTFV investigation. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 353.26(b) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of the APO is a sanctionable violation.

This administrative review and notice are published in accordance with § 751(a)(1) of the Act and 19 CFR 353.22.

Dated: May 22, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration

[FR Doc. 97–14177 Filed 5–29–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–810]

High-Tenacity Rayon Filament Yarn From Germany; Final Results of Changed Circumstances Antidumping Duty Administrative Review, and Revocation of Antidumping Duty Order

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

ACTION: Notice of final results of changed circumstances antidumping

duty administrative review, and revocation of antidumping duty order.

SUMMARY: On March 26, 1997, the Department of Commerce (the Department) initiated a changed circumstances antidumping administrative review of the antidumping duty order on high-tenacity rayon filament yarn from Germany and issued the preliminary results of this review expressing an intent to revoke the order. We received no comments regarding the preliminary results. We are now revoking the order based on the fact that the order is no longer of interest to domestic interested parties.

EFFECTIVE DATE: May 30, 1997.

FOR FURTHER INFORMATION CONTACT: Matthew Blaskovich or Jim Terpstra, AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–5831/3965.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 1997, the North American Rayon Corporation (petitioner) requested that the Department conduct a changed circumstances administrative review to determine whether to revoke the order on high-tenacity rayon filament yarn from Germany (57 FR 29062, June 30, 1992). Petitioner states that it has no further interest in the order.

Based on available information and petitioner's affirmative statement of no interest, we preliminarily determined, pursuant to 19 CFR 353.25(d)(2), to conduct a changed circumstances review. Consequently, on March 26, 1997, we published a notice of initiation and preliminary results of changed circumstances antidumping duty administrative review (62 FR 14398), in which we preliminarily determined to revoke this order. We gave interested parties an opportunity to comment on the preliminary results of this changed circumstances review. We received no comments.

Scope of the Review

The product covered by this administrative review is high-tenacity rayon filament yarn from Germany. During the review period, such merchandise was classifiable under Harmonized Tariff Schedule (HTS) item number 5403.10.30.40. High-tenacity rayon filament yarn is a multifilament single yarn of viscose rayon with a twist of five turns or more per meter, having a denier of 1100 or greater, and a tenacity greater than 35 centinewtons per tex. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive as to the scope of the product coverage. This changed circumstances administrative review covers all manufacturers/exporters of high-tenacity rayon filament yarn from Germany.

Final Results of Review: Revocation of Antidumping Duty Order

The lack of further interest by domestic interested parties constitutes changed circumstances sufficient to warrant revocation of this order. *See* 19 CFR 353.25(d)(1)(i). Therefore, we are revoking the order on high-tenacity rayon filament yarn from Germany, in accordance with sections 751 (b) and (d) and 782(h) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 353.25(d)(1)(i). This revocation applies to all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after June 1, 1995, consistent with petitioner's request.

The Department will instruct the U.S. Customs Service (Customs) to proceed with liquidation, without regard to antidumping duties, of all unliquidated entries of high-tenacity rayon filament yarn from Germany entered, or withdrawn from ware-house, for consumption on or after June 1, 1995, in accordance with 19 CFR 353.25(d)(5). The Department will further instruct Customs to refund with interest any estimated duties collected with respect to unliquidated entries of high-tenacity rayon filament yarn entered, or withdrawn from warehouse, for consumption on or after June 1, 1995, in accordance with section 778 of the Act.

This notice also serves as a reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This changed circumstances administrative review, revocation of the antidumping duty order, and notice are in accordance with sections 751 (b) and (d) and 782(h) of the Act and sections 353.22(f) and 353.25(d) of the Department's regulations.

Dated: May 22, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–14176 Filed 5–29–97; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052297B]

Endangered Species; Permits

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

ACTION: Proposal to amend incidental take permits 908 (P503K) and 844 (P503I).

SUMMARY: Notice is hereby given that, consequential to the issuance of modification 8 to permit 795, NMFS proposes to amend two permits issued to the Idaho Department of Fish and Game in Boise, ID (IDFG) that authorize incidental takes of endangered and threatened species associated with non-listed fish stocking and sport-fishing activities in the State of Idaho.

DATES: Written comments or requests for a public hearing on this proposal must be received on or before June 30, 1997.

ADDRESSES: The related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

Written comments or requests for a public hearing should be submitted to the Chief, Environmental and Technical Services Division, Portland.

SUPPLEMENTARY INFORMATION: The amendment of incidental take permits 908 and 844 is under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217-227).

On May 21, 1997, NMFS issued modification 8 to IDFG's scientific research/enhancement permit 795 (see notice of issuance published elsewhere in this **Federal Register** volume).

Permit 795 authorizes IDFG takes of adult and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus*

nerka) associated with a captive propagation program. For modification 8 to the permit, IDFG is authorized to release juvenile, artificially-propagated, Snake River sockeye salmon from its captive propagation program into Alturas Lake in 1997.

Permit 908 (P503K) authorizes an annual incidental take of adult and juvenile, endangered, Snake River sockeye salmon and adult and juvenile, threatened, Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) associated with IDFG's resident fish-stocking program, designed to increase the supply of fish in the Salmon River and its tributary streams and lakes for sport-angling. Consequential to the issuance of modification 8 to permit 795, NMFS proposes to amend IDFG's incidental take permit 908 to authorize IDFG an annual take of juvenile, endangered, artificially-propagated, Snake River sockeye salmon in Alturas Lake associated with the continuation of rainbow trout stocking in the lake. The amendment of permit 908 is proposed to be valid for the duration of the permit. Permit 908 expires on December 31, 1998.

Permit 844 (P503I) authorizes IDFG an incidental take of adult and juvenile, threatened, Snake River spring/summer chinook salmon and adult, threatened, Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) associated with the State of Idaho's sport-fishing activities. Consequential to the issuance of modification 8 to permit 795, NMFS proposes to amend IDFG's incidental take permit 844 to authorize IDFG an annual take of juvenile, endangered, artificially-propagated, Snake River sockeye salmon in Alturas Lake associated with the continuation of rainbow trout and kokanee sport fisheries in Alturas Lake. The amendment of permit 844 is proposed to be valid for the duration of the permit. Permit 844 expires on April 30, 1998.

Those individuals requesting a hearing on either of the proposed permit amendments should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the above summaries do not necessarily reflect the views of NMFS.

Dated: May 23, 1997.

Nancy Chu,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97–14147 Filed 5–29–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052297A]

Endangered Species; Permits

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

ACTION: Issuance of modification 8 to permit 795 (P503A).

SUMMARY: Notice is hereby given that NMFS has issued a modification to a permit to the Idaho Department of Fish and Game at Boise, ID (IDFG) that authorizes takes of Endangered Species Act-listed species for the purpose of scientific research/enhancement, subject to certain conditions set forth therein.

ADDRESSES: The application and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301-713-1401); and

Environmental and Technical Services Division, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400).

SUPPLEMENTARY INFORMATION: The modification to a permit was issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–222).

Notice was published on February 28, 1997 (62 FR 9179) and April 8, 1997 (62 FR 16892) that an application had been filed by IDFG (P503A) for modification 8 to scientific research/enhancement permit 795. Modification 8 to permit 795 was issued to IDFG on May 21, 1997. Permit 795 authorizes IDFG takes of adult and juvenile, endangered, Snake River sockeye salmon (*Oncorhynchus nerka*) associated with a captive propagation program. For modification 8 to the permit, IDFG is authorized to release juvenile, artificially-propagated, Snake River sockeye salmon from its captive propagation program into Alturas Lake in 1997. Using a third lake for juvenile sockeye salmon releases will help offset stocking limitations brought on by the natural variability of zooplankton abundance and species composition, and increase the viability of the program by providing additional spawning and rearing habitat. Permit 795 is also extended to expire on December 31, 1997. Modification 8 to permit 795 is valid for the duration of the permit.

Issuance of the permit modification, as required by the ESA, was based on a finding that the modification: (1) Was requested/proposed in good faith, (2) will not operate to the disadvantage of the ESA-listed species that is the subject of the permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA and the NMFS regulations governing ESA-listed species permits.

Dated: May 23, 1997.

Nancy Chu,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97–14148 Filed 5–29–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Task Force on Defense Reform

AGENCY: Department of Defense, Task Force on Defense Reform.

ACTION: Notice.

SUMMARY: The Task Force on Defense Reform will meet in closed sessions on June 3, 5, 10, 12, 17, 19, 24, and 26, 1997.

The Task Force was recently established to make recommendations to the Secretary of Defense and Deputy Secretary of Defense on alternatives for organizational reforms, reductions in management overhead, and streamlined business practices in the Department of Defense (DoD), with emphasis on the Office of the Secretary of Defense, the Defense Agencies and the DoD Field Activities, and the military departments.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended, 5 U.S.C., Appendix II, it has been determined that matters affecting national security, as covered by 5 U.S.C. 552b(c)(1)(1988), will be presented throughout the meetings, and that, accordingly, these meetings will be closed to the public.

This notice is less than the customary fifteen days for the meetings on June 3, 5, 10, and 12, 1997, since it is critical

that the Task Force meet as soon as possible to meet the priority objectives of the Secretary of Defense and to ensure that findings and recommendations are cognizant of and coordinated with the Quadrennial Review process and the proceedings of the National Defense Panel.

Dated: May 23, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–14114 Filed 5–29–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Director, Information Resources Management Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 29, 1997.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Information Resources Management Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: May 23, 1997.

Gloria Parker,

Director, Information Resources Management Group.

Office of Special Education and Rehabilitative Services

Type of Review: Reinstatement.

Title: U.S. Department of Education Reporting Form for Projects With Industry (PWI) Compliance Indicators and Annual Evaluation Plan.

Frequency: Annually.

Affected Public: Business or other for-profit; Non-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 105.

Burden Hours: 4,200.

Abstract: This form collects data to evaluate the performance of PWI grant recipients with respect to their compliance with evaluation standards mandated by Congress, to enable the Rehabilitation Services Administration (RSA) to meet annual statutory reporting requirements, and to enable RSA to make determinations regarding continued eligibility.

[FR Doc. 97–14138 Filed 5–29–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Site-Wide Environmental Impact Statement; Sandia National Laboratories/New Mexico

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The Department of Energy (DOE) announces its intent to prepare a Site-Wide Environmental Impact Statement (SWEIS) for its Sandia National Laboratories/New Mexico (SNL/NM), a DOE research and development laboratory located on Kirtland Air Force Base (KAFB) in Albuquerque, New Mexico. The SWEIS will address operations and activities that DOE foresees at SNL/NM for approximately the next 10 years. The U.S. Air Force will participate as a cooperating agency. The purpose of this Notice is to invite public participation in the process and to encourage public dialogue on alternatives that should be considered.

DATES: The DOE invites other Federal agencies, Native American tribes, State and local governments, and the general public to comment on the scope of this SWEIS. The public scoping period starts with the publication of this Notice in the **Federal Register** and will continue until July 14, 1997. DOE will consider all comments received or postmarked by that date in defining the scope of this SWEIS. Comments received or postmarked after that date will be considered to the extent practicable. Public scoping meetings are scheduled to be held as follows:

June 23, 1997, 1:00 p.m.-4:00pm and 6:00 p.m.-9:00pm, UNM Continuing Education Conference Center, 1634 University Blvd. NE; Albuquerque, NM

The purpose of these meetings is to receive oral and written comments from the public. The meetings will use a format to facilitate dialogue between DOE and the public and will provide an opportunity for individuals to provide written or oral statements. The DOE will publish additional notices on the date, times, and location of the scoping meetings in local newspapers in advance of the scheduled meetings. Any necessary changes will be announced in the local media.

In addition to providing oral comments at the public scoping meetings, all interested parties are invited to record their comments, ask questions concerning the SNL/NM SWEIS, or request to be placed on the SNL/NM SWEIS mailing or document distribution list by leaving a message on the SNL/NM SWEIS Hotline at (toll free)

1–888–635–7305. The Hotline will have instructions on how to record your comments and requests.

ADDRESSES: Written comments or suggestions concerning the scope of the SNL/NM SWEIS should be directed to: Ms. Donna A. Bergman, U.S. Department of Energy, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico, 87185–5444, or by facsimile at (505) 845–6392. For express delivery services, the appropriate address is Pennsylvania and H Streets, Kirtland Air Force Base, Albuquerque, NM 87116.

FOR FURTHER INFORMATION CONTACT: For further information on the SWEIS and the public scoping process, contact Donna Bergman at the address and facsimile number listed above.

For information on DOE's NEPA process, please contact: Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. Ms. Borgstrom can be reached at (202) 586–4600, by facsimile at (202) 586–7031, or by leaving a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

Invitation to Comment

The public is invited to participate in the scoping process and is encouraged to comment on the preliminary alternatives and issues identified for the SNL/NM SWEIS.

Availability of Scoping Documents

Copies of all written comments and transcripts of all oral comments will be available at the following location: Albuquerque Technical-Vocational Institute (TVI), Montoya Campus Library, 4700 Morris NE, Albuquerque, New Mexico 87111.

SNL/NM's Mission

DOE is responsible for the Federal Government's nuclear weapons program, research and development of energy technologies, and basic science research. SNL/NM is one of DOE's primary research, development, and test laboratories. It was established in 1947 to support the U.S. weapons development program. Its purpose was to organize and perform engineering activities for development of nuclear and nonnuclear weapons; testing of new designs; and surveillance tests. Today, it remains one of the three national laboratories in DOE's nuclear weapons complex. Responsibilities in support of nuclear weapons activities include design, certification, and assessment of non-nuclear subsystems of nuclear weapons; systems integration; safety, security, reliability, and use control; direction and support to production plants regarding issues associated with production and dismantlement of nuclear weapons; production and/or acquisition of weapons components; surveillance and support of weapons in the stockpile; and work in nuclear intelligence, nonproliferation, and treaty verification technologies. Nonweapons research and science services are provided in areas including waste management, environmental restoration, hazardous and radioactive material transportation, energy efficiency and renewable energy, nuclear energy, fossil energy, magnetic fusion, basic energy sciences, and biological and environmental research. Additional activities include energy and environment technologies; other engineering research; and work-for-others.

SNL/NM operations are located primarily in five technical areas (TA) and the Coyote Test Facility, all of which are surrounded by KAFB. Activities/operations in specific areas are as follows:

TA I—Manufacturing/production activities, such as the microelectronics development laboratory and the neutron generator facility; environmental testing; facilities engineering; laboratory space; office space.

TA II—Light laboratory activities; environmental restoration.

TA III—Field test facilities; explosives testing operations; destructive testing operations; high energy testing operations.

TA IV—Radiation effects experimentation; accelerator operations [high-energy radiation megavolt electron source (HERMES), x-ray source (Saturn)]; electromagnetic analysis.

TA V—Nuclear safety and system analysis; Annular Core Research Reactor; Gamma Irradiation Facility; radioisotope production (molybdenum-99).

Coyote Test Facility—Explosives testing; thermal testing; shock/blast testing; and large scale impact testing.

SNL/NM has an annual budget of approximately $1 billion and employs approximately 8,700 people. SNL/NM is surrounded by KAFB, and occupies 2,842 acres owned by the DOE and an additional 15,003 acres that have been made available through a series of land use agreements or permits.

Missions of Other DOE-funded Operations on KAFB

In addition to SNL/NM, there are several other DOE-funded facilities located on KAFB. There are no planned changes in the level or type of activities at these facilities. The environmental impacts of these operations will be included in the discussion of cumulative impacts in the EIS. DOE welcomes comments on this approach. A summary of each facility follows.

Lovelace Respiratory Research Institute, formerly the Inhalation Toxicology Research Institute, began in the 1960s as a research team for determining the long-term health impacts of inhaling radioactive particles, and has since become a recognized center for inhalation toxicology and related fields.

Central Training Academy ensures the efficient and effective training of safeguards and security personnel from throughout the DOE who are, or may become, involved in the protection of materials and facilities vital to the nation's defense.

Transportation Safeguards Division (TSD) coordinates, implements, and operates the DOE Safeguards Program for strategic quantities of government-owned special nuclear material. TSD coordinates and plans weapons distribution with the Department of Defense and coordinates special nuclear material shipments for all DOE field offices.

Allied-Signal Kirtland Operations is an applied science and engineering organization engaged in research, analysis, testing, and field operations. A major portion of this work is in the design, fabrication, and testing of electro-optic and recording systems for capturing fast transient signals.

Ross Aviation is the DOE's support contractor providing air cargo and passenger service. Ross transports cargo between production plants, national laboratories, test sites, and military facilities and provides special passenger and cargo flights on request.

The DOE/Albuquerque complex is a series of office buildings with approximately 1,200 Federal and contractor employees.

The Energy Training Center is a small office complex that includes classrooms for DOE training.

The Role of the SWEIS in the DOE NEPA Compliance Strategy

The SWEIS will be prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality's NEPA regulations (40 CFR Parts 1500–1508) and the DOE NEPA regulations (10 CFR Part 1021). The DOE has a policy (10 CFR 1021.330) to prepare SWEISs for certain large, multiple-facility sites, such as SNL/NM. The purpose of a SWEIS is to provide

DOE and its stakeholders with an analysis of the environmental impacts caused by ongoing and reasonably foreseeable new operations and facilities and reasonable alternatives at a DOE site, to provide a basis for site-wide decision making, and to improve and coordinate agency plans, functions, programs, and resource utilization. The SWEIS provides an overall NEPA baseline so that the environmental effects of proposed future changes in programs and activities can be compared with the baseline. A SWEIS also enables DOE to ''tier'' its NEPA documents at a site so as to eliminate repetitive discussion of the same issues in future project-specific NEPA studies, and to focus on the actual issues ready for decisions at each level of environmental review. The NEPA process allows for Federal, Native American, state and local government, and public participation in the environmental review process. The Environmental Impact Assessment, Sandia Laboratories, Albuquerque, New Mexico [EIA/MA 77–1], May 1977, is the existing site-wide environmental document for SNL/NM. Since that time, several additional NEPA documents have been prepared for specific projects, including one EIS, and various environment assessments.

Related NEPA Reviews

The following is a list of recent NEPA documentation that affects the scope of this SWEIS. The summaries below are intended to familiarize the reader with the purpose of these other NEPA reviews and how SNL/NM is considered in them.

Programmatic NEPA Reviews

The Draft Waste Management Programmatic Environmental Impact Statement (PEIS) (DOE/EIS–0200) analyzes the DOE plan to formulate and implement a national integrated waste management program. SNL/NM is being considered as a possible regional site for the disposal of low-level waste and low-level mixed waste. The Final PEIS is expected to be available to the public in June.

Nonnuclear Consolidation Environmental Assessment [DOE/EA–0792]. A Finding of No Significant Impact on the Consolidation of the Nonnuclear Component within the Nuclear Weapons Complex was signed on September 8, 1993. The following decisions regarding SNL/NM were made at that time and have since been implemented:

—Neutron Generators and Thermal Batteries: The existing technology base for neutron generators will be maintained at SNL/NM. Existing research, development and technology and prototyping capability at SNL/NM will be augmented to provide a limited manufacturing capability for future advanced design neutron generators. The technology base for the manufacture of thermal batteries will be transferred to existing facilities at SNL/NM.

—Detonators: The existing research, development, and technology base for low-power explosives components will be maintained at SNL/NM.

Stockpile Stewardship and Management PEIS [DOE/EIS–0236]. A Record of Decision was signed by the Secretary of Energy on December 19, 1996. Inherent in the many decisions made in the ROD was to continue the operations of the three national weapons laboratories, SNL/NM being one of the three. The Record of Decision emphasized that stockpile stewardship is an essential program to maintain the safety and reliability of the stockpile in the absence of underground nuclear testing, therefore requiring enhanced experimental capabilities in the future.

Project NEPA Reviews

Medical Isotopes Production Project: Molybdenum-99 and Related Isotopes Environmental Impact Statement [DOE/EIS–0249F]. The Record of Decision for this EIS was signed on September 11, 1996. The decision made was to produce Mo–99 and related isotopes at the Annular Core Research Reactor and Hot Cell Facility at SNL/NM.

Environmental Assessment of the Environmental Restoration Project at Sandia National Laboratories/New Mexico [DOE/EA–1140]. A Finding of No Significant Impact was signed on March 25, 1996. This EA analyzed the environmental restoration site characterization and waste cleanup activities for an estimated 157 solid waste management units or SWMUs at SNL/NM.

Preliminary Alternatives

The scoping process is an opportunity for the public to assist the DOE in determining the alternatives and issues for analysis. DOE welcomes specific comments or suggestions on the content of these alternatives, or on other alternatives that could be considered.

DOE is proposing to continue current operations at SNL/NM. Two preliminary alternatives were identified during internal scoping: the No Action alternative and the Expanded Operations alternative. DOE also considered a Reduced Operations alternative. However, current activities at SNL/NM are at the minimum level of operations needed to protect the technical capability and competency to support the site's assigned missions. Therefore, the Department plans to include the Reduced Operations alternative in the EIS as an alternative considered but eliminated from further analysis.

No Action. NEPA regulations require analysis of the *No Action* alternative to provide a benchmark for comparison with environmental effects of the other alternatives. The *No Action* alternative would continue current facility operations throughout SNL/NM in support of assigned missions, and for this SWEIS, it is also the proposed action. With respect to the Defense Programs mission, the future role of SNL/NM was defined at the programmatic level by the Stockpile Stewardship and Management Programmatic Environmental Impact Statement (SSM PEIS) Record of Decision (ROD) (61 FR 68014) (December 26, 1996). In the SSM PEIS, SNL/NM had been considered as an alternative location for the National Ignition Facility (NIF) and for relocation of non-nuclear fabrication functions from the Department's Kansas City Plant. Additionally, the SSM PEIS noted that a pre-decisional facility, the Advanced Radiation Source (X–1), might, at some time in the future, be considered for location at SNL/NM or other sites. The ROD located neither the NIF nor the Kansas City Plant functions at SNL/NM, and stated that if DOE were to propose to construct and operate such next-generation facilities as the X–1 in the future, appropriate NEPA review would be performed. Therefore, the programmatic mission defined by the SSM ROD for SNL/NM is continued operation with the current mission and functions. There are no planned programmatic mission changes in the non-Defense Programs mission areas.

Expanded Operations. This alternative would reflect an increase in facility operations to the highest levels that can be supported by current facilities. This could require construction projects to address safety, security and environmental compliance as well as to support reconfiguration of facility equipment and operations to optimize use of current facilities' capabilities. This alternative will set the bounding conditions for assessing the environmental impacts.

Preliminary Issues Identified by Internal Scoping

The issues listed below have been identified for analysis in this SWEIS as being applicable to the operation of SNL/NM. The list is tentative and is

intended to facilitate public comment on the scope of this SWEIS. It is not intended to be all-inclusive, nor does it imply any predetermination of potential impacts. The SWEIS will describe the potential environmental impacts of the alternatives, using available data where possible and obtaining additional data where necessary. In accordance with the Council on Environmental Quality Regulations (40 CFR 1500.4 and 1502.21), other documents, as appropriate, may be incorporated into the impacts analyses by reference, in whole or in part. DOE specifically welcomes suggestions and comments for the addition or deletion of items on this list.

—Potential effects on the public and workers from exposures to radiological and hazardous materials during normal operations and from reasonably postulated accidents, including aircraft crashes;

—Potential effect on air and groundwater quality from normal operations and potential accidents;

—Potential cumulative effects of past, present, and future operations at SNL/NM (this SWEIS will include effects of current and reasonably foreseeable federal actions on KAFB).

—Effects on waste management practices and activities, including pollution prevention, waste minimization, and waste stream characterization

—Potential impacts of noise levels to the ambient environment and sensitive receptors; and

—Potential impacts on land use plans, policies, and controls.

Classified Material

DOE will review classified material while preparing this SWEIS. Within the limits of classification, DOE will provide to the public as much information as possible. Any classified material DOE needs to use to explain the purpose and need for action, or the uses, materials, or impacts analyzed in this SWEIS, will be segregated into a classified appendix or supplement.

Issued in Washington, D.C., this 23 day of May 1997, for the United States Department of Energy.

Peter N. Brush,

Principal Deputy Assistant Secretary, Environment, Safety and Health.

[FR Doc. 97–14168 Filed 5–29–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–187–005]

Arkansas Western Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

May 23, 1997.

Take notice that on May 20, 1997, Arkansas Western Pipeline Company (AWP) tendered for filing as part of its FERC Gas Tariff, tariff sheets to become effective June 1, 1997.

AWP states that the filing sets forth the revisions to AWP's tariff sheets that are necessary to comply with FERC's May 5, 1997 Letter Order in Docket No. RP97–187–003.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such 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, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–14133 Filed 5–29–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–533–000, CP97–534–000, CP97–535–000]

Chevron U.S.A. Inc., Venice Gathering Company, Venice Gathering System, L.L.C., Venice Energy Services Company; Notice of Application

May 23, 1997.

Take notice that on May 20, 1997, Chevron U.S.A. Inc. (Chevron), 1301 McKinney, Houston, Texas 77010; Venice Gathering Company (VGC), 1301 McKinney, Houston, Texas 77010; Venice Gathering System, L.L.C. (VGS), 1000 Louisiana, Houston, Texas 77002–5050, and Venice Energy Services Company (VESCO), 1000 Louisiana, Houston, Texas 77002–5050, jointly filed an application with the Commission in Docket Nos. CP97–533–000, CP97–534–000, and CP97–535–000 pursuant to Sections 7(b) and 7(c) of the Natural Gas Act (NGA) for permission and approval for Chevron, VGC, and VESCO to abandon by transfer certain offshore Louisiana pipeline facilities to VGS; authority for VGS to construct and operate certain new offshore Louisiana pipeline facilities; and authority for VGS to operate and provide service on both the transferred and proposed facilities under open-access rates, terms, and conditions, all as more fully set forth in the application which is open to the public for inspection.

Chevron, VGC, VGS, and VESCO state that the purpose of their joint application is, in part, to comply with the Commission's April 17, 1997, order in Docket No. CP95–202–000 where the Commission denied a petition for a declaratory order for a determination that certain offshore pipeline facilities owned and/or operated by the applicants were not subject to the Commission's jurisdiction under the NGA. Chevron, VGC, VGS, and VESCO request, therefore appropriate certificate, rate, and tariff approvals to conform the subject facilities and services to the requirements applicable under the NGA.

VGS proposes in Docket No. CP97–533–000 to construct and operate 52.4 miles of 24-inch diameter pipe (Timbalier Expansion) from Chevron's South Timbalier Block 151 platform to an existing West Delta Block 79 platform. The proposed Timbalier Expansion would increase the delivery capacity of the Venice System from the current 482,000 Mcf per day of natural gas to approximately 810,000 Mcf per day. VGS states that one or more of its parent corporate affiliates would use internally generated funds to pay the estimated $39.1 million construction cost for the proposed Timbalier Expansion.

VGS requests in Docket No. CP97–534–000 that the Commission grant VGS Part 284, Subpart G blanket transportation authority to perform open-access, self-implementing, non-discriminatory transportation service in interstate commerce with pregranted abandonment and subject to the applicable provisions of Part 284 of the Commission's Regulations. VGS states that it would comply with the applicable conditions set forth in Part 284, Subpart A of the Regulations.

VGS also requests in Docket No. CP97–535–000 that the Commission grant VGS Part 157, Subpart F blanket authority to engage in certain construction and operational activities from time to time as may be required on a self-implementing basis. VGS states that when constructing ''eligible

facilities'' under Subpart F blanket authority it would install, inspect, test, operate, replace, and maintain facilities in accordance with all applicable safety standards and plans for maintenance and inspection, including those set forth in 49 CFR Part 192.

Chevron, VGC, and VESCO also propose in Docket No. CP97–535–000 to abandon by transfer the Venice System, offshore Louisiana, to VGS. The Venice System consists of the following facilities:

(1) 70.4 miles of 26-inch diameter pipe from a Chevron production platform in South Timbalier Block 151 the onshore Delta Gathering Station, Plaquemines Parish, Louisiana;

(2) 10.9 miles of 14-inch diameter pipe from a Chevron platform in South Timbalier Block 177E to Chevron's South Timbalier Block 151 production platform;

(3) 0.9 mile of 8-inch diameter pipe from a South Timbalier Block 130 platform to a subsea connection with the 70.4 miles of 26-inch diameter pipe mentioned above;

(4) 26.15 miles of 20-inch diameter line from a Chevron platform in South Timbalier Block 35 to a subsea connection with the 70.4 miles of 26-inch diameter pipe mentioned above in item number 1;

(5) Four relatively short segments (totaling 4.1 miles) of 12-inch diameter pipe extending from other platforms in South Timbalier Blocks 35, 36, and 37 to connection points of the 26.15 miles of 20-inch diameter pipe mentioned above in item number 4;

(6) 20.4 miles of 22-inch diameter pipe extending from a Marathon platform in West Delta Block 79 to the Delta Gathering Station;

(7) 1.0 mile of 26-inch diameter pipe and 1.7 miles of 20-inch diameter pipe connecting Marathon's West Delta Block 79 platform to other West Delta Block 79 platforms;

(8) 0.4 mile of 16-inch diameter pipe connecting another West Delta Block 79 platform to the 1.7 miles of 20-inch diameter pipe mentioned above in item number 7; and,

(9) 15.8 miles of 12-inch diameter pipe connecting Samedan's South Timbalier Block 163 platform to Chevron's South Timbalier Block 151 platform.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 2, 1997, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Chevron, VGC, VESCO, and VGS to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–14155 Filed 5–29–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–492–003]

CNG Transmission Corporation; Notice of Amendment

May 23, 1997.

Take notice that on April 18, 1997, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP96–492–003, an amendment to its pending application in Docket No. CP96–492–000 as previously amended in Docket No. CP96–492–002 for a certificate of public convenience and necessity, pursuant to Section 7(c) of the Natural Gas Act, to phase Commission authorization of the facilities in its Seasonal Service Expansion Project (SSE), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

In this amendment, CNG seeks Commission authorization for the facilities originally proposed in two phases. In Phase I, CNG requests that the Commission issue a section 7(c) certificate which would:

- Authorize CNG to construct and operate the previously proposed TL492 pipeline and uprate the operating pressure in the existing PL–1 pipeline;
- Authorize CNG to construct and operate a new Measurement and Regulation Station and appurtenant facilities to be located south of the City of Butler, in Penn Township, Butler County, Pennsylvania; and
- Approve the lease agreement between CNG and Texas Eastern Transmission Corporation.

CNG says that expedited certification of the aforementioned facilities is necessary so that CNG may complete construction and place the facilities in-service for the 1997–1998 winter season.

In Phase II, CNG requests that the Commission issue a section 7(c) certificate authorizing the construction and operation of the remainder of the proposed facilities and the lease agreement between CNG and Bath Petroleum, Inc. for the SSE storage service to be provided from storage caverns leased from Bath Petroleum, Inc.

CNG filed information on May 12, 1997, stating that the Phase I facilities constitute a stand-alone project and that CNG would construct these facilities irrespective of Commission action with respect to the remainder of the facilities proposed in the original docket. On May 13, 1997, Texas Eastern Transmission Corporation (Texas Eastern) filed information in Docket No. CP96–606–000, stating that all of Texas Eastern's proposed facilities related to the transportation of CNG's storage gas would be constructed in 1999. Such facilities would enable Texas Eastern to provide CNG the Maximum Lease Quantity of 64,000 Dth/d (the sum of Texas Eastern's lease quantities to CNG for CNG's Phase I and II). In the event that Phase II of CNG's project is not authorized, then Texas Eastern would amend its proposed facilities, to be built in 1999, and the lease agreement to reflect the portion of CNG's proposed Phase I volumes, 24,500 Dth/d, that would flow on Texas Eastern.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 30, 1997, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a

motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–14127 Filed 5–29–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC96–19–003 and ER96–1663–003; Docket No. ER97–2358–000; Docket No. ER97–2364–000; Docket No. ER97–2355–000]

Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company; Pacific Gas and Electric Company; San Diego Gas & Electric Company; Southern California Edison Company; Notice of Response to Request for Additional Information

May 23, 1997.

Take notice that on May 20, 1997, the Interim Chief Executive Officer and President of the California Independent System Operator Corporation (ISO) and the California Power Exchange Corporation (PX), submitted on behalf of the Governing Boards of the ISO and PX, responses to requests for additional information by the Commission Staff by letter issued April 29, 1997, in the captioned proceedings.

Any person desiring to file comments with respect to said submittal should incorporate their comments with their motion to intervene or protest in these proceedings, due to be filed with the Federal Energy Regulatory Commission, no later than June 6, 1997. As noted in the Commission's April 7, 1997, Notice of Filings in these proceedings, parties submitting motions or protests must submit two copies of their filing on a computer diskette, one in WordPerfect 6.1 format, and one in a DOS file in the ASCII format (with 1'' margins and 10 characters per inch). The two computer files should be labeled (_____.WP and _____.ASC) to avoid confusion. Filings must include a one page executive summary

Protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party 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. 97–14128 Filed 5–29–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–160–003]

Western Gas Interstate Company; Notice of Proposed Changes in FERC Gas Tariff

May 23, 1997.

Take notice that on May 19, 1997, Western Gas Interstate Company (WGI) tendered for filing as part of WGI's FERC Gas Tariff, Fourth Revised Volume No. 1, the following revised tariff sheets, with June 1, 1997:

Substitute First Revised Sheet No. 247
Substitute Original Sheet No. 248

WGI states that the filing is made to comply with the Commission's letter order issued May 2, 1997 in the above-captioned docket and with the Commission's Order Nos. 587 and 587–B, ''Standards for Business Practices of Interstate Natural Gas Pipelines,'' 76 FERC ¶ 61,042 (1996); 78 FERC ¶ 61,076 (1997), adopting certain standardized business practices and electronic communication practices promulgated by the Gas Industry Standards Board (''GISB'') and requiring pipelines to comply with the requirements of the GISB standards by incorporating the GISB standards by reference into the Commission Regulations.

WGI states that copies of the filing were served upon the official service list compiled by the Secretary in this proceeding.

Any persons desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 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 the 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. 97–14132 Filed 5–29–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–352–001]

Williston Basin Interstate Pipeline Company, Notice of Tariff Filing

May 23, 1997.

Take notice that on May 20, 1997, Williston Basin Interstate Pipeline Company (Williston Basin or Company), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets to become effective June 1, 1997:

First Revised Sheet No. 226B
Original Sheet No. 226C

Williston Basin states that the revised tariff sheets reflect a supplement to its May 1, 1997 Section 4 filing in the above referenced docket in order to offer an electronic means of submitting nominations via a file transfer mechanism, as more fully set forth in the instant filing which is on file with the Commission and open for public inspection.

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 of Practice and Procedure. All such protests must be filed on or before May 28, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–14134 Filed 5–29–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1494–119]

Grand River Dam Authority; Notice of Availability of Draft Environmental Assessment

May 23, 1997.

A draft environmental assessment (DEA) is available for public review. The DEA analyzes the environmental impacts of an application by Grand River Dam Authority (licensee) to grant a permit to Mr. Larry Herrelson of Patricia Island Estates. The permit would allow Mr. Herrelson to excavate about 25,880 cubic yards of sediment from 9 coves on project lands for future recreational access. Patricia Island Estates is a planned residential community being developed in the Patricia Island portion of Grand Lake, Delaware County, near the town of Grove, Oklahoma. The DEA finds that the application to grant the permit would not constitute a major federal action significantly affecting the quality of the human environment. The Pensacola Project is on the Grand River, in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma.

The DEA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the DEA can be obtained by calling the Commission's Public Reference Room at (202) 208–1371.

Please submit any comments within 30 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon studies, reports, or other working papers of substance should be supported by appropriate documentation.

Comments should be addressed to: Ms. Lois D. Cashell, Secretary, Federal Energy Regulatory Commission, 888 First Street N.E., Washington, D.C. 20426. Please affix Project No. 1494–119 to all comments. For further information, please contact the project manager, Steve Hocking, at (202) 219–2656.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–14129 Filed 5–29–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 8746–003]

Logan Hickerson; Notice of Availability of Environmental Assessment

May 23, 1997.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order 486, 52 F.R. 47897), the Commission's Office of Hydropower Licensing has reviewed an exemption surrender application for the Fairfield Mill Project, No. 8746–003. The Fairfield Mill Project is located on Garrison Fork Creek in Bedford County, Tennessee. The EA finds that approving the application would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Commission's Reference and Information Center, Room 2A, 888 First Street, N.E., Washington, D.C. 20426. For further information, please contact the project manager, Ms. Hillary Berlin, at (202) 219–0038.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–14131 Filed 5–29–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96–153–000; Docket No. CP97–343–000]

Southern Natural Gas Company, Alabama-Tennessee Natural Gas Company; Notice of Availability of the Final Environmental Impact Statement for the Proposed North Alabama Pipeline Project

May 23, 1997.

The Staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final environmental impact statement (FEIS) on the natural gas pipeline facilities proposed by Southern Natural Gas Company (Southern) in Docket No. CP96–153–000.

The staff prepared the FEIS to satisfy the requirements of the National Environmental Policy Act. The staff concludes that, approval of Southern's project, with the appropriate mitigating measures as recommended, would have limited adverse environmental impact if constructed as planned and with the recommended mitigation. The FEIS evaluates alternatives to the proposal, including an alternative project that is proposed by Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) under Docket No. CP97–343–000. This project is called the Alabama-Tennessee System Alternative and, based solely on environmental considerations, it is environmentally preferred. The FEIS also examines major route alternatives and route variations.

The FEIS addresses the potential environmental effects of the construction and operation of the following Southern facilities:

- About 118.0 miles of new natural gas pipeline (109.5 miles of 16-inch-diameter pipeline and 8.5 miles of 12.75-inch-diameter pipeline);
- About 6,300 horsepower of new compression at two existing compressor stations; and
- Two new meter stations, and related facilities.

Facilities required by two local distribution companies are also examined.

The purpose of Southern's proposed facilities would be to transport about 74,850 thousand cubic feet per day of natural gas to five customers in Alabama and Georgia.

The staff has also identified and evaluated in detail one major route alternative, the Tarrant Alternative, and 101 other variations in chapter 6 of the FEIS. We have accepted/recommended the use of most of the variations.

The FEIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, Room 1A, 888 First Street, N.E., Washington, DC 20426, (202) 208–1371.

Copies of the FEIS have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding. A limited number of copies of the FEIS are available from the Public Reference and Files Maintenance Branch identified above.

The date for filing timely motions to intervene in these proceedings has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by Rule 214 of the FERC's Rules of Practice and Procedure (18 CFR 385.214).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–14126 Filed 5–29–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4908–011]

Tannery Island Power Company; Notice of Availability of Environmental Assessment

May 23, 1997.

An environmental assessment (EA) for an application to amend the exemption for the Tannery Island Project is available for public review. The amendment application concerns the installation of seasonal, notched flashboards across the project's Big and Little Spicer dams. The EA finds that approval of the application would not constitute a major Federal action significantly affecting the quality of the human environment. The Tannery Island Project is located on the Black River in Jefferson County, New York.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA are available for review at the Commission's Reference and Information Center, Room 2–A, 888 First Street, NE, Washington, D.C. 20426. Additional information can be obtained by calling the project manager, Joe Cofrancesco at (202) 219–0079.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–14130 Filed 5–29–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of March 31 Through April 4, 1997

During the week of March 31 through April 4, 1997, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585–0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: May 21, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 27

Appeals

Daniel J. Bruno, 4/1/97, VFA–0277

The DOE's Office of Hearings and Appeals (OHA) issued a decision denying a Freedom of Information Act (FOIA) Appeal filed by Daniel J. Bruno. Bruno sought a copy of a written statement allegedly submitted pursuant to an EEO investigation. In its decision, OHA found that the DOE's finding that the statement had never been submitted met its obligations under the FOIA. Accordingly, the Appeal was denied.

Glen Milner, 4/4/97, LFA–0159

Glen Milner filed an Appeal from a denial by the Albuquerque Operations Office of a request for information that he filed under the Freedom of Information Act (FOIA). Because the withheld information was produced under the joint authority of the DOE and various elements of the Department of Defense, the DOE provided the DOD with an opportunity to review the documents at issue. In considering the information that was withheld, the DOD determined that the majority of the information must be withheld under Exemptions 2 and 3 of the FOIA. However, title pages and pages containing purely administrative matters could be released. Accordingly, the Appeal was granted in part.

Glen Milner, 4/4/97, VFA–0278

Glen Milner (Appellant) filed an Appeal of a determination issued to him by the Albuquerque Operations Office (AOO) of the Department of Energy (DOE) in response to a request under the Freedom of Information Act. That determination followed the remand from the Office of Hearings and Appeals (OHA) which determined that the Appellant should be given a fee waiver for documents generated after January 1992 concerning specifically fitted railcars for the transport of nuclear weapons. In its determination, AOO released only one responsive document to the Appellant. On appeal, the OHA found that AOO had interpreted OHA's fee waiver grant too narrowly and remanded the case for a further search. The OHA also found that AOO should search for documents generated up until the time of the new search because AOO's original search was substantially delayed. Accordingly, the DOE granted the Appeal and remanded the matter to AOO for further action.

Richard J. Levernier, 4/1/97, VFA–0274

Richard J. Levernier (Levernier) filed an Appeal from a determination issued to him by the Office of the Inspector General (OIG) of the Department of Energy (DOE). In his Appeal, Levernier asserted that the OIG improperly withheld names and other identifying information contained in two documents requested pursuant to the FOIA. The DOE determined that OIG had correctly applied Exemption 7(C) to the information and Levernier's Appeal was denied.

Terry J. Fox, 4/4/97, VFA–0276

Terry J. Fox filed an Appeal from a determination issued to him by the Bonneville Power Administration (BPA) of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). Mr. Fox's request sought records of outgoing telephone calls from a particular BPA telephone belonging to his brother who Mr. Fox suspects of spying on and harassing him. BPA stated that it had no documents listing outgoing calls from any telephone having the same prefix as Mr. Fox's brother's BPA telephone number. In considering the Appeal, the DOE determined that the search performed by BPA was adequate and complied with the requirements of the FOIA. In particular, BPA computerized telephone records only list general switchboard numbers as the outgoing telephone number. Thus, no match can be made with particular BPA telephones. In addition, BPA found no record of any telephone calls being placed from BPA to Mr. Fox's home telephone number. Accordingly, the Appeal was denied.

Personnel Security Hearing

Personnel Security Hearing, 4/4/97, VSO–0125

An Office of Hearings and Appeals Hearing Officer issued an opinion regarding the eligibility of an individual employed by a contractor at a DOE facility to maintain an access authorization under the provisions of 10 C.F.R. Part 710. The individual's access authorization had been suspended because he had filed a false report with the local police, lied to law enforcement personnel, lied to the DOE in a Personnel Security Interview, and filed falsified evidence with the local traffic court. The Hearing Officer found that the individual failed to present any

evidence to mitigate the falsification charges against him, and that he had engaged in conduct that tends to show that he is not honest, reliable or trustworthy. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Request for Exception

Laney Oil Company, Inc., 4/4/97 VEE–0028

Laney Oil Company, Inc. of Monroe, North Carolina filed an Application for Exception requesting that it be relieved of the requirement to file Form EIA–782B, entitled ''Resellers/Retailers'' Monthly Petroleum Products Sales Report'' because the firm had replaced the employee with the responsibility for collecting the information contained in the Form. The DOE found that the filing requirement did not constitute a special hardship, inequity or unfair distribution of burdens and denied the firm's request that it be relieved of its obligation to file the Form. However, DOE also found that it would be difficult for the firm to file these Forms on time. As such, DOE granted the firm an extension of time to file the Forms required for April through December of 1996.

Refund Application

Crude Oil Supplemental Refund Distribution, 4/2/97 RB272–00104

The DOE granted supplemental refunds to 17 applicants. The applicants were represented by a filing service in the crude oil refund proceeding. Because the filing agent did not send refund checks granted in previous decisions to applicants in a timely manner, the DOE decided to send the checks directly to the applicants.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Apex Oil Co/Clark Oil Co/et al/Charlie's Clark Super 100	RF342–180	3/31/97
Apex Oil Co/Clark Oil Co/et al/Jack's Clarksuper 100	RF342–166	4/1/97
Atlantic Richfield Co./Joe's Arco et al	RF304–15202	3/31/97
Big Pine Trucking Co., Inc	RG272–89	4/2/97
Cassell Truck Lines, Inc. et al	RF272–85640	4/1/97
Colonial Trailways, Inc. et al	RG272–100	4/1/97
Continental Grain Co	RR272–00225	4/1/97
Crude Oil Supple Ref Dist	RB272–00105	4/4/97
Crude Oil Supple Ref Dist	RB272–00100	4/1/97
Douglas Cnty Farmers Coop et al	RF272–99117	4/2/97
Gulf Oil Corporation/United Refining Co	RF300–17886	4/1/97
Karnak Corporation	RG272–00864	4/4/97
Pharmhouse, Inc. et al	RF272–97796	4/2/97
Village of Sturtevant et al	RF272–83027	4/1/97
W.E. Bartholow & Son Construction	RJ272–39	3/31/97

Dismissals

The following submissions were dismissed:

Name	Case No.
Coastal Air	RF272–98713
Colony Oaks Associates	RF272–98787
Farm Bureau Driveway	RF272–98749
Harran Transportation Co., Inc	RF272–95755
Interlake Steel Corporation	RF272–88837
Kenton County Schools	RF272–79646
Moore Mccormack, Inc	RF272–98745
National Steel Corporation	RR272–287
National Steel Corporation	VEG–0003
New Brunswick Township, NJ	RF272–88749
Personnel Security	VSO–0145
Richard W. Ghilotti	RG272–814
Sutherland Products, Inc	RG272–00143
W V Northern Raiload, Ltd	RK272–3951

[FR Doc. 97–14164 Filed 5–29–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Issuance of Decisions and Orders During the Week of March 24 Through March 28, 1997

During the week of March 24 through March 28, 1997, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585–0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management*: *Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: May 21, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 26

Appeals

Alexander German, 3/28/97, VFA–0275

The DOE denied a Freedom of Information Act (FOIA) Appeal filed by Alexander German. German sought information concerning a particular Office of the Inspector General (IG) investigation. In its decision, the DOE found that the IG's withholding of the identities of individuals who had provided information to the IG was appropriate under FOIA Exemptions 6 and 7(C).

Burlin McKinney, 3/28/97, VFA–0273

The DOE granted in part a Freedom of Information Act (FOIA) Appeal filed by Burlin McKinney. McKinney sought information concerning a particular Office of the Inspector General (IG) investigation. In its decision, the DOE found that the IG's withholding of the identities of individuals who had provided information to the IG was appropriate under FOIA Exemptions 6 and 7(C). The DOE also concluded that the IG's withholding of a portion of an internal DOE memorandum under Exemption 5 was proper. However, the DOE found that the IG redacted some information that it had released to McKinney previously and remanded the matter to the IG for a review of the withheld material.

Chemical Weapons Working Group, Inc., 3/25/97, VFA–0272

Chemical Weapons Working Group, Inc., filed an Appeal from a Federal Energy Technology Center (FETC) determination that partially granted a request for information made under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that certain cover sheets, background information and headings could not be withheld pursuant to any FOIA Exemption and ordered the release of this information or an explanation for withholding. The DOE also found that the FETC adequately searched for responsive information and that the FETC properly withheld some material pursuant to Exemption 3, 4, and 5, of the FOIA.

Personnel Security Review

Personnel Security Review, 3/24/97, VSA–0102

An individual whose access authorization had been suspended filed a request for review of a DOE Hearing Officer's recommendation against its restoration. The individual's access authorization had been suspended by virtue of a DOE Office's receipt of derogatory information indicting that the individual had used marijuana, an illegal drug, and had provided DOE with false information in a Personnel Security Interview (PSI). At a hearing a DOE Hearing Officer found that the individual had failed to show sufficient mitigation from his recent drug use or the falsification. In his Appeal, the individual requested that he be given an opportunity of complete a year of rehabilitation and challenged the Hearing Officer's findings regarding the weight of evidence to be accorded his character witnesses. The individual also challenged the Hearing Officer's determination the he was a frequent or regular user of marijuana and argued that his recent job performance should be used in the decision regarding his clearance. Upon review, the Director found that the individual could not be given an opportunity to complete a year of rehabilitation and that the Hearing Officer had properly accorded the character witnesses sufficient evidentiary weight. The Director also found that the individual's recent job performance did not mitigate the security concerns raised by the individual's recent use of marijuana and falsification. However, the Director found that there was not sufficient evidence for the Hearing Officer to conclude that the individual was a frequent or regular user of marijuana. Despite this finding, the Director determined that the individual had failed to present sufficient evidence to mitigate the security concerns raised by his recent marijuana use and that the Hearing Officer had sufficient grounds to support his finding regarding falsification. Consequently, the Director recommended that the individual's clearance not be restored.

Refund Applications

Enron Corp./H.C. Oil Company, Inc., 3/28/97, RF340–1

The DOE issued a Decision and Order concerning an application for refund in the Enron Corporation (Enron) special refund proceeding filed by H.C. Oil Company, Inc. (HCOC). The DOE found that HCOC was a reseller whose purchases from Enron were made on the spot market, were sporadic and discretionary in nature, and were unrelated to any of HCOC's business obligations to its regular customers. Accordingly, the DOE found that HCOC fit the spot market presumption of non-injury for resellers, and that the firm had not made a showing of injury to overcome this presumption. The DOE, therefore, denied the application for refund.

Oivind Lorentzen Shipping AS, 3/26/97, RR272–281

The DOE granted a Motion for Reconsideration filed on behalf of Oivind Lorentzen Shipping AS (Oivind) in the crude oil overcharge refund proceeding. Oivind's original Application for Refund was denied because the DOE found that the estimation method used by Oivind to determine its petroleum purchases was unreasonable. Upon reconsideration the DOE found that Oivind's new estimation method was reasonable and granted the firm a refund.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

BUFFALO PAPERBOARD CORPORATION	RK272–04124	3/26/97
CENTRAL COAT & APRON, INC. ET AL	RK272–03646	3/28/97
DFDS A/S	RG272–00490	3/26/97
FT. THOMAS UNIFIED DISTRICT 7 ET AL	RF272–95354	3/28/97
HAROLD HENLEY	RJ272–41	3/26/97
JOSEPH B. HENDERSON ET AL	RK272–04135	3/28/97
ROGGEN FARMERS ELEVATOR ASSOC. ET AL	RG272–00009	3/26/97

Dismissals

The following submissions were dismissed:

Name	Case No.
AYRES CORP	RF272–98694

Name	Case No.
BERTIE COUNTY SCHOOL BUS GARAGE	RG272–739
BLUE BELL, INC	RF272–98666
CLARKSTOWN CENTRAL SCHOOL DISTRICT	RF272–98799
COLUMBUS COUNTY BD OF EDUCATION	RF272–89674
DAKOTA OIL COMPANY	RF355–24
FLEMING COMPANIES, INC	RK272–3910
GARDEN STATE ROAD MATERIALS, INC	RG272–282
GIBBEL BROTHERS, INC	RF272–98674
GRANITE ROCK CO	RF272–98649
GREEN COUNTY BD OF EDUCATION	RG272–989
H.B. FULLER AUTOMOTIVE CO	RK272–4061
KARL SCHMIDT UNISA, INC	RK272–4060
LAWRENCE TEXTILE, INC	RK272–3907
MARITIME OVERSEAS CORP	RF272–98775
PERSONNEL SECURITY HEARING	VSO–0127
PIONEER NURSERY	RK272–4059
SIMONDS INDUSTRIES, INC	RK272–4062
STEVEDORING SERVICES OF AMERICA, INC	RK272–3908
UNION COUNTY SCHOOL DISTRICT	RF272–88995
WESTERN CAROLINA UNIVERSITY	RF272–86876

[FR Doc. 97–14165 Filed 5–29–97; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of April 28 Through May 2, 1997

During the week of April 28 through May 2, 1997, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585–0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: May 21, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 31

Personnel Security Hearings

Personnel Security Hearing, 4/30/97, VSO–0121

An Office of Hearings and Appeals Hearing Officer issued an opinion regarding the eligibility of an individual employed by a contractor at a DOE facility to maintain an access authorization under the provisions of 10 C.F.R. Part 710. The individual's access authorization had been suspended because the individual had used crack cocaine extensively over a seven year period, drank alcohol to the point of abuse, and falsified information on a Questionnaire for Sensitive Positions. The Hearing Officer found that the individual failed to present any evidence to mitigate the concerns raised by the DOE with respect to the individual's drug use, alcohol abuse, and falsification. The Hearing Officer also opined that the individual had not presented any mitigating evidence to demonstrate he had not engaged in conduct that tends to show he is not honest, reliable, or trustworthy. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Personnel Security Hearing, 5/1/97, VSO–0126

An OHA Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain his access authorization under the provisions of 10 C.F.R. Part 710. After considering the testimony presented at the hearing and the record, the Hearing Officer found that the individual used an illegal drug, cocaine, deliberately provided false information to DOE Security Officials, and violated his DOE Drug Certification. These findings were based on the individual's positive drug test. Accordingly, the Hearing Officer recommended that the individual's access authorization not be restored.

Personnel Security Hearing, 5/2/97, VSO–0122

A Hearing Officer issued an Opinion regarding the eligibility of an individual to maintain an access authorization under the provisions of 10 C.F.R. Part 710. The respondent was alleged to be unreliable based upon his frequent misuse over a period of three years of his office computer to view adult material on the internet. A psychiatrist testified that the individual felt compelled to view adult material in part because of marital stresses. Since the respondent lost his job three years ago as a result of this activity, he and his wife have resolved the most serious of their marital problems. Consequently, the motivating force behind his conduct has been removed. In addition, he has been open with his coworkers about what he did and its consequences and has admonished them to avoid misusing office equipment. Under these circumstances, the Hearing Officer found that the respondent should be granted an access authorization.

Supplemental Order

Benton County, Washington, Office of Civilian Radioactive Waste Management, 4/30/97, VPX–0011

The Office of Hearings and Appeals (OHA) issued a Supplemental Order adopting the Joint Stipulation filed on April 30, 1997 by Benton County, Washington and the Department of Energy, through its Office of Civilian Radioactive Waste Management. The Stipulation embodies the parties' agreement to settle any and all disputes

concerning DOE's liability to Benton County for ''payments-equal-to-taxes'' (PETT) under the Nuclear Waste Policy Act of 1982, as amended (NWPA). The Supplemental Order and the incorporated Stipulation shall have the same force and effect as if the Order had been entered without a Stipulation and after a hearing in this matter. Since this matter has been settled by the Stipulation, the appeal previously filed by Benton County on November 4, 1993, OHA Case No. LPA–0001, was dismissed with prejudice.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

AIR SIAM NO. 1	RG272–609	5/1/97
AIR SIAM NO. 2	RG272–610	
APEX OIL CO/CLARK OIL CO/ET AL/NGL SUPPLY, INC	RF342–305	4/30/97
MRS. CARL SCHROEDER JR. ET AL	RK272–01402	4/28/97
SOUTHWEST RESEARCH INSTITUTE ET AL	RF272–98706	5/1/97
TIMBOCS SERVICE STATION	RK272–3350	4/30/97
YANGMING MARINE TRANSPORT	RG272–413	5/1/97

Dismissals

The following submissions were dismissed:

Name	Case No.
CATOOSA COUNTY	RF272–98779
HIGHTOWERS APTS./PEABODY CORP	RK272–03825
MAIERS MOTOR FREIGHT	RK272–04121
MATERIALS TRANSPORT SERVICE	RK272–03659
PERSONNEL SECURITY HEARING	VSO–0144

[FR Doc. 97–14166 Filed 5–29–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders During the Week of May 5 Through May 9, 1997

During the week of May 5 through May 9, 1997, the decisions and orders summarized below were issued with respect to appeals, applications, petitions, or other requests filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C. 20585–0107, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system. Some decisions and orders are available on the Office of Hearings and Appeals World Wide Web site at http://www.oha.doe.gov.

Dated: May 21, 1997.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision List No. 32

Appeals

Alfred G. Bell, 5/5/97, VFA–0286

Alfred G. Bell filed an Appeal from a determination issued to him on March 24, 1997, by the Department of Energy's Oak Ridge Operations Office (OR). That determination was issued in response to a request for information submitted by Mr. Bell under the Freedom of Information Act. The request sought a copy of an occurrence report completed as a result of Mr. Bell being diagnosed with Chronic Beryllium Disease in accordance with criteria outlined in DOE Order 5000.3B. OR conducted a search of its files and located a report entitled ''Individual Accident/Incident Report.'' However, this was not the document Mr. Bell referred to in his request. The Appeal challenged the adequacy of the search conducted by OR. In considering the Appeal, the DOE found that OR conducted an adequate search which was reasonably calculated to discover documents responsive to Mr. Bell's request. Accordingly, the Appeal was denied.

Burns Concrete, Inc., 5/9/97, VFA–0284

DOE granted in part and denied in part an Appeal of withholding of documents submitted by a third-party in connection with a construction project at a DOE laboratory. DOE remanded the request for release of non-exempt information.

John D. Kasprowicz, 5/9/97, VFA–0287

The Department of Energy (DOE) issued a Decision and Order (D&O) denying a Freedom of Information Act (FOIA) Appeal that was filed by John D. Kasprowicz. In his Appeal, Mr. Kasprowicz argued that the Manager of the Chicago Operations Office improperly applied FOIA Exemption 5 in withholding portions of a document. In the Decision, the DOE upheld the Manager's determination, finding that the withheld portions are exempt from mandatory disclosure under the deliberative process and attorney work product privileges that are incorporated in Exemption 5.

Request for Exception

W. Gordon Smith Company, 5/7/97, VEE–0037

W. Gordon Smith Company (Smith) filed an Application for Exception from the Energy Information Administration (EIA) requirement that it file Form EIA–782B, the ''Resellers'/Retailers' Monthly Petroleum Product Sales Report.'' Smith requested relief from the EIA reporting requirement because it believed the requirement was unduly burdensome to the company. In considering this request, the DOE found that the burden placed upon Smith, due to the temporary unavailability of personnel to complete the form, was greater than that encountered by other firms required to complete Form EIA–782B. Accordingly,

Smith was granted temporary relief from its obligation to file Form EIA–782B.

Refund Application

Wales Transportation, Inc., 5/7/97, RR272–291

Wales Transportation, Inc. filed a Motion for Reconsideration of the denial of its Application for Refund in the Subpart V crude oil overcharge refund proceeding. The Office of Hearings and Appeals denied that application because the firm had filed a claim and waiver in the Surface Transporter refund proceeding, thereby giving up its right to a Subpart V refund. In reaching that conclusion, the OHA rejected Wales' contention that the filing of the ST claim and waiver were unauthorized. In the Motion for Reconsideration, Wales asked the OHA to reconsider its determination with respect to the authorization issue. In reviewing the Motion, the OHA noted that it is the burden of the applicant to substantiate that it is entitled to a refund. The OHA found that Wales had failed to submit any new information to corroborate its contention that the filing of the claim and waiver were unauthorized. Accordingly, the Motion was denied.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

C.A. MEYER PAVING & CONST	RG272–00904	5/5/97
ARLINGTON SALVAGE & WECKER CO	RR272–00289	
ATLAS ASPHALT, INC	RG272–00911	
C.W. POSS, INC	RG272–00921	
CENTRAL NEBRASKA COOPERATIVE	RF272–93809	5/7/97
CORNWALL INDUSTRIES, INC. ET AL	RF272–98604	5/6/97
DANIEL GUNTER AND LOIS GUNTER	RK272–3145	5/7/97
EUGENE REZABEK	RJ272–43	5/9/97
FIRST DISTRICT ASSOCIATION	RG272–699	5/9/97
GULF OIL CORPORATION/GOODHUE LUMBER CO., INC	RF300–21838	5/7/97
GULF OIL CORPORATION/JEANE'S GULF SERVICE	RF300–21837	5/5/97
JAUNTY TEXT DIV OF ADVANCED TEXTILE CO	RK272–03583	5/5/97
KING GEORGE CNTY PUB SCHLS ET AL	RF272–96303	5/5/97

Dismissals

The following submissions were dismissed:

Name	Case No.
ARMCO, INC	RG272–528
O'CONNOR & YOUNG DRILLING COMPANY	RG272–16
PERSONNEL SECURITY HEARING	VSO–0149
TABLE ROCK ASPHALT CONSTRUCTION CO	RG272–751

[FR Doc. 97–14167 Filed 5–29–97; 8:45 am]
BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5480–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared May 12, 1997 Through May 16, 1997 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 04, 1997 (62 FR 16154).

Draft EISs

ERP No. D–COE–K36118–CA Rating EC2, Upper Guadalupe River Flood Control Project, Construction, Santa Clara Valley Water District, Santa Clara County, CA.

Summary: EPA expressed environmental concerns about the lack of a full analysis of indirect and cumulative impacts; the need for more discussion of wetland and riparian-related mitigation; the lack of discussion of impacts associated with herbicide use; and the need to quantify construction-related air emissions. EPA suggested that the project can be improved by adopting pollution prevention measures in design, construction and operation of the flood control facility.

ERP No. D–COE–K67041–CA Rating EO2, Morrison Creek Mining Reach Downstream (South) of Jackson Highway, Mining and Reclamation Project, COE Section 404 Permit Issuance, Sacramento County, CA.

Summary: EPA expressed environmental objections with the proposed project base on adverse impacts to wetlands and other waters of the United States that would occur. EPA expressed concern that the draft EIS did not clearly demonstrate that all appropriate measures were taken to avoid and minimize placing fill material in waters of the United States. EPA strongly recommended that the project be redesigned to avoid and minimize such adverse impacts.

ERP No. D–FHW–H40156–00 Rating LO, U.S. 61, U.S. 218 and IA–394 Highway Improvements, Construction, Funding, U.S. Army COE Section 404 Permit, Lewis and Clark Counties, MO and Lee and Henry Counties, IA.

Summary: EPA had no objections to the proposed action, and expressed preference for the ''west alignment'' as the preferred alternative.

ERP No. D–FHW–H40160–IA Rating EC2, US 34 Roadway and Bridge Improvements, I–29 in Mills County, IA to US 75 in Cass or Sarpy Counties, NB, COE Section 404 and US Coast Guard Permits, Mills County, Iowa and Cass or Sarpy Counties, Nebraska.

Summary: EPA expressed environmental concerns base on proposed impacts to wetlands, wildlife habitat and stormwater runoff, and questioned whether the proposed action supports the expressed purpose and

need for the project. EPA expressed support for adoption of Alternative 2.

ERP No. D–FHW–H40162–MO Rating LO, O–19, MO–107 and US 54 Improvements and Extension, US 61 near Bowling Green and New London on the East to Mark Twain Lake and the Mexico Bypass on the West, Funding and COE Section 404 Permits Issuance, Pike, Monroe, Ralls and Audrain Counties, MO.

Summary: EPA had no objections to the proposed action.

ERP No. D–FRC–E03006–00 Rating EO2, North Alabama Natural Gas Pipeline Facilities, Construction and Operation, COE Section 10 and 404 Permits, Right-of-Way and NPDES Permits, AL.

Summary: EPA believed that modification of the existing pipeline system would result in considerably less impact than the proposed action for a new pipeline which would directly disturb streams, wetlands, public lands, and residential properties.

ERP No. D–NPS–H61021–00 Rating EC2, Missouri/Niobrara/Verdigre Creek National Recreational Rivers General Management Plan, Implementation, Gregory, Charles Mix and Bon Homme Counties, SD and Knox and Boyd Counties, NB.

Summary: EPA expressed environmental concerns with the proposed action and suggested that potential actions which could be taken to preserve biological resources, including wetlands, had been disclosed or incorporated into the preferred alternative. EPA questioned the scientific basis for establishing the project boundary and requested that the final EIS be expanded to provide a full explanation of wetland and floodplain impacts resulting from the preferred alternative.

Dated: May 27, 1997.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97–14187 Filed 5–29–97; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5480–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements

Filed May 19, 1997 Through May 23, 1997

Pursuant to 40 CFR 1506.9.

EIS No. 970185, DRAFT EIS, BOP, KY, United States Penitentiary Martin County, Construction and Operation, Possible Sites, Bizwell and Honey Branch Sites, located in Martin and Johnson Counties, KY, Due: July 14, 1997, Contact: David J. Dorworth (202) 514–6470.

EIS No. 970186, FINAL EIS, COE, MS, LA, Pearl River in the Vicinity of Walkiah Bluff, Wetland Restoration, Implementation, Picayune, Pearl River County, MS and St. Tammany Parish, LA, Due: June 30, 1997, Contact: Gary Young (601) 631–5960.

EIS No. 970187, DRAFT EIS, GSA, OH, Voice of America Bethany Relay Station, Disposal and Reuse (VOA) Property for Public and/or Private Development, Union Township, Butler County, OH, Due: July 14, 1997, Contact: William A. Costa (617) 565–5696.

EIS No. 970188, DRAFT EIS, FHW, MD, US 113 Planning Study, Transportation Improvement from south of Snow Hill, Maryland to Delaware State Line, Funding and COE Section 404 Permit, Worcester County, MD, Due: July 18, 1997, Contact: Ms. Renee Sigel (410) 962–4342 Ext. 116.

EIS No. 970189, FINAL EIS, NPS, VA, Wolf Trap Farm Park for the Performing Arts, Implementation, General Management Plan and Development Concept Plan, Fairfax County, VA, Due: June 30, 1997, Contact: Linda Dahl (303) 969–2322.

EIS No. 970190, FINAL EIS, COE, NJ, Townsends Inlet to Cape May Inlet Feasibility Study, New Jersey Shore Protection Study, Storm Damage Reduction and Ecosystem Restoration, within the Communities of Avalon, Stone Harbor and North Wildwood, Cape May County, NJ, Due: June 30, 1997, Contact: Beth Brandeth (215) 656–6555.

EIS No. 970191, DRAFT EIS, MMS, AL, LA, MS, TX, Central Planning Area, Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sales 169, 172, 175, 178 and 182, Lease Offering, Offshore Marine Environment and Coastal Counties/Parishes of AL, MS, LA and TX, Due: July 22, 1997, Contact: Archie P. Melancon (703) 787–5471.

EIS No. 970192, FINAL EIS, UAF, TX, Programmatic EIS—Kelly Air Force Base (AFB), Disposal and Reuse, Implementation, San Antonio County, TX, Due: June 30, 1997, Contact: Ted Shieck (210) 536–3807.

EIS No. 970193, FINAL EIS, FRC, AL, North Alabama Natural Gas Pipeline Facilities, Construction and Operation, COE Section 10 and 404 Permits, Right-of-Way and NPDES Permits, AL, Due: June 30, 1997, Contact: Kenneth Frye (202) 208–2298.

EIS No. 970194, FINAL EIS, AFS, MT, Tansy Ragwort Control Project, Implementation, Little Wolf Fire Area, Flathead National Forest, Tally Lake Ranger District, Flathead County, MT, Due: June 05, 1997, Contact: Ken Meckel (406) 862–2508. Under Section 1506.10(d) of the Council on Environmental Quality Regulations for Implementating the Procedural Provisions of the National Environmental Policy Act the US Environmental Protection Agency has Granted a Reduction of the 90-Day Requirement to 70 Days between the FR notice of the filing of the DEIS and the associated issuance of the ROD.

EIS No. 970195, FINAL EIS, BLM, UT, Natural Bridges National Monument, General Management Plan and Development Concept Plan, Implementation, Interpretive Propectus, Wilderness Suitability Study and Wild and Scenic River Eligibility and Classification Study, San Juan County, UT, Due: June 30, 1997, Contact: Steve Chaney (801) 692–1234.

EIS No. 970196, FINAL EIS, BLM, UT, Price Coalbed Methane Gas Resources Project, Construction, Federal and Non-Federal Lands, Permit-to-Drill Application, Right-of-Way Grants and COE Section 404 Permits, Carbon and Emery Counties, UT, Due: June 30, 1997, Contact: Daryle Trotter (801) 259–2183.

Amended Notices

EIS No. 970169, FINAL EIS, AFS, ID, WY, Targhee National Forest, Forest Plan Revision, Bonneville, Butte, Clark, Fremont, Jefferson, Lemhi, Madison and Teton Counties, ID and Lincoln and Teton Counties, WY, Due: June 16, 1997, Contact: Jerry Reese (208) 624–3151. Published FR 05–16–97 Correction to Title.

EIS No. 970184, FINAL EIS, FAA, NY, NJ, John F. Kennedy International Airports, Light Rail System, Implementation of Automated Guideway Transit System by the Port Authority Program, Funding, Airport Layout Plan Approval, COE Section 10 and 404 Permits, NY and NJ, Due: June 23, 1997, Contact: Laurence Schafer (718) 553–3340.

Published FR–05–23–97—Correction to Title.

Dated: May 27, 1997.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97–14188 Filed 5–29–97; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

May 27, 1997.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection pursuant to the Paperwork Reduction Act of 1995, Public Law 96–511. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Not withstanding any other provisions of law, 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. Questions concerning the OMB control numbers and expiration dates should be directed to Judy Boley, Federal Communications Commission, (202) 418–0214.

Federal Communications Commission

OMB Control No.: 3060–0709.

Expiration Date: 1/31/2000.

Title: Revision of Part 22 and Part 90 to Facilitate Development of Pageing Systems and Implementation of Section 309(j) of the Communications Act.

Form No.: N/A.

Estimated Annual Burden: 360 annual hour; average .08 hour per respondent; 4,500 respondents.

Description: This interim proceeding partially lifed the freeze on paging application and allows applications to be filed by current licensees for additional shared licenses. To insure that the applicants are incumbent licensees, they are required to fill out a certification stating that they currently have an operating system and that the application is for an addition or modification of a current system.

OMB Control No.: 3060–0754.

Expiration Date: 12/31/99.

Title: Children's Television Programming Report.

Form No.: FCC 398.

Estimated Annual Burden: 18,000 annual hours; 3.5—4.5 hours per respondent 4 times a year; 1,200 respondents.

Description: The FCC 398 requests information to identify the individual stations and the children's educational and informational programs it airs to meet its obligations under the Children's Television Act of 1990. The form will also request information on educational and informational programs that the station plans to air in the next quarter. The standardized form will facilitation canosistency of reporting among all licensees and assist in efforts by the public and the Commission to monitor compliance with the Children's Television Act.

OMB Control No.: 3060–0750.

Expiration Date: 12/31/99.

Title: Public Information Initiatives Regarding Educational and Informational Programming for Children—Section 73.673.

Form: N/A.

Estimated Annual Burden: 37,440 total annual hours; average 5—25 hours per respondent; 1,200 responses.

Description: Section 73.673 requires commercial TV broadcasters to identify programs specifically designed to educate and inform children at the beginning of those programs and to provide information identifying such programs and the age groups for which they are intended to publishers of program guides. These rquirements will provide better information to the public about the shows broadcasters air to satisfy their obligations to air education and informational programming under the Children's Television Act of 1990.

OMB Control No.: 3060–0466.

Expiration Date: 1/31/2000.

Title: Section 74.1283 Station Identification.

Form: N/A.

Estimated Annual Burden: 66 total annual hours; average .166 hours per respondent; 400 responses.

Description: Section 74.1283(c)(1) requires FM Translator stations whose identification is made by the primary station to furnish current information on the translator's call letters and location. This information is dept in the primary station's files. This information is used to contact the translator licesee in the event of malfunction of the translator.

OMB Control No.: 3060–0339.

Expiration Date: 3/21/2000.

Title: Permissible Services—Section 78.11.

Form: N/A

Estimated Annual Burden: 1,150 total annual hours; average .5–1 hour per respondent; 2,200 responses.

Description: Section 78.11 sets forth recordkeeping requirements for CARS licensees to verify that program material was provided to cable systems either without charge or on a nonprofit cost-sharing basis. 78.11 also states that CARs licensees, prior to, and after, operating outside their license areas must notify the Commission and relevant engineers in charge of the district in which the operations occur.

OMB Control No.: 3060–0404.

Expiration Date: 2/28/2000.

Title: Application for an FM Translator or FM Booster Station.

Form No.: FCC 350.

Estimated Annual Burden: 875 annual hour; average 3.5 hours per respondent; 250 responses

Description: FCC 350 is required to be filed when applying for an FM Translator or FM Booster station license. The data is used by FCC staff to confirm that station has been built to the terms specified in the outstanding construction permit and for issuance of the license to operate the station.

Federal Communications Commission.

Shirley S. Suggs,

Chief, Publications Branch.

[FR Doc. 97–14161 Filed 5–29–97; 8:45 am]

BILLING CODE 6712–01–P

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 10:02 a.m. on Tuesday, May 27, 1997, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider (1) matters relating to the Corporation's corporate and supervisory activities, and (2) matters relating to administrative enforcement proceedings.

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), Director 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), and (c)(9)(A)(ii) of the ''Government in the Sunshine Act'' (5

U.S.C. 552b (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: May 27, 1997.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 97–14280 Filed 5–28–97; 11:38 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 June 23, 1997.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. United Rossevelt MHC, and United Rossevelt Bancorp, both of Carteret, New Jersey; to become bank holding companies by acquiring 100 percent of the voting shares of United Rossevelt Savings Bank, Carteret, New Jersey.

B. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. Fulton Financial Corporation, Lancaster, Pennsylvania; to acquire 100 percent of the voting shares of The Peoples Bank of Elkton, Elkton, Maryland.

C. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. The Bank of Mulberry Employee Stock Ownership Trust, Mulberry, Arkansas; to become a bank holding company by acquiring 50.5 percent of the voting shares of ACME Holding Company, Inc., Mulberry, Arkansas, and thereby indirectly acquire The Bank of Mulberry, Mulberry, Arkansas.

D. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. Plainview Holding Company, Pilger, Nebraska; to acquire 100 percent of the voting shares of American National Creighton Co., Creighton, Nebraska, and thereby indirectly acquire American National Bank of Creighton, Creighton, Nebraska.

E. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Bedford Bancshares, Inc., Bedford, Texas, and Bedford Delaware Bancshares, Inc., Dover, Delaware; to become bank holding companies by acquiring 100 percent of the voting shares of Western American National Bank, Bedford, Texas.

F. Federal Reserve Bank of San Francisco (Pat Marshall, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. Neighborhood Bancorp, San Diego, California; to become a bank holding company by acquiring at least 50.1 percent of the voting shares of Neighborhood National Bank, San Diego, California (in organization).

In connection with this application, Applicant also has applied to acquire Neighborhood Capital Advisors, San Diego, California, and thereby engage in community development activities, pursuant to § 225.28(b)(12) of the Board's Regulation Y; and in financial and investment advisory activities, pursuant to § 225.28(b)(6) of the Board's Regulation Y.

In addition, Applicant also has applied to acquire Neighborhood Housing Development Corporation, San Diego, California, and thereby engage in community development activities, pursuant to § 225.28(b)(12) of the Board's Regulation Y; in extending loans and activities related to credit, pursuant to §§ 225.28 (b)(1) and (2) of the Board's Regulation Y; and in consumer financial counseling, pursuant to § 225.28(b)(6) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 23, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–14135 Filed 5–29–97; 8:45 am]

BILLING CODE 6210–01–F

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 June 26, 1997.

A. Federal Reserve Bank of Richmond (A. Linwood Gill III, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261-4528:

1. NationsBank Corporation, and NB Holdings Corporation, both of Charlotte, North Carolina; to retain 14.83 percent of the voting shares of Citizens Bancshares of Eldon, Missouri, Inc., Eldon, Missouri, and thereby retain Citizens Bank of Eldon, Eldon, Missouri.

B. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Central Illinois Bancorp, Sidney, Illinois; to acquire 100 percent of the voting shares of First Ozaukee Capital Corporation, Cedarburg, Wisconsin, and thereby indirectly acquire First Ozaukee Savings Bank, Cedarburg, Wisconsin.

C. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480-2171:

1. Ewen Bancshares, Inc., Ewen, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Ewen, Ewen, Michigan.

2. First National Bancorp of River Falls, Inc., River Falls, Wisconsin; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of River Falls, River Falls, Wisconsin.

Board of Governors of the Federal Reserve System, May 27, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97–14175 Filed 5–29–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 13, 1997.

A. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Caisse Nationale de Credit Agricole and Credit Agricole Indosuez (formerly Banque Indosuez), both of Paris, France; to acquire Indosuez Carr Futures, Inc., Chicago, Illinois, and thereby engage in purchasing the institutional futures business of Dean Witter Reynolds, Inc., and its London, England, based affiliate, Dean Witter Reynolds, International, Ltd., and in financial and investment advisory and agency transactional services for customer investments activities, pursuant to §§ 225.28(b)(6) & (7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 23, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–14136 Filed 5–29–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, June 4, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Summary Agenda: Because of its routine nature, no discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Publication for comment of a proposal to enhance Federal Reserve net settlement payment services to depository institutions that participate in private-sector clearinghouses or clearing arrangements.

2. Any items carried forward from a previously announced meeting.

Discussion Agenda: PLEASE NOTE THAT NO DISCUSSION ITEMS ARE SCHEDULED FOR THIS MEETING.

Note: If the item is moved from the Summary Agenda to the Discussion Agenda, discussion of the items will be recorded. Cassettes will then be available for listening in the Board's Freedom of Information Office, and copies can be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: May 28, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97–14271 Filed 5–28–97; 11:38 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: Approximately 10:15 a.m., Wednesday, June 4, 1997, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposals regarding a Federal Reserve Bank's space requirements.

2. Proposed acquisition of computer equipment within the Federal Reserve System.

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: May 28, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97–14272 Filed 5–28–97; 11:38 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

U.S. Office of Consumer Affairs; Statement of Organization, Functions, and Delegations of Authority

Introduction. Part A, Chapter AW, U.S. Office of Consumer Affairs (USOCA), of the Statement of Organization, Functions and Delegations of Authority of the Department of Health and Human Services, as last amended at 59 FR 41763, August 15, 1994, is being amended to reflect a reorganization of USOCA. The reorganization will enable realignment of functions assigned to USOCA subunits, thus enabling more efficient management of staff and financial resources in the conduct of USOCA programs. The revised Chapter reads as follows:

Section AW.00 Mission. The U.S. Office of Consumer Affairs executes the functions assigned by Executive Order 11583 of February 24, 1971 (as amended by Executive Order 11595 of May 26, 1971, and Executive Order 11702 of January 25, 1973) and Executive Order 11566 of October 26, 1970, advises the President on consumer affairs, and coordinates consumer functions in the Federal government. In accordance with Executive Order 12160 of September 26, 1979, the staff also provides assistance to the Chairperson of the Consumer Affairs Council.

Section AW.10 Organization. A. The Director of the U.S. Office of Consumer Affairs reports directly to the President and directs and coordinates the activities of the U.S. Office of Consumer Affairs.

B. The U.S. Office of Consumer Affairs consists of the following components:

Office of the Director
Division of Policy Development
Division of Internal Operations
Division of External Liaison

Section AW.20 Functions. A. U.S. Office of Consumer Affairs. (1) Works to ensure appropriate consideration of the consumer perspective in policy development at the White House and Federal agencies. The Director also coordinates Federal consumer policy through the Consumer Affairs Council, composed of all Federal agencies providing consumer programs, under authority of Executive Order 12160. (2) Produces consumer education materials and other documents. These publications advise individuals how to avoid market place problems and how to resolve questions or complaints if they do arise. (3) Promotes cooperation between international, Federal, state, local, nonprofit, and private sector entities involved in the marketplace, emphasizing the need for ethical business practices, regulation and legislation where needed and appropriate, and voluntary efforts to promote consumer interests through education, dispute resolution and policy coordination. The Director chairs the delegation from the United States to the Committee on Consumer Policy of the Organization for Economic Cooperation and Development, at which international marketplace principles are harmonized. (4) Promotes improved consumer skills through education programs which emphasize practical application of skills learned in elementary, secondary and post-secondary schools, as well as public and private sector programs which target specific consumer issues to be addressed by media information campaigns, workshops, facts sheets and other publications. (5) Identifies, analyzes and focuses attention on needs, interests and marketplace problems of consumers by conducting surveys, conferences, and working groups, both independently and in conjunction with other government agencies, nonprofit organizations, and the private sector.

B. Office of the Director. Directs and coordinates the activities of the U.S. Office of Consumer Affairs.

C. Division of Policy Development. Participates in the design and enactment of the President's consumer legislative program through preparation of congressional testimony and serving as Congressional liaison; prepares comments on proposed Federal regulations; and prepares, reviews, and makes presentations of materials to Federal department and agencies. Monitors ongoing programs and emerging issues in Federal agencies affecting consumers, with a view to determining the effectiveness of current and proposed programs. Maintains government relations on the international level involving state and local efforts. Researches, develops, and prepare ''White Papers'' on policy matters for the Director; and provides support for the Director in role as a member of the White House policy staff.

D. Division of Internal Operations. Responsible for USOCA relations with the media through distribution of internally produced educational materials, newsletters, articles, other consumer information and education materials, and programs for both print and electronic media. Responsible for administrative policy and procedures for USOCA in the areas of financial management, procurement, personnel management, training, and record keeping.

E. Division of External Liaison. Serves as focal point for liaison with individual consumers and with national, state and local voluntary organizations which represent consumers and citizens. Maintains liaison with trade associations and industry as necessary. Encourages private industry to voluntarily develop self-regulatory programs and to adopt competitive policies and programs. Responsible for development and coordination of conferences and meetings on consumer matters.

Section AW.30 Order of Succession. In the absences or incapacity of the Director, the Division Director for Policy Development shall act as Director, USOCA.

Section AW.40 Delegation of Authority. The exercise of authority and duties of the Director, USOCA are set forth in the Executive Orders cited in Section AW.00, above. Authority is exercised under Executive Order 11583 through the staff of the U.S. Office of Consumer Affairs and under Executive Order 12160 through the Consumer Affairs Council comprised of representatives of Federal departments and agencies.

Dated: May 21, 1997.

Leslie L. Byrne,

Special Assistant to the President, Director of the U.S. Office of Consumer Affairs.

[FR Doc. 97–14124 Filed 5–29–97; 8:45 am]

BILLING CODE 4190–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

National Advisory Council for Health Care Policy, Research, and Evaluation: Request for Nominations for Public Members

AGENCY: Agency for Health Care Policy and Research, HHS.

ACTION: Request for nominations for public members.

SUMMARY: 42 U.S.C. 299c, section 921 of the Public Health Service (PHS Act, as amended by section 6103(c) of the Omnibus Budget Reconciliation Act of 1989, established a National Advisory Council for Health Care Policy, Research, and Evaluation (the Council). The Council is to advise the Secretary and the Administrator, Agency for Health Care Policy and Research (AHCPR), on matters related to actions

of the Agency to enhance the quality, appropriateness, and effectiveness of health care services, and access to such services through scientific research, the promotion of improvements in clinical practice and in the organization, financing, and delivery of health care services. Six current members' terms will expire in 1997 and there is one vacancy for a term expiring in 1998. Nominations to fill these vacancies should be received on or before June 20. All nominations for membership should be submitted to Ms. Pat Longus, AHCPR, 2101 East Jefferson Street, Suite 603, Rockville, Maryland 20852. Nominations also may be faxed to (301) 443–0251.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Foster, AHCPR, at (301) 594–1349.

SUPPLEMENTARY INFORMATION: 42 U.S.C. 299c, section 921 of the PHS Act, provides that the National Advisory Council for Health Care Policy, Research, and Evaluation shall consist of 17 appropriately qualified representatives of the public appointed by the Secretary of Health and Human Services and five ex officio representatives from Federal agencies conducting or supporting health care research. The Council meets in the Washington, D.C., metropolitan area approximately three times a year to provide broad guidance to the Secretary and AHCPR's Administrator on the direction and programs of the Agency.

To ensure broad representation, individuals serving on AHCPR's Advisory Council reflect a variety of disciplines and perspectives. The seven positions for which nominations are being sought require representatives with expertise in health services research (two members); and in law, ethics, economics or public policy or business (two members); and representatives of the practice of medicine (one member); other health professions (one member); and the interests of health care consumers (one member).

Members generally serve 3-year terms. Appointments are staggered to permit an orderly rotation of membership. Individuals selected by the Secretary to serve on the Council will be expected to attend their first meeting in the fall of this year.

Interested persons may nominate one or more qualified persons for membership on the Council. Nominations shall include a copy of the nominee's resume or curriculum vitae, and state that the nominee is willing to serve as a member of the Council. Potential candidates will be asked to provide detailed information concerning their financial interests, consultant positions, and research grants and contracts, to permit evaluation of possible sources of conflict of interest.

The Department is seeking a broad geographic representation and has special interest in assuring that women, minority groups, and the physically handicapped are adequately represented on advisory bodies and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, and/or physically handicapped candidates.

Dated: May 23, 1997.

John M. Eisenberg,

Administrator.

[FR Doc. 97–14151 Filed 5–29–97; 8:45 am]

BILLING CODE 4160–90–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement 754]

National Institute for Occupational Safety and Health; Development of Graduate Training Programs in Occupational Health Psychology

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1997 funds for a cooperative agreement to oversee the development and implementation of graduate-level training programs in university settings in the area of work organization, stress and health.

CDC is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Occupational Safety and Health. (For ordering Healthy People 2000, see section Where to Obtain Additional Information.)

Authority

This program is authorized under Sections 20(a) and 22(e)(7) of the Occupational Safety and Health Act of 1970 [29 U.S.C. 669(a) and 671(e)(7)].

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and promote the nonuse 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.

Eligible Applicants

Applications may be submitted by public and private, non-profit organizations, associations or groups representing relevant behavioral/social science professions, or universities, colleges, and training institutions offering professional (postdoctoral) development programs in cogent areas and in a position to affect the leadership, coordination, and other actions needed to implement the requirements of the cooperative agreement.

Note: Public Law 104–65, dated December 19, 1995, prohibits an organization described in section 501(c)(4) of the IRS Code of 1986, that engages in lobbying activities to influence the Federal Government, from receiving Federal funds.

Availability of Funds

Approximately $100,000 will be available in Fiscal Year 1997 to fund one cooperative agreement. This award is expected to begin on or about September 30, 1997, for a 12-month budget period within a project period not to exceed 5 years.

Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds. Funding estimates are subject to change.

Student or faculty research, except for training and research methods, is not covered under this announcement.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of HHS funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. Section 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1997 HHS Appropriations Act, which became effective October 1, 1996, expressly

prohibits the use of 1997 appropriated funds for indirect or ''grass roots'' lobbying efforts that are designed to support or defeat legislation pending before State legislatures. This new law, Section 503 of Pub. L. No. 104–208, provides as follows:

Sec. 503(a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress, * * * except in presentation to the Congress or any State legislative body itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997, as enacted by the Omnibus Consolidated Appropriations Act, 1997, Division A, Title I, Section 101(e), Pub. L. No. 104–208 (September 30, 1996).

Background

The concept of work organization refers broadly to the way work processes are structured and managed, and addresses conditions such as the scheduling of work, design of tasks, interpersonal relationships at work, career and employment concerns, management style, and organizational characteristics such as climate and culture. These elements are commonly referred to as workplace psychosocial factors. They are known risk factors for job stress and are increasingly linked to health and safety outcomes such as traumatic injury, work-related musculoskeletal disorders, psychological disorders, and cardiovascular disease. The National Occupational Research Agenda, a collaborative effort between NIOSH and its stakeholders to identify key research needs in occupational safety and health, recognizes work organization as one of 21 top research priorities. (For ordering the National Occupational Research Agenda, see section Where to Obtain Additional Information.)

Research and interventions addressing work organization and associated health and safety risks hinge critically on the availability of appropriately trained professionals to guide such efforts. However, professional training programs in work organization and health are uncommon in the United States, and these fields of study are often mutually exclusive. For example, organizational psychology is an expansive area of training in behavioral science, equipping professionals with valuable knowledge and skills in work organization. However, this area of training and practice rarely addresses the occupational safety and health implications of work organization. Presently, there are few ready programs of study in the U.S. in which work organization and health are integrated.

In 1992, NIOSH recognized the need for specialized training in work organization and health, and supported a program to provide postdoctoral training in occupational health psychology in an effort to bridge this training gap. A main objective of this earlier program was to provide supplemental training of Doctoral-level psychologists to better equip them for practice in the field of occupational health.

Purpose

The purpose of this program is to develop and implement a plan to establish specialized graduate-level training at multiple universities in the area of work organization, stress and health.

Examples of appropriate training activities under this program would include, but are not limited to: (1) Expansion of curricula in organizational psychology to provide a focus on organizational risk factors for stress, illness and injury at work, and on intervention strategies; (2) expansion of curricula and practica in clinical psychology to improve the recognition of job stress and its organizational sources; and, (3) increased exposure of behavioral scientists to the methods and practice of epidemiology.

Vehicles for this training could include new courses or clusters of courses, graduate minor or masters/doctoral degree programs, or practica or internship experiences at the predoctoral level. Because training in work organization, stress and health is an inherently multidisciplinary area, these training experiences should draw upon and integrate knowledge and faculty from several relevant areas, such as psychology, management, public health, occupational medicine, epidemiology.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for conducting activities under A. (Recipient Activities), below, and CDC/NIOSH will be responsible for conducting activities under B. (CDC/NIOSH Activities), below:

A. Recipient Activities

1. Implement a plan of action to promote and establish 5-year graduate-level training opportunities in work organization, stress and health, acknowledging the needs for integrating knowledge in the behavioral and social sciences with knowledge in occupational medicine, public health, and other relevant disciplines.
2. Incorporate this type of training as a recognized specialty area in the behavioral and occupational health sciences.
3. Collaborate with established professional groups in the behavioral and social sciences, and professional groups representing occupational medicine, public health and other relevant disciplines to obtain necessary support and input to curricula/program development.
4. Implement mechanisms for soliciting qualified university-based sites for graduate level training in work organization, stress and health.
5. In cooperation with CDC, develop criteria and procedures for selection of the training sites.
6. Implement program evaluation and quality assurance mechanisms.
7. Publicizing the program, including participating sites and training activities.

B. CDC/NIOSH Activities

1. Provide technical assistance and consultation, through site visits and correspondence, in the areas of program development and implementation.
2. Provide technical support for training including lecturers (if requested) and materials, i.e., NIOSH technical reports, research publications, etc.
3. Assist with collaboration between the recipient and traditional NIOSH-supported professional training institutions to assist in developing training opportunities.

Technical Reporting Requirements

An original and two copies of semi-annual progress reports are required. Timelines for the semi-annual reports will be established at the time of award. Final financial status and performance reports are required no later than 90 days after the end of the project period. All reports are submitted to the Grants Management Branch, Procurement and Grants Office, CDC.

Semi-annual progress report should include:

A. A brief program description.

B. A listing of program goals and objectives accompanied by a comparison of the actual accomplishments related to the goals and objectives established for the period.

C. If established goals and objectives to be accomplished were delayed, describe both the reason for the deviation and anticipated corrective action or deletion of the activity from the project.

D. Other pertinent information, including the status of completeness, timeliness and quality of data.

All reports should be submitted to the Grants Management Branch, Procurement and Grants Office, CDC.

Applicant Content

The entire application, including appendices, should not exceed 40 pages and the Proposal Narrative section contained therein should not exceed 25 pages. Pages should be clearly numbered and a complete index to the application and any appendices included. The original and each copy of the application must be submitted unstapled and unbound. All materials must be typewritten, double-spaced, with unreduced type (font size 12 point) on 8 ½'' by 11'' paper, with at least 1'' margins, headers, and footers, and printed on one side only. Do not include any spiral or bound materials or pamphlets.

The applicant should provide a detailed description of first-year activities and briefly describe future-year objectives and activities.

A. Title Page

The heading should include the title of grant program, project title, organization, the project director's name, address, and telephone number.

B. Abstract

A one page, singled-spaced, typed abstract must be submitted with the application. The heading should include the title of grant program, project title, organization, name and address, project director and telephone number. This abstract should include a work plan identifying activities to be developed, specific activities to be completed, and a timeframes for completion of these activities.

C. Proposal Narrative

The narrative of each application must:

1. Briefly state the applicant's understanding of the need or problem to be addressed, the purpose, and goals over the 5 year period of the cooperative agreement.

2. Describe the project plan including objectives, timelines, and all steps to be taken in developing, implementing and evaluating the project.

3. Describe mechanisms for soliciting qualified university-based sites for graduate level training in work organization, stress and health.

4. Document the applicant's expertise and prior involvement in overseeing specialized training in the area of work organization, stress and health at multiple universities.

5. Document the applicant's ability to: provide staff, knowledge, financial and other resources necessary to perform this project. Provide the name, qualifications, and proposed time allocation of the Project Director who will be responsible for administering the project. Describe staff, equipment available for performance of this project, and other resources that define the applicant's capacity or potential to accomplish the requirements. List the names (if known), qualifications, and time allocations of the existing professional staff to be assigned to (or recruited for) this project, the support staff available for performance of this project, and the available facilities including space.

6. Provide letters of support from professional organizations, affiliate groups and agencies essential to program development and success.

D. Budget

Provide a detailed budget which indicates anticipated costs for personnel, equipment, travel, communications, supplies, postage, and the sources of funds to meet these needs. The applicant should be precise about the program purpose of each budget item. For contracts described within the application budget, applicants should name the contractor, if known; describe the services to be performed; and provide an itemized breakdown and justification for the estimated costs of the contract; the kind of organizations or parties to be selected; the period of performance; and the method of selection. Place the budget narrative pages showing, in detail, how funds in each object class will be spent, directly behind form 424A. Do not put these pages in the body of the application. CDC may not approve or fund all proposed activities.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria:

A. Responsiveness to the objectives of the cooperative agreement including:

1. The applicant's understanding of the objectives of the proposed cooperative agreement; and

2. The relevance of the proposal to the objectives. (10%)

B. The extent to which the applicant documents experience and/or unique qualities to accomplish this program, and documents experience in evaluating or accrediting academic programs of this nature. (30%)

C. Feasibility of the proposed plan, including objectives, time lines and resources to accomplish this project within the stated budget. (30%)

D. Training, experience, and special capabilities of the Program Director and key staff members to perform this proposed activity. This includes previous experience in training professionals in occupational health psychology. (30%)

E. The budget will be evaluated to the extent that it is reasonable, clearly justified, and consistent with the intended use of funds. (Not scored)

Executive Order 12372 Review

This program is not subject to the Executive Order 12372 review.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number for this project is 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from ten or more individuals and funded by this cooperative agreement will be subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

A. Preapplication Letter of Intent

Although not a prerequisite of application, a non-binding letter of intent-to-apply is requested from potential applicants. The letter should be submitted to the Grants Management Branch, CDC at the address listed in this section. It should be postmarked no later than June 20, 1997. The letter should identify announcement number 754, name of principal investigator. The letter of intent does not influence

review or funding decisions, but it will enable CDC to plan the review more efficiently and will ensure that each applicant receives timely and relevant information prior to application submission.

B. Application

The original and two copies of the application PHS Form 5161–1 (Revised 7/92, OMB Number 0937–0189) must be submitted Victoria Sepe, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), Mailstop E–13, 255 East Paces Ferry Road, NE., Room 300, Atlanta, GA 30305, on or before July 15, 1997.

1. *Deadline:* Applications will be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date, or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (The applicants must 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 will not be acceptable as proof of timely mailing.)

2. Late Applicants: Applications that do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicants.

Where To Obtain Additional Information

To receive additional written information call (404) 332–4561. You will be asked to leave your name, address, and telephone number and will need to refer to NIOSH Announcement Number 754. You will receive a complete program description, information on application procedures, and application forms. If you have any questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Victoria Sepe, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 321, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842–6804, Internet: vxw1.cdc.gov.

Programmatic technical assistance may be obtained from Steven L. Sauter, Ph.D., Chief, Applied Psychology and Ergonomics Branch, Division of Biomedical and Behavioral Science, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC), Mailstop C–24, 4676 Columbia Parkway, Cincinnati, OH 45226–1998, telephone (513) 533–8157, Internet: sls4.cdc.gov; or from Michael Colligan, Ph.D., Director Scientist, Training Evaluation Team, Education and Information Division, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC), Mailstop C–11, 4676 Columbia Parkway, Cincinnati, OH 45226–1998, telephone (513) 533–8222, Internet: mlc4.cdc.gov.

Please refer to Announcement Number 754 when requesting information on this program.

This and other CDC announcements are available through the CDC homepage on the Internet. The address for the CDC homepage is: http://www.cdc.gov.

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) referenced in the Introduction section through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

The National Occupational Research Agenda: copies of this publication may be obtained from The National Institute for Occupational Safety and Health, Publications Office, 4676 Columbia Parkway, Cincinnati, OH 45226–1998 or telephone 1–800–356–4674.

Dated: May 23, 1997.

Diane D. Porter,

Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).

[FR Doc. 97–14182 Filed 5–29–97; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0182]

Agency Information Collection Activities: Proposed Collections; Comment Request; Reinstatements

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 collections 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 reinstatement of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection provisions relating to the regulation that samples and protocols of biological products may be required to be submitted to the agency, and Transmittal of Labels and Circulars, Form FDA 2657.

DATES: Submit written comments on the collections of information by July 29, 1997.

ADDRESSES: Submit written comments on the collections 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 reinstatement 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 collections of information listed below.

With respect to each of the following collections of information, FDA invites comments on: (1) Whether the proposed collections of information are necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimates of the burdens of the proposed collections 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 burdens of the collections of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

1. Requests for Samples and Protocols: Official Release—(OMB Control Number 0910–0206 Reinstatement)

Under section 351 of the Public Health Service Act (the PHS Act) (42 U.S.C. 262), FDA has the responsibility to issue regulations that prescribe standards designed to assure the safety, purity, and potency of biological products and to ensure that licenses for such products are only issued when a product meets the prescribed standards.

Since January 8, 1948, there has been a regulation, now codified under § 610.2 (21 CFR 610.2), that gives authority to FDA to require manufacturers of licensed biological products to submit lot samples and protocols prior to marketing the lot of product. These lot samples and protocols are required by FDA when necessary for the safety, purity, or potency of the product. This requirement remains essential because of the potential lot-to-lot variability of a product produced from living organisms. In cases of certain biological products (e.g., Albumin, Plasma Protein Fraction, and specified biotechnology and specified synthetic biological products) that are known to have lot-to-lot stability, official lot release is normally not required. In addition to § 610.2, there are other regulations that require additional standards for the submission of samples and protocols for specific licensed biological products: §§ 640.101(f) (21 CFR 640.101(f)) (Immune Globulin (Human)), 660.6 (21 CFR 660.6) (Antibody to Hepatitis B Surface Antigen), 660.36 (21 CFR 660.36) (Reagent Red Blood Cells), and 660.46 (21 CFR 660.46) (Hepatitis B Surface Antigen).

Respondents to this collection of information are manufacturers of licensed biological products that are subject to lot release. Approximately 80 manufacturers are subject to lot release. Previously, 90 firms were subject to lot release, however, 10 of those firms have been exempted from this reporting requirement because the firms manufacture specified biotechnology and/or specified synthetic biological products. FDA estimates are based on data on lot releases submitted in fiscal year 1995. The estimated burdens for §§ 640.101(f), 660.6, 660.36, and 660.46 are included in the estimated annual reporting burden for § 610.2.

FDA estimates the burden of this information collection as follows:

ESTIMATED ANNUAL REPORTING BURDEN

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
610.2	80	75	6,500	1	6,500

There are no capital costs or operating and maintenance costs associated with this collection of information.

2. Transmittal of Labels and Circulars, Form FDA 2567—21 CFR 601.2(a) and 601.12(a) (OMB Control Number 0910–0039—Reinstatement)

Under section 351 of the PHS Act, FDA has the responsibility to ensure the safety, purity, potency and effectiveness of biological products. Part of this responsibility includes the review and approval of all labeling for biological products prior to marketing of the licensed product and when changes to labeling are proposed. Section 601.2(a) (21 CFR 601.2(a)) requires manufacturers of biological products to submit an establishment and product, or biologics license application for review and approval to the Center for Biologics Evaluation and Research (CBER) prior to marketing a biological product in interstate commerce. Specimens of the label are required to be submitted as part of the approval process. Section 601.12(a) (21 CFR 601.12(a)) requires proposed changes to labeling to be submitted to CBER for approval. For these labeling requirements, Form FDA 2567 is used to determine the type of labeling being submitted (container label, package label, diluent label and/or circular) and the type of change(s) to the labeling. This form is also used for the submission of advertising and promotion labeling. The form is composed of two parts: Part I is for the submission of draft and preliminary proof labeling and is completed by manufacturers of biological products, and Part II of the form is submitted upon implementation of final printed labeling. Parts I and II of the form are submitted separately. Respondents to this collection of information are manufacturers of biological products.

FDA estimates the burden of this collection of information as follows:

ESTIMATED ANNUAL REPORTING BURDEN

Form No.	21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
FDA Form 2657 Transmittal of Labels and Circulars	60l.2(a) and 601.12(a)	387	7.2	2,800	.16	448

There are no capital costs or operating and maintenance costs associated with this information collection of information.

Dated: May 23, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–14140 Filed 5–29–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97D–0200]

Control of Pharmaceutical Production; Out-of-Specification Guidance for Laboratory Testing; Notice of Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public meeting sponsored by the Office of Regulatory Affairs (ORA), FDA. This meeting will involve representatives from ORA's Division of Field Science, the Center for Drug Evaluation and Research, and other representatives from FDA. The topic of this public meeting is out-of-specification (OOS) laboratory test results used in pharmaceutical production. This meeting will provide guidance in appropriate evaluation of, and response to, out-of-specification test results.

DATES: The public meeting will be held on Friday, June 20, 1997, from 10 a.m. to 12 m.

ADDRESSES: The meeting will be held at the Westin Rio Mar Beach Resort, 6000 Rio Mar Blvd., Rio Grande, PR 00745. A conference room will be announced in the hotel lobby before the session.

FOR FURTHER INFORMATION CONTACT: Len P. Valenti, Office of Regulatory Affairs, Division of Field Science (HFC–141), Food and Drug Administration, 5600 Fishers Lane, rm. 12–41, Rockville, MD 20857, 301–443–3320, FAX 301–443–6388.

Questions related to this meeting should be directed to Len P. Valenti or Richard A. Baldwin, Director, Division of Field Sciences (address above) or by calling 301–443–3320, between 8 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION:

The purpose of this meeting is to continue a dialogue with members of trade, technical, and professional organizations, and other interested persons in order to discuss issues associated with the pharmaceutical laboratory practices and procedures.

On November 20, 1996, FDA held a public meeting to informally address and outline ways to discuss problems associated with the development and monitoring of pharmaceutical products. The meeting explored issues of concern to the agency and industry laboratories. As a result of the meeting, industry members asked FDA to provide guidance in two control aspects of pharmaceutical production: (1) Evaluating OOS test results, and (2) system suitability requirements in measuring performance of a chromatographic system.

Interested persons who are unable to attend this meeting may contact the Division of Field Science (address above) regarding plans for a second meeting on this topic. A second OOS seminar is currently being planned for late August or early September 1997, in the Mid-Atlantic region. A **Federal Register** notice will be issued to notify all interested parties to announce its availability.

In addition to the OOS meeting in Rio Grande, PR, a system suitability workshop, scheduled for Monday, June 9, 1997, at the Hoffman-La Roche facility in Nutley, NJ was announced in the **Federal Register** of May 13, 1997 (62 FR 26320).

Dated: May 23, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–14141 Filed 5–29–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[OPL–015–N]

Medicare Program; June 16, 1997, Meeting of the Practicing Physicians Advisory Council

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.

DATES: The meeting is scheduled for June 16, 1997, from 9 a.m. until 5 p.m. e.d.t.

ADDRESSES: The meeting will be held in the Auditorium, 1st Floor, Health Care Financing Administration Building, 7500 Security Boulevard, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Jeffrey Kang, M.D., Executive Director, Practicing Physicians Advisory Council, Room 435-H, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, DC 20201, (202) 690–7418.

SUPPLEMENTARY INFORMATION: The Secretary of the Department of Health and Human Services (the Secretary) is mandated by section 1868 of the Social Security Act to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians.

The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services, as identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Health Care Financing Administration not later than December 31 of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare or Medicaid in the previous year. Members of the Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine and surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms. In accordance with section 14 of the Federal Advisory Committee Act, terms of more than 2 years are contingent upon the renewal of the Council by appropriate action before the end of the 2-year term.

The Council held its first meeting on May 11, 1992.

The current members are: Richard Bronfman, D.P.M.; Wayne R. Carlsen, D.O.; Gary C. Dennis, M.D.; Catalina E. Garcia, M.D.; Mary T. Herald, M.D.; Ardis Hoven, M.D.; Sandral Hullett, M.D.; Jerilynn S. Kaibel, D.C.; Marie G. Kuffner, M.D.; Marc Lowe, M.D.; Katherine L. Markette, M.D.; Derrick K. Latos, M.D.; Susan Schooley, M.D.; Maisie Tam, M.D.; and Kenneth M. Viste, Jr., M.D. The chairperson is Kenneth M. Viste, Jr., M.D.

Council members will receive an update on legislation involving HCFA, the Medicaid program, and the Medicare physician fee schedule. The

agenda will provide for discussion and comment on the following items:

- Current Directions in Performance Measurement and Quality Improvement
- Uniform Procedure Coding

Individuals or organizations who wish to make 5-minute oral presentations on the agenda issues should contact the Executive Director by 12:00 noon, June 6, 1997, to be scheduled. The number of oral presentations may be limited by the time available. A written copy of the oral remarks should be submitted to the Executive Director no later than 12:00 noon, June 11, 1997. Anyone who is not scheduled to speak may submit written comments to the Executive Director by 12:00 noon, June 11, 1997. The meeting is open to the public, but attendance is limited to the space available.

(Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Public Law 92–463 (5 U.S.C. App. 2, section 10(a)); 45 CFR part 11)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 23, 1997.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 97–14186 Filed 5–29–97; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[0917–ZA04]

American Indians Into Psychology Program

AGENCY: Indian Health Service, HHS.

ACTION: Notice of competitive grant applications for American Indians Into Psychology Program.

SUMMARY: The Indian Health Service (IHS) announces that competitive grant applications are now being accepted for the American Indians Into Psychology Program. These grants are established under the authority of section 217 of the Indian Health Care Improvement Act, Public Law 94–437, as amended. There will be only one funding cycle during fiscal year (FY) 1997. This program is described at 93.970 in the Catalog of Federal Domestic Assistance. Costs will be determined in accordance with applicable Office of Management and Budget Circulars. Executive Order 12372 requiring intergovernmental review is not applicable to this program.

The PHS is committed to achieving the health promotion and disease prevention objectives of *Health People 2000. Health People 2000,* the full report, is currently out of print. You may obtain the objectives from the latest *Health People 2000 Review.* A copy may be obtained by calling the National Center for Health Statistics, telephone (301) 443–8500.

Smoke Free Workplace

The PHS strongly encourages all grant 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.

DATES: a. Application Receipt Date: An original and two copies of the completed grant application must be submitted with all required documentation to the Grants Management Branch, Division of Acquisition and Grants Management, Twinbrook Metro Plaza, 12300 Twinbrook Parkway, Suite 100, Rockville, Maryland 20852, by close of business July 2, 1997.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by close of business 5 p.m.; or (2) postmarked on or before the deadline and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Late applications not accepted for processing will be returned to the applicant and will not be considered for funding.

Additional Dates

1. *Application Review:* July 15, 1997. The review will be conducted by field readers.

2. *Applicants Notified of Results:* on or about July 17, 1997 (approved, recommended for approval but not funded, or disapproved).

3. *Anticipated Start Date:* August 1, 1997.

CONTACTS FOR ASSISTANCE: For American Indians Into Psychology program information, contact Ms. Pat Lee-McCoy, Office of Management Support, Division of Health Professions Support, Scholarship Branch, Indian Health Service, 12300 Twinbrook Parkway, Suite 100, Rockville, MD 20852, (301) 443–6197. For grant application and business management information, contact Mrs. M. Kay Carpentier, Grants Management Branch, Indian Health Service, Twinbrook Metro Plaza, 12300 Twinbrook Parkway, Suite 100, Rockville, MD 20852, (301) 443–5204.

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program purpose, eligibility and documentation, program requirements, required affiliations, funds available, limitations, period of support, and application procedures for FY 1997.

A. General Program Purpose

The purpose of the American Indians Into Psychology program is to develop and maintain American Indian psychology career recruitment programs as a means of encouraging Indians to enter the mental health field.

B. Eligibility and Documentation

Public and non-profit private colleges and universities are eligible to apply for a grant, however, only one grant will be awarded and funded to a college or university per funding cycle.

C. Program Requirements

Each proposal must address the following objectives to be considered for funding:

1. Provides outreach and recruitment for health professions to Indian communities including elementary, secondary and community colleges located on Indian reservations that will be served by the program.

2. Incorporates a program advisory board comprised of representatives from the tribes and communities that will be served by the program.

3. Provides summer enrichment programs to expose Indian students to the varied fields of psychology through research, clinical, and experiential activities.

4. Provides stipends to undergraduate and graduate students to pursue a career in psychology. Stipends for individuals will not be funded during the first year of the project because the first year will involve recruiting individuals. Stipends must be included in the budget and narrative for the second and third years of the project.

5. Develops affiliation agreements with tribal community colleges, the IHS, university affiliated programs, and other appropriate entities to enhance the education of Indian students.

6. To the maximum extent feasible, utilizes existing university tutoring,

counseling and student support services.

7. To the maximum extent feasible, employs qualified Indians in the program.

D. Required Affiliations

The grant applicant must submit official documentation indicating a tribe's cooperation with and support of the program within the schools on its reservation and its willingness to have a tribal representative serving on the program advisory board. Documentation must be in the form prescribed by the tribe's governing body, i.e., letter of support or tribal resolution. Documentation must be submitted from every tribe involved in the grant program.

E. Funds Available, Limitations and Period of Support

1. Funds available—It is anticipated that approximately $70,000 will be available for one award.

2. Limitations—Only one grant project will be awarded to a college or university.

3. Period of support—Project will be awarded for a budget term of 12 months, with a maximum project period of up to 3 years. Grant funding levels include both direct and indirect costs. Funding of succeeding years will be based on the FY 1997 level, continuing need for the program, satisfactory performance, and the availability of appropriations in those years.

F. Application Process

An IHS Grant Application Kit, including the required PHS 5161–1 (OMB Approval No. 0937–0189, expires 07/31/98) and the U.S. Government standard forms (SF–424, SF–424A and SF–424B), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Management, Indian Health Service, Twinbrook Metro Plaza, 12300 Twinbrook Parkway, Suite 100, Rockville, Maryland 20852, telephone (301) 443–5204. (This is not a toll free number.)

G. Grant Application Requirements

All applications must be single-spaced, typewritter, and consecutively numbered pages using black type not smaller than 12 characters per one inch, with conventional one inch border margins, on only one side of standard size 8½×11 paper that can be photocopied. The application narrative (not including the Appendix) must not exceed 5 typed pages as described above. An additional page may be used for each additional year of funding requested. All applications must include the following in the order presented.

—Standard Form 424, Application for Federal Assistance
—Standard Form 424A, Budget Information—Non-Construction Programs and instructions (pages 1–4)
—Project Narrative (5 pages)

1. Introduction and and Potential Effectiveness Project.
2. Project Administration.
3. Accessibility to Target Population.
4. Relationship of Objectives to Manpower Deficiencies.
5. Project Budget.

—Brief Multi-Year Narratives and Budgets—Limited to one page for each additional year of funding
—Appendix

Once an application is approved for funding, the following documents *must* be submitted prior to award:

—SF 424B—Assurances—Non-Construction Programs
—Certifications (PHS–5161–1—pages 17 and 18)

H. Application Narrative Instructions, Application Standards (Evaluation Criteria) and Weights

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned each section are noted in parenthesis.

Narrative: Please describe the complete project in clear and succinct style. It should be organized as described in sections 1–5 and not exceed 5 single spaced pages, and address the following:

1. Introduction and Potential Effectiveness of Project (30 pts.)

a. Describe your legal status and organization.

b. State specific objectives of the project, which are measurable in terms of being quantified, significant to the needs of Indian people, logical, complete and consistent with the purpose of section 217.

c. Describe briefly what the project intends to accomplish. Identify the expected results, benefits, and outcome or products to be derived from each objective of the project.

d. Provide a project specific work plan (milestone chart) which lists each objective, the tasks to be conducted in order to reach the objective, and the time frame needed to accomplish each task. Time frames should be projected in a realistic manner to assure that the scope of work can be completed within each budget period. (A work plan format is provided.)

e. In the case of proposed projects or identification of Indians with a potential for education or training, include a method for assessing the potential of interested Indians for undertaking necessary education or training.

f. State clearly the criteria by which the project's progress will be evaluated and by which the success of the project will be determined.

g. Explain the methodology that will be used to determine if the needs, goals, and objectives identified and discussed in the application are being met and if the results and benefits identified are being achieved.

h. Identify who will perform the evaluation and when.

2. Project Administration (20 pts.)

a. Provide an organizational chart and describe the administrative, managerial and organizational arrangement and the facilities and resources to be utilized to conduct the proposed project.

b. Provide the name and qualifications of the project director or other individuals responsible for the conduct of the project; the qualifications of the principal staff carrying out the project; and a description of the manner in which the applicant's staff is or will be organized and supervised to carry out the proposed project. Include biographical sketches of key personnel (or job descriptions if the position is vacant).

c. Describe any prior experience in administering similar projects.

d. Discuss the commitment of the organization, i.e., although not required, the level of non-Federal support. List the intended financial participation, if any, of the applicant in the proposed project specifying the type of contributions such as cash or services, loans of full or part-time staff, equipment, space, materials or facilities or other contributions.

3. Accessibility to Target Population (20 pts.)

a. Describe the current and proposed participation of Indians (if any) in your organization.

b. Identify the target Indian population to be served by your proposed project and the relationship of your organization to that population.

c. Describe the methodology to be used to access the target population.

4. Relationship of Objectives to Manpower Deficiencies (20 pts.)

a. Provide data and supporting documentation to substantiate need for recruitment.

b. Indicate the number of potential Indian students to be contacted and

recruited as well as potential cost per student recruited. Those projects that have the potential to serve a greater number of Indians will be given first consideration.

5. Project Budget (10 pts.)

a. Provide a budget for the budget period requested. The funds requested should be appropriate and necessary for the scope of the project.

b. The available funding level of $70,000 is inclusive of both direct and indirect costs. Because this project is for a training grant, the Department of Health and Human Services' policy limiting reimbursement of indirect cost to the lesser of the applicant's actual indirect costs or 8 percent of total direct costs (exclusive of tuition and related fees and expenditures for equipment) is applicable. This limitation applies to all institutions of higher education other than agencies of State and local government.

c. Projects requiring a second and third year must include a brief narrative and budget for each additional year of funding.

Appendix to include:

* Resumes and position descriptions for key staff.
* Organizational chart.
* Work plan.
* Tribal Resolution(s)/letters of support.
* Application Receipt Card, PHS–3038–1 Rev. 5–90.

I. Assurances

Assurances (SF–424B), and Certifications (PHS–5161–1–pages 17 and 18) need not be submitted with the application. They will be required prior to actual award if the application is approved for funding.

J. Reporting

1. *Annual Progress Report*—An annual progress report is due 60 days before the end of each budget period prior to the final budget period for all multi-year projects. This report will include a brief description of program accomplishments to the goals established, reasons for slippage, other pertinent information as required, and plans for the next budget period.

2. *Final Progress Report*—A final progress report is due 90 days after expiration of the project period. This report will include a description of program accomplishments to the goals established, reasons for slippage, and other pertinent information as required.

3. *Financial Status Report*—A final financial status report is due 90 days after expiration of the project period. Standard Form 269 (long form) will be used for financial reporting.

K. Grant Administration Requirements

Grants are administered in accordance with the following documents:

1. 45 CFR part 92, HHS, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR part 74, Administration of Grants to Non-profit Recipients.
2. PHS Grants Policy Statement, and
3. OMB Circular A–21, Cost Principles for Educational Institutions.

L. Application Consideration+p300X

1. Application Review

Applications submitted by the closing date and verified by the postmark under this program announcement will undergo a review to determine that the applicant is eligible in accordance with the Eligibility and Documentation Section of this announcement; the application narrative, forms and materials submitted are adequate to allow the reviewers to undertake an in-depth evaluation; and that the application complies with this announcement; otherwise it will be returned without consideration.

2. Competitive Review of Accepted Applications

Applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement will be reviewed for merit by reviewers appointed by the IHS. The review will be conducted in accordance with PHS review procedures. The review process ensures selection of quality projects in a national competition for limited funding. Applications will be evaluated and rated on the basis of the evaluation criteria listed above. These criteria are used to evaluate the quality of a proposed project, to assign a numerical score to each application, and to determine the likelihood of its success. Applications scoring below 60 points will not be funded.

3. Results of the Review

The results of the review are forwarded to the Division Director, Division of Health Professions Support (DHPS), for final review and approval. The Division Director will also consider the recommendations from the Grants Management Branch. After the decisions have been made on all applications, applicants are notified by July 17, 1997. Unsuccessful applicants will be notified in writing.

Successful applicants are notified through an official Notice of Grant Award (NGA) document. The NGA will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, and the budget period.

Dated: April 22, 1997.

Michael H. Trujillo,

Assistant Surgeon General, Director.

[FR Doc. 97–14201 Filed 5–29–97; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[0917–ZA02]

Elder Health Care Initiative

AGENCY: Indian Service, HHS.

ACTION: Notice of availability of funds for Competitive Grants for Indian Elders Demographics and Health Services/Prevention/Education or Abuse/Neglect Treatment Programs Demonstration Projects for American Indians/Alaska Natives.

SUMMARY: The Indian Health Service (IHS) announces the availability of approximately $800,000 for competitive grants to Tribal, Urban and non-profit Indian organizations for the support of five to ten Demonstration Projects for American Indian/Alaska Native elders established under the authority of Section 301(a) of the Public Health Service Act, as amended. There will be only one funding cycle during fiscal year (FY) 1997 (see Fund Availability and Period of Support). This program is described at 93.933 in the Catalog of Federal Domestic Assistance. Executive Order 12372 requiring intergovernmental review is not applicable to this program. The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of *Healthy People 2000. Healthy People 2000,* the full report, is currently out of print. You may obtain the objectives from the latest *Healthy People 2000 Review.* A copy may be obtained by calling the National Center for Health Statistics, telephone (301) 443–8500.

Projects will be included in one of two categories, either: (1) Services assessment, which may include the demographics of Native American elders, the development of a survey tool of elder services and needs, or the development of assessment tools or interdisciplinary teams or, (2) direct services with a prevention component, which may include the forming of elder specific clinics/services/programs, elder abuse/neglect prevention, detection, and

treatment programs or the development of patient, care giver, community and/or professional and paraprofessional educational material/media on the aging process and care of the elder.

Smoke Free Workplace: The PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Due Date: An original and two (2) copies of the completed grant application must be submitted, with all required documentation, to the Grant Management Branch, Division of Acquisition and Grants Management, Twinbrook Metro Plaza-Suite 100, 12300 Twinbrook Parkway, Rockville, MD 20852, by close of business July 7, 1997.

Applications shall be considered as meeting the deadline if they are either: (1) Received on or before the deadline with hand carried applications received by close of business 5:00 p.m.; or (2) postmarked on or before the deadline date and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted as proof of timely mailing. Private metered postmarks will not be accepted as proof of timely mailing. Applications received after the announced closing date will be returned to the applicant and will not be considered for funding.

Additional Dates:

A. Application Review Date: August 5–6, 1997.

B. Applicants Notified of Results (approved, approved unfunded, or disapproved): September 1, 1997.

C. Anticipated Start Date: September 1, 1997.

Contacts for Assistance: For program information, contact Patrick Stenger, DO, Geriatric Consultant, IHS Elder Health Care Initiative, 3738 N. 16th Street, Phoenix, AZ 85016, (602) 640–5161, or Ron Freeman, MPH, Senior Public Health Advisor, IHS Headquarters East, Parklawn Bldg., Room 6A–55, 5600 Fishers Lane, Rockville, MD 20857 (301) 443–3024.

For grant application and business information, contact M. Kay Carpentier, Grants Management Officer, Grants Management Branch, Division of Acquisition and Grants Management, Indian Health Service, Twinbrook Metro Plaza–Suite 100, 12300 Twinbrook Parkway, Rockville, MD 20852, (301) 443–5204. (The telephone numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program goal, eligibility and documentation requirements, programmatic activities, funding availability and period of support, and application procedures.

General Program Goals: The goal of this project is to establish health, assistance, prevention and treatment programs for American Indian and Alaska Native elders; for data acquisition, integration and management and data base development; for producing assessment, management, and advance health care directive instruments such as health care powers of attorney and living wills specific for the indigenous older population; for elder abuse/neglect detection, prevention, or treatment programs; and for the development of educational and training materials and media for Indian elders, their caregivers, and their health care providers.

Eligibility and Documentation Requirements: Any federally recognized Indian tribe, Indian tribal organization or 501(c)(3) non-profit organizations serving primarily American Indians and Alaska Natives is eligible to apply for a demonstration grant from the IHS under this announcement.

Documentation of Support:

(a) A resolution of the Indian tribe or Indian tribal organization supporting this specific project must accompany the application submission.

(b) Applications which propose services which will benefit more than one Indian tribe must include resolutions from all affected tribes to be served.

(c) Applications by tribal organizations will not require resolution(s) if the current tribal resolution(s) under which they operate would encompass the proposed grant activities. A statement of proof or a copy of the current operational resolution must accompany the application.

(d) If a resolution or a statement is not submitted, the application will be considered incomplete and will be returned without consideration.

2. Non-Profit organizations must submit a copy of the 501(c)(3) Certificate.

3. Letters of Cooperation/Collaboration/Assistance

(a) Letters included in the application should be specific to this program.

(b) If other related human services programs are to be involved in the project, letters confirming the nature and extent of their cooperation/collaboration/assistance must be submitted.

Project Types:

(1) Demographic projects will identify health and demographic characteristics of the American Indian/Alaska Native elder. They will use the Geographic Information System (GIS) and report on urban dwelling elders. The mapping must report the availability of health care and related community services, including location of facilities and transportation availability, socio-economic factors as revealed by the latest U.S. Census data, and selected health data from the Indian Health Service computerized, on-line patients medical records database. A project may also involve the search for and/or the development of a survey tool and the methodology to identify elders' services and needs.

(2) Projects may be aimed at developing geriatric or functional assessment tools or mental health evaluation including, but not limited to, cognitive function, mental competency tools, and advance health care directives. Modifications of existing instruments, taking into account local tribal culture, customs, taboos, language, religious beliefs and the average level of education and literacy, is acceptable.

(3) The development of elder specific clinics/programs (e.g., Well Elder Clinic, Immunization Clinic, Wellness Programs, Case Management, Elder Continuity Clinics, Home Health Agency, Visiting Nurse Program, Adult Day Care, Senior Citizens Centers, PACE Programs, Assisted Living Programs, and the like) are fitting under this grant. Programs that focus on elder abuse/neglect recognition, prevention and treatment are appropriate. The assembling, training and utilization of interdisciplinary teams for the assessment of the frail elderly (including assessment and management or case management), or for the assessment of the robust (i.e., the well functioning) elder for disease/disability prevention, health maintenance, or maximizing functional capacity may also be included in this grant proposal.

(4) Education of elders, their communities, their families, and their providers of care is an important part of the IHS efforts to establish primary health care for Indian elders. Therefore, proposed projects may plan, execute and demonstrate strategies that incorporate pamphlets, books, workbooks, posters, modules or training sessions, audio, video, educational television network programming, or other media presentations aimed either at the consumer and/or the provider of elder health care.

Fund Availability and Period of Support: In FY 1997, it is anticipated

that approximately $800,000 will be available to support five to ten projects at approximately $40,000 to $200,000 inclusive of direct and indirect costs. Projects may be funded in annual budget periods for up to five years depending upon the defined scope of work. Continuation of projects will be based upon the availability of appropriations in future years, the continuing need of IHS for the projects, and satisfactory project performance. The anticipated start date will be September 1, 1997.

The Elder Health Care Initiative Grant Application Kit: An IHS Grant Application Kit, including form PHS 5161–1 (rev. 7/92), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Management, Twinbrook Metro Plaza-Suite 100, 12300 Twinbrook Parkway, Rockville, MD 20852, telephone (301) 443–5204.

Factors for Consideration in Preparing the Application:

1. Following the outline provided in the announcement will guide the writing of the application and facilitate the reviewers in locating required information.

2. Projects should demonstrate coordination with other agencies and organizations within and without the community who serve the targeted population.

3. Indian cultural aspects should be considered in program design.

Application Process: All applications must be single-spaced, typewritten, and consecutively numbered pages using black type not smaller than 12 characters per one inch, with conventional one inch border margins, on only one side of standard size 8½ × 11 paper that can be photocopied. The application Narrative (not including the Appendix) must not exceed 10 typed pages. An additional page may be used for each additional year of funding requested. Exclusions from the 10 page limit are the Abstract, Tribal Resolution(s), 501(c)(3) non-profit certificate, Letters of Documentation or Support, Standard Forms, Table of Contents, and the Appendix. All applications must include the following in the order presented:

- Tribal Resolution(s) and Documentation or 501(c)(3) Certification.
- Standard Form 424, Application for Federal Assistance.
- Standard Form 424A, Budget Information—Non-Construction Programs (pages 1 and 2).
- Standard Form 424B, Assurances—Non-Construction Programs (front and back).
- Checklist (pages 23–24). Note: Each standard form and the checklist is contained in the PHS Grant Application, Form PHS 5161–1 (OMB #0937–0189; expires 07/31/98.
- A project Abstract (may not exceed 1 typewritten page) should present a summary view of ''who-what-when-where-how-cost'' to determine acceptability for review.
- A table of contents to correspond with numbered pages.
- Project Narrative (10 pages):

1. Introduction and Need for Assistance.
2. Project Objective(s), Approach, and Results & Benefits.
3. Project Evaluation.
4. Organizational Capabilities and Qualifications.
5. Budget.

- Appendix to include:

* Resumes of key staff;
* Position descriptions for key staff;
* Organizational chart;
* Documentation of current certified financial management systems;
* Copy of current negotiated indirect cost rate agreement;
* A map of the area to benefit from the project; and
* Application Receipt Card, PHS–3038–1, Rev. 5–90.

A. Narrative

The narrative section of the application must include the following: (1) justification for need for assistance; (2) work plan (including use of appropriate Native healing practices), project objectives, approach, expected results and evaluation process, (3) adequacy of management controls, and (4) key personnel. The work plan section should be project specific. These instructions for the preparation of the narrative are to be used in lieu of the instructions on pages 19–20 of the PHS 5161–1. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. The Narrative may not exceed TEN single spaced pages in length, excluding attachments, budget and Tribal Resolutions/501(c)(3) non-profit certificate/Letters of Support. (Pages must be numbered.

1. Need for Assistance

(a) Describe and define the target population at the project location (e.g. tribal population, number of elders 55 years and older). Information sources must be appropriately identified.

(b) describe the existing resources and service available, including the maintenance of Native healing systems, where appropriate, which are related to the specific program/service the applicant is proposing to provide. Supply the name, address and phone number of a contact person for each.

(c) Describe in detail the needs of the target population and what efforts have been made in the past to meet these needs, if any, (e.g. number of providers and their categories (doctor, nurse, CHR, pharmacist, physical therapist, recreational therapist, home health aid, etc.), collaborative efforts with state/county programs, availability of program funding from federal/non-federal sources).

(d) Summarize the applicable national, IHS, and/or State standards, laws and regulations, and describe the unmet needs of any applicant's current program in relation to applicable national, IHS, and/or State standards, laws and regulations, (e.g. Medicare/Medicaid, third-party payor reimbursements, federal/state/tribal laws regarding instituting home health agencies, elder housing, adult day-care, nursing homes, etc.).

2. Work Plan

(a) Program Objectives:

1. State concisely the objectives of the project.
2. Describe briefly what the project intends to accomplish.
3. Describe how accomplishment of the objectives will be measured (including if replicable).

(b) Approach:

1. Describe the tasks and resources needed to implement and complete this project.
2. Provide a task time (milestones) breakdown or chart. Include the date that the project will begin to accept clients, (if applicable).

(c) Describe the Expected Results:

1. Discuss data collection for the project, how it will be obtained, analyzed, and maintained by the project. Data should include, but is not limited to, the number and types of clients served, services provided, client outcomes and satisfaction, and costs associated with the program.
2. Describe how the data collection will support the stated program objectives and how it will support the program evaluation to determine the impact of the project.

(d) Program Evaluation:

1. Describe methods for evaluating program activities, effectiveness of interventions, success in achieving objectives, the impact of interventions, acceptance among the targeted population, and workload accomplishments.

2. Identify who will conduct the evaluation of the projected outcomes and when the evaluation is to be completed.

3. Identify the cost of the evaluation (whether internal or external).

(e) Program Continuance: Discuss how the program services will be continued after the grant expires.

(f) Experience Sharing: Indicate the project's willingness to share its program experience with IHS Areas, urban programs, tribes and other tribal organizations.

3. Adequacy of Management Controls

(a) Describe where the project will be housed, i.e, facilities and equipment available.

(b) Describe the management controls of the grantee over the directions and acceptability of work to be performed. Discuss personnel and financial systems in use and changes planned for this grant.

(c) Applicant must demonstrate that the organization has adequate systems and expertise to manage Federal funds. Also, include a letter from the accounting firm describing results of the most recent organization-wide audit.

4. Key Personnel

(a) Provide a biographical sketch (qualifications) and position descriptions for the program director and other key personnel as described on pages 20–21 of the PHS 5161–1. Identify existing personnel and new program staff to be hired.

(b) Provide an organizational chart and indicate how the project will operate within the organization. Describe how this program will interface with other existing available resources.

(c) List the qualifications and experience of consultants or contractors where their use is anticipated. Identify who will determine if the work of a contractor is acceptable.

B. Budget

1. An itemized estimate of costs and justification for the proposed program by line item must be provided on form SF 424A Budget Information Non-Construction Programs.

2. A narrative justification must be submitted for all costs. Indicate needs by listing individual items and quantities necessary. The need for items and quantities should be clearly specified in the narrative justification.

3. Any special start up costs should be indicated.

4. Multi-Year Projects—Projects requiring 2, 3, 4 or 5 years funding must include a brief program narrative and budget for each additional year of funding requested. The applicant may use one additional page to describe the developmental plans for each additional year of the project.

5. Grant funding may not be used to supplant existing public and private resources.

C. Assurances

The application shall contain assurance to the Secretary that the applicant will comply with program regulations, 42 CFR 36, Subpart H.

Review Process: Applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement will be reviewed for merit by reviewers appointed by the IHS. The review will be conducted in accordance with PHS review procedures. The review process ensures selection of quality projects in a national competition for limited funding. Applications will be evaluated and rated on the basis of the evaluation criteria listed below. These criteria are used to evaluate the quality of a proposed project, to assign a numerical score to each application, and to determine the likelihood of its success. Applications scoring below 60 points will not be funded.

Evaluation Criteria Applications will be evaluated against the following criteria and weights:

Weight (percent)	Criteria	Description
25	1	Need—The demonstration of identified problems and risks in the target population. Extent of community involvement and commitment.
40	2	Work Plan—The soundness and effectiveness of the applicant's plan for conducting the project, with special emphasis on the objectives and methodology portion of the application.
15	3	Adequacy of Management Controls—The apparent capability of the applicant to successfully conduct the project including both technical and business aspects. The soundness of the applicant's budget in relation to the project work plan and for assuring effective utilization of grant funds. Adequacy of facilities and equipment available within the organization or proposed for purchase under the project.
10	4	Key Personnel—Qualifications and adequacy of the staff.
10	5	Budget—Clarity and accuracy of program costs, and cost justification for the entire grant period.
100	.....	Total Weight.

Reporting Requirements:

A. Progress Report—Program progress reports will be required semiannually. These reports will include a brief description of a comparison of actual accomplishments to the goals established for the period, reasons for slippage and other pertinent information as required. A final report is due 90 days after expiration of the project/budget period.

B. Financial Status Report—A semiannual financial status report will be submitted 30 days after the day of the end of the half-year. Final financial status reports are due 90 days after expiration of the project/budget period. Standard Form 269 (long form) will be used for financial reporting.

Grant Administration Requirements: Grants are administered in accordance with the following documents:

A. 45 CFR Part 92. Department of Health and Human Services, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR Part 74, Administrative of Grants to Non-profit recipients.

B. Public Health Service Grants Policy Statement, and

C. Appropriate Cost Principles: OMB Circular A–87, State and Local Governments, or OMB Circular A–122, Nonprofit Organizations.

Results of the Review: Successful applicants are notified through the official Notice of Grant Award (NGA) document. The NGA will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, and the budget period.

Dated: April 14, 1997.

Michael H. Trujillo,

Assistant Surgeon General Director.

[FR Doc. 97–14149 Filed 5–29–97; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

[0917–ZA03]

Indian Women's Health Demonstration Program for American Indians/Alaska Natives

AGENCY: Indian Health Service, HHS.

ACTION: Notice availability of funds for Competitive Grants for Indian Women's Health Demonstration Program for American Indians/Alaska Natives.

SUMMARY: The Indian Health Service (IHS) announces that approximately $800,000 is available for support of competitive grants for approximately six to then demonstration projects to Tribal, Urban and non-profit Indian organizations for Indian Women's Health Demonstration Program for American Indians/Alaska Natives established under the authority of Section 301(a) of the Public Health Service Act, as amended. There will be only one funding cycle during fiscal year (FY) 1997 (see Fund Availability and Period of Support). This program is described at 93.933 in the Catalog of Federal Domestic Assistance. Executive Order 12372 requiring intergovernmental review is not applicable to this program. The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of *Health People 2000. Healthy People 2000,* the full report, is currently out of print. You may obtain the objectives from the latest *Healthy People 2000 Review.* A copy may be obtained by calling the National Center for Health Statistics, telephone (301) 443–8500.

Smoke Free Workplace: The PHS strongly encourages all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Due Date: An original and two (2) copies of the completed grant application must be submitted, with all required documentation, to the Grants Management Branch, Division of Acquisition and Grants Management, Twinbrook Metro Plaza-Suite 100, 12300 Twinbrook Parkway, Rockville, MD 20852, by close of business July 7, 1997.

Applications shall be considered as meeting the deadline if they are either: (1) received on or before the deadline with hand carried applications received by close of business 5:00 p.m.; or (2) postmarked on or before the deadline date and received in time to be reviewed along with all other timely applications. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted as proof of timely mailing. Private metered postmarks will not be accepted as proof of timely mailing. Applications received after the announced closing date will be returned to the applicant and will not be considered for funding.

Additional Dates:

A. Applications Review Date: July 28–29, 1997.

B. Applicants Notified of Results (approved, approved unfunded, or disapproved): September 1, 1997.

C. Anticipated Start Date: September 1, 1997.

Contacts for Assistance: For program information, contact Ms. F. Louise Kiger, Chief, Principal Nursing Consultant, Office of Public Health, Indian Health Service, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–1840 or Ms. Carolyn Lofgren, Management Analyst/External Program Liaison, Office of Health Programs, Indian Health Service, Headquarters West, 5300 Homestead Road, NE, Albuquerque, NM 87110, (505) 248–4239.

For grant application and business management information, contact Mrs. M. Kay Carpentier, Grants Management Officer, Grants Management Branch, Division of Acquisition and Grants Management, Indian Health Service, Twinbrook Metro Plaza-Suite 100, 12300 Twinbrook Parkway, Rockville, MD 20852, (301) 443–5204. (The telephone numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: This announcement provides information on the general program purpose, eligibility and documentation requirements, programmatic activities, funding availability and period of support, and application procedures.

General Program Goals: The goal of this program is to establish and/or improve American Indian/Alaska Native women's health services. Funded programs will be community based and culturally appropriate with measurable outcomes related to the following: (1) increase access to health promotion; (2) promote disease prevention activities; (3) improve existing research data; and (4) foster advocacy in policy appropriate to meet *Healthy People 2000* objectives.

Eligibility and Documentation Requirements: Any federally recognized Indian tribe, Indian tribal organization or non-profit organizations—501(c)(3) serving primarily American Indians and Alaska Natives is eligible to apply for a demonstration grant from the IHS under this announcement.

Documentation of Support:

1. Tribal Resolutions.

(a) A resolution of the Indian tribe or Indian tribal organization supporting this specific program must accompany the application submission.

(b) Applications which propose services which will benefit more than one Indian tribe must include resolutions from all affected tribes to be served.

(c) Applications by tribal organizations will not require resolution(s) if the current tribal resolution(s) under which they operate would encompass the proposed grant activities. A statement of proof or a copy of the current operational resolution must accompany the application.

(d) If a resolution or a statement is not submitted, the application will be considered incomplete and will be returned without consideration.

2. Non-Profit organizations must submit a copy of the 501(c)(3) Certificate.

3. Letters of Cooperation/Collaboration/Assistance.

(a) Letters included in the application should be specific to this program.

(b) If other related human services programs are to be involved in the program, letters confirming the nature and extent of their cooperation/collaboration/assistance must be submitted.

Programmatic Activities: A grant awarded under this announcement shall establish demonstration programs for improving and enhancing the health services for American Indian/Alaska Native women. The program shall expand on existing services or programs or build new capacity through activities that integrate or promote collaboration

among existing services. The four identified focus areas are health promotion, disease prevention, data/research improvement and policy advocacy appropriate to meet *Healthy People 2000* objectives. Specific health priorities within these focus areas are cardiovascular disease, cervical, ovarian and breast cancer, gestational diabetes, maternal health, alcohol and substance abuse, unintentional injuries, violence, smoking, sexually transmitted diseases and mental health.

Program objectives should be measureable using objective criteria and should focus on one or more of the following:

1. Establish or expand health risk reduction programs.
2. Increase access to and acceptance of existing preventative/primary health service.
3. Increase the awareness of and need for research/data improvements relative to American Indian/Alaska Native women's health status.
4. Promote networking and collaborating among existing providers of health services for American Indian/Alaska Native women.

Creative and innovative ideas to enhance service coordination is encouraged.

Fund Availability and Period of Support: In FY 1997, it is anticipated that approximately $800,000 will be available to support six to ten projects at approximately $80,000 each (amounts include direct and indirect costs). The programs may be funded annually for up to five years in annual budget periods depending upon the defined scope of work. Funding levels beyond the first year will be based upon the availability of appropriations in future years, the continuing need of IHS for the programs, and satisfactory program performance. The anticipated start date will be September 1, 1997.

The Indian Women's Health Demonstration Grant Application Kit: An IHS Grant Application Kit, including form PHS 5161–1 (rev. 7/92), may be obtained from the Grants Management Branch, Division of Acquisition and Grants Management, Twinbrook Metro Plaza-Suite 100, 12300 Twinbrook Parkway, Rockville, MD 20852, telephone (301) 443–5204.

Factors for Consideration in Preparing the Application:

1. Following the outline provided in the announcement will guide the writing of the application and facilitate the reviewers in locating required information.
2. Projects should demonstrate coordination with other agencies and organizations within an without the community who serve the targeted population.
3. Indian cultural aspects may be considered in program design.

Grant Application Requirements: All applications must be single-spaced, typewritten, and consecutively numbered pages using black type not smaller than 12 characters per one inch, with conventional one inch border margins, on only one side of standard size 8½ × 11 paper that can be photocopied. The application Narrative (not including the Appendix) must not exceed 10 typed pages. An additional page may be used for each additional year of funding requested. Exclusions from the 10 page limit are the Abstract, Tribal Resolution(s), 501(c)(3) Non-Profit Certificates, Letters of Documentation or Support, Standard Forms, Table of Contents, and the Appendix. All applications must include the following in the order presented:

- Tribal Resolution(s), or 501(c)(3) Certificate, and Letters of Documentation or Support.
- Standard Form 424, Application for Federal Assistance.
- Standard Form 424A, Budget Information—Non-Construction Programs (pages 1 and 2).
- Standard Form 424B, Assurance—Non-Construction Programs (front and back).
- Checklist (pages 23–24) Note: Each standard form and the checklist is contained in the PHS Grant Application, Form PHS 5161–1 (OMB #0937–0189; expires 07/31/98).
- A Project Abstract (may not exceed 1 typewritten page) should present a summary view of ''who-what-when-where-how-cost'' to determine acceptability for review.
- A table of contents to correspond with numbered pages.
- Project Narrative (10 pages):

1. Introduction and Need for Assistance.
2. Project Objective(s), Approach, and Results & Benefits.
3. Project Evaluation.
4. Organizational Capabilities and Qualifications.
5. Budget.

- Appendix to include:
- Resumes of key staff;
- Position Descriptions for key staff;
- Organizational Chart;
- Documentation of current certified financial management systems;
- Copy of current negotiated indirect cost rate agreement;
- A map of the area of benefit from the project; and
- Application Receipt Card, PHS–3038–1, Rev. 5–90.

A. Narrative

The narrative section of the application must include the following: (1) justification for need for assistance; (2) work plan, program objectives, approach, expected results and evaluation process, (3) adequacy of management controls, and (4) key personnel. The work plan section should be project specific. These instructions for the preparation of the narrative are to be used in lieu of the instructions on page 19–20 of the PHS 5161–1. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. The Narrative may not exceed TEN single-spaced pages in length, excluding attachments, budget, and tribal resolutions/non-profit 501(c)(3) certificates/letters of documentation or support. (Pages must be numbered).

1. Need for Assistance

(a) Describe and define the target population at the program location (e.g. identify information sources).

(b) Describe in detail the needs of the target population and what efforts have been made in the past to meet these needs, if any.

2. Work Plan

(a) Program Objectives:

1. State concisely the objectives of the project.
2. Describe briefly what the program intends to accomplish.
3. Describe how accomplishment of the objectives will be evaluated or measured.

(b) Approach:

1. Describe the tasks and resources needed to implement and complete this program.
2. Provide a task time line (milestones) breakdown or chart.

(c) Describe the Expected Results (outcomes):

(d) Program Evaluation:

1. Describe methods for evaluating program activities, success in achieving objectives, acceptance among the targeted population, and workload accomplishments.
2. Identify who will conduct the evaluation of the projected outcomes and when the evaluation is to be completed.
3. Identify the cost of the evaluation (whether internal or external).

(e) Program Continuance: Discuss how the program services will be continued after the grant expires.

(f) Experience Sharing: Indicate the program's willingness to share its program experience with IHS Areas, urban programs, tribes and tribal organizations.

3. Adequacy of Management Controls

(a) Describe where the program will be housed, i.e., facilities and equipment available.

(b) Describe the management controls of the grantee over the directions and acceptability of work to be performed. Discuss personnel and financial systems in use and changes planned for this grant.

(c) Applicant must demonstrate that the organization has adequate systems and expertise to manage Federal funds. Also, include a letter from the accounting firm describing results of the most recent organization-wide audit.

4. Key Personnel

(a) Provide a biographical sketch (qualifications) and position descriptions for the program director and other key personnel as described on pages 20–21 of PHS 5161–1. Identify existing personnel and new program staff to be hired.

(b) Provide an organizational chart and indicate how the project will operate within the organization. Describe how this program will interface with other existing available resources.

(c) List the qualifications and experience of consultants or contractors where their use is anticipated. Identify who will determine if the work of a contractor is acceptable.

B. Budget

1. An itemized estimate of costs and justification for the proposed program by line item must be provided on form SF 424A of the PHS 5161–1 Application Kit.

2. A narrative justification must be submitted for all costs. Indicate needs by listing individual items and quantities necessary. The need for items and quantities should be clearly specified in the narrative justification.

3. Any special start up costs should be indicated.

4. Multi-Year Projects—Projects requiring 2, 3, 4 or 5 years funding must include a brief program narrative and budget for each additional year of funding requested. The applicant may use one additional page to describe the developmental plans for each additional year of the project.

5. Grant funding may not be used to supplant existing public and private resources.

C. Assurances

The application shall contain assurance to the Secretary that the applicant will comply with program regulations, 42 CFR 36, Subpart H.

Review Process: Applications meeting eligibility requirements that are complete, responsive, and conform to this program announcement will be reviewed for merit by reviewers appointed by the IHS. The review will be conducted in accordance with PHS review procedures. The review process ensures selection of quality projects in a national competition for limited funding. Applications will be evaluated and rated on the basis of the evaluation criteria listed below. These criteria are used to evaluate the quality of a proposed project, to assign a numerical score to each application, and to determine the likelihood of its success. Applications scoring below 60 points will not be funded.

Evaluation Criteria: Applications will be evaluated against the following criteria and weights:

Weight (percent)	Criteria	Description
15	1	Need—The demonstration of identified problems and risks in the target population.
50	2	Work Plan—The soundness and effectiveness of the applicant's plan for conducting the program, with special emphasis on the objectives and methodology portion of the application.
15	3	Adequacy of Management Controls—The apparent capability of the applicant to successfully conduct the program including both technical and business aspects. The soundness of the applicant's budget in relation to the program work plan and for assuring effective utilization of grant funds. Adequacy of facilities and equipment available within the organization or proposed for purchase under the program.
10	4	Key personnel—Qualifications and adequacy of the staff.
10	5	Budget—Clarity and accuracy of program costs, and cost justification for the entire grant period.
100	.....	TOTAL WEIGHT.

Reporting Requirements:

A. Progress Report—Program progress reports will be required semiannually. These reports will include a brief description of a comparison of actual accomplishments to the goals established for the period, reasons for slippage and other pertinent information as required. A final report is due 90 days after expiration of the project/budget period.

B. Financial Status Report—A semiannual financial status report will be submitted 30 days after the end of the half-year. Final financial status reports are due 90 days after expiration of the project/budget period. Standard Form 269 (long form) will be used for financial reporting.

Grant Administration Requirements: Grants are administered in accordance with the following documents:

A. 45 CFR Part 92. Department of Health and Human Services, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or 45 CFR Part 74, Administration of Grants to Nonprofit recipients.

B. Public Health Service Grants Policy Statement, and

C. Appropriate Cost Principles: OMB Circular A–87, State and Local Governments, or OMB Circular A–122, Nonprofit Organizations.

Results of the Review: Successful applicants are notified through the official Notice of Grant Award (NGA) document. The NGA will state the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the project period, and the budget period.

Dated: April 14, 1997.

Michael H. Trujillo,

Assistant Surgeon General Director.

[FR Doc. 97–14150 Filed 5–29–97; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to Section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Cancer Institute (NCI) Board of Scientific Advisors on June 19–20, 1997, in Conference Room 10, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland.

This meeting will be open on June 19 from 8 a.m. to approximately 5 p.m. and on June 20 from 8 a.m. to adjournment at 1 p.m. Agenda items will include: NCI Director's Report; Board operating procedures and representation at scientific meetings; Board program review group updates, comprehensive review of NCI AIDS program, and concept reviews. Attendance by the public will be limited to space available.

Individuals who plan to attend and need special assistance such as sign language interpretation or other reasonable accommodations and additional information pertaining to the meeting should contact Dr. Paulette S. Gray, Executive Secretary, NCI Board of Scientific Advisors, 6130 Executive Blvd., EPN, Rm. 600C, Bethesda, MD 20892 (301–496–4218).

Dated: May 27, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–14152 Filed 5–29–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Allergy and Infectious Diseases Special Emphasis Panel (SEP) meeting:

Name of SEP: The Streptococcal Initiative (Telephone Conference Call).

Date: May 30, 1997.

Time: 3:00 p.m.

Place: Teleconference, 6003 Executive Boulevard, Solar Bldg., Room 4C40, Rockville, MD 20852.

Contact Person: Dr. Madelon C. Halula, Scientific Review Adm., 6003 Executive Boulevard, Solar Bldg., Room 4C16, Bethesda, MD 20892, (301) 402–4988.

Purpose/Agenda: To evaluate a contract proposal.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs No. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Dated: May 27, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–14153 Filed 5–29–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting of the Literature Selection Technical Review Committee

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Literature Selection Technical Review Committee, National Library of Medicine, on June 12–13, 1997, convening at 9 a.m. on June 12 and at 8:30 a.m. on June 13 in the Board Room of the National Library of Medicine, Building 38, 8600 Rockville Pike, Bethesda, Maryland.

The meeting on June 12 will be open to the public from 9 a.m. to approximately 10:30 a.m. for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Mrs. Lois Ann Colaianni at 301–496–6921 two weeks before the meeting.

In accordance with provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., Public Law 92–463, the meeting will be closed on June 12 from 10:30 a.m. to approximately 5 p.m. and on June 13 from 8:30 a.m. to adjournment for the review and discussion of individual journals as potential titles to be indexed by the National Library of Medicine. The presence of individuals associated with these publications could hinder fair and open discussion and evaluation of individual journals by the Committee members.

Mrs. Lois Ann Colaianni, Scientific Review Administrator of the Committee, and Associate Director, Library Operations, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20894, telephone number: 301–496–6921, will provide a summary of the meeting, rosters of the committee members, and other information pertaining to the meeting.

Dated: May 27, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–14154 Filed 5–29–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4235–N–05]

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.

EFFECTIVE DATE: May 30, 1997.

FOR FURTHER INFORMATION CONTACT:

Mark Johnston, Department of Housing and Urban Development, Room 7256, 451 Seventh Street SW, Washington, DC 20410; telephone (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 the December 12, 1988 court order in National Coalition for the Homeless versus Veterans Administration, No. 88–2503–OG (D.D.C.), HUD publishes a notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal Buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: May 22, 1997.

Fred Karnas, Jr.,

Acting Deputy Assistant Secretary for Economic Development.

[FR Doc. 97–13937 Filed 5–29–97; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of application.

The following applicant has applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Applicant: Ronald L. Richards, Indianapolis, Indiana.

The applicant requests a permit to take (collect, dead shells only) the following unionid species in Indiana: Clubshell (*Pleurobema clava*), Fanshell (*Cyprogenia stegaria*), Ring-pink mussel (*Obovaria retusa*), Winged Mapleleaf Mussel (*Quadrula fragosa*), Cracking pearly mussel (*Hemistena lata*), Orange-footed pearly mussel (*Plethobasus cooperianus*), Pink mucket pearly mussel (*Lampsilis abrupta*), Purple cat's paw pearly mussel (*Epioblasma obliquata obliquata*), Tubercled-blossom (*Epioblasma torulosa torulosa*), White cat's paw (*Epioblasma sulcata delicata*), White wartyback pearly mussel (*Plethobasus cicatricosus*) Rough pigtoe (*Pleurobema plenum*), Fat Pocketbook (*Potamilus capax*), and Northern Riffleshell (*Epioblasma torulosa rangiana*). Activities are proposed to supplement the collection at the Indiana State Museum and to document the former distribution and abundance of freshwater mussels in Indiana for the purpose of survival and enhancement of the species in the wild.

Written data or comments should be submitted to the Regional Director, U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056, and must be received within 30 days of the date of this publication.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Ecological Services Operations, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056. Telephone: (612/725–3536 x250); FAX: (612/725–3526).

Dated: May 20, 1997.

John A. Blankenship,

Assistant Regional Director, IL, IN, MO (Ecological Services), Region 3, Fort Snelling, Minnesota.

[FR Doc. 97–14117 Filed 5–29–97; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Gulf of Mexico Region, Proposed Central Gulf Sales 169, 172, 175, 178, and 182

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of Availability of the Draft Multisale Environmental Impact Statement (EIS) and Public Hearings on Proposed Central Gulf of Mexico (GOM) Sales 169, 172, 175, 178, and 182.

The Minerals Management Service (MMS) has prepared a draft multisale EIS on five proposed Outer Continental Shelf (OCS) oil and gas lease sales in the Central GOM. We will conduct a planning process for one sale each year from 1998 through 2002. Although this EIS addresses five proposed lease sales, it is a decision document only for proposed Sale 169. We will consult with other Federal Agencies and the affected States for each of the yearly proposed sales. We will perform a National Environmental Policy Act review, and give the public an opportunity to participate in each sale.

You may obtain single copies of the draft multisale EIS from the Minerals Management Service, Gulf of Mexico OCS Region, Attention: Public Information Office (MS–5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123–2394 or by calling 1–800–200–GULF.

You may look at copies of the draft EIS in the following libraries:

Texas

Abilene Christian University, Margaret and Herman Brown Library, 1600 Campus Court, Abilene;
Alma M. Carpenter Public Library, 330 South Ann, Sourlake;
Aransas Pass Public Library, 110 North Lamont Street, Aransas Pass;
Austin Public Library, 402 West Ninth Street, Austin;
Bay City Public Library, 1900 Fifth Street, Bay City;
Baylor University, 13125 Third Street, Waco;
Brazoria County Library, 410 Brazoport Boulevard, Freeport;
Calhoun County Library, 301 South Ann, Port Lavaca;
Chambers County Library System, 202 Cummings Street, Anahuac;
Comfort Public Library, Seventh & High Streets, Comfort;
Corpus Christi Central Library, 805 Comanche Street, Corpus Christi;
Dallas Public Library, 1513 Young Street, Dallas;
East Texas State University Library, 2600 Neal Street, Commerce;
Houston Public Library, 500 McKinney Street, Houston;
Jackson County Library, 411 North Wells Street, Edna;
Lamar University, Gray Library, Virginia Avenue, Beaumont;
LaRatama Library, 505 Mesquite Street, Corpus Christi;
Liberty Municipal Library, 1710 Sam Houston Avenue, Liberty;
Orange Public Library, 220 North Fifth Street, Orange;
Port Arthur Public Library, 3601 Cultural Center Drive, Port Arthur;
Port Isabel Public Library, 213 Yturria Street, Port Isabel;
R. J. Kleberg Public Library, Fourth and Henrietta, Kingsville;
Reber Memorial Library 193 North Fourth, Raymondville;
Refugio County Public Library, 815 South Commerce Street, Refugio;
Rice University, Fondren Library, 6100 South Main Street, Houston;
Rockwall County Library, 105 South First Street, Rockwall;
Rosenberg Library, 2310 Sealy Street, Galveston;
Sam Houston Regional Library & Research Center, FM 1011 Governors Road, Liberty;
Stephen F. Austin State University, Steen Library, Wilson Drive, Nacogdoches;
Texas A & M University, Corpus Christi Library, 6300 Ocean Drive, Corpus Christi;
Texas A & M University, Evans Library, Spence and Lubbock Streets, College Station;
Texas Southmost College Library, 1825 May Street, Brownsville;
Texas State Library, 1200 Brazos Street, Austin;
Texas Tech University Library, 18th and Boston Avenue, Lubbock;
University of Houston Library, 4800 Calhoun Boulevard, Houston;
University of Texas at Arlington, Library, 701 South Cooper Street, Arlington;
University of Texas at Austin, Library, 21st and Speedway Streets, Austin;
University of Texas at Brownsville, Oliveria Memorial Library, 80 Fort Brown, Brownsville;

University of Texas at Dallas, McDermott Library, 2601 North Floyd Road, Richardson;
University of Texas at El Paso, Library, Wiggins Road and University Avenue, El Paso;
University of Texas at San Antonio, Library, 6900 North Loop 1604 West, San Antonio;
University of Texas Law School, Tarlton Law Library, 727 East 26th Street, Austin;
University of Texas, LBJ School of Public Affairs Library, 2313 Red River Street, Austin;
Victoria Public Library, 320 North Main, Victoria:

Louisiana

Calcasieu Parish Library, 327 Broad Street, Lake Charles;
Cameron Parish Library, Marshall Street, Cameron;
Grand Isle Branch Library, Highway 1, Grand Isle;
Government Documents Library, Loyola University, 6363 St. Charles Avenue, New Orleans;
Iberville Parish Library, 24605 J. Gerald Berret Boulevard, Plaquemine;
Jefferson Parish Regional Branch Library, 4747 West Napoleon Avenue, Metairie;
Jefferson Parish West Bank Outreach Branch Library, 2751 Manhattan Boulevard, Harvey;
Lafayette Public Library, 301 W. Congress Street, Lafayette;
Lafitte Branch Library, Route 1, Box 2, Lafitte;
Lafourche Parish Library, 303 West 5th Street, Thibodaux;
Louisiana State University Library, 760 Riverside Road, Baton Rouge;
Louisiana Tech University, Prescott Memorial Library, Everet Street, Ruston;
LUMCON, Library, Star Route 541, Chauvin;
McNeese State University, Luther E. Frazar Memorial Library, Ryan Street, Lake Charles;
New Orleans Public Library, 219 Loyola Avenue, New Orleans;
Nicholls State University, Nicholls State Library, Leighton Drive, Thibodaux;
Plaquemines Parish Library, 203 Highway 11, South, Buras;
St. Bernard Parish Library, 1125 East St. Bernard Highway, Chalmette;
St. Charles Parish Library, 105 Lakewood Drive, Luling;
St. John The Baptist Parish Library, 1334 West Airline Highway, LaPlace;
St. Mary Parish Library, 206 Iberia Street, Franklin;
St. Tammany Parish Library, Covington Branch, 310 West 21st Street, Covington;
St. Tammany Parish Library, Slidell Branch, 555 Robert Boulevard, Slidell;
Terrebonne Parish Library, 424 Roussell Street, Houma;
Tulane University, Howard Tilton Memorial Library, 7001 Freret Street, New Orleans;
University of New Orleans Library, Lakeshore Drive, New Orleans;
University of Southwestern LA, Dupre Library, 302 East St. Mary Boulevard, Lafayette;
Vermilion Parish Library, Abbeville Branch, 200 North Street, Abbeville.

Mississippi

Gulf Coast Research Laboratory, Gunter Library, 703 East Beach Drive, Ocean Springs;
Hancock County Library System, 312 Highway 90, Bay St. Louis;
Harrison County Library, 14th and 21st Avenues, Gulfport;
Jackson George Regional Library System, 3214 Pascagoula Street, Pascagoula.

Alabama

Dauphin Island Sea Lab, Marine Environmental Science Consortium, Library, Bienville Boulevard, Dauphin Island;
Gulf Shores Public Library, Municipal Complex, Route 3, Gulf Shores;
Mobile Public Library, 701 Government Street, Mobile;
Thomas B. Norton Public Library, 221 West 19th Avenue, Gulf Shores;
University of South Alabama, University Boulevard, Mobile;
Montgomery Public Library, 445 South Lawrence Street, Montgomery.

Florida

Bay County Public Library, 25 West Government Street, Panama City;
Charlotte-Glades Regional Library System, 18400 Murdock Circle, Port Charlotte;
Collier County Public Library, 650 Central Avenue, Naples;
Environmental Library, Sarasota County, 7112 Curtis Avenue, Sarasota;
Florida A & M University, Coleman Memorial Library, Martin Luther King Boulevard, Tallahassee;
Florida Northwest Regional Library System, 25 West Government Street, Panama City;
Florida State University, Strozier Library, Call Street and Copeland Avenue, Tallahassee;
Fort Walton Beach Public Library, 105 Miracle Strip Parkway, Fort Walton Beach;
Leon County Public Library, 200 West Park Avenue, Tallahassee;
Marathon Public Library, 3152 Overseas Highway, Marathon;
Monroe County Public Library, 700 Fleming Street, Key West;
Port Charlotte Public Library, 2280 Aaron Street, Port Charlotte;
Selby Public Library, 1001 Boulevard of the Arts, Sarasota;
St. Petersburg Public Library, 3745 Avenue North, St. Petersburg;
Tampa-Hillsborough County Library, Documents Division, 900 North Ashley Drive, Tampa;
University of Florida Library, University Avenue, Gainesville;
University of Florida, Holland Law Library, Southwest 25th St. and 2nd Avenue, Gainesville;
West Florida Regional Library, 200 West Gregory Street, Pensacola.

There will be three public hearings held to receive comments on the draft multisale EIS. The hearings will provide us with information that will help in the evaluation of the potential effects of the proposed lease sales.

Louisiana—Houma on June 23, 1997, from 7:00—9:00 p.m. at the Plantation Inn, 1381 West Tunnel Boulevard, Houma, Louisiana; and New Orleans on June 25, 1997, from 1:00—3:00 p.m. at the Minerals Management Service, 1201 Elmwood Park Boulevard, Conference Room 111, Jefferson, Louisiana.

Alabama—Mobile on June 25, 1997, from 7:00—9:00 p.m. at the Adam's Mark Hotel, 64 South Water Street, Mobile, Alabama.

If you wish to testify at a hearing, you may register beginning 1 hour prior to the meeting. Speakers will be limited to 10 minutes. Each hearing will recess when all speakers have had an opportunity to testify. If there are no additional speakers, we will adjourn the hearing immediately after the recess. Written statements submitted at a hearing will be considered part of the hearing record. If you are unable to attend the hearing, you may submit written statements until July 22, 1997. Send written statements to the Regional Director (MS–5410), Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394.

Dated: May 21, 1997.

Thomas A. Readinger,

Associate Director for Offshore Minerals Management.

[FR Doc. 97–14145 Filed 5–29–97; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Extension of Post-Sale Evaluation Period for Central Gulf of Mexico Lease Sale 166

AGENCY: Minerals Management Service, Interior.

ACTION: Notice to Extend Post-Sale Evaluation Period for Central Gulf of Mexico Lease Sale 166.

SUMMARY: This notice extends by 45 days, the post-sale evaluation period for Central Gulf of Mexico Lease Sale 166. The Minerals Management Service (MMS) will complete evaluating all the bids received in this sale by July 18, 1997. This action is necessary due to the unusually high number of bids received in response to this lease sale.

DATES: The post-sale evaluation period ends on July 18, 1997.

FOR FURTHER INFORMATION CONTACT: Gary Lore, Regional Supervisor, Resource Evaluation, Gulf of Mexico Region, telephone (504) 736–2710.

SUPPLEMENTARY INFORMATION: In the Central Gulf of Mexico Sale 166, held March 5, 1997, we received 1,790 bids on 1,032 tracts, 799 of which passed to a second phase required for detailed evaluations. This unprecedented response by industry in Sale 166 resulted from the enactment of the Outer Continental Shelf Deep Water Royalty Relief Act (Pub. L. 104–58) and other factors, such as higher natural gas and oil prices. Consequently, MMS is unable to conduct and complete the entire bid review process within the 90 days, i.e., by June 3, 1997. Under provisions of § 256.47(e)(2), MMS is extending the bid evaluation period until July 18, 1997.

Dated: May 22, 1997.

Chris C. Oynes,

Regional Director, Gulf of Mexico.

[FR Doc. 97–14144 Filed 5–29–97; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Draft Environmental Impact Statement, OSM–EIS–29

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Extension of Comment Period of Draft Environmental Impact Statement.

SUMMARY: On January 31, 1997, (62 FR 4759), the Environmental Protection Agency made available for public comment an Office of Surface Mining Reclamation and Enforcement (OSM) revised Draft Environmental Impact Statement (DEIS) analyzing the potential impacts to the permanent program regulations implementing and interpreting section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). As a result of requests received, OSM is extending the comment period for the DEIS.

DATES: *Electronic or written comments:* OSM will accept electronic or written comments on the DEIS until 5:00 p.m. Eastern time on August 1, 1997.

ADDRESSES: *Electronic or written comments:* Submit electronic comments to osmrules@osmre.gov. Mail written comments to the Administrative Record, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue, N.W., Washington, DC 20240 or hand-deliver to Room 117 at the above address.

FOR FURTHER INFORMATION CONTACT: Andy DeVito, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone (202) 208–2701; E-Mail: adevito@osmre.gov.

SUPPLEMENTARY INFORMATION: On January 31, 1997 (62 FR 4759), OSM made available for public comment a DEIS analyzing the impact of two proposed rules and the alternatives under consideration, dealing with the interpretation and implementation of section 522(e) of SMCRA. Both proposed rules were published on January 31, 1997 (62 FR 4836–72). The first rule, RIN 1029–AB42, would amend OSM's regulations to redefine the circumstances under which a person has valid existing rights to conduct surface coal mining operations in areas where such operations are otherwise prohibited by section 522(e) of SMCRA. The second rule, RIN 1029–AB82, is a proposed interpretative rulemaking to address the question of whether subsidence due to underground mining is a surface coal mining operation and thus prohibited in areas enumerated in section 522(e) of SMCRA.

The comment period was scheduled to close on June 2, 1997. In order to accommodate several requests for an extension of the public comment period, OSM is extending the comment period until 5 p.m. Eastern time on August 1, 1997.

Under separate **Federal Register** Notice the public comment period for the proposed rules and draft economic analysis is also being extended until 5 p.m. Eastern time on August 1, 1997.

Dated: May 27, 1997.

Mary Josie Blanchard,

Assistant Director, Program Support.

[FR Doc. 97–14163 Filed 5–29–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Greer H. Ricketson, M.D.; Revocation of Registration

On December 19, 1996, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause to Greer H. Ricketson, M.D., of Alexandria, Louisiana, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BR4331067, under 21 U.S.C. 824(a), and deny any pending applications for registration pursuant to 21 U.S.C. 823(f), for reason that he is not authorized to handle controlled substances in the State of Louisiana, and his continued registration would be inconsistent with the public interest. The Order to Show Cause specifically alleged that:

''(1) During an investigation of [his] practice conducted by the Louisiana State Police, [he] wrote the following prescriptions for controlled substances without a legitimate medical purpose for an undercover law enforcement officer . . .:

a. On February 28, 1996 for Tenuate, a Schedule IV controlled substance;

b. On March 21, 1996 for Ionamin, a Schedule IV controlled substance;

c. On March 29, 1996 for Roxicet, a Schedule II controlled substance;

d. On April 15, 1996 for Roxicet.

(2) On April 18, 1996, [he was] arrested for the above acts and charged with four counts of prescribing controlled substances without a legitimate medical purpose and not in the course of medical practice, all in violation of Louisiana law. Trial is pending in this criminal case.

(3) Also based on [his] above conduct, the Louisiana State Board of Medical Examiners (''Board'') issued a decision on October 8, 1996 that immediately revoked [his] license to practice medicine. The Board concluded, after having heard [his] testimony and that of [the undercover officer]:

It is clear that [you] made absolutely no effort to ascertain the physical condition of [the undercover officer] and that [you] prescribed controlled substances without justification and merely because [you were]

asked to do so. In so doing, [you] disregarded, not only the practical contraindications, but also the most basic tenets and ethics of our profession. [You have] convincingly demonstrated, by [your] professional conduct, and [your] conduct during the hearing, [your] unfitness for the practice of medicine.

As a result of the Board's decision, [he is] without authority to handle controlled substances in the State of Louisiana.''

The Order to Show Cause also notified Dr. Ricketson that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived. The DEA received a signed receipt indicating that Dr. Ricketson received the order on December 27, 1996. No request for a hearing or any other reply was received by the DEA from Dr. Ricketson or anyone purporting to represent him in this matter. Therefore, the Acting Deputy Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Ricketson is deemed to have waived his hearing right. After considering the relevant material from the investigative file in this matter, the Acting Deputy Administrator now enters his final order without a hearing pursuant to 21 C.F.R. 1301.43(d) and (e) and 1301.46.

The Acting Deputy Administrator finds that on October 8, 1996, the Louisiana State Board of Medical Examiners issued a decision immediately revoking Dr. Ricketson's license to practice medicine in the State of Louisiana based upon his prescribing of controlled substances to an undercover law enforcement officer without justification. The Acting Deputy Administrator finds that since Dr. Ricketson is not currently authorized to practice medicine in the State of Louisiana, it is reasonable to infer that he is not authorized to handle controlled substances in that state.

The DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts his business. 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. See *Romeo J. Perez, M.D.,* 62 FR 16,193 (1997); *Demetris A. Green, M.D.,* 61 FR 60,728 (1996); *Dominick A. Ricci, M.D.,* 58 FR 51,104 (1993).

Here, it is clear that Dr. Ricketson is not currently authorized to handle controlled substances in the State of Louisiana, where he is registered with DEA. Therefore, he is not entitled to maintain that registration. Because Dr. Ricketson is not entitled to a DEA registration in Louisiana due to his lack of state authorization to handle controlled substances, the Acting Deputy Administrator concludes that it is unnecessary to address whether Dr. Ricketson's continued registration would be inconsistent with the public interest, as alleged in the Order to Show Cause.

Accordingly, the Acting Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, BR4331067, be, and it hereby is, revoked. The Acting Deputy Administrator further orders that any pending applications for the renewal of such registration, be, and they hereby are, denied. This order is effective June 30, 1997.

Dated: May 21, 1997.

James S. Milford,

Acting Deputy Administrator.

[FR Doc. 97–14113 Filed 5–29–97; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined 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 issued 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.

Modification 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

New York
NY970002 (Feb. 14, 1997)
NY970004 (Feb. 14, 1997)
NY970005 (Feb. 14, 1997)
NY970006 (Feb. 14, 1997)
NY970007 (Feb. 14, 1997)
NY970009 (Feb. 14, 1997)
NY970010 (Feb. 14, 1997)
NY970011 (Feb. 14, 1997)
NY970014 (Feb. 14, 1997)
NY970016 (Feb. 14, 1997)
NY970017 (Feb. 14, 1997)
NY970022 (Feb. 14, 1997)
NY970031 (Feb. 14, 1997)
NY970032 (Feb. 14, 1997)
NY970033 (Feb. 14, 1997)
NY970034 (Feb. 14, 1997)
NY970037 (Feb. 14, 1997)
NY970038 (Feb. 14, 1997)
NY970039 (Feb. 14, 1997)
NY970040 (Feb. 14, 1997)
NY970041 (Feb. 14, 1997)
NY970044 (Feb. 14, 1997)
NY970045 (Feb. 14, 1997)
NY970046 (Feb. 14, 1997)
NY970047 (Feb. 14, 1997)
NY970048 (Feb. 14, 1997)
NY970050 (Feb. 14, 1997)
NY970072 (Feb. 14, 1997)
NY970074 (Feb. 14, 1997)
NY970075 (Feb. 14, 1997)
NY970076 (Feb. 14, 1997)
NY970077 (Feb. 14, 1997)

Volume II

West Virginia
WV970002 (Feb. 14, 1997)
WV970003 (Feb. 14, 1997)
WV970006 (Feb. 14, 1997)

Volume III

None

Volume IV

Indiana
IN970006 (Feb. 14, 1997)
Minesota
MN970003 (Feb. 14, 1997)
MN970005 (Feb. 14, 1997)
MN970007 (Feb. 14, 1997)
MN970008 (Feb. 14, 1997)
MN970012 (Feb. 14, 1997)
MN970015 (Feb. 14, 1997)
MN970017 (Feb. 14, 1997)
MN970027 (Feb. 14, 1997)
MN970031 (Feb. 14, 1997)
MN970035 (Feb. 14, 1997)
MN970039 (Feb. 14, 1997)
MN970043 (Feb. 14, 1997)
MN970044 (Feb. 14, 1997)
MN970045 (Feb. 14, 1997)
MN970046 (Feb. 14, 1997)
MN970047 (Feb. 14, 1997)
MN970048 (Feb. 14, 1997)
MN970049 (Feb. 14, 1997)
MN970058 (Feb. 14, 1997)
MN970059 (Feb. 14, 1997)
MN970061 (Feb. 14, 1997)
Ohio
OH970001 (Feb. 14, 1997)
OH970002 (Feb. 14, 1997)
OH970003 (Feb. 14, 1997)
OH970014 (Feb. 14, 1997)
OH970018 (Feb. 14, 1997)
OH970029 (Feb. 14, 1997)
OH970035 (Feb. 14, 1997)

Volume V

Nebraska
NE970058 (Feb. 14, 1997)
New Mexico
MN970001 (Feb. 14, 1997)
MN970005 (Feb. 14, 1997)

Volume VI

None

Volume VII

California
CA970070 (Feb. 14, 1997)
CA970084 (Feb. 14, 1997)
CA970101 (Feb. 14, 1997)
CA970111 (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, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the 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, DC this 23rd day of May 1997.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 97–14060 Filed 5–29–97; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101© of the Federal Mine Safety and Health Act of 1977.

1. G & P Contractors, Inc.

[Docket No. M–97–40–C]

G & P Contractors, Inc., Bryants Store, has filed a petition to modify the application of 30 CFR 75.342 (methane monitors) to its Stoney Fork No. 2 Mine (I.D. No. 15–17909) located in Knox County, Kentucky. The petitioner proposes to use hand-held continuous-duty methane and oxygen indicators on permissible three-wheel tractors instead of machine-mounted methane monitors. The petitioner asserts that this petition is based on the safety of the miners involved.

2. Pine Ridge Coal Company

[Docket No. M–97–41–C]

Pine Ridge Coal Company, 810 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Robin Hood No. 9 Mine (I.D. No. 46–02143) located in Boone County, West Virginia. The petitioner proposes to replace a padlock on battery plug connectors on mobile battery-powered machines with a threaded ring and a spring loaded device to prevent the plug connector from accidently disengaging while under load. The petitioner asserts that application of the standard would cause a diminution of safety to the workers. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

3. Peabody Coal Company

[Docket No. M–97–42–C]

Peabody Coal Company, 800 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR

75.1905(a) (dispensing of diesel fuel) to its Marissa Mine (I.D. No. 11–02440) located in Washington County, Illinois. The petitioner requests a modification of the standard to allow its diesel fueled vehicles to be refueled underground from a surface diesel fuel storage tank which would allow diesel fuel to be stored and used from the surface. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

4. Peabody Coal Company

[Docket No. M–97–43–C]

Peabody Coal Company, 800 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Marissa Mine (I.D. No. 11–02440) located in Washington County, Illinois. The petitioner requests that its August 1992 granted petition for modification be amended to allow an additional device to be permitted instead of a padlock for the purpose of locking battery plugs to battery tray receptacles on permissible, mobile, battery powered machines. The petitioner proposes to attach a spring-loaded plug interlock to the plug receptacle which is permanently attached to the battery case. The petitioner states that the spring-loaded plug interlock has been designed so that when the battery plugs are secured and the spring loaded interlock released, the threaded ring securing the battery plugs cannot become loose.

5. Bledsoe Coal Corporation

[Docket No. M–97–44–C]

Bledsoe Coal Company, 1374 Highway 192 East, London, Kentucky 40741–3123 has filed a petition to modify the application of 30 CFR 75.362(d)(2) (on-shift examination) to its Mine No. 4 (I.D. No. 15–11065) located in Leslie County, Kentucky. The petitioner proposes to make methane tests at locations other than at the face during roof bolting operations. The petitioner proposes to install a detector on each roof bolter that would operate in the working place and attach the sensor to the cross arm that connects the Automated Temporary Roof Support (ATRS) to the roof bolter instead of using an extendable probe to the face. The petitioner asserts that the detector will provide a continuous readout visible to the roof bolter operator. The petitioner alleges that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

6. Bledsoe Coal Corporation

[Docket No. M–97–45–C]

Bledsoe Coal Corporation, 1374 Highway 192 East, London, Kentucky 40741–3123 has filed a petition to modify the application of 30 CFR 75.362(d)(2) (on-shift examination) to its Mine No. 60 (I.D. No. 15–12941) located in Leslie County, Kentucky. The petitioner proposes to make methane tests at locations other than at the face during roof bolting operations. The petitioner proposes to install a detector on each roof bolter that would operate in the working place and attach the sensor to the cross arm that connects the Automated Temporary Roof Support (ATRS) to the roof bolter instead of using an extendable probe to the face. The petitioner asserts that the detector will provide a continuous readout visible to the roof bolter operator. The petitioner alleges that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

7. Bledsoe Coal Corporation

[Docket No. M–97–46–C]

Bledsoe Coal Corporation, 1374 Highway 192 East, London, Kentucky 40742–3123 has filed a petition to modify the application of 30 CFR 75.362(d)(2) (on-shift examination) to its Mine No. 66 (I.D. No. 15–17172) located in Leslie County, Kentucky. The petitioner proposes to make methane tests at locations other than at the face during roof bolting operations. The petitioner proposes to install a detector on each roof bolter that would operate in the working place and attach the sensor to the cross arm that connects the Automated Temporary Roof Support (ATRS) to the roof bolter instead of using an extendable probe to the face. The petitioner asserts that the detector will provide a continuous readout visible to the roof bolter operator. The petitioner alleges that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

8. Leeco, Inc.

[Docket No. M–97–47–C]

Leeco, Inc., 1374 Highway 192 East, London, Kentucky 40741–3132 has filed a petition to modify the application of 30 CFR 75.362(d)(2) (on-shift examination) to its Mine No. 63 (I.D. No. 15–16413) Perry County, Kentucky. The petitioner proposes to make methane tests at locations other than at the face during roof bolting operations. The petitioner proposes to install a detector on each roof bolter that would operate in the working place and attach the sensor to the cross arm that connects the Automated Temporary Roof Support (ATRS) to the roof bolter instead of using an extendable probe to the face. The petitioner asserts that the detector will provide a continuous readout visible to the roof bolter operator. The petitioner alleges that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

9. Leeco, Inc.

[Docket No. M–97–48–C]

Leeco, Inc., 1374 Highway 192 East, London, Kentucky 40741–3132 has filed a petition to modify the application of 30 CFR 75.362(d)(2) (on-shift examination) to its Mine No. 68 (I.D. No. 15–17497) located in Perry County, Kentucky. The petitioner proposes to make methane tests at locations other than at the face during roof bolting operations. The petitioner proposes to install a detector on each roof bolter that would operate in the working place and attach the sensor to the cross arm that connects the Automated Temporary Roof Support (ATRS) to the roof bolter instead of using an extendable probe to the face. The petitioner asserts that the detector will provide a continuous readout visible to the roof bolter operator. The petitioner alleges that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

10. Island Creek Coal Company

[Docket No. M–97–49–C]

Island Creek Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.364(b)(4) (weekly examination) to its Ohio No. 11 Mine (I.D. No. 15–03178) located in Union County, Kentucky. Due to deteriorating roof conditions and water accumulations, weekly examinations would unnecessarily expose persons

examining Seal Nos. 1 and 2 to hazardous conditions. The petitioner proposes to monitor the water level by a float and if the water level goes away indicating a problem with the seal below water, a set of contacts will close sounding an alarm in the mine-wide monitoring system on the surface; to check the water level each production day; to establish two check points to monitor the affected area; to maintain these check points in a safe condition; to have a certified person test these check points on a weekly basis for methane and the quantity of air; and to have the person making the tests place his/her initials, date, and time in a record book kept on the surface and made available for inspection by interested persons. The petitioner asserts the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

11. Canyon Fuel Company, LLC

[Docket No. M–97–50–C]

Canyon Fuel Company, LLC, 397 South 800 West, Saline, Utah 84654 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its SUFCO Mine (I.D. No. 42–00089) located in Sevier County, Utah. The petitioner proposes to use high-voltage 4,160 volt cables to supply power to longwall equipment used inby the last open crosscut. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

12. Peabody Coal Company

[Docket No. M–97–51–C]

Peabody Coal Company, 800 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.323(b)(1)(I) and (iii) (actions for excessive methane) to its Camp No. 1 Mine (I.D. No. 15–02709) located in Union County, Kentucky. The petitioner requests a modification of the standard to allow an alternative method of reducing the concentration of methane to levels below 1.0 percent where the roof bolting machine is working. The petitioner proposes to extend the line curtain up to the last row of permanent supports; to energize the roof bolting machine and install one row of permanent supports; to extend the line curtain and make a methane check as each row of supports is installed; and to deenergize all equipment in the event that the methane is 1.5 percent. The petitioner asserts that modification of the standard would permit the methane to be cleared from a working face without exposing the miners to the hazards and injuries associated with roof falls while setting temporary roof supports. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

13. Peabody Coal Company

[Docket No. M–97–52–C]

Peabody Coal Company, 800 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.362(d)(2) (on-shift examination) to its Camp No. 1 Mine (I.D. No. 15–02709) located in Union County, Kentucky. The petitioner proposes to make a methane test using manual systems or probes at the exhaust of the continuous miner scrubber on sections where a continuous miner equipped with such a device is in operation. The petitioner states that all the air from the face area would be pulled through the scrubber duct work, and the atmosphere that is being tested at the face would be the same atmosphere that would be tested at the exhaust of the scrubber duct. The petitioner asserts that application of the standard would diminish the safety of the miners. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

14. Peabody Coal Company

[Docket No. M–97–53–C]

Peabody Coal Company, 800 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.323(b)(1)(I) and (iii) (actions for excessive methane) to its Camp No. 11 Mine (I.D. No. 15–08357) located in Union County, Kentucky. The petitioner requests a modification of the standard to allow an alternative method of reducing the concentration of methane to levels below 1.0 percent where the roof bolting machine is working. The petitioner proposes to extend the line curtain up to the last row of permanent supports; to energize the roof bolting machine and install one row of permanent supports; to extend the line curtain and make a methane check as each row of supports is installed; and to deenergize all equipment in the event that the methane is 1.5 percent. The petitioner asserts that modification of the standard would permit the methane to be cleared from a working face without exposing the miners to the hazards and injuries associated with roof falls while setting temporary roof supports. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

15. Peabody Coal Company

[Docket No. M–97–54-C]

Peabody Coal Company, 800 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.362(d)(2) (on-shift examination) to its Camp No. 11 Mine (I.D. No. 15–08357) located in Union County, Kentucky. The petitioner proposes to make a methane test using a 20-foot extendable probe, and in the absence of methane, mining would continue. If methane is detected with the probe, the methane level at the face would be measured with a longer probe before continuing. The petitioner asserts that application of the standard would diminish the safety of the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same protection as would the mandatory standard.

16. Pen Coal Corporation

[Docket No. M–97–55-C]

Pen Coal Corporation, Frank Branch Mining, P.O. Box 200, Dunlow, West Virginia 25511 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Deep Mine No. 4 (I.D. No. 46-08579) located in Wayne County, West Virginia. The petitioner proposes to replace a padlock on all battery plug connectors on mobile battery-powered machines with a threaded ring and a spring loaded device to prevent the plug connector from accidently disengaging while under load. The petitioner asserts that application of the standard would result in a diminution of safety to the miners. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

17. South Akers Mining Company, LLC

[Docket No. M–97–56-C]

South Akers Mining Company, LLC, P.O. Box 392, Pikeville, Kentucky 41502 has filed a petition to modify the application of 30 CFR 75.1710 (canopies or cabs; electric face equipment) to its Mine No. 2 (I.D. No. 15–17739) located in Letcher County, Kentucky. The petitioner proposes to operate its electric face equipment without canopies because of the mining heights.

The petitioner states that the use of canopies on the equipment would be detrimental to the safety of the miners.

18. Headache Coal Company, Inc.

[Docket No. M–97–57-C]

Headache Coal Company, Inc., P.O. Box 188, Barbourville, Kentucky 40906 has filed a petition to modify the application of 30 CFR 75.380(f)(4)(I) (escapeways; bituminous and lignite mines) to its Mine No. 7 (I.D. No. 15–17708) located in Knox County, Kentucky. The petitioner proposes to install two 5-pound or one 10-pound portable chemical fire extinguisher in the operator's deck of each Mescher tractor and to have the fire extinguisher readily accessible to the operator; to have the fire extinguisher inspected daily by the equipment operator prior to entering the escapeway; to have the operator make daily inspections of the fire extinguisher and keep the records at the mine site; and to have a sufficient number of spare fire extinguishers maintained at the mine in case an extinguisher becomes defective. The petitioner asserts that this petition is based on the safety of the miners.

19. Newmont Gold Company

[Docket No. M–97–03-M]

Newmont Gold Company, P.O. Box 669, Carlin, Nevada 89822 has filed a petition to modify the application of 30 CFR 56.14107(a) (moving machine parts) to its Genesis Mine (I.D. No. 26–00062) located in Eureka County, Nevada. The petitioner proposes to place a sign on its Dresser Haulpack 510 Haultrucks to provide additional protection from moving parts at the front of the motor in addition to that provided by the location of the cited pinch point (Citations Nos. 7704270 and 7704274) issued April 21, 1997; and to reinforce training of the truck drivers to avoid the cited area. The petitioner asserts that placing guards on the trucks' undersides would interfere with the trucks' fire suppression systems. In addition, the petitioner asserts that application of the standard would result in a diminution of safety to the miners.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 30, 1997. Copies of these petitions are available for inspection at that address.

Dated: May 23, 1997.

Patricia W. Silvey,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 97–14170 Filed 5–29–97; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Directorate of Construction

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of availability of funds and Solicitation for Grant Applications (SGA).

SUMMARY: All information required to submit a grant application by eligible applicants is contained in this announcement. The U. S. Department of Labor (DOL), Occupational Safety and Health Administration (OSHA), announces the availability of $2.0 million in funds for a three-pronged training effort on the standards applicable to the residential construction industry.

DATES: The closing date for receipt of proposals is August 1, 1997, at 4:30 p.m. (Eastern Daylight Time).

ADDRESSES: Applications shall be mailed to: Directorate of Construction, Attention: H. Berrien Zettler, Deputy Director, Occupational Safety and Health Administration, U. S. Department of Labor, Room N–3603, 200 Constitution Avenue, N. W., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: H. Berrien Zettler, Directorate of Construction, Telephone: (202) 219–8071, Extension 122. (This is not a toll free number).

SUPPLEMENTARY INFORMATION: U. S. Department of Labor, Occupational Safety and Health Administration, is soliciting proposals on a competitive basis to conduct a series of training seminars directed to three separate target groups; viz., (1) non-union residential contractors/subcontractors, including their supervisors and their workers; (2) union residential contractors/subcontractors, their supervisors and their workers; and (3) OSHA (Federal and State Plan) compliance safety and health officers. Conduct of the training series will include developing a course syllabus, recruiting employers and workers for the training, delivering the training, and performing appropriate follow-up. Multiple training sessions, lasting from eight (8) to ten (10) hours each for target groups (1) and (2) above and ten (10) to sixteen (16) hours each for target group (3) above, will be held in different locations around the country. This does not prohibit a bidder from designing and submitting a program for a specific portion of the training, or for a specific geographical location or for a subgroup of trainees. Indeed, OSHA anticipates awarding multiple grants under this **Federal Register** notice. Such grants might address all or any of the different training series or even subordinate parts of one training series (such as training of non-union contractors in a particular Federal or State plan State or a particular region of the country). Selection of multiple grantees will not compromise the Agency's desire for nationwide coverage. Applicants for training of target groups (1) or (2) are expected to specify the approximate number of students they plan to train, e.g., 500–1000 organized contractor/subcontractor employees in the Southwest, or 400–800 non-union residential contractors in the six (6) Midwestern states listed herewith.

Part I. Application Process

A. Eligibility

Applicants eligible to apply for grants under this announcement are non-profit organizations which are currently administering or who have had experience in administering training programs involving a wide variety of OSHA's construction standards. Institutions of higher education which are supported by State or local governments are eligible to apply. Applicants other than State or local government-supported institutions of higher education will be required to submit evidence of their non-profit status, preferably from the Internal Revenue Service. (Applicants shall indicate their IRS status on the Standard Form 424) which is included in the application package. A consortium of two or more eligible applicants is also eligible to apply. Each consortium must have a written agreement spelling out the roles and responsibilities for each consortium member and naming one member as the lead agency. The lead agency will receive the grant and will be responsible for grant administration and primary contact with the Department of Labor Representative.

B. Period of Performance

The performance period for these grants will be twenty-four (24) months from the date of execution.

C. Submission of Proposal

Applicants may apply for all aspects of this solicitation or for any subpart. They may design a program that is nationwide or that limits consideration to one geographical region. Grant application packages may be obtained from the OSHA Office of Program Budgeting and Financial Management, Division of Grants Management, 200 Constitution Avenue, Room N–3419, Washington, D.C. 20210. All of the forms necessary for a complete application are included with the grant application package. A proposal shall consist of two (2) separate and distinct parts: Part I, the Financial Proposal and Part II, the Technical Proposal. Part I, the Financial Proposal, shall contain the Application for Financial Assistance (SF–424); the Budget Information Sheet (SF–424b); and the OSHA Grant Agreement (OSHA Form 110). The budget shall include (on separate pages) detailed breakouts of each proposed budget line item, including detailed administrative costs and program costs. Grant funds cannot be used to (1) support lobbying activities, (2) provide training that would be provided in the absence of the requested grant, (3) provide salaries for program participants or (4) acquire production equipment. Part II shall contain the Technical Proposal that demonstrates the applicant's capabilities in accordance with the Statement of Work in Part II of this solicitation. No cost data or reference to costs shall be included in the Technical Proposal.

D. Hand Delivered Proposals

Proposals may be mailed or delivered by hand. A mailed proposal should be mailed no later than five (5) calendar days prior to the closing date for the receipt of applications. Hand-delivered grant applications must be received at the designated place by 4:30 p.m. (Eastern Time) by August 1, 1997. Overnight mail shall be considered to be hand-delivered and must be received at the designated place by the specified time on the closing date. Grant applications transmitted by electronic mail, telegraph, or fax will not be considered.

E. Late Proposals

A proposal received at the office designated in the solicitation after the exact time specified for receipt will not be considered.

F. Withdrawal of Proposals

A grant application may be withdrawn by written notice or telegram (including mailgram) received at any time before the awarding of a grant based on that application. An application may be withdrawn in person by the grant applicant or by an authorized representative of the grant applicant if the representative's identity is documented and the representative signs a receipt acknowledging withdrawal of the proposal.

Part II. Government Requirement/ Statement of Work

A. Purpose

The purpose of this solicitation is to announce that funds are available for grants. Grant applications must address one or more of the target groups:

1. Training of non-union residential construction contractors and subcontractors, their supervisors and their workers;
2. Training of union residential contractors and subcontractors, their supervisors and their workers;
3. Training for OSHA (Federal and State Plan) compliance officers (CSHO) who conduct or may conduct residential inspections.

The subject of all phases of the training will be effective safety and health practices in construction with particular reference to the OSHA construction standards applicable to home building. OSHA will develop and provide to grantees a publication containing those construction safety and health standards most commonly applicable to residential construction. Appendices may be developed, as appropriate, for State Plan State standards when different from Federal standards. This publication will serve as the basis for development of the training seminars. Training that is directed toward contractors, subcontractors, supervisors, and workers in States that operate OSHA-approved State plans must be coordinated with and have the concurrence of the responsible State plan official. The training must also include appropriate reference to State plan standards and requirements where they differ from the Federal standards. Separate training will be designed for each target group and will be carried out in a series of seminars conducted at multiple locations throughout the country to ensure nationwide availability. A minimum of forty (40) seminars for employers and employees will be conducted. Each seminar will last from eight (8) to ten (10) hours and will be provided at no cost to the participants. Training for Federal and State CSHOs may be given to as many as seven hundred (700) persons and may be located in Regional Office cities, other centrally located cities or at the OSHA Training Institute in Des Plaines, IL. OSHA's Office of Training and Education will: (a) supervise the development of training materials by grantees selected for training of CSHOs, (b) provide guidance on policy and procedural matters applicable to the identified standards, (c) coordinate the program planning for that target group and (d) participate in the delivery of training. These latter training sessions (for CSHOs) may last as long as sixteen (16) hours.

B. Project Summary

Each grant application shall follow the format outlined below:

1. Target Population

As indicated in the purpose section there are three target groups for training: non-union contractors/sub contractors and their employees; union contractors/ subcontractors and their employees; and OSHA compliance personnel.

2. Project Design

(a) Outreach and recruitment. The grantee(s) will develop and deliver a series of training courses addressing hazards regularly found on residential construction sites, based on the OSHA construction standards identified as commonly applicable to residential construction sites in a publication to be provided to the grantee(s) by OSHA at the time the grant is awarded or as soon thereafter as it is available. Each session for the first two training target groups will last a minimum of eight and a maximum of ten hours to be given in one to one and one-half days and will focus on effective safety and health practices to ensure employee safety. Separate training seminars will be set up for each of the target groups at multiple locations throughout the country to ensure nationwide availability. OSHA anticipates that a minimum of forty (40) such sessions will be conducted. The training sessions for CSHOs will also focus on hazards regularly found on residential construction sites and will be based on the OSHA construction standards identified as commonly applicable to residential construction sites in a publication to be provided to the grantee(s) by OSHA as soon as it is available but not later than prior to the start of the training. CSHO training will also address compliance-related policies and procedures applicable to these standards. The sessions for target group (3) may last as long as sixteen hours, may include as many as seven hundred (700) trainees and may be located in Regional Office cities, other centrally located cities or at the OSHA Training Institute in Des Plaines, IL. Grant

applications may target training courses for one or all of the identified target groups or any subpart(s) thereof. The grantee(s) will be expected to: (a) develop and conduct training outreach or publicity programs; (b) arrange for and obtain an adequate meeting site for each seminar; (c) determine the number of attendees; (d) develop course content appropriate to the audience, including printed handouts and audio-visual materials; and with appropriate reference to the applicable OSHA-approved State plan requirements; (e) deliver the training; (f) obtain feedback from participants on the success of the seminar; (g) cycle improvements into the training course content as appropriate; and (h) develop a report at the end of the series of seminars evaluating its effectiveness.

Training directed at audiences from any target group in States that operate OSHA-approved State plans must be coordinated with and have the concurrence of the responsible State plan official. The training must also include appropriate reference to State plan standards and requirements where they differ from the Federal standards. Course evaluations by students will be collected at the end of each session and forwarded to OSHA's Directorate of Construction, Attention: H. Berrien Zettler, Deputy Director.

(b) Eligibility and selection criteria. The grantee(s) must:

(1) Demonstrate a working knowledge of the residential construction industry;

(2) Demonstrate a working knowledge of OSHA's construction standards (29 CFR 1926) and interpretations and, where appropriate, of State plan State construction standards;

(3) Demonstrate expertise in developing safety and health training programs and outreach materials, both computer-based and audio-visual, as well as familiarity with OSHA's Computerized Information System (OCIS).

(4) Demonstrate expertise in the development and evaluation of the effectiveness of safety and health programs and plans for employers, especially small business construction employers, and employees engaged in residential construction.

(c) Program experience. The grantee(s) will demonstrate experience with occupational safety and health programs in construction; with setting up training seminars and recruiting appropriate attendees, with training adults in work-related subjects; with developing computer-based, audio-visual and written materials to be used in training and with evaluating the success and effectiveness of training sessions.

3. Evaluation

Applicants may apply for any or all aspects of this solicitation or for any subpart. In either case the contents of the technical proposal must address each of the categories outlined in Part III in the order presented there. Each technical proposal will be scored on the basis of possible points. The parenthetical points shown below beside each of the evaluation factors indicate the relative importance of those factors. Applicants for the entire project will be evaluated against all factors. Those submitting proposals only for parts of the project will be evaluated against only those factors applying to the part(s) applied for. The parenthetical points shown below beside each evaluation subfactor indicate the relative importance of the subfactors.

4. Innovation

Describe any innovation in proposed training methods.

5. Project Management

(a) Structure. Describe the management structure proposed for the project, including a staffing plan that describes each position and the percentage of its time to be assigned to this project. Provide an organizational chart showing the relationship among project management and operational components, including those at multiple sites of the project.

(b) Program integrity. Describe the mechanisms to ensure financial accountability for grant funds and performance accountability relative to training. Explain the basis for the applicant's administrative authority over the management and operational components.

(c) Previous project management experience. Provide an objective demonstration of the grant applicant's ability to manage the project based on the applicant's past experience in the design and delivery of training.

C. Financial Reporting Requirements

Grantees will be required to submit quarterly and final financial and program reports. Detailed requirements for submitting these reports will be included in the grant award package. There are restrictions on the use of grant funds. OSHA will not provide funding for the following activities:

- Any activity inconsistent with the goals and objectives of the Occupational Safety and Health Act of 1970.
- Training of employers or employees not covered by the Occupational Safety and Health Act. Examples include State and local government workers in non-State Plan States and workers excluded from coverage under Section 4(b)(1) of the Act.
- Production, publication, reproduction or use of training and educational materials, including newsletters and instructional programs, that have not been reviewed by OSHA for technical accuracy.
- Activities that address issues other than recognition, avoidance, and prevention of unsafe or unhealthful working conditions. Examples include workers' compensation and materials prejudicial to labor or management.
- Activities that provide assistance to workers in arbitration cases or other actions against employers or that provide assistance to employers and/or workers in the prosecution of claims against Federal, State or local governments.
- Activities that directly duplicate services offered by OSHA, a State under a State Plan or Consultation programs provided by State-designated agencies under Section 7(c)(1) of the Occupational Safety and Health Act.
- Activities intended to generate membership in the grantee's organization, including activities to acquaint nonmembers with the benefits of membership, inclusion of membership appeals in materials produced with grant funds and membership drives.

D. Additional Grant Requirements

Educational materials produced by the grantee will be reviewed by OSHA for technical accuracy during development and before delivery or final publication. OSHA will also review curriculums and purchased training materials for accuracy before they are used. When grant recipients produce training materials, they shall provide copies of completed materials to OSHA before the end of the grant period. OSHA has a lending library program that circulates grant-produced audiovisual and written materials. Grant recipients' audiovisual and written materials will be included in this program.

E. Office of Management and Budget (OMB) Regulatory Requirements

Grantees will be required to comply with the following regulatory requirements:

- 29 CFR Part 95, which covers grant requirements for non-profit organizations, including universities and hospitals. These are the Department of Labor regulations implementing OMB Circular A–110.
- OMB Circular A–21, which describes allowable and unallowable costs for educational institutions.

• OMB Circular A–122, which describes allowable and unallowable costs for other non-profit organizations.

• 29 CFR Part 96 and OMB Circular A–133, which provide information about audit requirements.

• All applicants will be required to certify to a drug-free workplace in accordance with 29 CFR Part 98, to comply with the New Restrictions on Lobbying published at 29 CFR Part 93.

Part III. Selection/Evaluation Criteria

Selection of the grantee(s) for award will be made after careful evaluation of grant applicants by a panel selected for that purpose by DOL. Panel results shall be advisory in nature and not binding on the Assistant Secretary. Panelists shall evaluate applications for acceptability based upon overall responsiveness to the Statement of Work, with emphasis on the factors enumerated below.

Section A: Technical Approach to Fulfilling the Statement of Work: Maximum (425 Points)

(a) Demonstrate expert working knowledge of the residential construction industry. (100 points)

(b) Demonstrate expert working knowledge of OSHA's construction standards and interpretations and, where appropriate, of State plan State construction standards. (100 points)

(c) Demonstrate expertise in developing training and outreach materials, both computer-based and audio-visual, as well as familiarity with OSHA's Computerized Information System (OCIS). (75 points)

(d) Demonstrate expertise in implementing training seminars or workshops to be attended by employers or employees of the residential construction industry or others as appropriate. (75 points)

(e) Demonstrate expertise in the development and evaluation of safety and health programs, including construction safety and health programs and plans, for employers, especially small business construction employers and employees engaged in residential construction. (75 points)

Section B: Offeror's Experience and Qualifications: Maximum (300 Points)

(a) Identification of clients for whom similar work has been performed, for example, EPA, DOE, NIOSH, etc. (75 points)

(b) Technical synopses of past, similar or related work experience. (75 points)

(c) Experience in the management of subcontractors and consultants. (75 points)

(d) Personnel qualifications. (75 points)

Section C: Project Management: Maximum (125 Points)

(a) Project plans. (50 points)

(b) Methods of operation. (30 points)

(c) Methods of control, including financial. (45 points)

Maximum Score: The maximum possible score is 850 points.

Applicants are advised that, if any inconsistencies are found in an application, OSHA will make every effort to resolve them without contacting the applicant. Applications should be carefully screened to ensure that the proposal is clear and all elements are consistent. The final decision on awards will be based on what is most advantageous to the Federal Government as determined by the Assistant Secretary. The Government may elect to award grant(s) without discussion with the applicant(s). Such awards would be based on the applicant's proposal without alteration. The applicant's signature on the Application for Financial Assistance constitutes a binding offer.

Award Announcements

Winners under this competition will be announced on or before September 15, 1997.

Signed at Washington, DC, this 27th day of May, 1997.

Gregory Watchman,

Acting Assistant Secretary, Occupational Safety and Health Administration.

[FR Doc. 97–14169 Filed 5–29–97; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Maritime Advisory Committee for Occupational Safety and Health: Notice of Meeting

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

ACTION: Maritime Advisory Committee for Occupational Safety and Health (MACOSH); Notice of meeting.

SUMMARY: Notice is hereby given that the Maritime Advisory Committee for Occupational Safety and Health will meet June 25 and 26, 1997, at the Francis Perkins Department of Labor Building, 200 Constitution Ave. NW, Washington DC 20210. MACOSH was established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. § 656) to advise the Secretary of Labor on matters relating to occupational safety and health programs, policies, and standards in the maritime industries of the United States.

ADDRESSES: Any written comments in response to this notice should be sent to the following address: OSHA, Office of Maritime Standards, Room N–3621, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Phone (202) 219–7234, fax (202) 219–7477.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Liberatore, Office of Maritime Standards, OSHA, (202) 219–7234, extension 141.

SUPPLEMENTARY INFORMATION: MACOSH will meet June 25 from 9:00 a.m. to 5:00 p.m. and June 26 from 9:00 a.m. to 5:00 p.m. in Conference Room S–5515 of the Francis Perkins Labor Building. At this meeting, MACOSH will continue its discussions on maritime enforcement, standards, and outreach initiatives related to the maritime industries. MACOSH plans an extensive discussion of longshoring outreach, mentoring (training), and safety and health programs.

OSHA invites all interested persons to attend public meetings of MACOSH, including the one at the time and place indicated above. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities requiring appropriate accommodations should contact Theda Kenney at 202–219–8061, no later than June 11, 1997.

MACOSH will meet as a whole and in small focus groups. Interested persons may submit, preferably with 20 copies, written data, views or comments for consideration by MACOSH to Larry Liberatore at the address provided above. Those submissions received by June 11 will be provided to MACOSH and included in the record of the meeting. Interested persons also may request an opportunity to make oral presentations by notifying Larry Liberatore before the meeting. (Oral presentations are limited to statements of fact and views; they do not include any questions unless these questions have been specifically approved by the chairperson.) The request must state the amount of time desired, the interest that the person represents, and a brief outline of the presentation. Persons who request an oral presentation may be allowed to speak, as time permits, at the discretion of the Chair of the Advisory Committee.

Signed at Washington, D.C. this 23rd day of May 1997.

Greg Watchman,

Acting Assistant Secretary of Labor.

[FR Doc. 97–14198 Filed 5–29–97; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL SCIENCE FOUNDATION

Submission for OMB Review: Comment Request; Title of Proposed Collection: Request for Proposals

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the National Science Foundation (NSF) will publish periodic summaries of proposed projects. Such a notice was published at 62 FR 12251, dated March 14, 1997. No comments were received. This material is being submitted for OMB review with no changes. Send any written comments to Desk Officer, OMB 3145–0080, OIRA, Office of Management and Budget, Washington, DC 20503. Written comments should be received by June 28, 1997.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: The Federal Acquisition Regulations (FAR) Subpart 15.4-''Solicitation and Receipt of Proposals'' prescribes policies and procedures for preparing and issuing Requests for Proposals. The FAR System has been developed in accordance with the requirement of the Office of Federal Procurement Policy Act of 1974, as amended. The NSF Act of 1950, as amended, 42 USC 1870, Sec. 11, states that NSF has the authority to:

(c) enter into contracts or other arrangements, or modifications there of, for the carrying on, by organizations or individuals in the United States and foreign countries, including other government agencies of the United States and of foreign countries, of such scientific or engineering activities as the Foundation deems necessary to carry out the purposes of this Act, and, at the request of the Secretary of Defense, specific scientific or engineering activities in connection with matters relating to international cooperation or national security, and, when deemed appropriate by the Foundation, such contracts or other arrangements or modifications thereof, may be entered into without legal consideration, without performance or other bonds and without regard to section 5 of title 41, U.S.C.

Use of the Information: Request for Proposals (RFP) are used to competitively solicit proposals in response to NSF need for services. Impact will be on those individuals or organizations who elect to submit proposals in response to the RFP. Information gathered will be evaluated in light of NSF procurement requirements to determine who will be awarded a contract.

Burden on the Public: The Foundation estimates that approximately 120 hours may be required in the process for submitting a proposal.

Dated: May 22, 1997.

Gail A. McHenry,

Reports Clearance Officer.

[FR Doc. 97–14118 Filed 5–29–97; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by June 30, 1997. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Ndene G. Kennedy at the above address or (703) 306–1033.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), has developed regulations that implement the ''Agreed Measures for the Conservation of Antarctic Fauna and Flora'' for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

The application received is follows:

1. *Applicant*

W. Scott Drieschman, Wildlife Concepts International, Inc., P.O. Box 65, Palomar Mountain, California 92060

Permit Application: 98–001

Activity for Which Permit is Requested

Taking; Import to the U.S. (transship). The applicant proposes to collect no more than 60 Emperor chicks (less than .03% of the total estimated population and less than 0.6% of the Dawson-Lambton colony) for scientific purposes, zoological display, and education. Due to late hatching there are chicks that will not survive. The intent of the project is to collect the chicks with no chance of survival. The impact to the overall breeding success of the colony will not be affected in this case. Weights of the chicks will be taken to determine if the individuals fit the collection criteria for body mass (3–5 kg).

The chicks will be transported in individual ''blue ice'' containers (same methodology has been successfully used by other penguin biologists) that provide easy access to the birds for monitoring and feeding purposes. Two penguin biologists will accompany the Emperor chicks as they are transported from Antarctica to the Nagoya Aquarium in Japan. This facility opened in October 1992 and has one of the most advanced Antarctic exhibit complexes in the worlds. The penguin exhibit contains four species: Adelie, chinstrap, gentoo and king penguins. The aquarium has bred all four penguin species since the facility opened and at the present time has a self sufficient population of birds. Mortality is very low at less than one percent per year; much lower than any wild populations. There have been no chronic health problems, nor has there been any outbreak of contagious disease.

Currently there are only two breeding colonies of Emperors outside of the Antarctic, at Sea World of San Diego and Sea World of Ohio. The addition of Emperor penguins to the Nagoya Aquarium will make it the third.

Location: Areas adjacent to the Dawson-Lambton Glacier, Filchner Ice Shelf, Weddell Sea.

Dates: October 1, 1997–February 28, 1998.

2. *Applicant*

Randall Davis, Department of Marine Biology, Texas A&M University, P.O. Box 1675, Galveston, Texas 77553
Permit Application: 98–004

Activity for Which Permit Is Requested

Taking and Import into the U.S. The applicant will investigate the behavorial and energetic adaptions that enable Weddell seals to forage into the Antarctic fast-ice environment. They will examine the underwater behavior, locomotor performances (swimming velocity, stroke frequency, amplitude and three-dimensional movements) and energy metabolism during foraging dives. To accomplish this, the applicant proposes to capture up to 15 Weddell seals each season. The seals will be weighed, immobilized and sedated for attachment of a video camera and a small radio transmitter to a piece of neoprene rubber glued to the fur along the dorsal midline above the shoulders with neoprene rubber cement. In addition, blood and muscle tissue samples will be taken and imported in the U.S. for analysis of metabolites and myoglobin. During each deployment of the video system, a single seal will be captured, instrumented and released into an ice hole for five days. The rubber pad will eventually fall off when the seal molts.

Location: McMurdo Sound vicinity.

Dates: October 1, 1997 to February 1, 2000.

3. *Applicant*

Wayne Z. Trivelpiece, Department of Biology, Montana State University, Bozeman, Montana 59717
Permit Application No. 98–005

Activity for Which Permit Is Requested

Taking; Import into the U.S.; and, Enter Site of Special Scientific Interest. The applicant is conducting a continuing study of behavioral ecology and population biology of the Adelie, gentoo, and chinstrap penguins and the interactions among these species and their principal avian predators: skuas, gulls, sheathbills, and giant fulmars. Up to 1000 Adelie and gentoo chicks, plus 150 adults of each of all three penguin species, will be branded. Up to 50 adults of each penguin species will be fitted with radio transmitters and time-depth recorders to continue studying penguin foraging habits. The study also involves stomach pumping of 40 adult penguins per species. In addition the principal avian predators of the penguins, mentioned above, will also be studied, requiring adults and chicks to be banded, if possible. One (1) milliliter sample of blood will be collected from each of a maximum of 20 breeding adults of each penguin species for DNA analysis. All captured birds will be released unharmed. Carcasses and skeletons of penguins and other birds salvaged at the study site will be imported into the U.S. for educational and scientific study.

Location: SSSI #8—Western Shore of Admiralty Bay, King George Island, South Shetland Islands, Antarctica.

Dates: October 1, 1997–April 1, 1998.

4. *Applicant*

Robert Wharton, Jr., Desert Reseach Institute, P.O. Box 60220, Reno, Nevada 89506
Permit Application No. 98–006

Activity for Which Permit Is Requested

Enter Site of Special Scientific Interest. The applicant proposes to enter the Barwick Valley Site of Special Scientific Interest #3 to obtain hydrological data on lake levels and ice thickness. Besides extending baseline data in Barwick Valley, these data will contribute to ongoing investigations of lake ice dynamics in the Dry Valleys carried out by the LTER and NASA Exobiology projects. Data collection will be done by completely non-intrusive means. There will be no drilling, sample collection, or environmental manipulations of any kind. Lake leveling will be done with optical survey instruments, and ice thickness will be performed with ground penetrating radar (GPR). The applicant plans to enter the SSSI during two day trips in November. Personnel will be put down by helicopter outside the SSSI boundaries, establish a small tent camp, then hike into the SSSI to Lake Vashka (approximately 5 km).

Location: SSSI #3—Barwick Valley, Victoria Land, Antarctica.

Dates: November 1, 1997 to November 15, 1997.

Nadene G. Kennedy,

Permit Office, Office of Polar Programs.

[FR Doc. 97–14143 Filed 5–29–97; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255]

Consumers Power Company; Palisades Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DRP–20, issued to Consumers Power Company, (CPCo, the licensee), for operation of the Palisades Plant, located in Van Buren County, Michigan.

Environmental Assessment

Identification of the Proposed Action

The proposed action would revise the Facility Operating License No. DRP–20 and the Technical Specifications (TS) appended to Facility Operating License No. DPR–20 for the Palisades Plant. Specifically, the proposed action would amend the license to reflect the change in the licensee's name from Consumers Power Company to Consumers Energy Company.

The proposed action is in accordance with the licensee's application for amendment dated March 27, 1997.

The Need for the Proposed Action

The proposed action is to revise the company name in the license to reflect the corporate name change that occurred on March 11, 1997.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed changes to the license and TS. According to the licensee, the name change will not impact the existing ownership of the Palisades Plant or the existing entitlement to power and will not alter the existing antitrust license conditions applicable to CPCo or CPCo's ability to comply with these conditions or with any of its other obligations or responsibilities. As stated by the licensee, ''The corporate existence continues uninterrupted, and all legal characteristics remain the same. Thus, there is no change in the ownership, State of incorporation, registered agent, registered office, directors, officers, rights or liabilities of the Company, nor is there a change in the function of the Company or the way in which it does business. The Company's financial responsibility for the Palisades Plant and its sources of funds to support the facility will remain the same. Further, this name change does not impact the Company's ability to comply with any of its obligations or responsibilities under the license.'' Therefore, the change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there will be no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed

action is administrative in nature and does not involve any physical features of the plant. Thus, 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 Palisades Plant.

Agencies and Persons Consulted

In accordance with its stated policy, on May 15, 1997, the staff consulted with the Michigan State official, Dennis Hahn, of the Michigan Department of Environmental Quality, Drinking Water and Radiological Protection Division, 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 March 27, 1997, which is 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 Van Wylen Library, Hope College, Holland, Michigan 49423.

Dated at Rockville, Maryland, this 22nd day of May 1997.

For the Nuclear Regulatory Commission.

Robert G. Schaaf,

Project Manager, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97–14146 Filed 5–29–97; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22681; 811–4910]

Credit Union Government Securities Fund, Inc.; Notice of Application

May 22, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Credit Union Government Securities Fund, Inc.

RELEVANT ACT SECTION: Order requested pursuant to section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on February 11, 1997, and amended on May 9, 1997 and May 19, 1997.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 16, 1997 and should be accompanied by proof of service on applicant, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, c/o Lexington Management Corporation, Park 80 West, Plaza Two, Saddle Brook, New Jersey 07663.

FOR FURTHER INFORMATION CONTACT: John K. Forst, Staff Attorney, at (202) 942–0569, or Mercer E. Bullard, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a registered open-end management investment company, organized as a Maryland corporation. Applicant registered on Form N–8A under the Act and filed a registration statement on Form N–1A under the Act and the Securities Act of 1933 on November 20, 1986, at which time its name was ''Credit Union Government Securities Trust.'' Applicant offered shares in two series: the Government Securities Portfolio and the Government Money Market Portfolio (each a ''Portfolio''). On January 16, 1987, the registration statement was declared effective and applicant commenced its initial public offering.

2. As of December 31, 1987, applicant's net assets were $4.1 million, and it had approximately twelve shareholders. Between December 31, 1987 and May 17, 1988, all but one shareholder redeemed voluntarily, and there were no communications relating to the redemption of shares or liquidation. As of May 17, 1988, applicant's sole shareholder was Lexington Management Corporation (the ''Adviser''), its investment adviser.

3. On May 17, 1988, applicant's board of directors adopted a plan of complete liquidation (the ''Plan''). Prior to that meeting, the Adviser had advised the directors that continued operation of the applicant at its size was not economically feasible for the Adviser or applicant's shareholder. On May 17, 1988, the Adviser, as the Portfolios' sole shareholder, approved the Plan. On September 1, 1988, applicant distributed $48,916.26 to the Government Securities Portfolio's shareholder, and $15,840.13 to the Government Money Market Portfolio's shareholder. Each distribution represented the cash value of each Portfolio's liquidated securities and cash less expenses.

4. In connection with its liquidation, applicant incurred auditing and legal expenses which were borne by the Adviser. The Adviser absorbed all unamortized organizational expenses, which totaled $48,902.68 for the Government Securities Portfolio, and $36,518.86 for the Government Money Market Portfolio, as of September 1, 1988.

5. Applicant has no shareholders, assets, debts, or other liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not now engaged, nor does it propose to engage, in any business activities

other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–14122 Filed 5–29–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22680; File No. 812–10362]

United Investors Life Insurance Company, et al.

May 22, 1997.

AGENCY: The Securities and Exchange Commission (the ''SEC'' or ''Commission'').

ACTION: Notice of Application for an Exemption Pursuant to the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: United Investors Life Insurance Company (''United Investors''), RetireMAP Variable Account (the ''Variable Account''), and MAP Investments Incorporated (''MAP'').

RELEVANT ACT SECTIONS: Order requested pursuant to Section 6(c) of the Act, granting exemptions from Sections 2(a)(32), 22(c), and 27(i)(2)(A) of the Act and Rule 22c–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek exemptive relief to the extent necessary to permit United Investors, with respect to the Variable Account and any other separate accounts which United Investors may establish in the future (''Other Account''), to deduct prorated death benefit charges, upon surrender of a variable annuity policy, under an optional death benefit rider (the ''Optional Death Benefit Rider'') to the variable annuity policies currently offered through the Variable Account (''Policies'') and future variable annuity policies that are similar in all material respects to the Policies (''Future Policies''). Exemptive relief also is requested to the extent necessary to permit the offer and sale of Policies and Future Policies for which certain broker-dealers other than MAP serve as the principal underwriter.

FILING DATE: The application was filed on September 23, 1996, and amended on January 31, 1997, and March 7, 1997.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 16, 1997, and should be accompanied by proof of service on Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the requester's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Applicants, c/o James L. Sedgwick, Esq., United Investors Life Insurance Company, 2001 Third Avenue South, Birmingham, Alabama 35233.

FOR FURTHER INFORMATION CONTACT: Michael B. Koffler, Staff Attorney, or Kevin M. Kirchoff, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the Commission.

Applicants' Representations

1. United Investors is a stock life insurance company that was incorporated in the State of Missouri on August 17, 1981. United Investors is a wholly-owned subsidiary of United Investors Management Company (formerly TMK/United, Inc.), which in turn is indirectly owned by Torchmark Corporation. United Investors is principally engaged in offering life insurance and annuity contracts and is admitted to do business in the District of Columbia and all states except New York.

2. The Variable Account was established on September 20, 1996, to fund tax-qualified and non-tax-qualified variable annuity policies. The Variable Account will be divided into a number of divisions (''Investment Divisions''), each of which will invest exclusively in a portfolio (''Portfolio'') of a designated mutual fund (''Fund'').

3. MAP is the principal underwriter and the distributor of the Policies. MAP is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc. (''NASD''). MAP is not affiliated with United Investors.

4. Applicants reserve the right to designate the shares of another Portfolio of the Funds or of other management investment companies of the series type as the exclusive investment vehicle for each new Investment Division that may be created in the future.

5. The Policies may be purchased and used in connection with pension plans that qualify or do not qualify for favorable federal income tax treatment.

6. An owner of a variable annuity issued by United Investors (''Policyowner'') determines in the application for the Policy how the initial net purchase payment will be allocated among the Investment Divisions of the Variable Account and a fixed account of United Investors (''Fixed Account''). The Policyowner may allocate any whole percentage of net purchase payments, from 0% to 100%, to each Investment Division and the Fixed Account. The value of the policy will vary with the investment performance of the Investment Divisions selected, and the Policyowner bears the entire risk for amounts allocated to the Variable Account.

7. The Policyowner may transfer all or part of the policy value attributed to each investment Division to one or more of the other Investment Divisions at any time prior to the retirement date. The Policyowner may transfer all or a part of the policy value attributed to the Fixed Account to one or more of the Investment Divisions once per policy year prior to the retirement date. This restriction will not apply to automatic monthly transfers of a pre-selected dollar amount from the Fixed Account to the Investment Divisions.

8. Prior to the retirement date, the Policyowner may authorize automatic transfers of a fixed dollar amount from the Fixed Account or the money market Investment Division to up to four of the other Investment Divisions. Automatic transfers will be made on a monthly basis at the unit values determined on the date of each transfer. The Policyowner may surrender the Policy or make a partial withdrawal from the policy value and time prior to the retirement date.

9. The Policy pays a death benefit to the beneficiary if the Policyowner dies prior to the retirement date while the Policy is in force. The regular death benefit (''Basic Death Benefit'') payable on the death of the Owner through attained age 75 is the greatest of: (a) The policy value; (b) the total purchase payments made, adjusted for any amount withdrawn and any withdrawal charges on the amounts withdrawn; and (c) the highest policy values on the 2nd, 4th, or 6th anniversaries that the policy went into effect (''Policy Anniversaries''), and every 6th Policy Anniversary thereafter. Purchase payments made after the Policy

Anniversary having the highest policy value will be added to the Basic Death Benefit, and adjustments will be made for any amounts withdrawn and any withdrawal charges since that anniversary. Withdrawal and withdrawal charges will result in a reduction of the Basic Death Benefit in the same proportion that the amount reduced the policy value on the date of the withdrawal.

10. Under the Optional Death Benefit Rider the death benefit payable on the death of the Policyowner (''Optional Death Benefit'') through attained age 75 will be the greater of: (a) the policy value; and (b) the total purchase payments made, less withdrawals and withdrawal charges, accumulated at an annual effective rate of 5%, subject to a cap of 200% of purchase payments less withdrawals and withdrawal charges. The Optional Death Benefit payable on the death of the Policyowner after attained age 75 will be equal to the amount of the Optional Death Benefit on the Policy Anniversary on which age 76 is attained and will not increase thereafter.

11. The Policyowner has the sole right to elect (in the application for the Policy) or change (at lease 30 days before the retirement date) an annuity payment option during the lifetime of the Policyowner. The first annuity payment will be made as of the retirement date. The Policyowner may select the retirement date in the application for the Policy. The Policyowner may change the retirement date at any time at least 30 days prior to the new retirement date. The retirement date may be changed to the first day of any calendar month commencing 30 days after the first Policy Anniversary. The amount of each annuity payment under the annuity payment options will depend on the sex and age of the annuitant at the time the first payment is due. The payment options currently available all involve life contingencies.

12. There will be a charge made each year (''Optional Death Benefit Rider Charge'') for expenses related to the Optional Death Benefit available under the terms of the Optional Death Benefit Rider. United Investors deducts this charge through the cancellation of accumulation units at each Policy Anniversary and at surrender to compensate it for the increased risk associated with providing the Optional Death Benefit. The charge at full surrender will be a pro rata portion of the annual charge. United Investors guarantees that this charge will never exceed the annual rate of 0.17% of the average death benefit amount, which is the mean of the death benefit amount on the current Policy Anniversary (or date of surrender) and the death benefit amount on the immediately preceding Policy Anniversary.

Applicants' Legal Analysis

1. Section 2(a)(32) of the Act defines ''redeemable security'' as any security under the terms of which the holder, upon its presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

2. Rule 22c–1, promulgated under Section 22(c) of the Act, in pertinent part, prohibits a registered investment company issuing a redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in such security, and the principal underwriter of, or dealer in, any such security from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security.

3. Section 27(i)(2)(A) of the Act, in pertinent part, makes it unlawful for any registered separate account funding variable insurance contracts, or for the sponsoring insurance company of such account, to sell any such contract unless such contract is redeemable security.

4. The optional death benefit represents an optional insurance benefit that United Investors may provide through the life of the Policy. United Investors assesses the Optional Death Benefit Rider Charge to compensate it for the increased risk it bears if a Policyowner elects the Optional Death Benefit Rider. Normally, the Optional Death Benefit Rider Charge accrues each policy year and is deducted retroactively on each Policy Anniversary, for the prior policy year. By paying a prorated Optional Death Benefit Rider Charge upon a surrender of the policy, the Policyowner compensates United Investors for the additional risk the company bears during the period between the last Policy Anniversary and the date of surrender.

5. Applicants submit that the assessment of a prorated Optional Death Benefit Rider Charge upon a Policyowner's surrender, which is fully disclosed in the prospectus for the Policy, should not be construed as a restriction on redemption. Applicants maintain that the imposition of the prorated Optional Death Benefit Rider Charge upon surrender represents nothing more than the proportionate deduction of an insurance charge that could otherwise be deducted daily through the life of the Policy. Moreover, the Optional Death Benefit Rider Charge is assessed only if the Policyowner has elected it.

6. Accordingly, Applicants request that the Commission issue an order pursuant to Section 6(c) of the Act exempting them from Sections 2(a)(32), 22(c), and 27(i)(2)(A) thereof and Rule 22c–1 thereunder to the extent necessary to permit the Applicants to assess a prorated Optional Death Benefit Rider Charge upon surrender of a Policy where the Policyowner has elected the Optional Death Benefit Rider. Applicants assert that the requested relief is substantially the same as exemptive relief the Commission has granted to other applicants.

7. Applicants seek relief not only with respect to the Policies, but also with respect to Future Policies issued by the Variable Account or Other Accounts. Applicants also seek relief with respect to Future Underwriters, which will be members of the NASD.

8. Applicants state that, without the requested class relief, exemptive relief for Future Policies, any Other Account, or any Future Underwriter would have to be requested and obtained separately. Applicants assert that such additional requests for exemptive relief would not present additional issues under the Act. Applicants state that if they were to repeatedly seek exemptive relief, investors would not receive additional protection or benefit, and investors and the Applicants could be disadvantaged by increased costs resulting from such additional requests for relief. Applicants argue that the requested class relief is appropriate in the public interest because the relief will promote competitiveness in the variable annuity market by eliminating the need for United Investors to file redundant exemptive applications, thereby reducing administrative expenses and maximizing efficient use of resources. Elimination of the delay and the expense of repeatedly seeking exemptive relief would, Applicants assert, enhance their ability to effectively take advantage of business opportunities as such opportunities arise.

Conclusion

For the reasons summarized above, Applicants believe that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–14123 Filed 5–29–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of June 2, 1997.

A closed meeting will be held on Tuesday, June 3, 1997, at 11:00 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 Tuesday, June 3, 1997, at 11:00 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: May 28, 1997.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–14282 Filed 5–28–97; 11:38 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38670 File No. SR–NASD–97–29]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendments No. 1 and No. 2 Thereto by the National Association of Securities Dealers, Inc. Relating to Prohibition on Members Receiving any Payment to Publish a Quotation, Make a Market in an Issuer's Securities or Submit an Application to Make a Market in an Issuer's Securities

May 22, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and rule 19b–4 thereunder,[2] notice is hereby given that on April 18, 1997, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. On May 19, 1997 and May 21, 1997, NASD submitted two amendments (''Amendment No. 1'') and ''Amendment No. 2''), respectively, to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

1. *Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change*

The NASD is proposing Rule 2460 to prohibit members from receiving any payment to publish a quotation, make a market in an issuer's securities, or submit an application to make a market.[4] Below is the text of the proposed rule change. Proposed new language is in italics.

2460. Payments for Market Making

(a) No member or person associated with a member shall accept any payment or other consideration, directly or indirectly, from an issuer of a security, or any affiliate or promoter thereof, for publishing a quotation, acting as market marker in a security, or submitting an application in connection therewith.

(b) The provisions of paragraph (a) shall not preclude a member from accepting:

(1) payment for bona fide services, including, but not limited to, investment banking services (including underwriting compensation and fees); and

(2) reimbursement of any payment for registration imposed by the Securities and Exchange Commission or state regulatory authorities and for listing of an issue of securities imposed by a self-regulatory organization.

(c) For Purposes of this rule, the following terms shall have the stated meanings:

(1) ''affiliate'' shall have the same definition as used in Rule 2720 of the business Conduct Rules of the Association:

(2) ''promoter'' means any person who founded or organized the business of enterprise of an issuer, is a director or employee of an issuer, acts or has acted as a consultant, advisor, accountant, or attorney to an issuer, is the beneficial owner of any of an issuer's securities that are considered ''restricted securities'' under Rule 144, or is the beneficial owner of five percent (5%) or more of the public float of any class of an issuer's securities, and any other person with a similar interest in promoting the entry of quotations or market marking in an issuer's securities; and

(3) ''quotation'' shall mean any bid or offer at a specified price with respect to a security, or any indication of interest by a member in receiving bids or offers from others for a security, or an indication by a member that he wishes to advertise his general interest in buying or selling a particular security.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Alden Adkins, Vice President and General Counsel, NASD Regulation, to Elaine Darroch, Attorney, Division of Market Regulation, SEC (May 16, 1997)(''Amendment No. 1''). In Amendment No. 1, NASD Regulation made technical corrections to the text of the rule, provided an explanation for not expressly prohibiting member-to-member payments of making a market, and added an explanatory footnote concerning the rule's coverage. Letter from Alden Adkins, Vice President and General Counsel, NASD Regulation, to Elaine Darroch, Division of Market Regulation, SEC (May 21, 1997)(''Amendment No. 2''). Amendment No. 2 corrected a minor omission in Amendment No. 1.

[4] The proposed rule change was approved by the Board of Directors of the NASD Regulation at its meeting on March 12, 1997, which authorized the filing of the rule change with the SEC. The NASD, Inc., Board of Governors declined to review the proposed rule change at its meeting on April 10, 1997. No other action is necessary to approve the proposed rule change. *See* Amendment No. 1, *supra* note 3.

may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Section A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

It has been a longstanding policy and position of the NASD that a broker-dealer is prohibited from receiving compensation or other payments from an issuer for quoting, making a market in an issuer's securities, or for covering the member's out-of-pocket expenses for making a market, or for submitting an application to make a market in an issuer's securities.[5] As stated in Notice to Members 75–16 (February 20, 1975), such payments may be viewed as a conflict of interest since they may influence the member's decision as to whether to quote or make a market in a security and, thereafter, the prices that the member would quote.

In the past, certain broker-dealers have entered into arrangements with issuers to accept payments from an issuer, affiliate, or promoter of the issuer to make a market in the issuer's securities, or for covering out-of-pocket expenses of the member incurred in the course of market making, or for submitting an application to act as a market maker. As stated above, the NASD believes that such conduct may be viewed as a conflict of interest. The NASD believes that a market maker should have considerable latitude and freedom to make or terminate market making activities in an issuer's securities. The decision by a firm to make a market in a given security and the question of price generally are dependent on a number of factors, including, among others, supply and demand, the firm's expectations toward the market, its current inventory position, and exposure to risk and competition. This decision should not be influenced by payments to the member from issuers or promoters.

On October 27, 1994, the United States Court of Appeals, Tenth Circuit, reversed, in part, an SEC decision in the matter of *General Bond & Share Co.* (''General Bond'').[6] The NASD had held that General Bond had, among other things, violated Article III, Section 1 of the Association's Rules of Fair Practice (currently NASD Rule 2110) by accepting payments from issuer's in return for listing itself as a market maker for the securities in the National Quotation Bureau, Inc. (''NQB'') Pink Sheets (''Pink Sheets''). The NASD position was based on NASD policy as articulated to the members in Notice to Members 75–16 (February 20, 1975). The SEC, in affirming the NASD decision, agreed with the NASD that this conduct was inappropriate and in violation of NASD rules.[7]

The Tenth Circuit decision held that the NASD rules at the time did not prohibit a member firm from accepting issuer-paid compensation for making a market in a security.[8] Although the NASD had previously stated that such specific conduct was prohibited, the Court held that the NASD was required by statute to submit a filing with the SEC amending NASD rules in this respect. The NASD is proposing this rule to clarify the application of NASD rules to situations involving the acceptance of compensation for market making activities.

The proposed rule is intended to apply a fair practice standard to a particular course of conduct of a member as described below. In addition, however, the action of a member in charging an issuer a fee for making a market, or accepting an unsolicited payment from an issuer where the member makes a market in the issuer's securities, could also subject the member to violations of the antifraud provisions of federal securities laws and NASD Rule 2120. Further, the payment by an issuer to a market maker to facilitate market making activities also may cause the member to contribute to violations of Section 5 of the Securities Act of 1933.[9]

Description of Proposed Rule

The proposed rule would prohibit receipt by a broker-dealer of ''any payment or other consideration'' from a prohibited party and is intended to cover any form of payment in cash, non-cash items, or securities. The term ''consideration'' would include, for example, granting or offering of securities products on terms more favorable than those granted or offered to the public. This term would include the granting of options in any security, where the options are exercisable at a price that is discounted from the prevailing market price. The rule also would cover the purchase of securities by a member from a prohibited party at a discount from the prevailing market. Such payments are intended to be prohibited because they may, as discussed in Notice to Members 75–16, create a conflict of interest that would influence the member to enter a quotation or make a market in a security.

The proposed rule prohibits payments that are made ''for publishing a quotation, acting as a market maker in a security, or submitting an application in connection therewith.'' This language would apply the prohibitions of the rule to the entry of a quotation in a security, making a market in a security, and the entry of a quotation or the quotation of a security at a particular price.[10] The definition of ''quotation'' is drawn from Rule 15c2–11 of the Act[11] and includes indications of interest.[12] The proposed rule also specifies that a member may not impose a fee or accept a payment for submitting an application to enter quotations or make a market in an issuer's securities, *e.g.*, a NASD Form 211 application to enter a quotation in the OTC Bulletin Board or NQB Pink Sheets.

The proposed rule would apply to payments by an issuer, an affiliate of the issuer, or a promoter, whether received directly or indirectly through another party. Whether a person is considered an affiliate would be determined under the provisions of NASD Rule 2720 that relate to the existence of a control relationship between an issuer and a member. For purposes of NASD Rule 2720, the term ''affiliate'' shall mean ''a company which controls, is controlled by or is under common control with a member.'' In addition, the term

[5] *See* NASD Notice to Members 75–16 (February 20, 1975) and 92–50 (October 1992).

[6] *General Bond & Share Co. v. Securities and Exchange Commission*, 39 F. 3d 1451 (10th Cir. 1994).

[7] *In the Matter of General Bond & Share Co.*, Securities Exchange Act Release No. 32291 (May 11, 1993), 54 SEC Docket 129.

[8] The Court reversed the SEC's finding of violation that related to the firm's acceptance of issuer-paid compensation, but sustained all of the SEC's other findings of violation by General Bond. *General Bond*, 39 F.3d 1458, 1461.

[9] The insertion of quotations for a security in an interdealer quotation system in exchange for a payment by an issuer may result in a violation of Section 5 of the Securities Act of 1933 based on the issuer's interest in facilitating the subsequent sale. This ''second sale'' theory was articulated by the SEC and upheld by the court in *SEC v. Harwyn Industries, Inc.*, 326 F. Supp. 943 (S.D.N.Y. 1971) *See*, Letter from Kenneth S. Spirer, Attorney, Division of Market Regulation, SEC, to Jack Rubens, Monroe Securities, Inc. (May 4, 1973).

[10] NASD Notice to Members 75–16 states that questionable payments to market marker have the potential to influence the member's ''* * * decision to make a market and thereafter, perhaps, the prices it would quote.'' NASD Notice to Members, *supra* note 5.

[11] 17 CFR 240.15c2–11(e)(3).

[12] The proposed rule would apply to any situation in which member broker-dealer quotations are published in any interdealer quotation system, or any publication or electronic communication network or device which is used by brokers or dealers to make known to others their interest in transactions in any security, including offers to buy and sell at a stated price or otherwise, or invitations of offers to buy or sell. *See* Amendments No. 1 and No. 2, *supra* note 3.

''affiliate'' is also presumed under certain circumstances in which a member or company is presumed to control, or presumed to be under common control, when the respective entities beneficially own ten percent or more of the outstanding voting securities of the other entity.[13]

The concept of ''promoter'' is broadly defined to encompass all persons other than the issuer and its affiliates who would have an interest in influencing a member to make a market in a security. Thus, the definition includes not only the organizer of the issuer's business, but also any director, employee, consultant, accountant, or attorney of the issuer. In addition, certain categories of securityholders are also within the definition, since these persons are considered to have an interest greater than that of the average securityholder in ensuring the existence of an active market. The categories in the definition, however, are intended to be illustrative only, and the proposed rule would prohibit payments by any similar person with an interest in promoting the entry of quotations or market making in the issuer's securities.

The proposed rule change does not specifically cover member-to-member payments in the express language of the proposed rule.[14] The reasons for the exclusion of member-to-member conduct in the express language of the rule are as follows. This member-to-member conduct arguably is already covered by other provisions of the proposed rule, provisions of another proposed Conduct Rule, and an existing Conduct Rule.[15] First, the definition of a promoter could apply to payments by one member to another member to publish a quote, make a market, or file an application therewith for a particular security for the purpose of promoting interest in a particular security.[16] In addition, such payments may also fall within the scope of proposed conduct rule interpretation IM–2110–5 (SR–NASD–97–37),[17] which would prohibit certain anticompetitive conduct of member broker-dealers. In particular, the proposed rule interpretation would prohibit certain ''coordinated'' activity among member broker-dealers regarding prices (including quotations), trades, or trade reports. Thus, certain coordinated efforts in publishing quotations or setting prices may be subject to the provisions of the proposed rule.[18] Furthermore, member-to-member payments in some cases may also be covered by NASD Conduct Rule 2110 as conduct that is inconsistent with high standards of commercial honor and just and equitable principles of trade.[19] In addition, member-to-member payments not specifically prohibited under the provisions above may involve legitimate broker-dealer activity for which exemptions from the proposed rule would have to be crafted. Crafting appropriate exemptions would complicate the proposed rule unnecessarily in light of the absence of a history of abusive conduct in member-to-member payments that would not otherwise be prohibited under the provisions above.[20]

The proposed rule also is intended to prohibit indirect payments by the issuers, affiliates, or promoters through other members. Thus, members may not accept payments from other members that originate from an issuer, affiliate, or promoter of the issuer.

In addition, the proposed rule contains a general exception that permits payments to a member by prohibited persons for ''*bona fide* services''. Such *bona fide* services are intended to include, but not be limited to, investment banking services, including traditional underwriting compensation and fees. The proposed rule contains a further exemption for reimbursement of fees imposed by the SEC and states and listing fees imposed by self-regulatory organizations. Such fees have been generally considered costs of the issuer, even when paid by a broker-dealer.

The proposed rule as originally proposed for public comment[21] included a third exception,[22] which was intended to encourage members to conduct an initial Rule 15c2–11 review[23] of the issuer and the security by permitting reimbursement of the member's reasonable out-of-pocket expenses related to this review. The third exception was eliminated from the proposed rule due to concerns that such payments could violate Section 17(b) of the Securities Act of 1933[24] and could be used inappropriately to avoid the limitations of the proposed rule.

The NASD will announce the effective date of the proposed rule change in a Notice to Members to be published no later than 45 days following Commission approval. The effective date will be no more than 30 days following the publication of the Notice to Members announcing Commission approval.

(b) The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act[25] in that regulating the conduct of member broker-dealers by prohibiting the receipt of compensation or other payments from an issuer or others for quoting, or make a market in an issuer's securities is in furtherance of the requirements that the Association's rules promotes just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The proposed rule change was published for comment in Notice to Members 96–83 dated December, 1996. In addition, the proposed rule was posted on the NASD website (www.nasdr.com), which also solicited comments via E-mail. In total, four (4) comments were received in response thereto. A copy of the Notice to Members is attached as Exhibit 2 to the rule filing. A copy of the comment letters received in response thereto are attached as Exhibit 3 to the rule filing. Of the four (4) comment letters received, two (2) were in favor of the proposed

[13] See NASD Rule 2720(b)(1)(B) (i), (ii), and (iii).

[14] *See* Amendment No. 1, *supra* note 3.

[15] *Id.*

[16] *Id.*

[17] The NASD filed this proposed rule change with the Commission on May 7, 1997. The notice of the proposed rule change will be published in the near future.

[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] NASD Notice to Members 96–83 (December 1996).

[22] The third exception to the original proposed rule stated: (b) The provisions of paragraph (a) shall not preclude a member from accepting: . . . (3) reimbursement of reasonable out-of-pocket expenses on an accountable basis, not including the member's overhead, in connection with the member's initial review process in determining whether to agree to publish a quotation or to act as a market maker in a particular security.

[23] Rule 15c2–11 imposes an ''affirmative review'' obligation on a broker-dealer to form a reasonable belief that the information submitted in connection with an application to enter a quotation is accurate in all material respects and that the sources of the information are reliable. See Securities Exchange Act Release No. 29094 (April 17, 1991), 56 FR 19148 (April 25, 1991).

[24] Section 17(b) of the Securities Act of 1933 explicitly makes it unlawful for any person receiving consideration, directly or indirectly from an issuer, to publish or circulate any material which describes such issuer's securities without fully disclosing the receipt of such consideration, whether past or prospective, and the amount thereof.

[25] 15 U.S.C. § 78*o*–3.

rule change, one (1) was opposed, and one (1) was neither in favor nor opposed.

Of the two commentators that were in favor of the proposal, one was in favor on the assumption that the proposed rule would continue not to cover member reimbursements for payment for order flow and directed orders.[26] The other commentator was in favor of the proposed rule, and further suggested that we eliminate the third exception (*i.e.*, permitting reimbursement for certain accountable costs) to the proposed rule on the ground that it represents an invitation for abuse by certain market makers.[27] One commentator opposed the proposed rule on the grounds that the proposed rule was complex and suggested that the proposed rule should require disclosure of all such payments and relationships similar to the requirements on market makers to disclose payment for order flow arrangements.[28] One commentator neither favored nor opposed the proposed rule and offered a suggestion that small issuers provide the required documentation to the NASD after issuer's counsel review. Apparently, the issuer's counsel review would substitute for the member broker-dealer's review.[29]

Based on the above responses, the NASD does not believe that any modification to the proposed rule is warranted. The only negative response supports requiring disclosure of payments and relationships, rather than prohibiting the conduct with exceptions. The NASD continues to believe that the inherent conflicts addressed by the proposal continue to require direct regulatory action, and that disclosure of such conflicts would not be an adequate substitute. Further, the text of the proposed rule is consistent with the NASD's longstanding policy.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. The Commission requests particular comments addressing whether payments by other members to publish a quotation, act as a market maker, or submitting an application therewith should be specifically prohibited and what impact such a prohibition would have on existing payment arrangements between broker-dealers. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–97–29 and should be submitted by June 20, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[30]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–14120 Filed 5–29–97; 8:45 am]

BILLING CODE 8010–01–M

[26] *See,* comment letter 2.

[27] *See,* comment letter 3.

[28] *See,* comment letter 4.

[29] *See,* comment letter 1.

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38667; International Series Release No. 1084; File No. SR–Phlx–97–22]

Self-Regulatory Organizations; Philadelphia Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to the Trading of Customized Foreign Currency Options on the Mexican Peso

May 22, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on May 2, 1997, the Philadelphia Stock Exchange Inc., (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Phlx. On May 21, 1997, Phlx amended the filing.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Pursuant to Rule 19b–4 of the Act,[3] Phlx proposes to amend its rules to accommodate the trading of customized foreign currency options on the Mexican peso.[4]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Phlx included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Exchange presently offers listed foreign currency option contracts on the British pound, French franc, Swiss franc, Japanese yen, Canadian dollar, Australian dollar, German mark and the European Currency Unit. Since November 1994, the Exchange has offered the ability to trade customized contracts on all currencies in relation to the U.S. dollar or in relation to each other.[5] In 1995, the Exchange listed for trading customized options on the Italian lira and the Spanish peseta.[6] The Exchange now proposes to list and trade

[1] 15 U.S.C. 78s(b)(1).

[2] Letter from Nandita Yagnick, CBOE, to Margaret Blake, Division of Market Regulation, Commission (May 21, 1997).

[3] 17 CFR 240.19b–4.

[4] The text of the proposed changes to Exchange Rules 722, 1000(b) (13) and (15), 1009, 1014, 1033, 1034 and 1069 is attached as Exhibit B to File No. SR–Phlx–97–22, and is available for review in the principal office of Phlx and in the Public Reference Room of the Commission.

[5] *See* Securities Exchange Act Release No. 34925 (November 1, 1994), 59 FR 55720 (November 8, 1994).

[6] *See* Securities Exchange Act Release No. 36255 (September 20, 1995), 60 FR 50229 (September 28, 1995).

customized options on the Mexican Peso pursuant to Phlx Rule 1069. The Exchange requests approval to trade the peso only against the U.S. dollar and the Canadian dollar. The Exchange wishes to capitalize upon Mexico's position near the forefront of the world's emerging markets, as well as the increased activity in Mexican equities and derivative securities based on Mexican markets.

Because the peso would only trade as a customized contract, there would be no continuously quoted series of peso contracts. Rule 1069(a)(1) provides that customized options contracts may be traded on any approved underlying foreign currency pursuant to Rule 1009. Therefore, the Exchange proposes to amend Rule 1009 to add the Mexican peso to the list of approved underlying foreign currencies. Pursuant to Rule 1069(a)(1)(B), users would be able to trade customized contracts between the Mexican peso (''MXP'') and the U.S. dollar (''USD'') in U.S. terms (USD/MXP), or as an inverse contract (MXP/USD). The contract size for the customized contract in U.S. terms would be 250,000 MXP. The premium will be .00001 USD per unit or 2.50 USD for an option contract having a unit of trading of 250,000 of MXP. The contract size for the inverse would be 50,000 USD. The premium will be .0001 MXP per unit or 5.00 MXP for an option contract having a unit of trading of 50,000 USD.

No cross rate on the peso would be offered at this time except for the Mexican peso against the Canadian dollar (''CAD''). The contract size for the cross-rate (CAD/MXP) would be 250,000 MXP. The premium will be .00001 CAD per unit or 2.50 CAD for an option contract having a unit of trading of 250,000 MXP. The contract size for the cross-rate (MXP/CAD) would be 50,000 CAD. The premium will be .0001 MXP per unit or 5.00 MXP for an option contract having a unit of trading of 50,000 CAD.

Consistent with Exchange Rule 1069(j), no quote spread parameters will apply to these contracts. The Exchange also proposes to amend Rules 1033 and 1034 to explain how premiums will be quoted and what the minimum fractional change will be for USD/MXP.

The Exchange believes that the customer margin requirements for the MXP contracts should be 8%. The Exchange represents that this margin level covers at least 97.5% of all seven day price movements over the last three years.[7]

The Exchange believes the proposed rule change is consistent with Section 6(b)(5) of the Act,[8] in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to and facilitating transactions in securities to remove impediments to and perfect the mechanism of free and open market and a national market system. The Exchange believes the proposed rule change will also protect investors and the public interest by offering investors the ability to trade options on a major international currency in an auction market environment with all of the attendant protections as an alternative to trading it over-the-counter. In addition the Exchange believes the proposed rule filing provides an additional tool for hedgers to reduce additional risk of currency volatility in the Mexican markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days or such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Phlx consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of Phlx. All submissions should refer to File No. SR–Phlx–97–22 and should be submitted by June 20, 1997.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–14121 Filed 5–29–97; 8:45 am]

BILLING CODE 8010–01–M

[7] The frequency distributions to support this determination are attached as Exhibit C to File No. SR–Phlx–97–22.

[8] 15 U.S.C. § 78f(b)(5).

[9] CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

North American Free Trade Agreement's Land Transportation Standards Subcommittee and Transportation Consultative Group; Annual Plenary Session

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice (1) announces the fourth joint annual plenary session of the North American Free Trade Agreement's (NAFTA) Land Transportation Standards Subcommittee (LTSS) and the Transportation Consultative Group (TCG) and other related meetings; and (2) invites representatives of non-governmental entities with an interest in land transportation issues to participate in a listening session immediately preceding the plenary meeting and to attend a briefing at a later date.

BACKGROUND: The Land Transportation Standards Subcommittee (LTSS) was established by the North American Free Trade Agreement's (NAFTA) Committee on Standards-Related Measures to examine the land transportation

regulatory regimes in the United States, Canada, and Mexico, and to seek to make certain standards more compatible. The Transportation Consultative Group (TCG) was formed by the three countries' departments of transportation to address non-standards-related issues that affect cross-border movements among the countries, but that are not included in the NAFTA.

MEETINGS AND DEADLINES: The fourth joint annual LTSS/TCG plenary session will be held from July 8 to 11, 1997, at the Westin Regina Hotel, Puerto Vallarta, Jalisco, Mexico. The following LTSS working groups will meet during the same week and at the same location: (1) Compliance and Driver and Vehicle Standards; (2) Vehicle Weights and Dimensions; and (3)Traffic Control Devices for Highways. Similarly, the following TCG working groups are expected to meet: (1) Cross-Border Operations and Facilitation; (2) Rail Safety and Economic Issues; (3) Automated Data Exchange; (4) and Maritime and Ports Policy.

Also at the same Puerto Vallarta site, on July 8, 1997, from 3:00 p.m. to 6:00 p.m., a listening session will be held for representatives of the truck, bus, rail, and chemical manufacturing industries, transportation labor unions, brokers and shippers, public safety advocates, and others who have notified us of their interest to attend and have submitted copies of their presentations, in English and Spanish, to the address below by June 20. This is an opportunity for presenters to voice their concerns, provide technical information, and offer suggestions relevant to achieving greater standards compatibility and improving cross-border trade. Hotel reservations may be arranged by calling 1–800–228–3000.

A briefing to report on the outcome of the Puerto Vallarta meetings will be conducted at DOT at the address below, in Room 9230–32, on July 24, from 10:00 a.m. to noon. Interested parties may notify DOT of their interest to attend this briefing by calling (202) 366–2892 by July 21.

SUPPLEMENTARY INFORMATION: LTSS-related documents, including working group reports and statements received by DOT from industry associations, transportation labor unions, public safety advocates, and others will be available for review in Docket no. OST–95–246, at the address below, Room PL–401, between 10:00 a.m. and 5:00 p.m., e.s.t., Monday through Friday, except national holidays.

ADDRESSES AND PHONE NUMBERS: Individuals and organizations interested in participating in the listening session may send notice of their interest and copies of their presentations to Maria Lameiro, U.S. Department of Transportation, OST/X–20, Room 10300, 400 Seventh Street, SW., Washington, DC 20590. Respondents may also send information by fax at (202) 366–7417. For additional information, call (202) 366–418–8269.

Dated: May 23, 1997.

Bernard Gaillard,

Director, Office of International Transportation and Trade.

[FR Doc. 97–14157 Filed 5–29–97; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33388]

CSX Corp. and CSX Transportation, Inc., Norfolk Southern Corp. and Norfolk Southern Railway Co.—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corp.

AGENCY: Surface Transportation Board.

ACTION: Decision No. 6; Notice of Issuance of Procedural Schedule.

SUMMARY: Having received public comments on applicants' proposed procedural schedule and applicants' reply to those comments, the Board is issuing a final procedural schedule. This schedule provides for issuance of a final decision no later than 350 days after filing of the primary application.

EFFECTIVE DATE: The effective date of this decision is May 30, 1997. Notices of intent to participate in this proceeding will be due 45 days after the primary application is filed. All descriptions of inconsistent and responsive applications, as well as any petitions for waiver or clarification with respect thereto, will be due 60 days after the primary application is filed. All comments, protests, requests for conditions, inconsistent and responsive applications, and any other opposition evidence and argument will be due 120 days after the primary application is filed. For further information, see the procedural schedule set forth below.

ADDRESSES: An original and 25 copies [1] of all documents, referring to STB Finance Docket No. 33388, must be sent to the Office of the Secretary, Case Control Branch, ATTN: STB Finance Docket No. 33388, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. [2] In addition, one copy of all documents in this proceeding must be sent to Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, 888 First Street, NE., Suite 11F, Washington, DC 20426 (202) 219–2538; FAX: (202) 219–3289 and to each of the applicants' representatives: (1) Dennis G. Lyons, Esq., Arnold & Porter, 555 12th Street, NW., Washington, DC 20004–1202; (2) Richard A. Allen, Esq., Zuckert Scoutt & Rasenberger, L.L.P., Suite 600, 888 Seventeenth Street, NW., Washington, DC 20006–3939; and (3) Paul A. Cunningham, Esq., Harkins Cunningham, Suite 600, 1300 Nineteenth Street, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 565–1613. (TDD for the hearing impaired: (202) 565–1695.)

SUPPLEMENTARY INFORMATION: On April 10, 1997, CSX Corporation (CSXC), CSX Transportation, Inc. (CSXT), Norfolk Southern Corporation (NSC), Norfolk Southern Railway Company (NSR), Conrail Inc. (CRI), and Consolidated Rail Corporation (CRC) [3] filed a notice of intent (CSX/NS–1) that they intend to file an application under 49 U.S.C. 11323–25 (referred to as the ''primary application'') seeking Board authorization for, among other things, (a) the acquisition by CSX and NS of control of Conrail, and (b) the division of the assets of Conrail by and between

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[1] In addition to submitting an original and 25 copies of all documents filed with the Board, parties are requested also to submit all pleadings and attachments as computer data contained on a 3.5-inch diskette formatted for WordPerfect 7.0 (or formatted so that it can be converted into WordPerfect 7.0) and clearly labeled with the identification acronym and number of the pleading contained on the diskette. See 49 CFR 1180.4(a)(2). The computer data contained on the computer diskettes submitted to the Board will be subject to the protective order granted in Decision No. 1, served on April 16, 1997 (as modified in Decision No. 4, served May 2, 1997), and is for the exclusive use of Board employees reviewing substantive and/or procedural matters in this proceeding. The flexibility provided by such computer data will facilitate timely review by the Board and its staff.

[2] In order for a document to be considered a formal filing, the Board must receive an original and 25 copies of the document, which must show that it has been properly served. Documents transmitted by facsimile (FAX), as in the past, will not be considered formal filings and thus are not encouraged because they will result in unnecessarily burdensome, duplicative processing in what we expect to become a voluminous record.

Applicants may file in bound volumes an original and 25 copies of related applications, petitions, and notices of exemption; however, to facilitate our processing of these related filings, we will require that applicants also file two unbound copies of each of these filings.

[3] CSXC and CSXT are referred to collectively as CSX. NSC and NSR are referred to collectively as NS. CRI and CRC are referred to collectively as Conrail. CSX, NS, and Conrail are referred to collectively as applicants.

CSX and NS.[4] Applicants expect to file their primary application, and any related applications, petitions, and notices, on or before July 10, 1997, but not before June 16, 1997.

In Decision No. 2, served April 21, 1997, and published that day in the **Federal Register** at 62 FR 19390, we determined that the transaction contemplated by applicants is a major transaction as defined at 49 CFR 1180.2(a), and we invited comments due May 1, 1997, on applicants' proposed procedural schedule. Comments were filed, and on May 8, 1997, applicants filed a consolidated reply to the comments (CSX/NS–11).

Over 25 comments were received in response to Decision No. 2. Comments were filed by shipper organizations, shippers (including electric utilities), ports, railroads, government parties, and rail labor unions. We have carefully reviewed all of the comments that we received on the proposed procedural schedule. Given the magnitude of applicants' proposed transaction concerning the restructuring of rail service within the entire Eastern United States, we have determined that a 350-day procedural schedule (which is more than applicants had proposed, but less than the statutory maximum) will ensure that all parties are accorded due process and allow us time to consider fully all of the issues in this proceeding, including environmental issues, and reach a timely resolution of this matter.

In particular, this schedule will permit us to take the hard look at environmental issues as required by the National Environmental Policy Act (NEPA) and the related regulations of the Council on Environmental Quality. The Board's Section of Environmental Analysis (SEA) has determined that the preparation of an Environmental Impact Statement (EIS) is warranted for this proceeding. This determination is based on the nature and scope of environmental issues (e.g., intercity passenger service and commuter rail service) that are likely to arise in this proceeding as well as SEA's evaluation of the information available to date, including the Preliminary Environmental Report filed on May 16, 1997. We agree with SEA that an EIS is warranted in this proceeding. The procedural schedule that we are adopting will provide the necessary time to enable us to undertake an EIS.

Within this procedural schedule, we will be able to consider fully all issues affecting the public interest, and will also be able to address cumulative impacts and crossover effects of prior mergers as appropriate. Further, we will consider the transaction in light of any settlement agreements that the applicants may reach with any parties.

We are not unmindful of the concerns parties have raised regarding the amount of time necessary to prepare their cases or of the concerns applicants have raised regarding employment uncertainty among Conrail management and possible deterioration in Conrail service during the pendency of this proceeding, and have crafted the attached procedural schedule with fairness to all parties in mind. While we are sensitive to applicants' concerns and their desire to have an expedited schedule, we believe that the 350-day schedule that we are adopting is not unduly long and will not result in lasting adverse effects on the Conrail system or properties. We believe that the longer schedule is necessary and appropriate for this case to allow sufficient time for participation by the public and consideration by the Board, including the preparation of an EIS. Accordingly, we have adjusted the procedural schedule proposed by applicants to give more time for the submission and review of evidence and arguments, and to provide adequate time for preparing an EIS.

Environmental reporting for primary applicants. As indicated above, applicants filed their joint Preliminary Environmental Report (PER) on May 16, 1997. CSX and NS will provide detailed and updated information (with supporting documentation) and environmental impact analyses in the Environmental Report (ER) they will file with their primary application and related applications, petitions, and notices. CSX and NS will provide a copy of the ER to all parties of record in this proceeding; appropriate federal, state, and local agencies; and affected parties according to the Board's environmental rules found in 49 CFR part 1105.

As discussed above, SEA has determined that the preparation of an EIS is warranted for this proceeding. A notice of intent to prepare an EIS will be published in the **Federal Register** shortly, which will explain in further detail the EIS process for this proceeding. SEA will initiate public scoping as soon as possible after the joint application and environmental report are filed to allow interested persons to participate in determining the scope of the EIS that will be prepared. SEA anticipates that the final scope of the EIS will be issued approximately 80 days after the filing of the joint application.

When, as here, the preparation of an environmental impact statement is contemplated for a railroad proceeding, the Board's environmental rules at 49 CFR 1105.10(a)(1) normally require the prospective applicants to submit to SEA a 6-month prefiling notice in advance of the application. However, where appropriate, 49 CFR 1105.10(c) allows the waiver of this 6-month prefiling notice. Here, SEA for some time has been engaged in on-going consultations with both CSX and NS about the proposed merger and the potential associated environmental impacts. Moreover, the applicants' joint PER provided detailed descriptive information about the project. In these circumstances, SEA believes that there is no need for the 6-month waiting period. Therefore, as indicated in Decision No. 7 (served concurrently herewith, but not published in the **Federal Register**), the 6-month prefiling notice requirement will be waived in this case.

Environmental reporting for inconsistent and responsive applicants. In order for us to fulfill our responsibilities under NEPA and other environmental laws, inconsistent and responsive applicants must submit certain environmental information. To facilitate the environmental review process, inconsistent and responsive applicants will be required to file by Day F + 100 either (1) a verified statement that the inconsistent or responsive application will have no significant environmental impact or (2) a responsive environmental report (RER) that contains detailed environmental information regarding the inconsistent or responsive application.

The RER. The RER should comply with all requirements for environmental reports contained in our environmental rules at 49 CFR 1105.7. Also, the RER should address the environmental issues identified in the final scope of the

[4] By letter dated April 24, 1997, applicants submitted, pursuant to 49 CFR 1013.3(a), an Amended and Restated Voting Trust Agreement (hereinafter referred to as Joint-VTA–1) that NSC, CSXC, and Green Acquisition Corporation propose to enter into with an institutional trustee, Deposit Guaranty National Bank, and a limited liability company to be formed shortly. NSC and CSXC intend that the Trustee will hold, in the voting trust (hereinafter referred to as the Joint Voting Trust) to be established pursuant to Joint-VTA–1, all common shares of Conrail Inc. (CRI): (1) Acquired previously, and separately, by NSC and CSXC and currently held in separate voting trusts; or (2) hereafter acquired by NSC and CSXC pursuant to the Third Supplement (dated April 10, 1997) to the Second Offer to Purchase (the Second Offer, dated December 6, 1996). NSC and CSXC intend that the Joint Voting Trust to be established pursuant to Joint-VTA–1 will be a single consolidated voting trust ultimately superseding and replacing the previously established separate voting trusts. An informal staff opinion letter with respect to the voting trust was issued on May 8, 1997.

EIS for the entire merger, to the extent such issues are applicable to the particular inconsistent or responsive application. (For example, if, in the final scope of the EIS, SEA identified potential rail commuter service impacts as an issue to be addressed, we would expect the RER also to address that issue if commuter services were involved in the particular inconsistent or responsive application.)

The RER should be based on consultations with SEA and the various agencies set forth in 49 CFR 1105.7(b). In addition, the information in the RER should be organized as follows: Executive Summary; Purpose and Need for Agency Action; Description of the Inconsistent or Responsive Application and Related Operations; Description of the Affected Environment; Description of Alternatives; Analysis of the Potential Environmental Impacts; Proposed Mitigation; and Appropriate Appendices that include correspondence and consultation responses, bibliography, and a list of preparers.

The purpose of an RER is to provide us the information we need to assess the potential environmental impacts of all inconsistent and responsive applications in the context of the overall merger proposal. After an RER is received, SEA will verify the information contained in the document. If the RER is acceptable, SEA will include the RER with the Draft EIS for the entire merger that will be served and made available for public comment.

In order to ensure timely, consistent, and appropriate environmental documentation, inconsistent and responsive applicants must consult with SEA as early as possible. If an RER is insufficient, we may require additional environmental information or reject the inconsistent or responsive application.

A verified statement of no significant impact. If an action proposed under an inconsistent or responsive transaction would typically fall within 49 CFR 1105.6(c)(2), an RER would not be required because such an action is generally exempt from environmental review. In such a case, the inconsistent or responsive applicant would be required to file only a verified statement. The verified statement must demonstrate that the inconsistent or responsive application meets the exemption criteria of 49 CFR 1105.6(c)(2). Again, anyone desiring to file an inconsistent application or responsive application must consult with SEA as early as possible regarding the appropriate environmental documentation.

SEA will review the verified statements. If a verified statement is insufficient, we may require additional environmental information or reject the inconsistent or responsive application. The verified statements, like the RERs, will be included in the Draft EIS, which will be available for public review and comment.

Notice of intent to participate. All documents received by the Board concerning this proceeding will become part of the public record and will be placed in the public docket for inspection and copying. Only those documents considered formal filings (i.e., those meeting the filing specifications discussed above in the **ADDRESSES** section) will be downloaded to the so-called pleading list. Moreover, persons who submit documents that are not considered formal filings will not be placed on the service list in this proceeding.

We will compile and issue an official service list at an early stage in this proceeding to facilitate the participation of those persons who will be actively participating as ''parties of record'' (POR). We are requiring these persons to notify the Board, in writing, within 45 days after the primary application is filed, of their intent to participate actively in this proceeding. In order to be designated a POR, a person must submit an original plus 25 copies of the notice along with a certificate of service to the Secretary of the Board indicating that the notice has been properly served on applicants' representatives and Judge Leventhal.[5] Every future filing by a POR must have its own certificate of service indicating that all PORs on the service list and Judge Leventhal have been served with a copy of the filing. Members of the United States Congress will be designated as MOC and Governors will be designated as GOV on the service list. They are not parties of record and need not be served with copies of filings, unless designated as a POR.

We will continue to follow our practice regarding the service of Board actions established in Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company, Finance Docket No. 32760 (UP/SP). See UP/SP, Decision No. 15 (STB served Feb. 16, 1996), at 2–3. Copies of decisions, orders, and notices will be served only on those persons who are designated as POR, MOC, or GOV on the official service list. All other interested parties are encouraged to make advance arrangements with the Board's copy contractor, DC News & Data, Inc. (DC News), to receive copies of Board decisions, orders, and notices served in this proceeding. DC News will handle the collection of charges and the mailing and/or faxing of decisions to persons who request this service. The telephone number for DC News is: (202) 289–4357.

Comments, protests, requests for conditions, and any other opposition evidence and argument. Most commenters support Day F + 120 as the minimum time necessary to prepare comments, protests, requests for conditions, and any other opposition evidence and argument. Applicants support giving persons at least 120 days to make such submissions. We will keep Day F + 120 as the due date for the filing of comments, protests, requests for conditions, and any other opposition evidence and argument. All inconsistent and responsive applications, including comments from the United States Department of Justice (DOJ) and the United States Department of Transportation (DOT), are also due on Day F + 120. Every party intending to file an inconsistent or responsive application must contact the Office of the Secretary at (202) 565–1681 to reserve an STB Finance Docket No. 33388 Sub-Number to use in filing the description of anticipated inconsistent or responsive application due on Day F + 60. Also, as set forth above in our discussion of environmental reporting, every party intending to file an inconsistent or responsive application must file a Responsive Environmental Report or Environmental Verified Statement on Day F + 100.

Responses and rebuttals. Numerous commenters (including DOT) have requested additional time (ranging from 40–70 days) to digest and respond to comments, protests, requested conditions, and inconsistent and responsive applications. Given the complexity and magnitude of issues that potentially may arise in this proceeding, we will extend the due date proposed by applicants in their schedule by 25 days, thus providing the parties with a total of 55 days to file these responses. Responses to inconsistent and

[5] The Office of the Secretary will start compiling the official service list in this proceeding after service of this decision adopting a procedural schedule. Persons named on any earlier service list will not automatically be placed on the official service list for this proceeding. Therefore, any person who wishes to be a POR must file a notice of intent to participate after the date of service of the decision and on or before Day F + 45.

responsive applications, comments, protests, requested conditions, and opposition evidence and argument, as well as rebuttal in support of the primary application, will be due on Day F + 175.

We will not allow parties filing comments, protests, and requests for conditions to file rebuttal in support of those pleadings. Parties filing inconsistent and/or responsive applications have a right to file rebuttal evidence, while parties simply commenting, protesting, or requesting conditions do not. UP/SP, Decision No. 6 (ICC served Oct. 19, 1995, at 7–8, and published Oct. 23, 1995, at 60 FR 54384); Burlington Northern Inc. and Burlington Northern Railroad Company—Control and Merger—Santa Fe Pacific Corporation and The Atchison, Topeka and Santa Fe Railway Company, Finance Docket No. 32549, Decision No. 16 (ICC served Apr. 20, 1995), at 11. Several commenters seek additional time for parties to prepare rebuttal filings. The National Industrial Transportation League (NITL) seeks 25 days for the preparation of rebuttal filings; Allied Rail Unions (ARU), the Port Authority of New York and New Jersey, and DOT seek 30 days; and three electric utilities seek 40 days. Rebuttal in support of inconsistent and responsive applications will be due on Day F + 205, which will allow inconsistent and responsive applicants 30 days instead of 15 days to prepare their rebuttals.

Briefs. Many commenters request more time to prepare their briefs. We will expand the schedule to allow parties 20 more days to prepare their briefs (not to exceed 50 pages), which will be due on Day F + 245. Applicants state that, while their proposed transaction involves a single, overall primary application and an agreed-upon division of Conrail, their proposed transaction also involves the extension of two separate and competing railroads into the territory now served by Conrail, and separate, competing operating and marketing plans for those two railroads. Applicants therefore request to file separate, 50-page briefs because, as applicants contend, there may be a considerable number of arguments made individually by CSX and NS, and many points of opposition to be responded to that are peculiar to one or the other. Some parties argue that applicants should file a single brief. Some parties argue that, if applicants are permitted to file separate briefs, then all other parties should be permitted to file longer briefs. We will allow CSX and NS to file separate, 50-page briefs. We are unpersuaded that other parties should be permitted to file longer briefs. Applicants will have only 50 pages to address arguments of dozens of parties. Other parties should easily be able to respond to several parties in the same number of pages or less. We therefore will continue to restrict briefs to 50 pages, which we think will be more than adequate for the parties succinctly to present their arguments.

Other dates. A number of parties request additional time to prepare for oral argument (e.g., NITL requests to have 25 days to prepare for oral argument; and ARU requests to have 60 days to prepare for oral argument). Several parties urge that the Board should take more time (e.g., at least 45 days) to consider briefs before the voting conference and to take the time necessary to consider fully the overall record. We will extend the schedule to allow parties to have 45 days (Day F + 290), rather than 15 days, to prepare for oral argument (close of record). The voting conference (at the Board's discretion) is scheduled 5 days thereafter on Day F + 295, which will allow the Board 50 days, rather than 20 days, to consider the briefs. The date of service of the final decision is scheduled 55 days thereafter on Day F + 350.

Discovery. The Society of Plastics raises concern that applicants may burden parties with discovery requests before the filing of comments, and proposes revised language for the procedural schedule. We do not find it necessary to revise any language in the procedural schedule. We will clarify, however, that discovery on parties filing comments, protests, requests for conditions, and inconsistent and responsive applications may begin on Day F + 120, or earlier if parties mutually agree.

In accordance with our decision in STB Ex Parte No. 527 served on October 1, 1996, and published in the **Federal Register** on October 8, 1996 (61 FR 52710), parties should not file any discovery requests or materials with the Board unless they are attached as part of an evidentiary submission, motions to compel, or responses thereto. The Secretary's Office will otherwise reject them.

If the parties wish to engage in any discovery or establish any discovery guidelines, they are directed to consult with Administrative Law Judge Jacob Leventhal. Judge Leventhal is authorized to convene a discovery conference, if necessary and as appropriate, in Washington, DC, and to establish such discovery guidelines, if any, as he deems appropriate. However, Judge Leventhal is not authorized to make adjustments to, or to modify, the dates in the procedural schedule. We believe the schedule as adopted allows sufficient time for meaningful discovery. Any interlocutory appeal to a decision issued by Judge Leventhal will be governed by the stringent standard of 49 CFR 1115.1(c): ''Such appeals are not favored; they will be granted only in exceptional circumstances to correct a clear error of judgment or to prevent manifest injustice.'' See Union Pacific Corporation, Union Pacific Railroad Company and Missouri Pacific Railroad Company—Control—Chicago and North Western Transportation Company and Chicago and North Western Railway Company, Finance Docket No. 32133, Decision No. 17, at 9 (ICC served July 11, 1994) (applying the ''stringent standard'' of 49 CFR 1115.1(c) to an appeal of an interlocutory decision issued by former Chief Administrative Law Judge Paul S. Cross).

Deadlines applicable to appeals and replies. As in prior merger proceedings, we think it appropriate to tighten the deadlines provided by 49 CFR 1115.1(c). Accordingly, the provisions of the second sentence of 49 CFR 1115.1(c) to the contrary notwithstanding, an appeal to a decision issued by Judge Leventhal must be filed within 3 working days of the date of his decision, and any response to any such appeal must be filed within 3 working days thereafter. Likewise, any reply to any procedural motion filed with the Board itself in the first instance must also be filed within 3 working days of the date the motion is filed.

Errata filings. The procedural schedule that we are adopting should provide parties ample time to build a sufficient record for us to make a reasoned decision in this proceeding. We do not intend to permit this process to be marred by the filing of errata sheets significantly altering the evidence and conclusions contained in earlier submissions, as such filings may curtail the ability of parties to respond fully and adequately to the record within the time frames we have established.

Merger-related abandonments. As indicated in Decision No. 7, the procedural schedule applicable to merger-related abandonments will be as follows: (1) All merger-related abandonment proposals (which may be filed as applications, petitions, and/or notices) are to be filed, with any and all supporting documentation, simultaneously with the primary application; and (2) if the primary application is complete, we shall publish in the **Federal Register**, by Day F + 30, notice of the acceptance of the

primary application as well as notice of any merger-related abandonment proposals. Thereafter, with respect to each merger-related abandonment proposal: (3) interested parties must file notifications of intent to participate in the proceeding by Day F + 45; (4) interested parties must file opposition submissions, requests for public use conditions, and/or Trails Act requests by Day F + 120; (5) applicants may file rebuttal in support of their abandonment proposals, and/or responses to any requests for public use conditions and Trails Act requests, by Day F + 175; (6) as with the primary application and all related matters, briefs shall be due by Day F + 245, oral argument will be held on Day F + 290, and a voting conference will be held, at the Board's discretion, on Day F + 295; and (7) if, in the final decision served on Day F + 350, we approve the primary application, we shall also address, in that final decision, each of the abandonment proposals, and all matters (including requests for public use conditions and Trails Act requests) relative thereto; and if we either approve or exempt any of the abandonment proposals, we shall allow interested parties to file, no later than 10 days after the date of service of the final decision, offers of financial assistance with respect to any approved or exempted abandonments.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: May 22, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

Final Procedural Schedule

F −30 Preliminary Environmental Report, including supporting documents due.

F Primary application & related applications, petitions, and notices filed. (Environmental Report, including all supporting documents due.)

F +30 **Federal Register** publication of: Notice of acceptance of primary application and related applications, petitions, and notices; and notice(s) of any merger-related abandonment applications, petitions, and notices of exemption.

F +45 Notification of intent to participate in proceeding due.

F +60 Description of anticipated inconsistent and responsive applications due; petitions for waiver or clarification due with respect to such applications.

F +100 Responsive Environmental Report and Environmental Verified Statements for inconsistent and responsive applicants due.

F +120 Inconsistent and responsive applications due. All comments, protests, requests for conditions, and any other opposition evidence and argument due. Comments by U.S. Department of Justice and U.S. Department of Transportation due. With respect to all merger-related abandonments: opposition submission, requests for public use conditions, and Trails Act requests due.

F +150 Notice of acceptance (if required) of inconsistent and responsive applications published in the **Federal Register**.

F +175 Response to inconsistent and responsive applications due. Response to comments, protests, requested conditions, and other opposition arguments and evidence due. Rebuttal in support of primary application and related applications, petitions, and notices due. With respect to all merger-related abandonments: rebuttal due; and responses to requests for public use and Trails Act conditions due.

F +205 Rebuttal in support of inconsistent and responsive applications due.

F +245 Briefs due, all parties (not to exceed 50 pages).

F +290 Oral argument (close of record).

F +295 Voting conference (at Board's discretion).

F +350 Date of service of final decision.

With respect to any approved or exempted abandonments: Offers of financial assistance may be filed no later than 10 days after the date of service of the final decision.

Notes: Immediately upon each evidentiary filing, the filing party will place all documents relevant to the filing (other than documents that are privileged or otherwise protected from discovery) in a depository open to all parties, and will make its witnesses available for discovery depositions. Access to documents, subject to protective order, will be appropriately restricted. Parties seeking discovery depositions may proceed by agreement. Discovery on responsive and inconsistent applications will begin immediately upon their filing. The Administrative Law Judge assigned to this proceeding will have the authority initially to resolve any discovery disputes.

[FR Doc. 97–14172 Filed 5–29–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub–No. 545X)

CSX Transportation, Inc.—Abandonment Exemption—in Clarke County, GA

On May 12, 1997, CSX Transportation, Inc. (CSXT), filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a portion of its line of railroad known as the Abbeville Subdivision, extending from railroad milepost YYA–37.44 to railroad milepost YYA–37.00 at the end of track at East Athens, which traverses through U.S. Postal Service ZIP Code 30605, a distance of 0.44 miles, in Clarke County, GA. CSXT has indicated that there are no stations on the line.

The line does not contain federally granted rights-of-way. Any documentation in CSXT's possession will be made available promptly to those requesting it. The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by August 29, 1997.

Any offer of financial assistance under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by a $900 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than June 19, 1997. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–55 (Sub-No. 545X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Charles M. Rosenberger, 500 Water Street, Jacksonville, FL 32202.

Persons seeking further information concerning abandonment procedures

may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1545. (TDD for the hearing impaired is available at (202) 565–1695.)

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: May 21, 1997.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams,

Secretary.

[FR Doc. 97–14171 Filed 5–29–97; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket No. 97–13]

Consumer Electronic Payments Task Force; Public Meeting; Comment Request

AGENCIES: Office of the Comptroller of the Currency, Treasury.

ACTION: Notice of public meeting; request for comment.

SUMMARY: The Consumer Electronic Payments Task Force (Task Force), an inter-agency effort initiated by the Secretary of the Treasury, consisting of the Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Board of Governors of the Federal Reserve System, Office of Thrift Supervision, Federal Trade Commission, Financial Management Service of the Department of the Treasury, and the Federal Reserve Bank of Atlanta, is seeking additional comment on issues affecting consumers raised by emerging electronic money technologies and on non-regulatory responses to those issues. This notice also sets forth the time and other particulars concerning the second public meeting of the Task Force.

DATES: Requests to participate in the public meeting, indicating the topic to be addressed, should be received by June 16, 1997. Each person selected to participate should submit a summary of his or her statement by July 7, 1997.

The public meeting will be held on July 17, 1997.

Comments in response to the specific issues raised in this notice must be received by the OCC on or before August 15, 1997.

ADDRESSES: Requests to participate in the July 17, 1997, public meeting and summaries of statements should be addressed to the Consumer Electronic Payments Task Force—Public Meetings, Office of the Comptroller of the Currency, 250 E Street, S.W., Mailstop 8–1, Washington, DC 20219.

Written comments should be sent to Consumer Electronic Payments Task Force—Public Meetings, Communications Division, Third Floor, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219, Attn: Docket No. 97–13, or hand delivered on business days between 9:00 a.m. and 5:00 p.m. In addition, comments may be sent by facsimile transmission to fax number (202) 874–5274 or by internet mail to REGS.COMMENTS@OCC.TREAS.GOV. Requests to participate and statements may be faxed to (202) 874–5274, or e-mailed to EMONEY.COMMENTS@OCC.TREAS.GOV.

Comments and statements will be available for inspection and photocopying at the OCC's Public Reference Room, 250 E Street, SW, Washington DC 20219, between 9:00 a.m. and 5:00 p.m. on business days. Appointments for inspection of comments or statements can be made by calling (202) 874–5043.

Meeting Location. Room 432, Federal Trade Commission headquarters building, 6th Street and Pennsylvania Avenue, N.W., Washington D.C.

FOR FURTHER INFORMATION CONTACT: Franca Harris, Attorney or Diane Feeney, Staff Assistant, Chief Counsel's Office (202) 874–5200.

SUPPLEMENTARY INFORMATION:

Background

The Task Force, established by Secretary of the Treasury Robert E. Rubin in the fall of 1996, focuses on consumer issues expected to arise from emerging electronic money and payments technology. The Task Force is chaired by Eugene A. Ludwig, Comptroller of the Currency, and includes Andrew C. Hove, Jr., Vice Chairman, Federal Deposit Insurance Corporation; Edward W. Kelley, Jr., Governor, Board of Governors of the Federal Reserve System; Nicolas P. Retsinas, Director, Office of Thrift Supervision; Robert Pitofsky, Chairman, Federal Trade Commission; Russell D. Morris, Commissioner, Financial Management Service; and, Jack Guynn, President, Federal Reserve Bank of Atlanta.

The Task Force's mission is to identify and explore issues affecting consumers raised by emerging electronic money technologies (such as stored value and smart card and internet based payment systems) and to identify innovative responses to those issues, consistent with the needs of a developing market. The Task Force's objectives include:

(1) Identifying consumer issues raised by electronic money;

(2) Evaluating the extent to which consumer issues concerning electronic money are addressed by state and federal laws and regulations and voluntary industry guidelines; and,

(3) Identifying innovative, non-regulatory approaches that help the electronic money industry address consumer issues.

The Task Force's first public meeting dedicated to Consumer Protection and Disclosure, Financial Condition of Issuers and Access will be held on June 9. For more information on this meeting please see the notice appearing in the April 18, 1997 **Federal Register** (62 F.R. 19173).

Request for Comment and Statements at the Second Public Meeting

The Task Force is hereby requesting written comment on the Privacy issues described below, which were not included in the Request for Comment in the Notice concerning the June 9 Public Meeting:

Privacy Issues

(1) What information is generated about users of electronic money products and their transactions?

(2) Who collects, and has access to, that information and what is done with it?

(3) What are customers told about how this information is used?

(4) What sorts of privacy concerns, if any, have customers raised about the collection and use of this information?

(5) How can these privacy concerns be addressed?

The Task Force also solicits comment on the following issues, which were included in the Request for Comment in the Notice concerning the June 9 Public

Meeting and which are repeated below for your convenience:

Consumer Disclosure and Protections

(6) Currently, what information is disclosed to customers about electronic money products and how and when does the disclosure occur? What concerns, if any, arise from the potential different disclosures from different types of providers or concerning different types of products?

(7) What information do customers most often seek? What sorts of things do customers most often misunderstand about electronic money products? Does the disclosed information provided by electronic money issuers respond to customer information needs?

(8) What types of customer complaint or customer problems are the most prevalent? What have been the responses of electronic money issuers to these problems?

Access to Electronic Money

(9) What electronic money products are, or are likely to be, most useful to the elderly, members of minority groups, disabled persons, the poor? What impediments, if any, exist to access by these groups to these products or to the development of products that are responsive to these needs?

(10) What are electronic money issuers doing to reach and serve these types of customers?

(11) Do electronic money issuers need additional incentives to reach and serve these customers? What role do electronic money issuers and the government have in helping to improve access to electronic money products?

Financial Condition of Issuers

(12) If an issuer fails, what is the status of customers holding electronic money issued by that entity? What problems, if any, would customers face as a result of the failure of, or financial difficulties experienced by, an issuer? Do customers believe some types of products or issuers to be more secure than others?

(13) What types of prudential requirements—such as liquidity and capital requirements—apply to issuers (both depository and non-depository institutions)? What types of financial resources and backing are used by issuers?

(14) What information is available to consumers concerning the financial condition of, and customer satisfaction with, issuers?

Public Meeting

Any person desiring to participate in the public meeting should submit a request to do so. Persons interested in participating are encouraged to state whether they wish to address particular issues listed in this notice.

The Task Force will hold the second public meeting which will address all aspects of this notice, on July 17, 1997, from 9:00 a.m. until 4:30 p.m. The meeting will be held in Room 432 of the Federal Trade Commission headquarter's building, fourth floor, 6th and Pennsylvania Avenue, N.W., Washington, DC. At that meeting one or more members of the Task Force, and their senior staffs, will receive oral comments from those interested persons scheduled in advance to appear. Participants will be permitted to make a brief oral presentation. The Task Force will acknowledge receipt of requests to participate and will inform participants of scheduling.

Please notify Franca Harris, OCC, Attorney, Chief Counsel's Office, prior to the public meeting if auxiliary aids or services are needed at (202) 874–5200.

Dated: May 20, 1997.

Eugene A. Ludwig,

Comptroller of the Currency Task Force Chairman.

[FR Doc. 97–14185 Filed 5–29–97; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF VETERANS AFFAIRS

Loan Guaranty: Percentage to Determine Net Value

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: This notice provides information to participants in the Department of Veterans Affairs (VA) loan guaranty program concerning the percentage to be used in determining whether the Secretary will accept conveyance of a foreclosed property. The new percentage is 13.54 percent.

EFFECTIVE DATE: The new percentage is effective December 11, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard A. Levy, Assistant Director for Loan and Property Management (261), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, Washington, DC 20420, (202) 273–7344.

SUPPLEMENTARY INFORMATION: VA regulations concerning the payment of loan guaranty claims are set forth at 38 CFR 36.4300, *et seq.* The formulas for determining whether VA will offer the lender an election to convey the property to VA are set forth at 38 CFR 36.4320. A key component of this is the ''net value'' of the property to the Government, as defined in 38 CFR 36.4301. Essentially, ''net value'' is the fair market value of the property, minus the total of the costs the Secretary estimates would be incurred by VA resulting from the acquisition and disposition of the property for property taxes, assessment, liens, property maintenance, administration, and resale. Each year VA reviews the average operating expenses incurred for properties acquired under 38 CFR 36.4320 which were sold during the preceding three fiscal years and the average administrative cost to the Government associated with the property management activity. Administrative cost is based on the average holding time for properties sold during the preceding fiscal year. Property improvement expenses are estimated on an individual case basis at the time the net value is estimated. VA also includes in the net value calculation an amount equal to the gain or loss experienced by VA on the resale of acquired properties during the prior fiscal year. VA annually updates the net value percentage and publishes a notice of the new percentage in the **Federal Register**. For Fiscal Year 1996, the percentage was 15.11 percent. For Fiscal Year 1997, the revised percentage will be 13.54 percent, based upon the operating expenses incurred, exclusive of estimated property improvement expenses which are accounted for separately in each case, for Fiscal Years 1993, 1994, and 1995, and property resale experience for Fiscal Year 1996. Accordingly, VA will subtract 13.54 percent from the fair market value of the property to be foreclosed in order to arrive at the ''net value'' of the property to VA. This new percentage will be used in ''net value'' calculations made by VA on and after December 11, 1996, the date the new percentage was provided to VA field stations for use in these calculations.

Approved: May 21, 1997.

Jesse Brown,

Secretary of Veterans Affairs.

[FR Doc. 97–14125 Filed 5–29–97; 8:45 am]

BILLING CODE 8320–01–M

federal register

Friday
May 30, 1997

Part II

Department of Health and Human Services

Health Resources and Services Administration

Lists of Designated Primary Medical Care, Mental Health, and Dental Health Professional Shortage Areas; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Lists of Designated Primary Medical Care, Mental Health, and Dental Health Professional Shortage Areas

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: This notice provides lists of all areas, population groups, and facilities designated as primary medical care, mental health, and dental health professional shortage areas (HPSAs) as of March 31, 1997. HPSAs are designated or withdrawn by the Secretary of Health and Human Services (HHS) under the authority of section 332 of the Public Health Service (PHS) Act.

FOR FURTHER INFORMATION CONTACT: For further information on the HPSA designations listed below, or to request additional designations or withdrawals or reinstatement of a withdrawn designation, please contact Evan R. Arrindell, D.S.W., Director, Division of Shortage Designation, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East-West Highway, Bethesda, Maryland 20814 (301–594–0816). Information on HPSAs is also available at http://www.bphc.hrsa.dhhs.gov

SUPPLEMENTARY INFORMATION:

1. Background

Section 332 of the PHS Act provides that the Secretary of HHS shall designate HPSAs based on criteria established by regulation. HPSAs are defined in section 332 to include (1) urban and rural geographic areas, (2) population groups, and (3) facilities with shortages of health professionals. Section 332 further requires that the Secretary annually publish a list of the designated geographic areas, population groups, and facilities. The list of HPSAs is to be reviewed at least annually and revised as necessary. The Health Resources and Services Administration's (HRSA) Bureau of Primary Health Care (BPHC) has the responsibility for designating and updating HPSAs.

Public or private nonprofit entities are eligible to apply for assignment of National Health Service Corps (NHSC) personnel to provide primary health services in or to these HPSAs. NHSC health professionals with a service obligation may serve only in federally designated HPSAs. Programs with clinical training sites located in HPSAs are eligible to receive priority for certain residency training program grants administered by HRSA's Bureau of Health Professions.

Several programs administered by the Health Care Financing Administration also use the HPSA designation. Certain qualified providers in HPSAs are eligible for increased levels of Medicare and Medicaid reimbursement.

2. Development of the Designation and Withdrawal Lists

Criteria for designating HPSAs were published as final regulations (42 CFR Part 5) in 1980. Criteria were then defined for each of seven health professional types (primary medical care, dental, psychiatric, vision care, podiatric, pharmacy, and veterinary care). The criteria for correctional facility HPSAs were revised at 54 FR 8738 in 1989, and the criteria for psychiatric HPSAs were expanded to mental health HPSAs at 57 FR 2477 in 1992. The currently-funded PHS programs which use the HPSA designations involve only the primary medical care, mental health, or dental HPSAs.

Individual requests for designation or withdrawal of a particular area, population group, or a facility as a HPSA are received and reviewed continuously by HRSA's BPHC. The review process includes routine submission of such requests to the appropriate State Health Planning and Development Agency (SHPDA) and/or a unit of the State Health Department, the Governor, and other interested organizations and individuals for their comments and recommendations. Requests regarding primary medical care and mental health HPSAs are also submitted to the appropriate State medical society for comment, and dental HPSA requests are submitted to the appropriate State dental society.

Annually, lists of designated HPSAs are provided to all SHPDAs and/or State health departments, State medical and dental societies and others, together with a request to review and update the data on which the designations are based. Emphasis is placed on updating those designations which are more than 3 years old or where significant changes relevant to the designation criteria have occurred.

Recommendations for possible additions, continuations, revisions or withdrawals from the HPSA list are reviewed by the BPHC, and the review findings are provided by letter to the agency or individual requesting action or providing data, with copies to other interested organizations and individuals. These letters constitute the official notice of designation as a HPSA, rejection of recommendations for HPSA designation, revision of a HPSA designation, and/or advance notice of pending withdrawals from the HPSA list. Designations (or revisions of designations) are effective as of the date of the notification letter from BPHC. Proposed withdrawals become effective only after interested parties in the area affected have been afforded the opportunity to submit additional information to the BPHC in support of its continued or revised designation. If no new data are submitted or if the BPHC review confirms the proposed withdrawal, it becomes effective upon publication in the **Federal Register** of a list of HPSAs that does not include the proposed withdrawals.

This notice contains three lists of designated HPSAs. Each list (primary medical care, mental health, and dental) includes all those areas, population groups, and facilities which were designated HPSAs as of March 31, 1997. This notice incorporates the most recent annual review of designated HPSAs and supersedes the HPSA list published in the **Federal Register** on December 31, 1996.

3. Format of Lists

Each list of designated HPSAs (primary medical care, mental health, and dental) is arranged by State. Within each State, the list is first presented by county. If only a portion (or portions) of a county is (are) designated, or if the county is part of a larger designated service area, or if a population group residing in the county or a facility located in the county has been designated, the name of the service area, population group, or facility involved is listed under the county name. Counties which have a geographic HPSA designation in addition to one or more facility designations within the county are indicated by a (g) following the county name.

Following the county listing, a list of any designated service areas is presented, identifying their component parts—counties, towns, townships, census tracts (CTs), minor civil divisions (MCDs), census county divisions (CCDs), block numbering areas (BNAs), or magisterial districts, as defined by the Bureau of the Census. Those counties (or parts of counties included in service areas) which are classified as nonmetropolitan are indicated by an asterisk (*). ''Nonmetropolitan'' refers to those counties not included in the definition of metropolitan areas established by the

Office of Management and Budget (OMB Bulletin 94–07 dated July 5, 1994).

Following the service area listing, a list of designated population groups (if any) is presented identifying each group and the geographic area wherein it resides. Following the population group listing, a list by name and location of any separately designated facilities (including prisons, correctional institutions, health centers, or hospitals) is presented.

In addition to the specific listings included in this notice, all Indian tribes which meet the definition of such tribes referenced in Section 4(d) of Public Law 94–437, the Indian Health Care Improvement Act of 1976, are automatically designated as population groups with primary medical care and dental health professional shortages.

4. Future Updates of Lists of Designated HPSAs

The lists of HPSAs below consist of all those which were designated as of March 31, 1997. It should be noted that additional HPSAs may have been designated by letter since March 31. The appropriate agencies and individuals have been or will be notified of these actions by letter.

Any designated HPSA listed below is subject to withdrawal from designation if new information received and confirmed by HRSA indicates that the relevant data for the area involved have significantly changed since its designation or that incorrect or incomplete data were used in making the original designation.

All requests for new designations, updates, or withdrawals should be based on the relevant criteria in regulations published at 42 CFR Part 5 (1996).

Dated: May 19, 1997.

Claude Earl Fox,

Acting Administrator.

PRIMARY MEDICAL CARE: Alabama
County Listing

County Name

Autauga
  Population Group: Med Ind—Autauga Co
Baldwin
  Service Area: Atmore/Century (AL/FL)
*Barbour
  Service Area: Clayton
*Bibb
Blount
Bullock
  Service Area: Bullock-Macon
*Butler
*Chambers
  Service Area: La Fayette
  Population Group: Med Ind—Valley
*Cherokee
*Chilton
*Choctaw

PRIMARY MEDICAL CARE: Alabama
County Listing

County Name

*Clarke
  Service Area: Coffeeville
  Service Area: Grove Hill/Fulton
*Cleburne
Colbert
  Service Area: Cherokee
*Conecuh
*Coosa
*Covington
  Service Area: South Covington
*Crenshaw
*Cullman
  Population Group: Med Ind—Cullman Co
Dale
  Population Group: Low Inc—Dale Co
*Dallas
  Population Group: Low Inc—Dallas
Elmore
*Escambia
  Service Area: Atmore/Century (AL/FL)
Etowah
  Population Group: Med Ind—Etowah Co
*Fayette
  Population Group: Med Ind—Fayette Co
*Geneva
Greene
  Service Area: Greene-Hale
Hale
  Service Area: Greene-Hale
*Henry
*Jackson
  Population Group: Med Ind—Jackson Co
Jefferson
  Population Group: Pov Pop—Central Birmingham
*Lamar
Lawrence
Limestone
  Population Group: Low Inc—Limestone Co
*Lowndes
Macon
  Service Area: Bullock-Macon
Madison
  Population Group: Low Inc—C Huntsville
*Marion
  Population Group: Low Inc—Marion Co
*Marshall
  Population Group: Med Ind—Marshall Co
Mobile
  Service Area: North Mobile
  Population Group: Pov Pop—E Mobile/Prichard
  Facility: Univ S. Al. Chldrns Md. Ctr.
*Monroe
  Service Area: Atmore/Century (AL/FL)
  Population Group: Med Ind—Monroeville
Montgomery
  Population Group: Med Ind—Montgomery Co
Morgan
  Population Group: Low Inc—Morgan Co
*Perry
*Pickens
*Randolph
Russell
  Service Area: Cottonton/Hurtsboro
Shelby
St Clair
*Sumter
*Talladega
  Facility: FCI Talladega
*Tallapoosa

PRIMARY MEDICAL CARE: Alabama
County Listing

County Name

  Service Area: Camp Hill
Tuscaloosa
  Population Group: Low Inc—Tuscaloosa Co
*Walker
  Population Group: Med Ind—Walker Co
*Washington
*Wilcox
*Winston

PRIMARY MEDICAL CARE: Alabama
Service Area Listing

Service Area Name

Atmore/Century (AL/FL)
  County—Baldwin
    Parts:
      C.T. 101
  County—Escambia
    Parts:
      C.T. 9703–9707
  County—Monroe
    Parts:
      C.T. 9862
Bullock-Macon
  County—Bullock
  County—Macon
Camp Hill
  County—Tallapoosa
    Parts:
      Camp Hill CCD
      Dadeville CCD
      Tallassee CCD
Cherokee
  County—Colbert
    Parts:
      Cherokee CCD
Clayton
  County—Barbour
    Parts:
      Clayton CCD
      Clio CCD
      Louisville CCD
Coffeeville
  County—Clarke
    Parts:
      Coffeeville CCD
Cottonton/Hurtsboro
  County—Russell
    Parts:
      Cottonton-Seale CCD
      Hurtsboro CCD
Greene-Hale
  County—Greene
  County—Hale
Grove Hill/Fulton
  County—Clarke
    Parts:
      Fulton CCD
      Grove Hill CCD
La Fayette
  County—Chambers
    Parts:
      Five Points CCD
      Lafayette CCD
      Milltown CCD
North Mobile
  County—Mobile
    Parts:
      C.T. 58–60
South Covington
  County—Covington

PRIMARY MEDICAL CARE: Alabama
Service Area Listing

Service Area Name

Parts:
Falco CCD
Florala CCD

PRIMARY MEDICAL CARE: Alabama
Population Group Listing

Population Group

Low Inc—C Huntsville
County—Madison
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3.01–3.02
C.T. 7.01–7.02
C.T. 8
C.T. 10–13
C.T. 15–16
C.T. 20–24
C.T. 25.01–25.02
Low Inc—Dale Co
County—Dale
Parts:
Low Income
Low Inc—Dallas
County—Dallas
Parts:
Low Inc
Low Inc—Limestone Co
County—Limestone
Parts:
Low Income
Low Inc—Marion Co
County—Marion
Parts:
Low Income
Low Inc—Morgan Co
County—Morgan
Parts:
Low Income
Low Inc—Tuscaloosa Co
County—Tuscaloosa
Parts:
Low Income
Med Ind—Autauga Co
County—Autauga
Parts:
Medically Indigent
Med Ind—Cullman Co
County—Cullman
Parts:
Medically Indigent
Med Ind—Etowah Co
County—Etowah
Parts:
Medically Indigent
Med Ind—Fayette Co
County—Fayette
Parts:
Medically Indigent
Med Ind—Jackson Co
County—Jackson
Parts:
Medically Indigent
Med Ind—Marshall Co
County—Marshall
Parts:
Medically Indigent
Med Ind—Monroeville
County—Monroe
Parts:
Beatrice CCD

PRIMARY MEDICAL CARE: Alabama
Population Group Listing

Population Group

Frisco City CCD
Monroeville CCD
Peterman CCD
Vredenburgh CCD
Med Ind—Montgomery Co
County—Montgomery
Parts:
Medically Indigent
Med Ind—Valley
County—Chambers
Parts:
Lanett CCD
Langdale CCD
Med Ind—Walker Co
County—Walker
Parts:
Medically Indigent
Pov Pop—Central Birmingham
County—Jefferson
Parts:
C.T. 3–5
C.T. 7–8
C.T. 11–12
C.T. 14–16
C.T. 19.02
C.T. 22
C.T. 23.03–23.04
C.T. 24
C.T. 27
C.T. 29
C.T. 30.01–30.02
C.T. 31–34
C.T. 39–40
C.T. 42
C.T. 45
C.T. 51.01
C.T. 55
Pov Pop—E Mobile/Prichard
County—Mobile
Parts:
C.T. 1–3
C.T. 4.01–4.02
C.T. 5–6
C.T. 7.01–7.02
C.T. 8
C.T. 10.01–10.02
C.T. 11
C.T. 12.01
C.T. 13.01–13.02
C.T. 14
C.T. 15.01–15.02
C.T. 16
C.T. 23.01–23.02
C.T. 24
C.T. 26
C.T. 38.01
C.T. 39.01–39.02
C.T. 40–50

PRIMARY MEDICAL CARE: Alabama
Facility Listing

Facility Name

FCI Talladega
County—Talladega
Univ S. Al. Chldrns Md. Ctr.
County—Mobile

PRIMARY MEDICAL CARE: Alaska
Census Area Listing

Census Area Name

*Aleutians East Borough

PRIMARY MEDICAL CARE: Alaska
Census Area Listing

Census Area Name

*Aleutians West Borough
Anchorage Borough
Population Group: Low Inc—N. Anchorage City
*Bethel Area
*Bristol Bay Borough
*Denali Borough
*Fairbanks North Star Boro
Population Group: Med Ind—Fairbanks North Star Boro
*Haines Borough
*Lake And Peninsula Borough
*Matanuska-Susitna Borough
Service Area: Talkeetna/Trapper Creek
*North Slope Borough
*Northwest Arctic Borough
*Prince Of Wales-Outer Ket
*Skagway-Hoonah-Angoon Borough
*Valdez-Cordova Area
Service Area: Valdez/Whittier
*Wade Hampton Borough
*Wrangell-Petersburg Area
*Yakutat Borough
*Yukon-Koyukuk

PRIMARY MEDICAL CARE: Alaska
Service Area Listing

Service Area Name

Talkeetna/Trapper Creek
Census Area—Matanuska-Susitna Borough
Parts:
Block Group 3
Block Group 1
Chase CDP
Skwentna CDP
Talkeetna CDP
Trapper Creek CDP
Valdez/Whittier
Census Area—Valdez-Cordova Area
Parts:
Prince William Sound Sub

PRIMARY MEDICAL CARE: Alaska
Population Group Listing

Population Group

Low Inc—N. Anchorage City
Census Area—Anchorage Borough
Parts:
C.T. 5–6
C.T. 7.01–7.03
C.T. 8.01–8.02
C.T. 9.01–9.02
C.T. 10–11
C.T. 14–16
C.T. 19–21
C.T. 22.02
Med Ind—Fairbanks North Star Boro
Census Area—Fairbanks North Star Boro
Parts:
Med Ind

PRIMARY MEDICAL CARE: Arizona
County Listing

County Name

*Apache
Service Area: Ganado
Service Area: Kayenta
Service Area: Sanders

PRIMARY MEDICAL CARE: Arizona
County Listing

County Name

Service Area: Tsaile
Population Group: Low Inc—St Johns/Springerville
*Cochise
Service Area: Bowie
Service Area: Elfrida
Service Area: Tombstone
Population Group: Low Inc—Douglas
Population Group: Med Ind—Bisbee
*Coconino
Service Area: Kanab/Fredonia (UT/AZ)
Service Area: Page/Tuba City
*Gila
Service Area: Young
*Graham
Service Area: Bonita-Klondyke
Service Area: Pima
Service Area: San Carlos
*La Paz
Service Area: Parker
Maricopa
Service Area: Gila Bend
Population Group: Med Ind—Guadalupe
Population Group: Med Ind—Central/S Phoenix
Population Group: Med Ind/MFW—Chandler/Queen Creek
Population Group: Med Ind/MFW—El Mirage
Population Group: Pov Pop/MFW—Buckeye
Facility: FCI Phoenix
Facility: Maricopa Co. Jails
Mohave
Service Area: Dolan Springs
Service Area: Hurricane/Mohave North (UT/AZ)
Service Area: Needles/Topock (CA/AZ)
*Navajo
Service Area: Heber/Overgaard
Service Area: Hopi
Service Area: Kayenta
Pima
Service Area: Ajo
Service Area: Arivaca
Service Area: Continental
Population Group: Med Ind—Catalina
Population Group: Med Ind—South Tucson
Population Group: Pov Pop—Marana
Facility: FCI Tucson
Facility: Pima Co Adult Detention Ctr
Pinal
Service Area: San Pedro Valley
Service Area: Superior
Population Group: Med Ind/MFW—Central/West Pinal
Facility: INS Med Fac—Florence
*Santa Cruz
*Yavapai
Service Area: Seligman
Yuma
Service Area: Somerton
Service Area: Wellton/Mohawk

PRIMARY MEDICAL CARE: Arizona
Service Area Listing

Service Area Name

Ajo
County—Pima
Parts:
Ajo CCD

PRIMARY MEDICAL CARE: Arizona
Service Area Listing

Service Area Name

Arivaca
County—Pima
Parts:
C.T. 43.05
Bonita-Klondyke
County—Graham
Parts:
Bonita-Klondyke CCD
Bowie
County—Cochise
Parts:
Bowie CCD
Continental
County—Pima
Parts:
C.T. 41.02
Dolan Springs
County—Mohave
Parts:
C.T. 9502
C.T. 9504–9505
Elfrida
County—Cochise
Parts:
Elfrida Division
Ganado
County—Apache
Parts:
C.T. 9776–9778
Gila Bend
County—Maricopa
Parts:
C.T. 7233
Heber/Overgaard
County—Navajo
Parts:
C.T. 9607
Hopi
County—Navajo
Parts:
C.T. 9650–9653
C.T. 9674
C.T. 9676
Hurricane/Mohave North (UT/AZ)
County—Mohave
Parts:
Mohave North CCD
Kanab/Fredonia (UT/AZ)
County—Coconino
Parts:
Kaibab CCD
Kayenta
County—Apache
Parts:
Dennehotso CCD
County—Navajo
Parts:
Western CCD
Needles/Topock (CA/AZ)
County—Mohave
Parts:
C.T. 9521
Page/Tuba City
County—Coconino
Parts:
Tuba City CCD
Parker
County—La Paz
Parts:
C.T. 202–204
Pima
County—Graham

PRIMARY MEDICAL CARE: Arizona
Service Area Listing

Service Area Name

Parts:
Pima CCD
San Carlos
County—Graham
Parts:
San Carlos CCD
San Pedro Valley
County—Pinal
Parts:
San Manuel CCD
Sanders
County—Apache
Parts:
C.T. 9701
Seligman
County—Yavapai
Parts:
Ashfork CCD
Somerton
County—Yuma
Parts:
C.T. 114–116
Superior
County—Pinal
Parts:
C.T. 2
C.T. 4
Tombstone
County—Cochise
Parts:
C.T. 4
Tsaile
County—Apache
Parts:
C.T. 9772–9775
Wellton/Mohawk
County—Yuma
Parts:
Wellton Division
Young
County—Gila
Parts:
C.T. 9806–9807

PRIMARY MEDICAL CARE: Arizona
Population Group Listing

Population Group

Low Inc—Douglas
County—Cochise
Parts:
Douglas Div
Low Inc—St Johns/Springerville
County—Apache
Parts:
C.T. 9702–9705
Med Ind—Bisbee
County—Cochise
Parts:
Bisbee CCD
Med Ind—Catalina
County—Pima
Parts:
C.T. 47.07
Med Ind—Central/S Phoenix
County—Maricopa
Parts:
C.T. 1115–1124
C.T. 1126–1133
C.T. 1135–1161
C.T. 1162.02–1162.04
C.T. 1163–1165

PRIMARY MEDICAL CARE: Arizona
Population Group Listing

Population Group

C.T. 1166.02
C.T. 1167.02–1167.04
Med Ind—Guadalupe
County—Maricopa
Parts:
C.T. 3200.02
Med Ind—South Tucson
County—Pima
Parts:
C.T. 1–12
C.T. 13.01–13.02
C.T. 14
C.T. 20–24
C.T. 25.01–25.02
C.T. 37.01–37.03
C.T. 38–39
C.T. 41.03–41.04
C.T. 43.01
C.T. 43.08–43.09
Med Ind/MFW—Central/West Pinal
County—Pinal
Parts:
Casa Grande CCD
Coolidge CCD
Eloy CCD
Florence CCD
Maricopa-Stanfield CCD
Med Ind/MFW—Chandler/Queen Creek
County—Maricopa
Parts:
C.T. 5227.03
C.T. 5227.19
C.T. 5229.02
C.T. 5231.02
Med Ind/MFW—El Mirage
County—Maricopa
Parts:
C.T. 405.02
C.T. 405.09
C.T. 608–609
C.T. 610.03–610.08
C.T. 612–614
C.T. 821
C.T. 822.01–822.02
C.T. 1125.05–1125.06
Pov Pop—Marana
County—Pima
Parts:
C.T. 44.08–44.09
Pov Pop/MFW—Buckeye
County—Maricopa
Parts:
C.T. 506–507

PRIMARY MEDICAL CARE: Arizona
Facility Listing

Facility Name

FCI Phoenix
County—Maricopa
FCI Tucson
County—Pima
INS Med Fac—Florence
County—Pinal
Maricopa Co. Jails
County—Maricopa
Pima Co Adult Detention Ctr
County—Pima

PRIMARY MEDICAL CARE: Arkansas
County Listing

County Name

*Arkansas
Service Area: Dewitt
*Boone
Service Area: Lead Hill
*Bradley
Service Area: Hermitage
*Calhoun
*Chicot
Service Area: Dermott/Mcgehee
Population Group: Low Inc—Eudora/Lake Village
*Clay
*Cleburne
*Cleveland
Crittenden
*Dallas
Service Area: Bearden
Service Area: Carthage
Service Area: Sparkman
*Desha
Service Area: Dermott/Mcgehee
Service Area: Snow Lake
*Drew
Service Area: Dermott/Mcgehee
Faulkner
Service Area: Greenbrier
*Franklin
Population Group: Low Inc—Franklin Co
*Fulton
Service Area: Mammoth Spring
*Grant
*Howard
Service Area: Umpire
Jefferson
Service Area: Altheimer
Service Area: Central Pine Bluff
Service Area: North Pine Bluff
Service Area: Redfield
Service Area: Richland
*Johnson
Service Area: Oark
*Lafayette
*Lawrence
*Lincoln
*Logan
Lonoke
Population Group: Pov Pop—Cabot
*Madison
*Marion
Service Area: Lead Hill
*Monroe
*Nevada
*Newton
*Ouachita
Service Area: Bearden
Service Area: Reader
Service Area: Stephens
*Perry
*Phillips
*Polk
Service Area: Grannis/Wickes
*Pope
Service Area: Hector
*Prairie
Pulaski
Service Area: College Station
Service Area: East Little Rock
*Randolph
*Scott
*Searcy
*St Francis
*Union

PRIMARY MEDICAL CARE: Arkansas
County Listing

County Name

Service Area: Strong
Washington
Service Area: West Washington
*Woodruff
*Yell
Service Area: Havana

PRIMARY MEDICAL CARE: Arkansas
Service Area Listing

Service Area Name

Altheimer
County—Jefferson
Parts:
C.T. 1.85
C.T. 7
Bearden
County—Dallas
Parts:
Holly Springs Twp
County—Ouachita
Parts:
Carroll Twp
Cleveland Twp
Freeo Twp
Union Twp
Valley Twp
Carthage
County—Dallas
Parts:
Chester Township
Smith Township
Willow Township
Central Pine Bluff
County—Jefferson
Parts:
C.T. 10–13
C.T. 14.02
C.T. 16–17
College Station
County—Pulaski
Parts:
C.T. 40.01
C.T. 40.03
C.T. 40.05
Dermott/Mcgehee
County—Chicot
Parts:
Bowie Twp
County—Desha
Parts:
Bowie Twp
Clayton Twp
Franklin Twp
Halley Twp
Richland Twp
County—Drew
Parts:
Bartholomew Twp
Collins Twp
Franklin Twp
Dewitt
County—Arkansas
Parts:
Arkansas Twp
Barton Twp
Bayou Meto Twp
Brewer Twp
Chester Twp
Crockett Twp
Garland Twp
Keaton Twp

PRIMARY MEDICAL CARE: Arkansas
Service Area Listing

Service Area Name

La Grue Twp
Point De Luce Twp
Prairie Twp
Stanley Twp
East Little Rock
County—Pulaski
Parts:
C.T. 2
C.T. 4–5
Grannis/Wickes
County—Polk
Parts:
Ozark Township
White Township
Greenbrier
County—Faulkner
Parts:
Benton Township
California Township
Enola Township
Matthews Township
Mount Vernon Township
Mountain Township
Walker Township
Havana
County—Yell
Parts:
Bluffton Township
Briggsville Township
Crawford Township
Dutch Creek Township
Gravelly Hill Township
Herring Township
Ions Creek Township
Richland Township
Riley Township
Waveland Township
Hector
County—Pope
Parts:
Center Township
Freeman Township
Griffin Township
Jackson Township
Liberty Township
Martin Township
Phoenix Township
Smyrna Township
Hermitage
County—Bradley
Parts:
Eagle Township
Marion Township
Ouachita Township
Palestine Township
River Township
Sumpter Township
Washington Township
Lead Hill
County—Boone
Parts:
Sugar Loaf Township
County—Marion
Parts:
Crockett Township
Franklin Township
Keesee Township
Sugarloaf Township
Mammoth Spring
County—Fulton
Parts:
Afton Township

PRIMARY MEDICAL CARE: Arkansas
Service Area Listing

Service Area Name

Mammoth Spring Township
Myatt Township
Wilson Township
North Pine Bluff
County—Jefferson
Parts:
C.T. 5.02
C.T. 6
C.T. 6.99
Oark
County—Johnson
Parts:
Batson Township
Dickerson Township
Hill Township
Low Gap Township
Mulberry Township
Reader
County—Ouachita
Parts:
Behestian Township
Red Hill Township
Redfield
County—Jefferson
Parts:
Barraque Twp
Jefferson Twp
Richland
County—Jefferson
Parts:
C.T. 8
Snow Lake
County—Desha
Parts:
Mississippi Twp
Sparkman
County—Dallas
Parts:
Manchester Township
Nix Township
Owen Township
Stephens
County—Ouachita
Parts:
Jefferson Township
Liberty Township
Smackover Township
Strong
County—Union
Parts:
Harrison Township
Lapile Township
Umpire
County—Howard
Parts:
Burg Township
Clay Township
Duckett Township
Mountain Township
Umpire Township
West Washington
County—Washington
Parts:
District No. 10 Township
District No. 11 Township

PRIMARY MEDICAL CARE: Arkansas
Population Group Listing

Population Group

Low Inc—Eudora/Lake Village
County—Chicot

PRIMARY MEDICAL CARE: Arkansas
Population Group Listing

Population Group

Parts:
Carlton Twp
Planters Twp
Low Inc—Franklin Co
County—Franklin
Parts:
Low Inc
Pov Pop—Cabot
County—Lonoke
Parts:
Caroline Twp
Goodrum Twp
Magness Twp
Oak Grove Twp
Ward Twp
York Twp

PRIMARY MEDICAL CARE: California
County Listing

County Name

Alameda
Population Group: Inmates—FCI Dublin
Butte
Service Area: Biggs/Gridley/Live Oak
Service Area: Feather Falls
Service Area: Oroville/Palermo
Population Group: Low Inc—Paradise
*Calaveras
Service Area: San Andreas
Service Area: West Point/Wilseyville
Population Group: Low Inc—Angels
*Colusa
Contra Costa
Service Area: East Contra Costa
*Del Norte
Population Group: Low Inc—Del Norte Co
El Dorado
Service Area: Georgetown Divide
Fresno
Service Area: Coalinga
Service Area: Firebaugh/Mendota
Service Area: Huron
Service Area: Laton/Riverdale
Service Area: San Joaquin-Tranquility
Population Group: Low Inc—Edison/Easton
Population Group: Pov Pop/MFW—Reedley/Parlier/Orange
Facility: Valley Medical Center
*Glenn
Service Area: Orland
Service Area: Willows
*Humboldt
Service Area: Willow Creek
Population Group: Low Inc—Rio Dell/Scotia
Population Group: Low Inc—Fortuna
Population Group: Low Inc—Ferndale
Population Group: Low Inc—Blue Lake
Population Group: Low Inc—North Coastal
Population Group: Low Inc—Eureka/Arcata
*Imperial
Service Area: Brawley/Calipatria-Westmorland
Service Area: Calexico
Service Area: East Imperial
Service Area: El Centro
Service Area: West Imperial
Population Group: Medicaid—Winterhaven-Bard
Facility: INS Med Fac—El Centro
*Inyo

PRIMARY MEDICAL CARE: California
County Listing

County Name

Service Area: Lone Pine
Kern
Service Area: Arvin/Lamont
Service Area: Buttonwillow
Service Area: Frazier Park
Service Area: Se Kern, Boron, California City
Service Area: Taft
Service Area: Tehachapi
Service Area: Wasco/Shafter
Population Group: Inmates—FPC Boron
Population Group: Low Inc—Lake Isabella
Population Group: Low Inc—E Bakersfield/Lakeview
Population Group: MFW/Low Inc—Delano/Mcfarland
*Kings
Service Area: Avenal
Service Area: Corcoran
*Lassen
Service Area: Adin-Lookout
Population Group: Low Inc—Susanville
Los Angeles
Service Area: Avalon/Goodyear/Main
Service Area: E San Pedro/Wilmington/Long Beach Port
Service Area: East Compton
Service Area: East L.A./City Terrace
Service Area: Figueroa/Firestone/Gr Meadows/Watts
Service Area: N. El Monte/S. El Monte
Service Area: Pico Rivera South
Service Area: Santa Catalina Island
Population Group: Inmates—MDC Los Angeles
Population Group: Low Inc—Venice/South Santa Monica
Population Group: Low Inc—Pacoima/Sun Valley North
Population Group: Low Inc—Mission Hills/San Fernando
Population Group: Low Inc—El Sereno/Highland Park
Facility: FCI Terminal Island
Facility: Harbor-UCLA Med Ctr Ambulatory Clinics
Facility: INS Med Fac—San Pedro
Facility: Long Beach Comprehensive Hlth Ctr
Facility: Martin Luther King Jr. Gen Hosp
Facility: USC Women/Children'S Ped Outpt Clinic
Madera
Service Area: Chowchilla
Service Area: Madera West/Southwest
Marin
Service Area: Bolinas/Stinson Beach
*Mendocino
Service Area: Boonville/Navarro/Philo/Yorkville
Service Area: Covelo
Service Area: Laytonville/Leggett
Service Area: Redwood/Potter Valley
Merced
Population Group: Low Inc/MFW—Gustine
*Modoc
Service Area: Adin-Lookout
Service Area: Surprise Valley
Service Area: Tule Lake
*Mono
Service Area: Mono North/Topaz Walker

PRIMARY MEDICAL CARE: California
County Listing

County Name

Service Area: Mono South/Mammoth Lakes
Monterey
Service Area: Coastal/Big Sur/Lucial
Service Area: E Salinas/N Central Salinas
Service Area: King City
Service Area: Pajaro
Napa
Population Group: Low Inc—Southern Napa Co
Population Group: Low Inc/MFW—Northern Napa Co
Orange
Population Group: Low Inc—Central Santa Ana
Population Group: Low Inc/MFW—San Juan Capistrano
Placer
Service Area: Colfax-Summit
Service Area: Foresthill/Back Country
Population Group: Low Inc—Lake Tahoe/Tahoe City
Riverside
Service Area: Chuckwalla/Desert Center/Eagle Mt
Service Area: Idyllwild/Pine Cove
Service Area: Palo Verde/Blythe
Service Area: S Coachella Valley/Mecca
Sacramento
Service Area: Galt
*San Benito
Service Area: Hollister/San Juan Bautista
Service Area: San Benito/Bitterwater
San Bernardino
Service Area: Helendale/Silver Lakes
Service Area: Needles/Topock (CA/AZ)
Service Area: Red Mountain/Trona
Service Area: S Barstow-Victorville/Adelanto/Apple Val
Service Area: 29 Palms/Yucca Valley
Population Group: Low Inc—Lake Arrowhead
Population Group: Pov. Pop.—Big Bear Lake
San Diego
Service Area: Borrego Springs
Service Area: Encanto/Lincoln Acres/National City
Service Area: Golden Hills/Logan Heights
Service Area: Mountain Empire
Service Area: Ramona
Service Area: San Ysidro
Population Group: Inmates—MCC San Diego
Population Group: Low Inc—Oceanside W/Carlsbad W
Population Group: Low Inc—El Cajon
Population Group: Low Inc—Vista East/San Marcos North
Population Group: Low Inc—City Heights/Downtown
San Francisco
Population Group: Low Inc—South Of Market
San Joaquin
Service Area: South and East Stockton
Population Group: Low Inc—Escalon/Manteca/Ripon
San Mateo
Service Area: E Menlo Park/E Palo Alto
Santa Barbara
Service Area: Cuyama

PRIMARY MEDICAL CARE: California
County Listing

County Name

Service Area: Guadalupe
Facility: USP Lompoc
Santa Cruz
Service Area: Watsonville
Shasta
Service Area: Central Shasta/Shingletown/Whitmore
Service Area: E Shasta—Burney/Cassel/Fall River Mill
Service Area: Sacramento Canyon/Castella/Lakehead/O'Br
Service Area: Southwest Shasta
Population Group: Medicaid—Central-North Redding
Population Group: Medicaid—South Redding-Anderson
Facility: Shasta Primary Care Clinic
*Sierra
Service Area: Downieville
*Siskiyou
Service Area: Butte Valley/Dorris
Service Area: Etna/Ft. Jones
Service Area: Happy Camp
Service Area: McCloud-Medicine Lake
Service Area: Tule Lake
Population Group: Low Inc—Dunsmuir
Population Group: Low Inc—Mt Shasta/Weed
Solano
Service Area: Dixon
Sonoma
Service Area: Cloverdale
Service Area: Guerneville
Service Area: Sonoma Valley
Population Group: Low Inc—Petaluma
Population Group: Low Inc—Healdsburg/Geyserville
Stanislaus
Service Area: West Modesto
Population Group: Low Inc—Hughson
Population Group: Low Inc—Turlock
Population Group: Low Inc—Newman
Population Group: Medicaid—Oakdale/Riverbank
Sutter
Service Area: Biggs/Gridley/Live Oak
Service Area: Meridian/Robbins
Population Group: Low Inc—Sutter/Yuba City
*Tehama
Service Area: Corning/Sw East Tehama/Las Molinas
Service Area: Red Bluff
*Trinity
Service Area: Hayfork/Forest Glen/Peanut
Service Area: Mad River/Ruth/Zenia
Service Area: Willow Creek
Tulare
Service Area: Porterville
Service Area: Woodlake/Three Rivers
Population Group: Low Inc/MFW—Exeter/Ivanhoe/Lindsay
*Tuolumne
Service Area: Groveland
Service Area: Stanislaus/Yosemite
Ventura
Population Group: Low Inc/MFW—Ventura
Yolo
Service Area: East Yolo
Yuba

PRIMARY MEDICAL CARE: California
County Listing

County Name

Population Group: Low Inc—Sutter/Yuba City
Population Group: Low Inc—Yuba Foothills

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

Adin-Lookout
County—Lassen
Parts:
Big Valley CCD
County—Modoc
Parts:
Adin-Lookout CCD
Arvin/Lamont
County—Kern
Parts:
C.T. 62–64
Avalon/Goodyear/Main
County—Los Angeles
Parts:
C.T. 2281–2289
C.T. 2291–2294
C.T. 2311
C.T. 2318–2319
C.T. 2328
C.T. 2392–2393
C.T. 2395–2396
C.T. 5328–5329
Avenal
County—Kings
Parts:
C.T. 17
Biggs/Gridley/Live Oak
County—Butte
Parts:
C.T. 34–36
County—Sutter
Parts:
C.T. 507
Bolinas/Stinson Beach
County—Marin
Parts:
C.T. 1321
Boonville/Navarro/Philo/Yorkville
County—Mendocino
Parts:
C.T. 112
Borrego Springs
County—San Diego
Parts:
C.T. 210
Brawley/Calipatria-Westmorland
County—Imperial
Parts:
C.T. 101–107
C.T. 123.02
Butte Valley/Dorris
County—Siskiyou
Parts:
C.T. 2
Buttonwillow
County—Kern
Parts:
C.T. 37
Calexico
County—Imperial
Parts:
C.T. 119–122
Central Shasta/Shingletown/Whitmore
County—Shasta

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

Parts:
C.T. 126
Chowchilla
County—Madera
Parts:
C.T. 2–3
Chuckwalla/Desert Center/Eagle Mt
County—Riverside
Parts:
C.T. 458
Cloverdale
County—Sonoma
Parts:
C.T. 1541–1542
Coalinga
County—Fresno
Parts:
C.T. 79.98
C.T. 80–81
Coastal/Big Sur/Lucial
County—Monterey
Parts:
C.T. 115
Parts:
C.T. 5–7
Parts:
C.T. 5990–5991
Colfax-Summit
County—Placer
Parts:
C.T. 219.01–219.02
C.T. 220.01–220.02
Corcoran
County—Kings
Parts:
C.T. 13–16
Corning/Sw East Tehama/Las Molinas
County—Tehama
Parts:
C.T. 9–11
C.T. 12.98
Covelo
County—Mendocino
Parts:
C.T. 101
Cuyama
County—Santa Barbara
Parts:
C.T. 18
Dixon
County—Solano
Parts:
C.T. 2533.98
C.T. 2534
Downieville
County—Sierra
Parts:
West Sierra CCD
E Menlo Park/E Palo Alto
County—San Mateo
Parts:
C.T. 6117–6120
C.T. 6121.98
E Salinas/N Central Salinas
County—Monterey
Parts:
C.T. 5–9
C.T. 13
C.T. 17–18
E San Pedro/Wilmington/Long Beach Port
County—Los Angeles
Parts:

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

C.T. 2941–2943
C.T. 2945–2949
C.T. 2949.99
C.T. 2961
C.T. 2961.99–2962.00
C.T. 2962.99
C.T. 2971
C.T. 2971.99
C.T. 5727–5729
C.T. 5755–5756
C.T. 5756.99–5757.00
C.T. 5757.99
E Shasta—Burney/Cassel/Fall River Mill
County—Shasta
Parts:
C.T. 127
East Compton
County—Los Angeles
Parts:
C.T. 5416.01–5416.02
C.T. 5420
C.T. 5421.01–5421.02
C.T. 5422
C.T. 5424.01–5424.02
C.T. 5704
East Contra Costa
County—Contra Costa
Parts:
C.T. 3010
C.T. 3020.01–3020.02
C.T. 3031–3032
C.T. 3040
East Imperial
County—Imperial
Parts:
C.T. 124
East L.A./City Terrace
County—Los Angeles
Parts:
C.T. 5303–5306
C.T. 5308–5311
C.T. 5312.01–5312.02
C.T. 5313.01–5313.02
C.T. 5315.01–5315.02
C.T. 5316.01–5316.02
C.T. 5317.01–5317.02
East Yolo
County—Yolo
Parts:
C.T. 101.01–101.02
C.T. 102.01
C.T. 102.03–102.04
C.T. 103
C.T. 105.06
El Centro
County—Imperial
Parts:
C.T. 108–111
C.T. 112.01–112.02
C.T. 113–117
C.T. 118.01–118.03
Encanto/Lincoln Acres/National City
County—San Diego
Parts:
C.T. 30.01–30.02
C.T. 31.01–31.02
C.T. 32.02
C.T. 33
C.T. 114
C.T. 114.99–115.00
C.T. 116–122
Etna/Ft. Jones

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

County—Siskiyou
Parts:
C.T. 6 (Fort Jones CCD)
C.T. 8 (Etna CCD)
Feather Falls
County—Butte
Parts:
C.T. 24
Figueroa/Firestone/Gr Meadows/Watts
County—Los Angeles
Parts:
C.T. 2397–2398
C.T. 2400
C.T. 2402–2414
C.T. 2420–2423
C.T. 2426–2427
C.T. 2430–2431
C.T. 5349–5350
C.T. 5351.01–5351.02
C.T. 5352–5354
C.T. 5404
Firebaugh/Mendota
County—Fresno
Parts:
C.T. 83
C.T. 84.01–84.02
Foresthill/Back Country
County—Placer
Parts:
C.T. 202
Frazier Park
County—Kern
Parts:
C.T. 33.02
Galt
County—Sacramento
Parts:
C.T. 94.01–94.02
C.T. 95
Georgetown Divide
County—El Dorado
Parts:
C.T. 306.01–306.03
Golden Hills/Logan Heights
County—San Diego
Parts:
C.T. 34.02
C.T. 35–36
C.T. 38
C.T. 38.99–39.00
C.T. 40–41
C.T. 45–50
C.T. 50.99–51.00
C.T. 51.99–52.00
Groveland
County—Tuolumne
Parts:
C.T. 42
Guadalupe
County—Santa Barbara
Parts:
C.T. 25
Guerneville
County—Sonoma
Parts:
C.T. 1537.01–1537.02
C.T. 1543
C.T. 1543.99
Happy Camp
County—Siskiyou
Parts:
C.T. 5

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

Hayfork/Forest Glen/Peanut
County—Trinity
Parts:
C.T. 3.98
Helendale/Silver Lakes
County—San Bernardino
Parts:
C.T. 116–117
Hollister/San Juan Bautista
County—San Benito
Parts:
C.T. 1.98
C.T. 2–7
C.T. 9
Huron
County—Fresno
Parts:
C.T. 78
Idyllwild/Pine Cove
County—Riverside
Parts:
C.T. 444.01–444.03
King City
County—Monterey
Parts:
C.T. 113
C.T. 114.02
Laton/Riverdale
County—Fresno
Parts:
C.T. 74
C.T. 77
Laytonville/Leggett
County—Mendocino
Parts:
C.T. 102
Lone Pine
County—Inyo
Parts:
C.T. 7
Mad River/Ruth/Zenia
County—Trinity
Parts:
C.T. 4
Madera West/Southwest
County—Madera
Parts:
C.T. 4
C.T. 5.02–5.05
C.T. 6.01–6.02
C.T. 7–10
McCloud-Medicine Lake
County—Siskiyou
Parts:
C.T. 12
Meridian/Robbins
County—Sutter
Parts:
C.T. 509
Mono North/Topaz Walker
County—Mono
Parts:
C.T. 1
Mono South/Mammoth Lakes
County—Mono
Parts:
C.T. 2
Mountain Empire
County—San Diego
Parts:
C.T. 211
N. El Monte/S. El Monte

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

County—Los Angeles
Parts:
C.T. 4315
C.T. 4323–4328
C.T. 4331–4335
C.T. 4337–4340
Needles/Topock (CA/AZ)
County—San Bernardino
Parts:
C.T. 105–107
Orland
County—Glenn
Parts:
C.T. 101–102
Oroville/Palermo
County—Butte
Parts:
C.T. 25–33
Pajaro
County—Monterey
Parts:
C.T. 101.98
C.T. 102.01–102.02
Palo Verde/Blythe
County—Riverside
Parts:
C.T. 459–462
Pico Rivera South
County—Los Angeles
Parts:
C.T. 5007–5009
C.T. 5023–5025
C.T. 5026.01–5026.02
C.T. 5027
C.T. 5029.02
C.T. 5320–5322
Porterville
County—Tulare
Parts:
C.T. 27
C.T. 33–41
C.T. 45
Ramona
County—San Diego
Parts:
C.T. 208.01
C.T. 208.04
C.T. 208.97–208.98
Red Bluff
County—Tehama
Parts:
C.T. 2
C.T. 4–8
Red Mountain/Trona
County—San Bernardino
Parts:
C.T. 89.01
Redwood/Potter Valley
County—Mendocino
Parts:
C.T. 108
S Barstow-Victorville/Adelanto/Apple Val
County—San Bernardino
Parts:
C.T. 91.02–91.04
C.T. 97.04–97.06
C.T. 98
C.T. 99.01–99.03
C.T. 100.03–100.08
S Coachella Valley/Mecca
County—Riverside
Parts:

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

C.T. 456.01–456.02
Sacramento Canyon/Castella/Lakehead/O'Br
County—Shasta
Parts:
C.T. 125
San Andreas
County—Calaveras
Parts:
C.T. 2–3
San Benito/Bitterwater
County—San Benito
Parts:
C.T. 8
San Joaquin-Tranquility
County—Fresno
Parts:
C.T. 82
San Ysidro
County—San Diego
Parts:
C.T. 100.01–100.05
C.T. 100.07–100.09
C.T. 101.03–101.04
C.T. 101.06–101.09
C.T. 102–105
Santa Catalina Island
County—Los Angeles
Parts:
C.T. 5990–5991
Se Kern, Boron, California City
County—Kern
Parts:
C.T. 55.03–55.06
C.T. 56–59
Sonoma Valley
County—Sonoma
Parts:
C.T. 1501–1502
C.T. 1503.01–1503.02
C.T. 1504–1505
South And East Stockton
County—San Joaquin
Parts:
C.T. 1–3
C.T. 5–8
C.T. 8.99
C.T. 16–26
C.T. 27.01–27.02
C.T. 28–29
C.T. 36.01–36.02
C.T. 37–39
Southwest Shasta
County—Shasta
Parts:
C.T. 124
Stanislaus/Yosemite
County—Tuolumne
Parts:
C.T. 21.98
C.T. 31.98
Surprise Valley
County—Modoc
Parts:
Surprise Valley Division
Taft
County—Kern
Parts:
C.T. 33.03–33.04
C.T. 34–36
Tehachapi
County—Kern
Parts:

PRIMARY MEDICAL CARE: California
Service Area Listing

Service Area Name

C.T. 60.01–60.02
C.T. 61
Tule Lake
County—Modoc
Parts:
Tule Lake CCD
County—Siskiyou
Parts:
C.T. 1 (Tule Lake CCD)
Wasco/Shafter
County—Kern
Parts:
C.T. 39–45
Watsonville
County—Santa Cruz
Parts:
C.T. 1101–1103
C.T. 1104.98
C.T. 1105–1107
C.T. 1223
C.T. 1224.97–1224.98
C.T. 1225.98
West Imperial
County—Imperial
Parts:
C.T. 123.01
West Modesto
County—Stanislaus
Parts:
C.T. 15
C.T. 16.01–16.02
C.T. 17
C.T. 22–24
C.T. 31
West Point/Wilseyville
County—Calaveras
Parts:
C.T. 4–5
Willow Creek
County—Humboldt
Parts:
C.T. 101 (Trinity-Klamath
County—Trinity
Parts:
C.T. 2 (LOwer Trinity)
Willows
County—Glenn
Parts:
C.T. 103–105
Woodlake/Three Rivers
County—Tulare
Parts:
C.T. 1
C.T. 7
29 Palms/Yucca Valley
County—San Bernardino
Parts:
C.T. 104.02–104.03
C.T. 104.05–104.09

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

Inmates—FCI Dublin
County—Alameda
Parts:
FCI Dublin
Inmates—FPC Boron
County—Kern
Parts:
FPC Boron

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

Inmates—MCC San Diego
County—San Diego
Parts:
MCC San Diego
Inmates—MDC Los Angeles
County—Los Angeles
Parts:
MDC Los Angeles
Low Inc—Angels
County—Calaveras
Parts:
C.T. 1
Low Inc—Blue Lake
County—Humboldt
Parts:
C.T. 9
C.T. 12
Low Inc—Central Santa Ana
County—Orange
Parts:
C.T. 744.05
C.T. 745.01
C.T. 746.01–746.02
C.T. 747.01–747.02
C.T. 748.01–748.02
C.T. 748.05–748.06
C.T. 749.01–749.02
C.T. 750.01–750.02
C.T. 751
C.T. 752.01–752.02
Low Inc—City Heights/Downtown
County—San Diego
Parts:
C.T. 14–15
C.T. 22–24
C.T. 25.01–25.02
C.T. 26
C.T. 27.01
C.T. 27.04–27.06
C.T. 34.01
C.T. 42–44
C.T. 53–58
C.T. 58.99
C.T. 60–61
Low Inc—Del Norte Co
County—Del Norte
Parts:
Low Income
Low Inc—Dunsmuir
County—Siskiyou
Parts:
C.T. 11
Low Inc—E Bakersfield/Lakeview
County—Kern
Parts:
C.T. 10
C.T. 11.01–11.03
C.T. 12–15
C.T. 20–22
C.T. 23.01–23.02
C.T. 24–26
C.T. 30
Low Inc—Edison/Easton
County—Fresno
Parts:
C.T. 2–4
C.T. 7–13
C.T. 15
C.T. 18–20
C.T. 38.01–38.03
C.T. 42.01
Low Inc—El Cajon

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

County—San Diego
Parts:
C.T. 153.01–153.02
C.T. 156.01–156.02
C.T. 157.01–157.02
C.T. 158–161
C.T. 162.01–162.02
C.T. 163
C.T. 164.01–164.02
C.T. 165.01–165.02
Low Inc—El Sereno/Highland Park
County—Los Angeles
Parts:
C.T. 1831.01–1831.02
C.T. 1832–1833
C.T. 1835–1838
C.T. 1991
C.T. 1992.01–1992.02
C.T. 1993
C.T. 1998
C.T. 2011–2012
C.T. 2013.01–2013.02
C.T. 2014.01–2014.02
C.T. 2015.01–2015.02
C.T. 2016–2017
C.T. 5307
Low Inc—Escalon/Manteca/Ripon
County—San Joaquin
Parts:
C.T. 49.01
C.T. 49.98
C.T. 50.01–50.02
C.T. 51.01
C.T. 51.06
C.T. 51.08–51.20
Low Inc—Eureka/Arcata
County—Humboldt
Parts:
C.T. 1
C.T. 1.99–2.00
C.T. 3–8
C.T. 10–11
C.T. 103–107
Low Inc—Ferndale
County—Humboldt
Parts:
C.T. 112
Low Inc—Fortuna
County—Humboldt
Parts:
C.T. 108–110
Low Inc—Healdsburg/Geyserville
County—Sonoma
Parts:
C.T. 1538–1540
Low Inc—Hughson
County—Stanislaus
Parts:
C.T. 28
C.T. 29.01–29.02
Low Inc—Lake Arrowhead
County—San Bernardino
Parts:
C.T. 108–110
Low Inc—Lake Isabella
County—Kern
Parts:
C.T. 52.01–52.02
Low Inc—Lake Tahoe/Tahoe City
County—Placer
Parts:
C.T. 201.01–201.07

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

Low Inc—Mission Hills/San Fernando
County—Los Angeles
Parts:
C.T. 1042.01–1042.02
C.T. 1044.01
C.T. 1061.02
C.T. 1064.01
C.T. 1066.01–1066.02
C.T. 1070
C.T. 1091
C.T. 1094–1095
C.T. 3201–3203
Low Inc—Mt Shasta/Weed
County—Siskiyou
Parts:
C.T. 9–10
Low Inc—Newman
County—Stanislaus
Parts:
C.T. 32
C.T. 33.98
C.T. 34.98
C.T. 35
Low Inc—North Coastal
County—Humboldt
Parts:
C.T. 102
Low Inc—Oceanside W/Carlsbad W
County—San Diego
Parts:
C.T. 173.03–173.04
C.T. 174.01
C.T. 175
C.T. 177
C.T. 178.01
C.T. 178.05
C.T. 179–184
C.T. 185.01
C.T. 185.04
C.T. 186.01
C.T. 186.03
Low Inc—Pacoima/Sun Valley North
County—Los Angeles
Parts:
C.T. 1041.01–1041.02
C.T. 1043
C.T. 1044.02
C.T. 1045–1046
C.T. 1047.01–1047.02
C.T. 1048
C.T. 1210–1212
C.T. 1218–1219
C.T. 1221–1222
Low Inc—Paradise
County—Butte
Parts:
C.T. 17–23
Low Inc—Petaluma
County—Sonoma
Parts:
C.T. 1506.01–1506.04
C.T. 1507–1511
C.T. 1512.01–1512.02
C.T. 1513.01–1513.04
Low Inc—Rio Dell/Scotia
County—Humboldt
Parts:
C.T. 111
Low Inc—South Of Market
County—San Francisco
Parts:
C.T. 122–125

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

C.T. 176.02
C.T. 176.98
C.T. 177–178
C.T. 179.01–179.02
C.T. 179.99–180.00
C.T. 201.98
C.T. 226–229
C.T. 607
Low Inc—Southern Napa Co
County—Napa
Parts:
C.T. 2001–2014
Low Inc—Susanville
County—Lassen
Parts:
Honey Lake CCD
Madeline Plains CCD
Susanville CCD
Westwood CCD
Low Inc—Sutter/Yuba City
County—Sutter
Parts:
C.T. 501–504
C.T. 505.01–505.02
C.T. 506.01–506.02
C.T. 508
C.T. 510
County—Yuba
Parts:
C.T. 401–407
C.T. 409.00–409.02
C.T. 410
Low Inc—Turlock
County—Stanislaus
Parts:
C.T. 36.02–36.05
C.T. 37
C.T. 38.01–38.03
C.T. 39.03–39.07
Low Inc—Venice/South Santa Monica
County—Los Angeles
Parts:
C.T. 2722
C.T. 2723.02
C.T. 2731–2739
C.T. 2751–2752
C.T. 2755
C.T. 7018.01–7018.02
C.T. 7019–7021
C.T. 7022.01–7022.02
C.T. 7026
C.T. 7028.03
Low Inc—Vista East/San Marcos North
County—San Diego
Parts:
C.T. 192.02–192.04
C.T. 195
C.T. 196.01–196.02
C.T. 197.02
C.T. 199.02–199.03
C.T. 200.05–200.07
C.T. 200.09
Low Inc—Yuba Foothills
County—Yuba
Parts:
C.T. 411
Low Inc/MFW—Exeter/Ivanhoe/Lindsay
County—Tulare
Parts:
C.T. 8
C.T. 14–16
C.T. 25–26

PRIMARY MEDICAL CARE: California
Population Group Listing

Population Group

C.T. 28
Low Inc/MFW—Gustine
County—Merced
Parts:
C.T. 20
Low Inc/MFW—Northern Napa Co
County—Napa
Parts:
C.T. 2015–2020
Low Inc/MFW—San Juan Capistrano
County—Orange
Parts:
C.T. 421.03
C.T. 421.05–421.10
C.T. 422.01
C.T. 422.03–422.04
C.T. 423.10–423.13
C.T. 423.22–423.23
Low Inc/MFW—Ventura
County—Ventura
Parts:
Camarillo CCD
Fillmore-Piru CCD
Las Posas CCD
Los Padres CCD
Meiners Oaks-Ojai CCD
Oxnard CCD
Santa Paula CCD
Ventura CCD
Medicaid—Central-North Redding
County—Shasta
Parts:
C.T. 101–119
Medicaid—Oakdale/Riverbank
County—Stanislaus
Parts:
C.T. 1
C.T. 2.01–2.03
C.T. 3
C.T. 4.01–4.02
Medicaid—South Redding-Anderson
County—Shasta
Parts:
C.T. 120–123
Medicaid—Winterhaven-Bard
County—Imperial
Parts:
C.T. 125
MFW/Low Inc—Delano/Mcfarland
County—Kern
Parts:
C.T. 46–48
C.T. 49.01–49.02
C.T. 50
Pov Pop/MFW—Reedley/Parlier/Orange
County—Fresno
Parts:
C.T. 63
C.T. 65
C.T. 66.01–66.02
C.T. 67
C.T. 68.01–68.02
C.T. 69
Pov. Pop.—Big Bear Lake
County—San Bernardino
Parts:
C.T. 112–115

PRIMARY MEDICAL CARE: California
Facility Listing

Facility Name

FCI Terminal Island
County—Los Angeles
Harbor-UCLa Med Ctr Ambulatory Clinics
County—Los Angeles
INS Med Fac—El Centro
County—Imperial
INS Med Fac—San Pedro
County—Los Angeles
Long Beach Comprehensive Hlth Ctr
County—Los Angeles
Martin Luther King Jr. Gen Hosp
County—Los Angeles
Shasta Primary Care Clinic
County—Shasta
USC Women/Children'S Ped Outpt Clinic
County—Los Angeles
USP Lompoc
County—Santa Barbara
Valley Medical Center
County—Fresno

PRIMARY MEDICAL CARE: Colorado
County Listing

County Name

Adams
Service Area: Bennett/Strasburg
Service Area: Commerce City
Population Group: Low Inc—Thornton
Population Group: MSFW—Ft Lupton/Brighton
*Alamosa
Population Group: Low Inc—Alamosa Co
Arapahoe
Service Area: Bennett/Strasburg
*Archuleta
*Baca
*Bent
Boulder
Population Group: Low Inc—Boulder City
Population Group: MSFW—Ft Lupton/Brighton
*Chaffee
Service Area: Northern Chaffee
*Cheyenne
*Clear Creek
*Conejos
Population Group: Med Ind—Conejos Co
*Costilla
*Crowley
*Custer
*Delta
Population Group: Low Inc—Delta Co
Denver
Service Area: Globeville
Service Area: Montbello
Population Group: Homeless—Downtown Denver
*Dolores
Douglas
Facility: FCI Englewood
El Paso
Service Area: Calhan-Yoder
Population Group: Low Income—Colorado Springs
*Elbert
Service Area: Limon
*Fremont
Facility: FCI Florence
Facility: USP Florence
*Garfield
Service Area: Rifle
*Gilpin
*Hinsdale
*Huerfano
Service Area: Gardner
Population Group: Low Inc—E Huerfano
*Jackson
*Kit Carson
*Lake
*Las Animas
Population Group: Low Inc—Las Animas Co
Lincoln
Service Area: Limon
*Logan
Service Area: Crook/Fleming
*Mesa
Service Area: Collbran
*Mineral
*Moffat
Service Area: Rangely
*Montrose
Service Area: Nucla/Norwood
Population Group: Low Inc—East Montrose/Ouray
*Morgan
Population Group: Low Inc—Morgan Co
*Otero
Population Group: Med Ind Pop—Otero Co
*Ouray
Population Group: Low Inc—East Montrose/Ouray
*Park
Service Area: Fairplay
Service Area: Lake George
*Phillips
Population Group: Low Inc—Phillips Co
*Prowers
Pueblo
Population Group: Med Ind—Pueblo Co
*Rio Blanco
Service Area: Meeker
Service Area: Rangely
*Rio Grande
*Routt
Service Area: Oak Creek/Yampa
*Saguache
*San Juan
*San Miguel
Service Area: Nucla/Norwood
*Washington
Weld
Population Group: MSFW—Ft Lupton/Brighton

PRIMARY MEDICAL CARE: Colorado
Service Area Listing

Service Area Name

Bennett/Strasburg
County—Adams
Parts:
East Adams Division
County—Arapahoe
Parts:
East Arapahoe Division
Calhan-Yoder
County—El Paso
Parts:
C.T. 39.01
C.T. 46
Collbran
County—Mesa
Parts:

PRIMARY MEDICAL CARE: Colorado
Service Area Listing

Service Area Name

Collbran CCD
Commerce City
County—Adams
Parts:
C.T. 87.03
C.T. 87.05–87.06
C.T. 88.01–88.02
C.T. 89.01
C.T. 89.52
Crook/Fleming
County—Logan
Parts:
Crook CCD
Fleming CCD
Fairplay
County—Park
Parts:
Fairplay CCD
Gardner
County—Huerfano
Parts:
Gardner CCD
Globeville
County—Denver
Parts:
C.T. 15
C.T. 35
Lake George
County—Park
Parts:
Lake George CCD
Limon
County—Elbert
County—Lincoln
Parts:
Agate Division
Parts:
Simla Division
County—Lincoln
Meeker
County—Rio Blanco
Parts:
Meeker CCD
Montbello
County—Denver
Parts:
C.T. 83.04–83.06
C.T. 83.11–83.12
Northern Chaffee
County—Chaffee
Parts:
Buena Vista CCD
Nucla/Norwood
County—Montrose
Parts:
Nucla CCD
County—San Miguel
Parts:
Norwood CCD
Oak Creek/Yampa
County—Routt
Parts:
Oak Creek Division
Yampa Division
Rangely
County—Moffat
Parts:
Artesia CCD
County—Rio Blanco
Parts:
Rangely CCD
Rifle

PRIMARY MEDICAL CARE: Colorado
Service Area Listing

Service Area Name

County—Garfield
Parts:
Grand Valley CCD
New Castle CCD
Rifle CCD

PRIMARY MEDICAL CARE: Colorado
Population Group Listing

Population Group

Homeless—Downtown Denver
County—Denver
Parts:
C.T. 16
C.T. 20
C.T. 24.01–24.02
C.T. 25
C.T. 26.01–26.02
C.T. 27.01–27.03
Low Inc—Alamosa Co
County—Alamosa
Parts:
Low Income
Low Inc—Boulder City
County—Boulder
Parts:
C.T. 121.01–121.02
C.T. 122.02–122.05
C.T. 123
C.T. 124.01
C.T. 126.02
C.T. 126.04
Low Inc—Delta Co
County—Delta
Parts:
Low Inc
MFW
Low Inc—E Huerfano
County—Huerfano
Parts:
La Veta CCD
Walsenburg CCD
Low Inc—East Montrose/Ouray
County—Montrose
Parts:
Montrose CCD
Olathe CCD
County—Ouray
Parts:
Low Income
Low Inc—Las Animas Co
County—Las Animas
Parts:
Low Income
Low Inc—Morgan Co
County—Morgan
Parts:
Low Income
Low Inc—Phillips Co
County—Phillips
Parts:
Low Income
Low Inc—Thornton
County—Adams
Parts:
C.T. 85.05–85.08
C.T. 85.15–85.18
C.T. 90.01–90.03
C.T. 91.02
C.T. 92.01–92.03
C.T. 93.04
C.T. 93.06–93.10

PRIMARY MEDICAL CARE: Colorado
Population Group Listing

Population Group

C.T. 93.13–93.18
C.T. 94.01
C.T. 94.03
C.T. 94.05–94.07
C.T. 95.01–95.02
C.T. 95.53
C.T. 96.03–96.06
C.T. 97.50
Low Income—Colorado Springs
County—El Paso
Parts:
13.01
14.00
15.00
16.00
17.00
21.01
21.02
22.00
23.00
26.00
27.00
28.00
29.00
33.02
45.01
52.00
53.00
54.00
Med Ind—Conejos Co
County—Conejos
Parts:
Medically Indigent
Med Ind—Pueblo Co
County—Pueblo
Parts:
Medically Indigent
Med Ind Pop—Otero Co
County—Otero
Parts:
Medically Indigent
MSFW—Ft Lupton/Brighton
County—Adams
Parts:
C.T. 85.13–85.14
C.T. 86.01–86.02
County—Boulder
Parts:
C.T. 128
C.T. 132.01
C.T. 132.04
C.T. 133.02
C.T. 133.05–133.08
C.T. 134.01–134.02
C.T. 135.01
C.T. 135.03–135.04
County—Weld
Parts:
MSFW

PRIMARY MEDICAL CARE: Colorado
Facility Listing

Facility Name

FCI Englewood
County—Douglas
FCI Florence
County—Fremont
USP Florence
County—Fremont

PRIMARY MEDICAL CARE: Connecticut
County Listing

County Name

Fairfield
- Service Area: Central/East Bridgeport
- Service Area: South End Stamford
- Service Area: Southwest Bridgeport
- Population Group: Inmates—FCI Danbury
- Population Group: Low Inc—Stratford
- Population Group: Low Inc—Danbury
- Population Group: Low Inc—S Norwalk

Hartford
- Service Area: Charter Oak/Frog Hollow/Parkville/Barry
- Service Area: North-Central Hartford
- Population Group: Low Inc—Central New Britain

Middlesex
- Population Group: Med Ind/Homeless—C Middletown

New Haven
- Service Area: Central Waterbury
- Service Area: Fair Haven
- Population Group: Low Inc—Central New Haven
- Population Group: Low Inc—West Haven
- Population Group: Low Inc—Meriden
- Population Group: Med Ind—Ansonia

New London
- Service Area: Central Groton
- Population Group: Low Inc—Norwich
- Population Group: Low Inc—Central New London

Tolland
- Population Group: Low Inc—Rockville

Windham
- Population Group: Low Inc—Town Of Windham

PRIMARY MEDICAL CARE: Connecticut
Service Area Listing

Service Area Name

Central Groton
- County—New London
  - Parts:
    - C.T. 7022–7023
    - C.T. 7025
    - C.T. 7027–7028

Central Waterbury
- County—New Haven
  - Parts:
    - C.T. 3501–3505
    - C.T. 3508
    - C.T. 3512
    - C.T. 3514

Central/East Bridgeport
- County—Fairfield
  - Parts:
    - C.T. 713–717
    - C.T. 735–736
    - C.T. 738–744

Charter Oak/Frog Hollow/Parkville/Barry
- County—Hartford
  - Parts:
    - C.T. 5001–5002
    - C.T. 5019
    - C.T. 5027–5030
    - C.T. 5043
    - C.T. 5045–5046
    - C.T. 5049

Fair Haven
- County—New Haven
  - Parts:
    - C.T. 1421
    - C.T. 1423–1425
    - C.T. 1426.01–1426.02

North-Central Hartford
- County—Hartford
  - Parts:
    - C.T. 5005
    - C.T. 5008–5018
    - C.T. 5020
    - C.T. 5022
    - C.T. 5034–5035
    - C.T. 5037

South End Stamford
- County—Fairfield
  - Parts:
    - C.T. 222–223

Southwest Bridgeport
- County—Fairfield
  - Parts:
    - C.T. 702–712

PRIMARY MEDICAL CARE: Connecticut
Population Group Listing

Population Group

Inmates—FCI Danbury
- County—Fairfield
  - Parts:
    - FCI Danbury

Low Inc—Central New Britain
- County—Hartford
  - Parts:
    - C.T. 4159–4162
    - C.T. 4166
    - C.T. 4168
    - C.T. 4171

Low Inc—Central New Haven
- County—New Haven
  - Parts:
    - C.T. 1402–1409
    - C.T. 1413
    - C.T. 1415–1416

Low Inc—Central New London
- County—New London
  - Parts:
    - C.T. 6901
    - C.T. 6903–6906
    - C.T. 6906.99–6907.00
    - C.T. 6907.99

Low Inc—Danbury
- County—Fairfield
  - Parts:
    - C.T. 2101–2114

Low Inc—Meriden
- County—New Haven
  - Parts:
    - C.T. 1701.01–1701.02
    - C.T. 1702.01–1702.02
    - C.T. 1703–1717

Low Inc—Norwich
- County—New London
  - Parts:
    - Bozrah Town
    - Franklin Town
    - Griswold Town
    - Lisbon Town
    - Montville Town
    - Norwich Town
    - Preston Town
    - Sprague Town
    - Voluntown Town

Low Inc—Rockville
- County—Tolland
  - Parts:
    - C.T. 5301–5302

Low Inc—S Norwalk
- County—Fairfield
  - Parts:
    - C.T. 440–442
    - C.T. 444–445

Low Inc—Stratford
- County—Fairfield
  - Parts:
    - Stratford Town

Low Inc—Town Of Windham
- County—Windham
  - Parts:
    - Windham Town

Low Inc—West Haven
- County—New Haven
  - Parts:
    - West Haven Town

Med Ind—Ansonia
- County—New Haven
  - Parts:
    - Ansonia Town
    - Derby Town
    - Seymour Town

Med Ind/Homeless—C Middletown
- County—Middlesex
  - Parts:
    - C.T. 5411
    - C.T. 5415–5418
    - C.T. 5421

PRIMARY MEDICAL CARE: Delaware
County Listing

County Name

Kent
- Population Group: Low Inc—Milford

New Castle
- Service Area: Middletown-Odessa
- Service Area: Wilmington-Southbridge

*Sussex
- Population Group: Low Inc—Milford

PRIMARY MEDICAL CARE: Delaware
Service Area Listing

Service Area Name

Middletown-Odessa
- County—New Castle
  - Parts:
    - C.T. 166–169

Wilmington-Southbridge
- County—New Castle
  - Parts:
    - C.T. 1
    - C.T. 6.01–6.02
    - C.T. 7–9
    - C.T. 15–17
    - C.T. 19–23
    - C.T. 154–155

PRIMARY MEDICAL CARE: Delaware
Population Group Listing

Population Group

Low Inc—Milford
- County—Kent
  - Parts:
    - C.T. 424–431
- County—Sussex
  - Parts:

PRIMARY MEDICAL CARE: Delaware
Population Group Listing

Population Group
C.T. 501–502
C.T. 508

PRIMARY MEDICAL CARE: District Of Columbia
County Listing

County Name
Dist Of Columbia
Service Area: Anacostia
Service Area: Brentwood
Service Area: East Capitol St. (Far S.E.)
Service Area: Mt. Pleasant/Upper Cardozo
Service Area: South Capitol
Service Area: Suitland
Population Group: Homeless—Downtown Washington
Facility: Lorton Max Corr Fac

PRIMARY MEDICAL CARE: District Of Columbia
Service Area Listing

Service Area Name
Anacostia
County—Dist Of Columbia
Parts:
C.T. 74.01
C.T. 74.03–74.04
C.T. 74.06–74.09
C.T. 75.02–75.04
C.T. 76.01
C.T. 76.05
Brentwood
County—Dist Of Columbia
Parts:
C.T. 47
C.T. 79.01
C.T. 79.03
C.T. 80.01
C.T. 84.02
C.T. 84.10
C.T. 85.10
C.T. 86
C.T. 88.02–88.04
C.T. 89.03–89.04
C.T. 91.02
East Capitol St. (Far S.E.)
County—Dist Of Columbia
Parts:
C.T. 77.03
C.T. 77.07–77.09
C.T. 78.03–78.04
C.T. 78.06–78.09
C.T. 96.02–96.03
C.T. 99.03–99.07
Mt. Pleasant/Upper Cardozo
County—Dist Of Columbia
Parts:
C.T. 25.02
C.T. 27.01–27.02
C.T. 28.01–28.02
C.T. 29–30
C.T. 36–39
C.T. 43
South Capitol
County—Dist Of Columbia
Parts:
C.T. 60.20
C.T. 64.10
C.T. 71–72
Suitland

PRIMARY MEDICAL CARE: District Of Columbia
Service Area Listing

Service Area Name
County—Dist Of Columbia
Parts:
C.T. 73.02
C.T. 98.01–98.08

PRIMARY MEDICAL CARE: District Of Columbia
Population Group Listing

Population Group
Homeless—Downtown Washington
County—Dist Of Columbia
Parts:
C.T. 40.01–40.02
C.T. 41
C.T. 42.02
C.T. 46
C.T. 48.01–48.02
C.T. 49.01–49.02
C.T. 50–51
C.T. 52.10
C.T. 52.20
C.T. 53.01–53.02
C.T. 54.01–54.02
C.T. 55.01–55.02
C.T. 56
C.T. 57.01–57.02
C.T. 58–59

PRIMARY MEDICAL CARE: District Of Columbia
Facility Listing

Facility Name
Lorton Max Corr Fac
County—Dist Of Columbia

PRIMARY MEDICAL CARE: Florida
County Listing

County Name
Alachua
Population Group: Medicaid—Alachua Co
*Baker
Facility: Baker Corr Inst
Bradford (g)
Facility: Florida State Prs
Brevard
Population Group: Medicaid/MFW—Brevard Co
Facility: Brevard Corr Inst
Broward
Population Group: Pov/MFW—Pompano
*Calhoun
Facility: Calhoun Corr Inst
Charlotte
Population Group: Low Inc—Charlotte Co
*Citrus
Population Group: Low Inc—Citrus Co
Clay
Service Area: Keystone Heights
Collier
Service Area: Everglades
Service Area: Imokalee
*Columbia
Population Group: Low Inc—Columbia Co
Dade
Service Area: Model Cities
Service Area: Southern Dade (Homestead)
Service Area: Wynwood
Population Group: Inmates—MCC Miami
Population Group: Low Inc—North Beach

PRIMARY MEDICAL CARE: Florida
County Listing

County Name
Population Group: Low Inc—Little Havana
Population Group: Low Inc—South Beach
Facility: Coconut Grove Comm Hth Ctr
Facility: Doris Ison Comm Hlth Ctr
Facility: Jackson Mem. Hosp. Outpt. Clinics
Facility: S Florida Recept Ctr
*De Soto
Population Group: Pov/MFW—Desoto Co
*Dixie (g)
Facility: Cross City Corr Inst
Duval
Population Group: Low Inc—N Jacksonville
Escambia
Service Area: Atmore/Century (AL/FL)
Facility: Century Corr Inst
*Franklin
Population Group: Med Ind—Franklin Co
Gadsden
*Glades
*Gulf
Population Group: Medicaid—Gulf Co
*Hamilton
*Hardee
*Hendry
Facility: Hendry Corr Inst
*Highlands
Population Group: Low Inc/MFW—Highlands Co
Facility: Avon Park Corr Inst
Hillsborough
Service Area: East Tampa/Ybor City
Population Group: Pov/MFW—E Hillsborough
*Holmes
Facility: Holmes Corr Inst
*Indian River
Population Group: Medicaid/MFW—Indian River Co
*Jackson
Population Group: Medicaid—Jackson Co
Facility: Apalachee Correctional Inst
Facility: FCI Marianna
*Jefferson
Population Group: Low Inc—Jefferson Co
*Lafayette (g)
Facility: Mayo Corr Inst
Lake
Population Group: MSFW—Lake/Orange
Lee
Service Area: Dunbar
Leon
Population Group: Low Inc—Bond Community
Facility: FCI—Tallahassee
*Levy
*Liberty
Facility: Liberty Corr Inst
*Madison
Manatee
Population Group: Medicaid/MFW—Manatee Co
Marion
Population Group: Medicaid/MFW—Marion Co
Martin
Service Area: Indiantown
*Monroe
Population Group: Medicaid—Monroe Co
Okaloosa
Population Group: Inmates—FPC Elgin
Population Group: Low Inc—Crestview

PRIMARY MEDICAL CARE: Florida
County Listing

County Name

Facility: Okaloosa Corr Inst
*Okeechobee
Population Group: Medicaid/MFW—Okeechobee Co
Orange
Population Group: MSFW—Lake/Orange
Osceola
Population Group: Low Inc—Osceola
Palm Beach
Service Area: West Palm Beach
Population Group: MFW—Belle Glade/Pahokee
Pasco
Facility: Zephryhills Corr Inst
Pinellas
Population Group: Pov Pop—Inner St. Petersburg
Polk
Service Area: Frostproof/Lake Wales
Service Area: Polk City/Eva
*Putnam
Population Group: Low Inc/Mig Pop—Putnam
St Johns
Population Group: Medicaid/MFW—St. Johns Co
St Lucie
Population Group: Low Inc—Fort Pierce
*Sumter
Population Group: Low Inc/MFW—Sumter Co
Facility: Sumter Corr Inst
*Suwannee
*Taylor
*Union
Volusia
Population Group: Medicaid/MFW—Volusia Co
*Wakulla
*Walton
Facility: Walton Corr Inst
*Washington
Population Group: Medicaid—Washington Co

PRIMARY MEDICAL CARE: Florida
Service Area Listing

Service Area Name

Atmore/Century (AL/FL)
County—Escambia
Parts:
C.T. 38–40
Dunbar
County—Lee
Parts:
C.T. 5.01–5.02
C.T. 6
East Tampa/Ybor City
County—Hillsborough
Parts:
C.T. 10
C.T. 17–19
C.T. 30–44
C.T. 49–51
Everglades
County—Collier
Parts:
C.T. 111.01–111.02
Frostproof/Lake Wales
County—Polk
Parts:
C.T. 142–144
C.T. 154–158
C.T. 160
C.T. 161.98
Imokalee
County—Collier
Parts:
C.T. 112.01–112.03
C.T. 113–114
Indiantown
County—Martin
Parts:
Indiantown CCD
Keystone Heights
County—Clay
Parts:
Keystone Heights CCD
Model Cities
County—Dade
Parts:
C.T. 4.08
C.T. 8.01–8.02
C.T. 9.01–9.03
C.T. 10.01–10.04
C.T. 11.03
C.T. 15.01–15.02
C.T. 16.01–16.02
C.T. 17.01–17.02
C.T. 18.01–18.03
C.T. 19.01
C.T. 19.03–19.04
C.T. 23
Polk City/Eva
County—Polk
Parts:
C.T. 116
C.T. 123–124
Southern Dade (Homestead)
County—Dade
Parts:
C.T. 103–105
C.T. 106.02
C.T. 107.01
C.T. 108–109
C.T. 110.01–110.02
C.T. 111
C.T. 112.01–112.02
C.T. 113
C.T. 114.98
West Palm Beach
County—Palm Beach
Parts:
C.T. 20–26
Wynwood
County—Dade
Parts:
C.T. 14.01–14.02
C.T. 20.01
C.T. 20.03–20.04
C.T. 21
C.T. 22.01–22.02
C.T. 25–26
C.T. 27.01–27.02
C.T. 28–29

PRIMARY MEDICAL CARE: Florida
Population Group Listing

Population Group

Inmates—FPC Elgin
County—Okaloosa
Parts:
FPC Elgin
Inmates—MCC Miami
County—Dade
Parts:
MCC Miami
Low Inc—Bond Community
County—Leon
Parts:
C.T. 1
C.T. 4–6
C.T. 10.01
C.T. 11.01–11.02
C.T. 12–14
Low Inc—Charlotte Co
County—Charlotte
Parts:
Low Income
Low Inc—Citrus Co
County—Citrus
Parts:
Low Income
Low Inc—Columbia Co
County—Columbia
Parts:
Low Income
Low Inc—Crestview
County—Okaloosa
Parts:
C.T. 203–207
Low Inc—Fort Pierce
County—St Lucie
Parts:
C.T. 1
C.T. 1.99–2.00
C.T. 3–5
C.T. 9.02
Low Inc—Jefferson Co
County—Jefferson
Parts:
Low Income
Low Inc—Little Havana
County—Dade
Parts:
C.T. 30.02
C.T. 36.02
C.T. 49.01–49.02
C.T. 50.01–50.02
C.T. 51
C.T. 52.01
C.T. 53.01–53.02
C.T. 54.01–54.02
C.T. 55.01–55.02
C.T. 56
C.T. 57.03–57.04
C.T. 58.01
C.T. 61.01–61.02
C.T. 62
C.T. 63.01–63.02
C.T. 64.01–64.03
C.T. 65
Low Inc—N Jacksonville
County—Duval
Parts:
C.T. 1
C.T. 1.99–2.00
C.T. 2.99–3.00
C.T. 3.99–4.00
C.T. 5
C.T. 9–19
C.T. 26–29
C.T. 107–109
C.T. 112–116

PRIMARY MEDICAL CARE: Florida
Population Group Listing

Population Group

C.T. 118
C.T. 121
Low Inc—North Beach
County—Dade
Parts:
C.T. 39.01–39.02
C.T. 39.04–39.06
Low Inc—Osceola
County—Osceola
Parts:
Low Inc
Low Inc—South Beach
County—Dade
Parts:
C.T. 42–45
Low Inc/Mig Pop—Putnam
County—Putnam
Parts:
Low Inc Pop/MFW
Low Inc/MFW—Highlands Co
County—Highlands
Parts:
Low Income
MFW
Low Inc/MFW—Sumter Co
County—Sumter
Parts:
Low Income/Migrant Farmw
Med Ind—Franklin Co
County—Franklin
Parts:
Medically Indigent
Medicaid—Alachua Co
County—Alachua
Parts:
Medicaid Eligible
Medicaid—Gulf Co
County—Gulf
Parts:
Medicaid Eligible
Medicaid—Jackson Co
County—Jackson
Parts:
Medicaid Eligible
Medicaid—Monroe Co
County—Monroe
Parts:
Medicaid Eligible
Medicaid—Washington Co
County—Washington
Parts:
Medicaid Eligible
Medicaid/MFW—Brevard Co
County—Brevard
Parts:
Medicaid Eligible/MFW
Medicaid/MFW—Indian River Co
County—Indian River
Parts:
Medicaid/Mig Fmwkrs
Medicaid/MFW—Manatee Co
County—Manatee
Parts:
Medicaid Eligible/MFW
Medicaid/MFW—Marion Co
County—Marion
Parts:
Medicaid Eligible/MFW
Medicaid/MFW—Okeechobee Co
County—Okeechobee
Parts:
Medicaid Eligible/MFW

PRIMARY MEDICAL CARE: Florida
Population Group Listing

Population Group

Medicaid/MFW—St. Johns Co
County—St Johns
Parts:
Medicaid Eligible/MFW
Medicaid/MFW—Volusia Co
County—Volusia
Parts:
Medicaid Eligible/MFW
MFW—Belle Glade/Pahokee
County—Palm Beach
Parts:
C.T. 80.01–80.02
C.T. 81.01–81.02
C.T. 82.01–82.03
C.T. 83.01–83.02
MSFW—Lake/Orange
County—Lake
Parts:
MSFW .
County—Orange
Parts:
MSFW
Pov Pop—Inner St. Petersburg
County—Pinellas
Parts:
C.T. 201.01
C.T. 203.01
C.T. 204–208
C.T. 209.95
C.T. 210.95
C.T. 212–213
C.T. 213.99–214.00
C.T. 215
C.T. 216.95
C.T. 218.95
C.T. 219.95
C.T. 220
C.T. 234–235
Pov/MFW—Desoto Co
County—De Soto
Parts:
Pov Pop/MFW
Pov/MFW—E Hillsborough
County—Hillsborough
Parts:
C.T. 121.03–121.06
C.T. 122.01
C.T. 122.03–122.04
C.T. 123.01–123.02
C.T. 124–131
C.T. 132.01–132.02
C.T. 133.01–133.02
C.T. 133.04–133.05
C.T. 134.01–134.03
C.T. 135.01–135.02
C.T. 136–138
C.T. 139.02–139.05
C.T. 140.01–140.03
C.T. 141.01
C.T. 141.03–141.04
Pov/MFW—Pompano
County—Broward
Parts:
C.T. 103.01–103.02
C.T. 107
C.T. 303–306
C.T. 308.01

PRIMARY MEDICAL CARE: Florida
Facility Listing

Facility Name

Apalachee Correctional Inst
County—Jackson
Avon Park Corr Inst
County—Highlands
Baker Corr Inst
County—Baker
Brevard Corr Inst
County—Brevard
Calhoun Corr Inst
County—Calhoun
Century Corr Inst
County—Escambia
Coconut Grove Comm Hth Ctr
County—Dade
Cross City Corr Inst
County—Dixie
Doris Ison Comm Hlth Ctr
County—Dade
Florida State Prs
County—Bradford
FCI—Tallahassee
County—Leon
FCI Marianna
County—Jackson
Hendry Corr Inst
County—Hendry
Holmes Corr Inst
County—Holmes
Jackson Mem. Hosp. Outpt. Clinics
County—Dade
Liberty Corr Inst
County—Liberty
Mayo Corr Inst
County—Lafayette
Okaloosa Corr Inst
County—Okaloosa
S Florida Recept Ctr
County—Dade
Sumter Corr Inst
County—Sumter
Walton Corr Inst
County—Walton
Zephryhills Corr Inst
County—Pasco

PRIMARY MEDICAL CARE: Georgia
County Listing

County Name

*Atkinson
*Baker
*Banks
Bartow
Population Group: Low Inc—Bartow Co
*Berrien
*Brantley
*Brooks
Bryan
Service Area: Pembroke
*Burke
Population Group: Low Inc—Burke Co
*Butts
Population Group: Low Inc—Butts Co
*Calhoun
Population Group: Pov Pop—Calhoun Co
*Camden
Service Area: Woodbine
*Candler
Population Group: Low Inc—Candler Co
*Charlton
Population Group: Low Inc—Charlton Co
Chatham

PRIMARY MEDICAL CARE: Georgia
County Listing

County Name

Population Group: Pov Pop—N W Savannah
Chattahoochee
*Chattooga
Cherokee
Clarke
Population Group: Low Inc—Central City Athens
*Clay
*Clinch
Cobb
Population Group: Low Inc—Central Marietta
*Colquitt
*Cook
*Crawford
*Crisp
Population Group: Low Inc—Crisp Co
Dade
Population Group: Pov Pop—Dade Co
*Dawson
De Kalb
Service Area: South Decatur/Candler/Mcafee
*Decatur
Population Group: Low Inc—Decatur Co
*Dodge
Population Group: Low Inc—Dodge Co
*Dooly
Population Group: Low Inc—Dooly Co
Dougherty
Service Area: East Albany
Service Area: South Albany
Douglas
Population Group: Low Inc—Douglasville
Effingham
*Elbert
Population Group: Low Inc—Elbert Co
*Emanuel
*Evans
Population Group: Low Inc—Evans Co
Fannin
Population Group: Low Inc—Fannin Co
Forsyth
Population Group: Pov Pop—Forsyth Co
*Franklin
Population Group: Low Inc—Franklin Co
Fulton
Service Area: Atlanta/Southside
Service Area: West Atlanta
Population Group: Med Ind—Palmetto
Facility: USP—Atlanta
*Gilmer
Population Group: Low Inc—Gilmer Co
*Glascock
*Gordon
Population Group: Low Inc—Gordon
*Grady
Population Group: Pov Pop—Grady Co
*Greene
*Habersham
Population Group: Low Inc—Habersham Co
*Hall
Population Group: Low Inc—Hall Co
*Hancock
*Haralson
Population Group: Low Inc—Haralson Co
*Hart
Population Group: Low Inc—Hart Co
*Heard
Henry
Population Group: Low Inc—Henry Co
Houston
Population Group: Low Inc—Houston Co
*Irwin
Jackson
Population Group: Low Inc—Jackson Co
*Jasper
*Jeff Davis
Population Group: Low Inc—Jeff Davis Co
*Jefferson
*Jenkins
Population Group: Low Inc—Jenkins Co
*Johnson
*Lamar
Population Group: Low Inc—Lamar Co
*Lanier
*Laurens
Population Group: Low Inc—Laurens Co
Lee
*Liberty
*Lincoln
*Long
*Lumpkin
Population Group: Low Inc—Lumpkin Co
Madison
Population Group: Low Inc—Madison Co
*Marion
Population Group: Low Inc—Marion Co
*McIntosh
*Meriwether
*Mitchell
Montgomery
Service Area: Montgomery/Wheeler
*Morgan
Population Group: Low Inc—Morgan Co
*Murray
Muscogee/Columbus
Population Group: Pov Pop—Central Muscogee
*Oglethorpe
Population Group: Low Inc—Oglethorpe Co
Paulding
Peach
Service Area: Fort Valley
Pickens
Population Group: Low Inc—Pickens Co
*Pierce
Population Group: Low Inc—Pierce Co
*Pike
Population Group: Low Income—Pike Co
*Polk
*Putnam
*Rabun
*Randolph
Population Group: Pov Pop—Randolph Co
*Schley
Population Group: Low Inc—Schley Co
*Screven
Spaulding
Population Group: Low Inc—Spalding Co
Stewart
Population Group: Low Inc—Stewart/Webster
*Talbot
*Tattnall
*Taylor
Population Group: Low Inc—Taylor Co
*Telfair
*Terrell
*Toombs
Population Group: Med Ind—Toombs Co
*Towns
Population Group: Low Inc—Towns Co
*Turner
Twiggs
*Union
Population Group: Low Inc—Union Co
Walker
Walton
Population Group: Low Inc—Walton Co
*Ware
Population Group: Low Inc—Ware Co
*Warren
*Washington
Population Group: Pov Pop—Washington Co
*Wayne
Facility: FCI Jesup
Webster
Population Group: Low Inc—Stewart/Webster
Wheeler
Service Area: Montgomery/Wheeler
*White
*Whitfield
Population Group: Low Inc—Whitfield Co
*Wilcox
Population Group: Low Inc—Wilcox Co
*Wilkes
*Wilkinson
*Worth

PRIMARY MEDICAL CARE: Georgia
Service Area Listing

Service Area Name

Atlanta/Southside
County—Fulton
Parts:
C.T. 44
C.T. 46.95
C.T. 48
C.T. 49.95
C.T. 50
C.T. 52–53
C.T. 55.01–55.02
C.T. 56–58
C.T. 63–64
C.T. 67
C.T. 68.01–68.02
C.T. 69–73
East Albany
County—Dougherty
Parts:
C.T. 1–2
C.T. 101–102
C.T. 103.01–103.02
C.T. 107–108
Fort Valley
County—Peach
Parts:
Fort Valley CCD
Montgomery/Wheeler
County—Montgomery
County—Wheeler
Pembroke
County—Bryan
Parts:
C.T. 201 (Pembroke CCD)
South Albany
County—Dougherty
Parts:
C.T. 12 (Pembroke CCD)

PRIMARY MEDICAL CARE: Georgia
Service Area Listing

Service Area Name

C.T. 14.01–14.02
C.T. 15
C.T. 106.01–106.02
South Decatur/Candler/Mcafee
County—De Kalb
Parts:
C.T. 205–209
C.T. 227
C.T. 231.01
C.T. 235.01–235.02
C.T. 236–237
West Atlanta
County—Fulton
Parts:
C.T. 8
C.T. 22–26
C.T. 36–41
C.T. 42.95
C.T. 43
C.T. 60–62
C.T. 66.02
C.T. 78.04
C.T. 80
C.T. 81.01–81.02
C.T. 82.01–82.02
C.T. 83.01–83.02
C.T. 84–85
C.T. 86.01–86.02
C.T. 87.01–87.02
Woodbine
County—Camden
Parts:
Woodbine Division

PRIMARY MEDICAL CARE: Georgia
Population Group Listing

Population Group

Low Inc—Bartow Co
County—Bartow
Parts:
Low Income
Low Inc—Burke Co
County—Burke
Parts:
Low Income
Low Inc—Butts Co
County—Butts
Parts:
Low Income
Low Inc—Candler Co
County—Candler
Parts:
Low Income Pop
Low Inc—Central City Athens
County—Clarke
Parts:
C.T. 1–7
C.T. 9–10
Low Inc—Central Marietta
County—Cobb
Parts:
C.T. 307–308
C.T. 309.02
Low Inc—Charlton Co
County—Charlton
Parts:
Low Income
Low Inc—Crisp Co
County—Crisp
Parts:
Low Income

PRIMARY MEDICAL CARE: Georgia
Population Group Listing

Population Group

Low Inc—Decatur Co
County—Decatur
Parts:
Low Income
Low Inc—Dodge Co
County—Dodge
Parts:
Low Income
Low Inc—Dooly Co
County—Dooly
Parts:
Low Income
Low Inc—Douglasville
County—Douglas
Parts:
C.T. 803
Low Inc—Elbert Co
County—Elbert
Parts:
Low Income
Low Inc—Evans Co
County—Evans
Parts:
Low Income
Low Inc—Fannin Co
County—Fannin
Parts:
Low Income
Low Inc—Franklin Co
County—Franklin
Parts:
Low Income
Low Inc—Gilmer Co
County—Gilmer
Parts:
Low Income
Low Inc—Gordon
County—Gordon
Parts:
Low Income
Low Inc—Habersham Co
County—Habersham
Parts:
Low Inc
Low Inc—Hall Co
County—Hall
Parts:
Low Income
Low Inc—Haralson Co
County—Haralson
Parts:
Low Income
Low Inc—Hart Co
County—Hart
Parts:
Low Income
Low Inc—Henry Co
County—Henry
Parts:
Low Income
Low Inc—Houston Co
County—Houston
Parts:
Low Income
Low Inc—Jackson Co
County—Jackson
Parts:
Low Income
Low Inc—Jeff Davis Co
County—Jeff Davis
Parts:
Low Income

PRIMARY MEDICAL CARE: Georgia
Population Group Listing

Population Group

Low Inc—Jenkins Co
County—Jenkins
Parts:
Low Income
Low Inc—Lamar Co
County—Lamar
Parts:
Low Income
Low Inc—Laurens Co
County—Laurens
Parts:
Low Income
Low Inc—Lumpkin Co
County—Lumpkin
Parts:
Low Income
Low Inc—Madison Co
County—Madison
Parts:
Low Income
Low Inc—Marion Co
County—Marion
Parts:
Low Income
Low Inc—Morgan Co
County—Morgan
Parts:
Low Income
Low Inc—Oglethorpe Co
County—Oglethorpe
Parts:
Low Income
Low Inc—Pickens Co
County—Pickens
Parts:
Low Income
Low Inc—Pierce Co
County—Pierce
Parts:
Low Income
Low Inc—Schley Co
County—Schley
Parts:
Low Income
Low Inc—Spalding Co
County—Spaulding
Parts:
Low Income
Low Inc—Stewart/Webster
County—Stewart
Parts:
Stewart County
County—Webster
Parts:
Webster County
Low Inc—Taylor Co
County—Taylor
Parts:
Low Income
Low Inc—Towns Co
County—Towns
Parts:
Low Income
Low Inc—Union Co
County—Union
Parts:
Low Income
Low Inc—Walton Co
County—Walton
Parts:
Low Income
Low Inc—Ware Co

PRIMARY MEDICAL CARE: Georgia
Population Group Listing

Population Group

County—Ware
Parts:
Low Income
Low Inc—Whitfield Co
County—Whitfield
Parts:
Low Income
Low Inc—Wilcox Co
County—Wilcox
Parts:
Low Income
Low Income—Pike Co
County—Pike
Parts:
Low Income
Med Ind—Palmetto
County—Fulton
Parts:
C.T. 104
C.T. 105.04–105.06
Med Ind—Toombs Co
County—Toombs
Parts:
Medically Indigent
Pov Pop—Calhoun Co
County—Calhoun
Parts:
Pov Pop
Pov Pop—Central Muscogee
County—Muscogee/Columbus
Parts:
C.T. 1
C.T. 13
C.T. 15
C.T. 18–20
C.T. 22–25
C.T. 27–28
C.T. 29.01–29.02
C.T. 30–34
Pov Pop—Dade Co
County—Dade
Parts:
Pov Pop
Pov Pop—Forsyth Co
County—Forsyth
Parts:
Pov Pop
Pov Pop—Grady Co
County—Grady
Parts:
Pov Pop
Pov Pop—N W Savannah
County—Chatham
Parts:
C.T. 1
C.T. 3
C.T. 6.01
C.T. 8–13
C.T. 15
C.T. 17–28
C.T. 32
C.T. 33.01–33.02
C.T. 36.01–36.02
C.T. 37
C.T. 44–45
C.T. 101.01
C.T. 106.04
Pov Pop—Randolph Co
County—Randolph
Parts:
Pov Pop
Pov Pop—Washington Co

PRIMARY MEDICAL CARE: Georgia
Population Group Listing

Population Group

County—Washington
Parts:
Pov Pop

PRIMARY MEDICAL CARE: Georgia
Facility Listing

Facility Name

FCI Jesup
County—Wayne
USP—Atlanta
County—Fulton

PRIMARY MEDICAL CARE: Hawaii
County Listing

County Name

*Hawaii
Service Area: Hamakua
Service Area: Kau District
Service Area: Pahoa
Honolulu
Population Group: Low Inc—Kokua/Kalihi-Palama
*Maui/Kalawao
Service Area: Hana/Haiku
Service Area: Island Of Lanai
Service Area: Island Of Molokai

PRIMARY MEDICAL CARE: Hawaii
Service Area Listing

Service Area Name

Hamakua
County—Hawaii
Parts:
C.T. 219–221
Hana/Haiku
County—Maui/Kalawao
Parts:
C.T. 301–302
Island Of Lanai
County—Maui/Kalawao
Parts:
C.T. 316
Island Of Molokai
Parts:
C.T. 319
County—Maui/Kalawao
Parts:
C.T. 317–318
Kau District
County—Hawaii
Parts:
C.T. 212
Pahoa
County—Hawaii
Parts:
C.T. 211

PRIMARY MEDICAL CARE: Hawaii
Population Group Listing

Population Group

Low Inc—Kokua/Kalihi-Palama
County—Honolulu
Parts:
C.T. 51–57
C.T. 57.99–58.00
C.T. 59–61
C.T. 62.01–62.02
C.T. 63.01–63.02

PRIMARY MEDICAL CARE: Hawaii
Population Group Listing

Population Group

C.T. 64.01–64.02
C.T. 65–66

PRIMARY MEDICAL CARE: Idaho
County Listing

County Name

Ada
Facility: Idaho State Pen.
*Adams
*Bannock
Service Area: Malad City/Downey
Benewah
Service Area: St. Maries
*Bingham
Service Area: American Falls
Population Group: MSFW—E Snake River Valley
*Blaine
Service Area: Carey
*Boise
*Bonner
Service Area: Clark Fork
Service Area: Priest River
*Bonneville
Population Group: MSFW—Bonneville Co
Butte
Service Area: Arco/Mackay
*Camas
Canyon
Service Area: Nyssa (OR/ID)
Population Group: MSFW—S. Treasure Valley
*Caribou
*Cassia
Service Area: Albion/Malta
Service Area: Oakley
Population Group: MSFW—E. Magic Valley
*Clark
*Clearwater
Service Area: Pierce/Weippe
*Custer
Service Area: Arco/Mackay
Service Area: Challis
Service Area: Stanley
*Franklin
*Fremont
*Gem
*Gooding
Population Group: MSFW—W. Magic Valley
*Idaho
Service Area: Elk City
Service Area: Riggins
*Jefferson
Service Area: Mud Lake
Population Group: MSFW—E Snake River Valley
*Jerome
Population Group: MSFW—W. Magic Valley
*Kootenai
Service Area: St. Maries
*Lemhi
*Lewis
Service Area: Winchester
*Lincoln
*Madison
Population Group: MSFW—Madison Co
*Minidoka
Service Area: Minidoka

PRIMARY MEDICAL CARE: Idaho
County Listing

County Name

Population Group: MSFW—E. Magic Valley
Oneida
Service Area: Malad City/Downey
*Owyhee
Service Area: Grand View/Bruneau
Service Area: N.W. Owyhee
Population Group: MSFW—S. Treasure Valley
*Payette
*Power
Service Area: American Falls
Population Group: MSFW—E. Magic Valley
*Teton
*Twin Falls
Service Area: Buhl
Population Group: MSFW—W. Magic Valley
*Valley
Service Area: Cascade
*Washington

PRIMARY MEDICAL CARE: Idaho
Service Area Listing

Service Area Name

Albion/Malta
County—Cassia
Parts:
Albion CCD
American Falls
County—Bingham
Parts:
Aberdeen CCD
County—Power
Parts:
American Falls CCD
Rockland CCD
Arco/Mackay
County—Butte
County—Custer
Parts:
Mackay Division
Buhl
County—Twin Falls
Parts:
Buhl CCD
W. Salmon Falls CCD
Carey
County—Blaine
Parts:
Carey CCD
Cascade
County—Valley
Parts:
C.T. 9701
Challis
County—Custer
Parts:
Challis CCD
Clark Fork
County—Bonner
Parts:
Clark Fork Division
Elk City
County—Idaho
Parts:
Elk City Division
Grand View/Bruneau
County—Owyhee
Parts:

PRIMARY MEDICAL CARE: Idaho
Service Area Listing

Service Area Name

Bruneau CCD
Grand View CCD
Malad City/Downey
County—Bannock
County—Oneida
Parts:
C.T. 19 (S Bannock CCD)
County—Oneida
Minidoka
County—Minidoka
Parts:
Minidoka Division
Mud Lake
County—Jefferson
Parts:
Hamer CCD
Roberts CCD
N.W. Owyhee
County—Owyhee
Parts:
Homedale CCD
Marsing CCD
Murphy CCD
Nyssa (OR/ID)
County—Canyon
Parts:
Parma CCD
Wilder CCD
Oakley
County—Cassia
Parts:
Oakley CCD
Pierce/Weippe
County—Clearwater
Parts:
Pierce-Headquarters Division
Weippe Division
Priest River
County—Bonner
Parts:
Blanchard-Glengary CCD
Priest River CCD
Riggins
County—Idaho
Parts:
Riggins Division
St. Maries
County—Benewah
County—Kootenai
Parts:
Harrison CCD
Worley CCD
Stanley
County—Custer
Parts:
Stanley CCD
Winchester
County—Lewis
Parts:
Winchester Division

PRIMARY MEDICAL CARE: Idaho
Population Group Listing

Population Group

MSFW—Bonneville Co
County—Bonneville
Parts:
MSFW
MSFW—E Snake River Valley
County—Bingham
Parts:

PRIMARY MEDICAL CARE: Idaho
Population Group Listing

Population Group

MSFW
County—Jefferson
Parts:
MSFW
MSFW—E. Magic Valley
County—Cassia
Parts:
MSFW
County—Minidoka
Parts:
MSFW
County—Power
Parts:
MSFW
MSFW—Madison Co
County—Madison
Parts:
MSFW
MSFW—S. Treasure Valley
County—Canyon
Parts:
MSFW
County—Owyhee
Parts:
MSFW
MSFW—W. Magic Valley
County—Gooding
Parts:
MSFW
County—Jerome
Parts:
MSFW
County—Twin Falls
Parts:
MSFW

PRIMARY MEDICAL CARE: Idaho
Facility Listing

Facility Name

Idaho State Pen.
County—Ada

PRIMARY MEDICAL CARE: Illinois
County Listing

County Name

Alexander
Service Area: Cairo
*Brown
*Carroll
*Cass
*Clay
Clinton
Cook
Service Area: Auburn Gresham
Service Area: Austin
Service Area: Douglas/Armour Sq/Near South Side
Service Area: Humboldt Park
Service Area: Logan Square
Service Area: New City
Service Area: North Lawndale
Service Area: Oakland/Grand Blvd./Kenwood/Wash. Pk.
Service Area: Riverdale/West Pullman
Service Area: Roseland/Pullman/Burnside
Service Area: S Lawndale
Service Area: South Chicago
Service Area: South Deering
Service Area: West Englewood/Englewood
Service Area: West/East Garfield Park

PRIMARY MEDICAL CARE: Illinois
County Listing

County Name

Population Group: Hmlss—Uptown/Near North Side/Loop
Population Group: Inmates—MCC Chicago
Population Group: Low Inc—Chatham/Avalon Pk/Gr Grand Cro
Population Group: Low Inc—South Shore
Population Group: Low Inc—Near West Side (Pt)
Facility: Alivio Med Ctr
Facility: Cook Co Dept Of Corr Complex
Facility: Erie Family HC (Teens)
Facility: Erie Family HC (West Town)
Facility: Erie Family HC (Seniors)
Facility: Erie Family HC (Humboldt Park)
Facility: Family Wellness Ctr (C.T. 4808)
Facility: Fantus Outpt Clinic—Cook Co Hosp
Facility: Il Masonic Med Ctr Outpt Clinic
Facility: Infant Welfare Society
Facility: Pcc Community Wellness Ctr
Facility: Pediatric Clinic—U Of Il
*Cumberland
*Edgar
*Edwards
*Gallatin
Hardin
Service Area: Hardin/Pope
*Henderson
*Iroquois
Service Area: Hoopeston
*Jackson
Population Group: Med Ind—Jackson Co
*Jasper
*Jo Daviess
Service Area: Stockton/Warren
*Johnson
Kankakee
Service Area: Pembroke
*Lawrence
Population Group: Low Inc—Lawrence Co
Macon
Population Group: Low Inc—Decatur City
Madison
Service Area: East St. Louis
Population Group: Med Ind—Alton/Wood River
*Massac
Population Group: Med Ind—Massac Co
Ogle
Service Area: Polo
Pope
Service Area: Hardin/Pope
Pulaski
Service Area: Cairo
Rock Island
Population Group: Medicaid—Quad-Cities (IA/IL)
*Scott
St Clair
Service Area: East St. Louis
*Stark
*Union
*Vermilion
Service Area: Hoopeston
*Washington
Service Area: Nashville
*Wayne
*White
Population Group: Low Inc—White Co
Will
Service Area: Eastside Joliet
Facility: Joliet Corr Inst

PRIMARY MEDICAL CARE: Illinois
County Listing

County Name

*Williamson
Facility: USP Marion

PRIMARY MEDICAL CARE: Illinois
Service Area Listing

Service Area Name

Auburn Gresham
County—Cook
Parts:
C.T. 7101–7115
Austin
County—Cook
Parts:
C.T. 2501–2524
Cairo
County—Alexander
County—Pulaski
Douglas/Armour Sq/Near South Side
County—Cook
Parts:
C.T. 3301–3305
C.T. 3401–3406
C.T. 3501–3515
East St. Louis
County—Madison
Parts:
C.T. 4007
County—St Clair
Parts:
C.T. 5004–5006
C.T. 5009–5014
C.T. 5021–5022
C.T. 5024.01
C.T. 5024.03–5024.04
C.T. 5025
C.T. 5027–5030
C.T. 5041
C.T. 5042.01
C.T. 5044
Eastside Joliet
County—Will
Parts:
C.T. 8812–8813
C.T. 8820–8822
C.T. 8824–8825
C.T. 8830
Hardin/Pope
County—Hardin
County—Pope
Hoopeston
County—Iroquois
Parts:
Fountain Creek Twp
Lovejoy Twp
Prairie Green Twp
County—Vermilion
Parts:
Butler Twp
Grant Twp
Middlefork Twp
Ross Twp
South Ross Twp
Humboldt Park
County—Cook
Parts:
C.T. 2301–2318
Logan Square
County—Cook
Parts:
C.T. 2201–2229
Nashville

PRIMARY MEDICAL CARE: Illinois
Service Area Listing

Service Area Name

County—Washington
Parts:
Beaucoup Township
Bolo Township
Covington Township
Du Bois Township
Johannisburg Township
Lively Grove Township
Nashville Township
Oakdale Township
Okawville Township
Pilot Knob Township
Plum Hill Township
Venedy Township
New City
County—Cook
Parts:
C.T. 6101–6122
North Lawndale
County—Cook
Parts:
C.T. 2901–2927
Oakland/Grand Blvd./Kenwood/Wash. Pk.
County—Cook
Parts:
C.T. 3601–3605
C.T. 3701–3704
C.T. 3801–3820
C.T. 3901–3907
C.T. 4001–4008
Pembroke
County—Kankakee
Parts:
Pembroke Twp.
Polo
County—Ogle
Parts:
Brookville Twp
Buffalo Twp
Eagle Point Twp
Forreston Twp
Leaf River Twp
Lincoln Twp
Maryland Twp
Mount Morris Twp
Pine Creek Twp
Woosung Twp
Riverdale/West Pullman
County—Cook
Parts:
C.T. 5301–5306
C.T. 5401
Roseland/Pullman/Burnside
County—Cook
Parts:
C.T. 4701
C.T. 4901–4914
C.T. 5001–5003
S Lawndale
County—Cook
Parts:
C.T. 3001–3020
South Chicago
County—Cook
Parts:
C.T. 4601–4610
South Deering
County—Cook
Parts:
C.T. 5101–5105
Stockton/Warren
County—Jo Daviess

PRIMARY MEDICAL CARE: Illinois
Service Area Listing

Service Area Name

Parts:
Apple River Twp.
Berreman Twp.
Derinda Twp.
Nora Twp.
Pleasant Valley Twp.
Rush Twp.
Stockton Twp.
Thompson Twp.
Wards Grove Twp.
Warren Twp.
Woodbine Twp.
West Englewood/Englewood
County—Cook
Parts:
C.T. 6701–6720
C.T. 6801–6814
West/East Garfield Park
County—Cook
Parts:
C.T. 2601–2610
C.T. 2701–2719

PRIMARY MEDICAL CARE: Illinois
Population Group Listing

Population Group

Hmlss—Uptown/Near North Side/Loop
County—Cook
Parts:
Edgewater (C.T. 301–309)
Lakeview (C.T. 601–634)
Lincoln Park (C.T. 701–720
Loop (C.T. 3201–3206)
Near N Side (C.T. 801–819
Uptown (C.T. 310–321)
Inmates—MCC Chicago
County—Cook
Parts:
MCC Chicago
Low Inc—Chatham/Avalon Pk/Gr Grand Cro
County—Cook
Parts:
C.T. 4401–4409
C.T. 4501–4503
C.T. 6901–6915
Low Inc—Decatur City
County—Macon
Parts:
C.T. 1–3
C.T. 4.97–4.98
C.T. 5.98
C.T. 6–9
C.T. 16
C.T. 20
Low Inc—Lawrence Co
County—Lawrence
Parts:
Low Income
Low Inc—Near West Side (Pt)
County—Cook
Parts:
C.T. 2801–2828
C.T. 2838–2843
Low Inc—South Shore
County—Cook
Parts:
C.T. 4301–4314
Low Inc—White Co
County—White
Parts:
Low Income

PRIMARY MEDICAL CARE: Illinois
Population Group Listing

Population Group

Med Ind—Alton/Wood River
County—Madison
Parts:
Alton Twp
Wood River Twp
Med Ind—Jackson Co
County—Jackson
Parts:
Medically Indigent
Med Ind—Massac Co
County—Massac
Parts:
Medically Indigent
Medicaid—Quad-Cities (IA/IL)
County—Rock Island
Parts:
Medicaid Eligibles

PRIMARY MEDICAL CARE: Illinois
Facility Listing

Facility Name

Alivio Med Ctr
County—Cook
Cook Co Dept Of Corr Complex
County—Cook
Erie Family HC (Humboldt Park)
County—Cook
Erie Family HC (Seniors)
County—Cook
Erie Family HC (Teens)
County—Cook
Erie Family HC (West Town)
County—Cook
Family Wellness Ctr (C.T. 4808)
County—Cook
Fantus Outpt Clinic—Cook Co Hosp
County—Cook
Il Masonic Med Ctr Outpt Clinic
County—Cook
Infant Welfare Society
County—Cook
Joliet Corr Inst
County—Will
Pcc Community Wellness Ctr
County—Cook
Pediatric Clinic—U Of Il
County—Cook
USP Marion
County—Williamson

PRIMARY MEDICAL CARE: Indiana
County Listing

County Name

*Benton
*Brown
*Carroll
*Crawford
*Fountain
Population Group: Low Inc—Fountain Co
*Franklin
*Grant
Population Group: Low Inc—Grant Co
*Greene
Harrison
Service Area: Elizabeth
Service Area: Fredricksburg
Howard
Population Group: Low Inc—Inner City Kokomo
*Jasper

PRIMARY MEDICAL CARE: Indiana
County Listing

County Name

Population Group: Low Inc—Jasper Co
*Jennings
*Knox
Service Area: Bicknell
*La Porte
Population Group: Low Inc—La Porte Co
Facility: Indiana State Prs
*Lagrange
Lake
Service Area: East Chicago
Service Area: Gary
Marion
Service Area: Blackburn (Indianapolis)
Service Area: Forest Manor (Indianapolis)
Service Area: Highland-Brookside (Indianapolis)
Service Area: Near North Side (Indianapolis)
Service Area: South Central Indianapolis
Service Area: Southwest Indianapolis
*Newton
*Noble
*Ohio
*Owen
*Perry
Facility: Branchville Training Ctr
*Pike
Porter
Population Group: Low Inc—Porter Co
*Putnam
Facility: Indiana State Farm
*Randolph
*Ripley
Service Area: Osgood/Versailles
*Rush
Population Group: Low Inc—Rush Co
Scott
*Spencer
St Joseph
Service Area: Southwest South Bend
*Starke
*Sullivan
*Switzerland
Tippecanoe
Population Group: Low Inc—Tippecanoe Co
Vermillion
Service Area: Northern Vermillion
Vigo
Population Group: Inmates—USP Terre Haute
*Warren
*Washington
Service Area: Fredricksburg
*White

PRIMARY MEDICAL CARE: Indiana
Service Area Listing

Service Area Name

Bicknell
County—Knox
Parts:
Vigo Twp
Washington Twp
Widner Twp
Blackburn (Indianapolis)
County—Marion
Parts:
C.T. 3501–3502
C.T. 3511–3512
C.T. 3515

PRIMARY MEDICAL CARE: Indiana
Service Area Listing

Service Area Name

East Chicago
County—Lake
Parts:
C.T. 301–310
Elizabeth
County—Harrison
Parts:
Boone Township
Posey Township
Taylor Township
Forest Manor (Indianapolis)
County—Marion
Parts:
C.T. 3225–3227
C.T. 3505–3508
C.T. 3523
Fredricksburg
County—Harrison
Parts:
Blue River Twp
Morgan Twp
County—Washington
Parts:
Posey Twp
Gary
County—Lake
Parts:
C.T. 101
C.T. 102.98
C.T. 103–134
C.T. 411–412
C.T. 413.01
Highland-Brookside (Indianapolis)
County—Marion
Parts:
C.T. 3526–3527
C.T. 3544–3545
C.T. 3547–3551
Near North Side (Indianapolis)
County—Marion
Parts:
C.T. 3517
C.T. 3519
C.T. 3521
C.T. 3528
C.T. 3531–3532
Northern Vermillion
County—Vermillion
Parts:
Eugene Twp
Highland Twp
Vermillion Twp
Osgood/Versailles
County—Ripley
Parts:
Brown Twp
Center Twp
Johnson Twp
Otter Creek Twp
Shelby Twp
Washington Twp
South Central Indianapolis
County—Marion
Parts:
C.T. 3556–3557
C.T. 3559
C.T. 3562
C.T. 3569–3572
C.T. 3578–3580
Southwest Indianapolis
County—Marion
Parts:

PRIMARY MEDICAL CARE: Indiana
Service Area Listing

Service Area Name

C.T. 3414–3415
C.T. 3417
C.T. 3424–3426
C.T. 3563–3564
C.T. 3581
Southwest South Bend
County—St Joseph
Parts:
C.T. 6
C.T. 17–24
C.T. 27
C.T. 29–30

PRIMARY MEDICAL CARE: Indiana
Population Group Listing

Population Group

Inmates—USP Terre Haute
County—Vigo
Parts:
USP Terre Haute
Low Inc—Fountain Co
County—Fountain
Parts:
Low Income
Low Inc—Grant Co
County—Grant
Parts:
Low Income
Low Inc—Inner City Kokomo
County—Howard
Parts:
C.T. 1–2
C.T. 4–5
C.T. 9
C.T. 12
Low Inc—Jasper Co
County—Jasper
Parts:
Low Income
Low Inc—LA Porte Co
County—La Porte
Parts:
Low Income
Low Inc—Porter Co
County—Porter
Parts:
Low Income
Low Inc—Rush Co
County—Rush
Parts:
Low Income
Low Inc—Tippecanoe Co
County—Tippecanoe
Parts:
Low Income

PRIMARY MEDICAL CARE: Indiana
Facility Listing

Facility Name

Branchville Training Ctr
County—Perry
Indiana State Farm
County—Putnam
Indiana State Prs
County—La Porte

PRIMARY MEDICAL CARE: Iowa
County Listing

County Name

*Adair

PRIMARY MEDICAL CARE: Iowa
County Listing

County Name

*Benton
Black Hawk
Population Group: Medicaid—Blackhawk Co
*Boone
Service Area: Dayton/Gowrie
Bremer
Service Area: Sumner/Tripoli
*Buchanan
*Butler
*Calhoun
Service Area: Dayton/Gowrie
*Cedar
Service Area: Lowden/Lost Nation
*Cherokee
Service Area: Kingsley/Anthon/Mapleton
*Clayton
Service Area: Elkader/Strawberry Point
*Clinton
Service Area: Lowden/Lost Nation
Dallas
Service Area: Redfield
*Davis
*Delaware
Service Area: Elkader/Strawberry Point
*Fremont
Service Area: Glenwood/Tabor
*Greene
Service Area: Dayton/Gowrie
*Grundy
Service Area: Grundy
*Guthrie
Service Area: Guthrie Center
Service Area: Redfield
*Hamilton
Service Area: Dayton/Gowrie
*Hancock
*Harrison
Service Area: Onawa (IA/NE)
*Jackson
Service Area: Lowden/Lost Nation
*Jones
*Kossuth
*Louisa
*Lyon
Service Area: Rock Rapids
*Madison
Service Area: Redfield
Mills
Service Area: Glenwood/Tabor
*Monona
Service Area: Kingsley/Anthon/Mapleton
Service Area: Onawa (IA/NE)
*O Brien
*Plymouth
Service Area: Kingsley/Anthon/Mapleton
Service Area: Le Mars/Akron
Pottawattamie
Service Area: Oakland
Scott
Service Area: Lowden/Lost Nation
Population Group: Medicaid—Quad-Cities (IA/IL)
*Tama
*Taylor
*Webster
Service Area: Dayton/Gowrie
Woodbury
Service Area: Kingsley/Anthon/Mapleton
Service Area: Onawa (IA/NE)
Population Group: Medicaid—Sioux City

PRIMARY MEDICAL CARE: Iowa
Service Area Listing

Service Area Name

Dayton/Gowrie
- County—Boone
  - Parts:
    - Dodge Twp
    - Grant Twp
    - Pilot Mound Twp
- County—Calhoun
  - Parts:
    - Reading Twp
- County—Greene
  - Parts:
    - Dawson Twp
    - Paton Twp
- County—Hamilton
  - Parts:
    - Marion Twp
    - Webster Twp
- County—Webster
  - Parts:
    - Burnside Twp
    - Clay Twp
    - Dayton Twp
    - Gowrie Twp
    - Hardin Twp
    - Lost Grove Twp
    - Roland Twp
    - Sumner Twp
    - Webster Twp
    - Yell Twp

Elkader/Strawberry Point
- County—Clayton
  - Parts:
    - Boardman Twp
    - Cass Twp
    - Cox Creek Twp
    - Grand Meadow Twp
    - Highland Twp
    - Lodomillo Twp
    - Marion Twp
    - Monona Twp
    - Sperry Twp
    - Wagner Twp
- County—Delaware
  - Parts:
    - Honey Creek Twp
    - Richland Twp

Glenwood/Tabor
- County—Fremont
- County—Mills
  - Parts:
    - Green Twp
  - Parts:
    - Monroe Twp
    - Riverside Twp
    - Scott Twp
- County—Mills

Grundy
- County—Grundy
  - Parts:
    - Black Hawk Twp
    - Colfax Twp
    - Lincoln Twp
    - Melrose Twp
    - Palermo Twp
    - Pleasant Valley Twp
    - Shiloh Twp
    - Washington Twp

Guthrie Center
- County—Guthrie
  - Parts:
    - Baker Twp
    - Bear Grove Twp
    - Beaver Twp
    - Cass Twp
    - Dodge Twp
    - Grant Twp
    - Highland Twp
    - Jackson Twp
    - Orange Twp
    - Richland Twp
    - Seely Twp
    - Thompson Twp
    - Union Twp
    - Valley Twp
    - Victory Twp

Kingsley/Anthon/Mapleton
- County—Cherokee
  - Parts:
    - Grand Meadow Twp
- County—Monona
  - Parts:
    - Cooper Twp
    - Grant Twp
    - Maple Twp
- County—Plymouth
  - Parts:
    - Elkhorn Twp
    - Garfield Twp
- County—Woodbury
  - Parts:
    - Arlington Twp
    - Banner Twp
    - Floyd Twp
    - Grange Twp
    - Grant Twp
    - Kedron Twp
    - Liston Twp
    - Little Sioux Twp
    - Miller Twp
    - Morgan Twp
    - Moville Twp
    - Oto Twp
    - Rock Twp
    - Rutland Twp
    - Union Twp
    - West Fork Twp
    - Willow Twp
    - Wolf Creek Twp

Le Mars/Akron
- County—Plymouth
  - Parts:
    - America Twp
    - Elgin Twp
    - Fredonia Twp
    - Grant Twp
    - Henry Twp
    - Johnson Twp
    - Liberty Twp
    - Marion Twp
    - Meadow Twp
    - Plymouth Twp
    - Portland Twp
    - Preston Twp
    - Remsen Twp
    - Sioux Twp
    - Stanton Twp
    - Union Twp
    - Washington Twp
    - Westfield Twp

Lowden/Lost Nation
- County—Cedar
  - Parts:
    - Inland Twp
    - Massillon Twp
    - Springfield Twp
- County—Clinton
  - Parts:
    - Liberty Twp
    - Sharon Twp
    - Spring Rock Twp
- County—Jackson
  - Parts:
    - Monmouth Twp
- County—Scott
  - Parts:
    - Liberty Twp

Oakland
- County—Pottawattamie
  - Parts:
    - Belknap Twp
    - Carson Twp
    - Center Twp
    - Grove Twp
    - James Twp
    - Knox Twp
    - Layton Twp
    - Lincoln Twp
    - Macedonia Twp
    - Pleasant Twp
    - Silver Creek Twp
    - Valley Twp
    - Washington Twp
    - Waveland Twp
    - Wright Twp

Onawa (IA/NE)
- County—Harrison
  - Parts:
    - Jackson Twp
    - Little Sioux Twp
- County—Monona
  - Parts:
    - Ashton Twp
    - Belvidere Twp
    - Center Twp
    - Fairview Twp
    - Franklin Twp
    - Jordan Twp
    - Kennebec Twp
    - Lake Twp
    - Lincoln Twp
    - Onawa City
    - Sherman Twp
    - Sioux Twp
    - Soldier Twp
    - Spring Valley Twp
    - St Clair Twp
    - West Fork Twp
    - Willow Twp
- County—Woodbury
  - Parts:
    - Lakeport Twp
    - Sloan Twp
    - Willow Twp

Redfield
- County—Dallas
  - Parts:
    - Linn Township
    - Union Township
- County—Guthrie
  - Parts:
    - Penn Township
    - Stuart Township
- County—Madison
  - Parts:
    - Madison Township
    - Penn Township

PRIMARY MEDICAL CARE: Iowa
Service Area Listing

Service Area Name

Rock Rapids
County—Lyon
Parts:
Allison Twp
Cleveland Twp
Dale Twp
Doon Twp
Elgin Twp
Garfield Twp
Grant Twp
Larchwood Twp
Liberal Twp
Midland Twp
Riverside Twp
Rock Twp
Sioux Twp
Wheeler Twp
Sumner/Tripoli
County—Bremer
Parts:
Dayton Twp
Frederika Twp
Fremont Twp
Le Roy Twp
Sumner City
Sumner #2 Twp

PRIMARY MEDICAL CARE: Iowa
Population Group Listing

Population Group

Medicaid—Blackhawk Co
County—Black Hawk
Parts:
Medicaid Eligible
Medicaid—Quad-Cities (IA/IL)
County—Scott
Parts:
Medicaid Eligible
Medicaid—Sioux City
County—Woodbury
Parts:
C.T. 7–8
C.T. 10
C.T. 12–16

PRIMARY MEDICAL CARE: Kansas
County Listing

County Name

*Brown
Population Group: Medicaid—Brown Co
*Chase
Chautauqua
Service Area: Elk/Chautauqua
*Cherokee
*Cheyenne
*Clark
Service Area: Ashland
*Cloud
*Doniphan
Douglas
Population Group: Low Inc—Douglas Co
*Edwards
Elk
Service Area: Elk/Chautauqua
*Ellsworth
*Geary
Population Group: Low Inc—Geary Co
*Gray
*Jackson
*Jefferson (g)

PRIMARY MEDICAL CARE: Kansas
County Listing

County Name

Facility: USP Leavenworth
*Jewell
*Kearny
*Kingman
*Lincoln
*Linn
*Lyon
Population Group: Low Inc—Lyon Co
*Marion
*Norton
*Osage
*Osborne
*Pawnee
*Phillips
*Pratt
*Reno
Population Group: Low Inc—Reno Co
*Republic
*Rooks
*Russell
*Smith
*Stevens
*Wabaunsee
*Wallace
*Wichita
Wyandotte
Population Group: Low Inc—Wyandotte Co

PRIMARY MEDICAL CARE: Kansas
Service Area Listing

Service Area Name

Ashland
County—Clark
Parts:
Center Twp
Englewood Twp
Sitka Twp
Elk/Chautauqua
County—Chautauqua
County—Elk

PRIMARY MEDICAL CARE: Kansas
Population Group Listing

Population Group

Low Inc—Douglas Co
County—Douglas
Parts:
Low Income
Low Inc—Geary Co
County—Geary
Parts:
Low Income
Low Inc—Lyon Co
County—Lyon
Parts:
Low Income
Low Inc—Reno Co
County—Reno
Parts:
Low Income
Low Inc—Wyandotte Co
County—Wyandotte
Parts:
Low Income
Medicaid—Brown Co
County—Brown
Parts:
Medicaid

PRIMARY MEDICAL CARE: Kansas
Facility Listing

Facility Name

USP Leavenworth
County—Jefferson

PRIMARY MEDICAL CARE: Kentucky
County Listing

County Name

*Allen
*Ballard
*Bath
Population Group: Med Ind—Bath Co
*Bell
Service Area: Western Harlan
Service Area: Williamsburg/Saxton
Boyd
Population Group: Low Inc—Boyd Co
Facility: FCI Ashland
*Bracken
*Breathitt
*Breckinridge
Population Group: Low Inc—Breckinridge Co
Bullitt
Service Area: Lebanon Junction
*Butler
Campbell
Population Group: Pov Pop—Inner City Newport
*Carroll
Carter
*Casey
*Clay (g)
Facility: FCI Manchester
*Crittenden
*Cumberland
Population Group: Low Inc—Cumberland Co
*Edmonson
*Elliott
*Estill
Fayette
Population Group: Low Inc—N Central Lexington
*Fleming
*Floyd
Population Group: Low Inc—Mud Creek
*Gallatin
*Garrard
Population Group: Med Ind—Garrard Co
*Grant
*Grayson
Population Group: Med Ind—Grayson Co
*Green
Population Group: Low Inc—Green Co
Greenup
Population Group: Low Inc—Greenup Co
*Hancock
*Harlan
Service Area: Cumberland
Service Area: Upper Clover
Service Area: Western Harlan
Population Group: Med Ind—Harlan/Evarts/Grays Knob
Facility: Clover Fork Clinic
*Hart
*Henry
*Hickman
*Jackson
*Knott
*Knox
*Laurel
*Lawrence

PRIMARY MEDICAL CARE: Kentucky
County Listing

County Name

Population Group: Low Inc—Lawrence Co
*Lee
*Leslie
Population Group: Low Inc—Leslie Co
*Letcher
Population Group: Low Inc—Letcher Co
*Lewis
*Logan
Population Group: Med Ind—Logan Co
*Lyon
Madison
Population Group: Low Inc—Madison Co
*Magoffin
*Martin
Population Group: Low Inc—Martin Co
*McLean
*Meade
*Menifee
*Morgan (g)
Facility: Eastern Ky. Corr. Complex
*Muhlenberg
*Nicholas
*Ohio
Oldham
Facility: Ky. State Ref.
*Owen
*Owsley
*Pendleton
*Perry
Service Area: Ary
Service Area: Buckhorn
Population Group: Med Ind—Hazard
*Pike
Population Group: Low Inc—Pike
*Powell
*Robertson
*Rockcastle
*Spencer
Population Group: Med Ind—Spencer Co
*Todd
*Trigg
*Trimble
*Washington
Population Group: Med Ind—Washington Co
*Wayne
Population Group: Med Ind—Wayne Co
*Whitley
Service Area: Williamsburg/Saxton
*Wolfe
Population Group: Med Ind—Wolfe Co

PRIMARY MEDICAL CARE: Kentucky
Service Area Listing

Service Area Name

Ary
County—Perry
Parts:
Dice Division
Buckhorn
County—Perry
Parts:
Buckhorn CCD
Cumberland
County—Harlan
Parts:
Cumberland CCD
Lebanon Junction
County—Bullitt
Parts:
Lebanon Junction CCD

PRIMARY MEDICAL CARE: Kentucky
Service Area Listing

Service Area Name

Upper Clover
County—Harlan
Parts:
Upper Clover Division
Western Harlan
County—Bell
Parts:
Tejay Division
County—Harlan
Parts:
Alva Division
Williamsburg/Saxton
County—Bell
Parts:
Pruden-Fonde CCD
County—Whitley
Parts:
Pearl CCD
Saxton CCD
Siler CCD
Williamsburg CCD

PRIMARY MEDICAL CARE: Kentucky
Population Group Listing

Population Group

Low Inc—Boyd Co
County—Boyd
Parts:
Low Income
Low Inc—Breckinridge Co
County—Breckinridge
Parts:
Low Income
Low Inc—Cumberland Co
County—Cumberland
Parts:
Low Income
Low Inc—Green Co
County—Green
Parts:
Low Income
Low Inc—Greenup Co
County—Greenup
Parts:
Low Income
Low Inc—Lawrence Co
County—Lawrence
Parts:
Low Income
Low Inc—Leslie Co
County—Leslie
Parts:
Low Income
Low Inc—Letcher Co
County—Letcher
Parts:
Low Income
Low Inc—Madison Co
County—Madison
Parts:
Low Income
Low Inc—Martin Co
County—Martin
Parts:
Low Income
Low Inc—Mud Creek
County—Floyd
Parts:
McDowell CCD
Mud Creek CCD
Wheelwr-Weeksbury CCD

PRIMARY MEDICAL CARE: Kentucky
Population Group Listing

Population Group

Low Inc—N Central Lexington
County—Fayette
Parts:
C.T. 1–5
C.T. 8–14
C.T. 18–19
C.T. 38.01
Low Inc—Pike
County—Pike
Parts:
Low Inc
Med Ind—Bath Co
County—Bath
Parts:
Medically Indigent
Med Ind—Garrard Co
County—Garrard
Parts:
Medically Indigent
Med Ind—Grayson Co
County—Grayson
Parts:
Medically Indigent
Med Ind—Harlan/Evarts/Grays Knob
County—Harlan
Parts:
Cawood Div
Harlan Div
Poor Fork Div
Wallins Creek Div
Med Ind—Hazard
County—Perry
Parts:
Defiance-Vigor CCD
Hazard CCD
Krypton CCD
Viper CCD
Med Ind—Logan Co
County—Logan
Parts:
Medically Indigent
Med Ind—Spencer Co
County—Spencer
Parts:
Medically Indigent
Med Ind—Washington Co
County—Washington
Parts:
Medically Indigent
Med Ind—Wayne Co
County—Wayne
Parts:
Medically Indigent
Med Ind—Wolfe Co
County—Wolfe
Parts:
Medically Indigent
Pov Pop—Inner City Newport
County—Campbell
Parts:
C.T. 501–506

PRIMARY MEDICAL CARE: Kentucky
Facility Listing

Facility Name

Clover Fork Clinic
County—Harlan
Eastern Ky. Corr. Complex
County—Morgan
FCI Ashland
County—Boyd

PRIMARY MEDICAL CARE: Kentucky
Facility Listing

Facility Name

FCI Manchester
County—Clay
Ky. State Ref.
County—Oldham

PRIMARY MEDICAL CARE: Louisiana
Parish Listing

Parish Name

Acadia
Population Group: Low Inc—Acadia Co
*Allen
Population Group: Inmates—Fdc Oakdale II
Facility: FCI Oakdale I
Ascension
Service Area: Ascension/Northeast Iberville
*Assumption
*Avoyelles
*Beauregard
Population Group: Med Ind—Beauregard Par
*Bienville
Caddo
Service Area: North Caddo
Facility: David Raines CHC (C.T. 246)
Facility: LSU Med Ctr Outpt Dept
Calcasieu
Service Area: North Lake Charles
Service Area: Vinton
Facility: Moss Reg Med Ctr Outpt Clinic
*Caldwell
*Cameron
*Catahoula
*Claiborne
Population Group: Med Ind—Claiborne Par
*Concordia
*De Soto
East Baton Rouge
Service Area: Eden Park
Service Area: Nw Baton Rouge
*East Carroll
*East Feliciana
*Franklin
*Grant
*Iberia
Population Group: Medicaid—Iberia Par
*Iberville
Service Area: Ascension/Northeast Iberville
Population Group: Low Inc—Iberville Par
*Jackson
Jefferson
Service Area: Lafitte
Service Area: Old Kenner/River Town
Lafourche
Service Area: S E Lafourche
*Lasalle
*Lincoln
Livingston
*Madison
*Morehouse
Population Group: Low Inc—Morehouse Par
*Natchitoches
Population Group: Medicaid—Natchitoches Co
Orleans
Service Area: Algiers/Fischer
Service Area: Desire/Florida
Service Area: Lower 9Th Ward
Service Area: Midtown-Seventh Ward
Service Area: New Orleans East

PRIMARY MEDICAL CARE: Louisiana
Parish Listing

Parish Name

Service Area: St. Bernard
Population Group: Low Inc—Irish Channel
Facility: Med Ctr Of La At New Orleans
Ouachita
Population Group: Med Ind—Ouachita Par
Plaquemines
Service Area: Plaquemines East
Service Area: Plaquemines West
*Pointe Coupee
Rapides
Population Group: Low Inc—Rapides Par
Facility: Long Reg Med Ctr Outpt Clinic
*Richland
Population Group: Low Inc—Richland Par
*Sabine
Population Group: Low Inc—Sabine Par
St Charles
*St Helena
St James
Service Area: Vacherie
St John The Baptist
Service Area: Vacherie
St Landry
Population Group: Med Ind—St. Landry Par
St Martin
*St Mary
Population Group: Low Inc—St. Mary Par
*Tangipahoa
*Tensas
Terrebonne
Service Area: Dulac
*Union
*Vermilion
Population Group: Low Inc—Vermilion Par
*Vernon
*Washington
Population Group: Med Ind—Washington Par
*West Carroll
*West Feliciana
Population Group: Low Inc—W Feliciana Parish
*Winn

PRIMARY MEDICAL CARE: Louisiana
Service Area Listing

Service Area Name

Algiers/Fischer
Parish—Orleans
Parts:
C.T. 1–4
C.T. 6.01–6.05
C.T. 6.13
Ascension/Northeast Iberville
Parish—Ascension
Parts:
District 3
District 7–b
District 7–a
District 6–b
District 6–a
District 5
District 4–b
District 4–a
Parish—Ascension
Parish—Iberville
Parts:
District 4
District 3
Desire/Florida

PRIMARY MEDICAL CARE: Louisiana
Service Area Listing

Service Area Name

Parish—Orleans
Parts:
C.T. 11
C.T. 11.99
C.T. 13.01–13.04
C.T. 14.01–14.02
C.T. 15–16
C.T. 17.03
C.T. 17.06
C.T. 17.98
Dulac
Parish—Terrebonne
Parts:
District G
District I
District H
Eden Park
Parish—East Baton Rouge
Parts:
C.T. 8–10
C.T. 12–16
C.T. 21–22
C.T. 24–25
Lafitte
Parish—Jefferson
Parts:
C.T. 277.02
C.T. 278.09
C.T. 279
C.T. 279.99
Lower 9Th Ward
Parish—Orleans
Parts:
C.T. 7.01–7.02
C.T. 8
C.T. 9.01–9.04
Midtown-Seventh Ward
Parish—Orleans
Parts:
C.T. 18–23
C.T. 26–31
C.T. 34–36
C.T. 39–40
C.T. 44.01–44.02
New Orleans East
Parish—Orleans
Parts:
C.T. 17.20–17.29
C.T. 17.32–17.33
North Caddo
Parish—Caddo
Parts:
C.T. 248–250
C.T. 251.98
North Lake Charles
Parish—Calcasieu
Parts:
C.T. 2–4
C.T. 14–15
Nw Baton Rouge
Parish—East Baton Rouge
Parts:
C.T. 1–5
C.T. 6.01–6.02
C.T. 7.01–7.02
C.T. 11.02–11.04
C.T. 30.01–30.02
C.T. 31.01–31.02
C.T. 33–34
Old Kenner/River Town
Parish—Jefferson
Parts:

PRIMARY MEDICAL CARE: Louisiana
Service Area Listing

Service Area Name

C.T. 205.05
C.T. 206–210
C.T. 236–237
Plaquemines East
Parish—Plaquemines
Parts:
District 1
Plaquemines West
Parish—Plaquemines
Parts:
District 7
District 6
District 5
District 9
District 8
S E Lafourche
Parish—Lafourche
Parts:
District 13
District 12
District 10
District 9
District 8
District 11
District 15
District 14
St. Bernard
Parish—Orleans
Parts:
C.T. 33.05–33.07
Vacherie
Parish—St James
Parts:
District 7
District 6
District 5
Parish—St John The Baptist
Parts:
District 1
Vinton
Parish—Calcasieu
Parts:
C.T. 35–36

PRIMARY MEDICAL CARE: Louisiana
Population Group Listing

Population Group

Inmates—Fdc Oakdale II
Parish—Allen
Parts:
Fdc Oakdale II
Low Inc—Acadia Co
Parish—Acadia
Parts:
Low Income
Low Inc—Iberville Par
Parish—Iberville
Parts:
Dist. 7
Dist. 6
Dist. 2
Dist. 12
Dist. 11
Dist. 10
Dist. 9
Dist. 8
Dist. 1
Low Inc—Irish Channel
Parish—Orleans
Parts:
C.T. 77–80

PRIMARY MEDICAL CARE: Louisiana
Population Group Listing

Population Group

C.T. 81.01–81.02
C.T. 82–89
Low Inc—Morehouse Par
Parish—Morehouse
Parts:
Low Income
Low Inc—Rapides Par
Parish—Rapides
Parts:
Low Income
Low Inc—Richland Par
Parish—Richland
Parts:
Low Income
Low Inc—Sabine Par
Parish—Sabine
Parts:
Low Income
Low Inc—St. Mary Par
Parish—St Mary
Parts:
Low Income
Low Inc—Vermilion Par
Parish—Vermilion
Parts:
Low Income
Low Inc—W Feliciana Parish
Parish—West Feliciana
Parts:
Low Income
Med Ind—Beauregard Par
Parish—Beauregard
Parts:
Medically Indigent
Med Ind—Claiborne Par
Parish—Claiborne
Parts:
Medically Indigent
Med Ind—Ouachita Par
Parish—Ouachita
Parts:
Medically Indigent
Med Ind—St. Landry Par
Parish—St Landry
Parts:
Medically Indigent
Med Ind—Washington Par
Parish—Washington
Parts:
Medically Indigent
Medicaid—Iberia Par
Parish—Iberia
Parts:
Medicaid Eligible
Medicaid—Natchitoches Co
Parish—Natchitoches
Parts:
Medicaid Eligible

PRIMARY MEDICAL CARE: Louisiana
Facility Listing

Facility Name

David Raines CHC (C.T. 246)
Parish—Caddo
FCI Oakdale I
Parish—Allen
Long Reg Med Ctr Outpt Clinic
Parish—Rapides
LSU Med Ctr Outpt Dept
Parish—Caddo
Med Ctr Of La At New Orleans

PRIMARY MEDICAL CARE: Louisiana
Facility Listing

Facility Name

Parish—Orleans
Moss Reg Med Ctr Outpt Clinic
Parish—Calcasieu

PRIMARY MEDICAL CARE: Maine
County Listing

County Name

Androscoggin
Service Area: Jay/Livermore Falls
*Aroostook
Service Area: Ashland
Service Area: Danforth
Service Area: Fort Kent
Service Area: Island Falls
Service Area: St. Francis
Service Area: Van Buren
Population Group: Low Inc—Fort Fairfield
Population Group: Low Inc—Lincoln
Cumberland
Service Area: Casco Bay Islands
Service Area: Parsonfield (ME/NH)
Population Group: Med Ind—Portland
*Franklin
Service Area: Jay/Livermore Falls
Service Area: Rangeley
Service Area: Rumford
Population Group: Low Inc—Kingfield PCAa
*Hancock
Population Group: Med Ind—Bar Harbor
Population Group: Med Ind—Blue Hill PCAa #40
*Kennebec
Service Area: Jay/Livermore Falls
Service Area: Richmond
*Knox
Population Group: Low Inc—Penobscot Bay Islands
Population Group: Med Ind—Blue Hill PCAa #40
*Lincoln
Service Area: Richmond
Population Group: Low Inc—Damariscotta
*Oxford
Service Area: Bethel
Service Area: Jay/Livermore Falls
Service Area: Parsonfield (ME/NH)
Service Area: Rangeley
Service Area: Rumford
Population Group: Med Ind—Norway
Penobscot
Service Area: Danforth
Service Area: Howland
Service Area: Island Falls
Population Group: Low Inc—Corinth PCAa
Population Group: Low Inc—Lincoln
*Piscataquis
Service Area: Bingham
Population Group: Low Inc—Skowhegan
*Sagadahoc
Service Area: Richmond
*Somerset
Service Area: Bingham
Service Area: Jackman
Population Group: Low Inc—Skowhegan
Waldo
Population Group: Med Ind—Belfast
*Washington
Service Area: Danforth
Service Area: Eastport
Service Area: Jonesport

PRIMARY MEDICAL CARE: Maine
County Listing

County Name

Service Area: Topsfield
Population Group: Med Ind—Calais
Population Group: Med Ind—Milbridge
York
Service Area: Parsonfield (ME/NH)

PRIMARY MEDICAL CARE: Maine
Service Area Listing

Service Area Name

Ashland
County—Aroostook
Parts:
Ashland Town
Garfield Plt
Masardis Town
Nashville Plt
Oxbow Plt
Portage Lake Town
Bethel
County—Oxford
Parts:
Bethel Town
Gilead Town
Greenwood Town
Newry Town
North Oxford Unorg.
Upton Town
Woodstock Town
Bingham
County—Piscataquis
Parts:
Kingsbury Plantation
County—Somerset
Parts:
Bingham Town
Brighton Plantation
Caratunk Town
Moscow Town
Northeast Somerset Unorg.
Pleasant Ridge Plantation
Solon Town
The Forks Plantation
West Forks Plantation
Casco Bay Islands
County—Cumberland
Parts:
Cliff Is.
Cushing Is.
Great Chebeague Is.
Great Diamond Is.
Little Chebeague Is.
Little Diamond Is.
Long Is.
Peak's Is.
Danforth
County—Aroostook
Parts:
Bancroft Town
Orient Town
Weston Town
County—Penobscot
Parts:
Drew Plantation
Kingman Unorg.
Prentiss Plantation
County—Washington
Parts:
Danforth Town
Eastport
County—Washington
Parts:

PRIMARY MEDICAL CARE: Maine
Service Area Listing

Service Area Name

Eastport City
Passamaquoddy Pleasant Point Res
Pembroke Town
Perry Town
Fort Kent
County—Aroostook
Parts:
Eagle Lake Twn.
Fort Kent Twn.
Frenchville Twn.
Madawaska Twn.
New Canada Twn.
St. Agatha Twn.
Wallagrass Plt.
Winterville Plt.
Howland
County—Penobscot
Parts:
Burlington Town
East Central Penobscot Unorg.
Edinburg Town
Enfield Town
Howland Town
Lagrange Town
Lowell Town
Maxfield Town
Passadumkeag Town
Seboeis Plantation
Island Falls
County—Aroostook
Parts:
Crystal Town
Dyer Brook Town
Hersey Town
Island Falls Town
Moro Plt
S Aroostook Unorg
Sherman Town
County—Penobscot
Parts:
Mt Chase Town
N Penobscot Unorg
Patten Town
Stacyville Town
Jackman
County—Somerset
Parts:
Dennistown Plantation
Jackman Town
Moose River Town
Jay/Livermore Falls
County—Androscoggin
Parts:
Livermore Falls Town
Livermore Town
County—Franklin
Parts:
Jay Town
County—Kennebec
Parts:
Fayette Town
County—Oxford
Parts:
Canton Town
Hartford Town
Sumner Town
Jonesport
County—Washington
Parts:
Addison Town
Beals Town
Centerville Town

PRIMARY MEDICAL CARE: Maine
Service Area Listing

Service Area Name

Columbia Falls Town
Jonesboro Town
Jonesport Town
Parsonfield (ME/NH)
County—Cumberland
Parts:
Baldwin Town
County—Oxford
Parts:
Hiram Town
Porter Town
County—York
Parts:
Cornish Town
Limerick Town
Parsonsfield Town
Rangeley
County—Franklin
Parts:
Coplin Plantation
Dallas Plantation
Eustis Town
Madrid Town
North Franklin Unorg.
Rangeley Town
Rangeley Plantation
Sandy River Plantation
County—Oxford
Parts:
Lincoln Plantation
Magalloway Plantation
North Oxford Unorg.
Richmond
County—Kennebec
Parts:
Litchfield Town
County—Lincoln
Parts:
Dresden Town
County—Sagadahoc
Parts:
Bowdoinham Town
Richmond Town
Rumford
County—Franklin
Parts:
Carthage Twn.
Weld Twn.
County—Oxford
Parts:
Andover Twn.
Byron Twn.
Dixfield Twn.
Hanover Twn.
Mexico Twn.
Milton Unorg.
Peru Twn.
Roxbury Twn.
Rumford Twn.
St. Francis
County—Aroostook
Parts:
Allagash Town
St. Francis Town
St. John Plantation
Topsfield
County—Washington
Parts:
Codyville Plt
Grand Lake Stream Plt
N Washington Unorg
Passamaquoddy Indian Res

PRIMARY MEDICAL CARE: Maine
Service Area Listing

Service Area Name

Talmadge Town
Topsfield Town
Vanceboro Town
Waite Town
Van Buren
County—Aroostook
Parts:
Grand Isle Town
Hamlin Town
Van Buren Town

PRIMARY MEDICAL CARE: Maine
Population Group Listing

Population Group

Low Inc—Corinth PCAa
County—Penobscot
Parts:
Bradford Town
Charleston Town
Corinth Town
Exeter Town
Hudson Town
Low Inc—Damariscotta
County—Lincoln
Parts:
Alna Town
Boothbay Town
Boothbay Harbor Town
Bremen Town
Bristol Town
Damariscotta Town
Edgecombe Town
Jefferson Town
Monhegan Plantation
Newcastle Town
Nobleboro Town
South Bristol Town
Southport Town
Waldoboro Town
Low Inc—Fort Fairfield
County—Aroostook
Parts:
Caswell Town
Fort Fairfield Town
Limestone Town
Low Inc—Kingfield PCAa
County—Franklin
Parts:
Carrabassett Valley Town
E C Franklin Unorg. Terr
Kingfield Town
Phillips Town
Wyman Unorg. Terr
Low Inc—Lincoln
County—Aroostook
Parts:
Macwahoc Plt
County—Penobscot
Parts:
Carroll Plt
Chester Town
Lakeville Town
Lee Town
Lincoln Town
Mattawamakeag Town
Springfield Town
Twombley Unorg
Webster Plt
Winn Town
Woodville Town
Low Inc—Penobscot Bay Islands

PRIMARY MEDICAL CARE: Maine
Population Group Listing

Population Group

County—Knox
Parts:
Matinicus Isle Plt
North Haven Town
Vinalhaven Town
Low Inc—Skowhegan
County—Piscataquis
Parts:
Wellington Town
County—Somerset
Parts:
Anson Town
Athens Town
Canaan Town
Cornville Town
Embden Town
Harmony Town
Highland Plantation
Madison Town
Mercer Town
New Portland Town
Norridgewock Town
Skowhegan Town
Smithfield Town
Starks Town
Med Ind—Bar Harbor
County—Hancock
Parts:
Bar Harbor Town
Cranberry Isles Town
Frenchboro Town
Mount Desert Isle Town
Southwest Harbor Town
Swans Island Town
Tremont Town
Med Ind—Belfast
County—Waldo
Parts:
Belfast City
Belmont Town
Brooks Town
Jackson Town
Knox Town
Liberty Town
Monroe Town
Montville Town
Morrill Town
Northport Town
Searsmont Town
Searsport Town
Stockton Springs
Swanville Town
Waldo Town
Med Ind—Blue Hill PCAa #40
County—Hancock
Parts:
Blue Hill Town
Brooklin Town
Brooksville Town
Castine Town
Deer Isle Town
Penobscot Town
Sedgwick Town
Stonington Town
Surry Town
County—Knox
Parts:
Isle Au Haut Town
Med Ind—Calais
County—Washington
Parts:
Alexander Town

PRIMARY MEDICAL CARE: Maine
Population Group Listing

Population Group

Baileyville Town
Baring Town
Calais City
Charlotte Town
Cooper Town
Crawford Town
Meddybemps Town
Plantation #21
Princeton Town
Robbinston Town
Med Ind—Milbridge
County—Washington
Parts:
Beddington Town
Cherryfield Town
Columbia Town
Deblois Town
Harrington Town
Milbridge Town
Steuben Town
Med Ind—Norway
County—Oxford
Parts:
Buckfield Town
Hebron Town
Norway Town
Otisfield Town
Oxford Town
Paris Town
Waterford Town
West Paris Town
Med Ind—Portland
County—Cumberland
Parts:
C.T. 1–3
C.T. 3.99–4.00
C.T. 5–6
C.T. 9–10
C.T. 12–14

PRIMARY MEDICAL CARE: Maryland
County Listing

County Name

Allegany
Service Area: Hancock (MD/PA/WV)
Baltimore City (Indep)
Service Area: North Central Baltimore
Service Area: O'Donnell Heights
Service Area: Orleans Square
Service Area: West Baltimore
Population Group: Low Inc—Belair Road/Brehm'S Lane
Population Group: Low Inc—Park West
Population Group: Medicaid—South Baltimore City
Facility: Healthcare For The Homeless
*Caroline
Population Group: Medicaid—Caroline Co
Cecil
Population Group: Medicaid—Cecil Co
*Dorchester
Population Group: Medicaid—Dorchester Co
*Kent
Population Group: Medicaid—Kent Co
Queen Annes
Population Group: Medicaid—Centreville/Queenstown
*Somerset
Population Group: Medicaid—Somerset Co
Facility: Eastern Corr Inst

PRIMARY MEDICAL CARE: Maryland
County Listing

County Name

Washington
  Service Area: Hancock (MD/PA/WV)
*Wicomico
  Population Group: Medicaid—Wicomico Co
*Worcester
  Population Group: Medicaid—Berlin/Ocean City
  Population Group: Medicaid—Snow Hill/Pocomoke

PRIMARY MEDICAL CARE: Maryland
Service Area Listing

Service Area Name

Hancock (MD/PA/WV)
  County—Allegany
    Parts:
      Dist. 1 (ORleans)
  County—Washington
    Parts:
      Dist. 15 (Indian Spring)
      Dist. 5 (HAncock)
North Central Baltimore
  County—Baltimore City (Indep)
    Parts:
      C.T. 805
      C.T. 901–909
      C.T. 1204
O'Donnell Heights
  County—Baltimore City (Indep)
    Parts:
      C.T. 2606.04
Orleans Square
  County—Baltimore City (Indep)
    Parts:
      C.T. 103
      C.T. 105
      C.T. 201–202
      C.T. 601–603
      C.T. 701–704
      C.T. 802
      C.T. 803.01–803.02
      C.T. 804
      C.T. 806–808
West Baltimore
  County—Baltimore City (Indep)
    Parts:
      C.T. 1801–1803
      C.T. 1901–1903
      C.T. 2001–2005

PRIMARY MEDICAL CARE: Maryland
Population Group Listing

Population Group

Low Inc—Belair Road/Brehm'S Lane
  County—Baltimore City (Indep)
    Parts:
      C.T. 801.01–801.02
      C.T. 2601.02
      C.T. 2602.01–2602.03
      C.T. 2603.01–2603.03
      C.T. 2604.02
      C.T. 2604.98
      C.T. 2701.01
Low Inc—Park West
  County—Baltimore City (Indep)
    Parts:
      C.T. 1512–1513
      C.T. 2716–2717
      C.T. 2718.01–2718.02
      C.T. 2801.01

PRIMARY MEDICAL CARE: Maryland
Population Group Listing

Population Group

Medicaid—Berlin/Ocean City
  County—Worcester
    Parts:
      Dist. 3 (Berlin)
      Dist. 4 (Newark)
      Dist. 5 (St. Martin)
      Dist. 10 (Ocean City)
Medicaid—Caroline Co
  County—Caroline
    Parts:
      Medicaid Eligible
Medicaid—Cecil Co
  County—Cecil
    Parts:
      Medicaid Eligible
Medicaid—Centreville/Queenstown
  County—Queen Annes
    Parts:
      Dist. 2 (Church Hill)
      Dist. 3 (Centreville)
      Dist. 5 (Queenstown)
      Dist. 6 (Ruthsburg)
      Dist. 7 (Crumpton)
      Dist. 1 (Dixon)
Medicaid—Dorchester Co
  County—Dorchester
    Parts:
      Medicaid Eligible
Medicaid—Kent Co
  County—Kent
    Parts:
      Medicaid Eligible
Medicaid—Snow Hill/Pocomoke
  County—Worcester
    Parts:
      Dist. 7 (Atkinsons)
      Dist. 8 (Stockton)
      Dist. 1 (Pocomoke)
      Dist. 2 (Snow Hill)
Medicaid—Somerset Co
  County—Somerset
    Parts:
      Medicaid Eligible
Medicaid—South Baltimore City
  County—Baltimore City (Indep)
    Parts:
      C.T. 2101.01
      C.T. 2102.01
      C.T. 2301–2303
      C.T. 2401
      C.T. 2404
      C.T. 2502.03–2502.05
      C.T. 2502.07
      C.T. 2503.01–2503.03
      C.T. 2504.01–2504.02
      C.T. 2505–2506
Medicaid—Wicomico Co
  County—Wicomico
    Parts:
      Medicaid Eligible

PRIMARY MEDICAL CARE: Maryland
Facility Listing

Facility Name

Eastern Corr Inst
  County—Somerset
Healthcare For The Homeless
  County—Baltimore City (Indep)

PRIMARY MEDICAL CARE: Massachusetts
County Listing

County Name

Bristol
  Population Group: Low Inc—C New Bedford
Essex
  Service Area: North Lawrence
  Service Area: South Lynn
  Population Group: Low Inc—Salem/East Peabody
*Franklin
  Service Area: Athol-Orange
Hampden
  Service Area: Gateway Regional Dist
  Population Group: Hispanic Pop—Holyoke
  Population Group: Low Inc—Springfield
Hampshire
  Service Area: Gateway Regional Dist
  Service Area: Hampshire Regional Dist
Middlesex
  Service Area: Community Health Network Area #16
  Population Group: Low Inc—Somerville
Plymouth
  Service Area: Hull
Suffolk
  Service Area: Community Health Network Area #16
  Service Area: Roxbury
  Population Group: Hmlss—Boston
  Population Group: Low Inc—Brighton/Allston
Worcester
  Service Area: Athol-Orange
  Population Group: Low Inc—Worcester

PRIMARY MEDICAL CARE: Massachusetts
Service Area Listing

Service Area Name

Athol-Orange
  County—Franklin
    Parts:
      Erving Town
      New Salem Town
      Orange Town
      Warwick Town
      Wendell Town
  County—Worcester
    Parts:
      Athol Town
      Petersham Town
      Phillipston Town
      Royalston Town
Community Health Network Area #16
  County—Middlesex
    Parts:
      Everett City
      Malden City
  County—Suffolk
    Parts:
      Chelsea City
      Revere City
      Winthrop Town
Gateway Regional Dist
  County—Hampden
    Parts:
      Blandford Town
      Chester Town
      Montgomery Town
      Russell Town
  County—Hampshire
    Parts:
      Huntington Town

PRIMARY MEDICAL CARE: Massachusetts
Service Area Listing

Service Area Name

Middlefield Town
Worthington Town
Hampshire Regional Dist
County—Hampshire
Parts:
Chesterfield Town
Cummington Town
Goshen Town
Plainfield Town
Westhampton Town
Williamsburg Town
Hull
County—Plymouth
Parts:
Hull Town
North Lawrence
County—Essex
Parts:
C.T. 2501–2516
Roxbury
County—Suffolk
Parts:
C.T. 801–809
C.T. 811–821
South Lynn
County—Essex
Parts:
C.T. 2055–2072

PRIMARY MEDICAL CARE: Massachusetts
Population Group Listing

Population Group

Hispanic Pop—Holyoke
County—Hampden
Parts:
City Of Holyoke
Hmlss—Boston
County—Suffolk
Parts:
Long Is Shelter/Ct 1501
Pc Clinic/Bc Hosp/Ct710
Pine Street Inn/Ct 712
Shattuck Ctr/Ct 1101.02
St. Francis Hse/Ct 1206
Low Inc—Brighton/Allston
County—Suffolk
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3
C.T. 4.01–4.02
C.T. 5.01–5.02
C.T. 6.01–6.02
C.T. 7.01–7.02
C.T. 8.01–8.02
Low Inc—C New Bedford
County—Bristol
Parts:
C.T. 6504–6509
C.T. 6510.02
C.T. 6511–6518
C.T. 6518.99–6519.00
C.T. 6520–6527
Low Inc—Salem/East Peabody
County—Essex
Parts:
C.T. 2041–2046
C.T. 2047.01–2047.02
C.T. 2104–2109
Low Inc—Somerville
County—Middlesex

PRIMARY MEDICAL CARE: Massachusetts
Population Group Listing

Population Group

Parts:
C.T. 3501–3515
Low Inc—Springfield
County—Hampden
Parts:
C.T. 8001
C.T. 8002.01–8002.02
C.T. 8003–8010
C.T. 8011.01–8011.02
C.T. 8012–8013
C.T. 8014.01–8014.02
C.T. 8015.01–8015.03
C.T. 8016.01–8016.05
C.T. 8017–8025
C.T. 8026.01–8026.02
Low Inc—Worcester
County—Worcester
Parts:
C.T. 7301–7303
C.T. 7304.01–7304.02
C.T. 7305–7307
C.T. 7308.01–7308.02
C.T. 7309.01–7309.02
C.T. 7310
C.T. 7311.01–7311.02
C.T. 7312.01–7312.02
C.T. 7313–7319
C.T. 7320.01–7320.02
C.T. 7321
C.T. 7322.01–7322.03
C.T. 7323–7328
C.T. 7329.01–7329.02
C.T. 7330
C.T. 7331.01–7331.02

PRIMARY MEDICAL CARE: Michigan
County Listing

County Name

*Alcona
*Alger
Facility: Alger Max Fac
Allegan
Service Area: Allegan
Population Group: Low Inc—South Haven/Bangor
*Alpena
Population Group: Low Inc—Alpena Co
*Antrim
Service Area: Mancelona
Population Group: Low Inc—East Jordan
Arenac
Service Area: Sterling/Standish
Bay
Service Area: Sterling/Standish
*Benzie
Berrien
Population Group: Low Inc—South Berrien Co
Population Group: Low Inc—North Berrien Co
*Branch
Population Group: Low Inc—Branch Co
Facility: Crane Women's Fac
Calhoun
Population Group: Medicaid—Calhoun Co
*Cass
Service Area: Dowagiac
Service Area: Three Rivers
*Charlevoix
Service Area: Beaver Island
Population Group: Low Inc—East Jordan

PRIMARY MEDICAL CARE: Michigan
County Listing

County Name

*Cheboygan
Population Group: Low Inc—Cheboygan Co
*Chippewa
Population Group: Low Inc—Chippewa Co
Facility: Chippewa Cty Corr Inst
*Clare
Crawford
Population Group: Low Inc—Crawford Co
*Delta
Population Group: Low Inc—Delta Co
*Dickinson
Population Group: Low Inc—Dickinson Co
Genesee
Service Area: Otter Lake
Population Group: Low Inc—Flint
*Gladwin
*Gogebic
Service Area: Ewen
Service Area: Ironwood/Hurley (MI/WI)
*Grand Traverse
Service Area: Buckley/Fife Lake
*Gratiot
Population Group: Low Inc—Gratiot Co
Facility: Mid Michigan Temporary Fac
*Hillsdale
*Houghton
Population Group: Low Inc—Houghton Co
*Huron
Service Area: Port Austin
Population Group: Low Inc—Harbor Beach/Bad Axe
*Ionia
Population Group: Low Inc/MFW—Ionia Co
Facility: Handlon Mi Training Unit
Facility: Ionia Maximum Fac
Facility: Ionia Temporary Fac
Facility: Michigan Ref
*Iosco
Service Area: Hale/Whittemore/Prescott
Population Group: Low Inc—E Iosco Co
Iron
Service Area: Iron River/Crystal Falls
*Isabella
Population Group: Low Inc—Isabella Co
Jackson
Population Group: Low Inc—Ne Jackson City
Facility: Egeler Corr Fac
Facility: Jackson Cotton Facility
Facility: Reception and Guidance Ctr
Facility: State Prs S Michigan—S Complex
Facility: State Prs S Michigan—C Complex
Kalamazoo
Population Group: Low Inc—N Kalamazoo City
*Kalkaska
Kent
Population Group: Low Inc—Grand Rapids
Population Group: MSFW—N Kent Co
*Keweenaw
*Lake
Lapeer
Service Area: Brown City
Service Area: Marlette/Kingston
Service Area: Otter Lake
Facility: Thumb Regional Fac
*Leelanau
Service Area: Northport/Suttons Bay
*Lenawee
Service Area: Morenci
Facility: Gus Harrison Regional Fac

PRIMARY MEDICAL CARE: Michigan
County Listing

County Name

*Luce
Population Group: Medicaid—Luce Co
Macomb
Facility: Macomb Corr Fac
*Marquette
Service Area: Gwinn
Service Area: Western Marquette
Facility: Marquette Branch Prs
*Mason
Population Group: Low Inc/MFW—Mason Co
*Mecosta
*Menominee
Service Area: Northern Menominee
Population Group: Low Inc—E Marinette/S Menominee (MI/WI
*Missaukee
Monroe
Service Area: Carleton
*Montcalm
Service Area: Northern Montcalm
Population Group: Low Inc—Southern Montcalm
Facility: Carson City Regional Fac
*Montmorency
Muskegon
Population Group: Low Inc—Muskegon City
Population Group: Low Inc—Northern Muskegon Co
Facility: Brooks Regional Fac
Facility: Muskegon Corr Fac
Facility: Muskegon Temporary Fac
*Newaygo
Population Group: Low Inc—Newaygo Co
Oakland
Population Group: Low Inc—Pontiac
*Oceana
*Ogemaw
Service Area: Hale/Whittemore/Prescott
Service Area: Rose City/Lupton
Service Area: West Branch
*Ontonagon
Service Area: Ewen
Population Group: Low Inc—North Ontonagon
*Osceola
*Oscoda
Ottawa
Population Group: Low Inc—Central Holland
Population Group: MFW—Ottawa Co
*Presque Isle
*Roscommon
Saginaw
Population Group: Low Inc—Eastside Saginaw
*Sanilac
Service Area: Brown City
Service Area: Marlette/Kingston
Population Group: Low Inc—Deckerville/Sandusky
*Schoolcraft
Population Group: Low Inc—Schoolcraft Co
St Clair
Service Area: Algonac
Service Area: Yale
Population Group: Low Inc—Port Huron/Marysville
*St Joseph
Service Area: Three Rivers

PRIMARY MEDICAL CARE: Michigan
County Listing

County Name

*Tuscola
Service Area: Marlette/Kingston
Service Area: Otter Lake
Population Group: Low Inc—Caro/Cass City
Van Buren
Service Area: Dowagiac
Population Group: Low Inc—South Haven/Bangor
Wayne
Service Area: Airport/Conner (N.E. Detroit)
Service Area: Chene (S. Central Detroit)
Service Area: Eastside Detroit
Service Area: Hamtramck
Service Area: Highland Park
Service Area: Inkster
Service Area: Mackenzie/Brooks
Service Area: Nolan/State Fair/Davison/Pershing
Service Area: Outer Drive/Van Dyke
Service Area: Southwest Detroit
Service Area: Tireman/Chadsey
Facility: Michigan Hospital & Medical Centers
Facility: Ryan Regional Fac
*Wexford
Service Area: Buckley/Fife Lake

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

Airport/Conner (N.E. Detroit)
County—Wayne
Parts:
C.T. 5037
C.T. 5039–5048
C.T. 5052–5053
C.T. 5107–5109
Algonac
County—St Clair
Parts:
Algonac City
Clay Twp
Cottrellville Twp
Ira Twp
Marine City City
Allegan
County—Allegan
Parts:
Allegan City
Allegan Township
Cheshire Township
Clyde Township
Dorr Township
Hopkins Township
Lee Township
Leighton Township
Martin Township
Monterey Township
Salem Township
Trowbridge Township
Valley Township
Watson Township
Wayland City
Wayland Township
Beaver Island
County—Charlevoix
Parts:
Peaine Township
St. James Township
Brown City

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

County—Lapeer
Parts:
Burnside Twp
County—Sanilac
Parts:
Brown City
Elk Twp
Flynn Twp
Maple Valley Twp
Speaker Twp
Buckley/Fife Lake
County—Grand Traverse
Parts:
Fife Lake Twp
Grant Twp
Mayfield Twp
Paradise Twp
County—Wexford
Parts:
Greenwood Twp
Hanover Twp
Liberty Twp
Wexford Twp
Carleton
County—Monroe
Parts:
Ash Township
Exeter Township
London Township
Chene (S. Central Detroit)
County—Wayne
Parts:
C.T. 5111
C.T. 5161–5162
C.T. 5177–5179
C.T. 5183–5188
Dowagiac
County—Cass
Parts:
Dowagiac City
La Grange Township
Marcellus Township
Penn Township
Pokagon Township
Silver Creek Township
Volinia Township
Wayne Township
County—Van Buren
Parts:
Decatur Township
Hamilton Township
Hartford Township
Hartford City
Keeler Township
Porter Township
Eastside Detroit
County—Wayne
Parts:
C.T. 5121–5124
C.T. 5126
C.T. 5129
C.T. 5132–5136
C.T. 5139–5143
C.T. 5145–5157
Ewen
County—Gogebic
Parts:
Marenisco Twp
Watersmeet Twp
County—Ontonagon
Parts:
Bergland Twp

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

Haight Twp
Interior Twp
Matchwood Twp
McMillan Twp
Rockland Twp
Stannard Twp
Gwinn
County—Marquette
Parts:
Ewing Township
Forsyth Township
Turin Township
Wells Township
Hale/Whittemore/Prescott
County—Iosco
Parts:
Burleigh Twp
Grant Twp
Plainfield Twp
Reno Twp
Sherman Twp
Whittemore City
County—Ogemaw
Parts:
Logan Twp
Richland Twp
Hamtramck
County—Wayne
Parts:
C.T. 5520–5526
Highland Park
County—Wayne
Parts:
C.T. 5530–5537
Inkster
County—Wayne
Parts:
C.T. 5701–5710
Iron River/Crystal Falls
County—Iron
Ironwood/Hurley (MI/WI)
County—Gogebic
Parts:
Bessemer City
Bessemer Twp
Erwin Twp
Ironwood City
Ironwood Twp
Wakefield City
Wakefield Twp
Mackenzie/Brooks
County—Wayne
Parts:
C.T. 5341–5344
C.T. 5347
C.T. 5350–5355
C.T. 5363–5368
C.T. 5370–5373
C.T. 5378
C.T. 5451–5454
Mancelona
County—Antrim
Parts:
Chestonia Township
Custer Township
Helena Township
Kearney Township
Mancelona Township
Star Township
Marlette/Kingston
County—Lapeer
Parts:

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

Burlington Township
County—Sanilac
Parts:
Lamotte Township
Marlette City
Marlette Township
County—Tuscola
Parts:
Dayton Township
Fremont Township
Kingston Township
Koylton Township
Morenci
County—Lenawee
Parts:
Fairfield Township
Medina Township
Morenci City
Ogden Township
Riga Township
Seneca Township
Nolan/State Fair/Davison/Pershing
County—Wayne
Parts:
C.T. 5064–5080
C.T. 5102–5106
Northern Menominee
County—Menominee
Parts:
Cedarville Twp
Daggett Twp
Faithorn Twp
Gourley Twp
Harris Twp
Holmes Twp
Lake Twp
Meyer Twp
Nadeau Twp
Spalding Twp
Stephenson City
Stephenson Twp
Northern Montcalm
County—Montcalm
Parts:
Belvidere Twp
Cato Twp
Day Twp
Douglass Twp
Maple Valley Twp
Pierson Twp
Pine Twp
Reynolds Twp
Winfield Twp
Northport/Suttons Bay
County—Leelanau
Parts:
Leelanau Township
Leland Township
Suttons Bay Township
Otter Lake
County—Genesee
Parts:
Forest Township
County—Lapeer
Parts:
Deerfield Township
Marathon Township
North Branch Township
Rich Township
County—Tuscola
Parts:
Arbela Township

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

Millington Township
Watertown Township
Outer Drive/Van Dyke
County—Wayne
Parts:
C.T. 5035–5036
C.T. 5049–5051
C.T. 5061–5063
Port Austin
County—Huron
Parts:
Dwight Twp
Gore Twp
Hume Twp
Huron Twp
Lake Twp
Pointe Aux Barques Twp
Port Austin Twp
Rose City/Lupton
County—Ogemaw
Parts:
Cumming Twp
Goodar Twp
Hill Twp
Rose City
Rose Twp
Southwest Detroit
County—Wayne
Parts:
C.T. 5208–5209
C.T. 5211–5214
C.T. 5231–5238
C.T. 5240–5243
C.T. 5245
C.T. 5247–5248
Sterling/Standish
County—Arenac
County—Bay
Parts:
Gibson Twp
Mount Forest Twp
Pinconning City
Pinconning Twp
Three Rivers
County—Cass
Parts:
Newberg Twp
Porter Twp
County—St Joseph
Parts:
Colon Twp
Constantine Twp
Fabius Twp
Florence Twp
Flowerfield Twp
Leonidas Twp
Lockport Twp
Mendon Twp
Nottawa Twp
Park Twp
Three Rivers City
Tireman/Chadsey
County—Wayne
Parts:
C.T. 5221–5222
C.T. 5251–5258
C.T. 5260–5265
C.T. 5335–5337
C.T. 5345–5346
West Branch
County—Ogemaw
Parts:

PRIMARY MEDICAL CARE: Michigan
Service Area Listing

Service Area Name

Churchill Twp
Edwards Twp
Foster Twp
Horton Twp
Klacking Twp
Mills Twp
Ogemaw Twp
West Branch City
West Branch Twp
Western Marquette
County—Marquette
Parts:
Champion Twp
Humboldt Twp
Michigamme Twp
Republic Twp
Yale
County—St Clair
Parts:
Berlin Twp
Brockway Twp
Emmett Twp
Greenwood Twp
Kenockee Twp
Lynn Twp
Mussey Twp
Riley Twp
Yale City

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group

Low Inc—Alpena Co
County—Alpena
Parts:
Low Income
Low Inc—Branch Co
County—Branch
Parts:
Low Income
Low Inc—Caro/Cass City
County—Tuscola
Parts:
Almer Twp
Elkland Twp
Ellington Twp
Elmwood Twp
Indianfields Twp
Novesta Twp
Wells Twp
Low Inc—Central Holland
County—Ottawa
Parts:
C.T. 223–225
Low Inc—Cheboygan Co
County—Cheboygan
Parts:
Low Income
Low Inc—Chippewa Co
County—Chippewa
Parts:
Low Income
Low Inc—Crawford Co
County—Crawford
Parts:
Low Income
Low Inc—Deckerville/Sandusky
County—Sanilac
Parts:
Argyle Twp
Austin Twp

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group

Bridgehampton Twp
Custer Twp
Delaware Twp
Elmer Twp
Evergreen Twp
Forester Twp
Greenleaf Twp
Marion Twp
Minden Twp
Moore Twp
Sandusky City
Sanilac Twp
Watertown Twp
Wheatland Twp
Low Inc—Delta Co
County—Delta
Parts:
Low Income
Low Inc—Dickinson Co
County—Dickinson
Parts:
Low Income
Low Inc—E Iosco Co
County—Iosco
Parts:
Alabaster Twp
Au Sable Twp
Baldwin Twp
East Tawas City
Oscoda Twp
Tawas Twp
Tawas City City
Wilber Twp
Low Inc—E Marinette/S Menominee (MI/WI
County—Menominee
Parts:
Ingallston Twp
Mellen Twp
Menominee City
Menominee Twp
Low Inc—East Jordan
County—Antrim
Parts:
Banks Twp
Central Lake Twp
Echo Twp
Forest Home Twp
Jordan Twp
Torch Lake Twp
Warner Twp
County—Charlevoix
Parts:
Boyne City City
Boyne Valley Twp
Chandler Twp
East Jordan City
Evangeline Twp
Eveline Twp
Hudson Twp
Marion Twp
Melrose Twp
Norwood Twp
South Arm Twp
Wilson Twp
Low Inc—Eastside Saginaw
County—Saginaw
Parts:
C.T. 1–11
C.T. 110
Low Inc—Flint
County—Genesee
Parts:

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group

C.T. 1–11
C.T. 14–15
C.T. 17–29
C.T. 103.02
C.T. 103.04
C.T. 122.02
Low Inc—Grand Rapids
County—Kent
Parts:
C.T. 1–10
C.T. 11.01–11.02
C.T. 12–46
C.T. 116
C.T. 118.01–118.02
C.T. 126.01–126.02
Low Inc—Gratiot Co
County—Gratiot
Parts:
Low Income
Low Inc—Harbor Beach/Bad Axe
County—Huron
Parts:
Bad Axe City
Bingham Twp
Bloomfield Twp
Chandler Twp
Colfax Twp
Grant Twp
Harbor Beach City
Lincoln Twp
Meade Twp
Oliver Twp
Paris Twp
Rubicon Twp
Sand Beach Twp
Sheridan Twp
Sherman Twp
Sigel Twp
Verona Twp
Low Inc—Houghton Co
County—Houghton
Parts:
Low Income
Low Inc—Isabella Co
County—Isabella
Parts:
Low Income
Low Inc—Muskegon City
County—Muskegon
Parts:
C.T. 1–5
C.T. 6.01–6.02
C.T. 7–8
C.T. 11–13
C.T. 14.01–14.02
C.T. 19.02
C.T. 21
C.T. 26.01
Low Inc—N Kalamazoo City
County—Kalamazoo
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3
C.T. 4.02
C.T. 5–6
C.T. 8.01–8.02
C.T. 9–10
Low Inc—Ne Jackson City
County—Jackson
Parts:
C.T. 1–4

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group

C.T. 6–7
C.T. 10–13
Low Inc—Newaygo Co
County—Newaygo
Parts:
Low Income
Low Inc—North Berrien Co
County—Berrien
Parts:
Bainbridge Twp
Benton Charter Twp
Benton Harbor City
Coloma City
Coloma Twp
Hagar Twp
Pipestone Twp
Sodus Twp
Watervliet Twp
Watervliet City
Low Inc—North Ontonagon
County—Ontonagon
Parts:
Bohemia Twp
Carp Lake Twp
Greenland Twp
Ontonagon Twp
Low Inc—Northern Muskegon Co
County—Muskegon
Parts:
Blue Lake Twp
Cedar Creek Twp
Dalton Twp
Fruitland Twp
Holton Twp
Montague Twp
Montague City
White River Twp
White Hall City
Whitehall Twp
Low Inc—Pontiac
County—Oakland
Parts:
C.T. 1410
C.T. 1412–1418
C.T. 1420–1427
Low Inc—Port Huron/Marysville
County—St Clair
Parts:
Burtchville Twp
Casco Twp
China Twp
Clyde Twp
Columbus Twp
East China Twp
Fort Gratiot Twp
Grant Twp
Kimball Twp
Marysville City
Port Huron City
Port Huron Twp
St Clair Twp
St Clair City
Wales Twp
Low Inc—Schoolcraft Co
County—Schoolcraft
Parts:
Low Income
Low Inc—South Berrien Co
County—Berrien
Parts:
Baroda Twp
Berrien Twp

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group

Bertrand Twp
Bridgman City
Buchanan City
Buchanan Twp
Chickaming Twp
Galien Twp
Lake Charter Twp
New Buffalo Twp
New Buffalo City
Niles City
Niles Twp
Oronoko Twp
Three Oaks Twp
Weesaw Twp
Low Inc—South Haven/Bangor
County—Allegan
Parts:
Casco Twp
Ganges Twp
County—Van Buren
Parts:
Arlington Twp
Bangor City
Bangor Twp
Columbia Twp
Covert Twp
Geneva Twp
Lawrence Twp
South Haven City
South Haven Twp
Low Inc—Southern Montcalm
County—Montcalm
Parts:
Bloomer Twp
Bushnell Twp
Carson City City
Crystal Twp
Eureka Twp
Evergreen Twp
Fairplain Twp
Ferris Twp
Greenville City
Home Twp
Montcalm Twp
Richland Twp
Sidney Twp
Stanton City
Low Inc/MFW—Ionia Co
County—Ionia
Parts:
Low Income
MFW
Low Inc/MFW—Mason Co
County—Mason
Parts:
Low Income
MFW
Medicaid—Calhoun Co
County—Calhoun
Parts:
Medicaid Eligible
Medicaid—Luce Co
County—Luce
Parts:
Medicaid Eligible
MFW—Ottawa Co
County—Ottawa
Parts:
MFW
MSFW—N Kent Co
County—Kent
Parts:

PRIMARY MEDICAL CARE: Michigan
Population Group Listing

Population Group

Algoma Twp
Cedar Springs City
Courtland Twp
Nelson Twp
Oakfield Twp
Rockford City
Solon Twp
Sparta Twp
Spencer Twp
Tyrone Twp

PRIMARY MEDICAL CARE: Michigan
Facility Listing

Facility Name

Alger Max Fac
County—Alger
Brooks Regional Fac
County—Muskegon
Carson City Regional Fac
County—Montcalm
Chippewa Cty Corr Inst
County—Chippewa
Crane Women's Fac
County—Branch
Egeler Corr Fac
County—Jackson
Gus Harrison Regional Fac
County—Lenawee
Handlon Mi Training Unit
County—Ionia
Ionia Maximum Fac
County—Ionia
Ionia Temporary Fac
County—Ionia
Jackson Cotton Facility
County—Jackson
Macomb Corr Fac
County—Macomb
Marquette Branch Prs
County—Marquette
Michigan Hospital & Medical Centers
County—Wayne
Michigan Ref
County—Ionia
Mid Michigan Temporary Fac
County—Gratiot
Muskegon Corr Fac
County—Muskegon
Muskegon Temporary Fac
County—Muskegon
Reception And Guidance Ctr
County—Jackson
Ryan Regional Fac
County—Wayne
State Prs S Michigan—S Complex
County—Jackson
State Prs S Michigan—C Complex
County—Jackson
Thumb Regional Fac
County—Lapeer

PRIMARY MEDICAL CARE: Minnesota
County Listing

County Name

*Aitkin
Service Area: Floodwood
*Beltrami
Service Area: Northome/Blackduck
*Blue Earth
Service Area: Wells

PRIMARY MEDICAL CARE: Minnesota
County Listing

County Name

*Cass
Clay
  Service Area: Ada/Halstad/Twin Valley
  Service Area: Barnesville
  Service Area: Hawley
*Cook
  Service Area: Silver Bay
*Faribault
  Service Area: Wells
Grant
  Service Area: Elbow Lake/Dalton
Hennepin
  Service Area: Near North—Minneapolis
  Population Group: Am In—Hennepin Co
  Population Group: Hmlss—Inner City Minneapolis
  Population Group: Low Inc—N Minneapolis
*Itasca
  Service Area: Bigfork
  Service Area: Northome/Blackduck
*Jackson
  Service Area: Jackson/Lakefield
*Kandiyohi
  Service Area: Belgrade/Brooten
*Kittson
  Service Area: Karlstad
*Koochiching
  Service Area: Northome/Blackduck
*Lake
  Service Area: Silver Bay
*Lincoln
  Service Area: Tyler/Lake Benton
*Lyon
  Service Area: Tyler/Lake Benton
*Mahnomen
*Marshall
  Service Area: Karlstad
  Service Area: Warren
*Morrison
  Service Area: Albany
*Murray
Norman
  Service Area: Ada/Halstad/Twin Valley
*Otter Tail
  Service Area: Elbow Lake/Dalton
  Service Area: Pelican Rapids
*Pipestone
  Service Area: Pipestone
  Service Area: Tyler/Lake Benton
Polk
  Service Area: Ada/Halstad/Twin Valley
  Service Area: Crookston
  Service Area: Warren
*Pope
  Service Area: Belgrade/Brooten
Ramsey
  Service Area: Summit-Dale
  Population Group: Am In—St. Paul
  Population Group: Span Sp—St. Paul City
*Red Lake
*Rock
  Service Area: Pipestone
St Louis
  Service Area: Cook/Orr
  Service Area: Floodwood
  Population Group: Inmates—FPC Duluth
Stearns
  Service Area: Albany
  Service Area: Belgrade/Brooten
*Waseca
  Service Area: Wells

PRIMARY MEDICAL CARE: Minnesota
County Listing

County Name

*Wilkin
  Service Area: Barnesville

PRIMARY MEDICAL CARE: Minnesota
Service Area Listing

Service Area Name

Ada/Halstad/Twin Valley
  County—Clay
  County—Norman
    Parts:
      Felton Township
    Parts:
      Felton City
      Hagen Township
      Ulen City
      Ulen Township
  County—Norman
  County—Polk
    Parts:
      Hubbard Township
      Nielsville City
      Scandia Township
Albany
  County—Morrison
    Parts:
      Elmdale Twp
      Elmdale City
      Upsala City
  County—Stearns
    Parts:
      Albany Twp
      Albany City
      Avon City
      Avon Twp
      Holding Twp
      Holdingford City
      Krain Twp
      St. Anthony City
Barnesville
  County—Clay
    Parts:
      Alliance Twp
      Barnesville City
      Barnesville Twp
      Comstock City
      Elkton Twp
      Holy Cross Twp
      Humboldt Twp
      Parke Twp
      Skree Twp
      Tansem Twp
  County—Wilkin
    Parts:
      Atherton Twp
      Deerhorn Twp
      Manston Twp
      Mitchell Twp
      Prairie View Twp
      Rothsay City
      Tanberg Twp
      Wolverton Twp
Belgrade/Brooten
  County—Kandiyohi
    Parts:
      Burbank Township
      Colfax Township
  County—Pope
    Parts:
      Bangor Township
      Chippewa Falls Township
      Gilchrist Township

PRIMARY MEDICAL CARE: Minnesota
Service Area Listing

Service Area Name

      Lake Johanna Township
      Sedan City
  County—Stearns
    Parts:
      Belgrade City
      Brooten City
      Crow Lake Township
      Crow River Township
      North Fork Township
Bigfork
  County—Itasca
    Parts:
      Bearville Township
      Bigfork City
      Bigfork Township
      Carpenter Township
      Effie Unorg.
      Effie City
      Grattan Township
      Kinghurst Township
      Lake Jessie Township
      Liberty Township
      Marcell Township
      Northeast Itasca Unorg.
      Pomroy Township
      Stokes Township
      Wirt Township
Cook/Orr
  County—St Louis
    Parts:
      Alango Twp
      Angora Twp
      Beatty Twp
      Cook City
      Field Twp
      Gheen Unorg.
      Lake Vermillion Unorg.
      Leiding Twp
      Linden Grove Twp
      Morcom Twp
      Northeast St. Louis Unorg
      Northwest St. Louis Unorg
      Orr City
      Owens Twp
      Portage Twp
      Sturgeon Twp
      Willow Valley Twp
Crookston
  County—Polk
    Parts:
      Andover Twp
      Badger Twp
      Belgium Twp
      Beltrami City
      Chester Twp
      Climax City
      Crookston City
      Crookston Twp
      Erskine City
      Euclid Twp
      Fairfax Twp
      Fanny Twp
      Fertile City
      Fisher Twp
      Fisher City
      Garden Twp
      Garfield Twp
      Gentilly Twp
      Godfrey Twp
      Grove Park Twp
      Hammond Twp
      Hill River Twp

PRIMARY MEDICAL CARE: Minnesota
Service Area Listing

Service Area Name

Kertsonville Twp
Keystone Twp
King Twp
Knute Twp
Lessor Twp
Liberty Twp
Lowell Twp
McIntosh City
Mentor City
Nesbitt Twp
Onstad Twp
Parnell Twp
Reis Twp
Roome Twp
Russia Twp
Sletten Twp
Tabor Twp
Tilden Twp
Trail City
Tynsid Twp
Vineland Twp
Winger Twp
Winger City
Woodside Twp
Elbow Lake/Dalton
County—Grant
County—Otter Tail
Parts:
Dalton City
Tumuli Township
Floodwood
County—Aitkin
Parts:
Ball Bluff Twp
Balsam Twp
Cornish Twp
Northeast Aitkin Unorg
Turner Twp
County—St Louis
Parts:
Arrowhead Twp
Cedar Valley Twp
Cotton Twp
Elmer Twp
Fine Lakes Twp
Floodwood City
Floodwood Twp
Halden Twp
Kelsey Twp
Meadowlands Twp
Meadowlands City
Ness Twp
Northland Twp
Payne Twp
Potshot Lake Unorg
Prairie Lake Twp
Toivola Twp
Van Buren Twp
Hawley
County—Clay
Parts:
Cromwell Township
Eglon Township
Hawley City
Hawley Township
Highland Grove Township
Riverton Township
Spring Prairie Townsh
Jackson/Lakefield
County—Jackson
Parts:
Alpha City

PRIMARY MEDICAL CARE: Minnesota
Service Area Listing

Service Area Name

Belmont Township
Des Moines Township
Enterprise Township
Heron Lake Township
Hunter Township
Jackson City
Lakefield City
Middletown Township
Minneota Township
Okabena City
Petersburg Township
Rost Township
West Heron Lake Township
Wisconsin Township
Karlstad
County—Kittson
Parts:
Arveson Twp
Deerwood Twp
Halma City
Jupiter Twp
Karlstad City
Norway Twp
Pelan Twp
Spring Brook Twp
County—Marshall
Parts:
Augsberg Twp
Lincoln Twp
Nelson Park Twp
Strandquist City
West Valley Twp
Wright Twp
Near North—Minneapolis
County—Hennepin
Parts:
C.T. 20–23
C.T. 27–29
C.T. 32–35
C.T. 41–42
Northome/Blackduck
County—Beltrami
Parts:
Battle Township
Blackduck City
Cormant Township
Durand Township
Funkley City
Hagali Township
Hines Township
Hornet Township
Kelliher City
Kelliher Township
Langor Township
Nebish Township
O'Brien Township
Quiring Township
Shooks Township
Shotley Township
Shotley Brook Unorg.
Summit Township
Waskish Township
Woodrow Township
County—Itasca
Parts:
Alvwood Township
Ardenhurst Township
Moose Park Township
Nore Township
Third River Township
County—Koochiching
Parts:

PRIMARY MEDICAL CARE: Minnesota
Service Area Listing

Service Area Name

Mizpah City
Northome City
Northome Unorg.
Northwest Koochiching Unorg.
Pelican Rapids
County—Otter Tail
Parts:
Candor Township
Dora Township
Dunn Township
Erhard City
Erhards Grove Township
Lida Township
Maplewood Township
Norwegian Grove Township
Pelican Rapids City
Pelican Township
Scambler Township
Star Lake Township
Trondhjem Township
Vergas City
Pipestone
County—Pipestone
Parts:
Burke Twp
Eden Twp
Edgerton City
Elmer Twp
Grange Twp
Gray Twp
Hatfield City
Holland City
Ihlen City
Jasper City
Osborne Twp
Pipestone City
Rock Twp
Sweet Twp
Trosky City
Troy Twp
Woodstock City
County—Rock
Parts:
Battle Plain Twp
Denver Twp
Hardwick City
Rose Dell Twp
Silver Bay
County—Lake
Parts:
Beaver Bay Township
Beaver Bay City
Crystal Bay Township
Lake No. 1 Unorg.
Silver Bay City
Summit-Dale
County—Ramsey
Parts:
C.T. 324–327
C.T. 335–340
C.T. 354–355
Tyler/Lake Benton
County—Lincoln
Parts:
Arco City
Diamond Lake Township
Hope Township
Lake Benton City
Lake Benton Township
Lake Stay Township
Marshfield Township
Tyler City

PRIMARY MEDICAL CARE: Minnesota
Service Area Listing

Service Area Name

County—Lyon
Parts:
Coon Creek Township
Florence City
Shelburne Township
County—Pipestone
Parts:
Aetna Township
Fountain Prairie Township
Ruthton City
Warren
County—Marshall
Parts:
Alma Township
Alvarado City
Argyle City
Big Woods Township
Bloomer Township
Boxville Township
Comstock Township
Foldahl Township
Fork Township
McCrea Township
Middle River Township
Oak Park Township
Oslo City
Parker Township
Sinnott Township
Stephen City
Tamarac Township
Vega Township
Wanger Township
Warrenton Township
Warren City
County—Polk
Parts:
Angus Township
Brislet Township
Farley Township
Wells
County—Blue Earth
Parts:
Danville Township
County—Faribault
Parts:
Bricelyn City
Brush Creek Township
Clark Township
Dunbar Township
Easton City
Foster Township
Kiester City
Kiester Township
Lura Township
Minnesota Lake City
Minnesota Lake Township
Seely Township
Walnut Lake Township
Walters City
Wells City
County—Waseca
Parts:
Vivian Township
Waldorf City

PRIMARY MEDICAL CARE: Minnesota
Population Group Listing

Population Group

Am In—Hennepin Co
County—Hennepin
Parts:
American Indian
Am In—St. Paul
County—Ramsey
Parts:
American Indian—St. Paul
Hmlss—Inner City Minneapolis
County—Hennepin
Parts:
C.T. 44–48
C.T. 53–54
C.T. 57–63
C.T. 71–74
C.T. 78–79
Inmates—FPC Duluth
County—St Louis
Parts:
FPC Duluth
Low Inc—N Minneapolis
County—Hennepin
Parts:
C.T. 7–10
C.T. 13–16
Span Sp—St. Paul City
County—Ramsey
Parts:
Spanish Speaking—St. Paul

PRIMARY MEDICAL CARE: Mississippi
County Listing

County Name

*Adams
Service Area: North Natchez
Amite
Service Area: Centreville/Liberty
*Benton
*Bolivar
Facility: Delta Health Center
*Calhoun
*Carroll
*Chickasaw
*Choctaw
*Claiborne
*Clarke
*Clay
*Coahoma
Population Group: Med Ind—Coahoma Co
*Copiah
*Covington
Forrest
Service Area: East Leaf River
*George
*Greene
Hancock
Harrison
Population Group: Med Ind—Harrison Co
Hinds
Service Area: Utica
*Holmes
*Humphreys
*Itawamba
*Jasper
*Jefferson
*Jones
*Kemper
*Lauderdale
Population Group: Med Ind—Lauderdale Co
*Leake
*Leflore
Madison
*Marion

PRIMARY MEDICAL CARE: Mississippi
County Listing

County Name

*Marshall
*Monroe
*Montgomery
*Neshoba
*Newton
*Noxubee
*Panola
*Pearl River
*Prentiss
*Quitman
Rankin
Service Area: Puckett
*Scott
*Smith
*Stone
*Sunflower (g)
Facility: Mississippi State Pen.
*Tallahatchie
*Tate
*Tippah
*Walthall
*Warren
Population Group: Low Inc—Warren Co
*Washington
*Wayne
*Webster
Wilkinson
Service Area: Centreville/Liberty
*Winston
*Yalobusha
*Yazoo

PRIMARY MEDICAL CARE: Mississippi
Service Area Listing

Service Area Name

Centreville/Liberty
County—Amite
County—Wilkinson
East Leaf River
County—Forrest
Parts:
C.T. 1
C.T. 4–6
C.T. 105
North Natchez
County—Adams
Parts:
C.T. 2–4
Puckett
County—Rankin
Parts:
C.T. 209
Utica
County—Hinds
Parts:
C.T. 113

PRIMARY MEDICAL CARE: Mississippi
Population Group Listing

Population Group

Low Inc—Warren Co
County—Warren
Parts:
Low Income
Med Ind—Coahoma Co
County—Coahoma
Parts:
Medically Indigent
Med Ind—Harrison Co
County—Harrison

PRIMARY MEDICAL CARE: Mississippi
Population Group Listing

Population Group

Parts:
Medically Indigent
Med Ind—Lauderdale Co
County—Lauderdale
Parts:
Medically Indigent

PRIMARY MEDICAL CARE: Mississippi
Facility Listing

Facility Name

Delta Health Center
County—Bolivar
Mississippi State Pen.
County—Sunflower

PRIMARY MEDICAL CARE: Missouri
County Listing

County Name

Andrew
*Atchison
*Bates
*Benton
*Bollinger
*Caldwell
*Cape Girardeau
Population Group: Low Inc—Cape Girardeau
*Carroll
Cass
*Cedar
*Chariton
*Clark
Clay
Population Group: Medicaid—Clay Co
*Cooper
*Crawford
*Dade
*Dallas
*De Kalb
*Dent
*Douglas
*Gentry
Greene
Service Area: Ash Grove
Population Group: Pov Pop—North Springfield
*Grundy
*Harrison
*Hickory
*Howard
*Howell
Population Group: Poverty—Howell Co
Jackson
Population Group: Low Inc—Eastern Jackson
Population Group: Medicaid—Central K C
Jefferson
Service Area: Hillsboro/De Soto
*Johnson
*Knox
*Laclede
*Lewis
Lincoln
*Maries
*McDonald
*Mercer
*Mississippi
*Montgomery
*New Madrid

PRIMARY MEDICAL CARE: Missouri
County Listing

County Name

Population Group: Medicaid—New Madrid/Sikeston
*Oregon
*Osage
*Ozark
*Perry
*Pike
*Pulaski
Ray
*Reynolds
*Ripley
*Schuyler
*Scotland
*Scott
Population Group: Medicaid—New Madrid/Sikeston
*Shannon
St Louis
Population Group: Pov Pop—West St Louis
Population Group: Pov Pop—North St Louis
St Louis City (Indep)
Population Group: Pov Pop—West St Louis
Population Group: Pov Pop—Grace Hill/Cochran
Population Group: Pov Pop—North St Louis
Population Group: Pov Pop—Southeast St Louis
*Stoddard
*Stone
*Taney
*Texas
*Washington
*Wayne
Webster
*Worth

PRIMARY MEDICAL CARE: Missouri
Service Area Listing

Service Area Name

Ash Grove
County—Greene
Parts:
Boone No. 2 Twp
Boone No. 1 Twp
Cass Twp
Walnut Grove Twp
Hillsboro/De Soto
County—Jefferson
Parts:
Big River Twp
Central Twp
Plattin Twp
Valle Twp

PRIMARY MEDICAL CARE: Missouri
Population Group Listing

Population Group

Low Inc—Cape Girardeau
County—Cape Girardeau
Parts:
Low Income
Low Inc—Eastern Jackson
County—Jackson
Parts:
C.T. 112–113
C.T. 114.01

PRIMARY MEDICAL CARE: Missouri
Population Group Listing

Population Group

C.T. 114.03–114.04
C.T. 115–116
C.T. 122–124
C.T. 134.04
C.T. 135–136
C.T. 137.01–137.04
C.T. 138–140
C.T. 141.01
C.T. 141.03–141.06
C.T. 142.01–142.02
C.T. 143
C.T. 145
C.T. 146.01–146.02
C.T. 147
C.T. 148.01–148.02
C.T. 149–151
Medicaid—Central K C
County—Jackson
Parts:
C.T. 49–55
C.T. 56.01–56.02
C.T. 57
C.T. 58.01–58.02
C.T. 60–67
C.T. 75–77
C.T. 78.01–78.02
C.T. 79–80
C.T. 87–89
C.T. 96
Medicaid—Clay Co
County—Clay
Parts:
Medicaid Eligible
Medicaid—New Madrid/Sikeston
County—New Madrid
Parts:
Medicaid Eligible
County—Scott
Parts:
Medicaid Eligible
Pov Pop—Grace Hill/Cochran
County—St Louis City (Indep)
Parts:
C.T. 1085
C.T. 1096–1097
C.T. 1202–1203
C.T. 1213–1214
C.T. 1222
C.T. 1255–1257
C.T. 1266–1267
Pov Pop—North Springfield
County—Greene
Parts:
C.T. 1–2
C.T. 5–9
C.T. 17
C.T. 18.01–18.02
C.T. 19–21
C.T. 31
C.T. 32.01–32.02
C.T. 33
Pov Pop—North St Louis
County—St Louis
Parts:
C.T. 2139–2140
County—St Louis City (Indep)
Parts:
C.T. 1061–1067
C.T. 1071–1075
Pov Pop—Southeast St Louis
County—St Louis City (Indep)
Parts:

PRIMARY MEDICAL CARE: Missouri
Population Group Listing

Population Group

C.T. 1018
C.T. 1156–1157
C.T. 1164–1165
C.T. 1172–1174
C.T. 1181
C.T. 1185
C.T. 1221
C.T. 1224
C.T. 1231–1234
C.T. 1241–1243
C.T. 1246
Pov Pop—West St Louis
County—St Louis
Parts:
C.T. 2159–2161
County—St Louis City (Indep)
Parts:
C.T. 1051.98
C.T. 1052–1055
C.T. 1121
Poverty—Howell Co
County—Howell
Parts:
Poverty

PRIMARY MEDICAL CARE: Montana
County Listing

County Name

*Big Horn
*Blaine
Carter
*Carter
Service Area: Fallon
Service Area: Fallon
*Chouteau
Service Area: Big Sandy
Service Area: Fort Benton
*Custer
Service Area: Fallon
*Daniels
Fallon
Service Area: Fallon
*Gallatin
Service Area: Ennis/W. Yellowstone
Service Area: Three Forks/Manhattan
*Garfield
*Glacier
*Granite
*Hill
Service Area: Big Sandy
*Judith Basin
*Lewis And Clark
Service Area: Choteau
*Lincoln
Service Area: Eureka
*Madison
Service Area: Ennis/W. Yellowstone
*McCone
*Musselshell
*Park
Service Area: Gardiner/Yellowstone (MT/WY)
*Phillips
*Powder River
*Powell (g)
Facility: Montana State Prs
*Prairie
*Richland
Service Area: Culbertson
*Roosevelt
Service Area: Culbertson

PRIMARY MEDICAL CARE: Montana
County Listing

County Name

Service Area: Poplar/Wolf Point
Rosebud
Service Area: Forsyth/Colstrip
*Sanders
*Silver Bow
Population Group: Med Ind—Silver Bow Co
*Sweet Grass
*Teton
Service Area: Choteau
Treasure
Service Area: Forsyth/Colstrip
*Valley
Population Group: Low Inc—Valley Co
Wibaux
Service Area: Fallon
*Yellowstone Park
Service Area: Gardiner/Yellowstone (MT/WY)

PRIMARY MEDICAL CARE: Montana
Service Area Listing

Service Area Name

Big Sandy
County—Chouteau
Parts:
Big Sandy CCD
County—Hill
Parts:
Rocky Boy CCD
Choteau
County—Lewis And Clark
Parts:
Augusta CCD
County—Teton
Parts:
Choteau CCD
Fairfield CCD
Culbertson
County—Richland
Parts:
Fairview Division
County—Roosevelt
Parts:
East Roosevelt Division
Ennis/W. Yellowstone
County—Gallatin
Parts:
West Yellowstone Division
County—Madison
Parts:
Harrison Division
Madison Valley Division
Virginia City Division
Eureka
County—Lincoln
Parts:
Eureka Division
Fallon
County—Carter
County—Custer
County—Fallon
County—Wibaux
Parts:
Shirley-Ismay Division
County—Carter
County—Fallon
County—Wibaux
Forsyth/Colstrip
County—Rosebud
County—Treasure

PRIMARY MEDICAL CARE: Montana
Service Area Listing

Service Area Name

Fort Benton
County—Chouteau
Parts:
Fort Benton CCD
Geraldine CCD
Gardiner/Yellowstone (MT/WY)
County—Park
Parts:
Gardiner-Cooke Division
County—Yellowstone Park
Parts:
Yellowstone National Park Divisi
Poplar/Wolf Point
County—Roosevelt
Parts:
Fort Peck Reservation Division
Three Forks/Manhattan
County—Gallatin
Parts:
Manhattan Division
Three Forks Division

PRIMARY MEDICAL CARE: Montana
Population Group Listing

Population Group

Low Inc—Valley Co
County—Valley
Parts:
Low Income
Med Ind—Silver Bow Co
County—Silver Bow
Parts:
Medically Indigent

PRIMARY MEDICAL CARE: Montana
Facility Listing

Facility Name

Montana State Prs
County—Powell

PRIMARY MEDICAL CARE: Nebraska
County Listing

County Name

Antelope
Service Area: Antelope
Boone
Service Area: Albion
Brown
Service Area: North Central
*Burt
Service Area: Oakland
Service Area: Onawa (IA/NE)
Cass
Cedar
Service Area: Cedar/Dixon
*Cherry
*Cuming
Service Area: West Point
*Custer
Service Area: Arnold
*Dawes
Service Area: Crawford
*Dixon
Service Area: Cedar/Dixon
*Dodge
Service Area: West Point
*Dundy
Frontier
Service Area: Cambridge

PRIMARY MEDICAL CARE: Nebraska
County Listing

County Name

Service Area: Curtis
Furnas
Service Area: Cambridge
*Gosper
Service Area: Cambridge
*Greeley
Service Area: Albion
Service Area: Howard/St Paul
*Harlan
Hayes
Service Area: Hayes/Hitchcock
Hitchcock
Service Area: Hayes/Hitchcock
Howard
Service Area: Howard/St Paul
*Johnson
*Kearney
Keya Paha
Service Area: North Central
*Kimball
Lancaster
Facility: Lancaster Dept Of Corr
*Lincoln
Service Area: Arnold
*Logan
Service Area: Arnold
*Madison
Service Area: Albion
Service Area: Antelope
*Merrick
*Morrill
*Platte
Service Area: Albion
Red Willow
Service Area: Cambridge
*Richardson
Population Group: Low Inc—Richardson Co
Rock
Service Area: North Central
*Saunders
Service Area: Wahoo
*Scotts Bluff
Population Group: Medicaid—Scotts Bluff
*Sheridan
*Sherman
Sioux
Service Area: Crawford
*Stanton
*Thayer
*Thurston
Population Group: Winnebago Indian Res

PRIMARY MEDICAL CARE: Nebraska
Service Area Listing

Service Area Name

Albion
County—Boone
County—Greeley
Parts:
Spalding Precinct
County—Boone
County—Madison
Parts:
Newman Grove City
Shell Creek Precinct
County—Boone
County—Platte
Parts:
St. Bernard Township
Walker Township

PRIMARY MEDICAL CARE: Nebraska
Service Area Listing

Service Area Name

Antelope
County—Antelope
County—Madison
Parts:
Jefferson Precinct
Tilden City
Arnold
County—Custer
Parts:
Arnold Township
Cliff Township
Custer Township
Delight Township
Elim Township
Grant Township
Hayes Township
Triumph Township
Wayne Township
Wood River Township
County—Lincoln
Parts:
Antelope Precinct
Garfield Precinct
County—Logan
Parts:
Gandy Precinct
Logan Precinct
Stapleton No. 2 Precinct
Cambridge
County—Frontier
County—Furnas
Parts:
Garfield Precinct
Parts:
Grant Precinct
Knowles Precinct
County—Furnas
County—Gosper
Parts:
Elk Creek Precinct
Highland Precinct
Union Precinct
West Muddy Precinct
County—Furnas
County—Red Willow
Parts:
Alliance Precinct
Beaver Precinct
East Valley Precinct
Indianola Precinct
Lebanon Precinct
Missouri Ridge Precinct
North Valley Precinct
Tyrone Precinct
Cedar/Dixon
County—Cedar
County—Dixon
Parts:
Clark Township
Concord Township
Daily Township
Galena Township
Hooker Township
Newcastle Township
Otter Creek Township
Ponca City
Ponca Township
Silver Creek Township
Spring Bank Township
Crawford
County—Dawes
County—Sioux

PRIMARY MEDICAL CARE: Nebraska
Service Area Listing

Service Area Name

Parts:
Precinct No. 9
Parts:
Precinct No. 7
Precinct No. 10
Precinct No. 11
County—Sioux
Curtis
County—Frontier
Parts:
Allen Precinct
Clearwater Precinct
Curtis City
Curtis Precinct
Earl Precinct
Fairview Precinct
Harrison Precinct
Horrell Precinct
Laird Precinct
Laws Precinct
Lincoln Precinct
Logan Precinct
Moorefield Precinct
Muddy Precinct
North Star Precinct
Orafino Precinct
Osborn Precinct
Plum Creek Precinct
Russell Precinct
Sheridan Precinct
Sherman Precinct
Stockville Precinct
Weaver Precinct
Zimmer Precinct
Hayes/Hitchcock
County—Hayes
County—Hitchcock
Howard/St Paul
County—Greeley
County—Howard
Parts:
Greeley Precinct
Parts:
Scotia Precinct
Wolbach No. 1 Precinct
Wolbach No. 2 Precinct
County—Howard
North Central
County—Brown
County—Keya Paha
County—Rock
Oakland
County—Burt
Parts:
Arizona Township
Bell Creek Township
Craig Township
Everett Township
Logan Township
Oakland City
Oakland Township
Pershing Township
Summit Township
Tekamah City
Onawa (IA/NE)
County—Burt
Parts:
Decatur Twp
Quinnebaugh Twp
Riverside Twp
Silver Creek Twp
Wahoo

PRIMARY MEDICAL CARE: Nebraska
Service Area Listing

Service Area Name

County—Saunders
Parts:
Ashland Township
Center Township
Chapman Township
Chester Township
Clear Creek Township
Douglas Township
Elk Township
Green Township
Marble Township
Marietta Township
Mariposa Township
Newman Township
Oak Creek Township
Richland Township
Rock Creek Township
South Cedar Township
Stocking Township
Union Township
Wahoo City
Wahoo Township
West Point
County—Cuming
Parts:
Beemer Township
Bismarck Township
Blaine Township
Cuming Township
Elkhorn Township
Garfield Township
Grant Township
Lincoln Township
Logan Township
Monterey Township
Neligh Township
Sherman Township
St. Charles Township
West Point City
Wisner City
Wisner Township
County—Dodge
Parts:
Cuming Township
Pebble Township
Scribner City
Webster Township

PRIMARY MEDICAL CARE: Nebraska
Population Group Listing

Population Group

Low Inc—Richardson Co
County—Richardson
Parts:
Low Income
Medicaid—Scotts Bluff
County—Scotts Bluff
Parts:
Medicaid Eligible
Winnebago Indian Res
County—Thurston
Parts:
Omaha Indian Res

PRIMARY MEDICAL CARE: Nebraska
Facility Listing

Facility Name

Lancaster Dept Of Corr
County—Lancaster

PRIMARY MEDICAL CARE: Nevada
County Listing

County Name

Carson City (Indep)
Population Group: Low Inc—E Carson City (Indep)
Population Group: Native Am-Washoe Indian Tribe
Facility: Nv St Corr Fac (North)
*Churchill
Population Group: Native Am-Fallon Reservation And Colony
Clark
Service Area: Central/N Central Las Vegas
Service Area: Indian Springs
Service Area: Moapa Valley
Service Area: Searchlight/Davis Dam
Service Area: Virgin Valley
Population Group: Low Inc—City Of Henderson
Facility: Nv St Corr Fac (South)
*Douglas
Service Area: Topaz Lake
Population Group: Native Am-Washoe Indian Tribe
*Elko
*Esmerelda
Service Area: Coaldale/Silverpeak
Service Area: Tonopah/Esmeralda
*Eureka
*Humboldt
Population Group: Native Am-Winnemucca Colony
Population Group: Native Am-Fort Mcdermitt Reservation
*Lander
*Lincoln
*Lyon
Service Area: Dayton/Fernley/Silver Springs
Service Area: Smith/Yerington
*Mineral
Nye
Service Area: Beatty
Service Area: Gabbs
Service Area: Pahrump
Service Area: Round Mountain
Service Area: Tonopah/Esmeralda
*Pershing
*Storey
Washoe
Service Area: Gerlach
Service Area: Incline Village
Service Area: Wadsworth
Population Group: Med Ind—Reno/Sparks
*White Pine (g)
Facility: Nv St Corr Fac (East)

PRIMARY MEDICAL CARE: Nevada
Service Area Listing

Service Area Name

Beatty
County—Nye
Parts:
Amargosa Valley CCD
Beatty CCD
Central/N Central Las Vegas
County—Clark
Parts:
C.T. 3.01–3.02
C.T. 4
C.T. 5.02–5.04
C.T. 6–9
C.T. 11

PRIMARY MEDICAL CARE: Nevada
Service Area Listing

Service Area Name

C.T. 35
C.T. 36.02
C.T. 37–38
C.T. 39.97–39.98
C.T. 40
C.T. 43–46
Coaldale/Silverpeak
County—Esmerelda
Parts:
Silverpeak CCD
Dayton/Fernley/Silver Springs
County—Lyon
Parts:
Dayton CCD
Fernley CCD
Silver Springs CCD
Gabbs
County—Nye
Parts:
Gabbs CCD
Gerlach
County—Washoe
Parts:
Gerlach CCD
Incline Village
County—Washoe
Parts:
Incline Village CCD
Indian Springs
County—Clark
Parts:
C.T. 58.98
Moapa Valley
County—Clark
Parts:
C.T. 59
Pahrump
County—Nye
Parts:
Crystal Twp
Pahrump CCD
Yucca Flat CCD
Round Mountain
County—Nye
Parts:
Round Mountain CCD
Searchlight/Davis Dam
County—Clark
Parts:
C.T. 57
Smith/Yerington
County—Lyon
Parts:
Smith CCD
Yerington Twp
Tonopah/Esmeralda
County—Esmerelda
Parts:
Goldfield CCD
County—Nye
Parts:
Ralston CCD
Tonopah CCD
Topaz Lake
County—Douglas
Parts:
Pine Nut CCD
Topaz Lake CCD
Virgin Valley
County—Clark
Parts:
C.T. 56.02–56.03

PRIMARY MEDICAL CARE: Nevada
Service Area Listing

Service Area Name

Wadsworth
County—Washoe
Parts:
Pyramid Lake Division

PRIMARY MEDICAL CARE: Nevada
Population Group Listing

Population Group

Low Inc—City Of Henderson
County—Clark
Parts:
C.T. 52
C.T. 54.02
Low Inc—E Carson City (Indep)
County—Carson City (Indep)
Parts:
C.T. 1
C.T. 5–6
C.T. 9–10
Med Ind—Reno/Sparks
County—Washoe
Parts:
C.T. 1–4
C.T. 7
C.T. 9
C.T. 10.03–10.05
C.T. 11.01–11.03
C.T. 12–15
C.T. 17–19
C.T. 21.01–21.02
C.T. 22.03–22.05
C.T. 24.01–24.02
C.T. 25
C.T. 26.01
C.T. 26.03–26.04
C.T. 27.02
C.T. 28
C.T. 29.01–29.02
C.T. 30
C.T. 31.01
C.T. 31.03
C.T. 31.05–31.06
C.T. 33.01
Native Am-Fallon Reservation And Colony
County—Churchill
Parts:
Fallon Colony
Fallon Reservation
Native Am-Fort Mcdermitt Reservation
County—Humboldt
Parts:
Fort Mcdermitt Res
Native Am-Washoe Indian Tribe
County—Douglas
Parts:
Dresslerville Ranch
Washoe Ranch
County—Carson City (Indep)
Parts:
Carson Colony
Native Am-Winnemucca Colony
County—Humboldt
Parts:
Winnemucca Colony

PRIMARY MEDICAL CARE: Nevada
Facility Listing

Facility Name

Nv St Corr Fac (East)
County—White Pine

PRIMARY MEDICAL CARE: Nevada
Facility Listing

Facility Name

Nv St Corr Fac (North)
County—Carson City (Indep)
Nv St Corr Fac (South)
County—Clark

PRIMARY MEDICAL CARE: New Hampshire
County Listing

County Name

*Carroll
Service Area: Parsonfield (ME/NH)
*Coos
Service Area: Upper Connecticut Valley (NH/VT)
Population Group: Low Inc—Berlin
*Grafton
Service Area: Baker River Valley
Service Area: Haverhill/Wells River (NH/VT)
Hillsborough
Service Area: Central Manchester
Service Area: Hillsboro/Weare
Population Group: Low Inc—E Nashua
Merrimack
Service Area: Hillsboro/Weare
Rockingham
Service Area: Raymond
Strafford
Population Group: Low Inc—Strafford Co
*Sullivan
Service Area: Hillsboro/Weare

PRIMARY MEDICAL CARE: New Hampshire
Service Area Listing

Service Area Name

Baker River Valley
County—Grafton
Parts:
Rumney Twn.
Warren Twn.
Wentworth Twn.
Central Manchester
County—Hillsborough
Parts:
C.T. 4–5
C.T. 13–16
C.T. 19–20
Haverhill/Wells River (NH/VT)
County—Grafton
Parts:
Bath Twn.
Benton Twn.
Haverhill Twn.
Landaff Twn.
Lisbon Twn.
Monroe Twn.
Piermont Twn.
Hillsboro/Weare
County—Hillsborough
Parts:
Antrim Twn.
Deering Twn.
Hillsborough Twn.
Weare Twn.
Windsor Twn.
County—Merrimack
Parts:
Henniker Twn.
County—Sullivan
Parts:
Washington Twn.

PRIMARY MEDICAL CARE: New Hampshire
Service Area Listing

Service Area Name

Parsonfield (ME/NH)
County—Carroll
Parts:
Effingham Town
Freedom Town
Raymond
County—Rockingham
Parts:
Deerfield Twn.
Epping Twn.
Fremont Twn.
Nottingham Twn.
Raymond Twn.
Upper Connecticut Valley (NH/VT)
County—Coos
Parts:
Clarksville Town
Colebrook Town
Columbia Town
Dixville Town
Errol Town
Millsfield Twp
Pittsburg Town
Stewartstown Town
Wentworth Location

PRIMARY MEDICAL CARE: New Hampshire
Population Group Listing

Population Group

Low Inc—Berlin
County—Coos
Parts:
Berlin City
Cambridge Twp
Dummer Town
Gorham Town
Jefferson Town
Kilkenny Twp
Milan Town
Randolph Town
Shelburne Town
Stark Town
Success Twp
Low Inc—E Nashua
County—Hillsborough
Parts:
C.T. 105–109
Low Inc—Strafford Co
County—Strafford
Parts:
Low Income

PRIMARY MEDICAL CARE: New Jersey
County Listing

County Name

Atlantic
Service Area: Atlantic City—Northside/Inlet
Population Group: Low Inc—West Atlantic
Camden
Population Group: Med Ind—Camden
Cumberland
Population Group: Low Inc—Cumberland/Olivet
Facility: FCI Fairton
Essex
Service Area: Airport/Port Newark
Service Area: City Of Orange
Service Area: East Orange City
Service Area: Vailsburg
Population Group: Pov Pop—Irvington

PRIMARY MEDICAL CARE: New Jersey
County Listing

County Name

Facility: Essex County Jail
Hudson
Service Area: Jersey City
Mercer
Population Group: Medicaid—Trenton City
Middlesex
Population Group: Low Inc—Perth Amboy
Population Group: Low Inc—New Brunswick
Monmouth
Service Area: City Of Asbury Park
Service Area: Western Red Bank
Population Group: Low Inc—Central Long Branch
Ocean
Population Group: Low Inc—Lakewood
Passaic
Service Area: Downtown Paterson
Service Area: Northside Paterson
Service Area: Passaic
Salem
Population Group: Low Inc—Cumberland/Olivet
Population Group: Med Ind/MFW—West Salem Co
Sussex
Service Area: South Sussex
Union
Population Group: Low Inc—E Elizabeth
Warren
Population Group: Low Inc—S Warren Co

PRIMARY MEDICAL CARE: New Jersey
Service Area Listing

Service Area Name

Airport/Port Newark
County—Essex
Parts:
C.T. 74
C.T. 75.01–75.02
C.T. 98
Atlantic City—Northside/Inlet
County—Atlantic
Parts:
C.T. 11–19
C.T. 24–25
City Of Asbury Park
County—Monmouth
Parts:
C.T. 8070.02–8070.04
C.T. 8071
C.T. 8072.97–8072.98
C.T. 8073
City Of Orange
County—Essex
Parts:
C.T. 181–189
Downtown Paterson
County—Passaic
Parts:
C.T. 1811–1815
C.T. 1816.01–1816.02
C.T. 1817.01–1817.02
C.T. 1818
C.T. 1820
C.T. 1822–1823
C.T. 1829
East Orange City
County—Essex
Parts:
East Orange City

PRIMARY MEDICAL CARE: New Jersey
Service Area Listing

Service Area Name

Jersey City
County—Hudson
Parts:
C.T. 1–8
C.T. 9.01–9.02
C.T. 10–11
C.T. 12.01–12.02
C.T. 13–15
C.T. 16.01–16.02
C.T. 17–40
C.T. 41.01–41.02
C.T. 42–56
C.T. 58.01–58.02
C.T. 59–63
Northside Paterson
County—Passaic
Parts:
C.T. 1802–1809
Passaic
County—Passaic
Parts:
C.T. 1752–1755
C.T. 1758–1759
South Sussex
County—Sussex
Parts:
Andover Boro
Andover Twp
Branchville Boro
Byram Twp
Frankford Twp
Franklin Boro
Fredon Twp
Green Twp
Hamburg Boro
Hampton Twp
Hardyston Twp
Hopatcong Boro
Lafayette Twp
Newton Town
Ogdensburg Boro
Sparta Twp
Stanhope Boro
Stillwater Twp
Sussex Boro
Vernon Twp
Wantage Twp
Vailsburg
County—Essex
Parts:
C.T. 19–25
Western Red Bank
County—Monmouth
Parts:
C.T. 8034

PRIMARY MEDICAL CARE: New Jersey
Population Group Listing

Population Group

Low Inc—Central Long Branch
County—Monmouth
Parts:
C.T. 8055–8056
C.T. 8058.01–8058.02
Low Inc—Cumberland/Olivet
County—Cumberland
Parts:
Low Income
County—Salem
Parts:
Pittsgrove Twp

PRIMARY MEDICAL CARE: New Jersey
Population Group Listing

Population Group

Low Inc—E Elizabeth
County—Union
Parts:
C.T. 302–307
C.T. 308.01–308.02
C.T. 309–314
Low Inc—Lakewood
County—Ocean
Parts:
Lakewood Twp
Low Inc—New Brunswick
County—Middlesex
Parts:
C.T. 52–59
Low Inc—Perth Amboy
County—Middlesex
Parts:
C.T. 40–50
Low Inc—S Warren Co
County—Warren
Parts:
Alpha Boro
Belvidere Town
Franklin Twp
Greenwich Twp
Harmony Twp
Lopatcong Twp
Oxford Twp
Phillipsburg Town
Pohatcong Twp
Washington Boro
Washington Twp
White Twp
Low Inc—West Atlantic
County—Atlantic
Parts:
C.T. 104.01–104.03
C.T. 105.01
C.T. 105.03–105.04
C.T. 106–111
C.T. 112.01–112.02
C.T. 113
C.T. 114.01–114.02
C.T. 115–116
C.T. 117.01–117.02
C.T. 118.05
C.T. 119–122
Med Ind—Camden
County—Camden
Parts:
C.T. 6001–6020
Med Ind/MFW—West Salem Co
County—Salem
Parts:
Alloway Twp
Carneys Point Twp
Elmer Boro
Elsinboro Twp
Lower Alloways Creek Twp
Mannington Twp
Oldmans Twp
Penns Grove Boro
Pennsville Twp
Pilesgrove Twp
Quinton Twp
Salem City
Upper Pittsgrove Twp
Woodstown Boro
Medicaid—Trenton City
County—Mercer
Parts:
C.T. 1–17

PRIMARY MEDICAL CARE: New Jersey
Population Group Listing

Population Group

C.T. 19–24
Pov Pop—Irvington
County—Essex
Parts:
C.T. 119
C.T. 121–126
C.T. 128–133

PRIMARY MEDICAL CARE: New Jersey
Facility Listing

Facility Name

Essex County Jail
County—Essex
FCI Fairton
County—Cumberland

PRIMARY MEDICAL CARE: New Mexico
County Listing

County Name

Bernalillo
Service Area: North Valley
Service Area: Southwest Valley
Population Group: Low Inc/Hmlss—Albuquerque Central
*Catron
*Chaves
Population Group: Med Ind—Chaves Co
*Cibola
*Curry
*De Baca
Dona Ana
Service Area: Hatch
Service Area: Southern Dona Ana
Facility: Southern N.M. Corr. Fac.
*Grant
Service Area: Cliff/Gila
*Guadalupe
*Harding
*Hidalgo
*Lea
Service Area: Jal/Eunice
Service Area: Northern Lea
*Lincoln
Service Area: Carrizozo
Service Area: Corona
*Luna
*McKinley
*Mora
*Otero
Service Area: Cloudcroft
*Rio Arriba
Service Area: Coyote
Service Area: Penasco/Truchas/Embudo
Service Area: Rio Chama
Service Area: Tierra Amarilla
Service Area: Western Rio Arriba
*Roosevelt
Population Group: Low Inc—Roosevelt Co
*San Juan
Population Group: Am In—San Juan Co
*San Miguel
Service Area: Pecos/Villanueva
Sandoval
Service Area: Cuba
Service Area: Southern Sandoval
Santa Fe
Service Area: Santa Fe/La Familia
Population Group: Low Inc—Cerrillos/Madrid
*Sierra

PRIMARY MEDICAL CARE: New Mexico
County Listing

County Name

*Socorro
Service Area: Claunch
Service Area: Magdalena
*Taos
Service Area: Penasco/Truchas/Embudo
Service Area: Questo/Arroyo Hondo
*Torrance
*Union
Valencia

PRIMARY MEDICAL CARE: New Mexico
Service Area Listing

Service Area Name

Carrizozo
County—Lincoln
Parts:
Carrizozo CCD
Claunch
County—Socorro
Parts:
Claunch CCD
Cliff/Gila
County—Grant
Parts:
Pinos Altos Division
Tyrone Division
Cloudcroft
County—Otero
Parts:
S.E. Otero CCD
Corona
County—Lincoln
Parts:
Corona CCD
Coyote
County—Rio Arriba
Parts:
Coyote CCD
Cuba
County—Sandoval
Parts:
Cuba CCD
Jemez CCD
Hatch
County—Dona Ana
Parts:
Hatch CCD
Jal/Eunice
County—Lea
Parts:
Eunice CCD
Jal CCD
Magdalena
County—Socorro
Parts:
Magdalena Division
North Valley
County—Bernalillo
Parts:
C.T. 29
C.T. 30.01–30.02
C.T. 31
C.T. 32.01–32.02
C.T. 35.01–35.02
C.T. 36
Northern Lea
County—Lea
Parts:
Lovington CCD
Tatum CCD
Pecos/Villanueva

PRIMARY MEDICAL CARE: New Mexico
Service Area Listing

Service Area Name

County—San Miguel
Parts:
Pecos CCD
Villanueva CCD
Penasco/Truchas/Embudo
County—Rio Arriba
Parts:
Chimayo Division
Dixon Division
County—Taos
Parts:
Penasco Division
Picuris Division
Questo/Arroyo Hondo
County—Taos
Parts:
Arroyo Hondo CCD
Questa CCD
Rio Chama
County—Rio Arriba
Parts:
Rio Chama CCD
Santa Fe/La Familia
County—Santa Fe
Parts:
C.T. 3
C.T. 7–9
C.T. 10.02
C.T. 12
Southern Dona Ana
County—Dona Ana
Parts:
Anthony Division
South Dona Ana Division
Southern Sandoval
County—Sandoval
Parts:
C.T. 103–104
C.T. 105.01–105.02
Southwest Valley
County—Bernalillo
Parts:
C.T. 23
C.T. 24.01–24.02
C.T. 43
C.T. 44.01–44.02
C.T. 45.01–45.02
C.T. 46.02–46.04
Tierra Amarilla
County—Rio Arriba
Parts:
Tierra Amarilla CCD
Vallecitas CCD
Western Rio Arriba
County—Rio Arriba
Parts:
Jicarilla CCD
Western Rio Arriba CCD

PRIMARY MEDICAL CARE: New Mexico
Population Group Listing

Population Group

Am In—San Juan Co
County—San Juan
Parts:
American Indian
Low Inc—Cerrillos/Madrid
County—Santa Fe
Parts:
Blk Grp 8 Of Ct 103.03
Blk Grp 3 Of Ct 103.06

PRIMARY MEDICAL CARE: New Mexico
Population Group Listing

Population Group

Low Inc—Roosevelt Co
County—Roosevelt
Parts:
Low Income
Low Inc/Hmlss—Albuquerque Central
County—Bernalillo
Parts:
C.T. 14–15
C.T. 20–22
C.T. 25–28
Med Ind—Chaves Co
County—Chaves
Parts:
Medically Indigent

PRIMARY MEDICAL CARE: New Mexico
Facility Listing

Facility Name

Southern N.M. Corr. Fac.
County—Dona Ana

PRIMARY MEDICAL CARE: New York
County Listing

County Name

Albany
Service Area: Westerlo-Rensselaerville
*Allegany
Service Area: Arcade
Service Area: Letchworth
Service Area: Wellsville
Bronx
Service Area: High Bridge
Service Area: Hunts Point
Service Area: Morris Heights
Service Area: Morrisania
Service Area: Mott Haven/Point Morris
Service Area: Soundview
Service Area: Tremont/West Farms
Facility: NYC Corr. Fac./Rikers Island
Broome
Service Area: Deposit
Service Area: Whitney Point PCAa
Population Group: Low Inc—Binghamton
*Cattaraugus
Service Area: Arcade
Service Area: Randolph/Ellicottville
Service Area: Tri-County
Population Group: Seneca Nation—Cattaraugus Res
Cayuga
Service Area: Aurora
Service Area: Cato
Service Area: Groton/Moravia
Population Group: Low Inc—Auburn PCSa
Population Group: Pov Pop—Oswego City
Chautauqua
Service Area: Dunkirk-Fredonia
Service Area: Tri-County
Service Area: Westfield
Population Group: Low Inc—Union City (PA/NY)
Population Group: Seneca Nation—Cattaraugus Res
*Chenango
Service Area: Cincinnatus/De Ruyter
Service Area: Greene
Population Group: Low Inc—Hamilton/Sherburne
*Clinton
Service Area: Dannemora

PRIMARY MEDICAL CARE: New York
County Listing

County Name

Population Group: Low Inc—Malone
*Columbia
Service Area: Southeast Columbia
*Cortland
Service Area: Cincinnatus/De Ruyter
Population Group: Low Inc—Cortland
*Delaware
Service Area: Deposit
Service Area: Hancock/Walton
Service Area: Hobart/Stamford
Service Area: Margaretville/Andes
Dutchess
Service Area: N. Harlem Valley—Dutchess
Population Group: Low Inc—Beacon
Erie
Service Area: Black Rock/Riverside
Service Area: Tri-County
Population Group: Medicaid—P.S. 84 Area
Population Group: Medicaid—Lower West Side
Population Group: Medicaid—Ellicott Neighborhood
Population Group: Seneca Nation—Cattaraugus Res
Facility: Children'S Hosp Pc Clinics—C.T. 67.02
*Essex
Service Area: Central Adirondack
Service Area: East Central Essex
Service Area: Schroon-Ticonderoga
Service Area: Warrensburg
Facility: FCI Raybrook
*Franklin
Service Area: Canton-Potsdam
Population Group: Low Inc—Malone
Facility: Bare Hill Corr Fac
Genesee
Service Area: Genesee
*Greene
*Hamilton
Service Area: Central Adirondack
Service Area: South Hamilton
Herkimer
Service Area: West Winfield
*Jefferson
Service Area: Alexandria Bay
Service Area: Gouverneur
Kings
Service Area: Bedford-Stuyvesant
Service Area: Bushwick
Service Area: Coney Isl/Brighton Bch/W Brighton
Service Area: Crown Heights—Brooklyn
Service Area: East Ny-Brooklyn
Service Area: Williamsburg
Population Group: Inmates—MDC Brooklyn
*Lewis
Service Area: Camden
Livingston
Service Area: Letchworth
Service Area: N. Livingston
Madison
Service Area: Cincinnatus/De Ruyter
Population Group: Low Inc—Hamilton/Sherburne
Monroe
Service Area: Jordan
Service Area: Westside (Rochester)
New York
Service Area: Alphabet City—Lower East Side

PRIMARY MEDICAL CARE: New York
County Listing

County Name

Service Area: East Harlem
Service Area: Washington Heights—Inwood
Service Area: West Central Harlem
Population Group: Inmates—MCC New York
Population Group: Low Inc—Upper West Side
Population Group: Pov/Homeless—Chelsea
Oneida
Service Area: Camden
Service Area: West Winfield
Population Group: Low Inc—Hamilton/Sherburne
Population Group: Medicaid—Utica
Orange
Population Group: Low Inc—Newburgh City
Orleans
Service Area: Oak Orchard
Oswego
Service Area: Pulaski
Population Group: Low Inc—Fulton
Population Group: Pov Pop—Oswego City
*Otsego
Service Area: Cherry Valley
Service Area: Southeast Otsego
Service Area: Southwest Otsego
Service Area: Western Otsego
Queens
Service Area: Long Island City
Service Area: South Jamaica
Population Group: Medicaid—Rockaway
Rockland
Population Group: Low Inc—Monsey/New Square
Saratoga
Service Area: Corinth/Luzerne
Schenectady
Population Group: Low Inc—Hamilton Hill/Mt Pleasant
Schoharie
Service Area: Cherry Valley
Service Area: Hobart/Stamford
Service Area: Southern Schoharie
*Seneca
Service Area: South Seneca
*St Lawrence
Service Area: Alexandria Bay
Service Area: Canton-Potsdam
Service Area: Gouverneur
Population Group: Low Inc—Massena
*Steuben
Service Area: Elkland (NY/PA)
*Sullivan
Service Area: Cochecton
Population Group: Low Inc—Liberty
Tioga
Service Area: Whitney Point PCAa
*Tompkins
Service Area: Groton/Moravia
Warren
Service Area: Corinth/Luzerne
Service Area: Schroon-Ticonderoga
Service Area: Warrensburg
Washington
Service Area: Pawlet/Granville (VT/NY)
Service Area: Schroon-Ticonderoga
Westchester
Population Group: Medicaid/Hispanic—Port Chester

PRIMARY MEDICAL CARE: New York
County Listing

County Name

*Wyoming
Service Area: Arcade
Service Area: Genesee
Service Area: Letchworth
Facility: Attica Corr Fac

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

Alexandria Bay
County—Jefferson
Parts:
Alexandria Town
Cape Vincent Town
Clayton Town
Lyme Town
Orleans Town
Philadelphia Town
Theresa Town
County—St Lawrence
Parts:
Hammond Town
Alphabet City—Lower East Side
County—New York
Parts:
C.T. 10.02
C.T. 20
C.T. 22.01–22.02
C.T. 24
C.T. 26.01–26.02
C.T. 28
Arcade
County—Allegany
Parts:
Centerville Town
Rushford Town
County—Cattaraugus
Parts:
Farmersville Town
Freedom Town
Machias Town
Yorkshire Town
County—Wyoming
Parts:
Arcade Town
Eagle Town
Java Town
Orangeville Town
Sheldon Town
Wethersfield Town
Aurora
County—Cayuga
Parts:
Genoa Town
Ledyard Town
Scipio Town
Springport Town
Venice Town
Bedford-Stuyvesant
County—Kings
Parts:
C.T. 11
C.T. 23
C.T. 25
C.T. 27
C.T. 29.01–29.02
C.T. 31
C.T. 33
C.T. 35
C.T. 179
C.T. 181

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 183
C.T. 185.01–185.02
C.T. 187
C.T. 189
C.T. 191
C.T. 193
C.T. 195
C.T. 197
C.T. 199
C.T. 201
C.T. 203
C.T. 205
C.T. 207
C.T. 213
C.T. 215
C.T. 217
C.T. 219
C.T. 221
C.T. 223
C.T. 225
C.T. 227
C.T. 229
C.T. 231
C.T. 233
C.T. 235
C.T. 237
C.T. 239
C.T. 241
C.T. 243
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255
C.T. 257
C.T. 259.01–259.02
C.T. 261
C.T. 263
C.T. 265
C.T. 267
C.T. 269
C.T. 271.01–271.02
C.T. 273
C.T. 275
C.T. 277
C.T. 279
C.T. 281
C.T. 283
C.T. 285.01–285.02
C.T. 287
C.T. 289
C.T. 291
C.T. 293
C.T. 295
C.T. 297
C.T. 299
C.T. 301
C.T. 303
C.T. 307
C.T. 309
C.T. 311
C.T. 313
C.T. 315
C.T. 317.01–317.02
C.T. 319
C.T. 321
C.T. 323
C.T. 325
C.T. 327
C.T. 329
C.T. 331

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 333
C.T. 335
C.T. 337
C.T. 339
C.T. 341
C.T. 343
C.T. 345
C.T. 347
C.T. 349
C.T. 351
C.T. 353
C.T. 355
C.T. 357
C.T. 359
C.T. 361
C.T. 363
C.T. 365.01–365.02
C.T. 367
C.T. 369
C.T. 371
C.T. 373
C.T. 375
C.T. 377
C.T. 379
C.T. 381
C.T. 383
C.T. 385
C.T. 387
Black Rock/Riverside
County—Erie
Parts:
C.T. 55–59
Bushwick
County—Kings
Parts:
C.T. 389
C.T. 391
C.T. 393
C.T. 395
C.T. 397
C.T. 399
C.T. 401
C.T. 403
C.T. 405
C.T. 407
C.T. 409
C.T. 411
C.T. 413
C.T. 415
C.T. 417
C.T. 419
C.T. 421
C.T. 423
C.T. 425
C.T. 427
C.T. 429
C.T. 431
C.T. 433
C.T. 435
C.T. 437
C.T. 439
C.T. 441
C.T. 443
C.T. 445
C.T. 447
C.T. 453
C.T. 455.97–455.98
C.T. 465
C.T. 473
C.T. 477
C.T. 481
C.T. 483

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 487
C.T. 489
C.T. 491
C.T. 493
C.T. 495
C.T. 497
C.T. 501
C.T. 503
C.T. 505
C.T. 511
C.T. 513
C.T. 527
C.T. 1142.01–1142.02
Camden
County—Lewis
Parts:
Osceola Town
County—Oneida
Parts:
Annsville Town
Camden Town
Florence Town
Vienna Town
Canton-Potsdam
County—Franklin
Parts:
Dickinson Twn.
Waverly Twn.
County—St Lawrence
Parts:
Canton Twn.
Colton Twn.
Hopkinton Twn.
Parishville Twn.
Pierrepont Twn.
Potsdam Twn.
Stockholm Twn.
Cato
County—Cayuga
Parts:
Cato Town
Conquest Town
Ira Town
Victory Town
Central Adirondack
County—Essex
Parts:
Newcomb Town
County—Hamilton
Parts:
Indian Lake Town
Long Lake Town
Cherry Valley
County—Otsego
Parts:
Cherry Valley Town
Roseboom Town
Springfield Town
County—Schoharie
Parts:
Sharon Town
Cincinnatus/De Ruyter
County—Chenango
Parts:
Lincklaen Town
Pitcher Town
County—Cortland
Parts:
Cincinnatus Town
Cuyler Town
Freetown Town
Harford Town

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

Lapeer Town
Marathon Town
Taylor Town
Willet Town
County—Madison
Parts:
De Ruyter Town
Cochecton
County—Sullivan
Parts:
Callicoon Town
Cochecton Town
Delaware Town
Fremont Town
Highland Town
Tusten Town
Coney Isl/Brighton Bch/W Brighton
County—Kings
Parts:
C.T. 326
C.T. 328
C.T. 330
C.T. 340
C.T. 342
C.T. 348.01–348.02
C.T. 350
C.T. 352
C.T. 354
C.T. 356
C.T. 360.01–360.02
C.T. 362
C.T. 364
Corinth/Luzerne
County—Saratoga
Parts:
Corinth Town
Day Town
Edinburg Town
Hadley Town
County—Warren
Parts:
Lake Luzerne Town
Stony Creek Town
Crown Heights—Brooklyn
County—Kings
Parts:
C.T. 508
C.T. 794
C.T. 796
C.T. 798
C.T. 800
C.T. 802
C.T. 804
C.T. 806
C.T. 810
C.T. 812
C.T. 814
C.T. 816
C.T. 818
C.T. 820
C.T. 822
C.T. 824
C.T. 856
C.T. 864
C.T. 866
C.T. 868
C.T. 870
C.T. 872
C.T. 874.01–874.02
C.T. 876
C.T. 878
C.T. 880

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 882
C.T. 884
C.T. 886
C.T. 888
C.T. 890
C.T. 892
C.T. 894
C.T. 896
C.T. 898
C.T. 900
C.T. 902
Dannemora
County—Clinton
Parts:
Dannemora Town
Saranac Town
Deposit
County—Broome
Parts:
Colesville Twn.
Sanford Twn.
Windsor Twn.
County—Delaware
Parts:
Deposit Twn.
Tompkins Twn.
Dunkirk-Fredonia
County—Chautauqua
Parts:
Arkwright Twn.
Charlotte Twn.
Dunkirk Twn.
Dunkirk City
Pomfret Twn.
Portland Twn.
Sheridan Twn.
Stockton Twn.
East Central Essex
County—Essex
Parts:
Elizabethtown Town
Essex Town
Keene Town
Lewis Town
Moriah Town
North Hudson Town
Westport Town
Willsboro Town
East Harlem
County—New York
Parts:
C.T. 156.02
C.T. 158.02
C.T. 160.02
C.T. 162
C.T. 164
C.T. 166
C.T. 168
C.T. 170
C.T. 172.01–172.02
C.T. 174.01–174.02
C.T. 178
C.T. 180
C.T. 182
C.T. 184
C.T. 188
C.T. 192
C.T. 194
C.T. 196
C.T. 198
C.T. 202
C.T. 204

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 206
C.T. 210
East Ny-Brooklyn
County—Kings
Parts:
C.T. 904
C.T. 906
C.T. 908
C.T. 910
C.T. 912
C.T. 914
C.T. 916
C.T. 918
C.T. 920
C.T. 922
C.T. 982
C.T. 1058
C.T. 1070
C.T. 1078
C.T. 1098
C.T. 1100
C.T. 1102
C.T. 1106
C.T. 1110
C.T. 1112
C.T. 1114
C.T. 1118
C.T. 1120
C.T. 1122
C.T. 1124
C.T. 1126
C.T. 1128
C.T. 1130
C.T. 1132
C.T. 1134
C.T. 1136
C.T. 1138
C.T. 1140
C.T. 1146
C.T. 1148
C.T. 1150
C.T. 1152
C.T. 1154
C.T. 1156
C.T. 1158
C.T. 1160
C.T. 1162
C.T. 1164
C.T. 1166
C.T. 1168
C.T. 1170
C.T. 1172.01–1172.02
C.T. 1174
C.T. 1176.01–1176.02
C.T. 1178
C.T. 1180
C.T. 1182.01–1182.02
C.T. 1184
C.T. 1186
C.T. 1188
C.T. 1190.97
C.T. 1192
C.T. 1194
C.T. 1196
C.T. 1200
C.T. 1202.97–1202.98
C.T. 1208
C.T. 1210
C.T. 1214
C.T. 1220
Elkland (NY/PA)
County—Steuben
Parts:
Tuscarora Town
Woodhull Town
Genesee
County—Genesee
County—Wyoming
Parts:
Attica Town
Bennington Town
Gouverneur
County—Jefferson
Parts:
Antwerp Twn.
County—St Lawrence
Parts:
De Kalb Twn.
De Peyster Twn.
Edwards Twn.
Fowler Twn.
Gouverneur Twn.
Hermon Twn.
Macomb Twn.
Rossie Twn.
Greene
County—Chenango
Parts:
German Town
Greene Town
McDonough Town
Smithville Town
Groton/Moravia
County—Cayuga
Parts:
Locke Twn.
Moravia Twn.
Sempronius Twn.
Summerhill Twn.
County—Tompkins
Parts:
Groton Twn.
Hancock/Walton
County—Delaware
Parts:
Colchester Town
Hamden Town
Hancock Town
Walton Town
High Bridge
County—Bronx
Parts:
C.T. 53.01
C.T. 57
C.T. 59.01
C.T. 187
C.T. 189
C.T. 193
C.T. 195
C.T. 197
C.T. 199
C.T. 201
C.T. 211
C.T. 213.01–213.02
C.T. 217.02
C.T. 219
C.T. 221
C.T. 223
C.T. 227.02
Hobart/Stamford
County—Delaware
Parts:
Davenport Town
Harpersfield Town
Kortright Town
Stamford Town
County—Schoharie
Parts:
Jefferson Town
Hunts Point
County—Bronx
Parts:
C.T. 91
C.T. 97
C.T. 99
C.T. 105
C.T. 115.01–115.02
Jordan
County—Monroe
Parts:
C.T. 7
C.T. 13–15
C.T. 39
C.T. 43
C.T. 48–53
C.T. 55–56
C.T. 80
C.T. 91–92
C.T. 93.01
Letchworth
County—Allegany
Parts:
Allen Town
Caneadea Town
Granger Town
Hume Town
County—Livingston
Parts:
Portage Town
County—Wyoming
Parts:
Castile Town
Gainesville Town
Genesee Falls Town
Pike Town
Long Island City
County—Queens
Parts:
C.T. 1
C.T. 7
C.T. 19
C.T. 25
C.T. 27
C.T. 29
C.T. 31
C.T. 35
C.T. 37
C.T. 39
C.T. 41
C.T. 43
C.T. 45
C.T. 47
C.T. 49
C.T. 51
C.T. 53
C.T. 55
C.T. 57
C.T. 59
C.T. 171
Margaretville/Andes
County—Delaware
Parts:
Andes Town
Middletown Town
Roxbury Town
Morris Heights

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

County—Bronx
Parts:
C.T. 53.02
C.T. 205
C.T. 215.01–215.02
C.T. 217.01
C.T. 227.01
C.T. 233.01
C.T. 235.01
C.T. 237.01
C.T. 239
C.T. 241
C.T. 243
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255
C.T. 257
Morrisania
County—Bronx
Parts:
C.T. 47
C.T. 49
C.T. 59.02
C.T. 61
C.T. 65
C.T. 67
C.T. 69
C.T. 121.01
C.T. 123
C.T. 125
C.T. 127.01
C.T. 129.01
C.T. 131
C.T. 133
C.T. 135
C.T. 137
C.T. 139
C.T. 141
C.T. 143
C.T. 145
C.T. 147
C.T. 149
C.T. 151
C.T. 153
C.T. 155
C.T. 157
C.T. 161
C.T. 163
C.T. 165
C.T. 167
C.T. 169
C.T. 171
C.T. 173
C.T. 175
C.T. 177
C.T. 179
C.T. 181
C.T. 183
C.T. 225
C.T. 227.03
C.T. 229.02
C.T. 367
C.T. 369.02
Mott Haven/Point Morris
County—Bronx
Parts:
C.T. 11
C.T. 15
C.T. 17
C.T. 23
C.T. 25
C.T. 27.01–27.02
C.T. 31
C.T. 33
C.T. 35
C.T. 37
C.T. 39
C.T. 41
C.T. 43
C.T. 71
C.T. 73
C.T. 75
C.T. 77
C.T. 79
C.T. 81
C.T. 83
C.T. 85
C.T. 87
C.T. 89
C.T. 119
C.T. 121.02
C.T. 127.02
C.T. 129.02
N. Harlem Valley—Dutchess
County—Dutchess
Parts:
Amenia Twn.
Dover Twn.
North East Twn.
Pine Plains Twn.
Stanford Twn.
Washington Twn.
N. Livingston
County—Livingston
Parts:
Avon Town
Caledonia Town
Geneseo Town
Groveland Town
Leicester Town
Lima Town
Livonia Town
York Town
Oak Orchard
County—Orleans
Parts:
Albion Town
Barre Towwn
Carlton Town
Clarendon Town
Gaines Town
Kendall Town
Murray Town
Pawlet/Granville (VT/NY)
County—Washington
Parts:
Fort Ann Town
Granville Town
Hampton Town
Hartford Town
Hebron Town
Whitehall Town
Pulaski
County—Oswego
Parts:
Albion Town
Boylston Town
Mexico Town
Orwell Town
Redfield Town
Richland Town
Sandy Creek Town
Williamstown Town
Randolph/Ellicottville
County—Cattaraugus
Parts:
Carrollton Town
Cold Spring Town
Conewango Town
Ellicottville Town
Franklinville Town
Great Valley Town
Humphrey Town
Little Valley Town
Mansfield Town
Napoli Town
New Albion Town
Randolph Town
Red House Town
Salamanca City
Salamanca Town
South Valley Town
Schroon-Ticonderoga
County—Essex
Parts:
Crown Point Town
Schroon Town
Ticonderoga Town
County—Warren
Parts:
Hague Town
County—Washington
Parts:
Dresden Town
Putnam Town
Soundview
County—Bronx
Parts:
C.T. 2
C.T. 4
C.T. 16
C.T. 20
C.T. 24
C.T. 28
C.T. 36
C.T. 38
C.T. 40.01–40.02
C.T. 44
C.T. 46
C.T. 48
C.T. 50
C.T. 52
C.T. 54
C.T. 56
C.T. 58
C.T. 62
C.T. 64
C.T. 66
C.T. 68
C.T. 70
C.T. 72
C.T. 74
C.T. 78
C.T. 84
C.T. 86
C.T. 88
C.T. 98
C.T. 102
C.T. 214
South Hamilton
County—Hamilton
Parts:
Arietta Town

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

Benson Town
Hope Town
Lake Pleasant Town
Morehouse Town
Wells Town
South Jamaica
County—Queens
Parts:
C.T. 190
C.T. 196
C.T. 198
C.T. 202
C.T. 204
C.T. 206
C.T. 208
C.T. 212
C.T. 244
C.T. 246
C.T. 248
C.T. 250
C.T. 252
C.T. 258
C.T. 260
C.T. 262
C.T. 264
C.T. 266
C.T. 270
C.T. 272
C.T. 274
C.T. 276
C.T. 278
C.T. 280
C.T. 410
C.T. 414
C.T. 440
C.T. 442
South Seneca
County—Seneca
Parts:
Covert Twn.
Lodi Twn.
Ovid Twn.
Southeast Columbia
County—Columbia
Parts:
Ancram Town
Copake Town
Gallatin Town
Hillsdale Town
Taghkanic Town
Southeast Otsego
County—Otsego
Parts:
Decatur Town
Maryland Town
Westford Town
Worcester Town
Southern Schoharie
County—Schoharie
Parts:
Blenheim Town
Broome Town
Conesville Town
Fulton Town
Gilboa Town
Southwest Otsego
County—Otsego
Parts:
Butternuts Town
Morris Town
Tremont/West Farms
County—Bronx

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

Parts:
C.T. 60
C.T. 216.01
C.T. 218
C.T. 220
C.T. 229.01
C.T. 231
C.T. 233.02
C.T. 235.02
C.T. 236
C.T. 237.02
C.T. 240
C.T. 359
C.T. 361
C.T. 363
C.T. 365.01–365.02
C.T. 369.01
C.T. 371
C.T. 373
C.T. 375.01–375.03
C.T. 377
C.T. 379
C.T. 381
C.T. 383
C.T. 385
C.T. 387
C.T. 389
C.T. 391
C.T. 393
C.T. 399.02
Tri-County
County—Cattaraugus
Parts:
Dayton Town
Leon Town
Otto Town
Perrysburg Town
Persia Town
County—Chautauqua
Parts:
Cherry Creek Town
Hanover Town
Villenova Town
County—Erie
Parts:
Brant Town
Collins Town
Eden Town
Evans Town
North Collins Town
Warrensburg
County—Essex
Parts:
Minerva Town
County—Warren
Parts:
Chester Town
Horicon Town
Johnsburg Town
Thurman Town
Warrensburg Town
Washington Heights-Inwood
County—New York
Parts:
C.T. 243.01
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 261
C.T. 263

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 265
C.T. 267
C.T. 269
C.T. 271
C.T. 273
C.T. 275
C.T. 277
C.T. 279
C.T. 281
C.T. 283
C.T. 285
C.T. 287
C.T. 289
C.T. 291
C.T. 293
C.T. 295
C.T. 297
C.T. 303
C.T. 307
C.T. 309
C.T. 311
Wellsville
County—Allegany
Parts:
Alfred Town
Alma Town
Almond Town
Amity Town
Andover Town
Angelica Town
Belfast Town
Birdsall Town
Bolivar Town
Burns Town
Clarksville Town
Cuba Town
Friendship Town
Genesee Town
Grove Town
Independence Town
New Hudson Town
Scio Town
Ward Town
Wellsville Town
West Almond Town
Willing Town
Wirt Town
West Central Harlem
County—New York
Parts:
C.T. 186
C.T. 190
C.T. 197.02
C.T. 200
C.T. 201.02
C.T. 207.02
C.T. 208
C.T. 209.01–209.02
C.T. 211–212
C.T. 213.01–213.02
C.T. 214
C.T. 216
C.T. 217.01–217.02
C.T. 218
C.T. 219.97

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

C.T. 220
C.T. 221.01–221.02
C.T. 222
C.T. 223.97–223.98
C.T. 224–226
C.T. 227.01–227.02
C.T. 228–230
C.T. 231.01–231.02
C.T. 232–234
C.T. 235.01–235.02
C.T. 236–237
C.T. 239
C.T. 241
C.T. 243.02
West Winfield
County—Herkimer
Parts:
Columbia Town
Litchfield Town
Warren Town
Winfield Town
County—Oneida
Parts:
Bridgewater Town
Westerlo-Rensselaerville
County—Albany
Parts:
Rensselaerville Town
Westerlo Town
Western Otsego
County—Otsego
Parts:
Burlington Town
Edmeston Town
New Lisbon Town
Pittsfield Town
Plainfield Town
Westfield
County—Chautauqua
Parts:
Chautauqua Town
Mina Town
Ripley Town
Sherman Town
Westfield Town
Westside (Rochester)
County—Monroe
Parts:
C.T. 2
C.T. 16–17
C.T. 23–24
C.T. 27
C.T. 32
C.T. 40–41
C.T. 62–71
C.T. 75
C.T. 87.01–87.02
C.T. 88–90
C.T. 93.02
C.T. 94.01–94.03
C.T. 95
C.T. 96.01–96.04
Whitney Point PCAa
County—Broome
Parts:
Barker Town
Lisle Town
Nanticoke Town
Triangle Town
County—Tioga
Parts:
Berkshire Town

PRIMARY MEDICAL CARE: New York
Service Area Listing

Service Area Name

Richford Town
Williamsburg
County—Kings
Parts:
C.T. 507
C.T. 509
C.T. 515
C.T. 519
C.T. 523
C.T. 525
C.T. 529
C.T. 531
C.T. 533
C.T. 535
C.T. 537
C.T. 539
C.T. 545
C.T. 547
C.T. 549
C.T. 551
C.T. 553
C.T. 555

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

Inmates—MCC New York
County—New York
Parts:
MCC New York
Inmates—MDC Brooklyn
County—Kings
Parts:
MDC Brooklyn
Low Inc—Auburn PCSa
County—Cayuga
Parts:
Auburn City
Aurelius Town
Brutus Town
Fleming Town
Mentz Town
Montezuma Town
Owasco Town
Sennett Town
Throop Town
Low Inc—Beacon
County—Dutchess
Parts:
C.T. 2101–2103
Low Inc—Binghamton
County—Broome
Parts:
C.T. 4–8
C.T. 10–12
Low Inc—Cortland
County—Cortland
Parts:
Cortlandville Town
Cortland City
Homer Town
Preble Town
Scott Town
Solon Town
Truxton Town
Virgil Town
Low Inc—Fulton
County—Oswego
Parts:
Fulton City
Granby Town

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

Schroeppel Town
Volney Town
Low Inc—Hamilton Hill/Mt Pleasant
County—Schenectady
Parts:
C.T. 203
C.T. 207–209
C.T. 210.01–210.02
C.T. 211.01–211.02
C.T. 214–217
Low Inc—Hamilton/Sherburne
County—Chenango
Parts:
Columbus Town
Otselic Town
Sherburne Town
Smyrna Town
County—Madison
Parts:
Brookfield Town
Eaton Town
Georgetown Town
Hamilton Town
Lebanon Town
Madison Town
County—Oneida
Parts:
Sangerfield Town
Low Inc—Liberty
County—Sullivan
Parts:
Liberty Town
Neversink Town
Rockland Town
Low Inc—Malone
County—Clinton
Parts:
Altona Town
Clinton Town
Ellenburg Town
County—Franklin
Parts:
Bangor Town
Belmont Town
Bombay Town
Brandon Town
Burke Town
Chateaugay Town
Constable Town
Duane Town
Fort Covington Town
Malone Town
Moira Town
Westville Town
Low Inc—Massena
County—St Lawrence
Parts:
Brasher Town
Lawrence Town
Louisville Town
Massena Town
Norfolk Town
Low Inc—Monsey/New Square
County—Rockland
Parts:
C.T. 115.03–115.04
C.T. 121–124
Low Inc—Newburgh City
County—Orange
Parts:
Newburgh City
Low Inc—Union City (PA/NY)

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

County—Chautauqua
Parts:
Clymer Town
French Creek Town
Low Inc—Upper West Side
County—New York
Parts:
C.T. 177
C.T. 179
C.T. 181
C.T. 183
C.T. 185
C.T. 187
C.T. 189
C.T. 191
C.T. 193
C.T. 195
C.T. 197.01
C.T. 199
C.T. 201.01
C.T. 203
C.T. 205
C.T. 207.01
Medicaid—P.S. 84 Area
County—Erie
Parts:
C.T. 27.02
C.T. 29
C.T. 32.01–32.02
C.T. 33.01–33.02
C.T. 34–36
C.T. 39.01–39.02
C.T. 40.01–40.02
C.T. 41–42
C.T. 44.02
C.T. 52.02
C.T. 64
Medicaid—Ellicott Neighborhood
County—Erie
Parts:
C.T. 12
C.T. 13.01–13.02
C.T. 14.01–14.02
C.T. 15–18
C.T. 25.01–25.02
C.T. 26
C.T. 27.01
C.T. 31
Medicaid—Lower West Side
County—Erie
Parts:
C.T. 68
C.T. 71.01–71.02
C.T. 72.01
Medicaid—Rockaway
County—Queens
Parts:
C.T. 916.01–916.02
C.T. 916.99
C.T. 918
C.T. 922
C.T. 928
C.T. 934
C.T. 938
C.T. 942.01–942.03
C.T. 952
C.T. 962
C.T. 964
C.T. 972
C.T. 992
C.T. 998
C.T. 1008

PRIMARY MEDICAL CARE: New York
Population Group Listing

Population Group

C.T. 1010
C.T. 1032
Medicaid—Utica
County—Oneida
Parts:
C.T. 201
C.T. 202.01–202.02
C.T. 203–206
C.T. 207.01–207.02
C.T. 208.01–208.03
C.T. 209–210
C.T. 211.01–211.03
C.T. 212.01–212.02
C.T. 213.01–213.03
C.T. 214.01–214.04
C.T. 215
C.T. 216.01–216.02
C.T. 217.01–217.02
Medicaid/Hispanic—Port Chester
County—Westchester
Parts:
C.T. 78–82
Pov Pop—Oswego City
County—Cayuga
Parts:
Sterling Twn.
County—Oswego
Parts:
Hannibal Twn.
Minetto Twn.
New Haven Twn.
Oswego City
Oswego Twn.
Scriba Twn.
Pov/Homeless—Chelsea
County—New York
Parts:
Homeless
C.T. 93
C.T. 95
C.T. 97
C.T. 99
C.T. 101
C.T. 103
C.T. 109
C.T. 111
C.T. 113
C.T. 115
C.T. 117
Seneca Nation—Cattaraugus Res
County—Cattaraugus
Parts:
Cattaraugus Res
County—Chautauqua
Parts:
Cattaraugus Res
County—Erie
Parts:
Cattaraugus Res

PRIMARY MEDICAL CARE: New York
Facility Listing

Facility Name

Attica Corr Fac
County—Wyoming
Bare Hill Corr Fac
County—Franklin
Children's Hosp Pc Clinics—C.T. 67.02
County—Erie
FCI Raybrook
County—Essex

PRIMARY MEDICAL CARE: New York
Facility Listing

Facility Name

NYC Corr. Fac./Rikers Island
County—Bronx

PRIMARY MEDICAL CARE: North Carolina
County Listing

County Name

Alamance
Population Group: Med Ind—Alamance Co
Alexander
*Anson
*Beaufort
Service Area: Bayboro—Aurora
Service Area: Belhaven—Swan Quarter
*Bertie
*Bladen
Brunswick
Caldwell
Service Area: Western Caldwell
*Carteret
Service Area: Eastern Carteret
*Caswell
Catawba
Population Group: Pov Pop—Catawba Co
Chatham
*Clay
*Cleveland
Population Group: Med Ind—Cleveland Co
*Columbus
Cumberland
Population Group: Low Inc—Cumberland Co
Currituck
*Duplin
Population Group: Low Inc—Duplin Co
Durham
Population Group: Medicaid—Durham Co
Edgecombe
Franklin
Gaston
Population Group: Low Inc—Gaston Co
*Gates
*Granville
Facility: FCI Butner
*Greene
Guilford
Service Area: Inner City Greensboro
*Halifax
Population Group: Low Inc—Halifax
*Harnett
Service Area: Western Harnett
*Henderson
Population Group: MFW—Henderson/Polk
*Hertford
Population Group: Med Ind—Hertford Co
*Hoke
*Hyde
Service Area: Belhaven—Swan Quarter
Johnston
Population Group: Low Inc/MFW—Johnston Co
*Lenoir
Service Area: East Kinston
*Macon
Service Area: Franklin
Mecklenburg
Service Area: Central Charlotte
*Montgomery
Nash
Population Group: Low Inc/MFW—Nash Co
New Hanover

PRIMARY MEDICAL CARE: North Carolina
County Listing

County Name

Population Group: Low Inc—New Hanover Co
*Northampton
Onslow
Pamlico
Service Area: Bayboro—Aurora
*Pender
*Polk
Population Group: MFW—Henderson/Polk
Randolph
*Robeson
*Sampson
Population Group: Low Inc/MFW—Sampson Co
*Scotland
Population Group: Med Ind—Scotland Co
*Stanly
Population Group: Pov Pop—Stanly Co
Stokes
Service Area: Danbury
*Surry
Population Group: Low Inc—Surry Co
*Swain
Population Group: Low Inc—Swain Co
*Tyrrell
*Warren
Service Area: Warrenton
*Washington
Wayne
Population Group: Low Inc—Wayne Co
*Wilson
Population Group: Low Inc/MFW—Wilson Co
*Yancey
Population Group: Low Inc—Yancey Co

PRIMARY MEDICAL CARE: North Carolina
Service Area Listing

Service Area Name

Bayboro—Aurora
County—Beaufort
County—Pamlico
Parts:
Richland Twp
County—Pamlico
Belhaven—Swan Quarter
County—Beaufort
Parts:
Bath Township
Pantego Township
County—Hyde
Parts:
Currituck Township
Fairfield Township
Lake Landing Township
Lake Mattamuskeet Unorg.
Swan Quarter Township
Central Charlotte
County—Mecklenburg
Parts:
C.T. 1
C.T. 4–8
C.T. 36–37
C.T. 38.98
C.T. 39.01–39.02
C.T. 41–42
C.T. 45.00–51.01
C.T. 52
Danbury
County—Stokes
Parts:

PRIMARY MEDICAL CARE: North Carolina
Service Area Listing

Service Area Name

C.T. 701–703
East Kinston
County—Lenoir
Parts:
C.T. 101–105
C.T. 107
Eastern Carteret
County—Carteret
Parts:
Atlantic Twp
Cedar Island Twp
Davis Twp
Harkers Island Twp
Marshallberg Twp
Merrimon Town
Portsmouth Twp
Sea Level Twp
Smyrna Twp
Stacy Twp
Straits Twp
Franklin
County—Macon
Parts:
Burningtown Twp
Cartoogechaye Twp
Cowee Twp
Ellijay Twp
Flats Twp
Franklin Twp
Millshoal Twp
Nantahala Twp
Smiths Bridge Twp
Inner City Greensboro
County—Guilford
Parts:
C.T. 101
C.T. 107.02
C.T. 108.01
C.T. 110
C.T. 111.01
C.T. 112–115
Warrenton
County—Warren
Parts:
Fork Township
Hawtree Township
Nutbush Township
River Township
Roanoke Township
Sandy Creek Township
Shocco Township
Sixpound Township
Smith Creek Township
Warrenton Township
Western Caldwell
County—Caldwell
Parts:
Globe Twp
Johns River Twp
Mulberry Twp
Patterson Twp
Wilson Creek Twp
Western Harnett
County—Harnett
Parts:
Anderson Creek Twp
Barbecue Twp
Johnsonville Twp
Lillington Twp
Stewarts Creek Twp
Upper Little River Twp

PRIMARY MEDICAL CARE: North Carolina
Population Group Listing

Population Group

Low Inc—Cumberland Co
County—Cumberland
Parts:
Low Income
Low Inc—Duplin Co
County—Duplin
Parts:
Low Income
Low Inc—Gaston Co
County—Gaston
Parts:
Low Inc
Low Inc—Halifax
County—Halifax
Parts:
Low Income
Low Inc—New Hanover Co
County—New Hanover
Parts:
Low Income
Low Inc—Surry Co
County—Surry
Parts:
Low Income
Low Inc—Swain Co
County—Swain
Parts:
Low Income
Low Inc—Wayne Co
County—Wayne
Parts:
Low Income
Low Inc—Yancey Co
County—Yancey
Parts:
Low Income
Low Inc/MFW—Johnston Co
County—Johnston
Parts:
Low Inc/MFW
Low Inc/MFW—Nash Co
County—Nash
Parts:
Low Income/Migrant Farmw
Low Inc/MFW—Sampson Co
County—Sampson
Parts:
Low Inc/MFW
Low Inc/MFW—Wilson Co
County—Wilson
Parts:
Low Income/Migrant Farmw
Med Ind—Alamance Co
County—Alamance
Parts:
Medically Indigent
Med Ind—Cleveland Co
County—Cleveland
Parts:
Medically Indigent
Med Ind—Hertford Co
County—Hertford
Parts:
Medically Indigent
Med Ind—Scotland Co
County—Scotland
Parts:
Medically Indigent
Medicaid—Durham Co
County—Durham
Parts:
Medicaid Eligible

PRIMARY MEDICAL CARE: North Carolina
Population Group Listing

Population Group

MFW—Henderson/Polk
County—Henderson
Parts:
MFW
County—Polk
Parts:
Mig. Pop.
Pov Pop—Catawba Co
County—Catawba
Parts:
Pov Pop
Pov Pop—Stanly Co
County—Stanly
Parts:
Pov Pop

PRIMARY MEDICAL CARE: North Carolina
Facility Listing

Facility Name

FCI Butner
County—Granville

PRIMARY MEDICAL CARE: North Dakota
County Listing

County Name

*Adams
Service Area: Lemmon (SD/ND)
*Barnes
Service Area: Wimbledon
*Benson
Billings
Service Area: Belfield/Medora
*Bottineau
Service Area: Mohall
*Bowman
Service Area: Bowman/Scranton/Rhame
*Burke
Service Area: Powers Lake/Columbus
*Dickey
Service Area: Ellendale/Edgeley (ND/SD)
Service Area: Oakes/Forman
*Divide
*Dunn
*Eddy
*Emmons
*Golden Valley
Grand Forks
Service Area: Northwood
*Kidder
Service Area: Harvey
Service Area: Medina
*La Moure
Service Area: Ellendale/Edgeley (ND/SD)
Service Area: La Moure
Logan
*Logan
Service Area: Wishek/Napoleon
Service Area: Wishek/Napoleon
*McHenry
McIntosh
Service Area: Wishek/Napoleon
*McKenzie
*McLean
Morton
Service Area: West Morton/East Stark
*Nelson
Service Area: McVille
Service Area: Northwood
*Oliver
*Pembina

PRIMARY MEDICAL CARE: North Dakota
County Listing

County Name

*Pierce
Service Area: Harvey
*Renville
Service Area: Mohall
*Richland
Service Area: Hankinson/Lidgerwood (ND/SD)
*Rolette
Sargent
Service Area: Oakes/Forman
*Sheridan
Service Area: Harvey
*Sioux
*Slope
*Stark
Service Area: Belfield/Medora
Service Area: West Morton/East Stark
*Steele
Service Area: Mayville/Finley
Service Area: Northwood
*Stutsman
Service Area: Medina
Service Area: Wimbledon
*Traill
Service Area: Mayville/Finley
*Wells
Service Area: Harvey

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

Belfield/Medora
County—Billings
County—Stark
Parts:
Belfield City
South Heart City
West Stark Unorg.
Bowman/Scranton/Rhame
County—Bowman
Parts:
Adelaide Twp
Amor Twp
Bowman City
Bowman Twp
Boyesen Twp
Buena Vista Twp
Fischbein Twp
Gascoyne City
Gascoyne Twp
Gem Twp
Goldfield Twp
Grainbelt Twp
Grand River Twp
Haley Twp
Hart Unorg.
Ladd Twp
Langberg Twp
Marion Twp
Minnehaha Twp
Nebo Twp
Rhame Twp
Rhame City
Scranton Twp
Scranton City
Star Twp
Stillwater Twp
Talbot Twp
Whiting Twp
Ellendale/Edgeley (ND/SD)
County—Dickey

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

Parts:
Ada Township
Albertha Township
Albion Township
Elden Township
Ellendale City
Ellendale Township
Elm Township
Forbes City
Fullerton City
German Township
Grand Valley Township
Hamburg Township
Kent Township
Kentner Township
Keystone Township
Lorraine Township
Maple Township
Merricourt City
Monango City
Northwest Township
Porter Township
Potsdam Township
Spring Valley Township
Valley Township
Van Meter Township
Whitestone Township
Wright Township
Yorktown Township
Young Township
County—La Moure
Parts:
Edgeley City
Golden Glen Township
Kulm City
Nora Township
Norden Township
Pomona View Township
Ray Township
Swede Township
Wano Township
Willowbank Township
Hankinson/Lidgerwood (ND/SD)
County—Richland
Parts:
Barney Twp
Belford Twp
Brandenburg Twp
Brightwood Twp
Danton Twp
Devillo Twp
Dexter Twp
Duerr Twp
Elma Twp
Fairmount City
Fairmount Twp
Grant Twp
Great Bend City
Greendale Twp
Hankinson City
La Mars Twp
Liberty Grove Twp
Lidgerwood City
Mantador City
Moran Twp
Waldo Twp
Wyndmere Twp
Wyndmere City
Harvey
County—Kidder
County—Sheridan
Parts:

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

Atwood Twp
Parts:
Clear Lake Twp
Kickapoo Twp
Merkel Twp
Northwest Twp
Robinson City
Robinson Twp
Stewart Twp
Tuttle Twp
Tuttle City
County—Pierce
County—Sheridan
Parts:
Alexander Twp
Parts:
Antelope Lake Twp
Elling Twp
Hagel Twp
S Pierce Unorg
Truman Twp
White Twp
County—Sheridan
County—Wells
Parts:
Bremen Twp
Bull Moose Twp
Chaseley Twp
Crystal Lake Twp
Delger Twp
Fairville Twp
Fessenden City
Forward Twp
Fram Twp
Germantown Twp
Hamberg City
Hamberg Twp
Harvey City
Heimdal Twp
Hillsdale Twp
Lynn Twp
Manfred Twp
Norway Lake Twp
Oshkosh Twp
Pony Gulch Twp
Rusland Twp
Silver Lake Twp
St Anna Twp
Valhalla Twp
Wells Twp
West Norway Twp
Western Twp
La Moure
County—La Moure
Parts:
Adrian Twp
Badger Twp
Berlin City
Black Loam Twp
Blue Bird Twp
Dean Twp
Dickey City
Gladstone Twp
Glen Twp
Glenmore Twp
Grand Rapids Twp
Grandview Twp
Greenville Twp
Henrietta Twp
Jud City
Kennison Twp
La Moure City

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

Litchville Twp
Marion City
Mikkelson Twp
Ovid Twp
Pearl Lake Twp
Prairie Twp
Raney Twp
Roscoe Twp
Russell Twp
Ryan Twp
Saratoga Twp
Sheridan Twp
Verona City
Lemmon (SD/ND)
County—Adams
Parts:
E Adams Unorg
Gilstrap Twp
North Lemmon Twp
Orange Twp
South Fork Twp
Mayville/Finley
County—Steele
County—Traill
Parts:
Broadlawn Twp
Parts:
Carpenter Twp
Colgate Twp
Easton Twp
Edendale Twp
Enger Twp
Finley City
Finley Twp
Franklin Twp
Golden Lake Twp
Greenview Twp
Hope City
Hugo Twp
Luverne City
Melrose Twp
Primrose Twp
Riverside Twp
Sherbrooke Twp
Willow Lake Twp
County—Traill
McVille
County—Nelson
Parts:
Adler Township
Bergen Township
Central Township
Clara Township
Dahlen Township
Dayton Township
Dodds Township
Enterprise Township
Field Township
Forde Township
Hamlin Township
Illinois Township
Lakota City
Lakota Township
Lee Township
Leval Township
McVille City
Melvin Township
Michigan City City
Michigan Township
Nash Township
Nesheim Township
Osago Township

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

Pekin City
Petersburg City
Petersburg Township
Rubin Township
Sarnia Township
Tolna City
Wamduska Township
Williams Township
Medina
County—Kidder
Parts:
Allen Twp
Buckeye Twp
Bunker Twp
Crystal Spring Twp
Dawson City
Graf Twp
Haynes Twp
Manning Twp
Peace Twp
Quinby Twp
Sibley Twp
South Kidder Unorg.
Steele City
Tanner Twp
Tappen City
Tappen Twp
Valley Twp
Vernon Twp
Weiser Twp
Westford Twp
Williams Twp
Woodlawn Twp
County—Stutsman
Parts:
Bloomenfield Twp
Chase Lake Unorg.
Chicago Twp
Cleveland City
Flint Twp
Germania Twp
Griffin Twp
Iosco Twp
Medina City
Newbury Twp
Peterson Twp
Sinclair Twp
St. Paul Twp
Stirton Twp
Streeter City
Streeter Twp
Valley Spring Twp
Weld Twp
Mohall
County—Bottineau
Parts:
Antler City
Antler Township
Blaine Township
Cut Bank Township
Hoffman Township
Lansford Township
Lansford City
Renville Township
Sherman Township
Wheaton Township
County—Renville
Parts:
Brandon Township
Callahan Township
Clay Township
Colquhoun Township

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

Eden Valley Township
Grano City
Grassland Township
Hamerly Township
Hamlet Township
Hurley Township
Lockwood Township
Loraine City
Mohall City
Sherwood City
Northwood
County—Grand Forks
Parts:
Arvilla Twp
Avon Twp
Elm Grove Twp
Grace Twp
Larimore City
Larimore Twp
Lind Twp
Logan Center Twp
Loretta Twp
Moraine Twp
Niagara City
Niagara Twp
Northwood City
Northwood Twp
Pleasant View Twp
Washington Twp
County—Nelson
Parts:
Aneta City
Ora Twp
Rugh Twp
County—Steele
Parts:
Beaver Creek Twp
Newburgh Twp
Sharon City
Sharon Twp
Westfield Twp
Oakes/Forman
County—Dickey
County—Sargent
Parts:
Bear Creek Township
Parts:
Clement Township
Divide Township
Hudson Township
James River Valley To
Lovell Township
Ludden City
Oakes City
Port Emma Township
Riverdale Township
County—Sargent
Powers Lake/Columbus
County—Burke
Parts:
Battleview Township
Clayton Township
Cleary Township
Columbus City
Colville Township
Dale Township
Fay Township
Foothills Township
Forthun Township
Garness Township
Harmonious Township
Keller Township

PRIMARY MEDICAL CARE: North Dakota
Service Area Listing

Service Area Name

Larson City
Leaf Mountain Township
Lignite City
Lucy Township
Portal City
Portal Township
Powers Lake City
Short Creek Township
Soo Township
Thorson Township
Vale Township
West Morton/East Stark
County—Morton
Parts:
Almont City
Engelter Twp
Glen Ullin City
Hebron City
New Salem City
West Morton Unorg
County—Stark
Parts:
East Stark Unorg
Richardton City
Taylor City
Wimbledon
County—Barnes
Parts:
Ashtabula Twp
Baldwin Twp
Dazey City
Dazey Twp
Edna Twp
Ellsbury Twp
Grand Prairie Twp
Lake Town Twp
Leal City
Minnie Lake Twp
Pierce Twp
Pillsbury City
Rogers City
Rogers Twp
Sibley Trail Twp
Sibley City
Uxbridge Twp
Wimbledon City
County—Stutsman
Parts:
Ashland Twp
Courtenay City
Courtenay Twp
Durham Twp
Gray Twp
Spiritwood Lake City
Wishek/Napoleon
County—Logan
County—McIntosh

PRIMARY MEDICAL CARE: Ohio
County Listing

County Name

*Adams
*Ashtabula
Service Area: Orwell
*Athens
Population Group: Med Ind—Athens Co
*Brown
Butler
Service Area: Eastern Hamilton
Service Area: West Middletown
Carroll

PRIMARY MEDICAL CARE: Ohio
County Listing

County Name

Clark
Service Area: Southwest Side (Springfield)
Columbiana
Service Area: East Liverpool (OH/PA/WV)
*Coshocton
Population Group: Med Ind—Coshocton Co
Cuyahoga
Service Area: East Cleveland
Service Area: Hough/Norwood/Glenville
Service Area: Lee Miles (Cleveland)
Service Area: Mt Pleasant/Union-Miles/Corlett
Service Area: Western Collinwood
Population Group: Med Ind—Near West/Westside/Edgewater
Population Group: Med Ind—Clark Fulton/Denison/Tremont
Population Group: Medicaid Pop—Central/Fairfax/Kinsman
Facility: Free Clinic Of Greater Cleveland
Fairfield
Population Group: Low Inc—Lancaster/Baltimore
*Fayette
Population Group: Low Inc—Fayette Co
Franklin
Service Area: Near North/University
Service Area: Near Southside (Columbus)
Population Group: Low Inc—Franklinton (Columbus)
*Guernsey
Service Area: Cambridge
Service Area: Freeport
Hamilton
Service Area: East & Lower Price Hill/S Fairmont
Service Area: East End (Cincinnati)
Service Area: Millvale
Service Area: West End (Cincinnati)
Service Area: Winton Hills (Cincinnati)
*Hardin
*Harrison
Service Area: Cadiz/Scio/Hopedale
Service Area: Freeport
*Henry
Population Group: Med Ind—Henry Co
*Highland
Population Group: Low Inc—Highland Co
*Hocking
Population Group: Med Ind—Hocking Co
*Holmes
Population Group: Low Inc—Holmes Co
*Jackson
Jefferson
Service Area: East Liverpool (OH/PA/WV)
Lawrence
Population Group: Low Inc—Lawrence Co
Lucas
Service Area: Center City/Dorr (Toledo)
Service Area: East Toledo
Service Area: Near Southside Toledo
Mahoning
Service Area: Eastside Youngstown
*Meigs
*Monroe
Service Area: New Matamoras
Service Area: Woodsfield
Montgomery
Service Area: West Dayton
Population Group: Homeless—Dayton
*Morgan

PRIMARY MEDICAL CARE: Ohio
County Listing

County Name

*Morrow
*Perry
*Pike
Portage
Population Group: Med Ind—Portage Co
*Putnam
Population Group: Med Ind—Putnam Co
Richland
Population Group: Med Ind—Richland Co
*Sandusky
Population Group: Low Inc/MFW—Sandusky Co
*Scioto
Population Group: Low Inc—Scioto Co
Stark
Service Area: Ne Canton
Summit
Service Area: Akron (Southeast Side)
Trumbull
Service Area: Orwell
Service Area: The Flats (Warren)
*Tuscarawas
Service Area: Freeport
*Vinton
Washington
Service Area: New Matamoras

PRIMARY MEDICAL CARE: Ohio
Service Area Listing

Service Area Name

Akron (Southeast Side)
County—Summit
Parts:
C.T. 5014
C.T. 5031–5035
C.T. 5038
Cadiz/Scio/Hopedale
County—Harrison
Parts:
Archer Township
Athens Township
Cadiz Township
Franklin Township
German Township
Green Township
Monroe Township
North Township
Rumley Township
Short Creek Township
Stock Township
Cambridge
County—Guernsey
Parts:
Adams Twp
Cambridge Twp
Center Twp
Jackson Twp
Jefferson Twp
Knox Twp
Liberty Twp
Millwood Twp
Monroe Twp
Oxford Twp
Richland Twp
Spencer Twp
Valley Twp
Westland Twp
Wheeling Twp
Wills Twp
Center City/Dorr (Toledo)
County—Lucas

PRIMARY MEDICAL CARE: Ohio
Service Area Listing

Service Area Name

Parts:
C.T. 27–28
C.T. 31–37
C.T. 39
East & Lower Price Hill/S Fairmont
County—Hamilton
Parts:
C.T. 87
C.T. 89
C.T. 91–96
C.T. 103
East Cleveland
County—Cuyahoga
Parts:
C.T. 1501
C.T. 1503–1504
C.T. 1511–1518
East End (Cincinnati)
County—Hamilton
Parts:
C.T. 43–44
C.T. 47.02
East Liverpool (OH/PA/WV)
County—Columbiana
Parts:
Center Twp
East Liverpool City
Elk Run Twp
Franklin Twp
Hanover Twp
Liverpool Twp
Madison Twp
Middleton Twp
St. Clair Twp
Unity Twp
Washington Twp
Wayne Twp
Wellsville City
Yellow Creek Twp
County—Jefferson
Parts:
Brush Creek Twp
Saline Twp
East Toledo
County—Lucas
Parts:
C.T. 46
C.T. 47.01–47.02
C.T. 48
C.T. 48.99–49.00
C.T. 50–53
Eastern Hamilton
County—Butler
Parts:
C.T. 3–4
C.T. 6
C.T. 7.01–7.02
Eastside Youngstown
County—Mahoning
Parts:
C.T. 8001–8007
C.T. 8040
Freeport
County—Guernsey
Parts:
Londonderry Twp
Madison Twp
Washington Twp
County—Harrison
Parts:
Freeport Twp
Moorefield Twp

PRIMARY MEDICAL CARE: Ohio
Service Area Listing

Service Area Name

Nottingham Twp
Washington Twp
County—Tuscarawas
Parts:
Perry Twp
Hough/Norwood/Glenville
County—Cuyahoga
Parts:
C.T. 1112–1113
C.T. 1114.01–1114.02
C.T. 1115–1118
C.T. 1119.01–1119.02
C.T. 1121–1128
C.T. 1161–1168
C.T. 1181–1185
C.T. 1186.01–1186.02
C.T. 1189
Lee Miles (Cleveland)
County—Cuyahoga
Parts:
C.T. 1217–1219
C.T. 1221–1223
Millvale
County—Hamilton
Parts:
C.T. 28
C.T. 77
C.T. 85.02
C.T. 86.01
Mt Pleasant/Union-Miles/Corlett
County—Cuyahoga
Parts:
C.T. 1155
C.T. 1198–1199
C.T. 1204–1206
C.T. 1207.01–1207.02
C.T. 1208.01–1208.02
C.T. 1211–1213
C.T. 1214.01–1214.02
C.T. 1215–1216
C.T. 1275
Ne Canton
County—Stark
Parts:
C.T. 7002–7005
C.T. 7018
C.T. 7124
Near North/University
County—Franklin
Parts:
C.T. 10
C.T. 11.10
C.T. 12–13
C.T. 16–17
C.T. 18.10
C.T. 18.20
C.T. 20
C.T. 20–22
C.T. 32
Near Southside (Columbus)
County—Franklin
Parts:
C.T. 54.20
C.T. 55
C.T. 56.10
C.T. 56.20
C.T. 58.20
C.T. 59–61
C.T. 87.10
C.T. 87.20
C.T. 87.30
C.T. 87.40

PRIMARY MEDICAL CARE: Ohio
Service Area Listing

Service Area Name

Near Southside Toledo
County—Lucas
Parts:
C.T. 38
C.T. 40–42
C.T. 54
New Matamoras
County—Monroe
Parts:
Benton Twp
Jackson Twp
County—Washington
Parts:
Grandview Twp
Independence Twp
Liberty Twp
Ludlow Twp
Orwell
County—Ashtabula
Parts:
Colebrook Twp
Hartsgrove Twp
Morgan Twp
New Lyme Twp
Orwell Twp
Rome Twp
Trumbull Twp
Windsor Twp
County—Trumbull
Parts:
Bloomfield Twp
Greene Twp
Gustavus Twp
Kinsman Twp
Mesopotamia Twp
Southwest Side (Springfield)
County—Clark
Parts:
C.T. 1–3
C.T. 8
C.T. 9.01–9.02
C.T. 10
C.T. 11.01–11.02
C.T. 12
The Flats (Warren)
County—Trumbull
Parts:
C.T. 9205–9207
West Dayton
County—Montgomery
Parts:
C.T. 2–4
C.T. 6–7
C.T. 9–10
C.T. 13
C.T. 35–42
C.T. 44–45
C.T. 602–603
C.T. 702.01–702.02
C.T. 703
West End (Cincinnati)
County—Hamilton
Parts:
C.T. 2
C.T. 3.01–3.02
C.T. 4
C.T. 8
C.T. 14–15
West Middletown
County—Butler
Parts:
C.T. 128–132

PRIMARY MEDICAL CARE: Ohio
Service Area Listing

Service Area Name

C.T. 140
Western Collinwood
County—Cuyahoga
Parts:
C.T. 1169
C.T. 1171.01–1171.02
C.T. 1172.01–1172.02
C.T. 1173–1175
C.T. 1179
C.T. 1261
Winton Hills (Cincinnati)
County—Hamilton
Parts:
C.T. 80
Woodsfield
County—Monroe
Parts:
Adams Twp
Bethel Twp
Center Twp
Franklin Twp
Green Twp
Lee Twp
Malaga Twp
Ohio Twp
Perry Twp
Salem Twp
Seneca Twp
Summit Twp
Sunsbury Twp
Switzerland Twp
Washington Twp
Wayne Twp

PRIMARY MEDICAL CARE: Ohio
Population Group Listing

Population Group

Homeless—Dayton
County—Montgomery
Parts:
C.T. 15
C.T. 21
Low Inc—Fayette Co
County—Fayette
Parts:
Low Income
Low Inc—Franklinton (Columbus)
County—Franklin
Parts:
C.T. 41–44
C.T. 50–51
Low Inc—Highland Co
County—Highland
Parts:
Low Income
Low Inc—Holmes Co
County—Holmes
Parts:
Low Income
Low Inc—Lancaster/Baltimore
County—Fairfield
Parts:
Amanda Twp
Berne Twp
Bloom Twp
Clear Creek Twp
Greenfield Twp
Hocking Twp
Lancaster City
Liberty Twp
Madison Twp

PRIMARY MEDICAL CARE: Ohio
Population Group Listing

Population Group

Pleasant Twp
Richland Twp
Rush Creek Twp
Walnut Twp
Low Inc—Lawrence Co
County—Lawrence
Parts:
Low Income
Low Inc—Scioto Co
County—Scioto
Parts:
Low Income
Low Inc/MFW—Sandusky Co
County—Sandusky
Parts:
Low Income
MFW
Med Ind—Athens Co
County—Athens
Parts:
Medically Indigent
Med Ind—Clark Fulton/Denison/Tremont
County—Cuyahoga
Parts:
C.T. 1027–1029
C.T. 1041–1042
C.T. 1042.99–1043.00
C.T. 1044–1049
C.T. 1051–1055
C.T. 1056.01–1056.02
Med Ind—Coshocton Co
County—Coshocton
Parts:
Medically Indigent
Med Ind—Henry Co
County—Henry
Parts:
Medically Indigent
Med Ind—Hocking Co
County—Hocking
Parts:
Medically Indigent
Med Ind—Near West/Westside/Edgewater
County—Cuyahoga
Parts:
C.T. 1011.01–1011.02
C.T. 1012–1019
C.T. 1021.01
C.T. 1022–1026
C.T. 1031–1039
Med Ind—Portage Co
County—Portage
Parts:
Medically Indigent
Med Ind—Putnam Co
County—Putnam
Parts:
Medically Indigent
Med Ind—Richland Co
County—Richland
Parts:
Medically Indigent
Medicaid Pop—Central/Fairfax/Kinsman
County—Cuyahoga
Parts:
C.T. 1079
C.T. 1087–1089
C.T. 1091–1093
C.T. 1096–1099
C.T. 1101–1103
C.T. 1129
C.T. 1131–1139

PRIMARY MEDICAL CARE: Ohio
Population Group Listing

Population Group

C.T. 1141–1145
C.T. 1147–1148

PRIMARY MEDICAL CARE: Ohio
Facility Listing

Facility Name

Free Clinic Of Greater Cleveland
County—Cuyahoga

PRIMARY MEDICAL CARE: Oklahoma
County Listing

County Name

*Adair
*Alfalfa
Population Group: Low Inc—Woods/Alfalfa
*Atoka (g)
Facility: Stringtown Corr. C.
*Beaver
*Bryan
*Caddo
Canadian
Facility: FCI El Reno
*Carter
Service Area: Velma-Alma/Healdton North
*Choctaw
Cleveland
Facility: Lexington Corr. C.
*Coal
Creek
Population Group: Low Inc—Mounds
*Dewey
Service Area: Vici/Dewey South
*Harmon
Population Group: Medicaid—Harmon Co
*Haskell
*Hughes
Service Area: Allen
*Johnston
*Kiowa
*Latimer
*Le Flore
Logan
*Mayes
McClain
*Nowata
Service Area: Chelsea/New Alluwe
Service Area: Nowata
Oklahoma
Service Area: Luther
Service Area: N.E. Oklahoma Co
Service Area: S.E. Oklahoma City
*Okmulgee
Population Group: Low Inc—Mounds
*Pontotoc
Service Area: Allen
Pottawatomie
Service Area: Konawa
*Pushmataha
Service Area: Finley-Rattan/Antlers
*Roger Mills
Rogers
Service Area: Chelsea/New Alluwe
*Seminole
Service Area: Konawa
*Stephens
Service Area: Velma-Alma/Healdton North
*Texas
Service Area: Texoma
*Tillman
Tulsa

PRIMARY MEDICAL CARE: Oklahoma
County Listing

County Name

Service Area: North Tulsa
Population Group: Am In—Tulsa
*Washita
Service Area: Southwest Washita
*Woods
Population Group: Low Inc—Woods/Alfalfa

PRIMARY MEDICAL CARE: Oklahoma
Service Area Listing

Service Area Name

Allen
County—Hughes
Parts:
South Hughes CCD
County—Pontotoc
Parts:
Northeast Pontotoc CCD
Chelsea/New Alluwe
County—Nowata
Parts:
Alluwe CCD
County—Rogers
Parts:
Chelsea CCD
Finley-Rattan/Antlers
County—Pushmataha
Parts:
Antlers CCD
Finley-Rattan CCD
Konawa
County—Pottawatomie
Parts:
Maud CCD
Wanette-Asher CCD
County—Seminole
Parts:
Konawa CCD
Seminole South CCD
Luther
County—Oklahoma
Parts:
C.T. 1081.01
C.T. 1081.03
C.T. 1089–1090
N.E. Oklahoma Co
County—Oklahoma
Parts:
C.T. 1080.03
C.T. 1080.05
C.T. 1080.10–1080.11
C.T. 1088.01
C.T. 1088.03–1088.04
North Tulsa
County—Tulsa
Parts:
C.T. 2–10
C.T. 12–14
C.T. 57
C.T. 62
C.T. 79
C.T. 80.01–80.02
C.T. 91.01
Nowata
County—Nowata
Parts:
Lenapah-Delaware CCD
Nowata CCD
South Coffeyville-Wann Cc
S.E. Oklahoma City
County—Oklahoma
Parts:

PRIMARY MEDICAL CARE: Oklahoma
Service Area Listing

Service Area Name

C.T. 1039
C.T. 1048
C.T. 1053–1054
C.T. 1073.04
Southwest Washita
County—Washita
Parts:
Southwest Washita CCD
Texoma
County—Texas
Parts:
West Texas Division
Velma-Alma/Healdton North
County—Carter
Parts:
Healdton North Divisi
County—Stephens
Parts:
Velma-Alma Division
Vici/Dewey South
County—Dewey
Parts:
Dewey South CCD
Vici CCD

PRIMARY MEDICAL CARE: Oklahoma
Population Group Listing

Population Group

Am In—Tulsa
County—Tulsa
Parts:
American Indian
Low Inc—Mounds
County—Creek
Parts:
C.T. 215
County—Okmulgee
Parts:
Beggs Division
Low Inc—Woods/Alfalfa
County—Alfalfa
Parts:
Low Income
County—Woods
Parts:
Low Inc
Medicaid—Harmon Co
County—Harmon
Parts:
Medicaid Eligible

PRIMARY MEDICAL CARE: Oklahoma
Facility Listing

Facility Name

FCI El Reno
County—Canadian
Lexington Corr. C.
County—Cleveland
Stringtown Corr. C.
County—Atoka

PRIMARY MEDICAL CARE: Oregon
County Listing

County Name

*Baker
Service Area: Halfway
*Benton
Service Area: Alsea
Clackamas

PRIMARY MEDICAL CARE: Oregon
County Listing

County Name

Service Area: Estacada
Service Area: Mt. Hood
Population Group: MSFWs—Western Clackamas Co
*Columbia
Service Area: Clatskanie
Service Area: Vernonia
*Coos
Service Area: Powers
*Curry
Service Area: Port Orford
Population Group: Low Inc—Brookings
*Deschutes
Service Area: La Pine
*Douglas
Service Area: Glendale
Population Group: Med Ind—Roseburg
*Gilliam
Service Area: Arlington
Service Area: Condon
*Grant
*Harney
*Hood River
Population Group: MSFW—Hood River Co
Jackson
Service Area: Rogue River
Service Area: Shady Cove
Population Group: Med Ind—Medford
Population Group: MFW—Ashland/Phoenix
*Josephine
Service Area: Applegate-Williams
Service Area: Cave Junction
Service Area: Glendale
Population Group: Med Ind—Grants Pass
*Klamath
Service Area: Bly
Service Area: Chiloquin
Population Group: Med Ind/MFW—Klamath Falls
*Lake
Service Area: Silver Lake
Lane
Service Area: Lowell
Service Area: McKenzie
Service Area: Oakridge
Service Area: Triangle Lake/Swisshome
Population Group: Low Inc—Florence
*Lincoln
Population Group: Low Inc—De Lake
*Linn
Service Area: Mill City/Gates/Detroit
*Malheur
Service Area: Jordan Valley
Service Area: Nyssa (OR/ID)
Service Area: Vale
Population Group: MSFW—Ontario
Facility: Snake River Corr. I.
Marion
Service Area: Mill City/Gates/Detroit
Population Group: Low Inc/MFW—Marion/Polk
Facility: State Corr. I.
*Morrow
Service Area: Boardman
Multnomah
Population Group: Low Inc/Homeless—Burnside(Portland)
Polk
Service Area: Willamina/Grand Ronde
Population Group: Low Inc/MFW—Marion/Polk
*Sherman

PRIMARY MEDICAL CARE: Oregon
County Listing

County Name

Service Area: Moro/Grass Valley
Service Area: Wasco
*Tillamook
Service Area: Pacific City/Cloverdale
Population Group: Low Inc—Tillamook
*Umatilla
Population Group: MSFW—Umatilla
Facility: E Oregon Corr I
*Union
Service Area: Cove/Union
Service Area: Elgin
*Wasco
Service Area: Maupin/Dufur
Washington
Population Group: MSFW—Washington
*Wheeler
Service Area: Fossil
Service Area: Mitchell
Yamhill
Population Group: MSFW—Yamhill
Facility: FCI Sheridan

PRIMARY MEDICAL CARE: Oregon
Service Area Listing

Service Area Name

Alsea
County—Benton
Parts:
Southwest Benton CCD
Applegate-Williams
County—Josephine
Parts:
Williams CCD
Arlington
County—Gilliam
Parts:
Arlington Div.
Bly
County—Klamath
Parts:
Langell CCD
Boardman
County—Morrow
Parts:
Boardman Division
Cave Junction
County—Josephine
Parts:
Cave Junction CCD
Wilderville CCD
Chiloquin
County—Klamath
Parts:
Chiloquin CCD
Cresent Lake CCD
Clatskanie
County—Columbia
Parts:
Clatskanie Division
Marshland Division
Condon
County—Gilliam
Parts:
Condon Div.
Cove/Union
County—Union
Parts:
Cove CCD
Union CCD
Elgin
County—Union

PRIMARY MEDICAL CARE: Oregon
Service Area Listing

Service Area Name

Parts:
Elgin Division
Estacada
County—Clackamas
Parts:
Estacada Division
Fossil
County—Wheeler
Parts:
Fossil CCD
Glendale
County—Douglas
Parts:
South Umpqua CCD
County—Josephine
Parts:
Northwest Josephine CCD
Halfway
County—Baker
Parts:
Eagle Valley CCD
Halfway CCD
Jordan Valley
County—Malheur
Parts:
Jordan CCD
La Pine
County—Deschutes
Parts:
C.T. 9902–9905
Lowell
County—Lane
Parts:
Lowell CCD
Maupin/Dufur
County—Wasco
Parts:
Dufur CCD
McKenzie
County—Lane
Parts:
McKenzie CCD
Mill City/Gates/Detroit
County—Linn
Parts:
Mill City CCD
County—Marion
Parts:
Mill City CCD
Mitchell
County—Wheeler
Parts:
Mitchell CCD
Moro/Grass Valley
County—Sherman
Parts:
Moro CCD
Mt. Hood
County—Clackamas
Parts:
Mount Hood Division
Nyssa (OR/ID)
County—Malheur
Parts:
Adrian CCD
Nyssa CCD
Owyhee CCD
Oakridge
County—Lane
Parts:
Oakridge Division
Pacific City/Cloverdale

PRIMARY MEDICAL CARE: Oregon
Service Area Listing

Service Area Name

County—Tillamook
Parts:
Beaver Division
Neskowin Division
Port Orford
County—Curry
Parts:
Port Orford CCD
Powers
County—Coos
Parts:
Powers Div.
Rogue River
County—Jackson
Parts:
Northwest Jackson CCD
Sams Valley CCD
Shady Cove
County—Jackson
Parts:
Butte Falls-Prospect Division
Shady Cove Division
Silver Lake
County—Lake
Parts:
Silver Lake-Ft Rock CCD
Triangle Lake/Swisshome
County—Lane
Parts:
Middle Siuslaw-Triangle Lake Div
Vale
County—Malheur
Parts:
Brogan Division
Juntura Division
Vale Division
West Vale Division
Vernonia
County—Columbia
Parts:
Vernonia Division
Wasco
County—Sherman
Parts:
Wasco CCD
Willamina/Grand Ronde
County—Polk
Parts:
Willamina CCD

PRIMARY MEDICAL CARE: Oregon
Population Group Listing

Population Group

Low Inc—Brookings
County—Curry
Parts:
Brookings CCD
Harbor CCD
Low Inc—De Lake
County—Lincoln
Parts:
De Lake CCD
Depoe CCD
Low Inc—Florence
County—Lane
Parts:
North Siuslaw CCD
South Siuslaw CCD
Low Inc—Tillamook
County—Tillamook
Parts:

PRIMARY MEDICAL CARE: Oregon
Population Group Listing

Population Group

Bay City CCD
Tillamook CCD
Low Inc/Homeless—Burnside(Portland)
County—Multnomah
Parts:
C.T. 21
C.T. 51
Low Inc/MFW—Marion/Polk
County—Marion
Parts:
Low Income/MFW
County—Polk
Parts:
Low Inc/MFW
Med Ind—Grants Pass
County—Josephine
Parts:
C.T. 3604–3608
C.T. 3610–3613
Med Ind—Medford
County—Jackson
Parts:
Medford Div
Med Ind—Roseburg
County—Douglas
Parts:
Calapooia CCD
Melrose CCD
Roseburg CCD
Tenmile CCD
Med Ind/MFW—Klamath Falls
County—Klamath
Parts:
Keno CCD
Klamath Falls CCD
Malin CCD
Merrill CCD
MFW—Ashland/Phoenix
County—Jackson
Parts:
Ashland CCD
Eagle Point CCD
Southeast Jackson CCD
Southwest Jackson CCD
MSFW—Hood River Co
County—Hood River
Parts:
MSFW
MSFW—Ontario
County—Malheur
Parts:
Ontario CCD
MSFW—Umatilla
County—Umatilla
Parts:
MSFW
MSFW—Washington
County—Washington
Parts:
MSFW
MSFW—Yamhill
County—Yamhill
Parts:
MSFW
MSFWs—Western Clackamas Co
County—Clackamas
Parts:
Beaver Creek CCD
Canby CCD
Colton CCD
Molalla CCD
Mulino CCD

PRIMARY MEDICAL CARE: Oregon
Population Group Listing

Population Group

Northwest Clackamas CCD
Redland CCD
Sandy CCD
Wilsonville CCD
Yoder CCD

PRIMARY MEDICAL CARE: Oregon
Facility Listing

Facility Name

E Oregon Corr I
County—Umatilla
FCI Sheridan
County—Yamhill
Snake River Corr. I.
County—Malheur
State Corr. I.
County—Marion

PRIMARY MEDICAL CARE: Pennsylvania
County Listing

County Name

Adams
Population Group: MFW—Adams/Franklin
Allegheny
Service Area: Arlington Heights/St Clair
Service Area: Homewood-Brushton
Service Area: Manchester
Service Area: McKees Rocks-Stowe
Service Area: North Braddock
Service Area: South Braddock
Service Area: West End Pittsburgh
Population Group: Low Inc—Hill District
Population Group: Low Inc—Mckeesport
Population Group: Pov Pop—East Liberty
*Armstrong
Service Area: Armstrong-Clarion
Service Area: Dayton/Rural Valley
Service Area: Kiski Valley
Service Area: New Bethlehem/Hawthorn
Service Area: Northeast Butler
Beaver
Service Area: East Liverpool (OH/PA/WV)
*Bedford
Service Area: Broad Top/Cromwell
Service Area: Pleasantville
Berks
Population Group: Med Ind—Welsh Mountain
Blair
Service Area: Pleasantville
*Bradford
Service Area: La Porte
Butler
Service Area: Northeast Butler
Cambria
Service Area: Coalport
Service Area: Nanty-Glo
Facility: Sci Cresson
*Cameron
Centre
Service Area: Snow Shoe
Population Group: Low Inc—Philipsburg
Chester
Population Group: Med Ind—Welsh Mountain
*Clarion
Service Area: Armstrong-Clarion
Service Area: New Bethlehem/Hawthorn
*Clearfield
Service Area: Coalport

PRIMARY MEDICAL CARE: Pennsylvania
County Listing

County Name

Service Area: Mahaffey
Service Area: Snow Shoe
Population Group: Low Inc—Philipsburg
*Clinton
Service Area: Renovo
Service Area: Snow Shoe
*Crawford
Service Area: Conneautville
Population Group: Low Inc—Union City (PA/NY)
Population Group: Med Ind—Titusville
Dauphin
Service Area: Millersburg
Population Group: Med Ind—Harrisburg
Delaware
Population Group: Medicaid—City Of Chester
*Elk
Service Area: Marienville
Erie
Service Area: Southern Erie
Population Group: Low Inc—Union City (PA/NY)
Population Group: Med Ind—Erie City
Fayette
Service Area: Markleysburg
Service Area: Republic
Population Group: Low Inc—Greensboro
*Forest
Service Area: Marienville
Service Area: Tionesta
*Franklin
Service Area: Dry Run
Population Group: MFW—Adams/Franklin
*Fulton
Service Area: Broad Top/Cromwell
Service Area: Hancock (MD/PA/WV)
*Greene
Service Area: Clay/Battelle (WV/PA)
Population Group: Low Inc—Greensboro
Population Group: Low Inc—Western Greene
*Huntingdon
Service Area: Big Valley
Service Area: Broad Top/Cromwell
Service Area: Mt. Union
*Indiana
Service Area: Dayton/Rural Valley
Service Area: Nanty-Glo
Service Area: North Indiana
Service Area: Punxsutawney
*Jefferson
Service Area: Punxsutawney
*Juniata
Service Area: Middleburg
Service Area: Millerstown
Lancaster
Population Group: Low Inc—Se Lancaster
Population Group: Med Ind—Welsh Mountain
*McKean
Service Area: Coudersport
Facility: FCI Mckean
Mercer
Service Area: Stoneboro
Population Group: Low Inc—Sharon/Farrell
*Mifflin
Service Area: Big Valley
Service Area: McClure
Service Area: Mt. Union
Monroe
Service Area: Mount Pocono

PRIMARY MEDICAL CARE: Pennsylvania
County Listing

County Name

Service Area: South Monroe
Northampton
Population Group: Low Inc—Easton
*Northumberland
Service Area: Herndon
Service Area: Millersburg
Service Area: Shamokin
Perry
Service Area: Millerstown
Philadelphia
Service Area: Pennsport
Service Area: South Philadelphia
Service Area: Upper N. Philadelphia
Service Area: Woodland
*Pike
Service Area: Tafton
*Potter
Service Area: Coudersport
Service Area: Westfield
*Schuylkill
Service Area: Shamokin
Facility: FCI Schuylkill
*Snyder
Service Area: McClure
Service Area: Middleburg
Somerset
Service Area: Confluence
Service Area: Indian Lake
*Sullivan
Service Area: La Porte
*Susquehanna
Service Area: Montrose
*Tioga
Service Area: Blossburg
Service Area: Coudersport
Service Area: Elkland (NY/PA)
Service Area: Mansfield
Service Area: Westfield
*Union
Population Group: Inmates—LSCI Allenwood
Population Group: Inmates—FPC Allenwood
Facility: MSCi Allenwood
Facility: USP Allenwood
Facility: USP Lewisburg
*Venango
Service Area: Tionesta
Population Group: Med Ind—Titusville
*Warren
Population Group: Low Inc—Union City (PA/NY)
Population Group: Med Ind—Titusville
*Wayne
Service Area: Northern Wayne
Westmoreland
Service Area: Kiski Valley
York
Service Area: York

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Arlington Heights/St Clair
County—Allegheny
Parts:
C.T. 1603–1604
C.T. 1606
Armstrong-Clarion
County—Armstrong
Parts:

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Brady's Bend Twp
Madison Twp
Perry Twp
Sugarcreek Twp
Washington Twp
County—Clarion
Parts:
Brady Twp
East Brady Boro.
Madison Twp
Rimersburg Boro.
Big Valley
County—Huntingdon
Parts:
Barree Twp
Jackson Twp
Miller Twp
County—Mifflin
Parts:
Armagh Twp
Brown Twp
Menno Twp
Union Twp
Blossburg
County—Tioga
Parts:
Bloss Twp
Blossburg Boro.
Covington Twp
Duncan Twp
Hamilton Twp
Liberty Boro.
Liberty Twp
Putnam Twp
Union Twp
Ward Twp
Broad Top/Cromwell
County—Bedford
Parts:
Broad Top Twp
Coaldale Boro
Hopewell Boro
Hopewell Twp
Liberty Twp
Saxton Boro
County—Fulton
Parts:
Dublin Twp
Taylor Twp
Wells Twp
County—Huntingdon
Parts:
Broad Top City Boro
Carbon Twp
Cass Twp
Cassville Boro
Clay Twp
Coalmont Boro
Cromwell Twp
Dublin Twp
Dudley Boro
Hopewell Twp
Lincoln Twp
Orbisonia Boro
Rockhill Furnace Boro
Saltillo Boro
Shade Gap Boro
Springfield Twp
Tell Twp
Three Springs Boro
Todd Twp
Wood Twp

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Clay/Battelle (WV/PA)
County—Greene
Parts:
Freeport Township
Gilmore Township
Springhill Township
Wayne Township
Coalport
County—Cambria
Parts:
Reade Township
White Township
County—Clearfield
Parts:
Beccaria Township
Bigler Township
Chest Township
Coalport Borough
Glen Hope Borough
Gulich Township
Irvona Borough
Jordan Township
Ramey Borough
Westover Borough
Fannet Twp
Parts:
Metal Twp
Confluence
County—Somerset
Parts:
Addison Boro.
Addison Twp
Casselman Boro.
Confluence Boro.
Lower Turkeyfoot Twp
Upper Turkeyfoot Twp
Ursina Boro.
Conneautville
County—Crawford
Parts:
Beaver Township
Conneaut Township
Conneautville Borough
Spring Township
Springboro Borough
Summerhill Township
Coudersport
County—McKean
Parts:
Annin Twp
Ceres Twp
Eldred Boro
Eldred Twp
Keating Twp
Liberty Twp
Norwich Twp
Otto Twp
Port Allegany Boro
Smethport Boro
County—Potter
Parts:
Abbott Twp
Allegany Twp
Austin Boro
Bingham Twp
Clara Twp
Coudersport Boro
East Fork Dist
Eulalia Twp
Galeton Boro
Genesee Twp
Hebron Twp

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Homer Twp
Keating Twp
Oswayo Boro
Oswayo Twp
Pike Twp
Pleasant Valley Twp
Portage Twp
Roulette Twp
Sharon Twp
Shinglehouse Boro
Stewardson Twp
Summit Twp
Sweden Twp
Sylvania Twp
Ulysses Twp
Ulysses Boro
West Branch Twp
Wharton Twp
County—Tioga
Parts:
Gaines Twp
Dayton/Rural Valley
County—Armstrong
Parts:
Atwood Boro
Cowanshannock Twp
Dayton Boro
Elderton Boro
Plumcreek Twp
Rural Valley Boro
Wayne Twp
County—Indiana
Parts:
Plumville Boro
South Mahoning Twp
Dry Run
County—Franklin
Parts:
Fannet Twp
Metal Twp
East Liverpool (OH/PA/WV)
County—Beaver
Parts:
Georgetown Boro
Glasgow Boro
Greene Twp
Hookstown Boro
Ohioville Boro
Elkland (NY/PA)
County—Tioga
Parts:
Deerfield Twp
Elkland Boro.
Elkland Twp
Farmington Twp
Knoxville Boro.
Nelson Twp
Osceola Twp
Hancock (MD/PA/WV)
County—Fulton
Parts:
Bethel Twp
Thompson Twp
Union Twp
Herndon
County—Northumberland
Parts:
Herndon Boro.
Jackson Twp
Jordan Twp
Washington Twp
Homewood-Brushton

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

County—Allegheny
Parts:
C.T. 1207
C.T. 1301–1306
C.T. 5604
C.T. 5606
C.T. 5611–5612
Indian Lake
County—Somerset
Parts:
Central City Boro
Indian Lake Boro
Shade Twp
Shanksville Boro
Stonycreek Twp
Kiski Valley
County—Armstrong
Parts:
Apollo Boro
Bethel Twp
Burrell Twp
Gilpin Twp
Kiskiminetas Twp
Leechburg Boro
North Apollo Boro
Parks Twp
South Bend Twp
County—Westmoreland
Parts:
Allegheny Twp
Avonmore Boro
Bell Twp
East Vandergrift Boro
Hyde Park Boro
Oklahoma Boro
Vandergrift Boro
Washington Twp
West Leechburg Boro
La Porte
County—Bradford
Parts:
Albany Twp
New Albany Boro
Overton Twp
Wilmot Twp
County—Sullivan
Parts:
Cherry Twp
Colley Twp
Davidson Twp
Dushore Boro
Eagles Mere Boro
Elkland Twp
Forks Twp
Forksville Boro
Hillsgrove Twp
La Porte Boro
La Porte Twp
Shrewsbury Twp
Mahaffey
County—Clearfield
Parts:
Bell Twp
Burnside Boro.
Burnside Twp
Ferguson Twp
Greenwood Twp
Mahaffey Boro.
New Washington Boro.
Newburg Boro.
Manchester
County—Allegheny

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Parts:
C.T. 2107
C.T. 2503
C.T. 2507–2508
Mansfield
County—Tioga
Parts:
Jackson Twp
Lawrence Twp
Lawrenceville Boro
Mansfield Boro
Richmond Twp
Roseville Boro
Rutland Twp
Sullivan Twp
Tioga Twp
Tioga Boro
Marienville
County—Elk
Parts:
Millstone Twp
County—Forest
Parts:
Barnett Twp
Green Twp
Howe Twp
Jenks Twp
Kingsley Twp
Markleysburg
County—Fayette
Parts:
Henry Clay Twp
Markleysburg Boro.
Ohiopyle Boro.
Stewart Twp
Wharton Twp
McClure
County—Mifflin
Parts:
Decatur Twp
County—Snyder
Parts:
Adams Twp
McClure Boro.
Spring Twp
West Beaver Twp
McKees Rocks-Stowe
County—Allegheny
Parts:
C.T. 4621
C.T. 4626
C.T. 4639
C.T. 4644
Middleburg
County—Juniata
Parts:
Monroe Twp
Susquehanna Twp
County—Snyder
Parts:
Beaver Twp
Beavertown Boro.
Centre Twp
Chapman Twp
Franklin Twp
Freeburg Boro.
Middleburg Boro.
Perry Twp
Union Twp
Washington Twp
West Perry Twp
Millersburg
County—Dauphin
Parts:
Berrysburg Boro.
Elizabethville Boro.
Gratz Boro.
Halifax Boro.
Halifax Twp
Jackson Twp
Jefferson Twp
Lykens Twp
Lykens Boro.
Mifflin Twp
Millersburg Boro.
Pillow Boro.
Reed Twp
Rush Twp
Upper Paxton Twp
Washington Twp
Wayne Twp
Wiconisco Twp
Williamstown Boro.
Williams Twp
County—Northumberland
Parts:
Lower Mahanoy Twp
Millerstown
County—Juniata
Parts:
Delaware Twp
Greenwood Twp
Thompsontown Boro
County—Perry
Parts:
Buffalo Twp
Greenwood Twp
Howe Twp
Liverpool Twp
Liverpool Boro
Millerstown Boro
Newport Boro
Oliver Twp
Tuscarora Twp
Montrose
County—Susquehanna
Parts:
Auburn Township
Bridgewater Township
Brooklyn Township
Dimock Township
Forest Lake Township
Franklin Township
Harford Township
Hop Bottom Borough
Jessup Township
Lathrop Township
Lenox Township
Liberty Township
Montrose Borough
Rush Township
Silver Lake Township
Springville Township
Mount Pocono
County—Monroe
Parts:
Barrett Twp
Coolbaugh Twp
Mount Pocono Boro
Paradise Twp
Tobyhanna Twp
Tunkhannock Twp
Mt. Union
County—Huntingdon
Parts:
Mapleton Boro
Mill Creek Boro
Mount Union Boro
Shirley Twp
Shirleysburg Boro
Union Twp
County—Mifflin
Parts:
Bratton Twp
Kistler Boro
McVeytown Boro
Newton Hamilton Boro
Oliver Twp
Wayne Twp
Nanty-Glo
County—Cambria
Parts:
Barr Twp
Blacklick Twp
Jackson Twp (Vinco)
Nanty-Glo Boro
Vintondale Boro
County—Indiana
Parts:
Armagh Boro
Buffington Twp
East Wheatfield Twp
Pine Twp
West Wheatfield Twp
New Bethlehem/Hawthorn
County—Armstrong
Parts:
Mahoning Twp
Redbank Twp
South Bethlehem Boro
County—Clarion
Parts:
Hawthorn Boro
New Bethlehem Boro
Porter Twp
Redbank Twp
North Braddock
County—Allegheny
Parts:
C.T. 5041
C.T. 5100
C.T. 5120
C.T. 5128–5129
C.T. 5138
C.T. 5140
C.T. 5151
C.T. 5153
North Indiana
County—Indiana
Parts:
Cherry Tree Boro.
East Mahoning Twp
Grant Twp
Green Twp
Marion Center Boro.
Montgomery Twp
Rayne Twp
Northeast Butler
County—Armstrong
Parts:
Hovey Twp
Parker City
County—Butler
Parts:
Allegheny Twp
Bruin Boro.

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Cherry Valley Boro.
Concord Twp
Eau Claire Boro.
Fairview Boro.
Fairview Twp
Karns City Boro.
Parker Twp
Petrolia Boro.
Venango Twp
Washington Twp
Northern Wayne
County—Wayne
Parts:
Buckingham Twp
Damascus Twp
Lebanon Twp
Manchester Twp
Mt. Pleasant Twp
Preston Twp
Scott Twp
Starrucca Boro.
Pennsport
County—Philadelphia
Parts:
C.T. 15
C.T. 18
C.T. 23–28
Pleasantville
County—Bedford
Parts:
East St. Clair Twp
Kimmel Twp
King Twp
Lincoln Twp
Pleasantville Boro.
Union Twp
West St. Clair Twp
County—Blair
Parts:
Greenfield Twp
Punxsutawney
County—Indiana
Parts:
Banks Twp
Canoe Twp
Glen Campbell Boro
North Mahoning Twp
Smicksburg Boro
West Mahoning Twp
County—Jefferson
Parts:
Beaver Twp
Bell Twp
Big Run Boro
Gaskill Twp
Henderson Twp
McCalmont Twp
Oliver Twp
Perry Twp
Porter Twp
Punxsutawney Boro
Ringgold Twp
Timblin Boro
Worthville Boro
Young Twp
Renovo
County—Clinton
Parts:
Chapman Twp
East Keating Twp
Grugan Twp
Leidy Twp

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Noyes Twp
Renovo Boro
South Renovo Boro
Republic
County—Fayette
Parts:
Brownsville Twp
Brownsville Boro
Luzerne Twp
Redstone Twp
Shamokin
County—Northumberland
Parts:
Coal Twp
East Cameron Twp
Herndon Boro
Jackson Twp
Jordan Twp
Little Mahanoy Twp
Shamokin City
Shamokin Twp
Upper Mahanoy Twp
Washington Twp
West Cameron Twp
Zerbe Twp
County—Schuylkill
Parts:
Eldred Twp
Hubley Twp
Upper Mahantongo Twp
Snow Shoe
County—Centre
Parts:
Boggs Twp
Burnside Twp
Curtin Twp
Howard Twp
Howard Boro
Liberty Twp
Snow Shoe Twp
Snow Shoe Boro
Union Twp
Unionville Boro
County—Clearfield
Parts:
Cooper Twp
Covington Twp
Karthaus Twp
County—Clinton
Parts:
Beech Creek Boro
Beech Creek Twp
West Keating Twp
South Braddock
County—Allegheny
Parts:
C.T. 4824
C.T. 4838
C.T. 4843
C.T. 4850
C.T. 4867–4869
C.T. 4882
South Monroe
County—Monroe
Parts:
Chestnuthill Twp
Eldred Twp
Polk Twp
Ross Twp
South Philadelphia
County—Philadelphia
Parts:

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

C.T. 13–14
C.T. 19–22
C.T. 30–34
C.T. 36
C.T. 46
Southern Erie
County—Erie
Parts:
Albion Borough
Conneaut Township
Cranesville Borough
Elk Creek Township
Platea Borough
Springfield Township
Stoneboro
County—Mercer
Parts:
Coolspring Twp
Deer Creek Twp
Fairview Twp
Fredonia Boro
French Creek Twp
Jackson Twp
Jackson Center Boro
Lake Twp
Mill Creek Twp
New Lebanon Boro
New Vernon Twp
Perry Twp
Sandy Lake Boro
Sandy Lake Twp
Stoneboro Boro
Tafton
County—Pike
Parts:
Blooming Grove Twp
Greene Twp
Lackawaxen Twp
Palmyra Twp
Tionesta
County—Forest
Parts:
Harmony Twp
Hickory Twp
Tionesta Twp
Tionesta Boro
County—Venango
Parts:
President Twp
Upper N. Philadelphia
County—Philadelphia
Parts:
C.T. 170–176
C.T. 195–205
West End Pittsburgh
County—Allegheny
Parts:
C.T. 2004
C.T. 2017–2022
C.T. 2024
C.T. 2807–2808
C.T. 2814
C.T. 2816
Westfield
County—Potter
Parts:
Harrison Twp
Hector Twp
County—Tioga
Parts:
Brookfield Twp
Chatham Twp

PRIMARY MEDICAL CARE: Pennsylvania
Service Area Listing

Service Area Name

Clymer Twp
Westfield Boro.
Westfield Twp
Woodland
County—Philadelphia
Parts:
C.T. 63
C.T. 65–67
C.T. 69–74
C.T. 76–78
York
County—York
Parts:
C.T. 1–3
C.T. 5
C.T. 7
C.T. 9–12
C.T. 15–16

PRIMARY MEDICAL CARE: Pennsylvania
Population Group Listing

Population Group

Inmates—FPC Allenwood
County—Union
Parts:
FPC Allenwood
Inmates—LSCI Allenwood
County—Union
Parts:
LSCI Allenwood
Low Inc—Easton
County—Northampton
Parts:
C.T. 143–147
Low Inc—Greensboro
County—Fayette
Parts:
Nicholson Twp
Point Marion Boro
Springhill Twp
County—Greene
Parts:
Dunkard Twp
Greene Twp
Greensboro Boro
Monongahela Twp
Low Inc—Hill District
County—Allegheny
Parts:
C.T. 305
C.T. 314
C.T. 501–502
C.T. 506
C.T. 508–511
Low Inc—Mckeesport
County—Allegheny
Parts:
C.T. 5010
C.T. 5509
C.T. 5512
C.T. 5519–5524
Low Inc—Philipsburg
County—Centre
Parts:
Philipsburg Boro
Rush Twp
South Philipsburg Boro
County—Clearfield
Parts:
Boggs Twp
Brisbin Boro

PRIMARY MEDICAL CARE: Pennsylvania
Population Group Listing

Population Group

Chester Hill Boro
Decatur Twp
Graham Twp
Houtzdale Boro
Morris Twp
Osceola Mills Boro
Wallaceton Boro
Woodward Twp
Low Inc—Se Lancaster
County—Lancaster
Parts:
C.T. 1
C.T. 7–9
C.T. 14–16
Low Inc—Sharon/Farrell
County—Mercer
Parts:
C.T. 301–309
Low Inc—Union City (PA/NY)
County—Crawford
Parts:
Bloomfield Twp
Rockdale Twp
Sparta Twp
Spartansburg Boro
County—Erie
Parts:
C.T. 112.01
C.T. 118.01–118.02
C.T. 119
C.T. 120.01–120.02
C.T. 121
County—Warren
Parts:
Columbus Twp
Spring Creek Twp
Low Inc—Western Greene
County—Greene
Parts:
Aleppo Twp
Center Twp
Franklin Twp
Gray Twp
Jackson Twp
Morris Twp
Richhill Twp
Washington Twp
Waynesburg Boro
Med Ind—Erie City
County—Erie
Parts:
C.T. 1–30
Med Ind—Harrisburg
County—Dauphin
Parts:
C.T. 201–217
Med Ind—Titusville
County—Crawford
Parts:
Athens Twp
Centerville Boro
Hydetown Boro
Oil Creek Twp
Rome Twp
Steuben Twp
Titusville City
Townville Boro
Troy Twp
County—Venango
Parts:
Allegheny Twp
Cherrytree Twp

PRIMARY MEDICAL CARE: Pennsylvania
Population Group Listing

Population Group

Oilcreek Twp
Pleasantville Boro
Plum Twp
County—Warren
Parts:
Eldred Twp
Southwest Twp
Med Ind—Welsh Mountain
County—Berks
Parts:
Brecknock Twp
Caernarvon Twp
County—Chester
Parts:
Honey Brook Boro
Honey Brook Twp
County—Lancaster
Parts:
Adamstown Boro
Akron Boro
Brecknock Twp
Caernarvon Twp
Christiana Boro
Denver Boro
Earl Twp
East Cocalico Twp
East Earl Twp
Ephrata Boro
Ephrata Twp
Leacock Twp
New Holland Boro
Paradise Twp
Sadsbury Twp
Salisbury Twp
Terre Hill Boro
Upper Leacock Twp
West Earl Twp
Medicaid—City Of Chester
County—Delaware
Parts:
C.T. 4047–4048
C.T. 4049.01–4049.02
C.T. 4050–4057
C.T. 4058.01–4058.02
C.T. 4059–4060
C.T. 4064.02
MFW—Adams/Franklin
County—Adams
Parts:
Migrant Farmworker
County—Franklin
Parts:
Migrant Farmworker
Pov Pop—East Liberty
County—Allegheny
Parts:
C.T. 818
C.T. 1016–1017
C.T. 1102
C.T. 1106
C.T. 1111
C.T. 1113–1115
C.T. 1201–1204
C.T. 1208

PRIMARY MEDICAL CARE: Pennsylvania
Facility Listing

Facility Name

FCI Mckean
County—McKean
FCI Schuylkill

PRIMARY MEDICAL CARE: Pennsylvania
Facility Listing

Facility Name

County—Schuylkill
MSCi Allenwood
County—Union
Sci Cresson
County—Cambria
USP Allenwood
County—Union
USP Lewisburg
County—Union

PRIMARY MEDICAL CARE: Rhode Island
County Listing

County Name

Newport
Population Group: Low Inc—Newport Co
Providence
Service Area: C Falls/N Pawtucket
Service Area: Northwest Providence
Service Area: Northwest Woonsocket
Population Group: Low Inc—Providence City
Washington
Population Group: Low Inc—West Washington

PRIMARY MEDICAL CARE: Rhode Island
Service Area Listing

Service Area Name

C Falls/N Pawtucket
County—Providence
Parts:
C.T. 108–111
C.T. 149
C.T. 151–153
C.T. 161
Northwest Providence
County—Providence
Parts:
Burrillville Town
Foster Town
Glocester Town
Northwest Woonsocket
County—Providence
Parts:
C.T. 172
C.T. 174
C.T. 176
C.T. 178–183

PRIMARY MEDICAL CARE: Rhode Island
Population Group Listing

Population Group

Low Inc—Newport Co
County—Newport
Parts:
Low Income
Low Inc—Providence City
County—Providence
Parts:
C.T. 1–23
C.T. 25–33
C.T. 35–37
Low Inc—West Washington
County—Washington
Parts:
Charlestown Town
Exeter Town
Hopkinton Town
Richmond Town

PRIMARY MEDICAL CARE: South Carolina
County Listing

County Name

*Abbeville
Aiken
Population Group: Low Inc—Aiken Co
*Allendale
Anderson
Population Group: Low Inc—Anderson Co
*Bamberg
*Barnwell
*Beaufort
Service Area: Sheldon
Berkeley
Service Area: Northern Berkeley
*Calhoun
Charleston
Service Area: Edisto Is
Service Area: Ravenel—Hollywood
Population Group: Low Inc—Sea Islands
*Chester
*Chesterfield
Service Area: Sandhills
*Clarendon
*Colleton
*Darlington
Service Area: Lamar
*Dillon
Dorchester
Service Area: St George
Edgefield
*Fairfield
Florence
Service Area: Johnsonville/Brittons Neck
Service Area: Lake City
Service Area: Olanta
Greenville
Service Area: Slater-Marietta
Population Group: Pov Pop—Inner City Greenville
*Hampton (g)
Facility: FCI Estil
Horry
Service Area: Conway/Aynor
Service Area: Little River
*Jasper
Service Area: Hardeeville
*Lancaster
Service Area: Heath Springs
*Lee
Lexington
Service Area: Batesburg/Leesville
Service Area: Pelion-Swansea
*Marion
Service Area: Johnsonville/Brittons Neck
*Marlboro
*McCormick
*Oconee
Population Group: Low Inc—Oconee Co
*Orangeburg
Service Area: Eastern Orangeburg
Service Area: Western Orangeburg
Population Group: Med Ind—Orangeburg
Richland
Service Area: Eastover
Service Area: Hopkins
Population Group: Low Inc—Columbia
*Saluda
Spartanburg
Service Area: Woodruff/Enoree
Sumter
Service Area: Olanta
Service Area: Sumter
*Union
Service Area: Jonesville

PRIMARY MEDICAL CARE: South Carolina
County Listing

County Name

*Williamsburg
York
Population Group: Catawba Indian Nation
Population Group: Pov Pop—South Rock Hill

PRIMARY MEDICAL CARE: South Carolina
Service Area Listing

Service Area Name

Batesburg/Leesville
County—Lexington
Parts:
Batesburg-Leesville Division
Gilbert Division
Conway/Aynor
County—Horry
Parts:
Aynor CCD
Conway CCD
Floyds CCD
Loris CCD
Eastern Orangeburg
County—Orangeburg
Parts:
Bowman Division
Branchville Division
Elloree Division
Eutawville Division
Holly Hill Division
Vance Division
Eastover
County—Richland
Parts:
Eastover Division
Edisto Is
County—Charleston
Parts:
C.T. 23.98
Hardeeville
County—Jasper
Parts:
Hardeeville Division
Heath Springs
County—Lancaster
Parts:
Heath Springs Division
Kershaw Division
Hopkins
County—Richland
Parts:
Hopkins Division
Johnsonville/Brittons Neck
County—Florence
Parts:
Johnsonville Division
County—Marion
Parts:
Brittons Neck Division
Centenary Division
Jonesville
County—Union
Parts:
Jonesville Division
Lake City
County—Florence
Parts:
C.T. 18
C.T. 20
C.T. 22.01–22.02
C.T. 23
Lamar

PRIMARY MEDICAL CARE: South Carolina
Service Area Listing

Service Area Name

County—Darlington
Parts:
Lake Swamp CCD
Lamar CCD
Little River
County—Horry
Parts:
C.T. 301
C.T. 401–402
C.T. 603
Northern Berkeley
County—Berkeley
Parts:
Bonneau Division
St. Stephen Division
Olanta
County—Florence
Parts:
Olanta Division
Sardis Division
County—Sumter
Parts:
Shiloh Division
Pelion-Swansea
County—Lexington
Parts:
Pelion CCD
Swansea CCD
Ravenel—Hollywood
County—Charleston
Parts:
C.T. 24.98
C.T. 25
Sandhills
County—Chesterfield
Parts:
Jefferson Division
McBee Division
Pageland Division
Sheldon
County—Beaufort
Parts:
Sheldon Division
Slater-Marietta
County—Greenville
Parts:
C.T. 24.01–24.02
C.T. 40–41
St George
County—Dorchester
Parts:
Harleyville CCD
Reevesville CCD
Ridgeville CCD
St George CCD
Sumter
County—Sumter
Parts:
Privateer CCD
Rembert CCD
Shaw-Horatio CCD
Sumter Southeast CCD
Sumter Northeast CCD
Sumter North CCD
Sumter CCD
Sumter Southwest CCD
Western Orangeburg
County—Orangeburg
Parts:
Neeses CCD
North CCD
Norway CCD

PRIMARY MEDICAL CARE: South Carolina
Service Area Listing

Service Area Name

Springfield
Woodruff/Enoree
County—Spartanburg
Parts:
Enoree Division
Woodruff Division

PRIMARY MEDICAL CARE: South Carolina
Population Group Listing

Population Group

Catawba Indian Nation
County—York
Parts:
C.T. 612.02
Low Inc—Aiken Co
County—Aiken
Parts:
Low Income
Low Inc—Anderson Co
County—Anderson
Parts:
Low Income
Low Inc—Columbia
County—Richland
Parts:
C.T. 1–19
C.T. 20.01–20.02
C.T. 21–28
C.T. 105.01–105.02
C.T. 106
C.T. 107.01–107.03
C.T. 108.02–108.04
C.T. 109–110
C.T. 111.01–111.02
C.T. 112.01–112.02
C.T. 116.03–116.06
C.T. 117.01–117.02
Low Inc—Oconee Co
County—Oconee
Parts:
Low Income
Low Inc—Sea Islands
County—Charleston
Parts:
C.T. 21.01–21.02
C.T. 22
Med Ind—Orangeburg
County—Orangeburg
Parts:
Cope CCD
Orangeburg West CCD
Orangeburg CCD
Pov Pop—Inner City Greenville
County—Greenville
Parts:
C.T. 1–10
C.T. 12.02
C.T. 13.01
C.T. 21.04–21.05
C.T. 21.08
C.T. 22.01–22.02
C.T. 23.03–23.04
Pov Pop—South Rock Hill
County—York
Parts:
C.T. 601.01–601.02
C.T. 602–603
C.T. 604.01–604.02
C.T. 605.01–605.02

PRIMARY MEDICAL CARE: South Carolina
Facility Listing

Facility Name

FCI Estil
County—Hampton

PRIMARY MEDICAL CARE: South Dakota
County Listing

County Name

*Aurora
Service Area: Corsica/Armour
Service Area: Wessington Springs
*Bon Homme
*Brown
Service Area: Ellendale/Edgeley (ND/SD)
*Buffalo
Service Area: Wessington Springs
*Butte
Service Area: Newell
*Campbell
*Charles Mix
*Clark
*Clay
Service Area: Beresford/Alcester
*Corson
Service Area: Isabel
Service Area: Lemmon (SD/ND)
Service Area: McLaughlin
*Custer
Service Area: Custer/Hill
*Davison
Service Area: Corsica/Armour
*Day
*Deuel
*Dewey
Service Area: Eagle Butte
Service Area: Isabel
Douglas
Service Area: Corsica/Armour
*Edmunds
Service Area: Ipswich/Leola
*Fall River
*Faulk
*Grant
Service Area: Milbank
*Gregory
Service Area: Fairfax
*Hamlin
*Hanson
Service Area: Salem
*Harding
*Hyde
*Jackson
Jerauld
Service Area: Wessington Springs
*Jones
*Kingsbury
Lincoln
Service Area: Beresford/Alcester
*Lyman
McCook
Service Area: Salem
*Meade
Service Area: Faith
*Mellette
*Miner
*McPherson
Service Area: Ipswich/Leola
Pennington
Service Area: Custer/Hill
Service Area: N. Rapid City
*Perkins
Service Area: Faith
Service Area: Lemmon (SD/ND)

PRIMARY MEDICAL CARE: South Dakota
County Listing

County Name

Potter
  Service Area: Gettysburg/Agar
*Roberts
  Service Area: Hankinson/Lidgerwood (ND/SD)
  Service Area: Milbank
*Sanborn
  Service Area: Wessington Springs
*Shannon
Sully
  Service Area: Gettysburg/Agar
*Turner
*Union
  Service Area: Beresford/Alcester
  Service Area: Elk Point
*Ziebach
  Service Area: Eagle Butte
  Service Area: Faith
  Service Area: Isabel

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name

Beresford/Alcester
  County—Clay
    Parts:
      Glenwood Twp
  County—Lincoln
    Parts:
      Beresford City
      Brooklyn Twp
      Pleasant Twp
  County—Union
    Parts:
      Alcester Twp
      Alcester City
      Beresford City
      Big Springs Twp
      Emmet Twp
      Prairie Twp
      Virginia Twp
Corsica/Armour
  County—Aurora
  County—Douglas
    Parts:
      Aurora Township
    Parts:
      Center Township
      Truro Township
      Washington Township
  County—Davison
  County—Douglas
    Parts:
      Baker Township
  County—Douglas
Custer/Hill
  County—Custer
    Parts:
      Custer City
      Pringle Town
      West Custer Urorg
  County—Pennington
    Parts:
      Hill City
      West Pennington Unorg
Eagle Butte
  County—Dewey
    Parts:
      Eagle Butte City
      South Dewey Unorg.
  County—Ziebach

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name

    Parts:
      Eagle Butte City
      South Ziebach Unorg.
Elk Point
  County—Union
    Parts:
      Brule Township
      Elk Point City
      Elk Point Township
      Richland Unorg.
Ellendale/Edgeley (ND/SD)
  County—Brown
    Parts:
      Allison Township
      Frederick Town
      Frederick Township
      Greenfield Township
      Liberty Township
      Osceola Township
      Palmyra Township
      Richland Township
      Savo Township
Fairfax
  County—Gregory
    Parts:
      Bonesteel City
      East Gregory Unorg
      Fairfax Twp
      Fairfax Town
      Pleasant Valley Twp
      Schriever Twp
      Southeast Gregory Unorg
      St Charles Twp
      Star Valley Twp
Faith
  County—Meade
    Parts:
      Eagle Township
      Faith City
      Howard Township
      North Meade Unorg.
      Union Township
      Upper Red Owl Township
  County—Perkins
    Parts:
      Ada Township
      Antelope Township
      Beck Township
      Brushy Township
      Chance Township
      Chaudoin Township
      Duell Township
      Englewood Township
      Foster Township
      Hall Township
      Highland Township
      Lone Tree Township
      Maltby Township
      Martin Township
      Moreau Township
      South Perkins Unorg.
      Southwest Perkins Unorg.
      Vickers Township
      Vrooman Township
      Wells Township
      West Central Perkins Unorg.
      West Perkins Unorg.
      Wyandotte Township
  County—Ziebach
    Parts:
      Dupree City
      Dupree Unorg.

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name

Gettysburg/Agar
  County—Potter
  County—Sully
Hankinson/Lidgerwood (ND/SD)
  County—Roberts
    Parts:
      Lien Twp
      New Effington Twn.
      Rosholt Twn.
      Victor Twp
      White Rock Twp
      White Rock Twn.
Ipswich/Leola
  County—Edmunds
    Parts:
      Adrian Twp
      Belle Twp
      Bryant Twp
      Cleveland Twp
      Fountain Twp
      Harmony Unorg
      Huntley Twp
      Ipswich City
      Ipswich Twp
      Kent Twp
      Liberty Twp
      Montpelier Twp
      North Bryant Twp
      Powell Twp
      Rosette Twp
      Union Twp
      Vermont Twp
  County—McPherson
    Parts:
      Carl Twp
      Central McPherson Unorg
      Hoffman Twp
      Leola City
      Long Lake Town
      Wachter Twp
      Wacker Twp
      Weber Twp
      Wetonka Town
Isabel
  County—Corson
    Parts:
      Pleasant Ridge Township
  County—Dewey
    Parts:
      Isabel City
      North Dewey Unorg.
      Timber Lake City
  County—Ziebach
    Parts:
      North Ziebach Unorg.
Lemmon (SD/ND)
  County—Corson
    Parts:
      Custer Twp
      Delaney Twp
      Grand Valley Twp
      Lake Twp
      Lemon No. 2 Unorg
      McIntosh City
      Morristown Town
      Pioneer Twp
      Prairie View Twp
      Riverside Twp
      Rolling Green Twp
      Sherman Twp
      Twin Butte Twp
      Watauga Twp

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name

West Corson Unorg
County—Perkins
Parts:
Anderson Twp
Barrett Twp
Bison Town
Bison Twp
Burdick Twp
Cash Twp
Castle Butte Twp
Clark Twp
De Witt Twp
Duck Creek Unorg
East Perkins Unorg
Flat Creek Twp
Fredlund Twp
Glendo Twp
Grand River Twp
Horse Creek Twp
Independence Unorg
Lemmon City
Liberty Twp
Lincoln Twp
Lodgepole Twp
Marshfield Twp
Meadow Twp
Plateau Twp
Pleasant Valley Twp
Rainbow Twp
Rockford Twp
Scotch Cap Twp
Sidney Twp
Strool Twp
Trail Twp
Vail Twp
Viking Twp
White Butte Twp
White Hill Twp
Wilson Twp
McLaughlin
County—Corson
Parts:
Cadillac Township
Central Corson Unorg.
Lincoln Township
Mahto Township
McLaughlin City
Mission Township
Northeast Corson Unorg.
Ridgeland Township
Wakpala Township
Walker Township
Milbank
County—Grant
Parts:
Adams Twp
Alban Twp
Albee Town
Blooming Valley Twp
Farmington Twp
Georgia Twp
Grant Center Twp
Kilborn Twp
La Bolt Town
Lura Twp
Madison Twp
Marvin Town
Mazeppa Twp
Melrose Twp
Milbank City
Osceola Twp
Revillo Town

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name

Stockholm Town
Stockholm Twp
Strandburg Town
Troy Twp
Twin Brooks Town
Twin Brooks Twp
Vernon Twp
County—Roberts
Parts:
Garfield Twp
Geneseo Twp
N. Rapid City
County—Pennington
Parts:
C.T. 101–105
C.T. 114–115
Newell
County—Butte
Parts:
East Butte Unorg
Newell City
Union Twp
Vale Twp
Salem
County—Hanson
County—McCook
Parts:
Edgerton Twp
Parts:
Emery Town
Farmer Town
Spring Lake Twp
Taylor Twp
County—McCook
Wessington Springs
County—Aurora
County—Jerauld
Parts:
Belford Twp
Parts:
Bristol Twp
Cooper Twp
Crystal Lake Twp
Eureka Twp
Firesteel Twp
Gales Twp
Hopper Twp
Lake Twp
Palatine Twp
Patten Twp
Plankinton City
Plankinton Twp
Pleasant Lake Twp
Pleasant Valley Twp
White Lake City
White Lake Twp
County—Buffalo
County—Jerauld
Parts:
Elvira Twp
Parts:
Southeast Buffalo Unorg
County—Jerauld
County—Sanborn
Parts:
Floyd Twp
Jackson Twp
Logan Twp
Oneida Twp
Silver Creek Twp
Twin Lake Twp
Union Twp

PRIMARY MEDICAL CARE: South Dakota
Service Area Listing

Service Area Name

Warren Twp
Woonsocket City
Woonsocket Twp

PRIMARY MEDICAL CARE: Tennessee
County Listing

County Name

Anderson
Service Area: Briceville-Lake City
*Benton
Bledsoe
Service Area: Dayton/Pikeville/Decatur
Blount
Service Area: Tallassee
Carter
Service Area: Roan Mountain
*Claiborne
Population Group: Low Inc—Claiborne Co
*Crockett
Population Group: Low Inc—Crockett Co
*Cumberland
Davidson
Population Group: Low Inc—Waverly-Belmont
Population Group: Low Inc—N Nashville
Population Group: Low Inc—E Nashville
Facility: Metro General Hosp
*Decatur
Population Group: Low Inc—Decatur Co
Dickson
Service Area: Vanleer/Shiloh
Fayette
*Fentress
Population Group: Low Inc—Fentress Co
*Giles
Grainger
*Greene
Service Area: Baileyton
*Grundy
Hamilton
Population Group: Med Ind—Chattanooga
*Hancock
*Hardeman
Hawkins
*Henderson
*Hickman
*Johnson
Knox
Service Area: Mechanicsville
*Lake
*Lewis
*Lincoln
Service Area: Cash Point—Blanche
Madison
Service Area: E Jackson
Meigs
Service Area: Dayton/Pikeville/Decatur
*Monroe
Population Group: Low Inc—Monroe Co
Montgomery
Service Area: Vanleer/Shiloh
*Moore
*Morgan
*Obion
Service Area: Hornbeak/Samburg
*Overton
Population Group: Low Inc—Overton Co
*Pickett
*Putnam
Population Group: Low Inc—Putnam Co
Rhea

PRIMARY MEDICAL CARE: Tennessee
County Listing

County Name

Service Area: Dayton/Pikeville/Decatur
*Roane
Rutherford
Service Area: Eagleville
*Scott
Population Group: Low Inc—Scott Co
Sevier
Shelby
Population Group: Low Inc—Central Memphis
Population Group: Low Inc—Sw Memphis
Population Group: Low Inc—NW Memphis
Facility: FCI Memphis
*Stewart
Population Group: Low Inc—Stewart Co
*Trousdale
Union
*Van Buren
Population Group: Low Inc—Van Buren Co
*Wayne
*Weakley
Service Area: Dresden
*White

PRIMARY MEDICAL CARE: Tennessee
Service Area Listing

Service Area Name

Baileyton
County—Greene
Parts:
Baileyton Division
Briceville-Lake City
County—Anderson
Parts:
Lake City West CCD
Lake City East CCD
New River CCD
Cash Point—Blanche
County—Lincoln
Parts:
Cash Point-Blanche Division
Dayton/Pikeville/Decatur
County—Bledsoe
County—Meigs
County—Rhea
Dresden
County—Weakley
Parts:
Chestnut Glade-Dukedom
Dresden CCD
Gleason CCD
Palmersville CCD
E Jackson
County—Madison
Parts:
C.T. 5
C.T. 8–12
Eagleville
County—Rutherford
Parts:
Eagleville Division
Hornbeak/Samburg
County—Obion
Parts:
Hornbeak-Samburg Division
Mechanicsville
County—Knox
Parts:
C.T. 1–7
C.T. 11–14
C.T. 20

PRIMARY MEDICAL CARE: Tennessee
Service Area Listing

Service Area Name

C.T. 28
Roan Mountain
County—Carter
Parts:
Laurel Fork Division
Roan Mountain Division
Tiger Valley Division
Tallassee
County—Blount
Parts:
Lanier Division
Vanleer/Shiloh
County—Dickson
Parts:
Vanleer Division
County—Montgomery
Parts:
Palmyra-Shiloh Division

PRIMARY MEDICAL CARE: Tennessee
Population Group Listing

Population Group

Low Inc—Central Memphis
County—Shelby
Parts:
C.T. 13–15
C.T. 28
C.T. 30
Low Inc—Claiborne Co
County—Claiborne
Parts:
Low Income
Low Inc—Crockett Co
County—Crockett
Parts:
Low Income
Low Inc—Decatur Co
County—Decatur
Parts:
Low Income
Low Inc—E Nashville
County—Davidson
Parts:
C.T. 112–126
Low Inc—Fentress Co
County—Fentress
Parts:
Low Income
Low Inc—Monroe Co
County—Monroe
Parts:
Low Income
Low Inc—N Nashville
County—Davidson
Parts:
C.T. 133
C.T. 135–144
Low Inc—Nw Memphis
County—Shelby
Parts:
C.T. 1–10
C.T. 18–24
C.T. 90
Low Inc—Overton Co
County—Overton
Parts:
Low Income
Low Inc—Putnam Co
County—Putnam
Parts:
Low Income

PRIMARY MEDICAL CARE: Tennessee
Population Group Listing

Population Group

Low Inc—Scott Co
County—Scott
Parts:
Low Inc Pop
Low Inc—Stewart Co
County—Stewart
Parts:
Low Inc Pop
Low Inc—SW Memphis
County—Shelby
Parts:
C.T. 40–69
C.T. 75
C.T. 78.10
C.T. 78.20
Low Inc—Van Buren Co
County—Van Buren
Parts:
Low Income
Low Inc—Waverly-Belmont
County—Davidson
Parts:
C.T. 161–163
C.T. 170–171
Med Ind—Chattanooga
County—Hamilton
Parts:
C.T. 1–16
C.T. 18–21
C.T. 23–27
C.T. 31
C.T. 115

PRIMARY MEDICAL CARE: Tennessee
Facility Listing

Facility Name

FCI Memphis
County—Shelby
Metro General Hosp
County—Davidson

PRIMARY MEDICAL CARE: Texas
County Listing

County Name

*Andrews
Population Group: Med Ind—Andrews Co
*Aransas
Archer
*Armstrong
*Atascosa
*Bandera
Bastrop (g)
Facility: FCI Bastrop
*Baylor
*Bee
Bexar
Service Area: San Antonio (West Side)
Service Area: San Antonio (Southside)
Service Area: San Antonio (Eastside)
*Blanco
*Borden
Bowie
Service Area: Dekalb
*Brooks
*Burleson
Caldwell
Cameron
Population Group: Low Inc—Cameron Co
Facility: Corazones Unidos Clinic
Facility: Port Isabel INS Health Facility

PRIMARY MEDICAL CARE: Texas
County Listing

County Name

*Carson
*Castro
*Chambers
*Cherokee
Population Group: Low Inc—Cherokee Co
*Cochran
*Coke
*Coleman
*Collingsworth
Comal
Population Group: Low Inc—New Braunfels
Coryell
*Crane
*Crockett
*Crosby
*Culberson
Dallas
Service Area: Lisbon
Service Area: Simpson-Stuart
Service Area: South Dallas
Service Area: Trinity
Facility: Parkland Mem Hosp Outpt Cl (C.T. 100)
*Deaf Smith
*Delta
Denton
Population Group: Low Inc—N Denton
Dickens
Service Area: Dickens-King
Dimmit
Service Area: Dimmit-Zavala
*Donley
*Duval
El Paso
Service Area: Lower Valley—El Paso
Service Area: South El Paso
Service Area: Southeast El Paso
Facility: FCI La Tuna
Facility: Tx Tech Med. Ambulatory Cl
*Falls
*Foard
*Gaines
Galveston
Service Area: Bolivar Penninsula
*Glasscock
*Goliad
*Gonzales
Population Group: Low Inc—Gonzales Co
*Grimes
Population Group: Inmates—FPC Bryan
*Hale
Population Group: Low Inc/MFW—Hale Co
*Hansford
Hardin
Harris
Service Area: Acres Home
Service Area: Casa De Amigos
Service Area: Galena Park/Jacinto City
Service Area: Ripley
Service Area: Settegast
*Hartley
*Henderson
Population Group: Low Inc—Henderson Co
Hidalgo
Population Group: Low Inc—Hildalgo Co
*Hockley
*Howard
Population Group: Inmates—FCI Big Spring
*Hudspeth
*Hunt

PRIMARY MEDICAL CARE: Texas
County Listing

County Name

Population Group: Low Inc—Hunt Co
*Irion
*Jackson
Jeff Davis
Service Area: Jeff Davis/Marfa
Jefferson
Service Area: Port Arthur Inner City
*Jim Wells
Johnson
*Jones
*Karnes
*Kendall
Population Group: Low Inc—Kendall Co
*Kenedy
*Kent
*Kerr
Population Group: Low Inc—Kerr Co
King
Service Area: Dickens-King
*Kinney
*Knox
*La Salle
*Lamb
*Lampasas
*Lee
Leon
Service Area: Leon/Madison
*Limestone
*Lipscomb
*Live Oak (g)
Facility: FCI Three Rivers
*Loving
Lubbock
Service Area: East Lubbock
Facility: Tx Tech Univ Pc Clinics
*Lynn
Madison
Service Area: Leon/Madison
*Marion
*Mason
*Maverick
*McMullen
*Medina
*Menard
*Milam
*Mills
*Mitchell
*Moore
Population Group: Low Inc—Moore Co
*Morris
*Motley
*Nacogdoches
Population Group: Low Inc—Nacogdoches Co
*Newton
Nueces
Service Area: Port Aransas
*Oldham
*Palo Pinto
Population Group: Low Inc—Palo Pinto Co
*Panola
Parker
*Parmer
*Pecos
Population Group: Low Inc—Pecos Co
*Polk
*Presidio
Service Area: Jeff Davis/Marfa
*Rains
*Reagan
*Real
*Red River

PRIMARY MEDICAL CARE: Texas
County Listing

County Name

*Reeves
*Refugio
*Roberts
*Robertson
*Sabine
*San Augustine
*San Jacinto
*San Saba
*Shelby
Population Group: Low Inc—Shelby Co
*Sherman
Smith
Service Area: Troup
*Starr
*Stephens
*Sterling
*Sutton
*Swisher
Tarrant
Service Area: Diamond Hill
Service Area: Poly/Stop Six
Facility: Jp Smith Hosp Clinics (Fh,Gyn,Med,Ob,Ped)
*Terrell
*Throckmorton
Travis
Service Area: Dove Springs
Service Area: East Austin
Service Area: South Austin
*Trinity
*Uvalde
Population Group: Low Inc—Uvalde Co
*Val Verde
*Van Zandt
Waller
*Ward
Webb
*Wheeler
Population Group: Low Inc—Wheeler Co
*Willacy
Wilson
*Winkler
*Wise
*Yoakum
*Zapata
Zavala
Service Area: Dimmit-Zavala

PRIMARY MEDICAL CARE: Texas
Service Area Listing

Service Area Name

Acres Home
County—Harris
Parts:
C.T. 524
C.T. 525.02–525.04
C.T. 530.02
C.T. 531.01
C.T. 531.03
Bolivar Penninsula
County—Galveston
Parts:
C.T. 1254
Casa De Amigos
County—Harris
Parts:
C.T. 502
C.T. 503.01–503.02
C.T. 504
C.T. 505.01–505.02
C.T. 506.01–506.02

PRIMARY MEDICAL CARE: Texas
Service Area Listing

Service Area Name

C.T. 507.01–507.02
C.T. 508
C.T. 509.02–509.03
C.T. 512
C.T. 514.01–514.02
C.T. 515.02
Dekalb
County—Bowie
Parts:
C.T. 116–117
Diamond Hill
County—Tarrant
Parts:
C.T. 1001.02
C.T. 1002.01–1002.02
C.T. 1003–1004
C.T. 1008–1011
C.T. 1050.01
C.T. 1050.06
Dickens-King
County—Dickens
County—King
Dimmit-Zavala
County—Dimmit
County—Zavala
Dove Springs
County—Travis
Parts:
C.T. 24.11–24.13
East Austin
County—Travis
Parts:
C.T. 4.02
C.T. 8.01–8.04
C.T. 9.01–9.02
C.T. 10
C.T. 18.11–18.12
C.T. 21.04–21.13
C.T. 22.01–22.02
C.T. 22.05
East Lubbock
County—Lubbock
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3.01–3.02
C.T. 6.03–6.06
C.T. 7–14
C.T. 23–25
Galena Park/Jacinto City
County—Harris
Parts:
C.T. 211–212
Jeff Davis/Marfa
County—Jeff Davis
County—Presidio
Parts:
Marfa Division
Leon/Madison
County—Leon
County—Madison
Lisbon
County—Dallas
Parts:
C.T. 56–57
C.T. 59.01–59.02
C.T. 87.01
C.T. 87.03–87.05
C.T. 88.01–88.02
Lower Valley—El Paso
County—El Paso
Parts:

PRIMARY MEDICAL CARE: Texas
Service Area Listing

Service Area Name

C.T. 35
C.T. 37.01–37.02
C.T. 38.01–38.02
C.T. 41.03–41.07
C.T. 42.01–42.02
Poly/Stop Six
County—Tarrant
Parts:
C.T. 1035
C.T. 1036.01
C.T. 1037.01–1037.02
C.T. 1046.01
C.T. 1046.04
C.T. 1062.01–1062.02
C.T. 1063
Port Aransas
County—Nueces
Parts:
C.T. 51.02
Port Arthur Inner City
County—Jefferson
Parts:
C.T. 51–65
Ripley
County—Harris
Parts:
C.T. 300.22–300.23
C.T. 301.01–301.02
C.T. 302
C.T. 308.20
C.T. 309.01–309.03
C.T. 310–312
C.T. 313.01–313.02
C.T. 314.02
C.T. 319.01
C.T. 321.01–321.02
San Antonio (Eastside)
County—Bexar
Parts:
C.T. 1101–1104
C.T. 1109–1110
C.T. 1301–1306
C.T. 1307.85
C.T. 1308–1313
C.T. 1401
San Antonio (Southside)
County—Bexar
Parts:
C.T. 1402–1412
C.T. 1416–1418
C.T. 1501–1522
C.T. 1609
C.T. 1610.85
C.T. 1611–1612
C.T. 1619–1620
San Antonio (West Side)
County—Bexar
Parts:
C.T. 1105–1108
C.T. 1601–1606
C.T. 1607.85
C.T. 1616
C.T. 1701–1716
C.T. 1901–1902
Settegast
County—Harris
Parts:
C.T. 207.01–207.02
C.T. 208.01
C.T. 215.01–215.03
C.T. 216.01–216.02
C.T. 217.01–217.02

PRIMARY MEDICAL CARE: Texas
Service Area Listing

Service Area Name

C.T. 218.03–218.04
C.T. 225.03–225.04
C.T. 227
Simpson-Stuart
County—Dallas
Parts:
C.T. 112–113
C.T. 114.01–114.02
C.T. 167.01
C.T. 169.01
South Austin
County—Travis
Parts:
C.T. 23.04
C.T. 23.10–23.12
C.T. 24.16
South Dallas
County—Dallas
Parts:
C.T. 25
C.T. 27.01–27.02
C.T. 28–29
C.T. 33–38
C.T. 39.01–39.02
C.T. 40
C.T. 93.03–93.04
C.T. 115
C.T. 116.01
South El Paso
County—El Paso
Parts:
C.T. 17–21
C.T. 28–29
Southeast El Paso
County—El Paso
Parts:
C.T. 39.01–39.03
C.T. 40.01–40.02
C.T. 103.10
C.T. 104.01–104.04
C.T. 105
Trinity
County—Dallas
Parts:
C.T. 41
C.T. 49
C.T. 54–55
C.T. 86.01–86.02
C.T. 89
Troup
County—Smith
Parts:
C.T. 21

PRIMARY MEDICAL CARE: Texas
Population Group Listing

Population Group

Inmates—FCI Big Spring
County—Howard
Parts:
FCI Big Spring
Inmates—FPC Bryan
County—Grimes
Parts:
FPC Bryan
Low Inc—Cameron Co
County—Cameron
Parts:
Low Income
Low Inc—Cherokee Co
County—Cherokee

PRIMARY MEDICAL CARE: Texas
Population Group Listing

Population Group

Parts:
Low Income
Low Inc—Gonzales Co
County—Gonzales
Parts:
Low Income
Low Inc—Henderson Co
County—Henderson
Parts:
Low Income
Low Inc—Hildalgo Co
County—Hidalgo
Parts:
Low Income
Low Inc—Hunt Co
County—Hunt
Parts:
Low Income
Low Inc—Kendall Co
County—Kendall
Parts:
Low Income
Low Inc—Kerr Co
County—Kerr
Parts:
Low Income
Low Inc—Moore Co
County—Moore
Parts:
Low Income
Low Inc—N Denton
County—Denton
Parts:
Denton CCD
Pilot Point—Aubrey CCD
Sanger CCD
Low Inc—Nacogdoches Co
County—Nacogdoches
Parts:
Low Income
Low Inc—New Braunfels
County—Comal
Parts:
C.T. 3101–3103
C.T. 3104.01–3104.02
C.T. 3105
C.T. 3106.02
C.T. 3108–3109
Low Inc—Palo Pinto Co
County—Palo Pinto
Parts:
Low Income
Low Inc—Pecos Co
County—Pecos
Parts:
Low Income
Low Inc—Shelby Co
County—Shelby
Parts:
Low Income
Low Inc—Uvalde Co
County—Uvalde
Parts:
Low Income
Low Inc—Wheeler Co
County—Wheeler
Parts:
Low Income
Low Inc/MFW—Hale Co
County—Hale
Parts:
Low Income

PRIMARY MEDICAL CARE: Texas
Population Group Listing

Population Group

MFW
Med Ind—Andrews Co
County—Andrews
Parts:
Medically Indigent

PRIMARY MEDICAL CARE: Texas
Facility Listing

Facility Name

Corazones Unidos Clinic
County—Cameron
FCI Bastrop
County—Bastrop
FCI La Tuna
County—El Paso
FCI Three Rivers
County—Live Oak
Jp Smith Hosp Clinics (Fh,Gyn,Med,Ob,Ped
County—Tarrant
Parkland Mem Hosp Outpt Cl (C.T. 100)
County—Dallas
Port Isabel INS Health Facility
County—Cameron
Tx Tech Med. Ambulatory Cl
County—El Paso
Tx Tech Univ Pc Clinics
County—Lubbock

PRIMARY MEDICAL CARE: Utah
County Listing

County Name

*Beaver
Population Group: Low Inc—Beaver Co
*Box Elder
Service Area: West Box Elder
*Carbon
Duchesne
Population Group: Low Inc—Duchesne Co
*Emery
*Garfield
Service Area: Panguitch
*Grand
*Iron
Service Area: Enterprise
*Kane
Service Area: Kanab/Fredonia (UT/AZ)
*Millard
*Piute
*Rich
Salt Lake
Population Group: Pov Pop—Kearns
Population Group: Pov Pop—Central City
Population Group: Pov/Homeless—NW Salt Lake
Facility: Utah State Prison
*San Juan
*Sanpete
Facility: Central Utah Corr Fac
*Sevier
*Summit
Service Area: Coalville/Kamas
*Tooele
*Uintah
Utah
Population Group: Low Inc/Mig—Utah Co
*Wasatch
*Washington
Service Area: Enterprise
Service Area: Hurricane/Mohave North (UT/AZ)

PRIMARY MEDICAL CARE: Utah
County Listing

County Name

*Wayne
Weber
Population Group: Pov Pop—Central & West Ogden

PRIMARY MEDICAL CARE: Utah
Service Area Listing

Service Area Name

Coalville/Kamas
County—Summit
Parts:
Coalville CCD
Kamas CCD
Enterprise
County—Iron
Parts:
Beryl-Newcastle Division
County—Washington
Parts:
Enterprise Division
Hurricane/Mohave North (UT/AZ)
County—Washington
Parts:
Hurricane CCD
Kanab/Fredonia (UT/AZ)
County—Kane
Panguitch
County—Garfield
Parts:
Escalante CCD
Panguitch CCD
Tropic CCD
West Box Elder
County—Box Elder
Parts:
West Box Elder Division

PRIMARY MEDICAL CARE: Utah
Population Group Listing

Population Group

Low Inc—Beaver Co
County—Beaver
Parts:
Low Income
Low Inc—Duchesne Co
County—Duchesne
Parts:
Low Income
Low Inc/Mig—Utah Co
County—Utah
Parts:
Low Income
Pov Pop—Central & West Ogden
County—Weber
Parts:
C.T. 2002–2005
C.T. 2008–2009
C.T. 2011–2013
C.T. 2018–2019
Pov Pop—Central City
County—Salt Lake
Parts:
C.T. 1014–1021
C.T. 1023
Pov Pop—Kearns
County—Salt Lake
Parts:
C.T. 1135.05
C.T. 1135.17
C.T. 1136–1137

PRIMARY MEDICAL CARE: Utah
Population Group Listing

Population Group

C.T. 1138.01–1138.03
Pov/Homeless—NW Salt Lake
County—Salt Lake
Parts:
C.T. 1001
C.T. 1003.03–1003.04
C.T. 1004–1006
C.T. 1024–1027

PRIMARY MEDICAL CARE: Utah
Facility Listing

Facility Name

Central Utah Corr Fac
County—Sanpete
Utah State Prison
County—Salt Lake

PRIMARY MEDICAL CARE: Vermont
County Listing

County Name

*Addison
Service Area: Route 100
*Bennington
Population Group: Med Ind—Bennington
*Caledonia
Service Area: Haverhill/Wells River (NH/VT)
Service Area: Peacham-Barnet
Population Group: Low Inc—Hardwick
*Essex
Service Area: Island Pond
Service Area: Upper Connecticut Valley (NH/VT)
Franklin
Service Area: Richford-Enosburg
*Lamoille
Population Group: Low Inc—Hardwick
*Orange
Service Area: Chelsea
Service Area: Haverhill/Wells River (NH/VT)
*Orleans
Service Area: Island Pond
Population Group: Low Inc—Hardwick
*Rutland
Service Area: Black River Valley
Service Area: Pawlet/Granville (VT/NY)
Service Area: Route 100
*Washington
Service Area: Mad River Valley
Population Group: Low Inc—Hardwick
*Windsor
Service Area: Black River Valley
Service Area: Route 100

PRIMARY MEDICAL CARE: Vermont
Service Area Listing

Service Area Name

Black River Valley
County—Rutland
Parts:
Mt Holly Town
County—Windsor
Parts:
Cavendish Town
Ludlow Town
Plymouth Town
Reading Town
Chelsea

PRIMARY MEDICAL CARE: Vermont
Service Area Listing

Service Area Name

County—Orange
Parts:
Chelsea Twn.
Corinth Twn.
Strafford Twn.
Tunbridge Twn.
Vershire Twn.
Washington Twn.
Haverhill/Wells River (NH/VT)
County—Caledonia
Parts:
Groton Twn.
Ryegate Twn.
County—Orange
Parts:
Newbury Twn.
Topsham Twn.
Island Pond
County—Essex
Parts:
Avery's Gore
Brighton Town
Ferdinand Town
Lewis Town
Norton Town
Warner's Grant
Warren's Gore
County—Orleans
Parts:
Charleston Town
Morgan Town
Mad River Valley
County—Washington
Parts:
Fayston Town
Moretown Town
Waitsfield Town
Warren Town
Pawlet/Granville (VT/NY)
County—Rutland
Parts:
Danby Town
Middletown Springs To
Mount Tabor Town
Pawlet Town
Poultney Town
Tinmouth Town
Wells Town
Peacham-Barnet
County—Caledonia
Parts:
Barnet Town
Peacham Town
Richford-Enosburg
County—Franklin
Parts:
Bakersfield Town
Berkshire Town
Enosburg Town
Fairfield Town
Franklin Town
Montgomery Town
Richford Town
Sheldon Town
Route 100
County—Addison
Parts:
Granville Town
Hancock Town
County—Rutland
Parts:
Pittsfield Town

PRIMARY MEDICAL CARE: Vermont
Service Area Listing

Service Area Name

County—Windsor
Parts:
Rochester Town
Stockbridge Town
Upper Connecticut Valley (NH/VT)
County—Essex
Parts:
Averill Town
Bloomfield Town
Brunswick Town
Canaan Town
Lemington Town

PRIMARY MEDICAL CARE: Vermont
Population Group Listing

Population Group

Low Inc—Hardwick
County—Caledonia
Parts:
Hardwick Town
Stannard Town
Walden Town
County—Lamoille
Parts:
Wolcott Town
County—Orleans
Parts:
Craftsbury Town
Greensboro Town
County—Washington
Parts:
Woodbury Town
Med Ind—Bennington
County—Bennington
Parts:
Med Ind Pop

PRIMARY MEDICAL CARE: Virginia
County Listing

County Name

*Accomack
Service Area: Accomack/Northampton
*Alleghany
Service Area: Alleghany
*Amelia
*Appomattox
Bedford
Service Area: Big Island
*Bland
Botetourt
Service Area: Northern Botetourt
*Brunswick
*Buchanan
Population Group: Med Ind Pop—Buchanan Co
Buckingham
Service Area: Tri-County(Buck/Fluv/Cumb)
Campbell/Lynchburg
Service Area: Altavista/Chatham
*Caroline
*Carroll
Service Area: Laurel Fork
*Charlotte
Chesapeake
Service Area: South Norfolk
Clifton Forge City (Indep)
Service Area: Alleghany
Covington City (Indep)
Service Area: Alleghany
Cumberland

PRIMARY MEDICAL CARE: Virginia
County Listing

County Name

Service Area: Tri-County(Buck/Fluv/Cumb)
*Dickenson
Dinwiddie/Petersburg
Facility: FCI Petersburg
Fluvanna
Service Area: Tri-County(Buck/Fluv/Cumb)
*Franklin
*Grayson/Galax
Service Area: Trout Dale/Independence
Halifax
Service Area: Halifax/South Boston
Hanover
Service Area: Beaverdam
*Henry/Martinsville
Population Group: Low Inc—Martinsville
*Highland
King George
*Lee
Service Area: Western Lee
Population Group: Med Ind—Eastern Lee
*Louisa
Service Area: Beaverdam
*Lunenburg
Mecklenburg
Service Area: Chase City
*Nelson
New Kent
*Northampton
Service Area: Accomack/Northampton
*Northumberland
*Page
Pittsylvania/Danville
Service Area: Altavista/Chatham
Population Group: Low Inc—Danville
Portsmouth City
Service Area: Downtown Portsmouth
*Richmond
Richmond City
Service Area: East End Richmond
Service Area: Old South Richmond
*Rockbridge/Buena Vista
Service Area: Big Island
*Russell
*Smyth
Service Area: Saltville
South Boston City (Indep)
Service Area: Halifax/South Boston
Spotsylvania/Fredericksbg
Service Area: Beaverdam
*Surry
*Sussex
Washington/Bristol
Service Area: Saltville

PRIMARY MEDICAL CARE: Virginia
Service Area Listing

Service Area Name

Accomack/Northampton
County—Accomack
County—Northampton
Alleghany
County—Alleghany
County—Clifton Forge City (Indep)
County—Covington City (Indep)
Altavista/Chatham
County—Campbell/Lynchburg
Parts:
C.T. 204.98
C.T. 205–209
County—Pittsylvania/Danville
Parts:
C.T. 101–107
Beaverdam
County—Hanover
Parts:
C.T. 3201–3202
County—Louisa
Parts:
C.T. 9501
C.T. 9505
County—Spotsylvania/Fredericksbg
Parts:
C.T. 204.01
Big Island
County—Bedford
Parts:
Peaks Dist
County—Rockbridge/Buena Vista
Parts:
Natural Bridge Dist
Chase City
County—Mecklenburg
Parts:
Bluestone District
Boydton District
Buckhorn District
Chase City District
Clarksville District
Downtown Portsmouth
County—Portsmouth City
Parts:
C.T. 2107
C.T. 2110–2111
C.T. 2113–2114
C.T. 2117–2121
East End Richmond
County—Richmond City
Parts:
C.T. 201–212
Halifax/South Boston
County—Halifax
County—South Boston City (Indep)
Laurel Fork
County—Carroll
Parts:
Laurel Fork Dist
Northern Botetourt
County—Botetourt
Parts:
C.T. 401–402
Old South Richmond
County—Richmond City
Parts:
C.T. 601–605
C.T. 607.98
C.T. 608.98
Saltville
County—Smyth
Parts:
North Fork Dist
Saltville Dist
County—Washington/Bristol
Parts:
Jefferson Dist
South Norfolk
County—Chesapeake
Parts:
C.T. 201–204
C.T. 205.01–205.02
C.T. 206–207
Tri-County(Buck/Fluv/Cumb)
County—Buckingham
County—Cumberland
County—Fluvanna
Trout Dale/Independence
County—Grayson/Galax
Parts:
Elk Creek District
Wilson Creek District
Western Lee
County—Lee
Parts:
Rose Hill Dist
White Shoals Dist

PRIMARY MEDICAL CARE: Virginia
Population Group Listing

Population Group

Low Inc—Danville
County—Pittsylvania/Danville
Parts:
C.T. 108.98
C.T. 109–111
C.T. 112.98
C.T. 113.98
C.T. 114
Danville City
Low Inc—Martinsville
County—Henry/Martinsville
Parts:
Henry Co
Martinsville City
Med Ind—Eastern Lee
County—Lee
Parts:
Jonesville Dist
Rocky Station Dist
Yokum Station Dist
Med Ind Pop—Buchanan Co
County—Buchanan
Parts:
Medically Indigent

PRIMARY MEDICAL CARE: Virginia
Facility Listing

Facility Name

FCI Petersburg
County—Dinwiddie/Petersburg

PRIMARY MEDICAL CARE: Washington
County Listing

County Name

*Adams
Facility: Columbia Basin Health Association
Benton
Population Group: Low Inc/MFW—Benton Co
*Chelan
Population Group: MFW—Chelan/Douglas
*Clallam
Service Area: Clallam Bay-Neah Bay
Population Group: Lower Elwha Indian Tribe
*Cowlitz
Population Group: Low Inc—Cowlitz Co
*Douglas
Service Area: Grand Coulee
Population Group: MFW—Chelan/Douglas
*Ferry
Service Area: Republic
Population Group: Am In—Colville Res
Franklin

PRIMARY MEDICAL CARE: Washington
County Listing

County Name

Population Group: Low Inc/MFW—Franklin Co
Facility: Coyote Ridge Corr Inst
*Garfield
*Grant
Service Area: Grand Coulee
Service Area: Royal City
Population Group: Low Inc/MFW—Central Grant Co
*Grays Harbor
Service Area: Copalis Beach
Service Area: Neilton
Service Area: Westport
*Jefferson
Service Area: Clallam Bay-Neah Bay
Service Area: Quilcene Bay
Kitsap
Population Group: Low Inc—Bremerton
*Klickitat
Population Group: MSFW—W Klickitat Co
*Lewis
Service Area: Morton
Population Group: Low Inc—Sw Lewis Co
*Lincoln
Service Area: Grand Coulee
Service Area: Odessa
*Mason (g)
Facility: Wa Corr/Reception Ctr
*Okanogan
Service Area: Twisp/Winthrop
Population Group: Am In—Colville Res
Population Group: MSFW—C Okanogan Co
Population Group: MSFW—N Okanogan Co
Population Group: MSFW—S Okanogan Co
*Pend Oreille
Service Area: Ione/Metaline Falls
Service Area: Newport/Cusick
Pierce
Service Area: Longbranch
Population Group: Low Inc—Eastside Tacoma
Population Group: Low Inc—Lakewood (Sw Pierce Co)
Facility: McNeil Island Corr. C.
*Skagit
Service Area: Concrete
Population Group: MSFW—Skagit Co
*Skamania
Snohomish
Service Area: Darrington
Population Group: Low Inc/MFW—W Snohomish Co
Population Group: MSFW—Snohomish
Population Group: Stillaguamish Ind. Tribe
Facility: Twin Rivers Corr C
Spokane
Service Area: Deer Park
Service Area: Rockford
Population Group: Am In—Spokane
*Stevens
Service Area: Chewelah
Service Area: Deer Park
Service Area: Northport
Thurston
Population Group: Low Inc—Thurston South Div
*Wahkiakum
Population Group: Low Inc—Wahkiakum Co

PRIMARY MEDICAL CARE: Washington
County Listing

County Name

*Walla Walla
Population Group: Low Inc/MFW—Walla Walla
Facility: Wa State Pen
Whatcom
Population Group: MSFW—Whatcom Co
*Whitman
Service Area: Rock Lake/La Crosse
Population Group: Low Inc—NE Whitman Co
Yakima

PRIMARY MEDICAL CARE: Washington
Service Area Listing

Service Area Name

Chewelah
County—Stevens
Parts:
Chewelah CCD
Columbia CCD
Springdale CCD
Clallam Bay-Neah Bay
County—Clallam
Parts:
Clallam Bay-Neah Bay CCD
Forks CCD
County—Jefferson
Parts:
West End CCD
Concrete
County—Skagit
Parts:
Upper Skagit CCD
Copalis Beach
County—Grays Harbor
Parts:
North Beach Division
Darrington
County—Snohomish
Parts:
Cascade Division
Deer Park
County—Spokane
Parts:
Deer Park CCD
County—Stevens
Parts:
Loon Lake CCD
Grand Coulee
County—Douglas
Parts:
Bridgeport Division
County—Grant
Parts:
Coulee City Division
Grand Coulee Division
County—Lincoln
Parts:
Wilbur Division
Ione/Metaline Falls
County—Pend Oreille
Parts:
Ione-Metaline Falls Division
Longbranch
County—Pierce
Parts:
Lower Peninsula CCD (C.T.
Morton
County—Lewis
Parts:
Big Bottom CCD

PRIMARY MEDICAL CARE: Washington
Service Area Listing

Service Area Name

Mineral CCD
Morton CCD
Mossyrock CCD
Neilton
County—Grays Harbor
Parts:
Humptulips CCD
Lake Quinalt CCD
Newport/Cusick
County—Pend Oreille
Parts:
Newport Division
Northport
County—Stevens
Parts:
Kettle Falls CCD
Odessa
County—Lincoln
Parts:
Odessa Division
Quilcene Bay
County—Jefferson
Parts:
Quilcene Bay CCD
Republic
County—Ferry
Parts:
Curlew CCD
Orient Sherman CCD
Republic CCD
Rock Lake/La Crosse
County—Whitman
Parts:
La Crosse CCD
Rock Lake CCD
Rockford
County—Spokane
Parts:
Rockford CCD
Royal City
County—Grant
Parts:
Southern Slopes Division
Twisp/Winthrop
County—Okanogan
Parts:
Early Winters Division
Methow Valley Division
Westport
County—Grays Harbor
Parts:
South Shore Div.

PRIMARY MEDICAL CARE: Washington
Population Group Listing

Population Group

Am In—Colville Res
County—Ferry
Parts:
Colville Res CCD
County—Okanogan
Parts:
Colville Res CCD
Am In—Spokane
County—Spokane
Parts:
American Indian
Low Inc—Bremerton
County—Kitsap
Parts:
C.T. 805–806

PRIMARY MEDICAL CARE: Washington
Population Group Listing

Population Group

C.T. 810–813
Low Inc—Cowlitz Co
County—Cowlitz
Parts:
Low Income
Low Inc—Eastside Tacoma
County—Pierce
Parts:
C.T. 618–627
C.T. 628.01–628.02
C.T. 629–635
Low Inc—Lakewood (Sw Pierce Co)
County—Pierce
Parts:
C.T. 714.03–714.05
C.T. 715.01
C.T. 715.03–715.04
C.T. 717.01–717.02
C.T. 718.02–718.04
C.T. 719.01–719.02
C.T. 720
C.T. 721.05–721.08
C.T. 723.06
C.T. 723.08
Low Inc—Ne Whitman Co
County—Whitman
Parts:
Rosalia CCD
Steptoe CCD
Tekoa CCD
Low Inc—Sw Lewis Co
County—Lewis
Parts:
Boistfort CCD
Ethel CCD
Olequa CCD
Low Inc—Thurston South Div
County—Thurston
Parts:
Low Income
Low Inc—Wahkiakum Co
County—Wahkiakum
Parts:
Low Income
Low Inc/MFW—Benton Co
County—Benton
Parts:
Low Income
MFW
Low Inc/MFW—Central Grant Co
County—Grant
Parts:
Ephrata—Soap Lake CCD
George CCD
Gloyd CCD
Moses Lake CCD
Quincy CCD
Warden CCD
Wilson Creek CCD
Low Inc/MFW—Franklin Co
County—Franklin
Parts:
Low Income
MFW
Low Inc/MFW—W Snohomish Co
County—Snohomish
Parts:
Arlington CCD
Edmunds CCD
Everett CCD
Granite Falls CCD
Lake Stevens CCD

PRIMARY MEDICAL CARE: Washington
Population Group Listing

Population Group

Maltby CCD
Marysville CCD
Monroe CCD
MFW
Skykomish CCD
Snohomish CCD
Stanwood CCD
Tulalip CCD
Low Inc/MFW—Walla Walla
County—Walla Walla
Parts:
Low Income
MFW
Lower Elwha Indian Tribe
County—Clallam
Parts:
Agnew-Carlsborg CCD
Crescent CCD
Forks CCD
Port Angeles CCD
Sequim CCD
MFW—Chelan/Douglas
County—Chelan
Parts:
MFW
County—Douglas
Parts:
MFW
MSFW—C Okanogan Co
County—Okanogan
Parts:
Concully-Riverside CCD
Okanogan CCD
Omak CCD
MSFW—N Okanogan Co
County—Okanogan
Parts:
Oroville CCD
Tonasket-Pine Creek CCD
MSFW—S Okanogan Co
County—Okanogan
Parts:
Brewster-Wakefield CCD
MSFW—Skagit Co
County—Skagit
Parts:
Anacortes CCD
Bayview CCD
Bow CCD
Burlington CCD
Cavanaugh CCD
Clear Lake CCD
Conway CCD
La Conner CCD
Lyman-Hamilton CCD
Mount Vernon CCD
Samish CCD
Sedro-Woolley CCD
MSFW—Snohomish
County—Snohomish
Parts:
Arlington CCD
Granite Falls CCD
Lake Stevens CCD
Maltby CCD
Marysville CCD
Monroe CCD
Skykomish CCD
Snohomish CCD
Stanwood CCD
MSFW—W Klickitat Co
County—Klickitat

PRIMARY MEDICAL CARE: Washington
Population Group Listing

Population Group

Parts:
Wahkiakus CCD
White Salmon CCD
Yakima Res CCD
MSFW—Whatcom Co
County—Whatcom
Parts:
MSFW
Stillaguamish Ind. Tribe
County—Snohomish
Parts:
C.T. 531–532
C.T. 534

PRIMARY MEDICAL CARE: Washington
Facility Listing

Facility Name

Columbia Basin Health Association
County—Adams
Coyote Ridge Corr Inst
County—Franklin
McNeil Island Corr. C.
County—Pierce
Twin Rivers Corr C
County—Snohomish
Wa Corr/Reception Ctr
County—Mason
Wa State Pen
County—Walla Walla

PRIMARY MEDICAL CARE: West Virginia
County Listing

County Name

*Barbour
Berkeley
Population Group: Low Inc/MFW—Shenandoah
*Boone
*Braxton
Cabell
Service Area: Guyandotte
*Calhoun
*Clay
Doddridge
Service Area: Doddridge/Salem
*Fayette
Service Area: New Haven
*Gilmer
*Grant
Service Area: Mt Storm
*Greenbrier
Service Area: Greenbrier
Service Area: Rainelle
*Hampshire
Hancock
Service Area: East Liverpool (OH/PA/WV)
*Hardy
Service Area: Baker
*Harrison
Service Area: Doddridge/Salem
*Jackson
Jefferson
Population Group: Low Inc/MFW—Shenandoah
Kanawha
Service Area: Clendenin
Service Area: Pocatalico
*Lincoln
Marshall
Service Area: Cameron

PRIMARY MEDICAL CARE: West Virginia
County Listing

County Name

*Mercer
Service Area: Matoaka
*Mingo
Service Area: Gilbert
Service Area: Kermit
Service Area: Matewan
*Monongalia
Service Area: Clay/Battelle (WV/PA)
Facility: FCI—Morgantown
*Monroe
Population Group: Inmates—FPC Alderson
*Morgan
Service Area: Hancock (MD/PA/WV)
Service Area: Paw Paw
*Nicholas
Service Area: Rainelle
Service Area: Richwood
*Pendleton
*Preston
Service Area: Bruceton Mills
Service Area: Rowlesburg/Eglon
*Raleigh
Service Area: Northwest Raleigh
*Randolph
Service Area: Huttonsville
Facility: Huttonsville Corr Ctr
*Ritchie
*Roane
*Taylor
*Tucker
*Upshur
Service Area: Rock Cave
Wayne
Service Area: Wayne/Fort Gay
*Webster
Service Area: Richwood
*Wetzel
Service Area: Clay/Battelle (WV/PA)
*Wirt

PRIMARY MEDICAL CARE: West Virginia
Service Area Listing

Service Area Name

Baker
County—Hardy
Parts:
Capon District
Lost River District
Bruceton Mills
County—Preston
Parts:
Grant District
Cameron
County—Marshall
Parts:
C.T. 208
Clay/Battelle (WV/PA)
County—Monongalia
Parts:
C.T. 114
County—Wetzel
Parts:
C.T. 304
Clendenin
County—Kanawha
Parts:
C.T. 112
Doddridge/Salem
County—Doddridge
County—Harrison
Parts:

PRIMARY MEDICAL CARE: West Virginia
Service Area Listing

Service Area Name

C.T. 316
East Liverpool (OH/PA/WV)
County—Hancock
Parts:
Grant Dist
Gilbert
County—Mingo
Parts:
Stafford Dist.
Greenbrier
County—Greenbrier
Parts:
Anthony Creek Dist
Falling Spring Dist
Frankford Dist
Williamsburg Dist
Guyandotte
County—Cabell
Parts:
C.T. 2
Hancock (MD/PA/WV)
County—Morgan
Parts:
B.N.A. 9708
B.N.A. 9707
Huttonsville
County—Randolph
Parts:
Huttonsville Dist
Middle Fork Dist
Mingo Dist
Valley Bend Dist
Kermit
County—Mingo
Parts:
Harvey District
Kermit District
Matewan
County—Mingo
Parts:
Magnolia Dist.
Matoaka
County—Mercer
Parts:
C.T. 9509
C.T. 9516
Mt Storm
County—Grant
Parts:
Union Dist.
New Haven
County—Fayette
Parts:
C.T. 210–211
Northwest Raleigh
County—Raleigh
Parts:
C.T. 111–112
Paw Paw
County—Morgan
Parts:
C.T. 9709–9710
Pocatalico
County—Kanawha
Parts:
C.T. 108.01–108.02
Rainelle
County—Greenbrier
Parts:
Meadow Bluff District
County—Nicholas
Richwood

PRIMARY MEDICAL CARE: West Virginia
Service Area Listing

Service Area Name

County—Nicholas
Parts:
Beaver District
County—Webster
Parts:
Glade District
Rock Cave
County—Upshur
Parts:
Banks District
Meade District
Rowlesburg/Eglon
County—Preston
Parts:
Reno District
Union District
Wayne/Fort Gay
County—Wayne
Parts:
Butler District
Stonewall District
Union District

PRIMARY MEDICAL CARE: West Virginia
Population Group Listing

Population Group

Inmates—FPC Alderson
County—Monroe
Parts:
FPC Alderson
Low Inc/MFW—Shenandoah
County—Berkeley
Parts:
Low Income/Migrant Farmw
County—Jefferson
Parts:
Low Incomw/Migrant Farmw

PRIMARY MEDICAL CARE: West Virginia
Facility Listing

Facility Name

FCI—Morgantown
County—Monongalia
Huttonsville Corr Ctr
County—Randolph

PRIMARY MEDICAL CARE: Wisconsin
County Listing

County Name

*Adams (g)
Facility: FCI Oxford
*Ashland
Population Group: Am In—Bad River Tribe
*Barron
Service Area: Chetek/Colfax
*Bayfield
Service Area: Hayward/Radisson
Service Area: Washburn/Bayfield
Brown
Service Area: Pulaski
Population Group: Am In—Oneida Nation
Facility: Green Bay Maximum Security Inst
*Buffalo
Service Area: Arcadia
Service Area: Durand
Service Area: Mondovi
*Burnett
Calumet
*Clark

PRIMARY MEDICAL CARE: Wisconsin
County Listing

County Name

*Columbia (g)
Facility: Columbia Maximum Security Inst
*Crawford
Service Area: Boscobel
*Dodge
Facility: Dodge Corr Inst
Facility: Fox Lake Medium Security Inst
Facility: Waupun Maximum Security Inst
*Door
Service Area: Sister Bay/Washington Island
Service Area: Sturgeon Bay
Douglas
Service Area: Minong/Solon Springs
*Dunn
Service Area: Chetek/Colfax
Service Area: Durand
Eau Claire
Service Area: Osseo
*Florence
*Fond Du Lac
Facility: Kettle Moraine Medium Security Inst
*Forest
*Grant
Service Area: Boscobel
Service Area: Platteville/Cuba City
Population Group: Low Inc—Lancaster/Fennimore
*Green Lake
Service Area: Markesan/Kingston
*Iowa
Service Area: Platteville/Cuba City
*Iron
Service Area: Ironwood/Hurley (MI/WI)
*Jackson
Service Area: Osseo
*Juneau
Service Area: Hillsboro
Kenosha
Service Area: Kenosha
*Kewaunee
Service Area: Kewaunee City/Algoma
La Crosse
Service Area: Coon Valley/Chaseburg
*Lafayette
Service Area: Darlington/Shullsburg
Service Area: Platteville/Cuba City
*Langlade
Service Area: Elcho
Service Area: Mountain/White Lake
*Lincoln
Service Area: Tomahawk
Marathon
Service Area: Athens/Edgar
Service Area: Tigerton/Birnamwood
Population Group: Low Inc—City Of Wausau
*Marinette
Service Area: W. Marinette
Population Group: Low Inc—E Marinette/S Menominee (MI/WI
*Marquette
Service Area: Montello
*Menominee
Milwaukee
Service Area: Capitol Drive (Milwaukee)
Service Area: Inner City West
Service Area: Inner City South
Service Area: Inner City North (Milwaukee)
Service Area: Juneautown
*Monroe

PRIMARY MEDICAL CARE: Wisconsin
County Listing

County Name

Service Area: Hillsboro
Service Area: Sparta
*Oconto
Service Area: Mountain/White Lake
Service Area: Pulaski
Population Group: Low Inc—Oconto/Oconto Falls
*Oneida
Service Area: Elcho
Service Area: Tomahawk
Outagamie
Service Area: Clintonville/Marion
Population Group: Am In—Oneida Nation
*Pepin
Service Area: Durand
Service Area: Mondovi
Pierce
Service Area: Durand
*Polk
Service Area: Frederic/Luck
*Price
Racine
Facility: Racine Medium Security Inst
*Richland
Service Area: Hillsboro
Service Area: Spring Green/Plain
Rock
Service Area: Central Beloit
*Sauk
Service Area: Hillsboro
Service Area: Spring Green/Plain
*Sawyer
Service Area: Hayward/Radisson
*Shawano
Service Area: Clintonville/Marion
Service Area: Pulaski
Service Area: Tigerton/Birnamwood
Population Group: Am In—Stockbridge-Munsee Tribe
Population Group: Low Inc—Oconto/Oconto Falls
St Croix
Service Area: Baldwin
*Taylor
*Trempealeau
Service Area: Arcadia
Service Area: Galesville/Trempealeau
Service Area: Osseo
*Vernon
Service Area: Coon Valley/Chaseburg
Service Area: Genoa
Service Area: Hillsboro
*Vilas
Service Area: Land O'Lakes/Presque Isle
*Washburn
Service Area: Hayward/Radisson
Service Area: Minong/Solon Springs
Population Group: Low Inc—Spooner/Shell Lake
*Waupaca
Service Area: Clintonville/Marion
Service Area: Tigerton/Birnamwood
*Waushara
Service Area: Wautoma/Plainfield/Wild Rose
Winnebago
Facility: Oshkosh Medium Security Inst

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Arcadia
County—Buffalo
Parts:
Buffalo Twn.
Cross Twn.
Fountain City
Glencoe Twn.
Milton Twn.
Montana Twn.
Waumandee Twn.
County—Trempealeau
Parts:
Arcadia Twn.
Arcadia City
Dodge Twn.
Athens/Edgar
County—Marathon
Parts:
Athens Vil.
Bern Twn.
Edgar Vil.
Fenwood Vil.
Frankfort Twn.
Halsey Twn.
Johnson Twn.
Rietbrock Town
Wien Town
Baldwin
County—St Croix
Parts:
Baldwin Twn.
Baldwin Vil.
Cady Twn.
Eau Galle Twn.
Emerald Twn.
Glenwood City
Glenwood Twn.
Hammond Twn.
Hammond Vil.
Pleasant Valley Twn.
Rush River Twn.
Springfield Twn.
Wilson Vil.
Woodville Vil.
Boscobel
County—Crawford
Parts:
Haney Twn.
Marietta Twn.
Scott Twn.
Steuben Vil.
Wauzeka Twn.
Wauzeka Vil.
County—Grant
Parts:
Bagley Vil.
Blue River Vil.
Boscobel City
Boscobel Twn.
Castle Rock Twn.
Hickory Grove Twn.
Marion Twn.
Millville Twn.
Mount Hope Twn.
Mount Ida Twn.
Muscoda Twn.
Muscoda Vil.
Patch Grove Twn.
Patch Grove Vil.
Watterstown Twn.
Woodman Twn.
Woodman Vil.

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Wyalusing Twn.
Capitol Drive (Milwaukee)
County—Milwaukee
Parts:
C.T. 23–28
C.T. 36
C.T. 38–49
C.T. 60–61
C.T. 63–65
Central Beloit
County—Rock
Parts:
C.T. 15–19
Chetek/Colfax
County—Barron
Parts:
Arland Town
Chetek Town
Chetek City
Dallas Vil
Dallas Town
Dovre Town
Maple Grove Town
Prairie Farm Town
Prairie Lake Town
Prairie Farm Vil
Sioux Creek Town
Sumner Town
Turtle Lake Vil
Turtle Lake Town
Vance Creek Town
County—Dunn
Parts:
Boyceville Vil
Colfax Vil
Colfax Town
Downing Vil
Grant Town
Hay River Town
Knapp Vil
New Haven Town
Otter Creek Town
Ridgeland Vil
Sand Creek Town
Sheridan Town
Sherman Town
Stanton Town
Tainter Town
Tiffany Town
Wheeler Vil
Wilson Town
Clintonville/Marion
County—Outagamie
Parts:
Bear Creek Vil
Deer Creek Town
Maine Town
County—Shawano
Parts:
Grant Town
Pella Town
County—Waupaca
Parts:
Bear Creek Town
Clintonville City
Dupont Town
Embarrass Vil
Larrabee Town
Marion City
Matteson Town
Union Town
Coon Valley/Chaseburg

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

County—La Crosse
Parts:
Washington Town
County—Vernon
Parts:
Chaseburg Vil
Coon Town
Coon Valley Vil
Hamburg Town
Darlington/Shullsburg
County—Lafayette
Parts:
Argyle Town
Argyle Vil
Blanchard Town
Blanchardville Vil
Darlington City
Darlington Town
Fayette Town
Gratiot Town
Gratiot Vil
Kendall Town
Lamont Town
Monticello Town
Seymour Town
Shullsburg City
Shullsburg Town
South Wayne Vil
Wayne Town
White Oak Springs Town
Willow Springs Town
Wiota Town
Durand
County—Buffalo
Parts:
Maxville Town
Nelson Town
County—Dunn
Parts:
Dunn Town
Eau Galle Town
Peru Town
Rock Creek Town
Spring Brook Town
Weston Town
County—Pepin
Parts:
Durand City
Durand Town
Frankfort Town
Lima Town
Pepin Town
Pepin Vil
Stockholm Vil
Stockholm Town
Waterville Town
Waubeck Town
County—Pierce
Parts:
El Paso Town
Elmwood Vil
Gilman Town
Maiden Rock Vil
Maiden Rock Town
Plum City Vil
Prescott City
Rock Elm Town
Salem Town
Spring Valley Vil
Spring Lake Town
Union Town
Elcho

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

County—Langlade
Parts:
Ainsworth Twn.
Elcho Twn.
Parrish Twn.
Summit Twn.
Upham Twn.
County—Oneida
Parts:
Enterprise Twn.
Schoepke Twn.
Frederic/Luck
County—Polk
Parts:
Bone Lake Town
Clam Falls Town
Frederic Vil
Georgetown Town
Laketown Town
Lorain Town
Luck Town
Luck Vil
McKinley Town
West Sweden Town
Galesville/Trempealeau
County—Trempealeau
Parts:
Caledonia Town
Ettrick Vil
Ettrick Town
Gale Town
Galesville City
Trempealeau Town
Trempealeau Vil
Genoa
County—Vernon
Parts:
Bergen Twn.
De Soto Vil.
Genoa Twn.
Genoa Vil.
Harmony Twn.
Sterling Twn.
Wheatland Twn.
Hayward/Radisson
County—Bayfield
Parts:
Barnes Town
Cable Town
Drummond Town
Grand View Town
Namakagon Town
County—Sawyer
Parts:
Bass Lake Town
Couderay Town
Couderay Vil
Edgewater Town
Exeland Vil
Hayward City
Hayward Town
Hunter Town
Lenroot Town
Meadowbrook Town
Meteor Town
Ojibwa Town
Radisson Town
Radisson Vil
Round Lake Town
Sand Lake Town
Spider Lake Town
Weirgor Town

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Winter Town
Winter Vil
County—Washburn
Parts:
Bass Lake Town
Stinnett Town
Stone Lake Town
Hillsboro
County—Juneau
Parts:
Union Center Village
Wonewoc Town
Wonewoc Village
County—Monroe
Parts:
Glendale Town
Kendall Village
Sheldon Town
Wellington Town
County—Richland
Parts:
Bloom Town
Cazenovia Village
Henrietta Town
Westford Town
Yuba Village
County—Sauk
Parts:
Woodland Town
County—Vernon
Parts:
Forest Town
Greenwood Town
Hillsboro City
Hillsboro Town
Ontario Village
Union Town
Whitestown Town
Inner City North (Milwaukee)
County—Milwaukee
Parts:
C.T. 44
C.T. 66–72
C.T. 79–86
C.T. 101–107
C.T. 114–118
C.T. 139–142
C.T. 145–147
C.T. 151
Inner City South
County—Milwaukee
Parts:
C.T. 155–159
C.T. 162–169
C.T. 174–177
C.T. 178.98
C.T. 179
C.T. 180.97–180.98
Inner City West
County—Milwaukee
Parts:
C.T. 62
C.T. 87–90
C.T. 96–100
C.T. 119–123
C.T. 133–138
C.T. 148–149
Ironwood/Hurley (MI/WI)
County—Iron
Parts:
Anderson Town
Carey Town

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Gurney Town
Hurley City
Kimball Town
Knight Town
Mercer Town
Montreal City
Oma Town
Pence Town
Saxon Town
Juneautown
County—Milwaukee
Parts:
C.T. 108
C.T. 110–113
Kenosha
County—Kenosha
Parts:
C.T. 7–12
C.T. 16
Kewaunee City/Algoma
County—Kewaunee
Parts:
Ahnapee Town
Algoma City
Carlton Town
Casco Town
Casco Village
Kewaunee City
Lincoln Town
Pierce Town
West Kewaunee Town
Land O'Lakes/Presque Isle
County—Vilas
Parts:
Land O'Lakes Town
Presque Isle Town
Winchester Town
Markesan/Kingston
County—Green Lake
Parts:
Kingston Vil
Kingston Town
Mackford Town
Manchester Town
Markesan City
Marquette City
Marquette Town
Minong/Solon Springs
County—Douglas
Parts:
Bennett Twn.
Dairyland Twn.
Gordon Twn.
Highland Twn.
Oakland Twn.
Solon Springs Twn.
Solon Springs Vil.
Wascott Twn.
County—Washburn
Parts:
Brooklyn Twn.
Chicog Twn.
Frog Creek Twn.
Gull Lake Twn.
Minong Twn.
Minong Vil.
Mondovi
County—Buffalo
Parts:
Alma City
Alma Town
Belvidere Town

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Buffalo City
Canton Town
Cochrane Vil
Dover Town
Gilmanton Town
Lincoln Town
Modena Town
Mondovi City
Mondovi Town
Naples Town
County—Pepin
Parts:
Albany Town
Montello
County—Marquette
Parts:
Crystal Lake Town
Harris Town
Mecan Town
Montello City
Montello Town
Neshkoro Town
Neshkoro Vil
Newton Town
Oxford Town
Oxford Vil
Packwaukee Town
Shields Town
Springfield Town
Westfield Town
Westfield Vil
Mountain/White Lake
County—Langlade
Parts:
Evergreen Town
Langlade Town
White Lake Vil
Wolf River Town
County—Oconto
Parts:
Armstrong Town
Bagley Town
Brazeau Town
Breed Town
Doty Town
Lakewood Town
Riverview Town
Townsend Town
Osseo
County—Eau Claire
Parts:
Augusta City
Bridge Creek Twn.
Clear Creek Twn.
Fairchild Twn.
Fairchild Vil.
Otter Creek Twn.
County—Jackson
Parts:
Cleveland Twn.
Garfield Twn.
Northfield Twn.
County—Trempealeau
Parts:
Hale Twn.
Osseo City
Strum Vil.
Sumner Twn.
Unity Twn.
Platteville/Cuba City
County—Grant
Parts:

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Clifton Town
Cuba City City
Dickeyville Vil
Ellenboro Town
Harrison Town
Hazel Green Town
Hazel Green Vil
Lima Town
Livingston Vil
Paris Town
Platteville City
Platteville Town
Smelser Town
County—Iowa
Parts:
Mifflin Town
Rewey Vil
County—Lafayette
Parts:
Belmont Town
Belmont Vil
Benton Town
Benton Vil
Elk Grove Town
New Diggings Town
Pulaski
County—Brown
Parts:
Pittsfield Town
Pulaski Vil
County—Oconto
Parts:
Chase Town
County—Shawano
Parts:
Angelica Town
Maple Grove Town
Sister Bay/Washington Island
County—Door
Parts:
Baileys Harbor Town
Ephraim Vil
Gibraltar Town
Liberty Grove Town
Sister Bay Vil
Washington Town
Sparta
County—Monroe
Parts:
Angelo Town
Cashton Vil
Jefferson Town
Lafayette Town
Leon Town
Little Falls Town
Melvina Vil
New Lyme Town
Norwalk Vil
Portland Town
Ridgeville Town
Sparta City
Sparta Town
Wells Town
Spring Green/Plain
County—Richland
Parts:
Buena Vista Town
Lone Rock Village
County—Sauk
Parts:
Bear Creek Town
Franklin Town

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Honey Creek Town
Plain Village
Spring Green Village
Spring Green Town
Troy Town
Sturgeon Bay
County—Door
Parts:
Brussels Town
Claybanks Town
Egg Harbor Town
Egg Harbor Vil
Forestville Town
Forestville Vil
Gardner Town
Jacksonport Town
Nasewaupee Town
Sevastopol Town
Sturgeon Bay City
Sturgeon Bay Town
Union Town
Tigerton/Birnamwood
County—Marathon
Parts:
Elderon Town
Elderon Vil
Franzen Town
Hatley Vil
Norrie Town
Plover Town
County—Shawano
Parts:
Almon Town
Aniwa Town
Aniwa Vil
Birnamwood Town
Birnamwood Vil
Bowler Vil
Eland Vil
Fairbanks Town
Germania Town
Hutchins Town
Mattoon Vil
Morris Town
Tigerton Vil
Wittenberg Town
Wittenberg Vil
County—Waupaca
Parts:
Big Falls Vil
Harrison Town
Wyoming Town
Tomahawk
County—Lincoln
Parts:
Bradley Town
Harrison Town
King Town
Skanawan Town
Somo Town
Tomahawk City
Tomahawk Town
Wilson Town
County—Oneida
Parts:
Little Rice Town
Lynne Town
Nokomis Town
W. Marinette
County—Marinette
Parts:
Amberg Town

PRIMARY MEDICAL CARE: Wisconsin
Service Area Listing

Service Area Name

Athelstane Town
Beaver Town
Coleman Vil
Crivitz Vil
Dunbar Town
Goodman Town
Lake Town
Middle Inlet Town
Pound Town
Pound Vil
Silver Cliff Town
Stephenson Town
Wausaukee Town
Wausaukee Vil
Washburn/Bayfield
County—Bayfield
Parts:
Barksdale Town
Bayfield Town
Bayfield City
Bayview Town
Bell Town
Clover Town
Delta Town
Eileen Town
Hughes Town
Iron River Town
Kelly Town
Keystone Town
Lincoln Town
Mason Town
Mason Vil
Orienta Town
Oulu Town
Pilsen Town
Port Wing Town
Russell Town
Tripp Town
Washburn City
Washburn Town
Wautoma/Plainfield/Wild Rose
County—Waushara
Parts:
Coloma Town
Coloma Vil
Dakota Town
Deerfield Town
Hancock Town
Hancock Vil
Marion Town
Mount Morris Town
Oasis Town
Plainfield Town
Plainfield Vil
Richford Town
Rose Town
Springwater Town
Wautoma City
Wautoma Town
Wild Rose Vil

PRIMARY MEDICAL CARE: Wisconsin
Population Group Listing

Population Group

Am In—Bad River Tribe
County—Ashland
Parts:
Sanborn Town
Am In—Oneida Nation
County—Brown
Parts:

PRIMARY MEDICAL CARE: Wisconsin
Population Group Listing

Population Group

Hobart Town
County—Outagamie
Parts:
Oneida Town
Am In—Stockbridge-Munsee Tribe
County—Shawano
Parts:
Bartelme Town
Red Springs Town
Low Inc—City Of Wausau
County—Marathon
Parts:
C.T. 1–2
C.T. 4–5
C.T. 6.01–6.02
C.T. 7
Low Inc—E Marinette/S Menominee (MI/WI
County—Marinette
Parts:
Grover Town
Marinette City
Peshtigo City
Pestigo Town
Porterfield Town
Wagner Town
Low Inc—Lancaster/Fennimore
County—Grant
Parts:
Beetown Town
Bloomington Town
Bloomington Vil
Cassville Vil
Cassville Town
Fennimore Town
Fennimore City
Glen Haven Town
Lancaster City
Liberty Town
Little Grant Town
Montfort Vil
North Lancaster Town
Potosi Town
Potosi Vil
South Lancaster Town
Waterloo Town
Wingville Town
Low Inc—Oconto/Oconto Falls
County—Oconto
Parts:
Abrams Town
Gilette Town
Gillett City
How Town
Lena Town
Lena Vil
Little River Town
Maple Valley Town
Morgan Town
Oconto Falls Town
Oconto Town
Oconto City
Oconto Falls City
Pensaukee Town
Spruce Town
Stiles Town
Suring Vil
Underhill Town
County—Shawano
Parts:
Green Valley Town
Low Inc—Spooner/Shell Lake
County—Washburn

PRIMARY MEDICAL CARE: Wisconsin
Population Group Listing

Population Group

Parts:
Barronett Town
Bashaw Town
Beaver Brook Town
Birchwood Town
Birchwood Vil
Casey Town
Crystal Town
Evergreen Town
Long Lake Town
Madge Town
Sarona Town
Shell Lake City
Spooner City
Spooner Town
Springbrook Town
Trego Town

PRIMARY MEDICAL CARE: Wisconsin
Facility Listing

Facility Name

Columbia Maximum Security Inst
County—Columbia
Dodge Corr Inst
County—Dodge
Fox Lake Medium Security Inst
County—Dodge
FCI Oxford
County—Adams
Green Bay Maximum Security Inst
County—Brown
Kettle Moraine Medium Security Inst
County—Fond Du Lac
Oshkosh Medium Security Inst
County—Winnebago
Racine Medium Security Inst
County—Racine
Waupun Maximum Security Inst
County—Dodge

PRIMARY MEDICAL CARE: Wyoming
County Listing

County Name

*Albany
Service Area: Rock River
*Big Horn
Service Area: Greybull/Basin
Service Area: Lovell
*Carbon
*Converse
*Crook
Laramie
Service Area: Pine Bluffs
*Lincoln
Service Area: Kemmerer/Cokeville
Natrona
Service Area: Midwest/Edgerton
*Niobrara
*Park
Service Area: Gardiner/Yellowstone (MT/WY)
Service Area: Meeteetse
*Platte
Service Area: Chugwater
Service Area: Glendo
Service Area: Guernsey
*Sublette
*Sweetwater
*Teton
Service Area: Gardiner/Yellowstone (MT/WY)

PRIMARY MEDICAL CARE: Wyoming
County Listing

County Name

*Uinta
Service Area: Lyman
*Washakie
*Weston

PRIMARY MEDICAL CARE: Wyoming
Service Area Listing

Service Area Name

Chugwater
County—Platte
Parts:
Chugwater Division
Gardiner/Yellowstone (MT/WY)
County—Park
Parts:
Yellowstone National Park Divisi
County—Teton
Parts:
Yellowstone National Park Divisi
Glendo
County—Platte
Parts:
Glendo Division
Greybull/Basin
County—Big Horn
Parts:
Big Horn South CCD
Big Horn Central CCD
Guernsey
County—Platte
Parts:
Guernsey Division
Kemmerer/Cokeville
County—Lincoln
Parts:
Kemmerer East CCD
Kemmerer West CCD
Lovell
County—Big Horn
Parts:
Big Horn North CCD
Lyman
County—Uinta
Parts:
Bridger Valley CCD
Meeteetse
County—Park
Parts:
Meeteetse CCD
Midwest/Edgerton
County—Natrona
Parts:
Casper North CCD
Pine Bluffs
County—Laramie
Parts:
Pine Bluffs CCD
Rock River
County—Albany
Parts:
Rock River Division

PRIMARY MEDICAL CARE: American Samoa
County Listing

County Name

Eastern
Service Area: Terr. Of American Samoa
Manua
Service Area: Terr. Of American Samoa

PRIMARY MEDICAL CARE:
American Samoa
County Listing

County Name

Rose Island
Service Area: Terr. Of American Samoa
Swains Island
Service Area: Terr. Of American Samoa
Western
Service Area: Terr. Of American Samoa

PRIMARY MEDICAL CARE:
American Samoa
Service Area Listing

Service Area Name

Terr. Of American Samoa
County—Eastern
County—Manua
County—Rose Island
County—Swains Island
County—Western

PRIMARY MEDICAL CARE:
Fed Ste Micronesia
County Listing

County Name

*Chuuk State
*Kosrae State
*Pohnpei State
*Yap State

PRIMARY MEDICAL CARE: Guam
County Listing

County Name

*Guam

PRIMARY MEDICAL CARE:
Marshall Islands
County Listing

County Name

Ailinginae
Service Area: Marshall Islands
Ailinglaplap
Service Area: Marshall Islands
Ailuk
Service Area: Marshall Islands
Arno
Service Area: Marshall Islands
Aur
Service Area: Marshall Islands
Bikar
Service Area: Marshall Islands
Bikini
Service Area: Marshall Islands
Bokak
Service Area: Marshall Islands
Ebon
Service Area: Marshall Islands
Enewetak
Service Area: Marshall Islands
Erikub
Service Area: Marshall Islands
Jabat
Service Area: Marshall Islands
Jaluit
Service Area: Marshall Islands
Jemo Island
Service Area: Marshall Islands
Kili
Service Area: Marshall Islands
Kwajalein
Service Area: Marshall Islands

PRIMARY MEDICAL CARE:
Marshall Islands
County Listing

County Name

Lae
Service Area: Marshall Islands
Lib
Service Area: Marshall Islands
Likiep
Service Area: Marshall Islands
Majuro
Service Area: Marshall Islands
Maloelap
Service Area: Marshall Islands
Mejit
Service Area: Marshall Islands
Mili
Service Area: Marshall Islands
Namorik
Service Area: Marshall Islands
Namu
Service Area: Marshall Islands
Rongelap
Service Area: Marshall Islands
Rongrik
Service Area: Marshall Islands
Taka
Service Area: Marshall Islands
Ujae
Service Area: Marshall Islands
Ujelang
Service Area: Marshall Islands
Utrik
Service Area: Marshall Islands
Wotho
Service Area: Marshall Islands
Wotje
Service Area: Marshall Islands

PRIMARY MEDICAL CARE:
Marshall Islands
Service Area Listing

Service Area Name

Marshall Islands
County—Ailinginae
County—Ailinglaplap
County—Ailuk
County—Arno
County—Aur
County—Bikar
County—Bikini
County—Bokak
County—Ebon
County—Enewetak
County—Erikub
County—Jabat
County—Jaluit
County—Jemo Island
County—Kili
County—Kwajalein
County—Lae
County—Lib
County—Likiep
County—Majuro
County—Maloelap
County—Mejit
County—Mili
County—Namorik
County—Namu
County—Rongelap
County—Rongrik
County—Taka
County—Ujae
County—Ujelang

PRIMARY MEDICAL CARE:
Marshall Islands
Service Area Listing

Service Area Name

County—Utrik
County—Wotho
County—Wotje

PRIMARY MEDICAL CARE:
N. Mariana Islands
County Listing

County Name

Northern Islands
Service Area: Northern Mariana
Rota
Service Area: Northern Mariana
Saipan
Service Area: Northern Mariana
Tinian
Service Area: Northern Mariana

PRIMARY MEDICAL CARE:
N. Mariana Islands
Service Area Listing

Service Area Name

Northern Mariana
County—Northern Islands
County—Rota
County—Saipan
County—Tinian

PRIMARY MEDICAL CARE:
Republic of Palau
County Listing

County Name

*Republic Of Palau

PRIMARY MEDICAL CARE: Puerto Rico
County Listing

County Name

*Adjuntas
Population Group: Pov Pop—Adjuntas
Aguada
Population Group: Pov Pop—Subregion 4A
Aguadilla
Population Group: Pov Pop—Subregion 4A
*Aguas Buenas
Population Group: Pov Pop—Subregion 6B
*Aibonito
Population Group: Pov Pop—Subregion 6B
Anasco
Population Group: Pov Pop—Subregion 4B
*Arroyo
Population Group: Pov Pop—Subregion 5C
*Barranquitas
Population Group: Pov Pop—Barranquitas
*Cabo Rojo
Population Group: Pov Pop—Subregion 4C
*Caguas
Population Group: Pov Pop—Caguas
*Canovanas
Population Group: Pov Pop—Subregion 1B
*Carolina
Population Group: Pov Pop—Subregion 1B
*Catano
Population Group: Pov Pop—Subregion 2A
*Cayey
Population Group: Pov Pop—Subregion 6B
*Ceiba
Population Group: Pov Pop—Subregion 1A
*Cidra
Population Group: Pov Pop—Subregion 6B

PRIMARY MEDICAL CARE: Puerto Rico
County Listing

County Name

*Coamo
Population Group: Pov Pop—Subregion 5B
*Dorado
Population Group: Pov Pop—Subregion 2A
*Fajardo
Population Group: Pov Pop—Subregion 1A
*Guanica
Population Group: Pov Pop—Subregion 5A
*Guayama
Population Group: Pov Pop—Subregion 5C
Guayanilla
Population Group: Pov Pop—Subregion 5A
*Guaynabo
Population Group: Inmates—MDC Guaynabo
Population Group: Pov. Pop.—Guaynabo
*Gurabo
Population Group: Pov. Pop.—Subregion 6C
Hormigueros
Population Group: Pov Pop—Subregion 4C
*Humacao
Population Group: Pov. Pop.—Subregion 6A
*Isabela
Population Group: Pov Pop—Subregion 4A
Juana Diaz
Population Group: Pov Pop—Subregion 5B
*Juncos
Population Group: Pov. Pop.—Subregion 6C
*Lajas
Population Group: Pov Pop—Subregion 4C
*Lares
Population Group: Pov. Pop.—Subregion 3A
*Las Marias
Population Group: Pov. Pop.—Las Marias
*Las Peidras
Population Group: Pov. Pop.—Subregion 6A
*Loiza
Population Group: Pov Pop—Subregion 1B
*Luquillo
Population Group: Pov Pop—Subregion 1A
*Maunabo
Population Group: Pov. Pop.—Subregion 6A
Mayaguez
Population Group: Pov. Pop.—Mayaguez
Moca
Population Group: Pov Pop—Subregion 4A
*Naguabo
Population Group: Pov. Pop.—Subregion 6A
*Patillas
Population Group: Pov Pop—Subregion 5C
Penuelas
Population Group: Pov Pop—Subregion 5A
*Rincon
Population Group: Pov Pop—Subregion 4B
*Rio Grande
Population Group: Pov Pop—Subregion 1A
Sabana Grande
Population Group: Pov Pop—Subregion 4C
*Salinas
Population Group: Pov Pop—Subregion 5C
San German
Population Group: Pov Pop—Subregion 4C
*San Juan
Population Group: Pov Pop—San Juan
*San Lorenzo
Population Group: Pov. Pop.—Subregion 6C
*San Sebastian
Population Group: Pov Pop—Subregion 4A
*Santa Isabel
Population Group: Pov Pop—Subregion 5B
*Toa Alta
Population Group: Pov Pop—Subregion 2A
*Toa Baja
Population Group: Pov Pop—Subregion 2A
*Trujillo Alto
Population Group: Pov Pop—Subregion 1B
*Utuado
Population Group: Pov. Pop.—Subregion 3A
*Vega Alta
Population Group: Pov Pop—Subregion 2A
*Vega Baja
Population Group: Pov Pop—Vega Baja
Villalba
Population Group: Pov Pop—Subregion 5B
*Yabucoa
Population Group: Pov. Pop.—Subregion 6A
Yauco
Population Group: Pov Pop—Subregion 5A

PRIMARY MEDICAL CARE: Puerto Rico
Population Group Listing

Population Group

Inmates—MDC Guaynabo
County—Guaynabo
Parts:
MDC Guaynabo
Pov Pop—Adjuntas
County—Adjuntas
Parts:
Pov. Pop.
Pov Pop—Barranquitas
County—Barranquitas
Parts:
Pov. Pop.—Barranquitas
Pov Pop—Caguas
County—Caguas
Parts:
Pov. Pop.
Pov Pop—San Juan
County—San Juan
Parts:
Pov. Pop.
Pov Pop—Subregion 1A
County—Ceiba
Parts:
Pov. Pop.
County—Fajardo
Parts:
Pov. Pop.
County—Luquillo
Parts:
Pov. Pop.
County—Rio Grande
Parts:
Pov. Pop.
Pov Pop—Subregion 1B
County—Canovanas
Parts:
Pov. Pop.
County—Carolina
Parts:
Pov. Pop.
County—Loiza
Parts:
Pov. Pop.
County—Trujillo Alto
Parts:
Pov. Pop.
Pov Pop—Subregion 2A
County—Catano
Parts:
Pov. Pop.
County—Dorado
Parts:
Pov. Pop.
County—Toa Alta
Parts:
Pov. Pop.
County—Toa Baja
Parts:
Pov. Pop.
County—Vega Alta
Parts:
Pov. Pop.
Pov Pop—Subregion 4B
County—Anasco
Parts:
Pov. Pop.
County—Rincon
Parts:
Pov. Pop.
Pov Pop—Subregion 4C
County—Cabo Rojo
Parts:
Pov. Pop.
County—Hormigueros
Parts:
Pov. Pop.
County—Lajas
Parts:
Pov. Pop.
County—Sabana Grande
Parts:
Pov. Pop.
County—San German
Parts:
Pov. Pop.
Pov Pop—Subregion 4A
County—Aguada
Parts:
Pov. Pop.
County—Aguadilla
Parts:
Pov. Pop.
County—Isabela
Parts:
Pov. Pop.
County—Moca
Parts:
Pov. Pop.
County—San Sebastian
Parts:
Pov. Pop.
Pov Pop—Subregion 5C
County—Arroyo
Parts:
Pov. Pop.
County—Guayama
Parts:
Pov. Pop.
County—Patillas
Parts:
Pov. Pop.
County—Salinas
Parts:

PRIMARY MEDICAL CARE: Puerto Rico
Population Group Listing

Population Group

Pov. Pop.
Pov Pop—Subregion 5B
County—Coamo
Parts:
Pov. Pop.
County—Juana Diaz
Parts:
Pov. Pop.
County—Santa Isabel
Parts:
Pov. Pop.
County—Villalba
Parts:
Pov. Pop.
Pov Pop—Subregion 5A
County—Guanica
Parts:
Pov. Pop.
County—Guayanilla
Parts:
Pov. Pop.
County—Penuelas
Parts:
Pov. Pop.
County—Yauco
Parts:
Pov. Pop.
Pov Pop—Subregion 6B
County—Aguas Buenas
Parts:
Pov. Pop.
County—Aibonito
Parts:
Pov. Pop.
County—Cayey
Parts:
Pov. Pop.
County—Cidra
Parts:
Pov. Pop.
Pov Pop—Vega Baja
County—Vega Baja
Parts:
Pov. Pop.—Vega Baja
Pov. Pop.—Guaynabo
County—Guaynabo
Parts:
Pov. Pop.
Pov. Pop.—Las Marias
County—Las Marias
Parts:
Pov. Pop.
Pov. Pop.—Mayaguez
County—Mayaguez
Pov. Pop.—Subregion 6C
County—Gurabo
Parts:
Pov. Pop.
County—Juncos
Parts:
Pov. Pop.
County—San Lorenzo
Parts:
Pov. Pop.
Pov. Pop.—Subregion 3A
County—Lares
Parts:
Pov. Pop.
County—Utuado
Parts:
Pov. Pop.
Pov. Pop.—Subregion 6A

PRIMARY MEDICAL CARE: Puerto Rico
Population Group Listing

Population Group

County—Humacao
Parts:
Pov. Pop.
County—Las Peidras
Parts:
Pov. Pop.
County—Maunabo
Parts:
Pov. Pop.
County—Naguabo
Parts:
Pov. Pop.
County—Yabucoa
Parts:
Pov. Pop.

PRIMARY MEDICAL CARE: Virgin Islands
County Listing

County Name

*St. Thomas
Service Area: East End St. Thomas

PRIMARY MEDICAL CARE: Virgin Islands
Service Area Listing

Service Area Name

East End St. Thomas
County—St. Thomas
Parts:
East End
Southside
Tutu

MENTAL HEALTH: Alabama
County Listing

County Name

Autauga
Service Area: Catchment Area M–14
Baldwin
Service Area: Catchment Area M–21
Barbour
Service Area: Catchment Area M–19
Bibb
Service Area: Catchment Area M–8
Bullock
Service Area: Catchment Area M–15
Butler
Service Area: Catchment Area M–18
Calhoun
Service Area: Catchment Area M–7
Chambers
Service Area: Catchment Area M–12
Cherokee
Service Area: Catchment Area M–6
Chilton
Service Area: Catchment Area M–11
Choctaw
Service Area: Catchment Area M–10
Clarke
Service Area: Catchment Area M–17
Clay
Service Area: Catchment Area M–9
Cleburne
Service Area: Catchment Area M–7
Coffee
Service Area: Catchment Area M–18
Colbert
Service Area: Catchment Area M–1
Conecuh
Service Area: Catchment Area M–17

MENTAL HEALTH: Alabama
County Listing

County Name

Coosa
Service Area: Catchment Area M–9
Covington
Service Area: Catchment Area M–18
Crenshaw
Service Area: Catchment Area M–18
Cullman
Service Area: Catchment Area M–22
Dale
Service Area: Catchment Area M–19
Dallas
Service Area: Catchment Area M–13
De Kalb
Service Area: Catchment Area M–6
Elmore
Service Area: Catchment Area M–14
Escambia
Service Area: Catchment Area M–17
Etowah
Service Area: Catchment Area M–6
Fayette
Service Area: Catchment Area M–4
Franklin
Service Area: Catchment Area M–1
*Geneva
Service Area: Catchment Area M–19
Greene
Service Area: Catchment Area M–10
Hale
Service Area: Catchment Area M–10
*Henry
Service Area: Catchment Area M–19
Houston
Service Area: Catchment Area M–19
Jackson
Service Area: Catchment Area M–20
Lamar
Service Area: Catchment Area M–4
Lauderdale
Service Area: Catchment Area M–1
Lawrence
Service Area: Catchment Area M–2
Lee
Service Area: Catchment Area M–12
Limestone
Service Area: Catchment Area M–2
Lowndes
Service Area: Catchment Area M–14
Macon
Service Area: Catchment Area M–15
Madison
Service Area: Catchment Area M–3
Marengo
Service Area: Catchment Area M–10
Marion
Service Area: Catchment Area M–4
Marshall
Service Area: Catchment Area M–20
Mobile
Service Area: Catchment Area M–16
Monroe
Service Area: Catchment Area M–17
Montgomery
Service Area: Catchment Area M–14
Morgan
Service Area: Catchment Area M–2
Perry
Service Area: Catchment Area M–13
Pickens
Service Area: Catchment Area M–8
Pike
Service Area: Catchment Area M–15

MENTAL HEALTH: Alabama
County Listing

County Name

Randolph
Service Area: Catchment Area M–9
Russell
Service Area: Catchment Area M–12
Shelby
Service Area: Catchment Area M–11
Sumter
Service Area: Catchment Area M–10
Talladega
Service Area: Catchment Area M–9
Tallapoosa
Service Area: Catchment Area M–12
Tuscaloosa
Service Area: Catchment Area M–8
*Walker
Service Area: Catchment Area M–4
Washington
Service Area: Catchment Area M–16
Wilcox
Service Area: Catchment Area M–13
Winston
Service Area: Catchment Area M–4

MENTAL HEALTH: Alabama
Service Area Listing

Service Area Name

Catchment Area M–1
County—Colbert
County—Franklin
County—Lauderdale
Catchment Area M–10
County—Choctaw
County—Greene
County—Hale
County—Marengo
County—Sumter
Catchment Area M–11
County—Chilton
County—Shelby
Catchment Area M–12
County—Chambers
County—Lee
County—Russell
County—Tallapoosa
Catchment Area M–13
County—Dallas
County—Perry
County—Wilcox
Catchment Area M–14
County—Autauga
County—Elmore
County—Lowndes
County—Montgomery
Catchment Area M–15
County—Bullock
County—Macon
County—Pike
Catchment Area M–16
County—Mobile
County—Washington
Catchment Area M–17
County—Clarke
County—Conecuh
County—Escambia
County—Monroe
Catchment Area M–18
County—Butler
County—Coffee
County—Covington
County—Crenshaw
Catchment Area M–19

MENTAL HEALTH: Alabama
Service Area Listing

Service Area Name

County—Barbour
County—Dale
County—Geneva
County—Henry
County—Houston
Catchment Area M–2
County—Lawrence
County—Limestone
County—Morgan
Catchment Area M–20
County—Jackson
County—Marshall
Catchment Area M–21
County—Baldwin
Catchment Area M–22
County—Cullman
Catchment Area M–3
County—Madison
Catchment Area M–4
County—Fayette
County—Lamar
County—Marion
County—Walker
County—Winston
Catchment Area M–6
County—Cherokee
County—De Kalb
County—Etowah
Catchment Area M–7
County—Calhoun
County—Cleburne
Catchment Area M–8
County—Bibb
County—Pickens
County—Tuscaloosa
Catchment Area M–9
County—Clay
County—Coosa
County—Randolph
County—Talladega

MENTAL HEALTH: Arizona
County Listing

County Name

Apache
Service Area: N. Arizona Mental Hlth Catch Area
Cochise
Service Area: Southeastern Arizona
Coconino
Service Area: N. Arizona Mental Hlth Catch Area
*Gila
Graham
Service Area: Southeastern Arizona
Greenlee
Service Area: Southeastern Arizona
*La Paz
Mohave
Service Area: N. Arizona Mental Hlth Catch Area
Navajo
Service Area: N. Arizona Mental Hlth Catch Area
Pinal
Santa Cruz
Service Area: Southeastern Arizona
Yavapai
Service Area: N. Arizona Mental Hlth Catch Area
Yuma

MENTAL HEALTH: Arizona
Service Area Listing

Service Area Name

N. Arizona Mental Hlth Catch Area
County—Apache
County—Coconino
County—Mohave
County—Navajo
County—Yavapai
Southeastern Arizona
County—Cochise
County—Graham
County—Greenlee
County—Santa Cruz

MENTAL HEALTH: Arkansas
County Listing

County Name

Arkansas
Service Area: Pine Bluff C.A.
Ashley
Service Area: Monticello C.A.
Baxter
Service Area: Mountain Home C.A.
Benton
Facility: Benton Detox/MH Ctr
Boone
Service Area: Mountain Home C.A.
Bradley
Service Area: Monticello C.A.
Calhoun
Service Area: El Dorado
Chicot
Service Area: Monticello C.A.
Clark
Service Area: Hot Springs C.A.
Clay
Service Area: Jonesboro
Cleburne
Service Area: Batesville
Cleveland
Service Area: Pine Bluff C.A.
Columbia
Service Area: El Dorado
Conway
Service Area: Russellville C.A.
Craighead
Service Area: Jonesboro
Crawford
Service Area: Fort Smith C.A.
Crittenden
Service Area: Helena
Cross
Service Area: Helena
Dallas
Service Area: El Dorado
Desha
Service Area: Monticello C.A.
Drew
Service Area: Monticello C.A.
Franklin
Service Area: Fort Smith C.A.
Fulton
Service Area: Batesville
Garland
Service Area: Hot Springs C.A.
Grant
Service Area: Pine Bluff C.A.
Greene
Service Area: Jonesboro
Hempstead
Service Area: Texarkana C.A.
Hot Spring
Service Area: Hot Springs C.A.

MENTAL HEALTH: Arkansas
County Listing

County Name

Howard
  Service Area: Texarkana C.A.
Independence
  Service Area: Batesville
Izard
  Service Area: Batesville
Jackson
  Service Area: Batesville
Jefferson
  Service Area: Pine Bluff C.A.
Johnson
  Service Area: Russellville C.A.
Lafayette
  Service Area: Texarkana C.A.
Lawrence
  Service Area: Jonesboro
Lee
  Service Area: Helena
Lincoln
  Service Area: Pine Bluff C.A.
Little River
  Service Area: Texarkana C.A.
Logan
  Service Area: Fort Smith C.A.
Marion
  Service Area: Mountain Home C.A.
Miller
  Service Area: Texarkana C.A.
Mississippi
  Service Area: Jonesboro
Monroe
  Service Area: Helena
Montgomery
  Service Area: Hot Springs C.A.
Nevada
  Service Area: El Dorado
Newton
  Service Area: Mountain Home C.A.
Ouachita
  Service Area: El Dorado
Perry
  Service Area: Russellville C.A.
Phillips
  Service Area: Helena
Pike
  Service Area: Hot Springs C.A.
Poinsett
  Service Area: Jonesboro
Polk
  Service Area: Fort Smith C.A.
Pope
  Service Area: Russellville C.A.
Randolph
  Service Area: Jonesboro
Scott
  Service Area: Fort Smith C.A.
Searcy
  Service Area: Mountain Home C.A.
Sebastian
  Service Area: Fort Smith C.A.
Sevier
  Service Area: Texarkana C.A.
Sharp
  Service Area: Batesville
St. Francis
  Service Area: Helena
Stone
  Service Area: Batesville
Union
  Service Area: El Dorado
Van Buren
  Service Area: Batesville

MENTAL HEALTH: Arkansas
County Listing

County Name

White
  Service Area: Batesville
Woodruff
  Service Area: Batesville
Yell
  Service Area: Russellville C.A.

MENTAL HEALTH: Arkansas
Service Area Listing

Service Area Name

Batesville
  County—Cleburne
  County—Fulton
  County—Independence
  County—Izard
  County—Jackson
  County—Sharp
  County—Stone
  County—Van Buren
  County—White
  County—Woodruff
El Dorado
  County—Calhoun
  County—Columbia
  County—Dallas
  County—Nevada
  County—Ouachita
  County—Union
Fort Smith C.A.
  County—Crawford
  County—Franklin
  County—Logan
  County—Polk
  County—Scott
  County—Sebastian
Helena
  County—Crittenden
  County—Cross
  County—Lee
  County—Monroe
  County—Phillips
  County—St. Francis
Hot Springs C.A.
  County—Clark
  County—Garland
  County—Hot Spring
  County—Montgomery
  County—Pike
Jonesboro
  County—Clay
  County—Craighead
  County—Greene
  County—Lawrence
  County—Mississippi
  County—Poinsett
  County—Randolph
Monticello C.A.
  County—Ashley
  County—Bradley
  County—Chicot
  County—Desha
  County—Drew
Mountain Home C.A.
  County—Baxter
  County—Boone
  County—Marion
  County—Newton
  County—Searcy
Pine Bluff C.A.
  County—Arkansas
  County—Cleveland

MENTAL HEALTH: Arkansas
Service Area Listing

Service Area Name

  County—Grant
  County—Jefferson
  County—Lincoln
Russellville C.A.
  County—Conway
  County—Faulkner
  County—Johnson
  County—Perry
  County—Pope
  County—Yell
Texarkana C.A.
  County—Hempstead
  County—Howard
  County—Lafayette
  County—Little River
  County—Miller
  County—Sevier

MENTAL HEALTH: Arkansas
Facility Listing

Facility Name

Benton Detox/MH Ctr
  County—Benton

MENTAL HEALTH: California
County Listing

County Name

*Imperial
Kern
  Population Group: Low Inc—Arvin/Lamont
Merced
*Tehama

MENTAL HEALTH: California
Population Group Listing

Population Group

Low Inc—Arvin/Lamont
  County—Kern
    Parts:
      C.T. 62–64

MENTAL HEALTH: Colorado
County Listing

County Name

*Archuleta
  Service Area: Southwest Colorado
Baca
  Service Area: Southeast MH Reg
*Bent
  Service Area: Southeast MH Reg
Cheyenne
  Service Area: Northeast/East Central MH Reg
Crowley
  Service Area: Southeast MH Reg
Delta
  Service Area: Midwestern MH Reg
*Dolores
  Service Area: Southwest Colorado
Elbert
  Service Area: Northeast/East Central MH Reg
Gunnison
  Service Area: Midwestern MH Reg
Hinsdale
  Service Area: Midwestern MH Reg
Kiowa
  Service Area: Southeast MH Reg

MENTAL HEALTH: Colorado
County Listing

County Name

Kit Carson
Service Area: Northeast/East Central MH Reg
*La Plata
Service Area: Southwest Colorado
Lincoln
Service Area: Northeast/East Central MH Reg
Logan
Service Area: Northeast/East Central MH Reg
*Montezuma
Service Area: Southwest Colorado
Montrose
Service Area: Midwestern MH Reg
Morgan
Service Area: Northeast/East Central MH Reg
Otero
Service Area: Southeast MH Reg
Ouray
Service Area: Midwestern MH Reg
Phillips
Service Area: Northeast/East Central MH Reg
Prowers
Service Area: Southeast MH Reg
*San Juan
Service Area: Southwest Colorado
San Miguel
Service Area: Midwestern MH Reg
*Sedgwick
Service Area: Northeast/East Central MH Reg
Washington
Service Area: Northeast/East Central MH Reg
Yuma
Service Area: Northeast/East Central MH Reg

MENTAL HEALTH: Colorado
Service Area Listing

Service Area Name

Midwestern MH Reg
County—Delta
County—Gunnison
County—Hinsdale
County—Montrose
County—Ouray
County—San Miguel
Northeast/East Central MH Reg
County—Cheyenne
County—Elbert
County—Kit Carson
County—Lincoln
County—Logan
County—Morgan
County—Phillips
County—Sedgwick
County—Washington
County—Yuma
Southeast MH Reg
County—Baca
County—Bent
County—Crowley
County—Kiowa
County—Otero
County—Prowers
Southwest Colorado
County—Archuleta
County—Dolores
County—La Plata
County—Montezuma
County—San Juan

MENTAL HEALTH: Connecticut
County Listing

County Name

Hartford
Service Area: Charter Oak Terrace/ Rice Heights

MENTAL HEALTH: Connecticut
Service Area Listing

Service Area Name

Charter Oak Terrace/ Rice Heights
County—Hartford
Parts:
C.T. 5001–5002
C.T. 5019
C.T. 5027–5030
C.T. 5043
C.T. 5045–5046
C.T. 5049

MENTAL HEALTH: DELAWARE
County Listing

County Name

Kent
*Sussex

MENTAL HEALTH: District Of Columbia
County Listing

County Name

The District
Service Area: Region IV—Anacostia

MENTAL HEALTH: District Of Columbia
Service Area Listing

Service Area Name

Region Iv—Anacostia
County—The District
Parts:
C.T. 73.01–73.02
C.T. 73.04
C.T. 73.08
C.T. 74.01
C.T. 74.04
C.T. 74.06–74.09
C.T. 74.30
C.T. 75.02–75.04
C.T. 76.01
C.T. 76.03–76.05
C.T. 77.03
C.T. 77.07–77.09
C.T. 97
C.T. 98.03–98.10
C.T. 98.20
C.T. 99.01–99.07

MENTAL HEALTH: Florida
County Listing

County Name

Bradford
Facility: Florida State Prs
Broward
Facility: Broward Corr Inst
Dade
Service Area: Model Cities
*Jackson
Facility: Apalachee Corr Inst
Manatee
Population Group: Low Inc—Manatee Cty
Palm Beach
Service Area: Belle Glade/Pahokee
Volusia
Facility: Tomoka Corr Inst

MENTAL HEALTH: Florida
Service Area Listing

Service Area Name

Belle Glade/Pahokee
County—Palm Beach
Parts:
Belle Glade/Pahokee CCD
Model Cities
County—Dade
Parts:
C.T. 4.08
C.T. 8.01–8.02
C.T. 9.01–9.03
C.T. 10.01–10.04
C.T. 11.03
C.T. 15.01–15.02
C.T. 16.01–16.02
C.T. 17.01–17.02
C.T. 18.01–18.03
C.T. 19.01
C.T. 19.03–19.04
C.T. 23

MENTAL HEALTH: Florida
Population Group Listing

Population Group

Low Inc—Manatee Cty
County—Manatee
Parts:
Low Inc Pop

MENTAL HEALTH: Florida
Facility Listing

Facility Name

Apalachee Corr Inst
County—Jackson
Broward Corr Inst
County—Broward
Florida State Prs
County—Bradford
Tomoka Corr Inst
County—Volusia

MENTAL HEALTH: Georgia
County Listing

County Name

*Baker
Service Area: Albany Catchment Area
Banks
Service Area: Georgia Mountains
Bartow
Service Area: Coosa Valley
*Ben Hill
Service Area: Valdosta-Lowndes
*Berrien
Service Area: Valdosta-Lowndes
*Brooks

MENTAL HEALTH: Georgia
County Listing

County Name

Service Area: Valdosta-Lowndes
Bryan
Service Area: Gateway Catchment Area
Butts
Service Area: McIntosh Trail Catchment Area
*Calhoun
Service Area: Albany Catchment Area
Camden
Service Area: Gateway Catchment Area
Carroll
Service Area: Chattahoochee-Flint
Catoosa
Service Area: MHCa #1—Lookout Mountain
Chattooga
Service Area: MHCa #1—Lookout Mountain
Cherokee
Service Area: Georgia Highlands
Colquitt
Service Area: Thomas Trail
*Cook
Service Area: Valdosta-Lowndes
Coweta
Service Area: Chattahoochee-Flint
Dade
Service Area: MHCa #1—Lookout Mountain
Dawson
Service Area: Georgia Mountains
De Kalb
Facility: Georgia Regional Hosp
Decatur
Service Area: Thomas Trail
Dougherty
Service Area: Albany Catchment Area
*Early
Service Area: Albany Catchment Area
*Echols
Service Area: Valdosta-Lowndes
Fannin
Service Area: Georgia Highlands
Fayette
Service Area: McIntosh Trail Catchment Area
Floyd
Service Area: Coosa Valley
Forsyth
Service Area: Georgia Mountains
Franklin
Service Area: Georgia Mountains
Fulton
Service Area: South Central Fulton
Service Area: West Fulton Trail
Gilmer
Service Area: Georgia Highlands
Glynn
Service Area: Gateway Catchment Area
Gordon
Service Area: Coosa Valley
Grady
Service Area: Thomas Trail
Habersham
Service Area: Georgia Mountains
Hall
Service Area: Georgia Mountains
Haralson
Service Area: Coosa Valley
Hart
Service Area: Georgia Mountains
Heard

MENTAL HEALTH: Georgia
County Listing

County Name

Service Area: Chattahoochee-Flint
Henry
Service Area: McIntosh Trail Catchment Area
*Irwin
Service Area: Valdosta-Lowndes
Lamar
Service Area: McIntosh Trail Catchment Area
Lanier
Service Area: Valdosta-Lowndes
Lee
Service Area: Albany Catchment Area
Liberty
Service Area: Gateway Catchment Area
Long
Service Area: Gateway Catchment Area
*Lowndes
Service Area: Valdosta-Lowndes
Lumpkin
Service Area: Georgia Mountains
McIntosh
Service Area: Gateway Catchment Area
Meriwether
Service Area: Chattahoochee-Flint
*Miller
Service Area: Albany Catchment Area
Mitchell
Service Area: Thomas Trail
Murray
Service Area: Georgia Highlands
Paulding
Service Area: Coosa Valley
Pickens
Service Area: Georgia Highlands
Pike
Service Area: McIntosh Trail Catchment Area
Polk
Service Area: Coosa Valley
Rabun
Service Area: Georgia Mountains
Seminole
Service Area: Thomas Trail
Spalding
Service Area: McIntosh Trail Catchment Area
Stephens
Service Area: Georgia Mountains
*Terrell
Service Area: Albany Catchment Area
Thomas
Service Area: Thomas Trail
*Tift
Service Area: Valdosta-Lowndes
Towns
Service Area: Georgia Mountains
Troup
Service Area: Chattahoochee-Flint
*Turner
Service Area: Valdosta-Lowndes
Union
Service Area: Georgia Mountains
Upson
Service Area: McIntosh Trail Catchment Area
Walker
Service Area: MHCa #1—Lookout Mountain
White
Service Area: Georgia Mountains
Whitfield

MENTAL HEALTH: Georgia
County Listing

County Name

Service Area: Georgia Highlands
*Worth
Service Area: Albany Catchment Area

MENTAL HEALTH: Georgia
Service Area Listing

Service Area Name

Albany Catchment Area
County—Baker
Parts:
Baker
County—Calhoun
Parts:
Calhoun
County—Dougherty
Parts:
Dougherty
County—Early
Parts:
Early
County—Lee
Parts:
Lee
County—Miller
Parts:
Miller
County—Terrell
Parts:
Terrell
County—Worth
Parts:
Worth
Chattahoochee-Flint
County—Carroll
County—Coweta
County—Heard
County—Meriwether
County—Troup
Coosa Valley
County—Bartow
County—Floyd
County—Gordon
County—Haralson
County—Paulding
County—Polk
Gateway Catchment Area
County—Bryan
County—Camden
County—Glynn
County—Liberty
County—Long
County—McIntosh
Georgia Highlands
County—Cherokee
County—Fannin
County—Gilmer
County—Murray
County—Pickens
County—Whitfield
Georgia Mountains
County—Banks
County—Dawson
County—Forsyth
County—Franklin
County—Habersham
County—Hall
County—Hart
County—Lumpkin
County—Rabun
County—Stephens
County—Towns

MENTAL HEALTH: Georgia
Service Area Listing

Service Area Name

County—Union
County—White
McIntosh Trail Catchment Area
County—Butts
County—Fayette
County—Henry
County—Lamar
County—Pike
County—Spalding
County—Upson
MHCa #1—Lookout Mountain
County—Catoosa
County—Chattooga
County—Dade
County—Walker
Pineland
County—Appling
County—Bulloch
County—Candler
County—Evans
County—Jeff Davis
County—Tattnall
County—Toombs
County—Wayne
South Central Fulton
County—Fulton
Parts:
C.T. 44
C.T. 46.95
C.T. 48
C.T. 49.95
C.T. 50
C.T. 52–53
C.T. 55.01–55.02
C.T. 56–58
C.T. 63–64
C.T. 67
C.T. 68.01–68.02
C.T. 69–73
Thomas Trail
County—Colquitt
County—Decatur
County—Grady
County—Mitchell
County—Seminole
County—Thomas
Valdosta-Lowndes
County—Ben Hill
County—Berrien
County—Brooks
County—Cook
County—Echols
County—Irwin
County—Lanier
County—Lowndes
County—Tift
County—Turner
West Fulton Trail
County—Fulton
Parts:
C.T. 60–62
C.T. 77.01–77.02
C.T. 78.02–78.04
C.T. 79–80
C.T. 81.01–81.02
C.T. 82.01–82.02
C.T. 83.01–83.02
C.T. 84–85
C.T. 86.01–86.02
C.T. 87.01–87.02
C.T. 88
C.T. 103.01–103.02

MENTAL HEALTH: Georgia
Facility Listing

Facility Name

Georgia Regional Hosp
County—De Kalb

MENTAL HEALTH: Hawaii
County Listing

County Name

*Hawaii
Service Area: Kau
Service Area: Puna
Population Group: Low Inc—South Kohala

MENTAL HEALTH: Hawaii
Service Area Listing

Service Area Name

Kau
County—Hawaii
Parts:
C.T. 212
Puna
County—Hawaii
Parts:
C.T. 210.01–210.02
C.T. 211

MENTAL HEALTH: Hawaii
Population Group Listing

Population Group

Low Inc—South Kohala
County—Hawaii
Parts:
C.T. 217–221

MENTAL HEALTH: Idaho
County Listing

County Name

Adams
Population Group: Low Inc/MFW—Catchment Area III
Bonneville
Service Area: MH Region Vii
Butte
Service Area: MH Region Vii
Canyon
Population Group: Low Inc/MFW—Catchment Area III
Clark
Service Area: MH Region Vii
Custer
Service Area: MH Region Vii
Fremont
Service Area: MH Region Vii
Gem
Population Group: Low Inc/MFW—Catchment Area III
Jefferson
Service Area: MH Region Vii
Lemhi
Service Area: MH Region Vii
Madison
Service Area: MH Region Vii
Owyhee
Population Group: Low Inc/MFW—Catchment Area III
Payette
Population Group: Low Inc/MFW—Catchment Area III
Teton
Service Area: MH Region Vii
Washington

MENTAL HEALTH: Idaho
County Listing

County Name

Population Group: Low Inc/MFW—Catchment Area III

MENTAL HEALTH: Idaho
Service Area Listing

Service Area Name

MH Region Vii
County—Bonneville
County—Butte
County—Clark
County—Custer
County—Fremont
County—Jefferson
County—Lemhi
County—Madison
County—Teton

MENTAL HEALTH: Idaho
Population Group Listing

Population Group

Low Inc/MFW—Catchment Area III
County—Adams
Parts:
Adams Co
County—Canyon
Parts:
Canyon Co
County—Gem
Parts:
Gem Co
County—Owyhee
Parts:
Owyhee Co
County—Payette
Parts:
Payetteco
County—Washington
Parts:
Washington Co

MENTAL HEALTH: Illinois
County Listing

County Name

Adams
Service Area: Quincy/Mt Sterling (Ca 30101)
Brown
Service Area: Quincy/Mt Sterling (Ca 30101)
Cook
Service Area: Ashbum/Beverly/Mount Greenwood/Morgan Pa
Service Area: Auburn Gresham/Washington Heights
Service Area: Roseland/Pullman/Riverdale
Service Area: South Chicago
Service Area: South Shore/Chatham/Avalon Park/Burnside
Population Group: Hmlss—Uptown/Near North Side/Loop
Hancock
Service Area: Quincy/Mt Sterling (Ca 30101)
Pike
Service Area: Quincy/Mt Sterling (Ca 30101)
Schuyler
Service Area: Quincy/Mt Sterling (Ca 30101)

MENTAL HEALTH: Illinois
Service Area Listing

Service Area Name

Ashbum/Beverly/Mount Greenwood/Morgan Pa
County—Cook
Parts:
C.T. 7001–7005
C.T. 7201–7207
C.T. 7401–7404
C.T. 7501–7506
Auburn Gresham/Washington Heights
County—Cook
Parts:
C.T. 7101–7115
C.T. 7301–7307
Quincy/Mt Sterling (Ca 30101)
County—Adams
County—Brown
County—Hancock
County—Pike
County—Schuyler
Roseland/Pullman/Riverdale
County—Cook
Parts:
C.T. 4901–4914
C.T. 5001–5003
C.T. 5301–5306
C.T. 5401
South Chicago
County—Cook
Parts:
C.T. 4601–4610
C.T. 4801–4805
C.T. 5101–5105
C.T. 5201–5206
C.T. 5501–5502
South Shore/Chatham/Avalon Park/Burnside
County—Cook
Parts:
C.T. 4301–4314
C.T. 4401–4409
C.T. 4501–4503
C.T. 4701
C.T. 6901–6915

MENTAL HEALTH: Illinois
Population Group Listing

Population Group

Hmlss—Uptown/Near North Side/Loop
County—Cook
Parts:
Edgewater (C.T. 301–309)
Lakeview (C.T. 601–634)
Lincoln Park (C.T. 701–720
Loop (C.T. 3201–3206)
Near N Side (C.T. 801–819
Uptown (C.T. 310–321)

MENTAL HEALTH: Indiana
County Listing

County Name

Crawford
Service Area: Southern Indiana Catchment Area
Dubois
Service Area: Southern Indiana Catchment Area
Huntington
Service Area: Warsaw
Kosciusko
Service Area: Warsaw
Lake
Service Area: Gary
Marshall
Service Area: Warsaw
Orange
Service Area: Southern Indiana Catchment Area
Perry
Service Area: Southern Indiana Catchment Area
Spencer
Service Area: Southern Indiana Catchment Area
Wabash
Service Area: Warsaw
Whitley
Service Area: Warsaw

MENTAL HEALTH: Indiana
Service Area Listing

Service Area Name

Gary
County—Lake
Parts:
C.T. 101
C.T. 102.98–103.00
C.T. 104–134
C.T. 411–412
C.T. 413.01
Southern Indiana Catchment Area
County—Crawford
County—Dubois
County—Orange
County—Perry
County—Spencer
Warsaw
County—Huntington
County—Kosciusko
County—Marshall
County—Wabash
County—Whitley

MENTAL HEALTH: Iowa
County Listing

County Name

Adair
Service Area: Catchment Area 13
Allamakee
Service Area: Catchment Area 3
Audubon
Service Area: Catchment Area 13
Bremer
Service Area: Catchment Area 3
Buchanan
Service Area: Catchment Area 3
Buena Vista
Service Area: MHCa 1
Butler
Service Area: Catchment Area 3
Cass
Service Area: Catchment Area 13
Cherokee
Service Area: MHCa 1
Chickasaw
Service Area: Catchment Area 3
Clay
Service Area: MHCa 1
Clayton
Service Area: Catchment Area 3
Clinton
Service Area: Clinton/Jackson

MENTAL HEALTH: Iowa
County Listing

County Name

*Dallas
Service Area: Catchment Area 13
Dickinson
Service Area: MHCa 1
Emmet
Service Area: MHCa 1
Fayette
Service Area: Catchment Area 3
Guthrie
Service Area: Catchment Area 13
Howard
Service Area: Catchment Area 3
Ida
Service Area: MHCa 1
Jackson
Service Area: Clinton/Jackson
Lyon
Service Area: MHCa 1
Madison
Service Area: Catchment Area 13
O'Brien
Service Area: MHCa 1
Osceola
Service Area: MHCa 1
Palo Alto
Service Area: MHCa 1
Plymouth
Service Area: MHCa 1
Pocahontas
Service Area: MHCa 1
Shelby
Service Area: Catchment Area 13
Sioux
Service Area: MHCa 1
Winneshiek
Service Area: Catchment Area 3

MENTAL HEALTH: Iowa
Service Area Listing

Service Area Name

Catchment Area 13
County—Adair
County—Audubon
County—Cass
County—Dallas
County—Guthrie
County—Madison
County—Montgomery
County—Page
County—Shelby
Parts:
Dallas Twp
Parts:
Lincoln Twp
Linn Twp
Spring Valley Twp
Union Twp
Washington Twp
County—Adair
County—Audubon
County—Cass
County—Guthrie
County—Madison
County—Montgomery
County—Page
County—Shelby
Catchment Area 3
County—Allamakee
County—Bremer
County—Buchanan
County—Butler

MENTAL HEALTH: Iowa
Service Area Listing

Service Area Name

County—Chickasaw
County—Clayton
County—Fayette
County—Howard
County—Winneshiek
Clinton/Jackson
County—Clinton
County—Jackson
MHCa 1
County—Buena Vista
County—Cherokee
County—Clay
County—Dickinson
County—Emmet
County—Ida
County—Lyon
County—O'Brien
County—Osceola
County—Palo Alto
County—Plymouth
County—Pocahontas
County—Sioux

MENTAL HEALTH: Kentucky
County Listing

County Name

Adair
Service Area: Lake Cumberland Catchment Area
Allen
Service Area: Barren River Catchment Area
*Anderson
Barren
Service Area: Barren River Catchment Area
Bath
Service Area: Gateway
Bell
Service Area: Cumberland River B
Boyd
Service Area: Fivco Catchment Area
Boyle
Service Area: Danville
Bracken
Service Area: Buffalo Trace
Breathitt
Service Area: Upper Kentucky River
Breckinridge
Service Area: North Central
Butler
Service Area: Barren River Catchment Area
Caldwell
Service Area: Pennroyal
Carroll
Service Area: Northern Kentucky
Carter
Service Area: Fivco Catchment Area
Casey
Service Area: Lake Cumberland Catchment Area
Christian
Service Area: Pennroyal
Clay
Service Area: Cumberland River A
Clinton
Service Area: Lake Cumberland Catchment Area
Crittenden
Service Area: Pennroyal

MENTAL HEALTH: Kentucky
County Listing

County Name

Cumberland
Service Area: Lake Cumberland Catchment Area
Daviess
Service Area: Green River
Edmonson
Service Area: Barren River Catchment Area
Elliott
Service Area: Fivco Catchment Area
*Estill
Fleming
Service Area: Buffalo Trace
Floyd
Service Area: Mountain
*Franklin
Gallatin
Service Area: Northern Kentucky
Garrard
Service Area: Danville
Grant
Service Area: Northern Kentucky
Grayson
Service Area: North Central
Green
Service Area: Lake Cumberland Catchment Area
Greenup
Service Area: Fivco Catchment Area
Hancock
Service Area: Green River
Hardin
Service Area: North Central
Harlan
Service Area: Cumberland River B
*Harrison
Hart
Service Area: Barren River Catchment Area
Henderson
Service Area: Green River
*Henry
Hopkins
Service Area: Pennroyal
Jackson
Service Area: Cumberland River A
Johnson
Service Area: Mountain
Knott
Service Area: Upper Kentucky River
Knox
Service Area: Cumberland River B
Larue
Service Area: North Central
Laurel
Service Area: Cumberland River A
Lawrence
Service Area: Fivco Catchment Area
Lee
Service Area: Upper Kentucky River
Leslie
Service Area: Upper Kentucky River
Letcher
Service Area: Upper Kentucky River
Lewis
Service Area: Buffalo Trace
Lincoln
Service Area: Danville
Livingston
Service Area: Pennroyal
Logan

MENTAL HEALTH: Kentucky
County Listing

County Name

Service Area: Barren River Catchment Area
Lyon
Service Area: Pennroyal
Madison
Magoffin
Service Area: Mountain
Marion
Service Area: North Central
Martin
Service Area: Mountain
Mason
Service Area: Buffalo Trace
Mc Creary
Service Area: Lake Cumberland Catchment Area
Mc Lean
Service Area: Green River
Meade
Service Area: North Central
Menifee
Service Area: Gateway
Mercer
Service Area: Danville
Metcalfe
Service Area: Barren River Catchment Area
Monroe
Service Area: Barren River Catchment Area
Montgomery
Service Area: Gateway
Morgan
Service Area: Gateway
Muhlenberg
Service Area: Pennroyal
Nelson
Service Area: North Central
*Nicholas
Ohio
Service Area: Green River
Owen
Service Area: Northern Kentucky
Owsley
Service Area: Upper Kentucky River
Perry
Service Area: Upper Kentucky River
Pike
Service Area: Mountain
*Powell
Pulaski
Service Area: Lake Cumberland Catchment Area
Robertson
Service Area: Buffalo Trace
Rockcastle
Service Area: Cumberland River A
Rowan
Service Area: Gateway
Russell
Service Area: Lake Cumberland Catchment Area
Simpson
Service Area: Barren River Catchment Area
*Spencer
Taylor
Service Area: Lake Cumberland Catchment Area
Todd
Service Area: Pennroyal
Trigg

MENTAL HEALTH: Kentucky
County Listing

County Name

Service Area: Pennroyal
*Trimble
Union
Service Area: Green River
Warren
Service Area: Barren River Catchment Area
Washington
Service Area: North Central
Wayne
Service Area: Lake Cumberland Catchment Area
Webster
Service Area: Green River
Whitley
Service Area: Cumberland River A
Wolfe
Service Area: Upper Kentucky River

MENTAL HEALTH: Kentucky
Service Area Listing

Service Area Name

Barren River Catchment Area
County—Allen
County—Barren
County—Butler
County—Edmonson
County—Hart
County—Logan
County—Metcalfe
County—Monroe
County—Simpson
County—Warren
Buffalo Trace
County—Bracken
County—Fleming
County—Lewis
County—Mason
County—Robertson
Cumberland River A
County—Clay
County—Jackson
County—Laurel
County—Rockcastle
County—Whitley
Cumberland River B
County—Bell
County—Harlan
County—Knox
Danville
County—Boyle
County—Garrard
County—Lincoln
County—Mercer
Fivco Catchment Area
County—Boyd
County—Carter
County—Elliott
County—Greenup
County—Lawrence
Gateway
County—Bath
County—Menifee
County—Montgomery
County—Morgan
County—Rowan
Green River
County—Daviess
County—Hancock
County—Henderson
County—Mc Lean

MENTAL HEALTH: Kentucky
Service Area Listing

Service Area Name

County—Ohio
County—Union
County—Webster
Lake Cumberland Catchment Area
County—Adair
County—Casey
County—Clinton
County—Cumberland
County—Green
County—Mc Creary
County—Pulaski
County—Russell
County—Taylor
County—Wayne
Mountain
County—Floyd
County—Johnson
County—Magoffin
County—Martin
County—Pike
North Central
County—Breckinridge
County—Grayson
County—Hardin
County—Larue
County—Marion
County—Meade
County—Nelson
County—Washington
Northern Kentucky
County—Carroll
County—Gallatin
County—Grant
County—Owen
Pennroyal
County—Caldwell
County—Christian
County—Crittenden
County—Hopkins
County—Livingston
County—Lyon
County—Muhlenberg
County—Todd
County—Trigg
Upper Kentucky River
County—Breathitt
County—Knott
County—Lee
County—Leslie
County—Letcher
County—Owsley
County—Perry
County—Wolfe

MENTAL HEALTH: Louisiana
Parish Listing

Parish Name

Acadia
*Allen
*Beauregard
*Caldwell
*Cameron
*De Soto
*East Carroll
*East Feliciana
Facility: East Louisiana State Hospital
*Evangeline
*Franklin
*Jackson
*Jefferson Davis
Lafourche

MENTAL HEALTH: Louisiana
Parish Listing

Parish Name

*Lincoln
*Madison
*Morehouse
*Natchitoches
Orleans
Service Area: Desire Florida/Lower 9Th Ward
Ouachita
*Red River
*Richland
*Sabine
*St. Mary
*Tensas
*Union
*Vermilion
*West Carroll

MENTAL HEALTH: Louisiana
Service Area Listing

Service Area Name

Desire Florida/Lower 9Th Ward
Parish—Orleans
Parts:
C.T. 7.01
C.T. 9.01–9.04
C.T. 11 (N. Of Derbigny)
C.T. 14.01–14.02
C.T. 15–16
C.T. 17.03
C.T. 17.14

MENTAL HEALTH: Louisiana
Facility Listing

Facility Name

East Louisiana State Hospital
Parish—East Feliciana

MENTAL HEALTH: Maine
County Listing

County Name

Aroostook
Service Area: Mental Health Catchment Area #1
*Franklin
Service Area: Farmington/Rumford
*Oxford
Service Area: Farmington/Rumford
Penobscot
Service Area: Mental Health Catchment Area #1
Service Area: Piscataquis/N. Penobscot
Piscataquis
Service Area: Piscataquis/N. Penobscot
*Somerset
*Washington
Service Area: Greater Washington
Service Area: Mental Health Catchment Area #1

MENTAL HEALTH: Maine
Service Area Listing

Service Area Name

Farmington/Rumford
County—Franklin
County—Oxford
Parts:
Andover Town
Bethel Town

MENTAL HEALTH: Maine
Service Area Listing

Service Area Name

Buckfield Town
Byron Town
Canton Town
Dixfield Town
Gilead Town
Greenwood Town
Hanover Town
Hartford Town
Hebron Town
Lincoln Plt
Magalloway Plt
Mexico Town
Milton Unorg
N Oxford Unorg
Newry Town
Norway Town
Otisfield Town
Oxford Town
Paris Town
Peru Town
Roxbury Town
Rumford Town
S Oxford Unorg
Sumner Town
Upton Town
W Paris Twn
Waterford Town
Woodstock Town
Greater Washington
County—Washington
Parts:
Addison Town
Alexander Town
Baileyville Town
Baring Town
Beals Town
Beddington Town
Calais City
Centerville Town
Charlotte Town
Cherryfield Town
Codyville Plantation
Columbia Falls Town
Columbia Town
Cooper Town
Crawford Town
Cutler Town
Deblois Town
Dennysville Town
East Central Washington Unorg.
East Machias Town
Eastport City
Grand Lake Stream Plantation
Harrington Town
Jonesboro Town
Jonesport Town
Lubec Town
Machias Town
Machiasport Town
Marshfield Town
Meddybemps Town
Milbridge Town
North Washington Unorg.
Northfield Town
Passamaquoddy Indian Township Re
Passamaquoddy Pleasant Point Res
Pembroke Town
Perry Town
Princeton Town
Robbinston Town
Roque Bluffs Town
Steuben Town

MENTAL HEALTH: Maine
Service Area Listing

Service Area Name

Talmadge Town
Topsfield Town
Vanceboro Town
Waite Town
Wesley Town
Whiting Town
Whitneyville Town
Mental Health Catchment Area #1
County—Aroostook
County—Penobscot
Parts:
Mt. Chase Twn
Patten Twn
Stacyville Twn
County—Aroostook
County—Washington
Parts:
Danforth
Piscataquis/N. Penobscot
County—Penobscot
County—Piscataquis
Parts:
Carroll Plt.
Parts:
Chester Twn.
Drew Plt.
E. Millinocket Twn.
Kingman—Unorg.
Lakeville Plt.
Lee Twn.
Lincoln Twn.
Mattawamkeag Twn.
Medway Twn.
Millinocket Twn.
Prentiss Plt.
Springfield Twn.
Webster Plt.
Winn Twn.
Woodville Twn.
County—Piscataquis

MENTAL HEALTH: Maryland
County Listing

County Name

Caroline
Service Area: Eastern Shore
Cecil
*Dorchester
Service Area: Eastern Shore
Kent
Service Area: Northeastern Shore
Queen Anne's
Service Area: Northeastern Shore
*Somerset
Service Area: Southeastern Shore
Talbot
Service Area: Eastern Shore
*Worcester
Service Area: Southeastern Shore

MENTAL HEALTH: Maryland
Service Area Listing

Service Area Name

Eastern Shore
County—Caroline
County—Dorchester
County—Talbot
Northeastern Shore
County—Kent
County—Queen Anne's

MENTAL HEALTH: Maryland
Service Area Listing

Service Area Name

Southeastern Shore
County—Somerset
County—Worcester

MENTAL HEALTH: Massachusetts
County Listing

County Name

Suffolk
Service Area: E Boston—Homeless
Worcester
Population Group: Low Inc—Worcester

MENTAL HEALTH: Massachusetts
Service Area Listing

Service Area Name

E Boston—Homeless
County—Suffolk
Parts:
C.T. 501–512
C.T. 1801–1805

MENTAL HEALTH: Massachusetts
Population Group Listing

Population Group

Low Inc—Worcester
County—Worcester
Parts:
Worcester City

MENTAL HEALTH: Michigan
County Listing

County Name

*Arenac
Service Area: Bay/Arenac
Baraga
Service Area: Copper Country
Bay
Service Area: Bay/Arenac
Benzie
Service Area: Manistee
*Charlevoix
*Cheboygan
Chippewa
Service Area: Eastern/Upper Peninsula
Clare
Service Area: Mt. Pleasant
Crawford
Service Area: North Central
*Delta
Dickinson
Service Area: Iron Mountain
Gogebic
Service Area: Gogebic
Houghton
Service Area: Copper Country
*Huron
Iosco
Service Area: Au Sable Valley
Iron
Service Area: Iron Mountain
Isabella
Service Area: Mt. Pleasant
Keweenaw
Service Area: Copper Country
*Lake
Service Area: Lake/Mason/Oceana
*Leelanau
*Lenawee

MENTAL HEALTH: Michigan
County Listing

County Name

Mackinac
Service Area: Eastern/Upper Peninsula
Manistee
Service Area: Manistee
*Mason
Service Area: Lake/Mason/Oceana
Mecosta
Service Area: Mt. Pleasant
Missaukee
Service Area: North Central
*Oceana
Service Area: Lake/Mason/Oceana
Ogemaw
Service Area: Au Sable Valley
Ontonagon
Service Area: Copper Country
Osceola
Service Area: Mt. Pleasant
Oscoda
Service Area: Au Sable Valley
*Otsego
Roscommon
Service Area: North Central
*St. Joseph
*Tuscola
Facility: Caro Regional Mhc
Wayne
Service Area: East Detroit
Service Area: Northwest Detroit
Population Group: Low Inc—Southwest Detroit
Wexford
Service Area: North Central

MENTAL HEALTH: Michigan
Service Area Listing

Service Area Name

Au Sable Valley
County—Iosco
County—Ogemaw
County—Oscoda
Bay/Arenac
County—Arenac
County—Bay
Copper Country
County—Baraga
County—Houghton
County—Keweenaw
County—Ontonagon
East Detroit
County—Wayne
Parts:
C.T. 5004–5005
C.T. 5013
C.T. 5020
C.T. 5039–5045
C.T. 5121–5124
C.T. 5126
C.T. 5129
C.T. 5132–5136
C.T. 5139–5143
C.T. 5145–5157
C.T. 5161–5164
C.T. 5166–5169
Eastern/Upper Peninsula
County—Chippewa
County—Mackinac
Gogebic
County—Gogebic
Iron Mountain
County—Dickinson

MENTAL HEALTH: Michigan
Service Area Listing

Service Area Name

County—Iron
Lake/Mason/Oceana
County—Lake
County—Mason
County—Oceana
Manistee
County—Benzie
County—Manistee
Mt. Pleasant
County—Clare
County—Isabella
County—Mecosta
County—Osceola
North Central
County—Crawford
County—Missaukee
County—Roscommon
County—Wexford
Northwest Detroit
County—Wayne
Parts:
C.T. 5341–5347
C.T. 5350–5357
C.T. 5366–5367
C.T. 5371–5373
C.T. 5377–5378
C.T. 5423–5426
C.T. 5451–5454

MENTAL HEALTH: Michigan
Population Group Listing

Population Group

Low Inc—Southwest Detroit
County—Wayne
Parts:
C.T. 5209
C.T. 5211–5215
C.T. 5220–5222
C.T. 5231–5238
C.T. 5240–5243
C.T. 5251–5258
C.T. 5260–5265

MENTAL HEALTH: Michigan
Facility Listing

Facility Name

Caro Regional Mhc
County—Tuscola

MENTAL HEALTH: Minnesota
County Listing

County Name

Becker
Service Area: Fergus Falls
*Beltrami
Beltrami
Beltrami
Service Area: Bemidji
Service Area: Bemidji
Service Area: Bemidji
Clay
Service Area: Fergus Falls
*Clearwater
Clearwater
Service Area: Bemidji
Service Area: Bemidji
Cottonwood
Service Area: Worthington
*Crow Wing

MENTAL HEALTH: Minnesota
County Listing

County Name

Facility: Brainerd Reg Human Serv Ctr
Douglas
Service Area: Fergus Falls
Faribault
Service Area: Fairmount
Grant
Service Area: Fergus Falls
*Hubbard
Hubbard
Service Area: Bemidji
Service Area: Bemidji
*Itasca
Service Area: Itasca/Koochiching
Jackson
Service Area: Worthington
Kittson
Service Area: E Grand Forks
*Koochiching
Service Area: Itasca/Koochiching
*Lake Of The Woods
Lake Of The Woods
Service Area: Bemidji
Service Area: Bemidji
Lincoln
Service Area: Marshall
Lyon
Service Area: Marshall
Mahnomen
Service Area: E Grand Forks
Marshall
Service Area: E Grand Forks
Martin
Service Area: Fairmount
Murray
Service Area: Marshall
Nobles
Service Area: Worthington
Norman
Service Area: E Grand Forks
Otter Tail
Service Area: Fergus Falls
Facility: Fergus Falls Reg Treat Ctr
Pennington
Service Area: E Grand Forks
Pipestone
Service Area: Worthington
Polk
Service Area: E Grand Forks
Pope
Service Area: Fergus Falls
Red Lake
Service Area: E Grand Forks
Redwood
Service Area: Marshall
Rock
Service Area: Worthington
Roseau
Roseau
Service Area: Bemidji
Service Area: Bemidji
Stevens
Service Area: Fergus Falls
Traverse
Service Area: Fergus Falls
Watonwan
Service Area: Fairmount
Wilkin
Service Area: Fergus Falls
Yellow Medicine
Service Area: Marshall

MENTAL HEALTH: Minnesota
Service Area Listing

Service Area Name

Bemidji
County—Beltrami
County—Clearwater
County—Hubbard
County—Lake Of The Woods
County—Roseau
County—Roseau
E Grand Forks
County—Kittson
County—Mahnomen
County—Marshall
County—Norman
County—Pennington
County—Polk
County—Red Lake
Fairmount
County—Faribault
County—Martin
County—Watonwan
Fergus Falls
County—Becker
County—Clay
County—Douglas
County—Grant
County—Otter Tail
County—Pope
County—Stevens
County—Traverse
County—Wilkin
Itasca/Koochiching
County—Itasca
County—Koochiching
Marshall
County—Lincoln
County—Lyon
County—Murray
County—Redwood
County—Yellow Medicine
Worthington
County—Cottonwood
County—Jackson
County—Nobles
County—Pipestone
County—Rock

MENTAL HEALTH: Minnesota
Facility Listing

Facility Name

Brainerd Reg Human Serv Ctr
County—Crow Wing
Fergus Falls Reg Treat Ctr
County—Otter Tail

MENTAL HEALTH: Mississippi
County Listing

County Name

Adams
Service Area: Catchment Area #11
Alcorn
Service Area: Catchment Area #4
Amite
Service Area: Catchment Area #11
Attala
Service Area: Catchment Area #6
Benton
Service Area: Catchment Area #3
Bolivar
Service Area: Catchment Area #5
Calhoun
Service Area: Catchment Area #2

MENTAL HEALTH: Mississippi
County Listing

County Name

Carroll
Service Area: Catchment Area #6
Chickasaw
Service Area: Catchment Area #3
Choctaw
Service Area: Catchment Area #7
Claiborne
Service Area: Catchment Area #11
Clarke
Service Area: Catchment Area #10
Clay
Service Area: Catchment Area #7
Coahoma
Service Area: Catchment Area #1
*Copiah
Covington
Service Area: Catchment Area #12
De Soto
Service Area: Catchment Area #2
Forrest
Service Area: Catchment Area #12
Franklin
Service Area: Catchment Area #11
George
Service Area: Catchment Area #14
Greene
Service Area: Catchment Area #12
Grenada
Service Area: Catchment Area #6
Holmes
Service Area: Catchment Area #6
Humphreys
Service Area: Catchment Area #6
Issaquena
Service Area: Catchment Area #5
Itawamba
Service Area: Catchment Area #3
Jackson
Service Area: Catchment Area #14
Jasper
Service Area: Catchment Area #10
Jefferson
Jefferson Davis
Service Area: Catchment Area #11
Service Area: Catchment Area #12
Jones
Service Area: Catchment Area #12
Kemper
Service Area: Catchment Area #10
Lafayette
Service Area: Catchment Area #2
Lamar
Service Area: Catchment Area #12
Lauderdale
Service Area: Catchment Area #10
Lawrence
Service Area: Catchment Area #11
Leake
Service Area: Catchment Area #10
Lee
Service Area: Catchment Area #3
Leflore
Service Area: Catchment Area #6
Lincoln
Service Area: Catchment Area #11
Lowndes
Service Area: Catchment Area #7
Madison
Marion
Service Area: Catchment Area #12
Marshall
Service Area: Catchment Area #2

MENTAL HEALTH: Mississippi
County Listing

County Name

Monroe
Service Area: Catchment Area #3
Montgomery
Service Area: Catchment Area #6
Neshoba
Service Area: Catchment Area #10
Newton
Service Area: Catchment Area #10
Noxubee
Service Area: Catchment Area #7
Oktibbeha
Service Area: Catchment Area #7
Panola
Service Area: Catchment Area #2
Perry
Service Area: Catchment Area #12
Pike
Service Area: Catchment Area #11
Pontotoc
Service Area: Catchment Area #3
Prentiss
Service Area: Catchment Area #4
Quitman
Service Area: Catchment Area #1
Scott
Service Area: Catchment Area #10
Sharkey
Service Area: Catchment Area #5
*Simpson
Smith
Service Area: Catchment Area #10
Sunflower
Service Area: Catchment Area #6
Facility: Mississippi State Pen.
Tallahatchie
Service Area: Catchment Area #1
Tate
Service Area: Catchment Area #2
Tippah
Service Area: Catchment Area #4
Tishomingo
Service Area: Catchment Area #4
Tunica
Service Area: Catchment Area #1
Union
Service Area: Catchment Area #3
Walthall
Service Area: Catchment Area #11
Warren
Service Area: Catchment Area #15
Washington
Service Area: Catchment Area #5
Wayne
Service Area: Catchment Area #12
Webster
Service Area: Catchment Area #7
Wilkinson
Service Area: Catchment Area #11
Winston
Service Area: Catchment Area #7
Yalobusha
Service Area: Catchment Area #2
Yazoo
Service Area: Catchment Area #15

MENTAL HEALTH: Mississippi
Service Area Listing

Service Area Name

Catchment Area #1
County—Coahoma
County—Quitman

MENTAL HEALTH: Mississippi
Service Area Listing

Service Area Name

County—Tallahatchie
County—Tunica
Catchment Area #10
County—Clarke
County—Jasper
County—Kemper
County—Lauderdale
County—Leake
County—Neshoba
County—Newton
County—Scott
County—Smith
Catchment Area #11
County—Adams
County—Amite
County—Claiborne
County—Franklin
County—Jefferson
County—Lawrence
County—Lincoln
County—Pike
County—Walthall
County—Wilkinson
Catchment Area #12
County—Covington
County—Forrest
County—Greene
County—Jefferson Davis
County—Jones
County—Lamar
County—Marion
County—Perry
County—Wayne
Catchment Area #14
County—George
County—Jackson
Catchment Area #15
County—Warren
County—Yazoo
Catchment Area #2
County—Calhoun
County—De Soto
County—Lafayette
County—Marshall
County—Panola
County—Tate
County—Yalobusha
Catchment Area #3
County—Benton
County—Chickasaw
County—Itawamba
County—Lee
County—Monroe
County—Pontotoc
County—Union
Catchment Area #4
County—Alcorn
County—Prentiss
County—Tippah
County—Tishomingo
Catchment Area #5
County—Bolivar
County—Issaquena
County—Sharkey
County—Washington
Catchment Area #6
County—Attala
County—Carroll
County—Grenada
County—Holmes
County—Humphreys
County—Leflore

MENTAL HEALTH: Mississippi
Service Area Listing

Service Area Name

County—Montgomery
County—Sunflower
Catchment Area #7
County—Choctaw
County—Clay
County—Lowndes
County—Noxubee
County—Oktibbeha
County—Webster
County—Winston

MENTAL HEALTH: Mississippi
Facility Listing

Facility Name

Mississippi State Pen.
County—Sunflower

MENTAL HEALTH: Missouri
County Listing

County Name

Adair
Service Area: Hannibal
Andrew
Service Area: St Joseph
Atchison
Service Area: St Joseph
Audrain
Service Area: Mexico
Barry
Service Area: Nevada
Barton
Service Area: Joplin
Bates
Service Area: Nevada
Benton
Service Area: Nevada
Bollinger
Service Area: Cape Girardeau
Buchanan
Service Area: St Joseph
Butler
Service Area: Poplar Bluff
Caldwell
Service Area: Chillicothe
Callaway
Service Area: Mexico
Camden
Service Area: Jefferson City
Cape Girardeau
Service Area: Cape Girardeau
Carter
Service Area: Poplar Bluff
Cass
Service Area: Warrensburg
Cedar
Service Area: Nevada
Clark
Service Area: Hannibal
Clinton
Service Area: St Joseph
Cole
Service Area: Jefferson City
Crawford
Service Area: Rolla
Dade
Service Area: Nevada
Daviess
Service Area: Chillicothe
Dekalb
Service Area: St Joseph

MENTAL HEALTH: Missouri
County Listing

County Name

Dent
Service Area: Rolla
Douglas
Service Area: West Plains
Dunklin
Service Area: Poplar Bluff
Gasconade
Service Area: Rolla
Gentry
Service Area: St Joseph
Grundy
Service Area: Chillicothe
Harrison
Service Area: Chillicothe
Henry
Service Area: Nevada
Hickory
Service Area: Nevada
Holt
Service Area: St Joseph
Howell
Service Area: West Plains
Iron
Service Area: Rolla
Jasper
Service Area: Joplin
Jefferson
Service Area: Cape Girardeau
Johnson
Service Area: Warrensburg
Knox
Service Area: Hannibal
Laclede
Service Area: Jefferson City
Lafayette
Service Area: Warrensburg
Lawrence
Service Area: Nevada
Lewis
Service Area: Hannibal
Linn
Service Area: Chillicothe
Livingston
Service Area: Chillicothe
Macon
Service Area: Hannibal
Madison
Service Area: Cape Girardeau
Maries
Service Area: Rolla
Marion
Service Area: Hannibal
McDonald
Service Area: Joplin
Mercer
Service Area: Chillicothe
Miller
Service Area: Jefferson City
Mississippi
Service Area: Sikeston
Monroe
Service Area: Mexico
Montgomery
Service Area: Mexico
New Madrid
Service Area: Sikeston
Newton
Service Area: Joplin
Nodaway
Service Area: St Joseph
Oregon
Service Area: West Plains

MENTAL HEALTH: Missouri
County Listing

County Name

Osage
  Service Area: Jefferson City
Ozark
  Service Area: West Plains
Pemiscot
  Service Area: Poplar Bluff
Perry
  Service Area: Cape Girardeau
Phelps
  Service Area: Rolla
Pike
  Service Area: Mexico
Pulaski
  Service Area: Jefferson City
Putnam
  Service Area: Chillicothe
Ralls
  Service Area: Mexico
Reynolds
  Service Area: Poplar Bluff
Ripley
  Service Area: Poplar Bluff
Schuyler
  Service Area: Hannibal
Scotland
  Service Area: Hannibal
Scott
  Service Area: Sikeston
Shannon
  Service Area: West Plains
Shelby
  Service Area: Hannibal
St Louis
  Facility: Malcolm Bliss/St Louis State Hosp
St. Clair
  Service Area: Nevada
St. Francois
  Service Area: Rolla
Ste. Genevieve
  Service Area: Cape Girardeau
Stoddard
  Service Area: Sikeston
Sullivan
  Service Area: Chillicothe
Texas
  Service Area: West Plains
Vernon
  Service Area: Nevada
Washington
  Service Area: Rolla
Wayne
  Service Area: Poplar Bluff
Worth
  Service Area: St Joseph
Wright
  Service Area: West Plains

MENTAL HEALTH: Missouri
Service Area Listing

Service Area Name

Cape Girardeau
  County—Bollinger
  County—Cape Girardeau
  County—Jefferson
  County—Madison
  County—Perry
  County—Ste. Genevieve
Chillicothe
  County—Caldwell
  County—Daviess
  County—Grundy

MENTAL HEALTH: Missouri
Service Area Listing

Service Area Name

  County—Harrison
  County—Linn
  County—Livingston
  County—Mercer
  County—Putnam
  County—Sullivan
Hannibal
  County—Adair
  County—Clark
  County—Knox
  County—Lewis
  County—Macon
  County—Marion
  County—Schuyler
  County—Scotland
  County—Shelby
Jefferson City
  County—Camden
  County—Cole
  County—Laclede
  County—Miller
  County—Osage
  County—Pulaski
Joplin
  County—Barton
  County—Jasper
  County—McDonald
  County—Newton
Mexico
  County—Audrain
  County—Callaway
  County—Monroe
  County—Montgomery
  County—Pike
  County—Ralls
Nevada
  County—Barry
  County—Bates
  County—Benton
  County—Cedar
  County—Dade
  County—Henry
  County—Hickory
  County—Lawrence
  County—St. Clair
  County—Vernon
Poplar Bluff
  County—Butler
  County—Carter
  County—Dunklin
  County—Pemiscot
  County—Reynolds
  County—Ripley
  County—Wayne
Rolla
  County—Crawford
  County—Dent
  County—Gasconade
  County—Iron
  County—Maries
  County—Phelps
  County—St. Francois
  County—Washington
Sikeston
  County—Mississippi
  County—New Madrid
  County—Scott
  County—Stoddard
St Joseph
  County—Andrew
  County—Atchison
  County—Buchanan

MENTAL HEALTH: Missouri
Service Area Listing

Service Area Name

  County—Clinton
  County—Dekalb
  County—Gentry
  County—Holt
  County—Nodaway
  County—Worth
Warrensburg
  County—Cass
  County—Johnson
  County—Lafayette
West Plains
  County—Douglas
  County—Howell
  County—Oregon
  County—Ozark
  County—Shannon
  County—Texas
  County—Wright

MENTAL HEALTH: Missouri
Facility Listing

Facility Name

Malcolm Bliss/St Louis State Hosp
  County—St Louis

MENTAL HEALTH: Montana
County Listing

County Name

*Beaverhead
*Big Horn
*Blaine
  Service Area: North-Central Montana
*Carbon
Carter
  Service Area: Eastern Montana
*Chouteau
  Service Area: North-Central Montana
Custer
  Service Area: Eastern Montana
Daniels
  Service Area: Eastern Montana
Dawson
  Service Area: Eastern Montana
*Deer Lodge (g)
  Facility: Montana State Hospital
Fallon
  Service Area: Eastern Montana
Garfield
  Service Area: Eastern Montana
*Glacier
  Service Area: North-Central Montana
*Golden Valley
*Granite
*Hill
  Service Area: North-Central Montana
*Lake
*Liberty
  Service Area: North-Central Montana
*Lincoln
*Madison
McCone
  Service Area: Eastern Montana
*Meagher
*Mineral
*Musselshell
Phillips
  Service Area: Eastern Montana
*Pondera
  Service Area: North-Central Montana
Powder River

MENTAL HEALTH: Montana
County Listing

County Name

Service Area: Eastern Montana
*Powell
Prairie
Service Area: Eastern Montana
*Ravalli
Richland
Service Area: Eastern Montana
Roosevelt
Service Area: Eastern Montana
Rosebud
Service Area: Eastern Montana
*Sanders
Sheridan
Service Area: Eastern Montana
*Silver Bow
*Stillwater
*Sweet Grass
*Teton
Service Area: North-Central Montana
*Toole
Service Area: North-Central Montana
Treasure
Service Area: Eastern Montana
Valley
Service Area: Eastern Montana
Wibaux
Service Area: Eastern Montana

MENTAL HEALTH: Montana
Service Area Listing

Service Area Name

Eastern Montana
County—Carter
County—Custer
County—Daniels
County—Dawson
County—Fallon
County—Garfield
County—McCone
County—Phillips
County—Powder River
County—Prairie
County—Richland
County—Roosevelt
County—Rosebud
County—Sheridan
County—Treasure
County—Valley
County—Wibaux
North-Central Montana
County—Blaine
County—Chouteau
County—Glacier
County—Hill
County—Liberty
County—Pondera
County—Teton
County—Toole

MENTAL HEALTH: Montana
Facility Listing

Facility Name

Montana State Hospital
County—Deer Lodge

MENTAL HEALTH: Nebraska
County Listing

County Name

*Antelope
Service Area: Catchment Area 4
*Arthur
Service Area: Catchment Area 2
Banner
Service Area: Catchment Area 1
*Boone
Service Area: Catchment Area 4
Box Butte
Service Area: Catchment Area 1
*Boyd
Service Area: Catchment Area 4
*Brown
Service Area: Catchment Area 4
*Burt
Service Area: Catchment Area 4
*Butler
Service Area: Catchment Area 5
*Cedar
Service Area: Catchment Area 4
*Chase
Service Area: Catchment Area 2
Cherry
Service Area: Catchment Area 4
Cheyenne
Service Area: Catchment Area 1
*Colfax
Service Area: Catchment Area 4
*Cuming
Service Area: Catchment Area 4
Dakota
Service Area: Catchment Area 4
Dawes
Service Area: Catchment Area 1
*Dawson
Service Area: Catchment Area 2
Deuel
Service Area: Catchment Area 1
*Dixon
Service Area: Catchment Area 4
Douglas
Population Group: Medicaid—Eastern Omaha City
Facility: Douglas County Hosp (Mhc)
*Dundy
Service Area: Catchment Area 2
*Fillmore
Service Area: Catchment Area 5
*Frontier
Service Area: Catchment Area 2
*Gage
Service Area: Catchment Area 5
Garden
Service Area: Catchment Area 1
*Gosper
Service Area: Catchment Area 2
*Grant
Service Area: Catchment Area 2
*Hayes
Service Area: Catchment Area 2
*Hitchcock
Service Area: Catchment Area 2
*Holt
Service Area: Catchment Area 4
*Hooker
Service Area: Catchment Area 2
*Jefferson
Service Area: Catchment Area 5
*Johnson
Service Area: Catchment Area 5
*Keith
Service Area: Catchment Area 2
*Keya Paha
Service Area: Catchment Area 4
Kimball
Service Area: Catchment Area 1
*Knox
Service Area: Catchment Area 4
Lancaster
Service Area: Catchment Area 5
*Lincoln
Service Area: Catchment Area 2
*Logan
Service Area: Catchment Area 2
Madison
Service Area: Catchment Area 4
*Mc Pherson
Service Area: Catchment Area 2
Morrill
Service Area: Catchment Area 1
*Nance
Service Area: Catchment Area 4
*Nemaha
Service Area: Catchment Area 5
*Otoe
Service Area: Catchment Area 5
*Pawnee
Service Area: Catchment Area 5
*Perkins
Service Area: Catchment Area 2
*Pierce
Service Area: Catchment Area 4
*Platte
Service Area: Catchment Area 4
*Polk
Service Area: Catchment Area 5
*Red Willow
Service Area: Catchment Area 2
*Richardson
Service Area: Catchment Area 5
*Rock
Service Area: Catchment Area 4
*Saline
Service Area: Catchment Area 5
*Saunders
Service Area: Catchment Area 5
Scotts Bluff
Service Area: Catchment Area 1
*Seward
Service Area: Catchment Area 5
Sheridan
Service Area: Catchment Area 1
Sioux
Service Area: Catchment Area 1
*Stanton
Service Area: Catchment Area 4
*Thayer
Service Area: Catchment Area 5
*Thomas
Service Area: Catchment Area 2
*Thurston
Service Area: Catchment Area 4
*Wayne
Service Area: Catchment Area 4
*York
Service Area: Catchment Area 5

MENTAL HEALTH: Nebraska
Service Area Listing

Service Area Name

Catchment Area 1
County—Banner
County—Box Butte
County—Cheyenne

MENTAL HEALTH: Nebraska
Service Area Listing

Service Area Name

County—Dawes
County—Deuel
County—Garden
County—Kimball
County—Morrill
County—Scotts Bluff
County—Sheridan
County—Sioux
Catchment Area 2
County—Arthur
County—Chase
County—Dawson
County—Dundy
County—Frontier
County—Gosper
County—Grant
County—Hayes
County—Hitchcock
County—Hooker
County—Keith
County—Lincoln
County—Logan
County—Mc Pherson
County—Perkins
County—Red Willow
County—Thomas
Catchment Area 4
County—Antelope
County—Boone
County—Boyd
County—Brown
County—Burt
County—Cedar
County—Cherry
County—Colfax
County—Cuming
County—Dakota
County—Dixon
County—Holt
County—Keya Paha
County—Knox
County—Madison
County—Nance
County—Pierce
County—Platte
County—Rock
County—Stanton
County—Thurston
County—Wayne
Catchment Area 5
County—Butler
County—Fillmore
County—Gage
County—Jefferson
County—Johnson
County—Lancaster
County—Nemaha
County—Otoe
County—Pawnee
County—Polk
County—Richardson
County—Saline
County—Saunders
County—Seward
County—Thayer
County—York

MENTAL HEALTH: Nebraska
Population Group Listing

Population Group

Medicaid—Eastern Omaha City

MENTAL HEALTH: Nebraska
Population Group Listing

Population Group

County—Douglas
Parts:
C.T. 3
C.T. 6–12
C.T. 16
C.T. 18–19
C.T. 39–41
C.T. 51–54
C.T. 59.01–59.02
C.T. 60
C.T. 61.01–61.02

MENTAL HEALTH: Nebraska
Facility Listing

Facility Name

Douglas County Hosp (Mhc)
County—Douglas

MENTAL HEALTH: Nevada
County Listing

County Name

Carson City
Facility: Nv State Prsn—Carson City
*Elko

MENTAL HEALTH: Nevada
Facility Listing

Facility Name

Nv State Prsn—Carson City
County—Carson City

MENTAL HEALTH: New Hampshire
County Listing

County Name

Carroll
Service Area: Mental Hlth Region I
Coos
Service Area: Mental Hlth Region I
*Grafton
Service Area: Mental Hlth Region I
Population Group: Low Inc—E Grafton

MENTAL HEALTH: New Hampshire
Service Area Listing

Service Area Name

Mental Hlth Region I
County—Carroll
County—Coos
County—Grafton
Parts:
Bath Town
Benton Town
Bethlehem Town
Easton Town
Franconia Town
Haverhill Town
Landaff Town
Lincoln Town
Lisbon Town
Littleton Town
Lyman Town
Monroe Town
Piermont Town
Sugar Hill Town
Warren Town
Waterville Valley Town
Woodstock Town

MENTAL HEALTH: New Hampshire
Population Group Listing

Population Group

Low Inc—E Grafton
County—Grafton
Parts:
Alexandria Town
Ashland Town
Bridgewater Town
Bristol Town
Campton Town
Ellsworth Town
Groton Town
Hebron Town
Holderness Town
Plymouth Town
Rumney Town
Thornton Town
Wentworth Town

MENTAL HEALTH: New Jersey
County Listing

County Name

Cumberland
Essex
Service Area: East Orange City
Salem

MENTAL HEALTH: New Jersey
Service Area Listing

Service Area Name

East Orange City
County—Essex
Parts:
C.T. 99–118

MENTAL HEALTH: New Mexico
County Listing

County Name

Bernalillo
Service Area: North Valley
Service Area: Southwest Valley
Catron
Service Area: Hlth Planning District 5
Chaves
Service Area: Catchment Area #6
Cibola
Service Area: Catchment Area #3
Colfax
Service Area: Catchment Area #2
Curry
Service Area: Catchment Area #4
De Baca
Service Area: Catchment Area #4
Dona Ana
Facility: S. New Mexico Corr. Fac.
Eddy
Service Area: Catchment Area #6
Grant
Service Area: Hlth Planning District 5
Guadalupe
Service Area: Catchment Area #4
Harding
Service Area: Catchment Area #4
Hidalgo
Service Area: Hlth Planning District 5
Lea
Service Area: Catchment Area #6
Lincoln
Service Area: Catchment Area #6
Luna
Service Area: Hlth Planning District 5
McKinley

MENTAL HEALTH: New Mexico
County Listing

County Name

Service Area: Catchment Area #1
Mora
Service Area: Catchment Area #2
Otero
Service Area: Catchment Area #6
Quay
Service Area: Catchment Area #4
Rio Arriba
Service Area: Catchment Area #2
Roosevelt
Service Area: Catchment Area #4
*San Juan
Service Area: Catchment Area #1
*San Miguel
Facility: Las Vegas Medical Center
Sandoval
Service Area: Northern Sandoval
Sierra
Service Area: Catchment Area #7
Socorro
Service Area: Catchment Area #7
Torrence
Service Area: Catchment Area #3
Union
Service Area: Catchment Area #4
Valencia (g)
Facility: C. New Mexico Corr. Fac.

MENTAL HEALTH: New Mexico
Service Area Listing

Service Area Name

Catchment Area #1
County—McKinley
County—San Juan
Catchment Area #2
County—Colfax
County—Mora
County—Rio Arriba
Catchment Area #3
County—Cibola
County—Torrence
Catchment Area #4
County—Curry
County—De Baca
County—Guadalupe
County—Harding
County—Quay
County—Roosevelt
County—Union
Catchment Area #6
County—Chaves
County—Eddy
County—Lea
County—Lincoln
County—Otero
Catchment Area #7
County—Sierra
County—Socorro
Hlth Planning District 5
County—Catron
County—Grant
County—Hidalgo
County—Luna
North Valley
County—Bernalillo
Parts:
C.T. 29
C.T. 30.01–30.02
C.T. 31
C.T. 32.01–32.02
C.T. 35.01–35.02

MENTAL HEALTH: New Mexico
Service Area Listing

Service Area Name

C.T. 36
Northern Sandoval
County—Sandoval
Parts:
Cuba CCD
Jemez CCD
Santo Domingo CCD
Southwest Valley
County—Bernalillo
Parts:
C.T. 23
C.T. 24.01–24.02
C.T. 43
C.T. 44.01–44.02
C.T. 45.01–45.02
C.T. 46.02–46.04

MENTAL HEALTH: New Mexico
Facility Listing

Facility Name

C. New Mexico Corr. Fac.
County—Valencia
Las Vegas Medical Center
County—San Miguel
S. New Mexico Corr. Fac.
County—Dona Ana

MENTAL HEALTH: New York
County Listing

County Name

Bronx
Facility: NYC Corr. Fac./Riker Island
Cayuga
Erie
Service Area: P.S. 84 Neighborhood
*Essex
*Franklin
*Jefferson
*Lewis
Livingston
New York
Service Area: Chinatown/Lower Manhattan
Service Area: Northern Manhattan (Ryan)
*Schuyler
*Seneca
*St. Lawrence

MENTAL HEALTH: New York
Service Area Listing

Service Area Name

Chinatown/Lower Manhattan
County—New York
Parts:
C.T. 2.01–2.02
C.T. 6
C.T. 8
C.T. 10.01
C.T. 12
C.T. 14.01–14.02
C.T. 15.01
C.T. 16
C.T. 18
C.T. 25
C.T. 27
C.T. 29
C.T. 30.01–30.02
C.T. 31–32
C.T. 34
C.T. 36.01–36.02

MENTAL HEALTH: New York
Service Area Listing

Service Area Name

C.T. 38
C.T. 41
C.T. 43
C.T. 45
C.T. 55.02
Northern Manhattan (Ryan)
County—New York
Parts:
C.T. 173
C.T. 175
C.T. 177
C.T. 179
C.T. 181
C.T. 183
C.T. 185–187
C.T. 189–191
C.T. 193
C.T. 195
C.T. 197.01–197.02
C.T. 199–200
C.T. 201.01–201.02
C.T. 203
C.T. 205
C.T. 207.01–207.02
C.T. 208
C.T. 209.01–209.02
C.T. 211
C.T. 213.01–213.02
C.T. 216
C.T. 217.01–217.02
C.T. 218
C.T. 219.97
C.T. 220
C.T. 221.01–221.02
C.T. 222
C.T. 223.97–223.98
C.T. 224–226
C.T. 227.01–227.02
C.T. 229
C.T. 233
C.T. 237
C.T. 241
C.T. 245
C.T. 247
P.S. 84 Neighborhood
County—Erie
Parts:
C.T. 27.02
C.T. 29
C.T. 32.01–32.02
C.T. 33.01–33.02
C.T. 34–36
C.T. 39.01–39.02
C.T. 40.01–40.02
C.T. 41–42
C.T. 44.02
C.T. 52.02
C.T. 64

MENTAL HEALTH: New York
Facility Listing

Facility Name

NYC Corr. Fac./Riker Island
County—Bronx

MENTAL HEALTH: North Carolina
County Listing

County Name

Bertie
Service Area: Roanoke-Chowan

MENTAL HEALTH: North Carolina
County Listing

County Name

Bladen
  Service Area: Southeast Regional
Burke
  Facility: Broughton Hospital
Camden
  Service Area: Albemarle
Cherokee
  Service Area: Smokey Mountain
Chowan
  Service Area: Albemarle
Clay
  Service Area: Smokey Mountain
Columbus
  Service Area: Southeast Regional
Currituck
  Service Area: Albemarle
Dare
  Service Area: Albemarle
Duplin
  Service Area: Duplin-Sampson
Gates
  Service Area: Roanoke-Chowan
Graham
  Service Area: Smokey Mountain
Halifax
  Service Area: Halifax MHCa
Hertford
  Service Area: Roanoke-Chowan
Hyde
  Service Area: Tideland
Jackson
  Service Area: Smokey Mountain
Macon
  Service Area: Smokey Mountain
Martin
  Service Area: Tideland
Northampton
  Service Area: Roanoke-Chowan
Pasquotank
  Service Area: Albemarle
Perquimans
  Service Area: Albemarle
Robeson
  Service Area: Southeast Regional
Sampson
  Service Area: Duplin-Sampson
Scotland
  Service Area: Southeast Regional
Surry
  Service Area: Surry-Yadkin
Swain
  Service Area: Smokey Mountain
Tyrrell
  Service Area: Tideland
Washington
  Service Area: Tideland
Yadkin
  Service Area: Surry-Yadkin

MENTAL HEALTH: North Carolina
Service Area Listing

Service Area Name

Albemarle
  County—Camden
  County—Chowan
  County—Currituck
  County—Dare
  County—Pasquotank
  County—Perquimans
Duplin-Sampson
  County—Duplin
  County—Sampson
Halifax MHCa
  County—Halifax
Roanoke-Chowan
  County—Bertie
  County—Gates
  County—Hertford
  County—Northampton
Smokey Mountain
  County—Cherokee
  County—Clay
  County—Graham
  County—Haywood
  County—Jackson
  County—Macon
  County—Swain
Southeast Regional
  County—Bladen
  County—Columbus
  County—Robeson
  County—Scotland
Surry-Yadkin
  County—Surry
  County—Yadkin
Tideland
  County—Beaufort
  County—Hyde
  County—Martin
  County—Tyrrell
  County—Washington

MENTAL HEALTH: North Carolina
Facility Listing

Facility Name

Broughton Hospital
  County—Burke

MENTAL HEALTH: North Dakota
County Listing

County Name

Barnes
  Service Area: Jamestown (Ca 38004)
Benson
  Service Area: Devils Lake Catchment Area
Cavalier
  Service Area: Devils Lake Catchment Area
Dickey
  Service Area: Jamestown (Ca 38004)
Eddy
  Service Area: Devils Lake Catchment Area
Foster
  Service Area: Jamestown (Ca 38004)
Griggs
  Service Area: Jamestown (Ca 38004)
Lamoure
  Service Area: Jamestown (Ca 38004)
Logan
  Service Area: Jamestown (Ca 38004)
McIntosh
  Service Area: Jamestown (Ca 38004)
Ramsey
  Service Area: Devils Lake Catchment Area
Rolette
  Service Area: Devils Lake Catchment Area
Stutsman
  Service Area: Jamestown (Ca 38004)
  Facility: North Dakota State Hosp
Towner
  Service Area: Devils Lake Catchment Area
Wells
  Service Area: Jamestown (Ca 38004)

MENTAL HEALTH: North Dakota
Service Area Listing

Service Area Name

Devils Lake Catchment Area
  County—Benson
  County—Cavalier
  County—Eddy
  County—Ramsey
  County—Rolette
  County—Towner
Jamestown (Ca 38004)
  County—Barnes
  County—Dickey
  County—Foster
  County—Griggs
  County—Lamoure
  County—Logan
  County—McIntosh
  County—Stutsman
  County—Wells

MENTAL HEALTH: North Dakota
Facility Listing

Facility Name

North Dakota State Hosp
  County—Stutsman

MENTAL HEALTH: Ohio
County Listing

County Name

Athens
  Service Area: Catchment Area #33
Cuyahoga
  Facility: Cleveland Psych Inst
*Fayette
  Service Area: Chillicothe
*Highland
  Service Area: Chillicothe
Hocking
  Service Area: Catchment Area #33
Lorain
  Facility: Grafton Corr Fac
*Pike
  Service Area: Chillicothe
Richland
  Facility: Mansfield Corr Inst
*Ross
  Service Area: Chillicothe
  Facility: Chillicothe Corr Inst
  Facility: Ross Corr Inst
*Scioto
  Facility: S Ohio Corr Fac
Vinton
  Service Area: Catchment Area #33

MENTAL HEALTH: Ohio
Service Area Listing

Service Area Name

Catchment Area #33
  County—Athens
  County—Hocking
  County—Vinton
Chillicothe
  County—Fayette
  County—Highland
  County—Pike
  County—Ross

MENTAL HEALTH: Ohio
Facility Listing

Facility Name

Chillicothe Corr Inst

MENTAL HEALTH: Ohio
Facility Listing

Facility Name

County—Ross
Cleveland Psych Inst
County—Cuyahoga
Grafton Corr Fac
County—Lorain
Mansfield Corr Inst
County—Richland
Ross Corr Inst
County—Ross
S Ohio Corr Fac
County—Scioto

MENTAL HEALTH: Oklahoma
County Listing

County Name

Beckham
Service Area: Catchment Area #9
Blaine
Service Area: Catchment Area #9
Custer
Service Area: Catchment Area #9
Dewey
Service Area: Catchment Area #9
Greer
Service Area: Catchment Area #9
Kiowa
Service Area: Catchment Area #9
Roger Mills
Service Area: Catchment Area #9
Washita
Service Area: Catchment Area #9

MENTAL HEALTH: Oklahoma
Service Area Listing

Service Area Name

Catchment Area #9
County—Beckham
County—Blaine
County—Custer
County—Dewey
County—Greer
County—Kiowa
County—Roger Mills
County—Washita

MENTAL HEALTH: Oregon
County Listing

County Name

Baker
Service Area: Northeastern Oregon
*Clatsop
Coos
Service Area: Catchment Area 14
Curry
Service Area: Catchment Area 14
Gilliam
Service Area: East Columbia
Grant
Service Area: East Columbia
Harney
Service Area: Southeastern Oregon
*Josephine
*Klamath
*Lincoln
Malheur
Service Area: Southeastern Oregon
Morrow
Service Area: East Columbia
*Tillamook

MENTAL HEALTH: Oregon
County Listing

County Name

Umatilla
Service Area: East Columbia
Union
Service Area: Northeastern Oregon
Wallowa
Service Area: Northeastern Oregon
Wheeler
Service Area: East Columbia

MENTAL HEALTH: Oregon
Service Area Listing

Service Area Name

Catchment Area 14
County—Coos
County—Curry
East Columbia
County—Gilliam
County—Grant
County—Morrow
County—Umatilla
County—Wheeler
Northeastern Oregon
County—Baker
County—Union
County—Wallowa
Southeastern Oregon
County—Harney
County—Malheur

MENTAL HEALTH: Pennsylvania
County Listing

County Name

Adams
Service Area: Gettysburg/Hanover
Armstrong
Population Group: Low Inc—Armstrong Co
Beaver
Population Group: Low Inc—Beaver Co
Carbon
*Clinton
Fayette
*Forest
Huntingdon
Service Area: Juniata/Mifflin
*Indiana
Juniata
Service Area: Juniata/Mifflin
Lycoming
Mifflin
Service Area: Juniata/Mifflin
Monroe
*Pike
*Susquehanna
*Tioga
*Warren
*Wayne (g)
Facility: Farview State Hosp
Wyoming
York
Service Area: Gettysburg/Hanover

MENTAL HEALTH: Pennsylvania
Service Area Listing

Service Area Name

Gettysburg/Hanover
County—Adams
County—York
Parts:
Codorus Township

MENTAL HEALTH: Pennsylvania
Service Area Listing

Service Area Name

Hanover Borough
Heidelberg Township
Jackson Township
Jefferson Borough
Manheim Township
New Salem Borough
North Codorus Township
Paradise Township
Penn Township
Seven Valleys Borough
Spring Grove Borough
West Manheim Township
Juniata/Mifflin
County—Huntingdon
County—Juniata
County—Mifflin

MENTAL HEALTH: Pennsylvania
Population Group Listing

Population Group

Low Inc—Armstrong Co
County—Armstrong
Parts:
Low Income
Low Inc—Beaver Co
County—Beaver
Parts:
Low Income

MENTAL HEALTH: Pennsylvania
Facility Listing

Facility Name

Farview State Hosp
County—Wayne

MENTAL HEALTH: South Carolina
County Listing

County Name

Abbeville
Service Area: Catchment Area 5
Aiken
Service Area: Catchment Area 10
Allendale
Service Area: Catchment Area 11
Anderson
Facility: Patrick B. Harris Psychiatric Hospital
Bamberg
Service Area: Catchment Area 14
*Barnwell
Service Area: Catchment Area 10
Beaufort
Service Area: Catchment Area 11
Berkeley
Service Area: Rural Berkeley
Calhoun
Service Area: Catchment Area 14
Cherokee
Service Area: Catchment Area 3
Chester
Service Area: Catchment Area 4
Chesterfield
Service Area: Catchment Area 12
Clarendon
Service Area: Catchment Area 9
Colleton
Service Area: Catchment Area 11
Darlington
Service Area: Catchment Area 7

MENTAL HEALTH: South Carolina
County Listing

County Name

Dillon
  Service Area: Catchment Area 12
Edgefield
  Service Area: Catchment Area 5
Florence
  Service Area: Catchment Area 7
Georgetown
  Service Area: Catchment Area 13
Greenwood
  Service Area: Catchment Area 5
Hampton
  Service Area: Catchment Area 11
Horry
  Service Area: Catchment Area 13
Jasper
  Service Area: Catchment Area 11
Kershaw
  Service Area: Catchment Area 9
Lancaster
  Service Area: Catchment Area 4
Laurens
  Service Area: Catchment Area 5
Lee
  Service Area: Catchment Area 9
Marion
  Service Area: Catchment Area 7
Marlboro
  Service Area: Catchment Area 12
McCormick
  Service Area: Catchment Area 5
Newberry
  Service Area: Catchment Area 5
Orangeburg
  Service Area: Catchment Area 14
Richland
  Facility: G. Werber Bryan Psychiatric Hospital
Saluda
  Service Area: Catchment Area 5
Spartanburg
  Service Area: Catchment Area 3
Sumter
  Service Area: Catchment Area 9
Union
  Service Area: Catchment Area 3
Williamsburg
  Service Area: Catchment Area 13
York
  Service Area: Catchment Area 4

MENTAL HEALTH: South Carolina
Service Area Listing

Service Area Name

Catchment Area 10
  County—Aiken
    Parts:
      Aiken
  County—Aiken
  County—Barnwell
    Parts:
      Barnwell
Catchment Area 11
  County—Allendale
  County—Beaufort
  County—Colleton
  County—Hampton
  County—Jasper
Catchment Area 12
  County—Chesterfield
  County—Dillon
  County—Marlboro

MENTAL HEALTH: South Carolina
Service Area Listing

Service Area Name

Catchment Area 13
  County—Georgetown
  County—Horry
  County—Williamsburg
Catchment Area 14
  County—Bamberg
  County—Calhoun
  County—Orangeburg
Catchment Area 3
  County—Cherokee
  County—Spartanburg
  County—Union
Catchment Area 4
  County—Chester
  County—Lancaster
  County—York
Catchment Area 5
  County—Abbeville
  County—Edgefield
  County—Greenwood
  County—Laurens
  County—McCormick
  County—Newberry
  County—Saluda
Catchment Area 7
  County—Darlington
  County—Florence
  County—Marion
Catchment Area 9
  County—Clarendon
  County—Kershaw
  County—Lee
  County—Sumter
Rural Berkeley
  County—Berkeley
    Parts:
      Bonneau CCD
      Cordesville CCD
      Cross CCD
      Moncks Corner CCD
      St. Stephens CCD
      Wando CCD

MENTAL HEALTH: South Carolina
Facility Listing

Facility Name

G. Werber Bryan Psychiatric Hospital
  County—Richland
Patrick B. Harris Psychiatric Hospital
  County—Anderson

MENTAL HEALTH: South Dakota
County Listing

County Name

Aurora
  Service Area: Catchment Area 4
Beadle
  Service Area: Catchment Area 3
Bennett
  Service Area: Catchment Area 11
*Bon Homme
  Service Area: Catchment Area 12
  Facility: SD State Pen.—Bon Homme
Brookings
  Service Area: Catchment Area 1
Brown
  Service Area: Catchment Area 7
Brule
  Service Area: Catchment Area 4
Buffalo

MENTAL HEALTH: South Dakota
County Listing

County Name

  Service Area: Catchment Area 2
Butte
  Service Area: Catchment Area 11
Campbell
  Service Area: Catchment Area 7
*Charles Mix
  Service Area: Catchment Area 12
Clark
  Service Area: Catchment Area 5
*Clay
  Service Area: Catchment Area 12
Codington
  Service Area: Catchment Area 5
Corson
  Service Area: Catchment Area 8
Custer
  Service Area: Catchment Area 11
  Facility: Custer State Hospital
Davison
  Service Area: Catchment Area 4
Day
  Service Area: Catchment Area 7
Deuel
  Service Area: Catchment Area 5
Dewey
  Service Area: Catchment Area 8
*Douglas
  Service Area: Catchment Area 12
Edmunds
  Service Area: Catchment Area 7
Fall River
  Service Area: Catchment Area 11
Faulk
  Service Area: Catchment Area 7
Grant
  Service Area: Catchment Area 5
Gregory
  Service Area: Catchment Area 10
Haakon
  Service Area: Catchment Area 2
Hamlin
  Service Area: Catchment Area 5
Hand
  Service Area: Catchment Area 3
Hanson
  Service Area: Catchment Area 4
Harding
  Service Area: Catchment Area 11
Hughes
  Service Area: Catchment Area 2
*Hutchinson
  Service Area: Catchment Area 12
Hyde
  Service Area: Catchment Area 2
Jackson
  Service Area: Catchment Area 11
Jerauld
  Service Area: Catchment Area 3
Jones
  Service Area: Catchment Area 2
Kingsbury
  Service Area: Catchment Area 5
*Lake
  Service Area: Catchment Area 3
Lawrence
  Service Area: Catchment Area 11
Lyman
  Service Area: Catchment Area 2
Marshall
  Service Area: Catchment Area 7
Mc Pherson
  Service Area: Catchment Area 7

MENTAL HEALTH: South Dakota
County Listing

County Name

Meade
Service Area: Catchment Area 11
Mellette
Service Area: Catchment Area 10
Miner
Service Area: Catchment Area 3
Minnehaha
Facility: Sd State Pen.—Minnehaha
Moody
Service Area: Catchment Area 1
Pennington
Service Area: Catchment Area 11
Perkins
Service Area: Catchment Area 8
Potter
Service Area: Catchment Area 7
Roberts
Service Area: Catchment Area 5
Sanborn
Service Area: Catchment Area 4
Shannon
Service Area: Catchment Area 11
Spink
Service Area: Catchment Area 7
Facility: Redfield State Hospital
Stanley
Service Area: Catchment Area 2
Sully
Service Area: Catchment Area 2
Todd
Service Area: Catchment Area 10
Tripp
Service Area: Catchment Area 10
*Union
Service Area: Catchment Area 12
Walworth
Service Area: Catchment Area 7
*Yankton
Service Area: Catchment Area 12
Facility: South Dakota Human Srv Ctr
Ziebach
Service Area: Catchment Area 8

MENTAL HEALTH: South Dakota
Service Area Listing

Service Area Name

Catchment Area 1
County—Brookings
County—Moody
Catchment Area 10
County—Gregory
County—Mellette
County—Todd
County—Tripp
Catchment Area 11
County—Bennett
County—Butte
County—Custer
County—Fall River
County—Harding
County—Jackson
County—Lawrence
County—Meade
County—Pennington
County—Shannon
Catchment Area 12
County—Bon Homme
County—Charles Mix
County—Clay
County—Douglas
County—Hutchinson

MENTAL HEALTH: South Dakota
Service Area Listing

Service Area Name

County—Union
County—Yankton
Catchment Area 2
County—Buffalo
County—Haakon
County—Hughes
County—Hyde
County—Jones
County—Lyman
County—Stanley
County—Sully
Catchment Area 3
County—Beadle
County—Hand
County—Jerauld
County—Lake
County—Miner
Catchment Area 4
County—Aurora
County—Brule
County—Davison
County—Hanson
County—Sanborn
Catchment Area 5
County—Clark
County—Codington
County—Deuel
County—Grant
County—Hamlin
County—Kingsbury
County—Roberts
Catchment Area 7
County—Brown
County—Campbell
County—Day
County—Edmunds
County—Faulk
County—Mc Pherson
County—Marshall
County—Potter
County—Spink
County—Walworth
Catchment Area 8
County—Corson
County—Dewey
County—Perkins
County—Ziebach

MENTAL HEALTH: South Dakota
Facility Listing

Facility Name

Custer State Hospital
County—Custer
Redfield State Hospital
County—Spink
Sd State Pen.—Bon Homme
County—Bon Homme
Sd State Pen.—Minnehaha
County—Minnehaha
South Dakota Human Srv Ctr
County—Yankton

MENTAL HEALTH: Tennessee
County Listing

County Name

Bedford
Service Area: Catchment Area 19
Benton
Service Area: Catchment Area 21
Carroll
Service Area: Catchment Area 21
Cheatham
Service Area: Catchment Area 14
Coffee
Service Area: Catchment Area 19
Dickson
Service Area: Catchment Area 14
Franklin
Service Area: Catchment Area 19
Gibson
Service Area: Catchment Area 21
Henry
Service Area: Catchment Area 21
Houston
Service Area: Catchment Area 14
Humphreys
Service Area: Catchment Area 14
Lincoln
Service Area: Catchment Area 19
Montgomery
Service Area: Catchment Area 14
Moore
Service Area: Catchment Area 19
Robertson
Service Area: Catchment Area 14
Stewart
Service Area: Catchment Area 14

MENTAL HEALTH: Tennessee
Service Area Listing

Service Area Name

Catchment Area 14
County—Cheatham
County—Dickson
County—Houston
County—Humphreys
County—Montgomery
County—Robertson
County—Stewart
Catchment Area 19
County—Bedford
County—Coffee
County—Franklin
County—Lincoln
County—Moore
Catchment Area 21
County—Benton
County—Carroll
County—Gibson
County—Henry

MENTAL HEALTH: Texas
County Listing

County Name

*Anderson
Service Area: LSA 41
*Andrews
Service Area: LSA 38a
*Angelina
Service Area: LSA 11
*Aransas
Service Area: LSA 45
Archer
Service Area: LSA 52
*Atascosa
Service Area: LSA 47
*Austin
Service Area: LSA 33
Bailey
Service Area: LSA 7 Plainview

MENTAL HEALTH: Texas
County Listing

County Name

*Bandera
Service Area: LSA 40
Bastrop
Service Area: LSA 36a
*Baylor
Service Area: LSA 55
*Bee
Service Area: LSA 45
*Blanco
Service Area: LSA 32
*Borden
Service Area: LSA 37a
Bowie
Service Area: LSA 21
Brewster
Service Area: LSA 58
Briscoe
Service Area: LSA 7 Plainview
*Brooks
Service Area: LSA 60
Brown
Service Area: LSA 8 Central
*Burnet
Service Area: LSA 36b
Caldwell
Service Area: LSA 36a
Cameron
Service Area: LSA 30 Lower Rio Grande
*Camp
Service Area: LSA 50
*Cass
Service Area: LSA 21
Castro
Service Area: LSA 7 Plainview
*Cherokee
Service Area: LSA 41
*Childress
Service Area: LSA 53
*Clay
Service Area: LSA 57
*Coke
Service Area: LSA 9
Coleman
Service Area: LSA 8 Central
*Colorado
Service Area: LSA 35
Comal
Service Area: LSA 44
Comanche
Service Area: LSA 8 Central
*Concho
Service Area: LSA 9
*Cooke
Service Area: LSA 28
*Cottle
Service Area: LSA 55
*Crane
Service Area: LSA 54c
*Crockett
Service Area: LSA 9
Culberson
Service Area: LSA 58
*Dawson
Service Area: LSA 38a
*Delta
Service Area: LSA 49a
*Dickens
Service Area: LSA 55
*Dimmit
Service Area: LSA 45
*Duval
Service Area: LSA 60

MENTAL HEALTH: Texas
County Listing

County Name

Eastland
Service Area: LSA 8 Central
*Edwards
Service Area: LSA 40
El Paso
Erath
Service Area: LSA 23
*Falls
Service Area: LSA 63
*Fannin
Service Area: LSA 28
*Fayette
Service Area: LSA 36a
*Fisher
Service Area: LSA 37a
Floyd
Service Area: LSA 7 Plainview
*Foard
Service Area: LSA 55
Fort Bend
Service Area: LSA 35
*Franklin
Service Area: LSA 49a
*Freestone
Service Area: LSA 63
*Frio
Service Area: LSA 45
*Gaines
Service Area: LSA 38a
*Garza
Service Area: LSA 38b
Gillespie
Service Area: LSA 40
*Glasscock
Service Area: LSA 37a
*Gonzales
Service Area: LSA 48
Grayson
Service Area: LSA 28
Gregg
Service Area: LSA 25
Guadalupe
Service Area: LSA 44
Hale
Service Area: LSA 7 Plainview
*Hardeman
Service Area: LSA 55
Harrison
Service Area: LSA 25
*Haskell
Service Area: LSA 52
Hays
Service Area: LSA 32
*Henderson
Service Area: LSA 12
Hidalgo
Service Area: LSA 30 Lower Rio Grande
*Hood
Service Area: LSA 23
*Hopkins
Service Area: LSA 49a
*Houston
Service Area: LSA 11
*Howard
Service Area: LSA 37a
Hudspeth
Service Area: LSA 58
*Hunt
Service Area: LSA 62
*Irion
Service Area: LSA 9
*Jack

MENTAL HEALTH: Texas
County Listing

County Name

Service Area: LSA 57
*Jasper
Service Area: LSA 11
Jeff Davis
Service Area: LSA 58
Jim Hogg
Service Area: LSA 59
*Jim Wells
Service Area: LSA 60
Johnson
Service Area: LSA 34
*Karnes
Service Area: LSA 45
Kaufman
Service Area: LSA 49b
*Kendall
Service Area: LSA 40
*Kenedy
Service Area: LSA 60
*Kent
Service Area: LSA 38b
*Kerr
Service Area: LSA 40
*Kimble
Service Area: LSA 40
*King
Service Area: LSA 55
*Kinney
Service Area: LSA 42
*Kleberg
Service Area: LSA 60
*Knox
Service Area: LSA 55
*Lamar
Service Area: LSA 49a
Lamb
Service Area: LSA 7 Plainview
*Lasalle
Service Area: LSA 45
*Lee
Service Area: LSA 36a
Liberty
Service Area: LSA 29
*Limestone
Service Area: LSA 63
*Live Oak
Service Area: LSA 45
*Llano
Service Area: LSA 40
*Loving
Service Area: LSA 54a
*Marion
Service Area: LSA 25
*Martin
Service Area: LSA 38a
*Mason
Service Area: LSA 40
*Matagorda
Service Area: LSA 35
*Maverick
Service Area: LSA 45
Mc Culloch
Service Area: LSA 8 Central
*McMullen
Service Area: LSA 45
*Medina
Service Area: LSA 42
*Menard
Service Area: LSA 40
Mills
Service Area: LSA 8 Central
*Mitchell

MENTAL HEALTH: Texas
County Listing

County Name

Service Area: LSA 37a
*Montague
Service Area: LSA 57
Montgomery
Service Area: LSA 29
*Morris
Service Area: LSA 49a
Motley
Service Area: LSA 7 Plainview
*Nacogdoches
Service Area: LSA 11
*Navarro
Service Area: LSA 19
*Newton
Service Area: LSA 11
*Nolan
Service Area: LSA 37a
Palo Pinto
Service Area: LSA 23
*Panola
Service Area: LSA 25
Parker
Service Area: LSA 23
Parmer
Service Area: LSA 7 Plainview
*Pecos
Service Area: LSA 24a
*Polk
Service Area: LSA 11
Presidio
Service Area: LSA 58
*Rains
Service Area: LSA 12
*Reagan
Service Area: LSA 9
*Real
Service Area: LSA 40
*Red River
Service Area: LSA 21
*Reeves
Service Area: LSA 54a
*Runnels
Service Area: LSA 37b
*Rusk
Service Area: LSA 25
*Sabine
Service Area: LSA 11
*San Augustine
Service Area: LSA 11
*San Jacinto
Service Area: LSA 11
San Patricio
Service Area: LSA 45
San Saba
Service Area: LSA 8 Central
*Schleicher
Service Area: LSA 39
*Scurry
Service Area: LSA 37a
*Shackelford
Service Area: LSA 56
*Shelby
Service Area: LSA 11
Smith
Service Area: LSA 12
Somervell
Service Area: LSA 23
Starr
Service Area: LSA 59
*Stephens
Service Area: LSA 56
*Sterling

MENTAL HEALTH: Texas
County Listing

County Name

Service Area: LSA 9
*Stonewall
Service Area: LSA 52
*Sutton
Service Area: LSA 39
Swisher
Service Area: LSA 7 Plainview
*Terrell
Service Area: LSA 54b
*Terry
Service Area: LSA 38a
*Throckmorton
Service Area: LSA 52
*Titus
Service Area: LSA 49a
Tom Green
Service Area: LSA 9
*Trinity
Service Area: LSA 11
*Tyler
Service Area: LSA 11
Upshur
Service Area: LSA 25
*Upton
Service Area: LSA 54c
*Uvalde
Service Area: LSA 42
*Val Verde
Service Area: LSA 43
*Van Zandt
Service Area: LSA 12
*Walker
Service Area: LSA 29
Waller
Service Area: LSA 33
*Ward
Service Area: LSA 54a
Webb
Service Area: LSA 59
*Wharton
Service Area: LSA 35
*Wilbarger
Service Area: LSA 55
Willacy
Service Area: LSA 30 Lower Rio Grande
Wilson
Service Area: LSA 47
*Winkler
Service Area: LSA 54a
*Wise
Service Area: LSA 57
*Wood
Service Area: LSA 12
*Yoakum
Service Area: LSA 38a
*Young
Service Area: LSA 52
Zapata
Service Area: LSA 59
*Zavala
Service Area: LSA 45

MENTAL HEALTH: Texas
Service Area Listing

Service Area Name

LSA 11
County—Angelina
County—Houston
County—Jasper
County—Nacogdoches
County—Newton

MENTAL HEALTH: Texas
Service Area Listing

Service Area Name

County—Polk
County—Sabine
County—San Augustine
County—San Jacinto
County—Shelby
County—Trinity
County—Tyler
LSA 12
County—Henderson
County—Rains
County—Smith
County—Van Zandt
County—Wood
LSA 19
County—Navarro
LSA 21
County—Bowie
County—Cass
County—Red River
LSA 23
County—Erath
County—Hood
County—Palo Pinto
County—Parker
County—Somervell
LSA 24a
County—Pecos
LSA 25
County—Gregg
County—Harrison
County—Marion
County—Panola
County—Rusk
County—Upshur
LSA 28
County—Cooke
County—Fannin
County—Grayson
LSA 29
County—Liberty
County—Montgomery
County—Walker
LSA 30 Lower Rio Grande
County—Cameron
County—Hidalgo
County—Willacy
LSA 32
County—Blanco
County—Hays
LSA 33
County—Austin
County—Waller
LSA 34
County—Johnson
LSA 35
County—Colorado
County—Fort Bend
County—Matagorda
County—Wharton
LSA 36a
County—Bastrop
County—Caldwell
County—Fayette
County—Lee
LSA 36b
County—Burnet
LSA 37a
County—Borden
County—Fisher
County—Glasscock
County—Howard
County—Mitchell

MENTAL HEALTH: Texas
Service Area Listing

Service Area Name

County—Nolan
County—Scurry
LSA 37b
County—Runnels
LSA 38a
County—Andrews
County—Dawson
County—Gaines
County—Martin
County—Terry
County—Yoakum
LSA 38b
County—Garza
County—Kent
LSA 39
County—Schleicher
County—Sutton
LSA 40
County—Bandera
County—Edwards
County—Gillespie
County—Kendall
County—Kerr
County—Kimble
County—Llano
County—Mason
County—Menard
County—Real
LSA 41
County—Anderson
County—Cherokee
LSA 42
County—Kinney
County—Medina
County—Uvalde
LSA 43
County—Val Verde
LSA 44
County—Comal
County—Guadalupe
LSA 45
County—Aransas
County—Bee
County—Dimmit
County—Frio
County—Karnes
County—Lasalle
County—Live Oak
County—McMullen
County—Maverick
County—San Patricio
County—Zavala
LSA 47
County—Atascosa
County—Wilson
LSA 48
County—Gonzales
LSA 49a
County—Delta
County—Franklin
County—Hopkins
County—Lamar
County—Morris
County—Titus
LSA 49b
County—Kaufman
LSA 50
County—Camp
LSA 52
County—Archer
County—Haskell
County—Stonewall

MENTAL HEALTH: Texas
Service Area Listing

Service Area Name

County—Throckmorton
County—Young
LSA 53
County—Childress
LSA 54a
County—Loving
County—Reeves
County—Ward
County—Winkler
LSA 54b
County—Terrell
LSA 54c
County—Crane
County—Upton
LSA 55
County—Baylor
County—Cottle
County—Dickens
County—Foard
County—Hardeman
County—King
County—Knox
County—Wilbarger
LSA 56
County—Shackelford
County—Stephens
LSA 57
County—Clay
County—Jack
County—Montague
County—Wise
LSA 58
County—Brewster
County—Culberson
County—Hudspeth
County—Jeff Davis
County—Presidio
LSA 59
County—Jim Hogg
County—Starr
County—Webb
County—Zapata
LSA 60
County—Brooks
County—Duval
County—Jim Wells
County—Kenedy
County—Kleberg
LSA 62
County—Hunt
LSA 63
County—Falls
County—Freestone
County—Limestone
LSA 7 Plainview
County—Bailey
County—Briscoe
County—Castro
County—Floyd
County—Hale
County—Lamb
County—Motley
County—Parmer
County—Swisher
LSA 8 Central
County—Brown
County—Coleman
County—Comanche
County—Eastland
County—Mc Culloch
County—Mills
County—San Saba

MENTAL HEALTH: Texas
Service Area Listing

Service Area Name

LSA 9
County—Coke
County—Concho
County—Crockett
County—Irion
County—Reagan
County—Sterling
County—Tom Green

MENTAL HEALTH: Utah
County Listing

County Name

*Carbon
*Daggett
*Duchesne
*Emery
*Grand
*San Juan
*Tooele
*Uintah

MENTAL HEALTH: Vermont
County Listing

County Name

Caledonia
Service Area: Northeast Kingdom
Essex
Service Area: Northeast Kingdom
Franklin
Service Area: Franklin/Grand Isle
Grand Isle
Service Area: Franklin/Grand Isle
Orleans
Service Area: Northeast Kingdom

MENTAL HEALTH: Vermont
Service Area Listing

Service Area Name

Franklin/Grand Isle
County—Franklin
County—Grand Isle
Northeast Kingdom
County—Caledonia
County—Essex
County—Orleans

MENTAL HEALTH: Virginia
County Listing

County Name

Accomack
Service Area: Eastern Shore Of Virginia
Amelia
Service Area: Planning Dist XIV
Bland
Service Area: Planning Dist III
Buchanan
Service Area: Planning Dist II
Buckingham
Service Area: Planning Dist XIV
Carroll
Service Area: Planning Dist III
Charlotte
Service Area: Planning Dist XIV
Cumberland
Service Area: Planning Dist XIV
Danville City
Service Area: Planning Dist XII
Dickenson

MENTAL HEALTH: Virginia
County Listing

County Name

Service Area: Planning Dist II
Essex
Service Area: Middle Peninsula/Northern Neck
Franklin
Service Area: Planning Dist XII
Galax City
Service Area: Planning Dist III
Gloucester
Service Area: Middle Peninsula/Northern Neck
Grayson
Service Area: Planning Dist III
Henry/Martinsville
Service Area: Planning Dist XII
King And Queen
Service Area: Middle Peninsula/Northern Neck
King William
Service Area: Middle Peninsula/Northern Neck
Lancaster
Service Area: Middle Peninsula/Northern Neck
Lunenburg
Service Area: Planning Dist XIV
Martinsville City
Service Area: Planning Dist XII
Mathews
Service Area: Middle Peninsula/Northern Neck
Middlesex
Service Area: Middle Peninsula/Northern Neck
Northampton
Service Area: Eastern Shore Of Virginia
Northumberland
Service Area: Middle Peninsula/Northern Neck
Nottoway
Service Area: Planning Dist XIV
Patrick
Service Area: Planning Dist XII
Pittsylvania/Danville
Service Area: Planning Dist XII
Prince Edward
Service Area: Planning Dist XIV
Richmond
Service Area: Middle Peninsula/Northern Neck
Russell
Service Area: Planning Dist II
Smyth
Service Area: Planning Dist III
Facility: Southwestern MH Inst
Tazewell
Service Area: Planning Dist II
Westmoreland
Service Area: Middle Peninsula/Northern Neck
Wythe
Service Area: Planning Dist III

MENTAL HEALTH: Virginia
Service Area Listing

Service Area Name

Eastern Shore Of Virginia
County—Accomack
County—Northampton
Middle Peninsula/Northern Neck
County—Essex

MENTAL HEALTH: Virginia
Service Area Listing

Service Area Name

County—Gloucester
County—King And Queen
County—King William
County—Lancaster
County—Mathews
County—Middlesex
County—Northumberland
County—Richmond
County—Westmoreland
Planning Dist II
County—Buchanan
County—Dickenson
County—Russell
County—Tazewell
Planning Dist III
County—Bland
County—Carroll
County—Grayson
County—Smyth
County—Wythe
County—Galax City
Planning Dist XII
County—Franklin
County—Henry/Martinsville
County—Patrick
County—Pittsylvania/Danville
County—Danville City
County—Martinsville City
Planning Dist XIV
County—Amelia
County—Buckingham
County—Charlotte
County—Cumberland
County—Lunenburg
County—Nottoway
County—Prince Edward

MENTAL HEALTH: Virginia
Population Group Listing

Population Group

Pov. Pop.—Huntersville
Parts:
C.T. 21
C.T. 25–34
C.T. 35.01–35.02
C.T. 36–37
C.T. 40.01–40.02
C.T. 41–44
C.T. 46–48

MENTAL HEALTH: Virginia
Facility Listing

Facility Name

Southwestern MH Inst
County—Smyth

MENTAL HEALTH: Washington
County Listing

County Name

*Adams
Asotin
Service Area: Asotin/Garfield
Benton
Service Area: Tri-Cities
Population Group: MFW—Benton/Franklin
Chelan
Service Area: Chelan/Douglas
*Clallam
Facility: Clallam Bay Corr Ctr

MENTAL HEALTH: Washington
County Listing

County Name

*Columbia
*Cowlitz
Douglas
Service Area: Chelan/Douglas
*Ferry
Franklin
Service Area: Tri-Cities
Population Group: MFW—Benton/Franklin
Garfield
Service Area: Asotin/Garfield
*Grant
*Grays Harbor
*Jefferson
*Kittitas
*Klickitat
*Lewis
Population Group: Low Inc—Lewis Cty
*Lincoln
*Mason
Population Group: Low Inc—Mason Cty
Facility: Wash/Corr/Reception Ctr
*Okanogan
*Pacific
*Pend Oreille
Pierce
Facility: McNeil Island Corr Ctr
*Skamania
Spokane
Population Group: Am In—Spokane
*Stevens
*Wahkiakum
*Walla Walla
Service Area: Tri-Cities
Facility: Wa State Pen
*Whitman
Yakima
Population Group: MSFW—Yakima Cty

MENTAL HEALTH: Washington
Service Area Listing

Service Area Name

Asotin/Garfield
County—Asotin
County—Garfield
Chelan/Douglas
County—Chelan
County—Douglas
Tri-Cities
County—Benton
County—Franklin
County—Walla Walla
Parts:
Burbank CCD

MENTAL HEALTH: Washington
Population Group Listing

Population Group

Am In—Spokane
County—Spokane
Parts:
Am In Pop
Low Inc—Lewis Cty
County—Lewis
Parts:
Low Inc
Low Inc—Mason Cty
County—Mason
Parts:
Low Inc
MFW—Benton/Franklin

MENTAL HEALTH: Washington
Population Group Listing

Population Group

County—Benton
Parts:
MFW
County—Franklin
Parts:
MFW
MSFW—Yakima Cty
County—Yakima
Parts:
MSFW

MENTAL HEALTH: Washington
Facility Listing

Facility Name

Clallam Bay Corr Ctr
County—Clallam
McNeil Island Corr Ctr
County—Pierce
Wa State Pen
County—Walla Walla
Wash/Corr/Reception Ctr
County—Mason

MENTAL HEALTH: West Virginia
County Listing

County Name

Berkeley
Population Group: Low Inc—E Panhandle (MH Reg Ix)
Braxton
Service Area: Central (VI–2)
Cabell
Facility: Huntington State Hosp
Doddridge
Service Area: Central (VI–2)
Gilmer
Service Area: Central (VI–2)
Grant
Service Area: Petersburg (VIII)
Greenbrier
Service Area: Seneca (IV)
Hampshire
Service Area: Petersburg (VIII)
Hardy
Service Area: Petersburg (VIII)
Harrison
Service Area: Central (VI–2)
Jefferson
Population Group: Low Inc—E Panhandle (MH Reg Ix)
Lewis
Service Area: Central (VI–2)
Facility: Weston State Hosp
Logan
Service Area: Logan/Mingo (II–1)
McDowell
Service Area: Mercer/Mcdowell/Wyoming (I–1)
Mercer
Service Area: Mercer/Mcdowell/Wyoming (I–1)
Mineral
Service Area: Petersburg (VIII)
Mingo
Service Area: Logan/Mingo (II–1)
*Morgan
Population Group: Low Inc—E Panhandle (MH Reg Ix)
Nicholas
Service Area: Seneca (IV)

MENTAL HEALTH: West Virginia
County Listing

County Name

Pendleton
Service Area: Petersburg (VIII)
Pocahontas
Service Area: Seneca (IV)
Webster
Service Area: Seneca (IV)
Wyoming
Service Area: Mercer/Mcdowell/Wyoming (I–1)

MENTAL HEALTH: West Virginia
Service Area Listing

Service Area Name

Central (VI–2)
County—Braxton
County—Doddridge
County—Gilmer
County—Harrison
County—Lewis
Logan/Mingo (II–1)
County—Logan
County—Mingo
Mercer/McDowell/Wyoming (I–1)
County—McDowell
County—Mercer
County—Wyoming
Petersburg (VIII)
County—Grant
County—Hampshire
County—Hardy
County—Mineral
County—Pendleton
Seneca (IV)
County—Greenbrier
County—Nicholas
County—Pocahontas
County—Webster

MENTAL HEALTH: West Virginia
Population Group Listing

Population Group

Low Inc—E Panhandle (MH Reg Ix)
County—Berkeley
Parts:
Berkeley
County—Jefferson
Parts:
Jefferson
County—Morgan
Parts:
Morgan

MENTAL HEALTH: West Virginia
Facility Listing

Facility Name

Huntington State Hosp
County—Cabell
Weston State Hosp
County—Lewis

MENTAL HEALTH: Wisconsin
County Listing

County Name

Adams
Service Area: Catchment Area 16
Ashland
Service Area: Catchment Area 3
Barron
Service Area: Catchment Area 2
Bayfield
Service Area: Catchment Area 3
Buffalo
Service Area: Catchment Area 9
Burnett
Service Area: Catchment Area 2
Calumet
*Clark
Columbia
Service Area: Catchment Area 16
Crawford
Service Area: Catchment Area 21
*Dodge
Facility: Dodge Corr Inst
Facility: Waupun Corr Inst
Door
Service Area: Catchment Area #6
Douglas
Service Area: Catchment Area 1
Dunn
Service Area: Catchment Area 7
*Florence
Service Area: Catchment Area #6
Forest
Service Area: Catchment Area 4
Grant
Service Area: Catchment Area 21
Green
Service Area: Catchment Area 21
Iowa
Service Area: Catchment Area 21
Iron
Service Area: Catchment Area 3
Jackson
Service Area: Catchment Area 9
Facility: Jackson Corr Inst
*Jefferson
Juneau
Service Area: Catchment Area 15
Lafayette
Service Area: Catchment Area 21
*Langlade
Service Area: Catchment Area 5
*Lincoln
Service Area: Catchment Area 5
Marathon
Service Area: Catchment Area 5
*Marinette
Service Area: Catchment Area #6
Marquette
Service Area: Catchment Area 16
Menomonee
Service Area: Catchment Area 11
Milwaukee
Service Area: Near North Side—Milwaukee
Facility: Milwaukee MH Complex
*Monroe
Oneida
Service Area: Catchment Area 4
Pepin
Service Area: Catchment Area 7
Pierce
Service Area: Catchment Area 7
Polk
Service Area: Catchment Area 2
Price
Service Area: Catchment Area 3
Richland
Service Area: Catchment Area 15
Rusk
Service Area: Catchment Area 2

MENTAL HEALTH: Wisconsin
County Listing

County Name
Sauk
  Service Area: Catchment Area 15
Sawyer
  Service Area: Catchment Area 3
Shawano
  Service Area: Catchment Area 11
St. Croix
  Service Area: Catchment Area 7
*Taylor
Trempealeau
  Service Area: Catchment Area 9
*Vernon
Vilas
  Service Area: Catchment Area 4
Washburn
  Service Area: Catchment Area 2
Waupaca
  Service Area: Catchment Area 11
*Waushara

MENTAL HEALTH: Wisconsin
Service Area Listing

Service Area Name
Catchment Area 1
  County—Douglas
Catchment Area #6
  County—Door
  County—Florence
  County—Marinette
Catchment Area 11
  County—Menomonee
  County—Shawano
  County—Waupaca
Catchment Area 15
  County—Juneau
  County—Richland
  County—Sauk
Catchment Area 16
  County—Adams
  County—Columbia
  County—Marquette
Catchment Area 2
  County—Barron
  County—Burnett
  County—Polk
  County—Rusk
  County—Washburn
Catchment Area 21
  County—Crawford
  County—Grant
  County—Green
  County—Iowa
  County—Lafayette
Catchment Area 3
  County—Ashland
  County—Bayfield
  County—Iron
  County—Price
  County—Sawyer
Catchment Area 4
  County—Forest
  County—Oneida
  County—Vilas
Catchment Area 5
  County—Langlade
  County—Lincoln
  County—Marathon
Catchment Area 7
  County—Dunn
  County—Pepin
  County—Pierce

MENTAL HEALTH: Wisconsin
Service Area Listing

Service Area Name
  County—St. Croix
Catchment Area 9
  County—Buffalo
  County—Jackson
  County—Trempealeau
Near North Side—Milwaukee
  County—Milwaukee
    Parts:
      C.T. 18–28
      C.T. 38–49
      C.T. 60–72
      C.T. 79–92
      C.T. 98–107

MENTAL HEALTH: Wisconsin
Facility Listing

Facility Name
Dodge Corr Inst
  County—Dodge
Jackson Corr Inst
  County—Jackson
Milwaukee MH Complex
  County—Milwaukee
Waupun Corr Inst
  County—Dodge

MENTAL HEALTH: Wyoming
County Listing

County Name
*Albany
  Service Area: Southeast
*Big Horn
  Service Area: MH Region I
*Campbell
*Carbon
Converse
  Service Area: Eastern
*Crook
  Service Area: Crook/Weston
*Fremont
*Goshen
  Service Area: Southeast
*Hot Springs
  Service Area: MH Region I
*Johnson
  Service Area: Northern
Laramie
  Service Area: Southeast
*Lincoln
Natrona
Niobrara
  Service Area: Eastern
Park
  Service Area: MH Region I
*Platte
  Service Area: Southeast
*Sheridan
  Service Area: Northern
*Sublette
*Sweetwater
*Teton
*Uinta (g)
  Facility: Wyoming State Hosp
*Washakie
  Service Area: MH Region I
*Weston
  Service Area: Crook/Weston

MENTAL HEALTH: Wyoming
Service Area Listing

Service Area Name
Crook/Weston
  County—Crook
  County—Weston
Eastern
  County—Converse
  County—Niobrara
MH Region I
  County—Big Horn
  County—Hot Springs
  County—Park
  County—Washakie
Northern
  County—Johnson
    Parts:
      Johnson
  County—Sheridan
    Parts:
      Sheridan
Southeast
  County—Albany
  County—Goshen
  County—Laramie
  County—Platte

MENTAL HEALTH: Wyoming
Facility Listing

Facility Name
Wyoming State Hosp
  County—Uinta

MENTAL HEALTH: American Samoa
County Listing

County Name
Eastern
  Service Area: Terr. Of American Samoa
Manua
  Service Area: Terr. Of American Samoa
Rose Island
  Service Area: Terr. Of American Samoa
Swains Island
  Service Area: Terr. Of American Samoa
Western
  Service Area: Terr. Of American Samoa

MENTAL HEALTH: American Samoa
Service Area Listing

Service Area Name
Terr. Of American Samoa
  County—Eastern
  County—Manua
  County—Rose Island
  County—Swains Island
  County—Western

MENTAL HEALTH: Fed Ste Micronesia
County Listing

County Name
*Chuuk State
*Kosrae State
*Pohnpei State
*Yap State

MENTAL HEALTH: Guam
County Listing

County Name
Terr. Of Guam
  Service Area: Terr. Of Guam

MENTAL HEALTH: Guam
Service Area Listing

Service Area Name
Terr. Of Guam
County—Terr. Of Guam

MENTAL HEALTH: N. Mariana Islands
County Listing

County Name
*Comnwlth Of N. Mariana Is

MENTAL HEALTH: Republic of Palau
County Listing

County Name
*Republic Of Palau

MENTAL HEALTH: Virgin Islands
County Listing

County Name
St. Croix
Service Area: Virgin Islands C.A.
St. John
Service Area: Virgin Islands C.A.
St. Thomas
Service Area: Virgin Islands C.A.

MENTAL HEALTH: Virgin Islands
Service Area Listing

Service Area Name
Virgin Islands C.A.
County—St. Croix
County—St. John
County—St. Thomas

DENTAL: Alabama
County Listing

County Name
*Bibb
*Conecuh
*Escambia
Population Group: Low Inc—W Escambia
Etowah
Population Group: Low Inc—Etowah Co
*Greene
*Hale
*Lowndes
Madison
Population Group: Low Inc—C Huntsville
*Marengo
Mobile
Service Area: Bayou La Batre/Grand Bay
Service Area: East Mobile/Prichard
Service Area: North Mobile
Montgomery
Population Group: Low Inc—W Montgomery
*Pickens
*Pike
Population Group: Low Inc—Pike Co
*Sumter
*Talladega
Facility: FCI—Talladega
Tuscaloosa
Population Group: Pov Pop—Tuscaloosa Co
*Washington
*Wilcox

DENTAL: Alabama
Service Area Listing

Service Area Name
Bayou La Batre/Grand Bay
County—Mobile
Parts:
C.T. 66–67
C.T. 72.02
C.T. 73
East Mobile/Prichard
County—Mobile
Parts:
C.T. 1–3
C.T. 4.01–4.02
C.T. 5–6
C.T. 7.01–7.02
C.T. 8
C.T. 10.01–10.02
C.T. 11
C.T. 12.01
C.T. 13.01–13.02
C.T. 14
C.T. 15.01–15.02
C.T. 16
C.T. 23.01–23.02
C.T. 24
C.T. 26
C.T. 38.01
C.T. 39.01–39.02
C.T. 40–50
North Mobile
County—Mobile
Parts:
C.T. 58–60

DENTAL: Alabama
Population Group Listing

Population Group
Low Inc—C Huntsville
County—Madison
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3.01–3.02
C.T. 7.01–7.02
C.T. 8
C.T. 10–13
C.T. 15–16
C.T. 20–24
C.T. 25.01–25.02
Low Inc—Etowah Co
County—Etowah
Parts:
Low Income
Low Inc—Pike Co
County—Pike
Parts:
Low Income
Low Inc—W Escambia
County—Escambia
Parts:
Atmore CCD
Flomaton CCD
McCullough-Huxford CCD
Low Inc—W Montgomery
County—Montgomery
Parts:
C.T. 1–2
C.T. 3.85
C.T. 4–7
C.T. 10–11
C.T. 13
C.T. 15–16
C.T. 22–24

DENTAL: Alabama
Population Group Listing

Population Group
C.T. 51.02
C.T. 59.02
Pov Pop—Tuscaloosa Co
County—Tuscaloosa
Parts:
Pov Pop

DENTAL: Alabama
Facility Listing

Facility Name
FCI—Talladega
County—Talladega

DENTAL: Arizona
County Listing

County Name
*Apache
Service Area: Fort Defiance
Service Area: Sweetwater
*Cochise
Service Area: Elfrida
*Coconino
Service Area: Tuba City
Service Area: Williams
*Gila
Service Area: Miami-Tonto
*Greenlee
*La Paz
Maricopa
Population Group: Low Inc—Guadalupe
Population Group: Low Inc—S Phoenix
Population Group: Low Inc—El Mirage
Facility: FCI Phoenix
*Navajo
Service Area: Apache
Pima
Service Area: Arivaca
Population Group: Low Inc—Marana
Pinal
Service Area: Florence
Service Area: San Manuel
Population Group: Low Inc-Coolidge/Eloy/Casa Grande
*Santa Cruz
Yuma
Service Area: Wellton
Population Group: Low Inc—Somerton

DENTAL: Arizona
Service Area Listing

Service Area Name
Apache
County—Navajo
Parts:
Apache CCD
Arivaca
County—Pima
Parts:
Arivaca CCD
Elfrida
County—Cochise
Parts:
Elfrida CCD
Florence
County—Pinal
Parts:
Florence CCD
Fort Defiance
County—Apache

DENTAL: Arizona
Service Area Listing

Service Area Name

Parts:
Ft Defiance CCD
Miami-Tonto
County—Gila
Parts:
Miami CCD
Tonto CCD
San Manuel
County—Pinal
Parts:
San Manuel CCD
Sweetwater
County—Apache
Parts:
Sweetwater CCD
Tuba City
County—Coconino
Parts:
Tuba City CCD
Wellton
County—Yuma
Parts:
Wellton CCD
Williams
County—Coconino
Parts:
Williams CCD

DENTAL: Arizona
Population Group Listing

Population Group

Low Inc—El Mirage
County—Maricopa
Parts:
C.T. 405.02
C.T. 405.09
C.T. 608–609
Low Inc—Guadalupe
County—Maricopa
Parts:
C.T. 3200.02
Low Inc—Marana
County—Pima
Parts:
Marana CCD
Low Inc—S Phoenix
County—Maricopa
Parts:
C.T. 1152–1161
C.T. 1162.02–1162.04
C.T. 1163–1165
C.T. 1166.01–1166.02
Low Inc—Somerton
County—Yuma
Parts:
Somerton CCD
Low Inc-Coolidge/Eloy/Casa Grande
County—Pinal
Parts:
Casa Grande CCD
Coolidge CCD
Eloy CCD

DENTAL: Arizona
Facility Listing

Facility Name

FCI Phoenix
County—Maricopa

DENTAL: Arkansas
County Listing

County Name

*Ashley
Service Area: Parkdale
*Calhoun
*Cleveland
*Fulton
Jefferson
Population Group: Pov Pop—Altheimer
*Lafayette
*Lee
*Lincoln
*Monroe
*Montgomery
*Newton
*Perry
*Phillips
*Prairie
*Sharp
*Woodruff

DENTAL: Arkansas
Service Area Listing

Service Area Name

Parkdale
County—Ashley
Parts:
Beech Creek Twp
De Bastrop Twp
Portland Twp
Wilmot Twp

DENTAL: Arkansas
Population Group Listing

Population Group

Pov Pop—Altheimer
County—Jefferson
Parts:
C.T. 1.02
C.T. 1.85
C.T. 7

DENTAL: California
County Listing

County Name

Alameda
Service Area: East Oakland/Fruitvale
Population Group: Inmates—FCI Dublin
Butte
Population Group: Low Inc/MFW—Oroville/Palermo
*Colusa
Population Group: Low Inc/MFW—Colusa Co
*Del Norte
Population Group: Low Inc—Del Norte Co
Fresno
Service Area: San Joaquin/Tranquility
*Glenn
Population Group: Low Inc—Willows
*Humboldt
Population Group: Low Inc—Garberville/Redway
Population Group: Low Inc—Trinity/Klamath
Population Group: Low Inc—Eureka/Arcata
Population Group: Low Inc—Rio Dell/Scotia
Population Group: Low Inc—Fortuna
Population Group: Low Inc—Ferndale
Population Group: Low Inc—Area Around Arcata

DENTAL: California
County Listing

County Name

Population Group: Low Inc—North Coastal
*Imperial
Service Area: Brawley-Calipatria
Service Area: Calexico
Service Area: East Imperial
Service Area: El Centro
Service Area: West Imperial
Population Group: Medicaid—Winterhaven-Bard
*Inyo
Service Area: Lone Pine
Kern
Service Area: Buttonwillow
Service Area: McFarland/Delano
Service Area: S. Westside/Frazier Park
Service Area: Se Kern/Boron/California City
Service Area: Shafter/Wasco
Population Group: Inmates—FPC Boron
Population Group: Low Inc—N Westside/Taft
Population Group: Medicaid—Arvin-Lamont
*Lassen
Service Area: Honey Lake
Los Angeles
Service Area: Avalon/Goodyear/Main
Service Area: Dominguez/W Compton/Willowbrook
Service Area: East Compton
Service Area: El Sereno/Highland Pk/Lincoln Hts/Mt Was
Service Area: Exposition Park/S Vermont
Service Area: Figueroa/Firestone/Green Meadows/Watts
Service Area: Lynwood/Paramount
Facility: FCI Terminal Island
*Mendocino
Service Area: Boonville/Navarro/Philo/Yorkville
Service Area: Laytonville/Leggett
Service Area: Redwood/Potter Valley
Population Group: Low Inc—Hopland/Ukiah
Population Group: Low Inc—Willits
Monterey
Service Area: Coastal/Big Sur/Lucial
Service Area: E Salinas/N Central Salinas
Service Area: Pajaro
Riverside
Service Area: Chuckwalla/Desert Center/Eagle Mt
Service Area: S Coachella Valley/Mecca
Population Group: Low Inc—Blythe
San Francisco
Population Group: Low Inc—South Of Market
San Mateo
Service Area: East Palo Alto
Santa Barbara
Facility: USP Lompoc
Santa Cruz
Service Area: Watsonville
*Siskiyou
Service Area: Butte Valley/Dorris
Service Area: Happy Camp
Sonoma
Population Group: Low Inc—Guerneville
Population Group: Low Inc—Healdsburg/Geyserville
Sutter
Service Area: Meridian-Robbins
*Trinity

DENTAL: California
County Listing

County Name

Service Area: Lower Trinity/Helena/Salyer
Service Area: Mad River/Ruth/Zenia
Tulare
Service Area: Porterville
Ventura
Population Group: Low Inc/MFW—Northern Ventura

DENTAL: California
Service Area Listing

Service Area Name

Avalon/Goodyear/Main
County—Los Angeles
Parts:
C.T. 2281–2289
C.T. 2291–2294
C.T. 2311
C.T. 2318–2319
C.T. 2328
C.T. 2392–2393
C.T. 2395–2396
C.T. 5328–5329
Boonville/Navarro/Philo/Yorkville
County—Mendocino
Parts:
C.T. 112
Brawley-Calipatria
County—Imperial
Parts:
C.T. 101–107
C.T. 123.02
Butte Valley/Dorris
County—Siskiyou
Parts:
C.T. 2
Buttonwillow
County—Kern
Parts:
C.T. 37
Calexico
County—Imperial
Parts:
C.T. 119–122
Chuckwalla/Desert Center/Eagle Mt
County—Riverside
Parts:
C.T. 458
Coastal/Big Sur/Lucial
County—Monterey
Parts:
C.T. 115
Dominguez/W Compton/Willowbrook
County—Los Angeles
Parts:
C.T. 5406–5408
C.T. 5409.01–5409.02
C.T. 5410.01–5410.02
C.T. 5411–5415
C.T. 5425–5432
C.T. 5433.01
C.T. 5433.03
C.T. 5433.21–5433.22
C.T. 5434
C.T. 5440
E Salinas/N Central Salinas
County—Monterey
Parts:
C.T. 5–9
C.T. 13
C.T. 17–18
East Compton

DENTAL: California
Service Area Listing

Service Area Name

County—Los Angeles
Parts:
C.T. 5416.01–5416.02
C.T. 5420
C.T. 5421.01–5421.02
C.T. 5422
C.T. 5424.01–5424.02
C.T. 5704
East Imperial
County—Imperial
Parts:
C.T. 124
East Oakland/Fruitvale
County—Alameda
Parts:
C.T. 4052–4066
C.T. 4070–4078
C.T. 4082–4098
C.T. 4101–4104
East Palo Alto
County—San Mateo
Parts:
C.T. 6117–6120
C.T. 6121.98
El Centro
County—Imperial
Parts:
C.T. 108–111
C.T. 112.01–112.02
C.T. 113–117
C.T. 118.01–118.03
El Sereno/Highland Pk/Lincoln Hts/Mt Was
County—Los Angeles
Parts:
C.T. 1831.01–1831.02
C.T. 1832–1833
C.T. 1835–1838
C.T. 1851
C.T. 1852.01–1852.02
C.T. 1853
C.T. 1990–1991
C.T. 1992.01–1992.02
C.T. 1993–1994
C.T. 1997–1999
C.T. 2011–2012
C.T. 2013.01–2013.02
C.T. 2014.01–2014.02
C.T. 2015.01–2015.02
C.T. 2016–2017
C.T. 5307
Exposition Park/S Vermont
County—Los Angeles
Parts:
C.T. 2312–2317
C.T. 2321–2327
C.T. 2371–2379
C.T. 2381–2383
Figueroa/Firestone/Green Meadows/Watts
County—Los Angeles
Parts:
C.T. 2397–2398
C.T. 2400
C.T. 2402–2414
C.T. 2420–2423
C.T. 2426–2427
C.T. 2430–2431
C.T. 5349–5350
C.T. 5351.01–5351.02
C.T. 5352–5354
C.T. 5404
Happy Camp
County—Siskiyou

DENTAL: California
Service Area Listing

Service Area Name

Parts:
C.T. 5
Honey Lake
County—Lassen
Parts:
C.T. 406
Laytonville/Leggett
County—Mendocino
Parts:
C.T. 102
Lone Pine
County—Inyo
Parts:
Lone Pine Div.
Lower Trinity/Helena/Salyer
County—Trinity
Parts:
C.T. 2
Lynwood/Paramount
County—Los Angeles
Parts:
C.T. 5362
C.T. 5400
C.T. 5401.01–5401.02
C.T. 5402–5403
C.T. 5405
C.T. 5417–5418
C.T. 5535–5539
Mad River/Ruth/Zenia
County—Trinity
Parts:
C.T. 4
McFarland/Delano
County—Kern
Parts:
C.T. 46–48
C.T. 49.01–49.02
C.T. 50
Meridian-Robbins
County—Sutter
Parts:
C.T. 509
Pajaro
County—Monterey
Parts:
C.T. 101.98
C.T. 102.01–102.02
Porterville
County—Tulare
Parts:
C.T. 33–41
C.T. 45
Redwood/Potter Valley
County—Mendocino
Parts:
C.T. 108
S Coachella Valley/Mecca
County—Riverside
Parts:
C.T. 456.01–456.02
S. Westside/Frazier Park
County—Kern
Parts:
C.T. 33.02
San Joaquin/Tranquility
County—Fresno
Parts:
C.T. 82
Se Kern/Boron/California City
County—Kern
Parts:
C.T. 55.03–55.06

DENTAL: California
Service Area Listing

Service Area Name

C.T. 56–59
Shafter/Wasco
County—Kern
Parts:
C.T. 39–45
Watsonville
County—Santa Cruz
Parts:
C.T. 1101–1103
C.T. 1104.98
C.T. 1105–1107
C.T. 1223
C.T. 1224.97–1224.98
C.T. 1225.98
West Imperial
County—Imperial
Parts:
C.T. 123.01

DENTAL: California
Population Group Listing

Population Group

Inmates—FCI Dublin
County—Alameda
Parts:
FCI Dublin
Inmates—FPC Boron
County—Kern
Parts:
FPC Boron
Low Inc—Area Around Arcata
County—Humboldt
Parts:
C.T. 9
C.T. 12
Low Inc—Blythe
County—Riverside
Parts:
C.T. 459–462
Low Inc—Del Norte Co
County—Del Norte
Parts:
Low Income
Low Inc—Eureka/Arcata
County—Humboldt
Parts:
C.T. 1
C.T. 1.99–2.00
C.T. 3–8
C.T. 10–11
C.T. 103–107
Low Inc—Ferndale
County—Humboldt
Parts:
C.T. 112
Low Inc—Fortuna
County—Humboldt
Parts:
C.T. 108–110
Low Inc—Garberville/Redway
County—Humboldt
Parts:
C.T. 113
Low Inc—Guerneville
County—Sonoma
Parts:
C.T. 1537.01–1537.02
C.T. 1543
C.T. 1543.99
Low Inc—Healdsburg/Geyserville
County—Sonoma

DENTAL: California
Population Group Listing

Population Group

Parts:
C.T. 1538–1540
Low Inc—Hopland/Ukiah
County—Mendocino
Parts:
C.T. 113–118
Low Inc—N Westside/Taft
County—Kern
Parts:
C.T. 33.03–33.04
C.T. 34–36
Low Inc—North Coastal
County—Humboldt
Parts:
C.T. 102
Low Inc—Rio Dell/Scotia
County—Humboldt
Parts:
C.T. 111
Low Inc—South Of Market
County—San Francisco
Parts:
C.T. 122–125
C.T. 176.02
C.T. 176.98
C.T. 177–178
C.T. 179.01–179.02
C.T. 179.99–180.00
C.T. 201.98
C.T. 226–229
C.T. 607
Low Inc—Trinity/Klamath
County—Humboldt
Parts:
C.T. 101
Low Inc—Willits
County—Mendocino
Parts:
C.T. 106–107
Low Inc—Willows
County—Glenn
Parts:
C.T. 103–105
Low Inc/MFW—Colusa Co
County—Colusa
Parts:
Low Income
Migrant
Low Inc/MFW—Northern Ventura
County—Ventura
Parts:
Camarillo CCD
Fillmore-Piru CCD
Las Posas CCD
Los Padres CCD
Meiners Oaks-Ojai CCD
Oxnard CCD
Santa Paula CCD
Ventura CCD
Low Inc/MFW—Oroville/Palermo
County—Butte
Parts:
C.T. 25–33
Medicaid—Arvin-Lamont
County—Kern
Parts:
C.T. 62–64
Medicaid—Winterhaven-Bard
County—Imperial
Parts:
C.T. 125

DENTAL: California
Facility Listing

Facility Name

FCI Terminal Island
County—Los Angeles
USP Lompoc
County—Santa Barbara

DENTAL: Colorado
County Listing

County Name

Adams
Service Area: Commerce City
*Alamosa
Population Group: Low Inc—Alamosa Co
*Costilla
Denver
Service Area: Eastside (Denver)
Service Area: Montbello
Service Area: Westside (Denver)
Douglas
Facility: FCI Englewood
*Fremont
Facility: FCI Florence
Facility: USP Florence
*Kiowa
*Prowers
Population Group: Low Inc—Prowers Co
*Saguache

DENTAL: Colorado
Service Area Listing

Service Area Name

Commerce City
County—Adams
Parts:
C.T. 87.03
C.T. 87.05–87.06
C.T. 88.01–88.02
C.T. 89.01
C.T. 89.52
Eastside (Denver)
County—Denver
Parts:
C.T. 15–16
C.T. 23
C.T. 24.01–24.02
C.T. 25
C.T. 26.01–26.02
C.T. 27.01–27.03
C.T. 28.01–28.03
C.T. 35
C.T. 36.01–36.03
C.T. 41.01–41.02
C.T. 41.04
Montbello
County—Denver
Parts:
C.T. 83.04–83.06
C.T. 83.11–83.12
Westside (Denver)
County—Denver
Parts:
C.T. 2.01–2.02
C.T. 4.01–4.02
C.T. 5.01–5.02
C.T. 6
C.T. 7.01–7.02
C.T. 8
C.T. 9.01–9.03
C.T. 10
C.T. 11.01–11.02
C.T. 13.01–13.02

DENTAL: Colorado
Service Area Listing

Service Area Name
C.T. 14.01–14.02
C.T. 18–19
C.T. 21
C.T. 45.01–45.02
C.T. 46.01–46.02
C.T. 54.02

DENTAL: Colorado
Population Group Listing

Population Group
Low Inc—Alamosa Co
County—Alamosa
Parts:
Low Income
Migrant Farmworker
Low Inc—Prowers Co
County—Prowers
Parts:
Low Income

DENTAL: Colorado
Facility Listing

Facility Name
FCI Englewood
County—Douglas
FCI Florence
County—Fremont
USP Florence
County—Fremont

DENTAL: Connecticut
County Listing

County Name
Fairfield
Service Area: Central/East Bridgeport
Service Area: Southwest Bridgeport
Population Group: Inmates—FCI Danbury
Hartford
Service Area: Charter Oak/Frog Hollow/Parkville
Population Group: Low Inc—C New Britain
Middlesex
Population Group: Low Inc—Lower Shoreline
Population Group: Pov/Homeless—Cent Middletown
New Haven
Population Group: Low Inc—Meriden
New London
Population Group: Low Inc—Lower Shoreline
Population Group: Low Inc—Norwich
Population Group: Low Inc—New London (Inner City)
Windham
Population Group: Low Inc—Town Of Windham

DENTAL: Connecticut
Service Area Listing

Service Area Name
Central/East Bridgeport
County—Fairfield
Parts:
C.T. 713–717
C.T. 735–736
C.T. 738–744
Charter Oak/Frog Hollow/Parkville
County—Hartford
Parts:
C.T. 5001–5002
C.T. 5019
C.T. 5027–5030
C.T. 5043
C.T. 5045–5046
C.T. 5049
Southwest Bridgeport
County—Fairfield
Parts:
C.T. 702–712

DENTAL: Connecticut
Population Group Listing

Population Group
Inmates—FCI Danbury
County—Fairfield
Parts:
FCI Danbury
Low Inc—C New Britain
County—Hartford
Parts:
C.T. 4159–4162
C.T. 4166
C.T. 4168
C.T. 4171
Low Inc—Lower Shoreline
County—Middlesex
Parts:
Chester Town
Clinton Town
Deep River Town
Essex Town
Killingworth Town
Old Saybrook Town
Westbrook Town
County—New London
Parts:
Lyme Town
Old Lyme Town
Low Inc—Meriden
County—New Haven
Parts:
Low Income
Low Inc—New London (Inner City)
County—New London
Parts:
C.T. 6901
C.T. 6903–6906
C.T. 6906.99–6907.00
C.T. 6907.99
Low Inc—Norwich
County—New London
Parts:
Bozrah Town
Franklin Town
Griswold Town
Lisbon Town
Montville Town
Norwich Town
Preston Town
Sprague Town
Voluntown Town
Low Inc—Town Of Windham
County—Windham
Parts:
Windham Town
Pov/Homeless—Cent Middletown
County—Middlesex
Parts:

DENTAL: Connecticut
Population Group Listing

Population Group
C.T. 5411
C.T. 5415–5418

DENTAL: Delaware
County Listing

County Name
*Sussex 3

DENTAL: District Of Columbia
County Listing

County Name
Dist Of Columbia
Population Group: Homeless—Downtown D.C.

DENTAL: District Of Columbia
Population Group Listing

Population Group
Homeless—Downtown D.C.
County—Dist Of Columbia
Parts:
C.T. 40.01–40.02
C.T. 41
C.T. 42.02
C.T. 46
C.T. 48.01–48.02
C.T. 49.01–49.02
C.T. 50–51
C.T. 52.10
C.T. 52.20
C.T. 53.01–53.02
C.T. 54.01–54.02
C.T. 55.01–55.02
C.T. 56
C.T. 57.01–57.02
C.T. 58–59

DENTAL: Florida
County Listing

County Name
Collier
Service Area: Everglades
Service Area: Immokalee
Dade
Service Area: Homestead
Service Area: Model Cities
*Dixie
*Franklin
Gadsden
Population Group: Low Inc/MFW—Gadsden Co
*Gilchrist
*Glades
*Gulf
Population Group: Low Inc—Gulf Co
*Hamilton
*Hardee
Population Group: Low Inc/MFW—Hardee Co
*Hendry
Hernando
Population Group: Low Inc—Hernando Co
*Highlands
Population Group: Low Inc/MFW—Highlands Co
*Holmes
*Jackson
Facility: FCI—Marianna

DENTAL: Florida
County Listing

County Name

*Jefferson
*Lafayette
Leon
  Population Group: Low Inc—Bond Community
*Levy
*Madison
Martin
  Service Area: Indiantown
Okaloosa
  Population Group: Inmates—FPC Elgin
*Okeechobee
Palm Beach
  Service Area: Belle Glade/Pahokee
  Service Area: West Palm Beach
Pinellas
  Population Group: Low Inc—Inner St. Petersburg
Polk
  Service Area: Frostproof
*Putnam
Seminole
  Population Group: Medicaid—Seminole Co
*Sumter
*Suwannee
  Population Group: Low Inc—Suwannee Co
*Taylor
*Washington

DENTAL: Florida
Service Area Listing

Service Area Name

Belle Glade/Pahokee
  County—Palm Beach
    Parts:
      C.T. 80.01–80.02
      C.T. 81.01–81.02
      C.T. 82.01–82.03
      C.T. 83.01–83.02
Everglades
  County—Collier
    Parts:
      C.T. 111.01–111.02
Frostproof
  County—Polk
    Parts:
      Frostproof Division
Homestead
  County—Dade
    Parts:
      C.T. 104–105
      C.T. 106.02
      C.T. 107.01
      C.T. 108–109
      C.T. 110.01–110.02
      C.T. 111
      C.T. 112.01–112.02
      C.T. 113
      C.T. 114.98
Immokalee
  County—Collier
    Parts:
      C.T. 112.02–112.03
      C.T. 113–114
Indiantown
  County—Martin
    Parts:
      C.T. 18
Model Cities
  County—Dade
    Parts:

DENTAL: Florida
Service Area Listing

Service Area Name

      C.T. 4.08
      C.T. 8.01–8.02
      C.T. 9.01–9.03
      C.T. 10.01–10.04
      C.T. 11.03
      C.T. 15.01–15.02
      C.T. 16.01–16.02
      C.T. 17.01–17.02
      C.T. 18.01–18.03
      C.T. 19.01
      C.T. 19.03–19.04
      C.T. 23
West Palm Beach
  County—Palm Beach
    Parts:
      C.T. 21–26

DENTAL: Florida
Population Group Listing

Population Group

Inmates—FPC Elgin
  County—Okaloosa
    Parts:
      FPC Elgin
Low Inc—Bond Community
  County—Leon
    Parts:
      C.T. 1
      C.T. 4–6
      C.T. 10.01
      C.T. 11.01–11.02
      C.T. 12–14
Low Inc—Gulf Co
  County—Gulf
    Parts:
      Low Income
Low Inc—Hernando Co
  County—Hernando
    Parts:
      Low Income
Low Inc—Inner St. Petersburg
  County—Pinellas
    Parts:
      C.T. 201.01
      C.T. 203.01
      C.T. 204–208
      C.T. 209.95
      C.T. 210.95
      C.T. 212–213
      C.T. 213.99–214.00
      C.T. 215
      C.T. 216.95
      C.T. 218.95
      C.T. 219.95
      C.T. 220
      C.T. 234–235
Low Inc—Suwannee Co
  County—Suwannee
    Parts:
      Low Income
Low Inc/MFW—Gadsden Co
  County—Gadsden
    Parts:
      Low Income/Migrant Farmw
Low Inc/MFW—Hardee Co
  County—Hardee
    Parts:
      Low Income/Migrant Farmw
Low Inc/MFW—Highlands Co
  County—Highlands
    Parts:

DENTAL: Florida
Population Group Listing

Population Group

      Low Income/MFW
Medicaid—Seminole Co
  County—Seminole
    Parts:
      Medicaid Eligible

DENTAL: Florida
Facility Listing

Facility Name

FCI—Marianna
  County—Jackson

DENTAL: Georgia
County Listing

County Name

Bryan
*Burke
*Dawson
  Population Group: Low Inc—Dawson Co
De Kalb
  Service Area: East Atlanta
Fulton
  Service Area: Atlanta Southside
  Service Area: West Atlanta
  Facility: Metro Corr Inst
  Facility: USP Atlanta
*Liberty
*Long
*McIntosh
*Tattnall
*Wayne
  Facility: FCI—Jesup

DENTAL: Georgia
Service Area Listing

Service Area Name

Atlanta Southside
  County—Fulton
    Parts:
      C.T. 44
      C.T. 46.95
      C.T. 48
      C.T. 49.95
      C.T. 50
      C.T. 52–53
      C.T. 55.01–55.02
      C.T. 56–58
      C.T. 63–64
      C.T. 67
      C.T. 68.01–68.02
      C.T. 69–73
East Atlanta
  County—De Kalb
    Parts:
      C.T. 205–209
      C.T. 227
      C.T. 231.01
      C.T. 235.01–235.02
      C.T. 236–237
West Atlanta
  County—Fulton
    Parts:
      C.T. 8
      C.T. 22–26
      C.T. 36–41
      C.T. 42.95
      C.T. 43
      C.T. 60–62
      C.T. 66.02

DENTAL: Georgia
Service Area Listing

Service Area Name
C.T. 78.04
C.T. 80
C.T. 81.01–81.02
C.T. 82.01–82.02
C.T. 83.01–83.02
C.T. 84–85
C.T. 86.01–86.02
C.T. 87.01–87.02
C.T. 88

DENTAL: Georgia
Population Group Listing

Population Group
Low Inc—Dawson Co
County—Dawson
Parts:
Low Income

DENTAL: Georgia
Facility Listing

Facility Name
FCI—Jesup
County—Wayne
Metro Corr Inst
County—Fulton
USP Atlanta
County—Fulton

DENTAL: Hawaii
County Listing

County Name
*Hawaii
Population Group: Low Inc—West Hawaii
Population Group: Low Inc—East Hawaii
*Maui
Service Area: Hana/Haiku
Service Area: Lanai

DENTAL: Hawaii
Service Area Listing

Service Area Name
Hana/Haiku
County—Maui
Parts:
C.T. 301–302
Lanai
County—Maui
Parts:
Lanai CCD

DENTAL: Hawaii
Population Group Listing

Population Group
Low Inc—East Hawaii
County—Hawaii
Parts:
C.T. 201–206
C.T. 206.99
C.T. 207.01–207.02
C.T. 208.01–208.02
C.T. 209
C.T. 210.01–210.02
C.T. 211
C.T. 219–221
Low Inc—West Hawaii
County—Hawaii
Parts:

DENTAL: Hawaii
Population Group Listing

Population Group
C.T. 212–214
C.T. 215.01–215.02
C.T. 215.97–215.98
C.T. 216–218

DENTAL: Idaho
County Listing

County Name
Ada
Population Group: Pov Pop—Public Health Dist Iv
*Boise
Population Group: Pov Pop—Public Health Dist Iv
*Camas
Canyon
Population Group: Low Inc/MFW—S Treasure Valley
*Clark
*Elmore
Population Group: Pov Pop—Public Health Dist Iv
*Gem
Population Group: Low Inc/MFW—N Treasure Valley
*Idaho
*Jefferson
Service Area: Hamer
*Lincoln
*Owyhee
Population Group: Low Inc/MFW—S Treasure Valley
*Payette
Population Group: Low Inc/MFW—N Treasure Valley
*Twin Falls
Population Group: MSFW—Twin Falls Co
*Valley
Population Group: Pov Pop—Public Health Dist Iv
*Washington
Population Group: Low Inc/MFW—N Treasure Valley

DENTAL: Idaho
Service Area Listing

Service Area Name
Hamer
County—Jefferson
Parts:
Hamer CCD
Roberts CCD

DENTAL: Idaho
Population Group Listing

Population Group
Low Inc/MFW—N Treasure Valley
County—Gem
Parts:
Low Income/MFW
County—Payette
Parts:
Low Income/MFW
County—Washington
Parts:
Low Income/MFW
Low Inc/MFW—S Treasure Valley
County—Canyon
Parts:

DENTAL: Idaho
Population Group Listing

Population Group
Low Income
MFW
County—Owyhee
Parts:
Homedale CCD
Marsing CCD
MSFW—Twin Falls Co
County—Twin Falls
Parts:
MSFW
Pov Pop—Public Health Dist Iv
County—Ada
Parts:
Pov Pop
County—Boise
Parts:
Pov Pop
County—Elmore
Parts:
Pov Pop
County—Valley
Parts:
Pov. Pop.

DENTAL: Illinois
County Listing

County Name
*Adams
Population Group: Low Inc—Adams Co
Cook
Service Area: Englewood Area
Service Area: Riverdale (Chicago)
Population Group: Inmates—MCC Chicago
*Williamson
Facility: USP Marion

DENTAL: Illinois
Service Area Listing

Service Area Name
Englewood Area
County—Cook
Parts:
C.T. 6701–6720
C.T. 6801–6814
Riverdale (Chicago)
County—Cook
Parts:
C.T. 5401

DENTAL: Illinois
Population Group Listing

Population Group
Inmates—MCC Chicago
County—Cook
Parts:
MCC Chicago
Low Inc—Adams Co
County—Adams
Parts:
Low Income

DENTAL: Illinois
Facility Listing

Facility Name
USP Marion
County—Williamson

DENTAL: Indiana
County Listing

County Name
*Jennings
Marion
Service Area: Highland-Brookside (Indianapolis)
Service Area: Near North Side (Indianapolis)
Service Area: South Central Indianapolis

DENTAL: Indiana
Service Area Listing

Service Area Name
Highland-Brookside (Indianapolis)
County—Marion
Parts:
C.T. 3526–3527
C.T. 3544–3545
C.T. 3547–3551
Near North Side (Indianapolis)
County—Marion
Parts:
C.T. 3517
C.T. 3519
C.T. 3521
C.T. 3528
C.T. 3531–3532
South Central Indianapolis
County—Marion
Parts:
C.T. 3556–3557
C.T. 3559
C.T. 3562
C.T. 3569–3572
C.T. 3578–3580

DENTAL: Iowa
County Listing

County Name
*Guthrie
Service Area: Guthrie Center
Polk
Population Group: Low Inc—City Of Des Moines

DENTAL: Iowa
Service Area Listing

Service Area Name
Guthrie Center
County—Guthrie
Parts:
Baker Twp
Bear Grove Twp
Beaver Twp
Cass Twp
Dodge Twp
Grant Twp
Highland Twp
Jackson Twp
Orange Twp
Richland Twp
Seely Twp
Thompson Twp
Union Twp
Valley Twp
Victory Twp

DENTAL: Iowa
Population Group Listing

Population Group
Low Inc—City Of Des Moines

DENTAL: Iowa
Population Group Listing

Population Group
County—Polk
Parts:
C.T. 11–12
C.T. 17–18
C.T. 21
C.T. 26–27
C.T. 42
C.T. 44
C.T. 48–53

DENTAL: Kansas
County Listing

County Name
*Anderson
*Chase
*Elk
*Greeley
*Haskell
*Hodgeman
*Kearny
*Lane
Leavenworth
Facility: USP Leavenworth
*Mitchell
*Republic
*Scott
Shawnee
Population Group: Low Inc—City Of Topeka
*Wabaunsee
*Wallace
*Wilson

DENTAL: Kansas
Population Group Listing

Population Group
Low Inc—City Of Topeka
County—Shawnee
Parts:
Low Income

DENTAL: Kansas
Facility Listing

Facility Name
USP Leavenworth
County—Leavenworth

DENTAL: Kentucky
County Listing

County Name
*Ballard
Boyd
Facility: FCI Ashland
*Breathitt
Population Group: Low Inc—Breathitt Co
*Clay
Facility: FCI Manchester
*Edmonson
*Floyd
Service Area: Mud Creek
*Harlan
*Hart
*Jackson
Jefferson
Service Area: West End—Louisville
*Larue
*Laurel
Lee
Service Area: Lee/Owsley
*McCreary
*Meade
Owsley
Service Area: Lee/Owsley
*Rockcastle
*Todd

DENTAL: Kentucky
Service Area Listing

Service Area Name
Lee/Owsley
County—Lee
County—Owsley
Mud Creek
County—Floyd
Parts:
McDowell CCD
Mud Creek CCD
Wheelwright-Weeksbury
West End—Louisville
County—Jefferson
Parts:
C.T. 1–18
C.T. 20–24
C.T. 27–28
C.T. 30
C.T. 34–35

DENTAL: Kentucky
Population Group Listing

Population Group
Low Inc—Breathitt Co
County—Breathitt
Parts:
Low Income

DENTAL: Kentucky
Facility Listing

Facility Name
FCI Ashland
County—Boyd
FCI Manchester
County—Clay

DENTAL: Louisiana
Parish Listing

Parish Name
*Allen
Facility: FCI Oakdale
*Assumption
Caddo
Service Area: Martin Luther King Drive
Service Area: Vivian/Gilliam
Calcasieu
Service Area: North Lake Charles
*Caldwell
*Catahoula
*De Soto
*Iberia
Population Group: Medicaid—Iberia Par
*Iberville
Service Area: Carville
Facility: Elayn Hunt Corr Ctr
*Natchitoches
Orleans
Service Area: Desire/Florida
Service Area: Lower 9Th Ward

DENTAL: Louisiana
Parish Listing

Parish Name

Population Group: Low Inc—Central City
*Red River
St Landry
Population Group: Low Inc—St. Landry Par
*St Mary
*Tensas
*Union
*Vernon
*West Carroll
*West Feliciana
Facility: La State Pen—Angola
*Winn

DENTAL: Louisiana
Service Area Listing

Service Area Name

Carville
Parish—Iberville
Parts:
District 4
Desire/Florida
Parish—Orleans
Parts:
C.T. 11
C.T. 11.99–12.00
C.T. 13.01–13.02
C.T. 14.01–14.02
C.T. 15–16
C.T. 17.03
C.T. 17.98
Lower 9Th Ward
Parish—Orleans
Parts:
C.T. 7.01–7.02
C.T. 8
C.T. 9.01–9.04
Martin Luther King Drive
Parish—Caddo
Parts:
C.T. 246
North Lake Charles
Parish—Calcasieu
Parts:
C.T. 2–4
C.T. 14–15
Vivian/Gilliam
Parish—Caddo
Parts:
C.T. 248–250
C.T. 251.98

DENTAL: Louisiana
Population Group Listing

Population Group

Low Inc—Central City
Parish—Orleans
Parts:
C.T. 67–68
C.T. 79–80
C.T. 84–86
C.T. 91–92
C.T. 93.01–93.02
C.T. 94
Low Inc—St. Landry Par
Parish—St Landry
Parts:
Low Income
Medicaid—Iberia Par
Parish—Iberia
Parts:
Medicaid eligible

DENTAL: Louisiana
Facility Listing

Facility Name

Elayn Hunt Corr Ctr
Parish—Iberville
FCI Oakdale
Parish—Allen
La State Pen—Angola
Parish—West Feliciana

DENTAL: Maine
County Listing

County Name

Androscoggin
Service Area: Jay-Livermore
*Aroostook
Service Area: Allagash
Service Area: Danforth
Service Area: Fort Kent
Service Area: Presque Isle
*Franklin
Service Area: Jay-Livermore
Service Area: Rangeley/Kingsfield
Population Group: Low Inc—Farmington
*Hancock
Service Area: Gouldsboro
*Kennebec
Service Area: Jay-Livermore
Population Group: Low Inc—Farmington
*Knox
Service Area: Penobscot Bay
*Oxford
Service Area: Jay-Livermore
Service Area: Rangeley/Kingsfield
Penobscot
Service Area: Danforth
Waldo
Population Group: Low Inc—Belfast
*Washington
Service Area: Danforth
Service Area: Eastport/Lubec
Service Area: Gouldsboro

DENTAL: Maine
Service Area Listing

Service Area Name

Allagash
County—Aroostook
Parts:
Allagash Town
Northwest Aroostook Unorg
St. Francis Town
St. John Town
Danforth
County—Aroostook
Parts:
Bancroft Town
Orient Town
Weston Town
County—Penobscot
Parts:
Drew Plt.
Kingman Twp
Prentiss Plt.
County—Washington
Parts:
Codyville Town
Danforth Town
Grand Lake Stream Plt.
Indian Twp
N. Washington Unorg.
Talmage Town
Topsfield Town

DENTAL: Maine
Service Area Listing

Service Area Name

Vanceboro Town
Waite Town
Eastport/Lubec
County—Washington
Parts:
Dennysville Town
East Central Washington Unorg.
Eastport City
Lubec Town
Pembroke Town
Perry Town
Whiting Town
Fort Kent
County—Aroostook
Parts:
Eagle Lake Town
Fort Kent Town
Frenchville Town
Grand Isle Town
Hamlin Town
Madawaska Town
New Canada Town
St Agatha Town
Van Buren Town
Wallagrass Plt
Winterville Plt
Gouldsboro
County—Hancock
Parts:
East Hancock Unorg.
Gouldsboro Town
Sorrento Town
Sullivan Town
Winter Harbor Town
County—Washington
Parts:
Beddington Town
Cherryfield Town
Columbia Town
Deblois Town
Harrington Town
Milbridge Town
Steuben Town
Jay-Livermore
County—Androscoggin
Parts:
Livermore Falls Town
Livermore Town
County—Franklin
Parts:
Jay Town
County—Kennebec
Parts:
Fayette Town
County—Oxford
Parts:
Canton Town
Hartford Town
Sumner Town
Penobscot Bay
County—Knox
Parts:
Matinicus Isle Plantation
North Haven Town
Vinalhaven Town
Presque Isle
County—Aroostook
Parts:
Ashland Town
Blaine Town
Bridgewater Town
Caribou City

DENTAL: Maine
Service Area Listing

Service Area Name

Castle Hill Town
Caswell Town
Central Aroostook Unorg.
Chapman Town
Connor Unorg.
Cyr Plt
E Plt
Easton Town
Fort Fairfield Town
Garfield Plt
Limestone Town
Mapleton Town
Mars Hill Town
Masardis Town
Nashville Plt
New Sweden Town
Oxbow Plt
Perham Town
Portage Lake Town
Presque Isle City
Stockholm Town
Wade Town
Washburn Town
Westfield Town
Westmanland Town
Woodland Town
Rangeley/Kingsfield
County—Franklin
Parts:
Carrabassett Valley Town
Coplin Plantation
Dallas Plantation
Eustis Town
Kingsfield Town
Madrid Town
Phillips Town
Rangeley Town
Rangeley Plantation
Sandy River Plantation
Unorg. Terr.—E.C. Franklin
Wyman Unorg.
County—Oxford
Parts:
Lincoln Plantation
Magalloway Plantation
Unorg. Terr.-N. Oxford

DENTAL: Maine
Population Group Listing

Population Group

Low Inc—Belfast
County—Waldo
Parts:
Belfast City
Belmont Town
Brooks Town
Jackson Town
Knox Town
Liberty Town
Lincolnville Town
Monroe Town
Montville Town
Morrill Town
Northport Town
Searsmont Town
Searsport Town
Stockton Springs Town
Swanville Town
Waldo Town
Low Inc—Farmington
County—Franklin

DENTAL: Maine
Population Group Listing

Population Group

Parts:
Avon Town
Chesterville Town
Farmington Town
Industry Town
New Sharon Town
Strong Town
Temple Town
Wilton Town
County—Kennebec
Parts:
Vienna Town

DENTAL: Maryland
County Listing

County Name

Baltimore City
Population Group: Homeless—Baltimore City
Population Group: Low Inc—Sandtown Winchester
Charles
Population Group: Low Inc—Nanjemoy-Marbury
*Somerset
Population Group: Medicaid—Somerset Co

DENTAL: Maryland
Population Group Listing

Population Group

Homeless—Baltimore City
County—Baltimore City
Parts:
C.T. 302
C.T. 401–402
C.T. 501
C.T. 908–909
C.T. 1001–1002
C.T. 1004
C.T. 1204–1205
C.T. 1701–1702
C.T. 2201.01
Low Inc—Nanjemoy-Marbury
County—Charles
Parts:
District 3, Nanjemoy
District 10, Marbury
Low Inc—Sandtown Winchester
County—Baltimore City
Parts:
C.T. 1401–1403
C.T. 1501–1502
C.T. 1601–1604
C.T. 1607
C.T. 1702–1703
Medicaid—Somerset Co
County—Somerset
Parts:
Medicaid Eligibles

DENTAL: Massachusetts
County Listing

County Name

Hampden
Service Area: Worthington
Population Group: Low Inc—C Springfield
Hampshire
Service Area: Worthington
Suffolk

DENTAL: Massachusetts
County Listing

County Name

Service Area: North Dorchester
Service Area: Roxbury
Service Area: South End
Population Group: Low Inc—Allston-Brighton
Worcester
Population Group: Low Inc—Worcester

DENTAL: Massachusetts
Service Area Listing

Service Area Name

North Dorchester
County—Suffolk
Parts:
C.T. 901–924
Roxbury
County—Suffolk
Parts:
C.T. 801–821
South End
County—Suffolk
Parts:
C.T. 704–712
Worthington
County—Hampden
Parts:
Chester Town
County—Hampshire
Parts:
Chesterfield Town
Cummington Town
Goshen Town
Middlefield Town
Plainfield Town
Worthington Town

DENTAL: Massachusetts
Population Group Listing

Population Group

Low Inc—Allston-Brighton
County—Suffolk
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3
C.T. 4.01–4.02
C.T. 5.01–5.02
C.T. 6.01–6.02
C.T. 7.01–7.02
C.T. 8.01–8.02
Low Inc—C Springfield
County—Hampden
Parts:
C.T. 8005–8010
C.T. 8011.01–8011.02
C.T. 8012–8013
C.T. 8014.01–8014.02
C.T. 8015.01–8015.02
C.T. 8017–8020
Low Inc—Worcester
County—Worcester
Parts:
C.T. 7301–7303
C.T. 7304.01–7304.02
C.T. 7305–7307
C.T. 7308.01–7308.02
C.T. 7309.01–7309.02
C.T. 7310
C.T. 7311.01–7311.02
C.T. 7312.01–7312.02

DENTAL: Massachusetts
Population Group Listing

Population Group

C.T. 7313–7319
C.T. 7320.01–7320.02
C.T. 7321
C.T. 7322.01–7322.03
C.T. 7323–7328
C.T. 7329.01–7329.02
C.T. 7330
C.T. 7331.01–7331.02

DENTAL: Michigan
County Listing

County Name

*Alcona
Population Group: Low Inc—Alcona Co
*Alger
Population Group: Low Inc—Alger Co
Allegan
Population Group: Low Inc/MFW—Allegan Co
*Alpena
Population Group: Low Inc—Alpena Co
*Antrim
Population Group: Low Inc/MFW—Antrim Co
*Arenac
Population Group: Low Inc—Arenac Co
*Baraga
Population Group: Low Inc—Baraga Co
*Barry
Population Group: Low Inc/MFW—Barry Co
*Benzie
Population Group: Low Inc/MFW—Benzie Co
Berrien
Population Group: Low Inc—Berrien Co
*Branch
Population Group: Low Inc—Branch Co
Calhoun
Population Group: Low Inc—Calhoun Co
*Cass
Population Group: Low Inc—Cass Co
*Charlevoix
Population Group: Low Inc—Charlevoix Co
*Cheboygan
Population Group: Low Inc—Cheboygan Co
*Chippewa
Population Group: Low Inc—Chippewa Co
*Clare
Population Group: Low Inc—Clare Co
*Crawford
Population Group: Low Inc—Crawford Co
*Delta
Population Group: Low Inc—Delta Co
*Dickinson
Population Group: Low Inc—Dickinson Co
*Emmet
Population Group: Low Inc—Emmet Co
*Gladwin
Population Group: Low Inc—Gladwin Co
*Gogebic
Population Group: Low Inc—Gogebic Co
*Gratiot
Population Group: Low Inc/MFW—Gratiot Co
*Hillsdale
Population Group: Low Inc—Hillsdale Co
*Houghton
Population Group: Low Inc—Houghton Co
*Huron

DENTAL: Michigan
County Listing

County Name

Population Group: Low Inc/MFW—Huron Co
*Ionia
Population Group: Low Inc—Ionia Co
*Iosco
Population Group: Low Inc—Iosco Co
*Iron
Population Group: Low Inc—Iron Co
*Isabella
Population Group: Low Inc—Isabella Co
Jackson
Population Group: Low Inc—Ne Jackson City
Kalamazoo
Population Group: Low Inc—Northern Kalamazoo City
*Kalkaska
Population Group: Low Inc—Kalkaska Co
Kent
Population Group: Low Inc/MFW—Kent Co
*Keweenaw
Population Group: Low Inc—Keweenaw Co
Lake
Population Group: Low Inc—Lake Co
*Leelanau
Population Group: Low Inc/MFW—Leelanau Co
*Lenawee
Population Group: Low Inc—W Lenawee
*Luce
Population Group: Low Inc—Luce Co
*Mackinac
Population Group: Low Inc—Mackinac Co
*Manistee
Population Group: Low Inc/MFW—Manistee Co
*Marquette
Population Group: Low Inc—Marquette Co
*Mason
Population Group: Low Inc/MFW—Mason Co
*Mecosta
Population Group: Low Inc/MFW—Mecosta Co
*Menominee
Population Group: Low Inc—Menominee Co
*Missaukee
Population Group: Low Inc—Missaukee Co
*Montcalm
Population Group: Low Inc/MFW—Montcalm Co
*Montmorency
Population Group: Low Inc—Montmorency Co
Muskegon
Population Group: Low Inc/MFW—Muskegon Co
*Newaygo
Population Group: Low Inc/MFW—Newaygo Co
*Oceana
Population Group: Low Inc/MFW—Oceana Co
*Ogemaw
Population Group: Low Inc—Ogemaw Co
*Ontonagon
Population Group: Low Inc—Ontonagon Co
*Osceola
Population Group: Low Inc—Osceola Co
*Oscoda

DENTAL: Michigan
County Listing

County Name

Population Group: Low Inc—Oscoda Co
*Otsego
Population Group: Low Inc—Otsego Co
Ottawa
Population Group: Low Inc/MFW—Ottawa Co
*Presque Isle
Population Group: Low Inc—Presque Isle Co
*Roscommon
Population Group: Low Inc—Roscommon Co
Saginaw
Service Area: Saginaw East Side
*Sanilac
Population Group: Low Inc/MFW—Sanilac Co
*Schoolcraft
Population Group: Low Inc—Schoolcraft Co
*St Joseph
Population Group: Low Inc—St Joseph Co
*Tuscola
Population Group: Low Inc/MFW—Tuscola Co
Van Buren
Population Group: Low Inc—Van Buren Co
Wayne
Service Area: Southwest Detroit
Population Group: Low Inc—Tireman/Chadsey
Population Group: Low Inc—Central Detroit
Population Group: Low Inc—Eastside Detroit
Population Group: Low Inc—Mackenzie/Brooks
Population Group: Low Inc—Chene
Population Group: Low Inc—Airport/Conner
Population Group: Low Inc—Nolan/State Fair/Davison/Persh
Population Group: Low Inc—Outer Drive/Van Dyke
*Wexford
Population Group: Low Inc—Wexford Co

DENTAL: Michigan
Service Area Listing

Service Area Name

Saginaw East Side
County—Saginaw
Parts:
C.T. 1–11
C.T. 110
Southwest Detroit
County—Wayne
Parts:
C.T. 5208–5209
C.T. 5211–5214
C.T. 5231–5238
C.T. 5240–5243
C.T. 5245
C.T. 5247–5248

DENTAL: Michigan
Population Group Listing

Population Group

Low Inc—Airport/Conner
County—Wayne
Parts:
C.T. 5037

DENTAL: Michigan
Population Group Listing

Population Group

C.T. 5039–5048
C.T. 5052–5053
C.T. 5107–5109
Low Inc—Alcona Co
County—Alcona
Parts:
Low Income
Low Inc—Alger Co
County—Alger
Parts:
Low Income
Low Inc—Alpena Co
County—Alpena
Parts:
Low Income
Low Inc—Arenac Co
County—Arenac
Parts:
Low Income
Low Inc—Baraga Co
County—Baraga
Parts:
Low Income
Low Inc—Berrien Co
County—Berrien
Parts:
Low Income
Low Inc—Branch Co
County—Branch
Parts:
Low Income
Low Inc—Calhoun Co
County—Calhoun
Parts:
Low Income
Low Inc—Cass Co
County—Cass
Parts:
Low Income
Low Inc—Central Detroit
County—Wayne
Parts:
C.T. 5172–5176
C.T. 5180–5181
C.T. 5201–5207
C.T. 5218
Low Inc—Charlevoix Co
County—Charlevoix
Parts:
Low Income
Low Inc—Cheboygan Co
County—Cheboygan
Parts:
Low Income
Low Inc—Chene
County—Wayne
Parts:
C.T. 5111
C.T. 5161
C.T. 5177–5178
C.T. 5183–5188
Low Inc—Chippewa Co
County—Chippewa
Parts:
Low Income
Low Inc—Clare Co
County—Clare
Parts:
Low Income
Low Inc—Crawford Co
County—Crawford
Parts:

DENTAL: Michigan
Population Group Listing

Population Group

Low Income
Low Inc—Delta Co
County—Delta
Parts:
Low Income
Low Inc—Dickinson Co
County—Dickinson
Parts:
Low Income
Low Inc—Eastside Detroit
County—Wayne
Parts:
C.T. 5121–5124
C.T. 5126
C.T. 5129
C.T. 5132–5136
C.T. 5139–5143
C.T. 5145–5156
Low Inc—Emmet Co
County—Emmet
Parts:
Low Income
Low Inc—Gladwin Co
County—Gladwin
Parts:
Low Income
Low Inc—Gogebic Co
County—Gogebic
Parts:
Low Income
Low Inc—Hillsdale Co
County—Hillsdale
Parts:
Low Income
Low Inc—Houghton Co
County—Houghton
Parts:
Low Income
Low Inc—Ionia Co
County—Ionia
Parts:
Low Income
Low Inc—Iosco Co
County—Iosco
Parts:
Low Income
Low Inc—Iron Co
County—Iron
Parts:
Low Income
Low Inc—Isabella Co
County—Isabella
Parts:
Low Income
Low Inc—Kalkaska Co
County—Kalkaska
Parts:
Low Income
Low Inc—Keweenaw Co
County—Keweenaw
Parts:
Low Income
Low Inc—Lake Co
County—Lake
Parts:
Low Income
Low Inc—Luce Co
County—Luce
Parts:
Low Income
Low Inc—Mackenzie/Brooks
County—Wayne

DENTAL: Michigan
Population Group Listing

Population Group

Parts:
C.T. 5341–5344
C.T. 5347
C.T. 5350–5357
C.T. 5364–5367
C.T. 5370–5373
C.T. 5377–5378
C.T. 5451–5454
Low Inc—Mackinac Co
County—Mackinac
Parts:
Low Income
Low Inc—Marquette Co
County—Marquette
Parts:
Low Income
Low Inc—Menominee Co
County—Menominee
Parts:
Low Income
Low Inc—Missaukee Co
County—Missaukee
Parts:
Low Income
Low Inc—Montmorency Co
County—Montmorency
Parts:
Low Income
Low Inc—Ne Jackson City
County—Jackson
Parts:
C.T. 1–4
C.T. 6–7
C.T. 10–13
Low Inc—Nolan/State Fair/Davison/Persh
County—Wayne
Parts:
C.T. 5064–5080
C.T. 5102–5106
Low Inc—Northern Kalamazoo City
County—Kalamazoo
Parts:
C.T. 1
C.T. 2.01–2.02
C.T. 3
C.T. 4.02
C.T. 5–6
C.T. 8.01–8.02
C.T. 9–10
Low Inc—Ogemaw Co
County—Ogemaw
Parts:
Low Income
Low Inc—Ontonagon Co
County—Ontonagon
Parts:
Low Income
Low Inc—Osceola Co
County—Osceola
Parts:
Low Income
Low Inc—Oscoda Co
County—Oscoda
Parts:
Low Income
Low Inc—Otsego Co
County—Otsego
Parts:
Low Income
Low Inc—Outer Drive/Van Dyke
County—Wayne
Parts:

DENTAL: Michigan
Population Group Listing

Population Group

C.T. 5035–5036
C.T. 5049–5051
C.T. 5061–5063
Low Inc—Presque Isle Co
County—Presque Isle
Parts:
Low Income
Low Inc—Roscommon Co
County—Roscommon
Parts:
Low Income
Low Inc—Schoolcraft Co
County—Schoolcraft
Parts:
Low Income
Low Inc—St Joseph Co
County—St Joseph
Parts:
Low Income
Low Inc—Tireman/Chadsey
County—Wayne
Parts:
C.T. 5221–5222
C.T. 5251–5258
C.T. 5260–5265
C.T. 5335–5337
C.T. 5345–5346
Low Inc—Van Buren Co
County—Van Buren
Parts:
Low Income
Low Inc—W Lenawee
County—Lenawee
Parts:
Adrian City
Dover Twp
Fairfield Twp
Hudson Twp
Hudson City
Madison Charter Twp
Medina Twp
Morenci City
Rollin Twp
Rome Twp
Seneca Twp
Low Inc—Wexford Co
County—Wexford
Parts:
Low Income
Low Inc/MFW—Allegan Co
County—Allegan
Parts:
Low Income
MFW
Low Inc/MFW—Antrim Co
County—Antrim
Parts:
Low Income
MFW
Low Inc/MFW—Barry Co
County—Barry
Parts:
Low Income
MFW
Low Inc/MFW—Benzie Co
County—Benzie
Parts:
Low Income
MFW
Low Inc/MFW—Gratiot Co
County—Gratiot
Parts:

DENTAL: Michigan
Population Group Listing

Population Group

Low Income
MFW
Low Inc/MFW—Huron Co
County—Huron
Parts:
Low Income
MFW
Low Inc/MFW—Kent Co
County—Kent
Parts:
Low Income
MFW
Low Inc/MFW—Leelanau Co
County—Leelanau
Parts:
Low Income
MFW
Low Inc/MFW—Manistee Co
County—Manistee
Parts:
Low Income
MFW
Low Inc/MFW—Mason Co
County—Mason
Parts:
Low Income
MFW
Low Inc/MFW—Mecosta Co
County—Mecosta
Parts:
Low Income
MFW
Low Inc/MFW—Montcalm Co
County—Montcalm
Parts:
Low Income
MFW
Low Inc/MFW—Muskegon Co
County—Muskegon
Parts:
Low Income
MFW
Low Inc/MFW—Newaygo Co
County—Newaygo
Parts:
Low Income
MFW
Low Inc/MFW—Oceana Co
County—Oceana
Parts:
Low Income
MFW
Low Inc/MFW—Ottawa Co
County—Ottawa
Parts:
Low Income
MFW
Low Inc/MFW—Sanilac Co
County—Sanilac
Parts:
Low Income
MFW
Low Inc/MFW—Tuscola Co
County—Tuscola
Parts:
Low Income
MFW

DENTAL: Minnesota
County Listing

County Name

*Koochiching

DENTAL: Minnesota
County Listing

County Name

Population Group: Low Inc—Koochiching Co
St. Louis
Population Group: Inmates—FPC Duluth

DENTAL: Minnesota
Population Group Listing

Population Group

Inmates—FPC Duluth
County—St. Louis
Parts:
FPC Duluth
Low Inc—Koochiching Co
County—Koochiching
Parts:
Low Income

DENTAL: Mississippi
County Listing

County Name

*Amite
*Benton
*Carroll
*Chickasaw
*Claiborne
*Clarke
*Franklin
*Greene
Hancock
Harrison
Population Group: Pov Pop—Harrison Co
*Holmes
*Humphreys
Issaquena
Service Area: Issaquena-Sharkey
*Jasper
*Jefferson
*Kemper
*Lawrence
*Leake
*Marshall
*Monroe
Population Group: Pov Pop—Monroe Co
*Montgomery
*Neshoba
*Noxubee
*Panola
*Pearl River
*Perry
*Quitman
*Scott
Population Group: Pov Pop—Scott Co
Sharkey
Service Area: Issaquena-Sharkey
*Smith
*Stone
*Sunflower
Facility: Mississippi State Pen.
*Tallahatchie
*Tate
*Tunica
*Walthall
*Wayne
*Webster

DENTAL: Mississippi
Service Area Listing

Service Area Name

Issaquena-Sharkey

DENTAL: Mississippi
Service Area Listing

Service Area Name

County—Issaquena
County—Sharkey

DENTAL: Mississippi
Population Group Listing

Population Group

Pov Pop—Harrison Co
County—Harrison
Parts:
Pov Pop
Pov Pop—Monroe Co
County—Monroe
Parts:
Poverty Pop
Pov Pop—Scott Co
County—Scott
Parts:
Pov Pop

DENTAL: Mississippi
Facility Listing

Facility Name

Mississippi State Pen.
County—Sunflower

DENTAL: Missouri
County Listing

County Name

*Adair
Population Group: Medicaid—Adair Co
*Chariton
*Holt
Jackson
Population Group: Medicaid—Central Kansas City
Population Group: Medicaid—North Kansas City
*Macon
*New Madrid
*Pemiscot
*Randolph
Population Group: Medicaid—Randolph Co
St. Louis
Population Group: Pov Pop—North St. Louis
Population Group: Pov Pop—West St. Louis
St. Louis City
Population Group: Pov Pop—North St. Louis
Population Group: Pov Pop—West St. Louis
Population Group: Pov Pop—Southeast St. Louis
Population Group: Pov Pop—Grace Hill/Cochran
*Wayne

DENTAL: Missouri
Population Group Listing

Population Group

Medicaid—Adair Co
County—Adair
Parts:
Medicaid Eligible
Medicaid—Central Kansas City
County—Jackson
Parts:

DENTAL: Missouri
Population Group Listing

Population Group

C.T. 46–55
C.T. 56.01–56.02
C.T. 57
C.T. 58.01–58.02
C.T. 60–67
C.T. 75–77
C.T. 78.01–78.02
C.T. 79–80
C.T. 87–89
C.T. 96
Medicaid—North Kansas City
County—Jackson
Parts:
C.T. 2–4
C.T. 5.01
C.T. 6–27
C.T. 28.01–28.02
C.T. 29–34
C.T. 35.01–35.02
C.T. 36.01–36.02
C.T. 37–45
C.T. 59.01
Medicaid—Randolph Co
County—Randolph
Parts:
Medicaid Eligible
Pov Pop—Grace Hill/Cochran
County—St. Louis City
Parts:
C.T. 1085
C.T. 1096–1097
C.T. 1201–1203
C.T. 1211–1214
C.T. 1222
C.T. 1255–1257
C.T. 1266–1267
Pov Pop—North St. Louis
County—St. Louis
Parts:
C.T. 2139–2140
County—St. Louis City
Parts:
C.T. 1061–1067
C.T. 1071–1075
Pov Pop—Southeast St. Louis
County—St. Louis City
Parts:
C.T. 1018
C.T. 1156–1157
C.T. 1164–1165
C.T. 1172–1174
C.T. 1181
C.T. 1185
C.T. 1221
C.T. 1224
C.T. 1231–1234
C.T. 1241–1243
C.T. 1246
Pov Pop—West St. Louis
County—St. Louis
Parts:
C.T. 2159–2161
County—St. Louis City
Parts:
C.T. 1051.98
C.T. 1052–1055
C.T. 1121

DENTAL: Nebraska
County Listing

County Name

Arthur

DENTAL: Nebraska
County Listing

County Name

Service Area: Arthur/Grant
*Blaine
*Cuming
Population Group: Am In—Winnebago/Omaha
Douglas
Population Group: Medicaid—Eastern Omaha City
*Frontier
*Furnas
Grant
Service Area: Arthur/Grant
Greeley
Service Area: Greeley/Wheeler
Hayes
Service Area: Hayes/Hitchcock
Hitchcock
Service Area: Hayes/Hitchcock
Logan
Service Area: Logan/McPherson
*Morrill
McPherson
Service Area: Logan/McPherson
*Scotts Bluff
Population Group: Medicaid—Scotts Bluff Co
*Thurston
Population Group: Am In—Winnebago/Omaha
Wheeler
Service Area: Greeley/Wheeler

DENTAL: Nebraska
Service Area Listing

Service Area Name

Arthur/Grant
County—Arthur
County—Grant
Greeley/Wheeler
County—Greeley
County—Wheeler
Hayes/Hitchcock
County—Hayes
County—Hitchcock
Logan/McPherson
County—Logan
County—McPherson

DENTAL: Nebraska
Population Group Listing

Population Group

Am In—Winnebago/Omaha
County—Cuming
Parts:
Om In—Bancroft Twp
Om In—Cleveland Twp
County—Thurston
Parts:
Winnebago Indians
Medicaid—Eastern Omaha City
County—Douglas
Parts:
C.T. 3
C.T. 6–12
C.T. 16
C.T. 18–19
C.T. 39–43
C.T. 50–54
C.T. 59.01–59.02
C.T. 60

DENTAL: Nebraska
Population Group Listing

Population Group

C.T. 61.01–61.02
Medicaid—Scotts Bluff Co
County—Scotts Bluff
Parts:
Medicaid Eligible

DENTAL: Nevada
County Listing

County Name

*Churchill
Service Area: Dixie Valley
Clark
Service Area: Northeast Clark
Population Group: Low Inc—Las Vegas
*Elko
Service Area: Jackpot
Service Area: Montello/West Wendover
Service Area: Mountain City/Jarbidge
Service Area: Wells
*Esmeralda
Service Area: Coaldale/Silverpeak
Service Area: Tonopah/Esmeralda
*Eureka
Service Area: Beowave
Service Area: Eureka
*Humboldt
Service Area: McDermitt
Service Area: Summit Lake
*Lander
Service Area: Austin
Service Area: Battle Mountain
*Lincoln
Service Area: Alamo
*Lyon
*Mineral
Nye
Service Area: Beatty
Service Area: Duckwater/Lund
Service Area: Gabbs
Service Area: Pahrump
Service Area: Round Mountain
Service Area: Tonopah/Esmeralda
*Pershing
*White Pine
Service Area: Baker
Service Area: Cherry Creek
Service Area: Duckwater/Lund

DENTAL: Nevada
Service Area Listing

Service Area Name

Alamo
County—Lincoln
Parts:
Alamo CCD
Austin
County—Lander
Parts:
Austin CCD
Baker
County—White Pine
Parts:
Baker CCD
Battle Mountain
County—Lander
Parts:
Battle Mountain CCD
Beatty
County—Nye
Parts:

DENTAL: Nevada
Service Area Listing

Service Area Name

Amargosa CCD
Beatty CCD
Beowave
County—Eureka
Parts:
Beowave CCD
Cherry Creek
County—White Pine
Parts:
Cherry Creek CCD
Coaldale/Silverpeak
County—Esmeralda
Parts:
Silverpeak CCD
Dixie Valley
County—Churchill
Parts:
Dixie Valley CCD
Duckwater/Lund
County—Nye
Parts:
Duckwater CCD
County—White Pine
Parts:
Lund CCD
Eureka
County—Eureka
Parts:
Eureka CCD
Gabbs
County—Nye
Parts:
Gabbs CCD
Jackpot
County—Elko
Parts:
Jackpot CCD
McDermitt
County—Humboldt
Parts:
McDermitt CCD
Montello/West Wendover
County—Elko
Parts:
Montello CCD
West Wendover CCD
Mountain City/Jarbidge
County—Elko
Parts:
Jarbidge CCD
Mountain City CCD
Northeast Clark
County—Clark
Parts:
C.T. 56.02–56.03
C.T. 59
Pahrump
County—Nye
Parts:
Chrystal CCD
Pahrump CCD
Yucca Flat CCD
Round Mountain
County—Nye
Parts:
Round Mountain CCD
Summit Lake
County—Humboldt
Parts:
Summit Lake CCD
Tonopah/Esmeralda
County—Esmeralda

DENTAL: Nevada
Service Area Listing

Service Area Name

Parts:
Goldfield CCD
County—Nye
Parts:
Ralston CCD
Tonopah CCD
Wells
County—Elko
Parts:
Wells CCD

DENTAL: Nevada
Population Group Listing

Population Group

Low Inc—Las Vegas
County—Clark
Parts:
Las Vegas CCD

DENTAL: New Jersey
County Listing

County Name

Atlantic
Service Area: Atlantic City
Population Group: Low Inc—West Atlantic Co
Camden
Population Group: Low Inc—Camden City
Cumberland
Population Group: Low Inc/MFW—Cumberland Co
Facility: FCI Fairton
Mercer
Population Group: Medicaid—Trenton
Ocean
Population Group: Medicaid—Lakewood
Salem
Population Group: Medicaid—Salem Co
Warren
Population Group: Medicaid—Warren Co

DENTAL: New Jersey
Service Area Listing

Service Area Name

Atlantic City
County—Atlantic
Parts:
C.T. 1–5
C.T. 8
C.T. 11–19
C.T. 23–25

DENTAL: New Jersey
Population Group Listing

Population Group

Low Inc—Camden City
County—Camden
Parts:
Camden City (6001–6020)
Low Inc—West Atlantic Co
County—Atlantic
Parts:
C.T. 104.01–104.03
C.T. 105.01
C.T. 105.03–105.04
C.T. 106–111
C.T. 112.01–112.02
C.T. 113

DENTAL: New Jersey
Population Group Listing

Population Group

C.T. 114.01–114.02
C.T. 115–116
C.T. 117.01–117.02
C.T. 118.05
C.T. 119–122
Low Inc/MFW—Cumberland Co
County—Cumberland
Parts:
Low Income
MFW
Medicaid—Lakewood
County—Ocean
Parts:
Lakewood Twp
Medicaid—Salem Co
County—Salem
Parts:
Medicaid Eligible
Medicaid—Trenton
County—Mercer
Parts:
C.T. 1–24
Medicaid—Warren Co
County—Warren
Parts:
Medicaid Eligible

DENTAL: New Jersey
Facility Listing

Facility Name

FCI Fairton
County—Cumberland

DENTAL: New Mexico
County Listing

County Name

Bernalillo
Service Area: North Valley
Service Area: Southwest Valley
*Catron
*Cibola
*Curry
Population Group: Low Inc—Curry Co
Dona Ana
Service Area: Hatch
Service Area: Southern Dona Ana
Population Group: Dent Ind—Las Cruces
*Guadalupe
*Harding
*Hidalgo
*Luna
*McKinley
*Mora
*Otero
*Rio Arriba
Service Area: North/Western Rio Arriba
Service Area: Penasco/Truchas/Embudo
*Roosevelt
Population Group: Dent Ind—Roosevelt Co
Sandoval
Service Area: Cuba (N. Sandoval)
*Sierra
*Taos
Service Area: North/Western Rio Arriba
Service Area: Penasco/Truchas/Embudo
Service Area: Questa
*Torrance
*Union

DENTAL: New Mexico
Service Area Listing

Service Area Name

Cuba (N. Sandoval)
County—Sandoval
Parts:
Cuba CCD
Jemez CCD
Santo Domingo CCD
Hatch
County—Dona Ana
Parts:
Hatch CCD
North Valley
County—Bernalillo
Parts:
C.T. 29
C.T. 30.01–30.02
C.T. 31
C.T. 32.01–32.02
C.T. 35.01–35.02
C.T. 36
North/Western Rio Arriba
County—Rio Arriba
Parts:
Coyote Division
Jicarilla Division
Rio Chama Division
Tierra Amarilla Division
Vallecitas Division
Western Rio Arriba Division
County—Taos
Parts:
Tres Piedras Division
Penasco/Truchas/Embudo
County—Rio Arriba
Parts:
Chimayo Division
Dixon Division
County—Taos
Parts:
Penasco Division
Picuris Division
Questa
County—Taos
Parts:
Arroyo Hondo CCD
Questa CCD
Southern Dona Ana
County—Dona Ana
Parts:
Anthony CCD
S. Dona Ana CCD
Southwest Valley
County—Bernalillo
Parts:
C.T. 23
C.T. 24.01–24.02
C.T. 43
C.T. 44.01–44.02
C.T. 45.01–45.02
C.T. 46.02–46.04

DENTAL: New Mexico
Population Group Listing

Population Group

Dent Ind—Las Cruces
County—Dona Ana
Parts:
C.T. 1–9
Dent Ind—Roosevelt Co
County—Roosevelt
Parts:
Dentally Indigent

DENTAL: New Mexico
Population Group Listing

Population Group

Low Inc—Curry Co
County—Curry
Parts:
Low Income

DENTAL: New York
County Listing

County Name

Bronx
Service Area: Morris Heights
Service Area: Morrisania/High Bridge
Service Area: Mott Haven/Point Norris
Cayuga
Service Area: Groton—Moravia
*Chenango
Service Area: Cincinnatus/Deruyter
*Clinton
Service Area: Dannemora
*Cortland
Service Area: Cincinnatus/Deruyter
Population Group: Low Inc—Cortland
Dutchess
Population Group: Low Inc—Beacon City
Kings
Service Area: Bedford-Stuyvesant
Service Area: Coney Island
Service Area: Crown Heights
Service Area: Sunset Park
Population Group: Inmates—MDC Brooklyn
Madison
Service Area: Cincinnatus/Deruyter
New York
Service Area: East Harlem
Service Area: Lower East Side
Onondaga
Population Group: Medicaid—Syracuse
Orange
Population Group: Low Inc—Port Jervis
Population Group: Medicaid—City & Town Of Newburgh
Oswego
Population Group: Low Inc—Pulaski PCSa
*St Lawrence
Population Group: Medicaid—Ogdensburg
*Sullivan
Population Group: Low Inc—Port Jervis
*Tompkins
Service Area: Groton—Moravia
Westchester
Population Group: Low Inc—Mt Vernon

DENTAL: New York
Service Area Listing

Service Area Name

Bedford-Stuyvesant
County—Kings
Parts:
C.T. 11
C.T. 23
C.T. 25
C.T. 27
C.T. 29.01–29.02
C.T. 31
C.T. 33
C.T. 35
C.T. 179
C.T. 181
C.T. 183
C.T. 185.01–185.02

DENTAL: New York
Service Area Listing

Service Area Name

C.T. 187
C.T. 189
C.T. 191
C.T. 193
C.T. 195
C.T. 197
C.T. 199
C.T. 201
C.T. 203
C.T. 205
C.T. 207
C.T. 213
C.T. 215
C.T. 217
C.T. 219
C.T. 221
C.T. 223
C.T. 225
C.T. 227
C.T. 229
C.T. 231
C.T. 233
C.T. 235
C.T. 237
C.T. 239
C.T. 241
C.T. 243
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255
C.T. 257
C.T. 259.01–259.02
C.T. 261
C.T. 263
C.T. 265
C.T. 267
C.T. 269
C.T. 271.01–271.02
C.T. 273
C.T. 275
C.T. 277
C.T. 279
C.T. 281
C.T. 283
C.T. 285.01–285.02
C.T. 287
C.T. 289
C.T. 291
C.T. 293
C.T. 295
C.T. 297
C.T. 299
C.T. 301
C.T. 303
C.T. 307
C.T. 309
C.T. 311
C.T. 313
C.T. 315
C.T. 317.01–317.02
C.T. 319
C.T. 321
C.T. 323
C.T. 325
C.T. 327
C.T. 329
C.T. 331
C.T. 333
C.T. 335

DENTAL: New York
Service Area Listing

Service Area Name

C.T. 337
C.T. 339
C.T. 341
C.T. 343
C.T. 345
C.T. 347
C.T. 349
C.T. 351
C.T. 353
C.T. 355
C.T. 357
C.T. 359
C.T. 361
C.T. 363
C.T. 365.01–365.02
C.T. 367
C.T. 369
C.T. 371
C.T. 373
C.T. 375
C.T. 377
C.T. 379
C.T. 381
C.T. 383
C.T. 385
C.T. 387
Cincinnatus/Deruyter
County—Chenango
Parts:
Lincklaen Town
Pitcher Town
County—Cortland
Parts:
Cincinnatus Town
Cuyler Town
Freetown Town
Taylor Town
Willet Town
County—Madison
Parts:
Deruyter Town
Coney Island
County—Kings
Parts:
C.T. 326
C.T. 328
C.T. 330
C.T. 340
C.T. 342
C.T. 348.01–348.02
C.T. 352
Crown Heights
County—Kings
Parts:
C.T. 213
C.T. 215
C.T. 217
C.T. 219
C.T. 317.02
C.T. 319
C.T. 321
C.T. 323
C.T. 325
C.T. 327
C.T. 329
C.T. 331
C.T. 333
C.T. 335
C.T. 337
C.T. 339
C.T. 349
C.T. 351

DENTAL: New York
Service Area Listing

Service Area Name

C.T. 353
C.T. 355
C.T. 357
Dannemora
County—Clinton
Parts:
Dannemora Town
Saranac Town
East Harlem
County—New York
Parts:
C.T. 156.02
C.T. 158.02
C.T. 160.02
C.T. 162
C.T. 164
C.T. 166
C.T. 168
C.T. 170
C.T. 172.01–172.02
C.T. 174.01–174.02
C.T. 178
C.T. 180
C.T. 182
C.T. 184
C.T. 188
C.T. 192
C.T. 194
C.T. 196
C.T. 198
C.T. 202
C.T. 204
C.T. 206
C.T. 210
Groton—Moravia
County—Cayuga
Parts:
Locke Town
Moravia Town
Sempronius Town
Summerhill Town
County—Tompkins
Parts:
Groton Town
Lower East Side
County—New York
Parts:
C.T. 10.02
C.T. 20
C.T. 22.01–22.02
C.T. 24
C.T. 26.01–26.02
C.T. 28
Morris Heights
County—Bronx
Parts:
C.T. 205
C.T. 213.01–213.02
C.T. 215.01–215.02
C.T. 217.01
C.T. 239
C.T. 243
C.T. 245
C.T. 247
C.T. 249
C.T. 251
C.T. 253
C.T. 255
C.T. 257
Morrisania/High Bridge
County—Bronx
Parts:

DENTAL: New York
Service Area Listing

Service Area Name

C.T. 47
C.T. 49
C.T. 53.01
C.T. 57
C.T. 59.01–59.02
C.T. 61
C.T. 67
C.T. 69
C.T. 121.01
C.T. 123
C.T. 125
C.T. 127.01
C.T. 129.01
C.T. 131
C.T. 133
C.T. 135
C.T. 137
C.T. 139
C.T. 141
C.T. 143
C.T. 145
C.T. 147
C.T. 149
C.T. 151
C.T. 153
C.T. 155
C.T. 157
C.T. 161
C.T. 163
C.T. 165
C.T. 167
C.T. 169
C.T. 171
C.T. 173
C.T. 175
C.T. 177
C.T. 179
C.T. 181
C.T. 183
C.T. 187
C.T. 189
C.T. 193
C.T. 195
C.T. 197
C.T. 199
C.T. 201
C.T. 211
C.T. 213.02
C.T. 217.02
C.T. 219
C.T. 221
C.T. 223
C.T. 225
C.T. 227.02–227.03
C.T. 229.02
C.T. 367
C.T. 369.02

Mott Haven/Point Norris
County—Bronx
Parts:
C.T. 11
C.T. 15
C.T. 17
C.T. 23
C.T. 25
C.T. 27.01–27.02
C.T. 31
C.T. 33
C.T. 35
C.T. 37
C.T. 39
C.T. 41

DENTAL: New York
Service Area Listing

Service Area Name

C.T. 43
C.T. 47
C.T. 49
C.T. 65
C.T. 71
C.T. 73
C.T. 75
C.T. 77
C.T. 79
C.T. 81
C.T. 83
C.T. 85
C.T. 87
C.T. 89
C.T. 119
C.T. 121.02
C.T. 127.02
C.T. 129.02

Sunset Park
County—Kings
Parts:
C.T. 2
C.T. 18
C.T. 20
C.T. 22
C.T. 72
C.T. 74
C.T. 76
C.T. 78
C.T. 80
C.T. 82
C.T. 84
C.T. 86
C.T. 88
C.T. 90
C.T. 92
C.T. 94
C.T. 96
C.T. 98
C.T. 100–102
C.T. 104
C.T. 106
C.T. 108
C.T. 118
C.T. 122
C.T. 143
C.T. 145
C.T. 147

DENTAL: New York
Population Group Listing

Population Group

Inmates—MDC Brooklyn
County—Kings
Parts:
MDC Brooklyn

Low Inc—Beacon City
County—Dutchess
Parts:
Beacon City

Low Inc—Cortland
County—Cortland
Parts:
Cortland City
Cortlandville Town
Homer Town
Preble Town
Scott Town
Solon Town
Truxton Town
Virgil Town

DENTAL: New York
Population Group Listing

Population Group

Low Inc—Mt Vernon
County—Westchester
Parts:
C.T. 25–45

Low Inc—Port Jervis
County—Orange
Parts:
Deerpark Town
Greenville Town
Port Jervis City
County—Sullivan
Parts:
Lumberland Town

Low Inc—Pulaski PCSa
County—Oswego
Parts:
Albion Town
Boylston Town
Mexico Town
Orwell Town
Redfield Town
Richland Town
Sandy Creek Town
Williamstown Town

Medicaid—City & Town Of Newburgh
County—Orange
Parts:
Newburgh Town
Newburgh City

Medicaid—Ogdensburg
County—St Lawrence
Parts:
De Peyster Town
Lisbon Town
Morristown Town
Ogdensburg Town
Oswegatchie Town
Waddington Town

Medicaid—Syracuse
County—Onondaga
Parts:
C.T. 1–10
C.T. 13–16
C.T. 17.01–17.02
C.T. 18–24
C.T. 27–35
C.T. 36.01–36.02
C.T. 37–46
C.T. 48–60
C.T. 61.01–61.03

DENTAL: North Carolina
County Listing

County Name

*Anson
Gaston
Population Group: Medicaid—Gatson Co
*Granville
Facility: FCI Butner
*Harnett
Population Group: Low Inc—Harnett Co
*Henderson
Population Group: Low Inc/MFW—Henderson
Madison
Service Area: Hot Springs

DENTAL: North Carolina
Service Area Listing

Service Area Name

Hot Springs

DENTAL: North Carolina
Service Area Listing

Service Area Name
County—Madison
Parts:
Hot Springs Twp
Laurel Twp
Revere Rice Cove Twp
Spring Creek Twp
Walnut Twp

DENTAL: North Carolina
Population Group Listing

Population Group
Low Inc—Harnett Co
County—Harnett
Parts:
Low Income
Low Inc/MFW—Henderson
County—Henderson
Parts:
Low Inc/MFW
Medicaid—Gatson Co
County—Gaston
Parts:
Medicaid Eligible

DENTAL: North Carolina
Facility Listing

Facility Name
FCI Butner
County—Granville

DENTAL: North Dakota
County Listing

County Name
*Benson
*Billings
*Dunn
*Foster
*Golden Valley
*Kidder
*McKenzie
*Rolette
*Sioux
*Slope
*Towner

DENTAL: Ohio
County Listing

County Name
*Adams
Population Group: Low Inc—Adams Co
Hamilton
Service Area: Avondale
Service Area: East/Lower Price Hill/S Fairmont
Service Area: Millvale
Service Area: Winton Hills (Cincinnati)
Lucas
Population Group: Low Inc—Old West End/Center City/Door
Mahoning
Population Group: Low Inc—Ne Youngstown

DENTAL: Ohio
Service Area Listing

Service Area Name
Avondale
County—Hamilton
Parts:
C.T. 32
C.T. 34
C.T. 66–69
East/Lower Price Hill/S Fairmont
County—Hamilton
Parts:
C.T. 87
C.T. 89
C.T. 91–96
C.T. 103
Millvale
County—Hamilton
Parts:
C.T. 28
C.T. 77
C.T. 85.02
C.T. 86.01
Winton Hills (Cincinnati)
County—Hamilton
Parts:
C.T. 80

DENTAL: Ohio
Population Group Listing

Population Group
Low Inc—Adams Co
County—Adams
Parts:
Low Income
Low Inc—Ne Youngstown
County—Mahoning
Parts:
C.T. 8001–8007
C.T. 8034–8035
C.T. 8037
C.T. 8040–8044
Low Inc—Old West End/Center City/Door
County—Lucas
Parts:
C.T. 8
C.T. 14–16
C.T. 21–23
C.T. 24.01–24.02
C.T. 25–28
C.T. 31–37

DENTAL: Oklahoma
County Listing

County Name
*Beaver
*Caddo
Canadian
Facility: FCI El Reno
*Coal
Creek
*Dewey
*Haskell
*Lincoln
*McCurtain
*Murray
*Okfuskee
*Tillman
Tulsa
Population Group: Am In—Tulsa

DENTAL: Oklahoma
Population Group Listing

Population Group
Am In—Tulsa
County—Tulsa
Parts:
American Indian

DENTAL: Oklahoma
Facility Listing

Facility Name
FCI El Reno
County—Canadian

DENTAL: Oregon
County Listing

County Name
Clackamas
*Curry
Service Area: Port Orford
*Gilliam
*Harney
Population Group: Dent Ind—Harney Co
*Hood River
Population Group: Low Inc/MFW—Hood River Co
Jackson
Population Group: Dent Ind—Jackson Co
*Josephine
Population Group: Low Inc—Josephine Co
Lane
Population Group: Low Inc—Lowell
*Malheur
Population Group: Low Inc/MFW—Malheur Co
Marion
Population Group: Low Inc/MSFW—Marion/Polk/Yamhill
*Morrow
Multnomah
Population Group: Dent Ind—Multnomah Co
Polk
Population Group: Low Inc/MSFW—Marion/Polk/Yamhill
*Sherman
*Tillamook
Population Group: Low Inc—Tillamook Co
*Umatilla
Population Group: Low Inc/MFW—Umatilla Co
*Wasco
Population Group: Low Inc/MFW—Wasco Co
Washington
Population Group: Low Inc/MFW—Washington Co
*Wheeler
Yamhill
Population Group: Low Inc/MSFW—Marion/Polk/Yamhill

DENTAL: Oregon
Service Area Listing

Service Area Name
Port Orford
County—Curry
Parts:
Port Orford Division

DENTAL: Oregon
Population Group Listing

Population Group

Dent Ind—Harney Co
County—Harney
Parts:
Dentally Indigent
Dent Ind—Jackson Co
County—Jackson
Parts:
Dentally Indigent
Dent Ind—Multnomah Co
County—Multnomah
Parts:
Dentally Indigent
Low Inc—Josephine Co
County—Josephine
Parts:
Low Income
Low Inc—Lowell
County—Lane
Parts:
Lowell CCD
Low Inc—Tillamook Co
County—Tillamook
Parts:
Low Income
Low Inc/MFW—Hood River Co
County—Hood River
Parts:
Low Income
MFW
Low Inc/MFW—Malheur Co
County—Malheur
Parts:
Low Income/MFW
Low Inc/MFW—Umatilla Co
County—Umatilla
Parts:
Low Income
MFW
Low Inc/MFW—Wasco Co
County—Wasco
Parts:
Low Income
MFW
Low Inc/MFW—Washington Co
County—Washington
Parts:
Low Income/MFW
Low Inc/MSFW—Marion/Polk/Yamhill
County—Marion
Parts:
Low Income/MFW
County—Polk
Parts:
Low Inc/MFW
County—Yamhill
Parts:
Low Income/MFW

DENTAL: Pennsylvania
County Listing

County Name

Adams
Population Group: MFW—Adams/Franklin
Beaver
Population Group: Low Inc—Beaver Co
Berks
Population Group: Low Inc—Welsh Mountain
*Bradford
Population Group: Low Inc—Bradford Co
Chester
Population Group: Low Inc—Welsh Mountain
Dauphin
Population Group: Dent Ind—Harrisburg
Fayette
Service Area: Greensboro
*Franklin
Population Group: MFW—Adams/Franklin
*Greene
Service Area: Greensboro
*Huntingdon
Service Area: Cromwell
Lancaster
Population Group: Low Inc—Welsh Mountain
Population Group: Low Inc—Se Lancaster City
*Lawrence
Population Group: Low Inc—Lawrence Co
*McKean
Facility: FCI Mckean
Mercer
Population Group: Low Inc—Sharon/Farrell
Philadelphia
Population Group: Low Inc—Lower North Philadelphia
*Schuylkill
Facility: FCI—Schuylkill
*Union
Population Group: Inmates—FPC Allenwood
Population Group: Inmates—LSCI Allenwood
Facility: FCI Allenwood
Facility: USP—Lewisburg
Facility: USP Allenwood
York
Service Area: York City

DENTAL: Pennsylvania
Service Area Listing

Service Area Name

Cromwell
County—Huntingdon
Parts:
Clay Twp
Cromwell Twp
Dublin Twp
Orbisonia Boro
Rockhill Furnace Boro
Saltillo Boro
Shade Gap Boro
Springfield Twp
Tell Twp
Three Springs Boro
Greensboro
County—Fayette
Parts:
German Township
Masontown Borough
Nicholson Township
Point Marion Borough
Springhill Township
County—Greene
Parts:
Dunkard Township
Greene Township
Greensboro Borough
Monongahela Township
York City
County—York
Parts:
C.T. 1–3
C.T. 5
C.T. 7
C.T. 9–12
C.T. 15–16

DENTAL: Pennsylvania
Population Group Listing

Population Group

Dent Ind—Harrisburg
County—Dauphin
Parts:
C.T. 201–217
Inmates—FPC Allenwood
County—Union
Parts:
FPC Allenwood
Inmates—LSCI Allenwood
County—Union
Parts:
LSCI Allenwood
Low Inc—Beaver Co
County—Beaver
Parts:
Low Income
Low Inc—Bradford Co
County—Bradford
Low Inc—Lawrence Co
County—Lawrence
Parts:
Low Income
Low Inc—Lower North Philadelphia
County—Philadelphia
Parts:
C.T. 125–149
C.T. 151–182
C.T. 192
C.T. 195
C.T. 200–201
Low Inc—Se Lancaster City
County—Lancaster
Parts:
C.T. 1
C.T. 7–9
C.T. 14–16
Low Inc—Sharon/Farrell
County—Mercer
Parts:
C.T. 301–309
Low Inc—Welsh Mountain
County—Berks
Parts:
Brecknock Twp
Caernarvon Twp
County—Chester
Parts:
Honey Brook Twp
Honey Brook Boro
County—Lancaster
Parts:
Adamstown Boro
Akron Boro
Brecknock Twp
Caernarvon Twp
Christiana Boro
Denver Boro
Earl Twp
East Cocalico Twp
East Earl Twp
Ephrata Boro

DENTAL: Pennsylvania
Population Group Listing

Population Group

Ephrata Twp
Leacock Twp
New Holland Boro
Paradise Twp
Sadsbury Twp
Salisbury Twp
Terre Hill Boro
Upper Leacock Twp
West Earl Twp
MFW—Adams/Franklin
County—Adams
Parts:
MFW
County—Franklin
Parts:
MFW

DENTAL: Pennsylvania
Facility Listing

Facility Name

FCI—Schuylkill
County—Schuylkill
FCI Allenwood
County—Union
FCI Mckean
County—McKean
USP—Lewisburg
County—Union
USP Allenwood
County—Union

DENTAL: Rhode Island
County Listing

County Name

Newport
Population Group: Low Inc—Newport Co
Providence
Population Group: Low Inc—Nw Woonsocket
Population Group: Low Inc—Providence City
Population Group: Low Inc—C Falls/N Pawtucket
Facility: Allen Berry Hlth Ctr
Facility: Central Hlth Ctr Providence
Washington
Population Group: Low Inc—Wakefield/Kingstown/Narraga

DENTAL: Rhode Island
Population Group Listing

Population Group

Low Inc—C Falls/N Pawtucket
County—Providence
Parts:
C.T. 108–111
C.T. 149
C.T. 151–153
C.T. 161
Low Inc—Newport Co
County—Newport
Parts:
Low Income
Low Inc—Nw Woonsocket
County—Providence
Parts:
C.T. 172
C.T. 174
C.T. 176

DENTAL: Rhode Island
Population Group Listing

Population Group

C.T. 178–183
Low Inc—Providence City
County—Providence
Parts:
C.T. 1–23
C.T. 25–33
C.T. 35–37
Low Inc—Wakefield/Kingstown/Narraga
County—Washington
Parts:
Narragansett Town
S. Kingstown Town

DENTAL: Rhode Island
Facility Listing

Facility Name

Allen Berry Hlth Ctr
County—Providence
Central Hlth Ctr Providence
County—Providence

DENTAL: South Carolina
County Listing

County Name

*Abbeville
Aiken
Service Area: Springfield
*Bamberg
*Beaufort
Service Area: Sheldon
Charleston
Service Area: McClellanville/Sampit-Santee
Service Area: Sea Islands
Cherokee
*Chesterfield
Service Area: Sandhills
*Clarendon
*Colleton
Service Area: Smoaks/Lodge
*Dillon
Dorchester
Service Area: St George
Florence
Service Area: Olanta
*Georgetown
Service Area: McClellanville/Sampit-Santee
*Hampton
Facility: FCI Estill
Horry
Service Area: Little River
Service Area: Loris-Aynor
*Jasper
*Kershaw
Service Area: Bethune/Mt. Pisgah
*Lee
*Marion
*Marlboro
*McCormick
*Orangeburg
Service Area: Eastern Orangeburg
Service Area: Springfield
Richland
Service Area: Eastover
*Saluda
Sumter
*Williamsburg
York
Service Area: Western York

DENTAL: South Carolina
Service Area Listing

Service Area Name

Bethune/Mt. Pisgah
County—Kershaw
Parts:
Bethune CCD
Mt. Pisgah CCD
Eastern Orangeburg
County—Orangeburg
Parts:
Bowman CCD
Branchville CCD
Elloree CCD
Eutawville CCD
Holly Hill CCD
Vance CCD
Eastover
County—Richland
Parts:
Eastover CCD
Hopkins CCD
Horrell Hill CCD
Little River
County—Horry
Parts:
C.T. 301
C.T. 401–402
C.T. 603
Loris-Aynor
County—Horry
Parts:
Aynor CCD
Loris CCD
McClellanville/Sampit-Santee
County—Charleston
Parts:
McClellanville CCD
County—Georgetown
Parts:
Sampit-Santee CCD
Olanta
County—Florence
Parts:
Olanta CCD
Sardis CCD
Sandhills
County—Chesterfield
Parts:
Jefferson CCD
McBee CCD
Pageland CCD
Sea Islands
County—Charleston
Parts:
Edisto Is CCD
James Is CCD
Johns Is CCD
Wadmalaw Is CCD
Sheldon
County—Beaufort
Parts:
Sheldon CCD
Smoaks/Lodge
County—Colleton
Parts:
Lodge CCD
Smoaks CCD
Springfield
County—Aiken
Parts:
Salley CCD
Wagener CCD
County—Orangeburg
Parts:

DENTAL: South Carolina
Service Area Listing

Service Area Name

Springfield CCD
St George
County—Dorchester
Parts:
Harleyville CCD
Reevesville CCD
Ridgeville CCD
St George CCD
Western York
County—York
Parts:
Clover CCD
Hickory Grove CCD
McConnells CCD
York CCD

DENTAL: South Carolina
Facility Listing

Facility Name

FCI Estill
County—Hampton

DENTAL: South Dakota
County Listing

County Name

*Roberts

DENTAL: Tennessee
County Listing

County Name

*Bledsoe
*Claiborne
Davidson
Population Group: Pov/Homeless—Nashville
Fayette
Grainger
*Grundy
Hamilton
Population Group: Low Inc—Central Chattanooga
*Hancock
*Johnson
*Macon
*Morgan
*Pickett
*Scott
Shelby
Service Area: Free The Children Target Area
Facility: FCI Memphis
Union
*Wayne
Facility: South Central Corr Ctr

DENTAL: Tennessee
Service Area Listing

Service Area Name

Free The Children Target Area
County—Shelby
Parts:
C.T. 5
C.T. 18–20

DENTAL: Tennessee
Population Group Listing

Population Group

Low Inc—Central Chattanooga
County—Hamilton
Parts:
C.T. 1–8
C.T. 10–16
C.T. 18–21
C.T. 23–27
C.T. 31
C.T. 115
Pov/Homeless—Nashville
County—Davidson
Parts:
C.T. 113–114
C.T. 117–129
C.T. 133–148
C.T. 160–166
C.T. 168–172

DENTAL: Tennessee
Facility Listing

Facility Name

FCI Memphis
County—Shelby
South Central Corr Ctr
County—Wayne

DENTAL: Texas
County Listing

County Name

Bastrop
Facility: FCI Bastrop
*Bee
Facility: Garza West & East Units
Bexar
Service Area: East Side (San Antonio)
Service Area: South Side (San Antonio)
Service Area: West Side (San Antonio)
Facility: Bexar Co State Jail
Dallas
Service Area: South Dallas
El Paso
Service Area: Southeast El Paso
*Frio
*Grimes
Population Group: Inmates—FPC Bryan
*Howard
Population Group: Inmates—FCI Big Spring
Jefferson
Service Area: North Beaumont
Service Area: South Beaumont
*Nacogdoches
Population Group: Low Inc—Nacogdoches Co
Travis
Service Area: Dove Springs
Service Area: East Austin
Service Area: South Austin
*Wharton
Population Group: Low Inc—Wharton Co

DENTAL: Texas
Service Area Listing

Service Area Name

Dove Springs
County—Travis
Parts:
C.T. 24.11–24.13
East Austin
County—Travis
Parts:
C.T. 4.02
C.T. 8.01–8.04
C.T. 9.01–9.02
C.T. 10
C.T. 18.11–18.12
C.T. 21.04–21.13
C.T. 22.01–22.02
C.T. 22.05
East Side (San Antonio)
County—Bexar
Parts:
C.T. 1101–1104
C.T. 1109–1110
C.T. 1301–1306
C.T. 1307.85
C.T. 1308–1313
C.T. 1401
North Beaumont
County—Jefferson
Parts:
C.T. 1.03
C.T. 6–9
South Austin
County—Travis
Parts:
C.T. 23.04
C.T. 23.10–23.12
C.T. 24.16
South Beaumont
County—Jefferson
Parts:
C.T. 10
C.T. 12
C.T. 14–26
South Dallas
County—Dallas
Parts:
C.T. 25
C.T. 27.01–27.02
C.T. 28–29
C.T. 33–38
C.T. 39.01–39.02
C.T. 40
C.T. 93.03–93.04
C.T. 115
C.T. 116.01
South Side (San Antonio)
County—Bexar
Parts:
C.T. 1402–1412
C.T. 1416–1418
C.T. 1501–1522
C.T. 1609
C.T. 1610.85
C.T. 1611–1612
C.T. 1619–1620
Southeast El Paso
County—El Paso
Parts:
C.T. 17–21
C.T. 28–32
C.T. 35–36
C.T. 37.01–37.02
C.T. 38.01–38.02
C.T. 39.01–39.03
C.T. 40.01–40.02
C.T. 41.03–41.07
C.T. 42.01–42.02
C.T. 103.10
C.T. 104.01–104.04
C.T. 105

DENTAL: Texas
Service Area Listing

Service Area Name

West Side (San Antonio)
County—Bexar
Parts:
C.T. 1105–1108
C.T. 1601–1606
C.T. 1607.85
C.T. 1616
C.T. 1701–1716
C.T. 1901–1902

DENTAL: Texas
Population Group Listing

Population Group

Inmates—FCI Big Spring
County—Howard
Parts:
FCI Big Spring
Inmates—FPC Bryan
County—Grimes
Parts:
FPC Bryan
Low Inc—Nacogdoches Co
County—Nacogdoches
Parts:
Low Income
Low Inc—Wharton Co
County—Wharton
Parts:
Low Income

DENTAL: Texas
Facility Listing

Facility Name

Bexar Co State Jail
County—Bexar
FCI Bastrop
County—Bastrop
Garza West & East Units
County—Bee

DENTAL: Utah
County Listing

County Name

*Daggett
*Duchesne
Population Group: Pov Pop—Duchesne Co
*Emery
*Piute
*Rich
Salt Lake
Population Group: Low Income—Nw Salt Lake
Facility: Utah St. Prison (Draper)
*San Juan
Population Group: Low Inc—San Juan Co
*Uintah
Population Group: Low Income—Uintah Co
Utah
Population Group: Pov/MFW—Utah Co
*Washington
Service Area: Hildale
*Wayne

DENTAL: Utah
Service Area Listing

Service Area Name

Hildale
County—Washington
Parts:
Hildale Town

DENTAL: Utah
Population Group Listing

Population Group

Low Inc—San Juan Co
County—San Juan
Parts:
Low Income
Low Income—Nw Salt Lake
County—Salt Lake
Parts:
C.T. 1001
C.T. 1003.03–1003.04
C.T. 1004–1006
C.T. 1019–1027
Low Income—Uintah Co
County—Uintah
Parts:
Low Income
Pov Pop—Duchesne Co
County—Duchesne
Parts:
Pov Pop
Pov/MFW—Utah Co
County—Utah
Parts:
Migrant
Pov Pop

DENTAL: Utah
Facility Listing

Facility Name

Utah St. Prison (Draper)
County—Salt Lake

DENTAL: Vermont
County Listing

County Name

*Essex
Grand Isle

DENTAL: Virginia
County Listing

County Name

Accomack
Service Area: Accomack/Northampton
*Brunswick
*Buchanan
*Charlotte
*Dickenson
*Lee
*Nelson
Service Area: Lovingston
Newport News
Service Area: Newport News
Northampton
Service Area: Accomack/Northampton
Richmond City
Service Area: East End Richmond
*Russell

DENTAL: Virginia
Service Area Listing

Service Area Name

Accomack/Northampton
County—Accomack
County—Northampton
East End Richmond
County—Richmond City
Parts:
C.T. 201–212
Lovingston
County—Nelson
Parts:
Lovingston Dist
Massies Mill Dist
Schuyler Dist
Newport News
County—Newport News
Parts:
C.T. 302
C.T. 302.99
C.T. 303.98
C.T. 304–306
C.T. 308–309
C.T. 313

DENTAL: Virginia
Facility Listing

Facility Name

FCI—Petersburg

DENTAL: Washington
County Listing

County Name

*Adams
Population Group: Low Inc/MFW—Othello/Royal City
Benton
Population Group: Low Inc/MFW—Benton/Franklin
*Chelan
Population Group: MFW—Chelan/Douglas
*Columbia
Population Group: MSFW-Columbia & Walla Walla
*Douglas
Population Group: MFW—Chelan/Douglas
Franklin
Population Group: Low Inc/MFW—Benton/Franklin
Facility: Coyote Ridge Corr Inst
*Grant
Population Group: Low Inc/MFW—Central Grant Co
Population Group: Low Inc/MFW—Othello/Royal City
*Island
Population Group: Low Inc—Island Co
Kitsap
Population Group: Low Inc—Central Bremerton
*Klickitat
Population Group: Low Inc—E Klickitat Co
Population Group: Low Inc/MFW—W Klickitat Co
*Lewis
Service Area: Morton
*Lincoln
Service Area: Odessa
*Mason
Facility: Wa Corr/Reception Ctr
*Okanogan
Population Group: MSFW—Okanogan Co
*Pend Oreille

DENTAL: Washington
County Listing

County Name

Service Area: Ione/Metaline
Pierce
Population Group: Medicaid—Pierce Co
Facility: Wa Corr Ctr For Women
*Skagit
Population Group: Low Inc/MFW—Skagit/Whatcom
Snohomish
Population Group: Low Inc—Snohomish Co
Spokane
Population Group: Pov Pop—Spokane
*Wahkiakum
*Walla Walla
Population Group: MSFW-Columbia & Walla Walla
Facility: Wa State Pen
Whatcom
Population Group: Low Inc/MFW—Skagit/Whatcom
Yakima
Population Group: MSFW—Toppenish/Grandview

DENTAL: Washington
Service Area Listing

Service Area Name

Ione/Metaline
County—Pend Oreille
Parts:
Ione-Metaline Falls Division
Morton
County—Lewis
Parts:
Big Bottom Division
Mineral Division
Morton Division
Mossyrock Division
Odessa
County—Lincoln
Parts:
Odessa Division

DENTAL: Washington
Population Group Listing

Population Group

Low Inc—Central Bremerton
County—Kitsap
Parts:
C.T. 805–806
C.T. 810–813
Low Inc—E Klickitat Co
County—Klickitat
Parts:
Goldendale CCD
Horse Heaven CCD
Low Inc—Island Co
County—Island
Parts:
Low Income
Low Inc—Snohomish Co
County—Snohomish
Parts:
Low Income
Low Inc/MFW—Benton/Franklin
County—Benton
Parts:
Low Income
MFW
County—Franklin

DENTAL: Washington
Population Group Listing

Population Group

Parts:
Low Income
MFW
Low Inc/MFW—Central Grant Co
County—Grant
Parts:
Ephrata-Soap Lake CCD
George CCD
Gloyd CCD
Moses Lake CCD
Quincy CCD
Warden CCD
Wilson Creek CCD
Low Inc/MFW—Othello/Royal City
County—Adams
Parts:
Low Inc/MFW—Adams Co
County—Grant
Parts:
Low Inc/MFW—S Slopes C
Low Inc/MFW—Skagit/Whatcom
County—Skagit
Parts:
Low Income
MFW
County—Whatcom
Parts:
Low Income
MFW
Low Inc/MFW—W Klickitat Co
County—Klickitat
Parts:
Wahkiakus CCD
White Salmon CCD
Yakima Res CCD
Medicaid—Pierce Co
County—Pierce
Parts:
Medicaid Eligible
MFW—Chelan/Douglas
County—Chelan
Parts:
MFW
County—Douglas
Parts:
MFW
MSFW—Okanogan Co
County—Okanogan
Parts:
MSFW
MSFW—Toppenish/Grandview
County—Yakima
Parts:
Mabton CCD
S Yakima CCD
Sunnyside CCD
Toppenish/Wapato CCD
MSFW-Columbia & Walla Walla
County—Columbia
Parts:
MSFW
County—Walla Walla
Parts:
MSFW
Pov Pop—Spokane
County—Spokane
Parts:
Spokane CCD

DENTAL: Washington
Facility Listing

Facility Name

Coyote Ridge Corr Inst
County—Franklin
Wa Corr Ctr For Women
County—Pierce
Wa Corr/Reception Ctr
County—Mason
Wa State Pen
County—Walla Walla

DENTAL: West Virginia
County Listing

County Name

*Calhoun
*Hampshire
Service Area: Baker
*Hardy
Service Area: Baker
Kanawha
Service Area: Cedar Grove
*Lincoln
*Monongalia
Service Area: Clay/Battelle (WV/PA)
Population Group: Inmates—FCI Morgantown
*Monroe
Population Group: Inmates—FPC Alderson
Wayne
Service Area: Wayne/Fort Gay
*Wetzel
Service Area: Clay/Battelle (WV/PA)

DENTAL: West Virginia
Service Area Listing

Service Area Name

Baker
County—Hampshire
Parts:
Capon Dist
County—Hardy
Parts:
Capon Dist
Lost River Dist
Cedar Grove
County—Kanawha
Parts:
C.T. 118
Clay/Battelle (WV/PA)
County—Monongalia
Parts:
C.T. 114
County—Wetzel
Parts:
C.T. 304
Wayne/Fort Gay
County—Wayne
Parts:
Butler Dist.
Stonewall Dist.
Union Dist.

DENTAL: West Virginia
Population Group Listing

Population Group

Inmates—FCI Morgantown
County—Monongalia
Parts:
FCI Morgantown
Inmates—FPC Alderson
County—Monroe

DENTAL: West Virginia
Population Group Listing

Population Group

Parts:
FPC Alderson

DENTAL: Wisconsin
County Listing

County Name

*Adams
Facility: FCI Oxford
*Forest
Service Area: Mountain
Kenosha
Population Group: Low Inc—Kenosha City
*Langlade
Service Area: Mountain
Milwaukee
Service Area: Inner City West
Service Area: Inner City North (Milwaukee)
Population Group: Low Inc—Inner City South
*Monroe
Population Group: Low Inc—Westby/Cashton
*Oconto
Service Area: Mountain
*Vernon
Population Group: Low Inc—Westby/Cashton

DENTAL: Wisconsin
Service Area Listing

Service Area Name

Inner City North (Milwaukee)
County—Milwaukee
Parts:
C.T. 66–72
C.T. 79–86
C.T. 101–107
C.T. 114–118
C.T. 139–142
C.T. 145–147
C.T. 151
Inner City West
County—Milwaukee
Parts:
C.T. 62
C.T. 87–90
C.T. 96–100
C.T. 119–123
C.T. 133–138
C.T. 148–149
Mountain
County—Forest
Parts:
Blackwell Twn.
Freedom Twn.
Wabeno Twn.
County—Langlade
Parts:
Evergreen Twn.
Langlade Twn.
White Lake Vil.
Wolf River Twn.
County—Oconto
Parts:
Armstrong Twn.
Bagley Twn.
Brazeau Twn.
Breed Twn.
Doty Twn.
Lakewood Twn.

DENTAL: Wisconsin
Service Area Listing

Service Area Name

Riverview Twn.
Townsend Twn.

DENTAL: Wisconsin
Population Group Listing

Population Group

Low Inc—Inner City South
County—Milwaukee
Parts:
C.T. 155–159
C.T. 162–169
C.T. 174–177
C.T. 178.98
C.T. 179
C.T. 180.97–180.98
Low Inc—Kenosha City
County—Kenosha
Parts:
C.T. 7–12
C.T. 16
Low Inc—Westby/Cashton
County—Monroe
Parts:
Cashton Vil
Jefferson Town
Melvina Vil
Norwalk Vil
Portland Town
Ridgeville Town
Sheldon Town
Wellington Town
County—Vernon
Parts:
Christiana Town
Clinton Town
Forest Town
Ontario Vil
Westby City
Whitestown Town

DENTAL: Wisconsin
Facility Listing

Facility Name

FCI Oxford
County—Adams

DENTAL: American Samoa
County Listing

County Name

Eastern
Service Area: Terr. Of American Samoa
Manua
Service Area: Terr. Of American Samoa
Rose Island
Service Area: Terr. Of American Samoa
Swains Island
Service Area: Terr. Of American Samoa
Western
Service Area: Terr. Of American Samoa

DENTAL: American Samoa
Service Area Listing

Service Area Name

Terr. Of American Samoa
County—Eastern
County—Manua
County—Rose Island
County—Swains Island
County—Western

DENTAL: Fed Ste Micronesia
County Listing

County Name

*Chuuk State
*Kosrae State
*Pohnpei State
*Yap State

DENTAL: Guam
County Listing

County Name

*Guam

DENTAL: Marshall Islands
County Listing

County Name

Ailinginae
Service Area: Marshall Islands
Ailinglaplap
Service Area: Marshall Islands
Ailuk
Service Area: Marshall Islands
Arno
Service Area: Marshall Islands
Aur
Service Area: Marshall Islands
Bikar
Service Area: Marshall Islands
Bikini
Service Area: Marshall Islands
Bokak
Service Area: Marshall Islands
Ebon
Service Area: Marshall Islands
Enewetak
Service Area: Marshall Islands
Erikub
Service Area: Marshall Islands
Jabat
Service Area: Marshall Islands
Jaluit
Service Area: Marshall Islands
Jemo Island
Service Area: Marshall Islands
Kili
Service Area: Marshall Islands
Kwajalein
Service Area: Marshall Islands
Lae
Service Area: Marshall Islands
Lib
Service Area: Marshall Islands
Likiep
Service Area: Marshall Islands
Majuro
Service Area: Marshall Islands
Maloelap
Service Area: Marshall Islands
Mejit
Service Area: Marshall Islands
Mili
Service Area: Marshall Islands
Namorik
Service Area: Marshall Islands
Namu
Service Area: Marshall Islands
Rongelap
Service Area: Marshall Islands
Rongrik
Service Area: Marshall Islands
Taka
Service Area: Marshall Islands
Ujae

DENTAL: Marshall Islands
County Listing

County Name

Service Area: Marshall Islands
Ujelang
Service Area: Marshall Islands
Utrik
Service Area: Marshall Islands
Wotho
Service Area: Marshall Islands
Wotje
Service Area: Marshall Islands

DENTAL: Marshall Islands
Service Area Listing

Service Area Name

Marshall Islands
County—Ailinginae
County—Ailinglaplap
County—Ailuk
County—Arno
County—Aur
County—Bikar
County—Bikini
County—Bokak
County—Ebon
County—Enewetak
County—Erikub
County—Jabat
County—Jaluit
County—Jemo Island
County—Kili
County—Kwajalein
County—Lae
County—Lib
County—Likiep
County—Majuro
County—Maloelap
County—Mejit
County—Mili
County—Namorik
County—Namu
County—Rongelap
County—Rongrik
County—Taka
County—Ujae
County—Ujelang
County—Utrik
County—Wotho
County—Wotje

DENTAL: N. Mariana Islands
County Listing

County Name

*Mariana Island District

DENTAL: Republic of Palau
County Listing

County Name

*Republic Of Palau

DENTAL: Puerto Rico
County Listing

County Name

*Adjuntas
Aguada
Aguadilla
*Aguas Buenas

DENTAL: Puerto Rico
County Listing

County Name

*Aibonito
Anasco
*Arecibo
*Arroyo
*Barceloneta
*Barranquitas
*Bayamon
Population Group: Low Inc—Bayamon
Cabo Rojo
*Caguas
Population Group: Low Inc—Caguas
*Camuy
*Canovanas
*Carolina
*Catano
*Cayey
*Ceiba
*Ciales
*Cidra
*Coamo
*Comerio
*Corozal
*Culebra
*Dorado
*Fajardo
Population Group: Low Inc—Fajardo
*Florida
*Guanica
*Guayama
Guayanilla
*Guaynabo
Population Group: Low Inc—Guaynabo
*Gurabo
*Hatillo
Hormigueros
*Humacao
Population Group: Low Inc—Humacao
*Isabela
*Jayuya
Juana Diaz
*Juncos
Population Group: Low Inc—Juncos
*Lajas
*Lares
*Las Marias
*Las Peidras
*Loiza
*Luquillo
*Manati
Population Group: Low Inc—Manati
*Maricao
*Maunabo
Mayaguez
Population Group: Low Inc—Mayaguez
Moca
*Morovis
*Naguabo
*Naranjito
*Orocovis
Population Group: Low Inc—Orocovis
*Patillas
Penuelas
Ponce
Population Group: Low Inc—Ponce
*Quebradillas
*Rincon
*Rio Grande
Sabana Grande
*Salinas

DENTAL: Puerto Rico
County Listing

County Name

San German
*San Juan
Population Group: Low Inc—San Juan
*San Lorenzo
*San Sebastian
*Santa Isabel
*Toa Alta
*Toa Baja
*Trujillo Alto
*Utuado
*Vega Alta
*Vega Baja
*Vieques
Villalba
*Yabucoa
Yauco

DENTAL: Puerto Rico
Population Group Listing

Population Group

Low Inc—Bayamon
County—Bayamon
Parts:
Low Income
Low Inc—Caguas
County—Caguas
Parts:
Low Income
Low Inc—Fajardo
County—Fajardo
Parts:
Low Income
Low Inc—Guaynabo
County—Guaynabo
Parts:
Low Income
Low Inc—Humacao
County—Humacao
Parts:
Low Income
Low Inc—Juncos
County—Juncos
Parts:
Low Income
Low Inc—Manati
County—Manati
Parts:
Low Income
Low Inc—Mayaguez
County—Mayaguez
Parts:
Low Income
Low Inc—Orocovis
County—Orocovis
Parts:
Low Income
Low Inc—Ponce
County—Ponce
Parts:
Low Income
Low Inc—San Juan
County—San Juan
Parts:
Low Income

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Friday
May 30, 1997

Part III

Department of Health and Human Services

Food and Drug Administration

International Conference on Harmonisation; Draft Guidelines on General Considerations for Clinical Trials; Availability; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97D–0188]

International Conference on Harmonisation; Draft Guideline on General Considerations for Clinical Trials; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a draft guideline entitled, ''General Considerations for Clinical Trials.'' The draft guideline was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The draft guideline sets forth general scientific principles for the conduct, performance, and control of clinical trials.

DATES: Written comments by July 1, 1997.

ADDRESSES: Submit written comments on the draft guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Copies of the draft guideline are available from the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4573. Single copies of the draft guideline may be obtained by mail from 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, or by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800. Copies may be obtained from CBER's FAX Information System at 1–888–CBER–FAX or 301–827–3844.

FOR FURTHER INFORMATION CONTACT:

Regarding the draft guideline: G. Alexander Fleming, Center for Drug Evaluation and Research (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3490.

Regarding the ICH: Janet J. Showalter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0864.

SUPPLEMENTARY INFORMATION: In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, the Canadian Health Protection Branch, and the European Free Trade Area.

At a meeting held on November 7, 1996, the ICH Steering Committee agreed that a draft guideline entitled, ''General Considerations for Clinical Trials'' should be made available for public comment. The draft guideline is the product of the Efficacy Expert Working Group of the ICH. Comments on this draft guideline will be considered by FDA and the Efficacy Expert Working Group.

The draft guideline is intended to describe internationally accepted principles and practices in the conduct of clinical trials and development strategy for new drug products, and to facilitate the evaluation and acceptance of foreign clinical trial data by promoting a common understanding of general principles and approaches. The draft guideline also presents an overview of ICH clinical safety and efficacy documents.

This guideline represents the agency's current thinking on general considerations for the conduct, performance, and control of clinical trials. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulations, or both.

Interested persons may, on or before July 1, 1997, submit to the Dockets Management Branch (address above) written comments on the draft guideline. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guideline and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday. An electronic version of this draft guideline is available on the Internet using the World Wide Web (WWW) (http://www.fda.gov/cder/guidance.htm) or through the CBER home page (http://www.fda.gov/cber/cberftp.html).

The text of the draft guideline follows:

General Considerations for Clinical Trials

1. Objectives of This Document

In the three ICH regions, the evolution of drug development strategies and evaluation processes has led to the issuance of regional guidances on general considerations for clinical trials and the clinical development process. This harmonized guideline is derived from those regional documents as well as from ICH guidelines.

The ICH document ''General Considerations for Clinical Trials'' is intended to:

(a) Describe internationally accepted principles and practices in the conduct of both individual clinical trials and overall development strategy for new medicinal products.

(b) Facilitate the evaluation and acceptance of foreign clinical trial data by promoting a common understanding of general principles, general approaches, and the definition of relevant terms.

(c) Present an overview of the ICH clinical safety and efficacy documents and facilitate the user's access to guidance pertinent to clinical trials within these documents. The relevant ICH documents are listed in Annex 1.

(d) Provide a glossary of terms (under development) used in the ICH clinical safety and efficacy related documents that pertain to clinical trials and indicate which documents contain these terms.

For the sake of brevity, the term ''drug'' has been used in this document. It should be

considered synonymous with ''medicinal product'' and ''pharmaceutical'' including vaccines and other biological products.

2. General Principles

2.1 Protection of clinical trial subjects

The principles and practices concerning protection of trial subjects are stated in the ICH Guideline on Good Clinical Practice (ICH E6). These principles have their origins in The Declaration of Helsinki and should be observed in the conduct of all human drug investigations.

Before any clinical trial is carried out, results of nonclinical investigations or previous human studies should be sufficient to indicate that the drug is safe for the proposed investigation in humans. The purpose and timing of animal pharmacology and toxicology studies intended to support studies of a given duration are discussed in ICH M3. The role of such studies for biotechnology products is cited in ICH S6.

Throughout drug development, emerging animal toxicological and clinical data should be reviewed and evaluated by competent clinicians and other experts to assess their implications for the safety of the trial subjects. In response to such findings, future studies and, when necessary, those in progress should be appropriately modified in a timely fashion to maintain the safety of trial participants. The investigator and sponsor share responsibility for the protection of clinical trial subjects together with the Institutional Review Board/Independent Ethics Committee. The responsibilities of these parties are described in ICH E6.

2.2 Scientific approach in design and analysis

Clinical trials should be designed, conducted, and analyzed according to sound scientific principles to achieve their objectives, and should be reported appropriately. The essence of rational drug development is to ask key questions and answer them with well-controlled clinical studies. The primary objectives of any study should be clear and explicitly stated.

Clinical studies can be classified according to objective (see Table 1). The cardinal logic behind serially conducted studies of a medicinal product is that the results of prior studies should influence the plan of later studies. Emerging data will frequently prompt a modification of the development strategy. For example, results of controlled trials may suggest further need for pharmacology studies. The availability of foreign clinical data, which can be extrapolated, may obviate the need to generate similar data in the new region (see ICH E5).

TABLE 1.—AN APPROACH TO CLASSIFYING CLINICAL STUDIES ACCORDING TO OBJECTIVE

Type of Study	*Objective* of Study	Study Examples
Human Pharmacology	•Assess tolerance •Define/describe pharmacokinetic (PK) and pharmacodynamic (PD) •Explore drug metabolism and drug interactions •Estimate activity	•Dose-tolerance studies •Single and multiple dose PK and/or PD studies •Drug interaction studies •Absorption, distribution, metabolism, excretion (ADME) studies
Therapeutic Exploratory	•Explore use for the targeted indication •Estimate dosage regimen •Provide basis for confirmatory study design, endpoints, methodologies	•Earliest controlled trials in narrow populations of relatively short duration, using surrogate or pharmacologic endpoints
Therapeutic Confirmatory	•Demonstrate/confirm effectiveness •Establish safety profile •Provide a basis for favorable benefit/risk relationship to support licensing	•Adequate and well controlled efficacy studies •Safety studies •Large simple trials
Therapeutic Use	•Refine understanding of benefit/risk relationship in general or special populations and/or environments •Identify less common adverse reactions •Refine dosing recommendation	•Comparative efficacy studies •Studies of mortality/morbidity outcomes •Large simple trials •Pharmacoeconomic studies

3. Development Methodology

This section covers issues and considerations relating to the development plan and to its individual component studies.

3.1 Considerations for the development plan

3.1.1 Nonclinical studies

Important considerations for determining the nature of nonclinical studies and their timing with respect to clinical trials include:

(a) Duration and total exposure proposed in individual patients.

(b) Characteristics of the drug (e.g., long half life, biotechnology products).

(c) Disease or condition targeted for treatment.

(d) Use in special populations (e.g., women of childbearing potential).

(e) Route of administration.

The need for nonclinical information including toxicology, pharmacology, and pharmacokinetics to support clinical trials is addressed in the ICH M3 and S6 documents.

3.1.1.1 *Safety studies.* For first studies in humans, the dose that is administered should be determined by careful examination of the prerequisite nonclinical pharmacological and toxicological evaluations (see ICH M3). Early nonclinical studies should provide sufficient information to support selection of the initial human dose and safe duration of exposure, and to provide information about physiological and toxicological effects of a new drug.

3.1.1.2 *Pharmacological studies.* The basis and direction of the clinical exploration and development rests on the nonclinical pharmacology profile, which includes information such as:

(a) Pharmacological basis of principal effects (mechanism of action).

(b) Dose-response or concentration-response relationships and duration of action.

(c) Study of the potential clinical routes of administration.

(d) Systemic general pharmacology, including pharmacological effects on major organ systems and physiological responses.

3.1.2 Quality of investigational medicinal products

Formulations used in clinical trials should be well characterized, including information on bioavailability wherever feasible. The formulation should be appropriate for the stage of drug development. Ideally, the supply of a formulation will be adequate to allow testing in a series of studies that examine a range of doses. During drug development different formulations of a drug are usually tested. Links between formulations established by bioequivalence studies or other means are important in interpreting clinical study results across the development program.

3.1.3 Phases of clinical development

Although clinical studies may be classified according to their objectives, the concept that clinical drug development is comprised of four temporal phases (I–IV) is widely used. It is important to appreciate that this is a description, not a set of requirements, and that for some drugs and development programs the typical sequence will not be appropriate or necessary. Each of the four individual categories of studies by objective roughly corresponds to one of the four temporal phases of drug development. For example, human pharmacology studies are typically conducted during Phase I. However, many such studies are conducted at each of

the other three stages, but nonetheless sometimes labeled as Phase I studies. Figure 1 demonstrates this close but variable correlation between the two classification systems. The distribution of the points of the graph shows that the types of study are not synonymous with the phases of development.

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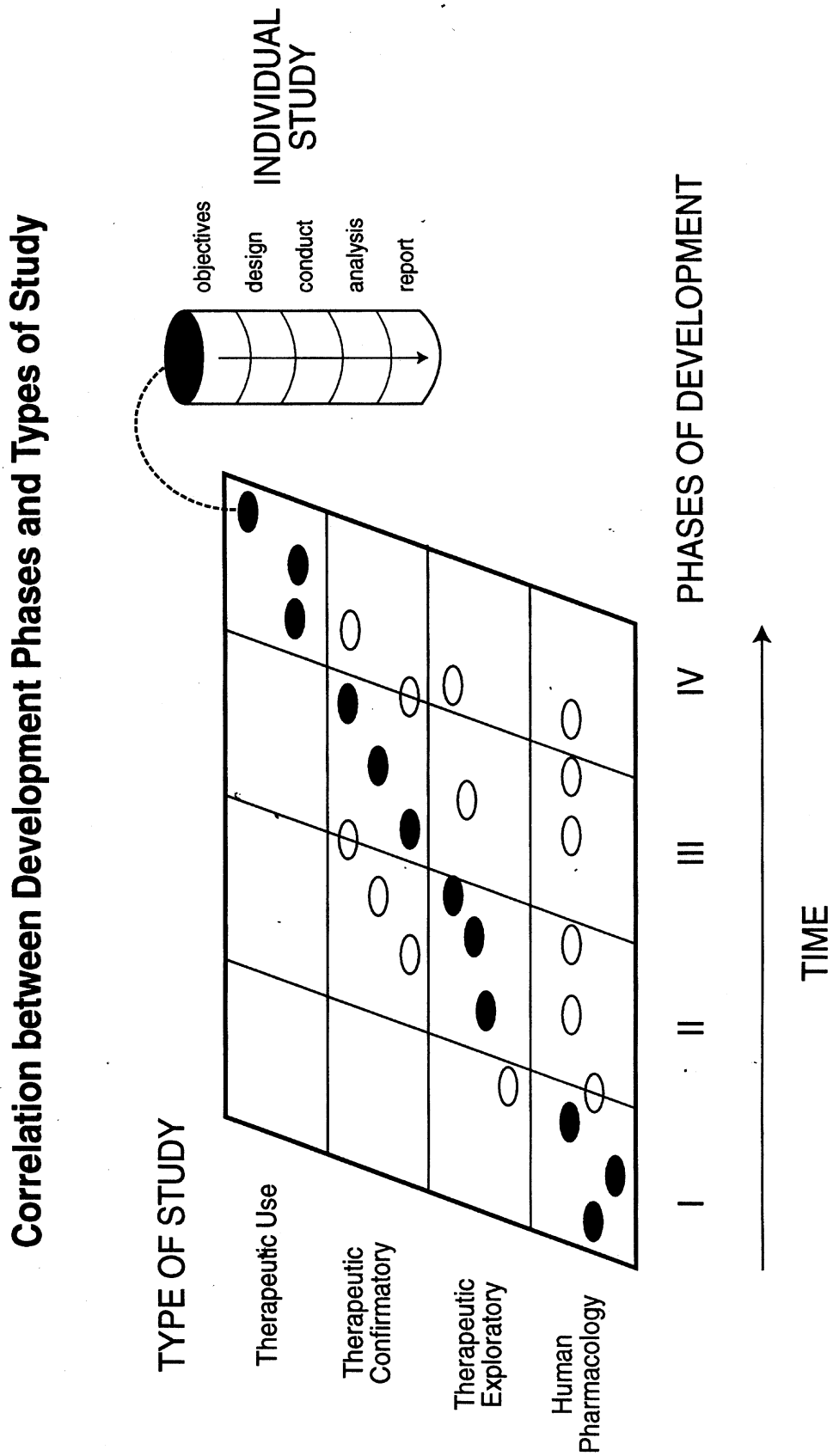

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Figure 1—This matrix graph illustrates the relationship between the phases of development and types of study by objective that may be conducted during the clinical development of a new medicinal product. The shaded circles show the types of study most usually conducted in a certain phase of development; the open circles show certain types of study that may be conducted in a phase of development which may be less usual (see text for details). Each circle represents an individual study. To illustrate, one circle is joined by a dotted line to an inset column which depicts the elements and sequence of an individual study.

Drug development is ideally a step-wise procedure in which information from small early studies is used to support and plan later larger, more definitive studies. To develop new drugs efficiently, it is essential to identify important characteristics of the investigational medicine in the early stages of development and to plan an appropriate development based on this profile.

Initial trials provide an early evaluation of short-term safety and tolerability and can provide pharmacodynamic and pharmacokinetic information needed to choose a suitable dosage range and administration schedule for initial exploratory therapeutic trials. Later confirmatory studies are generally larger and longer and include a more diverse patient population. Dose-response information should be obtained at all stages of development, from early tolerance studies, to studies of short-term pharmacodynamic effect, to large effectiveness studies (see ICH E4). Throughout development, new data may suggest the need for additional studies that are typically part of an earlier phase. For example, blood level data in a late trial may suggest a need for a drug-drug interaction study or adverse effects may suggest the need for further dose finding and/or additional nonclinical studies. Other open circles represent preplanned studies conducted in a less usual phase, e.g., drug-drug interaction studies in Phase III. These studies are represented by open circles in Figure 1.

3.1.3.1 *Phase I (Most typical kind of study: Human pharmacology).* Phase 1 starts with the initial administration of an investigational new drug into humans.

While human pharmacology studies are typically identified with Phase I, they may also be indicated at other points in the development sequence. Studies in this phase of development usually have nontherapeutic objectives and may be conducted in healthy volunteer subjects or certain types of patients, e.g., patients with mild hypertension. Drugs with significant potential toxicity, e.g., cytotoxic drugs, are usually studied in patients. Studies in this phase can be open, baseline controlled or may use randomization with or without blinding, to improve the validity of observations.

Studies conducted in Phase I typically involve one or a combination of the following aspects:

(a) Estimation of initial safety and tolerability

The initial and subsequent administration of an investigational new drug into humans are usually intended to determine the tolerability, and in particular, the highest dose with acceptable tolerability. These studies typically include both single and multiple dose administration.

(b) Determination of pharmacokinetics

Preliminary characterization of a drug's absorption, distribution, metabolism, and excretion is almost always an important goal of Phase I. Pharmacokinetics may be assessed via separate studies or as a part of safety and tolerance studies. Pharmacokinetic studies are performed to assess the presence of accumulation of parent drug or metabolites and to assess pharmacokinetic changes over time. Some pharmacokinetic studies are commonly conducted in later phases to answer more specialized questions. For many orally administered drugs, especially modified release products, the study of food effects on bioavailability is important. Obtaining pharmacokinetic information in subpopulations such as patients with impaired elimination (renal or hepatic failure), the elderly, children, women, and ethnic subgroups should be considered. Drug-drug interaction studies are important for many drugs but are generally performed in phases beyond Phase I.

(c) Assessment of pharmacodynamics

Depending on the drug and the endpoint studied, pharmacodynamic studies and studies relating drug blood levels to response (PK/PD studies) may be conducted in healthy volunteer subjects or in patients with the target disease. In patients, if there is an appropriate measure, pharmacodynamic data can provide early estimates of activity and potential effectiveness and may guide the dosage and dose regimen in later studies.

(d) Early measurement of activity

Preliminary studies of activity or potential therapeutic benefit may be conducted in Phase I as a secondary objective. Such studies may be appropriate when effectiveness is readily measurable with a short duration of drug exposure. At this early stage, use in patients and/or use in healthy volunteer subjects may be justified, depending on the drug.

3.1.3.2 *Phase II (Most typical kind of study: Therapeutic exploratory).* Phase II is usually considered to start with the initiation of studies in which the primary objective is to explore therapeutic effectiveness in patients.

Initial therapeutic exploratory studies may use a variety of study designs, such as randomized controls and comparisons with baseline status. Subsequent trials are usually randomized and controlled to evaluate the efficacy of the drug and its safety for a particular therapeutic indication. Studies in Phase II are typically conducted in a group of patients who are selected by clearly defined criteria and who are closely monitored.

An important goal for this phase is to determine the dose(s) and regimen for Phase III trials. Studies in this phase may utilize dose response designs (see ICH E4) to estimate and/or confirm the dose response relationship for the indication in question. Alternatively, confirmatory dose response studies may be left for Phase III. Doses used in Phase II are usually but not always less than the highest doses used in Phase I.

Additional objectives of clinical trials conducted in Phase II may include evaluation of potential study endpoints, therapeutic regimens (including concomitant medications), and target populations (e.g., mild versus severe disease) for further study in Phase II or III. These objectives may be served by exploratory analyses, examining subsets of data, and by including multiple endpoints in trials.

3.1.3.3 *Phase III (Most typical kind of study: Therapeutic confirmatory).* Phase III usually is considered to begin with the initiation of studies in which the primary objective is to confirm therapeutic effectiveness.

Key studies in Phase III are designed to confirm the preliminary evidence accumulated in Phase II that a drug is safe and effective for use in the intended indication and recipient population. These well-controlled studies are intended to provide an adequate basis for marketing approval. Studies in Phase III may also further explore the dose-response relationship, or explore the drug's use in wider populations, in different stages of disease, or in combination with another drug. For drugs intended to be administered for long periods, trials involving extended exposure to the recipient population to the drug are ordinarily conducted in Phase III, although they may be started in Phase II (see ICH E1). ICH E1 and ICH E7 describe the overall clinical safety database considerations for chronically administered drugs and drugs used in the elderly.

3.1.3.4 *Phase IV (Variety of studies: See Table 1—Therapeutic Use).* Phase IV begins after drug approval. Therapeutic use studies are considered to be those trials that go beyond the prior demonstration of the drug's safety, effectiveness, and dose definition.

Studies in Phase IV are all studies (other than routine surveillance) performed after drug approval and related to the approved indication. They are not considered necessary for approval but are often important for optimizing the drug's use. They may be of any type but should have valid scientific objectives. Commonly conducted studies include additional drug-drug interaction, dose-response, or safety studies and studies designed to support an extended claim under the approved indication, e.g., mortality/morbidity studies.

Development of an application unrelated to the original approved use should be seen as needing a separate development program, though the need for some studies may be obviated by the availability of data from the original development program.

After initial approval, drug development may require continued study of new or modified indications, new dosage regimens, new routes of administration, or additional patient populations. If a new dose, formulation, or combination is studied, additional human pharmacology studies may be indicated.

3.1.4 Special considerations

A number of special circumstances and populations require separate consideration when they are part of the development plan.

3.1.4.1 *Studies of drug metabolites.* Major active metabolite(s) should be identified and

receive detailed pharmacokinetic study when feasible. The rate of formation and elimination should be determined whenever possible. Timing of the metabolic assessment studies within the development plan depends on the characteristics of the individual drug.

3.1.4.2 *Drug-drug interactions*. If a potential for drug-drug interaction is suggested by metabolic profile, by the results of nonclinical studies, or by information on similar drugs, studies on drug interaction during clinical development are highly desirable. For drugs that are frequently coadministered, it is important that drug-drug interaction studies should be performed in nonclinical and/or in human studies, if appropriate. This is particularly true for drugs that are known to alter the absorption or metabolism of other drugs (see ICH E7), or to be susceptible to effects by other drugs.

3.1.4.3 *Special populations*. Some groups in the general population may require special study because they have unique risk/benefit considerations to take into account during drug development, or because they can be anticipated to need modification of use of the dose or schedule of a drug compared to general adult use. Pharmacokinetic studies in patients with renal and hepatic dysfunction are important to assess the impact of potentially altered drug metabolism or excretion. Other ICH documents address such issues for geriatric patients (ICH E7) and patients from different ethnic groups (ICH E5). The need for nonclinical safety studies to support human clinical trials in special populations is addressed in the ICH M3 document.

(a) Investigations in pregnant women

In general, pregnant women should be excluded from clinical trials where the drug is not intended for use in pregnancy. If a patient becomes pregnant during administration of the drug, treatment should generally be discontinued if this can be done safely. A followup study of the pregnancy, fetus, and child is very important. For clinical trials of a medicinal product for use during pregnancy a followup study of the pregnancy, fetus, and child is important.

(b) Investigations in nursing women

Excretion of the drug or its metabolites into human milk should be examined where applicable. When nursing mothers are enrolled in clinical studies their babies should be monitored for the effects of the drug.

(c) Investigations in children

The extent of the studies needed depends on the current knowledge of the drug and the possibility of extrapolation from adults and children of other age groups. Some drugs may be used in children from the early stages of drug development (see ICH M3).

For a drug expected to be used in children, evaluation should be made in the appropriate age group. When clinical development is to include studies in children, it is usually desirable to begin with older children before extending the trial to younger children and then infants.

3.2 Considerations for individual clinical trials

The following important principles should be followed in planning the objectives, design, conduct, analysis, and reporting of a clinical trial (see ICH guidelines in Annex 1). Each part should be defined in a written protocol before the study starts (see ICH E6).

3.2.1 Objectives

The objective(s) of the study should be clearly stated and may include exploratory or confirmatory characterization of safety and/or effectiveness and/or assessment of pharmacological, physiological, biochemical, or clinical effects.

3.2.2 Design

The appropriate study design should be chosen to provide the desired information. Examples include parallel group, crossover, factorial, dose escalation, and historical controlled designs (see ICH E4, E6, E9, and E10). Appropriate comparators should be utilized and adequate numbers of subjects included to achieve the study objectives. Primary and secondary endpoints and plans for their analyses should be clearly stated. The methods of monitoring adverse events by changes in clinical signs and symptoms and laboratory studies should be described (see ICH E3). The protocol should specify procedures for the followup of patients who stop treatment prematurely.

3.2.2.1 *Selection of subjects*. The selection of the subject population will depend on the indication to be studied and should take account of the prior nonclinical and clinical knowledge. The variability of groups of patients or healthy volunteers studied in early trials may be limited to a narrow range by strict selection criteria, but as drug development proceeds, the populations tested should be broadened to reflect the target population.

Depending on the stage of development and level of concern for safety, it may be necessary to conduct studies in a closely monitored (i.e., inpatient) environment.

Subjects should not be enrolled repetitively in clinical trials without time off treatment adequate to protect safety and minimize carryover effects.

In general, women of childbearing potential should be using highly effective contraception to participate in clinical trials (see ICH M3).

For male subjects, potential hazards of drug exposure in the trial to their sexual partners or resulting progeny should be considered. When indicated (e.g., trials involving drugs which are potentially mutagenic, or toxic to the reproductive system), an appropriate contraception provision should be included in the trial.

3.2.2.2 *Selection of control group*. Trials should be adequately controlled. Comparators may be placebo, active controls, or of different doses of the same compound. The choice of the comparator depends on, among other things, the objective of the trial (see ICH E9 and E10). Historical or observational (external) controls may be employed when justified but additional care is important to minimize the likelihood of erroneous inference.

3.2.2.3 *Number of subjects*. The trial size should be based on consideration of the magnitude of the treatment effect, the disease to be investigated, the objective of the study, the endpoint criteria, and the number of trial sites (see ICH E9). In some circumstances a larger database may be necessary to establish the safety of the drug. ICH E1 and ICH E7 suggest a minimum experience to assess safety for a registrational database for a new indication. These numbers should not be considered as absolute.

3.2.2.4 *Efficacy and safety variables*. Response variables should be defined prospectively, giving descriptions of methods of observation and quantification. Objective methods of observation should be used where possible and when appropriate (see ICH E9).

Study endpoints are the response variables, usually relating to efficacy, that are chosen to assess drug effects. A primary endpoint(s) represents clinically relevant changes and is typically selected based on the principal objective of the study. Secondary endpoints assess other drug effects which may or may not be related to the primary endpoint. Endpoints and the plan for their analysis should be prospectively specified in the protocol.

A validated surrogate endpoint is an endpoint which allows prediction of a clinically important outcome but in itself does not measure a clinical benefit. When appropriate, surrogate outcomes may be used as primary endpoints.

The methods used to make the measurements of the endpoints, both subjective and objective, should meet accepted standards for accuracy, precision, reproducibility, reliability, validity, and responsiveness (sensitivity to change over time).

3.2.2.5 *Methods to minimize bias*. The protocol should specify methods of allocation to treatment groups and blinding (see ICH E9 and E10).

(a) Randomization

In conducting a controlled trial, randomized allocation is usually the preferred means of assuring comparability of test groups and minimizing the possibility of selection bias.

(b) Blinding

Blinding is an important means of reducing or minimizing the risk of biased study outcomes. A trial where the treatment assignment is not known by the study participant because of the use of placebo or other methods of masking the intervention, is referred to as a single blind study. When the study clinician is also unaware of treatment assignment the study is double blind.

(c) Compliance

Methods used to survey patient usage of the test drug should be specified in the protocol and the actual usage documented.

3.2.3 Conduct

The study should be conducted according to the principles described in this guideline and in accordance with other pertinent elements outlined in ICH E6 and other relevant ICH guidelines (see Annex 1). Adherence to the study protocol is essential. If modification of the protocol becomes necessary, a clear description of the rationale for the modification should be provided in a protocol amendment. Timely adverse event reporting during a study is essential and should be documented. Guidance is available on expedited reporting of safety data to

appropriate officials and on the content of safety reports (see ICH E2A and E2B).

3.2.4 Analysis

The study protocol should have a specified analysis plan that is appropriate for the objectives and design of the study taking into account the method of subject allocation, the measurement methods of outcome variables, specific hypotheses to be tested, and analytical approaches to common problems including early study withdrawal and protocol violations. The plan for analyzing primary and secondary endpoints should be stated in the protocol.

The results of a clinical trial should be analyzed in accordance with the plan prospectively stated in the protocol and all deviations from the plan should be indicated in the study report. Detailed guidance is available in other ICH guidelines on planning of the protocol (ICH E6), statistical analysis of results (ICH E9), and on study reports (ICH E3).

Studies are normally expected to run to completion although in some studies the possibility of early stopping is formally recognized. In such cases this should be clearly described in the protocol with due statistical attention to the overall levels of statistical significance and to the need to adjust the estimates of the size of treatment effects.

Safety data should be collected for all clinical trials, appropriately tabulated, and, with adverse events, classified according to their seriousness and their likely causal relationship.

3.2.5 Reporting

Clinical study reports should be adequately documented following the approaches outlined in other ICH guidelines (see E3 and E6).

4. Annex 1

LIST OF RELEVANT ICH GUIDELINES AND TOPICS

Code	Topic
E1	The Extent of Population Exposure to Assess Clinical Safety for Drugs Intended for Long-Term Treatment of Non-Life-Threatening Conditions
E2A	Clinical Safety Data Management: Definitions and Standards for Expedited Reporting
E2B	Clinical Safety Data Management: Data Elements for Transmission of Individual Case Safety Reports
E2C	Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs
E3	Structure and Content of Clinical Study Reports
E4	Dose-Response Information to Support Drug Registration
E5	Ethnic Factors in the Acceptability of Foreign Clinical Data
E6	Good Clinical Practice: Consolidated Guideline
E7	Studies in Support of Special Populations: Geriatrics
E8	General Considerations for Clinical Trials
E9	Statistical Considerations in the Design of Clinical Trials
E10	Choice of Control Group in Clinical Trials
M1	International Medical Terminology
M2	Electronic Standards for the Transfer of Regulatory Information (ESTRI)
M3	Nonclinical Safety Studies for the Conduct of Human Clinical Trials for Pharmaceuticals
S6	Safety Studies for Biotechnology-Derived Products

Dated: May 15, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–14139 Filed 5-29-97; 8:45 am]

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federal register

Friday
May 30, 1997

Part IV

Department of Transportation

Office of the Secretary

49 CFR Parts 23 and 26

Participation by Disadvantaged Business Enterprise in Department of Transportation Programs; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Parts 23 and 26

[Docket OST–97–2550; Notice 97–5]

RIN 2105–AB92

Participation by Disadvantaged Business Enterprise in Department of Transportation Programs

AGENCY: Office of the Secretary, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: This document proposes revisions of the Department of Transportation's regulations for its disadvantaged business enterprise (DBE) program. The notice responds to comments on notices of proposed rulemaking issued December 1992 and October 1993 and also proposes responses to the Supreme Court's decision in *Adarand* v. *Peña*. It would replace the current DBE rule (49 CFR Part 23) with a new rule (49 CFR Part 26). The proposed changes in the latter category would modify the overall goal, contract goal, and good-faith efforts provisions of the rule, as well as add provisions concerning diversification in the DBE program and provide greater flexibility to recipients. A final rule based on this SNPRM would replace the existing DBE rule in its entirety.

DATES: Comments should be received no later than July 29, 1997. Late-filed comments will be considered to the extent practicable.

ADDRESSES: Interested persons should send comments to Docket Clerk, Docket No. OST–97–2550, Department of Transportation, 400 7th Street, SW., Room 4107, Washington, DC 20590. We request that, in order to minimize burdens on the docket clerk's staff, commenters send three copies of their comments to the docket. Commenters wishing to have their submissions acknowledged should include a stamped, self-addressed postcard with their comments. The docket clerk will date stamp the postcard and return it to the commenter. Comments will be available for inspection at the above address from 10 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: For questions concerning Subpart G (airport concessions), David Micklin , FAA Office of Civil Rights, 800 Independence Avenue, SW., 20591, Room 1030, (202) 267–3270; or Kathleen Connon, FAA Office of Chief Counsel, same street address, Room 922–C, (202) 267–3473. For questions on other portions of the SNPRM, Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Room 10424, Washington, DC 20590. Phone numbers (202) 366–9306 (voice); (202) 366–9313 (fax); 202–755–7687 (TDD).

SUPPLEMENTARY INFORMATION:

Background

The Department first published 49 CFR Part 23 in 1980. The regulation required goals to be set for businesses owned or controlled by members of minority groups and women (MBEs/WBEs). This regulation has been amended several times. Many of these amendments responded to statutory changes. In 1983, Congress enacted the first statutory disadvantaged business enterprise (DBE) provision. This provision required the Department to ensure, except as the Secretary determined otherwise, that not less than 10% of the funds authorized for the highway and transit financial assistance programs be expended with DBEs. Under the 1983 statute, members of several minority groups were presumed to be socially and economically disadvantaged; women were not.

In 1987, Congress re authorized and amended the statutory DBE program. In this legislation, Congress added women to the groups presumed to be disadvantaged. In separate legislation, Congress added an identical provision applying to the FAA's airport grant program. The Department's 1987 amendments to Part 23 added FAA programs to the DBE portion of the rule and established a single DBE goal for firms owned by women and minority group members. In 1992, the Department added Subpart F, which implements a statutory requirement for DBE programs in airport concessions.

As a result of these changes, Part 23 became something of a patchwork. To clarify the rule, reflect program changes since 1980, incorporate updated interpretations of rule provisions, correct problems in implementation, and reduce burdens on state and local governments and small businesses, the Department issued a notice of proposed rulemaking (NPRM) on December 9, 1992 (57 FR. 58288). The December 1992 NPRM was intended to create a clearer regulation that deals explicitly with known implementation problems in the program. The Department received 601 comments in response. The Department has thoroughly considered these comments, and much of this SNPRM consists of the Department's responses to these comments. In October 1993, the Department issued a separate NPRM to amend Subpart F. This SNPRM's provisions concerning airport concessions are based on the October 1993 NPRM and the comments received in response to it.

In June 1995, the Supreme Court issued its decision in *Adarand* v. *Peña* (115 S. Ct. 2097). In this case, the Court determined that race-conscious affirmative action programs are subject to strict judicial scrutiny. To meet this heightened level of scrutiny, such a program must be based on a compelling government interest (e.g., remedying the effects of discrimination) and must be narrowly tailored to meeting its objective. In response to this decision, the Department has included in this SNPRM a wide range of ideas for revising the rule, particularly in the areas of overall and contract goals, good faith efforts, and other means of ''narrowly tailoring'' the provisions of the rule.

Following its review of the comments received in response to this SNPRM, the Department intends to publish a final rule that will constitute a comprehensive revision of the entire DBE rule. The SNPRM and the final rule will refer to 49 CFR Part 26, for clarity and to emphasize that Part 23 and guidance and interpretations pertaining to it are being replaced in their entirety by Part 26.

Summary of Adarand-Related Proposals

In commenting on the Administration's review of affirmative action programs, President Clinton said his objective was to ''mend it, not end it.'' This is the approach the Department is taking concerning the DBE program. We have submitted to Congress, as part of our highway/transit program reauthorization bill (''NEXTEA''), a proposal to reauthorize, without change, the statute underlying the DBE program. We believe that this statute is Constitutional and that it is based on the continuing compelling need for the government to remedy the effects of discrimination in DOT-assisted contracting. The material gathered by the Department of Justice (DOJ) in connection with review of Federal procurement affirmative action programs also supports our view that this compelling need exists.

The Department of Transportation's SNPRM is one part of the Administration's overall effort to revise affirmative action programs in light of Adarand. On May 9, 1996, the Department of Justice (DOJ) published proposed regulations concerning the use

of race-conscious remedies for the effects of discrimination in direct Federal contracting programs. Other agencies with significant Federal procurement responsibilities (the Department of Defense, General Services Administration, and National Aeronautics and Space Administration) expect soon to propose changes to the Federal Acquisition Regulation (FAR) concerning small disadvantaged businesses. These proposed changes would amend the FAR to be consistent with the proposed rules. The Small Business Administration is planning to issue a proposal to change the rules for its 8(a) and 8(d) programs, which are intended to foster the participation of small disadvantaged businesses in Federal agency procurement. These proposals will affect direct procurements by the Department of Transportation.

This SNPRM affects only the airport, transit and highway financial assistance programs of the Department. While the thinking behind this SNPRM is intended to be consistent with the proposals other agencies are making, the specific proposals are different because this SNPRM concerns state and local, rather than Federal, procurement actions.

This SNPRM is the Department's primary vehicle for ''mending'' the details of the DBE program, tailoring program implementation more precisely to the objective of remedying the effects of discrimination. Here is a summary of the most important proposals we are making toward this end. The section-by-section analysis discusses these provisions in greater detail.

1. Overall Goals

We propose to change the method for calculating overall goals. Under the existing rule, recipients determine the maximum amount of work they can obtain from DBEs available to them. They must also take into account their past performance in meeting their overall goals. This system is well-understood and accepted in the recipient and DBE communities. However, we believe the system can be tuned more precisely to obtain the amount of DBE participation needed to remedy the effects of discrimination.

In a world in which discrimination did not affect business opportunities for DBEs—a world, in other words, in which market forces operated on a level playing field—how much would DBEs participate in DOT-assisted contracts? The answer to this question would lead us to the level of DBE participation that recipients should expect for DBEs. This level is the appropriate DBE goal to remedy the effects of discrimination.

The SNPRM asks for comment on three alternative ways of estimating a goal consistent with this concept. Each of the proposed methods has strengths and weaknesses, and each raises question about the kind of data that is available to help recipients set goals. We ask commenters to participate fully in helping us determine how best to establish what the ''level playing field'' result for DBE participation would be, including whether recipients should be able to choose from a variety of methods.

The approach we propose is conceptually consistent with that developed by the Department of Justice (DOJ) in its Federal procurement affirmative action reform effort (see May 23, 1996 DOJ **Federal Register** notice). However, we are not proposing to require recipients to follow the ''benchmarks'' established by the Department of Commerce (DOC) as part of the procurement reform initiative. The proposal describes, however, some circumstances under which recipients may be able to use DOC benchmarks, goals established by other recipients, or other information (e.g., local disparity studies) in place of the goal-setting mechanism in this rule.

2. Means of Meeting Overall Goals

The SNPRM emphasizes that race/gender-neutral mechanisms (e.g., outreach, technical assistance) are the means of first resort for recipients to use in seeking to meet overall goals. Only to the extent that these means are insufficient to meet overall goals would recipients use race/gender-conscious mechanisms, such as contract goals or evaluation credits. Unlike the existing rule, contract goals would not be required on every DOT-assisted contract, regardless of whether they were needed to meet overall goals. More intrusive mechanisms (e.g., set-asides) could be used only if the recipient had legal authority independent of the Department's DBE rule and made a finding that other methods to reach overall goals had not worked. When it became apparent that the effects of discrimination were being addressed successfully (e.g., when the recipient had exceeded its overall goals over a significant period of time), the recipient would reassess its use of race/gender-conscious measures and would rely more on race/gender-neutral measures and less on race/gender-conscious measures to meet its overall goals.

3. Good Faith Efforts

The SNPRM emphasizes that when they use contract goals, recipients must take seriously their obligation to award a contract to a bidder who makes good faith efforts, even if the bidder does not meet the goal. To do otherwise would result in a de facto quota. Recipients must provide a reconsideration mechanism to a bidder who is denied a contract on the basis of a failure to make good faith efforts.

4. DBE Diversification

The SNPRM asks for comment on alternatives to reduce concentration of DBE firms in certain types of work in which, at least in highway construction, they are said to cluster. The aim is to diversify the types of work in which DBEs participate, as well as to reduce what is perceived as unfair competitive pressure on non-DBE firms attempting to work in certain fields.

5. Added Flexibility for Recipients

The SNPRM proposes that, with the Secretary's concurrence, recipients could obtain a waiver of provisions of DBE program requirements if they devised an alternative that would effectively redress the effects of discrimination in their DOT-assisted contracting. This added flexibility could allow states and localities to deal creatively with their specific circumstances. The SNPRM also would give recipients flexibility in choosing the mix of measures (race-neutral and race-conscious) they use to meet overall goals.

Section-by-Section Analysis

This portion of the preamble describes the Department's responses to comments on the December 1992 and October 1993 NPRMs and the rationales for the proposals in this SNPRM. Because the Department has already extensively considered comments on many of the provisions of this SNPRM, we request that commenters focus their comments on the *Adarand*-related provisions highlighted above and issues about which the preamble specifically asks for additional comment.

A Style Note

We are making one general stylistic change to the regulatory text. The text (except for Subpart G) is being organized in a question/answer format in the interest of greater clarity. This format directly addresses recipients (and other parties identified in the text), saying, for example, ''You must * * *.'' in place of ''The recipient shall * * *.'' We believe that this approach will make the regulation easier to read and use.

Section 26.1 What are the Purposes of This Rule?

Seventeen comments to the December 1992 NPRM addressed the purpose section. Ten of these comments favored retention of the purpose language in the existing rule, particularly its reference to providing the ''fullest possible participation'' to DBEs. Other comments included a suggested reference to the desirability of DBEs being able to compete on their own, outside the DBE program and a request to include language on the ''equitable distribution'' of DBE awards among various groups.

The SNPRM makes a few additions to the NPRM language. One addition states that a purpose of the program is to ensure, consistent with Federal law, significant opportunities for DBEs to participate in DOT-assisted contracts. In addition, we have added a paragraph emphasizing the importance to the program of keeping ''fronts'' and other ineligible firms out of the program. We also added a sentence stating the aim of the program as developing businesses that can compete independently.

We did not adopt the suggestion of including ''equitable distribution'' language, which appears to refer to a concept of ensuring that various groups (e.g., blacks, Hispanics, Asians, women) receive what is viewed, under a given concept of equity, as a fair market share of DBE contract awards. This concept would be difficult to implement, and mechanisms to carry it out appear to exceed the Department's discretion under the statutes authorizing the DBE program. The Department has adequate authority, under Title VI of the Civil Rights of 1964, to address any alleged discriminatory effects of its DBE program.

Section 26.3 To Whom Does This Rule Apply?

There was only one comment on this section of the December 1992 NPRM, from a DBE firm that objected to deleting the Federal Railroad Administration (FRA) from this rule. The Department continues to believe that it makes sense to drop FRA from the rule, since FRA—unlike FTA, FHWA, and FAA—does not have a statute establishing a DBE program. We have added a paragraph clarifying that Part 26 requirements would not apply to the non-Federally-assisted contracts of recipients of DOT funds.

It should be pointed out that Part 26 would be authorized not only by the specific DBE statutes Congress has enacted, but also by longstanding nondiscrimination statutes such as Title VI of the Civil Rights Act of 1964 and nondiscrimination provisions in the FHWA, FTA, and FAA program statutes. The original 1980 49 CFR Part 23 was based on these statutes, and the courts upheld that regulation even though specific DBE legislation had not yet been enacted.

Section 26.5 What Do the Terms Used in This Rule Mean?

Many of the comments to this section of the December 1992 NPRM recommended adding definitions to the Department's proposed list. Twelve comments, all from recipients and DBEs, suggested a definition of ''affirmative action.'' Eight comments, mostly from recipients, asked for a definition of ''commercially useful function.'' Other comments sought definitions of a variety of terms, including applicant, good faith efforts, graduation, real and substantial contribution, expertise, good cause, subsidiary, broker, complainant, precertification, business opportunity, normal industry practices, pro forma ownership, equitable distribution, regulated party, exemptions, exceptions, discrimination, dollar value, debarment, origin, and social and economic disadvantage, to name a few.

Several comments sought amplification of certain terms, such as joint venture and affiliate. Twenty-one comments, mostly from DBEs and recipients, concerned the key term ''disadvantaged business enterprise.'' Most of these comments were not about the content of the definition but rather about the words of the term itself. A few preferred MBE/WBE terminology to DBE terminology. Others suggested terms having what they viewed as having more positive connotations, such as ''emerging business enterprises'' (EBEs) or ''historically underutilized businesses'' (HUBs).

Four comments recommended deleting persons of European Spanish or Portuguese origin from the definition of ''Hispanic Americans,'' saying that the regulation should focus on persons whose origins were from Latin America (one of these comments preferred the term ''Latino''). Four other comments suggested that Asian-Americans (e.g., persons of Japanese or Chinese descent) should be deleted from the definition and the program, because the comments perceived these persons as not being disadvantaged. Other comments requested clarification of the stock ownership requirement (i.e., does the regulation mean 51 percent of all stock combined, 51 percent of each class of stock, or both?).

In response to the comments, the SNPRM is not adding a definition of ''affirmative action.'' The main point of a definitions section in a rule is to describe the meaning of terms of art that are used in the regulation. The rest of the regulation does not use the term ''affirmative action.'' Nor does the SNPRM add a definition of ''commercially useful function.'' This is an important term, which is given its operational meaning in the context of the counting section of the rule. In our view, an abstract definition of the term outside of that context would add little to users' understanding of the rule.

''Disadvantaged business enterprise'' is a term that derives directly from the statutes authorizing this program, which by now is well known and understood among recipients and contractors. It is difficult to imagine a more apt term to use for businesses that, by statute, must be owned and controlled by socially and economically disadvantaged individuals. The suggested alternatives are not as suitable. Minority and women's business enterprise terminology suggests a program in which status as a minority group member or woman, standing alone, makes one an eligible business owner. EBE and HUB do not relate conceptually to the operation of the program. Part 26 would remain a DBE regulation. The stock ownership requirement—that 51 percent all stock be owned by disadvantaged individuals—would remain as part of the ownership criteria, and is discussed in more detail in the SNPRM.

The DBE statutes direct DOT to use the definitions of the ''presumptive groups'' found in SBA's rules implementing section 8(d) of the Small Business Act. The definitions of Hispanic Americans and Asian-Americans in the December 1992 NPRM are taken directly from SBA materials. We recognize that the inclusion of persons of European Spanish and Portuguese origin is controversial, but, absent legislative direction to the contrary, we believe it is necessary to leave the definition unchanged. Congress has determined that Asian-Americans are presumptively disadvantaged (a judgment that can be supported by a substantial history of discrimination against many Asian groups in this country), and the Department could not exclude them even if it wanted to.

It is not good regulatory drafting practice to place a great deal of the substance of the rule into the definitions section. Abstract descriptions of a word or term are often of little help in making decisions about how to apply a regulation to real-world situations. Regulatory concepts are best understood

in the context of the rule's operational provisions. For this reason, the SNPRM does not add definitions of the many terms suggested by various comments. However, the SNPRM does incorporate the text of SBA's definition of ''affiliate'' rather than merely cross-referencing SBA regulations, as some comments requested. The counting section in the SNPRM includes additional guidance concerning counting the participation of joint ventures.

Section 26.7 What Discriminatory Actions Are Forbidden?

There were few comments on this section of the December 1992 NPRM. One comment suggested that age, disability, and religion be added as prohibited grounds for discrimination. These grounds are not mentioned in the authorizing statutes for the program. To the extent that other statutes apply nondiscrimination requirements to actions of DOT recipients (e.g., the ADA re disability), these statutes can stand on their own. One comment said that the rule should clarify that someone need not discriminate in order to violate the rule. This is true: noncompliance can arise from a violation of a variety of provisions, but this does not need to be reiterated in regulatory text.

The provision would be left as proposed, with the exception of adding a paragraph clarifying that discrimination in the administration of a DBE program is prohibited. This clarification is proposed in order to avoid a potential loophole concerning actions by recipients (e.g., in the administration of their certification programs) that allegedly have the effect of discriminating against persons on one of the forbidden grounds, even if the award and performance of a contract is not directly involved.

This paragraph prohibits not only intentional discrimination but also actions that have the effect of discriminating against individuals on one of the forbidden grounds (e.g., that have a disparate adverse impact on members of a particular group). The language of paragraph (b) is similar to that in the Department's long-standing Title VI regulation (49 CFR§ 21.5(b)(2)) and is consistent with court interpretations of nondiscrimination statutes in other contexts. See, e.g., *Alexander* v. *Choate,* 469 U.S. 287 (1985); *Elston* v. *Talladega Board of Education,* 997 F.2d 1394 (11th Cir., 1993).

Section 26.9 How Does the Department Issue Guidance, Interpretations, Exemptions and Program Waivers Under this Rule?

The SNPRM would add paragraph (a) of this section to avoid confusion over the status of guidance and interpretations issued by DOT in the past concerning the current version of this DBE regulation (49 CFR Part 23). Language in this paragraph is intended to emphasize that it is interpretations of Part 26, not interpretations of Part 23, that definitively would set forth the meaning of the Department's DBE requirements.

As noted in the preamble to the December 1992 NPRM, a General Accounting Office (GAO) study criticized the Department's administration of the DBE program because guidance was uncoordinated, inconsistent and confusing. As part of our response to this problem, the December 1992 NPRM proposed creating a DBE Program Council to coordinate guidance and interpretations. Thirty-eight comments favored this idea, as a means of dealing with inconsistency, though some expressed reservations about potential bureaucratic delays. A number of the comments that supported the Council suggested that it be expanded into an Advisory Committee, with participation from outside the Department. Five comments opposed the Council, mostly on the grounds of potentially adding to bureaucratic delay.

The SNPRM references a DBE Coordination Mechanism, which is intended to be established within the Department by the time the rule becomes final. It would include representatives of all the DOT organizations—FHWA, FTA, FAA, the Office of General Counsel, the Office of Civil Rights, and the Office of Small and Disadvantaged Business Utilization—that are regular players in the DBE program. Because these offices are very familiar with the regulation, we do not anticipate that the review of guidance and interpretations through this mechanism would create undue delay. On the other hand, the presence of the mechanism would make it much more likely that guidance will be consistent and correct, which will result in much more reliable and useful customer service.

Because the kind of work we intend the mechanism to do is intrinsically a government task, it would not be appropriate to include non-DOT parties in its deliberations. However, the Department does believe that receiving input from interested parties on a regular basis is very useful, and we are exploring the creation of an advisory committee that would provide continuing input to the Department on the implementation of this program.

The Department proposes to maintain its existing exemptions mechanism, which is consistent with the way that all exemptions are handled in Office of the Secretary rules. The Department seeks comment on how participants view this process as working, and on any improvements commenters might want to suggest.

In addition, paragraph (d) proposes a new provision, not included in previous NPRMs. It permits recipients to apply for a program waiver, allowing them to construct a DBE program different from that called for in Subparts B, C or G (airport concessions), of the SNPRM (the general provisions of Subpart A and the certification standards and procedures of Subparts D and E would not be subject to waiver). Public participation would be required, and the Secretary could impose conditions on the grant of a waiver. The Department seeks comment on this concept, which is designed to provide recipients greater flexibility, as well as on the details of the proposed provision.

Section 26.11 What Records do Recipients Keep and Report?

The December 1992 NPRM proposed that recipients report DBE program data to the concerned operating administration (OA) quarterly, unless that OA determined a different frequency for the data. The preamble to the December 1992 NPRM included a draft Office of Small and Disadvantaged Business Utilization reporting form and asked whether this form, or a modification of it, should be required Department-wide.

Twenty-four comments generally favored the idea of a single, Department-wide reporting form, though some of these suggested allowing recipients to modify the form. Two comments favored annual, rather than quarterly, reporting. When it came to what the form should include, there was a wide divergence of views. Several comments each supported detailed breakouts of awards (i.e., by awards to DBEs owned by various minority groups and women) and tracking actual payouts to DBEs as well as commitments to DBE participation. Other comments suggested detailed changes in the data elements (e.g., distinguishing between awards to prime and subcontractors, counting of overhead, tracking areas of work), and two favored electronic reporting of data.

The Department believes, in view of these comments, that it needs to consider further the best way of obtaining program evaluation data for the DBE program. Specifically, the Department asks whether there are modifications the Department should make in order to adequately capture DBE participation through race/gender neutral means and mechanisms other than contract goals. Meanwhile, the SNPRM would maintain the status quo for reporting. We ask, however, for comment specifically on whether the frequency of reporting should be reduced (e.g., to twice a year) and, if so, whether this would continue to allow sufficient program oversight and evaluation. The SNPRM would add, as an aid to DOT oversight of recipients' programs, a three-year record retention requirement for basic program data. Again, recipients should rely on DOT guidance concerning the content of this material. As a general matter, the Department intends that recipients retain only basic data needed to allow DOT personnel to review and evaluate recipients' program compliance.

Section 26.13 Assurances

As under the old version of the rule, recipients and contractors have to subscribe to assurances of compliance with Part 26 requirements. There were few comments on the December 1992 NPRM assurances section. One comment preferred the lengthier language of the old rule's assurances section, another suggested adding more enforcement language, a third asked that contractors who fail to promptly pay DBEs should be told in the assurance that this will be in breach of contract, and a fourth asked how states will enforce the requirement for assurances in contracts.

In the assurance for recipients, the SNPRM would add references to additional remedies available to the Department, namely the Federal false statements statute (18 U.S.C. 1001) and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*). We believe that the issue of prompt payment is better handled under the provision of the SNPRM dealing with that subject. Consistent with the language added to § 26.7, the SNPRM would add a statement to the assurance concerning nondiscrimination in the administration of DBE programs.

States can enforce the requirement for assurances in contracts by the same means that they enforce other requirements for the inclusion of contract clauses: a prospective contractor who fails to include Federally-required contract clauses in a Federally-assisted contract is not, presumably, a responsive bidder. We believe the shorter, more compact language of the new version of the assurances is clearer, less verbose, and more easily understood than the old version. In addition, an operating administration is permitted to prescribe a briefer assurance or certification of compliance in its grant agreements.

Subpart B—Administrative Requirements for DBE Programs for Federally-Assisted Contracts

Section 26.13 What Assurances Must Recipients and Contractors Make?

This section details which recipients have to establish DBE programs. There were several comments to the December 1992 NPRM about it. One comment said that FRA and port authorities should have to have DBE programs. The issue about including FRA under Part 26 was discussed above. With respect to port authorities, if a port authority receives FHWA, FTA, or FAA funds, it would be subject to the requirements of Part 26 like any other recipient. One comment asked whether the thresholds apply to prime recipients or subrecipients, while another disliked the change from the two-tier threshold system of the old regulation to the proposed one-tier system, saying it would involve duplicate work by prime recipients and subrecipients. If any recipient—prime or sub—receives the requisite amount of DOT financial assistance and lets DOT-assisted contracts, it must have a program. If the prime recipient is a pure pass-through agency that does not let any DOT-assisted contracts, it would not have to have a program.

A comment asked that the threshold level for airports be raised to $1 million, which would have the effect of exempting some airports (smaller ones, in most cases) from the DBE program requirement. The Department believes that airports, and other recipients that receive the proposed $200,000 in financial assistance, are likely to have adequate resources for establishing a DBE program and may let contracts of sufficient size to make DBE participation a realistic possibility. For this reason, we are leaving this portion of the proposal unchanged.

One comment asked that annual program updates not be required, and two others asked for updates at three-year rather than one-year intervals. Recipients would have to revise their programs to conform to Part 26, submit overall goals each year, and request the consent of the applicable DOT office for any significant program change. For these reasons, we do not believe it is necessary to require a formal update at any particular interval, so this proposed requirement is not included in the SNPRM. This would have the effect of reducing paperwork burdens.

The Department seeks comment on whether additional public participation mechanisms are desirable for recipients as they prepare DBE programs for submission to DOT. For example, do their need to be more explicit requirements for input from DBEs, non-DBEs, the public etc.?

Sections 26.23–26.27 and 26.37 Other DBE Program Provisions

This subpart contains a number of provisions incorporated from Part 23, concerning a DBE policy statement, a DBE liaison officer with direct access to the CEO of the organization, use of DBE financial institutions, and monitoring, compliance and enforcement mechanisms. There were few comments on these items, and we are incorporating them in the SNPRM with only minor changes. All these items are components of a recipient's DBE program that would have to be approved by the concerned operating administration.

Section 26.29 Prompt Payment Mechanism

The December 1992 NPRM proposed that recipients would establish a prompt payment mechanism, containing one or more of five options listed in the proposed provision. This provision, and its components, drew substantial interest from commenters.

Sixty-nine comments favored requiring a prompt payment clause in contracts, saying that it addressed a serious problem that had adverse consequences on subcontractors. Among ideas suggested by these comments were that contract goal attainment should not be counted until DBEs are paid and that subcontractors should be paid within a given period of time (e.g., 10 days) of the time the prime is paid by the recipient. Some of these comments suggested that sanctions be imposed for failure to comply with prompt payment clauses. On the other hand, 29 comments opposed prompt payment clauses and mechanisms in general, saying that they involved too great intrusion into the contract process and added cost to the system. All the suggested options were impractical, many of these comments said.

One of the five options listed was direct payment of DBE subcontractors by the recipient, who could ensure that the DBE was paid on time. Fifteen comments, mostly DBEs, supported this idea, while 44 comments, mostly prime contractors and some recipients,

opposed it. Proponents said that this approach would end the waiting game that they perceive prime contractors as playing, while subcontractors go dry awaiting payment. Opponents complained that prime contractors would lose control over subcontractors' performance and that delays in paying subcontractors are as often caused by delays in state payments to prime contractors as anything else.

Nine comments supported, and five opposed, mandatory alternative dispute resolution between prime and subcontractors as a way of addressing payment delay disagreements. There were smaller numbers of comments on other proposals, with scattered support for and opposition to them.

The Department, having reviewed the extensive comment on this issue, remains convinced that delays in payment to DBE subcontractors are a significant problem in the DBE program, which we should take steps to correct. The SNPRM would specifically authorize two such steps. Given the concerns expressed, particularly by recipients, about the problems that could arise in some cases from mandating prompt payment mechanisms, the Department is seeking further comment on whether these steps should be mandatory. (Under the SNPRM, recipients who use prompt payment mechanisms would do so under the legal authority of this rule, but using them would be optional.)

The first specifically authorized step would be a prompt payment clause that would be inserted in all contracts between recipients and prime contracts, obligating the prime contractor to pay DBE subs for work satisfactorily completed within a specific number of days (e.g., 10 days) of each payment by the recipient to the prime contractor. The contract would include appropriate penalties, chosen by the recipient, for failure to comply. In addition, the recipient could require prime contractors to get the written consent of the recipient, based on good cause, for any delay.

The second specifically authorized step would be a clause in both prime and DBE subcontracts committing the parties to participate in alternative dispute resolution (ADR) to resolve payment disputes. Recipients could specify the nature of these mechanisms in contract documents. In addition, recipients could take additional steps, such as withholding payments from primes until subcontractors are paid, or other steps devised by the recipient, to ensure prompt payment of DBE subcontractors. All prompt payment mechanisms would be incorporated in the recipient's DBE program, and would be subject to DOT approval.

Because they frequently lack working capital, access to credit, and a strong cash flow, DBEs are particularly vulnerable to delays in payment. However, we recognize that prompt payment is an issue for all subcontractors, and we therefore recommend that recipients apply prompt payment provisions to all subcontractors, not just DBEs.

One prompt payment-related issue of which we are aware concerns retainage payments. DBEs have complained that prime contractors often do not return retainage payments to DBE subcontractors until the recipient returns the prime contractor's retainage payment at the end of the entire project. This is true, DBEs have said, even in a large project in which a subcontractor's work has been inspected and approved long before the overall project has been completed. This can result in a lengthy delay in the subcontractor getting its money back. The Department seeks comment on whether prompt payment provisions should address this issue.

Section 26.31 What Requirements Pertain to the DBE Directory?

The statutes mandate that recipients have a DBE directory. Sixteen comments explicitly favored the December 1992 NPRM proposal on this subject. There was a good deal of debate among commenters on the issue of whether, as the December 1992 NPRM proposed, the directory should list the types of work DBEs preferred to do or whether recipients should limit (and reflect in the directory) DBEs' types of work to those in which the firm was qualified.

Twenty-six comments favored the latter approach, taking two different basic rationales. Some said that recipients should prequalify DBEs, certifying only those, and only in those types of work, that the recipient viewed as being qualified to perform the work. Others said that the ''qualifications'' of DBE firms were relevant only insofar as they affected control. The comments that favored the NPRM approach argued against both rationales, saying that prequalification overstepped the bounds of appropriate recipient discretion in the certification process and that certifying firms only in certain fields (as opposed to simply certifying them as DBEs) would ''pigeon-hole'' firms into a few areas and thwart their efforts at diversification.

The Department believes that a good case can be made that a firm should be certified only in those areas of work in which its disadvantaged owners are able to control its management and operations. It is reasonable, then, to reflect the recipient's determinations on this point in the directory, and we have modified this provision accordingly. The Department believes, however, that a firm wishing to move into a new area of work should not have to go through an entire new certification process. Also, the Department does not believe that ''prequalification,'' as such, is an appropriate part of the certification process. In fact, the Department believes that requiring prequalification for DBE firms would be a discriminatory practice under Part 26, unless the recipient also requires prequalification of all other firms.

The directory would have to be republished at least annually. Updated information (e.g., who's in and who's out) would have to be made available, on request, in the meantime. This would ensure that, for example, prime contractors would be able to find information on new DBEs that had been certified between publications of the directory.

Section 26.33 What Steps Must a Recipient Take To Foster DBE Diversification?

This is a substantially new section proposed as part of the Department's efforts to narrowly tailor the DBE program. Paragraph (a) of this section proposes for comment four alternatives designed to foster diversification in the kinds of work DBEs perform in DOT-assisted contracts. Taking steps to reduce adverse impacts on non-disadvantaged parties is one of the ways in which it is appropriate to narrowly tailor an affirmative action program.

Over many years, the Department has received anecdotal information suggesting that DBE subcontractors in highway construction have been concentrated in a few specialty areas that require relatively modest capitalization (e.g., guardrail, landscaping, traffic control). Non-DBE contractors in these areas have complained that they are denied contracting opportunities because of the number of DBE firms obtaining subcontracts, a point also addressed in a 1994 GAO report. At the same time, some DBE firms have expressed the concern that it is difficult for them to expand and diversify.

The December 1992 NPRM asked for comment on a variety of ideas related to this issue, ranging from ceilings on DBE participation in certain areas to ''extra credit'' for the use of DBEs in ''non-traditional'' fields to financial or other incentives for prime contractors to involve DBEs in such fields. Generally, commenters had a negative reaction to

these suggestions. For example, only seven comments favored caps or ceilings on DBE participation in areas in which DBEs were heavily represented, while 49 comments opposed this idea. Opponents said that the problem may be over-hyped and that implementing a cap would be an administrative nightmare. One commenter preferred that recipients be encouraged to come up with their own innovative approaches.

Concerning incentive programs, 17 comments favored the idea and 28 opposed it. Among the opponents, one noted that it didn't make sense to pay people to obey the law, while another said that it had tried the idea for six years and it hadn't worked. Supporters mentioned a state incentive program that had worked, and others said that the incentives should be permitted, though not required.

The suggestion that comments received most favorably was for ''extra credit.'' For example, if a contractor used a DBE outside certain traditional fields, it could receive $1.15 or $1.25 worth of credit toward its contract goal for every dollar it expended with the DBE. Twenty-one comments favored this approach, while four opposed it. Commenters pointed out that DOT or recipients would have to determine what constituted a ''traditional'' field to make this idea work.

This SNPRM asks for comment on a series of ideas for addressing the concentration issue. The first alternative focuses on types of work in which DBE firms receive a given percentage (e.g., 50%, 75%) or more of the contracts in Year 1. If this is the case, prime contractors and recipients in Year 2 could count only half the actual DBE participation in that field toward goals. The intent of the provision is that this shift in the incentives would reduce the concentration.

Example: Recipient X's highway construction contracts give rise to 100 subcontracts for landscaping in Year 1. Of these, 80 go to DBEs. In Year 2, any DBE firm's landscaping subcontract leads only to 50 percent credit toward the prime contractor's contract goal and the recipient's overall goal (e.g., a $50,000 subcontract counts for $25,000 toward these goals).

The Department seeks comment both on the concept and on what the percentage standard should be. We ask the same question about the level of DBE participation that would be allowed in the second year. In addition, we ask whether it would make more sense to tie the criterion to an average over a number of years rather than to a particular year. We also ask whether a provision of this type could have the unintended consequence of increasing concentration in these fields (e.g., because recipients might use more DBE contractors to meet a goal if credit for using a DBE is reduced).

The second alternative looks at the issue in terms of proportionality between the recipient's overall goal for all work and the DBE participation in a particular field of work. If DBE participation in a particular field far exceeds the overall DBE goal percentage, then the recipient would not credit toward DBE goals further work in that field during the year.

Example: Recipient X's overall goal for the year is 10 percent. The recipient estimates that it will spend $10 million for widget wrangling in all its contracts that year. By September 15, DBE widget wranglers have received contracts worth $4.1 million (i.e., more than four times 10 percent of the recipient's projection for widget wrangling expenses for the year). For contracts let after that date, the recipient would not count DBE participation for this worthy activity toward goals.

In addition to the concept itself, the Department asks commenters whether the multiple (four times the overall goal) is a reasonable one, whether the consequence should be no credit after the threshold is reached (as distinct from some other percentage), and whether it makes more sense to implement such a provision on a year-to-year basis than on a part-year basis.

The third alternative would focus on fields in which there is a concentration of DBEs, again defined as one in which DBEs in general get a given percentage of the contracts. Unlike the first alternative, however, the limitation on receiving credit for contracts would fall not on all DBEs in a field but only those that had received several recent contracts. The intention is to address situations in which the same DBE firms repeatedly receive contracts, to the exclusion of others.

Example: Recipient X's highway construction contracts give rise to 100 subcontracts for guardrail in Year 1. Of these, 80 go to DBEs. DBE Q has received four guardrail subcontracts during Year 1 and the preceding three years. In Year 2, no credit toward goals can be counted for a guardrail subcontract awarded to DBE Q.

The questions asked about the appropriate percentage level for determining concentration under Alternative 1 apply here as well. In this alternative, in a field in which there is a DBE concentration, in Year 2 the recipient would not count toward goals participation from any particular DBE firm that had received four or more contracts in that field over the previous four years. The Department seeks comment on the concept and on the number of contracts over the number of years that would be most appropriate.

The fourth alternative would again focus on fields in which there was DBE concentration at a given percentage level (the same questions apply). This alternative would direct the recipient to establish contract goals that gave special emphasis to DBE participation in other fields.

Example: Recipient X's highway construction contracts give rise to 100 subcontracts for fencing in Year 1. Of these, 80 go to DBEs. In Year 2, Recipient X sets contract goals to emphasize steel erection, widget wrangling, barrier placement etc. (i.e., fields in which there is not a concentration of DBEs).

The Department seeks comment on whether this concept would be practical to administer (e.g., it would require setting somewhat more complex contract goals than is now the case).

These alternatives are not necessarily mutually exclusive, and it might be possible to combine some of them. It might also be possible to offer recipients a menu of such alternatives from which they could choose. The Department also seeks comment on any other ideas for encouraging DBE participation in particular fields, including those mentioned in the December 1992 NPRM and the comments on it. We note that these alternatives focus on situations in which contract goals are used, and we seek other ideas that may work in situations where contract goals are not used.

Paragraphs (b) and (c) focus on the other side of the coin, fields in which DBEs are poorly represented. The proposed definition of such a field is one in which DBEs receive 25 percent or fewer of the contracts. The Department seeks comment on whether 25 percent is an appropriate level for this purpose and whether the standard ought to refer to a specific period of time, such as the previous year or an average over a number of previous years.

Paragraph (b) would direct recipients to give priority to ''underrepresented'' fields in operating their outreach and technical assistance programs. The recipients' focus would be on assisting firms to enter such fields. The Department seeks comment on whether any greater degree of specificity in terms of what recipients are to do in this respect is advisable.

Paragraph (c) is based on a proposal for business development programs (BDPs) in the December 1992 NPRM. Thirty-two comments, mostly from recipients, thought this was a bad idea, primarily because it would result in costly, administratively burdensome,

new requirements for them. Some also said it would be burdensome for firms and would duplicate other government programs. The 21 comments supporting the idea, including recipients and some DBE and non-DBE contractors, thought that providing additional training for DBEs would be beneficial. They differed on whether the program should be voluntary or mandatory for DBEs and on other details, and several mentioned that additional funding would be needed to make the idea work.

The SNPRM continues to propose the BDP concept, which gains added importance as a means of helping to meet the narrow tailoring requirements of current law. Having a BDP would be mandatory for a recipient, however, only if an operating administration decided it must have such a program. Recipients would also have the option to create such a program on their own, subject to DOT program approval.

The Department recognizes that BDPs can be costly and burdensome. Consequently, the size and scope of a recipient's BDP could vary with the recipient's resources. The SNPRM does not propose a given level of resources or activity for a BDP, even where an operating administration mandates the creation of BDPs. The Department also intends that recipients would have considerable flexibility in the creation of BDPs, which can be adapted, within the regulatory framework, to each recipient's circumstances. The NPRM's safeguards for the integrity of the BDP process, on which there was little comment, have also been retained in the SNPRM.

Like the December 1992 NPRM, the SNPRM permits recipients, as part of their BDPs, to create a mentor-protégé program. Sixteen comments favored this NPRM proposal, which was a modification of an existing non-regulatory FHWA initiative. These comments generally favored the limitations on the use of protégé firms incorporated in the proposal, which were designed to avoid the abuse of mentor programs. A few thought that the restrictions would make it too hard to attract participants, however. Three comments opposed the proposal, out of concern that such programs make it too easy for fronts to participate. As a discretionary, limited program, the Department believes that a mentor-protégé program can be useful as part of a strategy to help DBEs diversify, and so we are retaining this provision in the SNPRM. It should be noted that this is the only context in which a mentor-protégé program would be authorized.

The SNPRM includes appendices setting out guidelines for the operation of BDPs and mentor-protégé programs. The Department seeks comments on this guidance material.

One suggestion that has been made would tie together the idea of quality inspections of DBEs' work and mentor-protégé programs. Under this suggestion, recipients would inspect the work performed by DBE firms. Those that were not performing at an appropriate level would be referred to a mentor-protégé program for additional training, with incentives provided to the mentor firms. The Department seeks comment on the merits of this suggestion.

One of the key issues affecting virtually all parts of this section is how to define a ''field'' in which DBEs may be either over- or underrepresented. The SNPRM proposes a two-pronged approach. First, a field could be viewed as an industry defined by a SIC code in the SBA small business regulations. (Should this be a four-digit SIC code in all cases, or are there circumstances in which other levels of SIC codes would work?) Second, a ''field'' could mean a readily identifiable field of work designated by the recipient (e.g., landscaping or guardrail in highway construction). The Department seeks comment on whether it would be desirable and feasible for the Department to devise at least a partial list of ''fields'' in the second sense and, if so, what should be included on such a list.

Duration

One of the elements the courts have identified as part of narrow tailoring is that affirmative action programs should not be established in perpetuity. The duration of DBE program, as currently structured by statute, is narrowly tailored in this respect. That is, Congress reauthorizes the program from time to time. If Congress determines that the effects of discrimination have been eliminated, Congress would have a justification for ending the program.

The issue of duration is also sometimes discussed in terms of limits on the participation of individual firms in the program. In the December 1992 NPRM, the Department raised this issue under the heading of ''graduation.'' There were 110 comments opposed to the idea of graduation. The point of many of these comments, particularly those from DBEs, was that it takes more than several years for a firm to be able to overcome disadvantage and survive in the open market. Being thrown into the open market could prove fatal to many DBE firms, comments said, given that discrimination has not disappeared from the marketplace.

Some prime contractors said that it was hard enough to find qualified DBEs as it is, without adding to the problem by graduating firms. Other comments pointed out that there are significant differences between the DBE program and the 8(a) program, which ties a very complex graduation formula to the success of the 8(a) program's systematic business development efforts.

On the other hand, 61 comments favored a graduation requirement or suggested an approach to graduation. Some of these comments favored ''term limits'' for firms (e.g., 5–10 years) in order to clear the way for other, newer firms in the DBE program. Others suggested approaches based on such factors as success in business development, gross receipts, number of projects or contracts in which a firm participated, a sunset provision for unsuccessful firms, etc. Graduation, comments suggested, could provide an incentive to DBE firms to become more competitive.

In one sense, the structure of the DBE program already provides for a limit on the participation of individual DBE firms. If a DBE firm grows to the point where it no longer meets SBA small business size standards or the statutory DBE size cap, it becomes ineligible. But as long as a firm remains a small business, and as long as there is a compelling need to remedy the effects of discrimination on small businesses owned and controlled by socially and economically disadvantaged individuals, it is difficult to find a sound rationale for excluding an otherwise eligible DBE from the program just because it has participated for a certain number of years or has had a degree of success in the program.

Arguments by opponents of graduation programs have considerable force. Unlike the 8(a) program, the DBE program does not provide for an encompassing business development program, with substantial agency assistance. The DBE program does not provide a comparable program for DBEs to graduate from. Experience has shown that, when firms leave the 8(a) program, or when state or local MBE/WBE programs are eliminated (e.g., in response to the Supreme Court's decision in Croson), the firm's success or the state or local government's MBE/WBE participation is imperiled. To force otherwise eligible DBEs out of the program would, given a marketplace in which the effects of discrimination persist, set up those firms to fail.

Therefore, while the Department will consider comments concerning how best to address the duration element of narrow tailoring, we are not proposing

any ''graduation'' mechanisms in the SNPRM.

Subpart C—Goals, Good Faith Efforts, and Counting

Section 26.41 Overall Goals

The statutes underlying this program direct the Department to ensure, unless the Secretary determines otherwise, that 10 percent of the funds authorized by the statutes be expended with DBEs. This statutory formulation is important for two reasons. First, it constitutes a determination by Congress (in the context of the highway, transit, airport, and airport concessions programs) that discrimination in contracting opportunities has existed, that the problem is nationwide in scope, and that remedial efforts are needed to address this problem. Second, it constitutes a determination by Congress that, unless the Secretary determines otherwise, expending 10 percent of authorized funds with DBEs is a reasonable nationwide level of effort to achieve the remedial objective of the statutes.

These actions by Congress form an important part of the Department's basis for concluding that there is a compelling government interest in maintaining the DBE program, meeting the first part of the strict scrutiny test articulated in Adarand. We note that Department of Justice proposals for modifying affirmative action programs in Federal procurement are backed by an appendix citing substantial evidence of the compelling need for programs of this kind. The Department also relies on this appendix and similar evidence.

Strict scrutiny also requires that the program be narrowly tailored to address the compelling government interest. In our view, some aspects of narrow tailoring are best addressed at the recipient level. Under Part 23, recipients set overall goals, and we believe that recipients should continue to perform this function. The SNPRM proposes to modify how recipients set overall goals, with the aim of improving and strengthening the process from a narrow tailoring point of view. These proposals are, in the Department's view, consistent with Congressional action establishing the nationwide ten percent level of effort, which the Department anticipates continuing to use as a guide for evaluating the overall success of the DBE program.

Under the *current* overall goal requirements (49 CFR § 23.45(g)(5)), recipients set overall goals based on two factors: (1) a projection of the number and types of contracts the recipient will award and a projection of the number of DBEs likely to be available to compete for the contracts; and (2) past results of the recipient's DBE efforts. These factors are used to implement the DBE program goal of supporting ''the fullest possible participation of [DBE firms]'' § 23.1). Recipients must make a special showing to obtain DOT approval for an overall goal of less than 10 percent (this showing has been made on a few occasions). As a practical matter, recipients have often implemented these provisions by looking at their potential contracting opportunities, estimating how much DBE participation could be obtained from existing DBEs, and setting a goal to maximize this potential participation. The recipient's past performance often has operated as an informal ''maintenance of effort'' provision with respect to the level of overall goals.

In the context of narrow tailoring, a recipient's goal would remedy the effects of discrimination if it led to the results we could expect if the playing field for all businesses were level. The Department seeks comment on three conceptually similar, but mechanically different, means of setting a goal to approximate the results of a level playing field.

The first alternative would compare DBEs with all businesses. If we know the percentage that DBEs make up of all businesses that are available to work for the recipient, then the results of a level playing field will be DBE participation in the same proportion. The calculation looks like this:

$$\frac{\text{DBEs}}{\text{All businesses (large and small, DBEs and non = DBEs)}} = \text{DBE capacity}$$

By all businesses in this context, we mean all businesses in types of work relevant to the recipient's DOT-assisted contracting. We seek comment on the use of SIC codes or other information to identify the relevant business types. Also, would it make better sense to compare DBEs to only small businesses?

This option parallels the way we calculate DBE achievements, which looks like this:

$$\frac{\text{Contracting dollars to DBEs}}{\text{Contracting dollars to all businesses}} = \text{DBE participation}$$

Under the second alternative, the recipient would estimate the number of minority-and women-owned businesses in the state or locality in which it operates. This estimate could be made on the basis of U.S. Department of Commerce data. The data are broken down by 2-digit SIC codes. The recipient would make the estimate using only those SIC codes that represent a major portion of its DOT-assisted contracting work (e.g., for a state highway agency, those SIC codes encompassing construction, architects and engineers, etc.) The Department seeks comments on whether the Department should standardize the SIC codes used for this purpose by various categories of DOT recipients, and, if so, what those SIC codes should be (e.g., for state highway agencies, airports, transit authorities).

Second, the recipient would determine the total number of all businesses in these SIC codes within the state or locality. There is U.S. Census data available that provides this number. The recipient would then determine what percentage minority- and women-owned businesses were of the total. This percentage, absent adjustments (see discussion below), would become the recipient's overall goal. The goal would be expressed in terms of a percentage of the recipient's DOT-assisted contracting dollars. This is the result we would expect from a level playing field. The calculation would look like this:

$$\frac{\text{Minority/Women-Owned Businesses in Relevant SIC Codes in the State/locality}}{\text{All Businesses in Relevant SOC Codes in the State/locality}} = \text{DBE capacity}$$

It may be possible for the Department to calculate these goals, saving recipients the time and effort required. The Department will consider doing so, and we invite comment on whether this would be a good idea.

We note that there are limitations to the data currently available. The 2-digit SIC code data on which the numerator of this equation would be based could have significant error rates for some states, leading to a degree of statistical uncertainty. At the present time, however, this appears to be the best state-by-state data available on a nationwide basis.

Data are available by single-digit SIC codes for construction. However, this code tends to aggregate data for a greater number of businesses than those usually found in highway or transit construction. On the other hand, the state-by-state one-digit SIC data is likely to have a lower error rate than two-digit state-by-state data. We invite comment on whether this alternative should use one-digit rather than two-digit SIC data.

We also recognize that there may be differences between localities and states concerning the relative availability of minority-and women-owned businesses. Federal data is not currently available, however, in a useful form to make the calculation needed for the numerator for localities. Where there is not better local data, however, we may have to rely on statewide data, for lack of a practicable alternative.

The third alternative differs from the others in that it focuses on actual participation by both DBEs and other firms. The approach would determine the percentage that DBEs make up of all firms that actually work for the recipient, in any capacity, on DOT-assisted contracts. To avoid having short-term trends skewing the calculation, we propose to use a five-year average as the basis for the calculation. (We seek comment on whether this is an appropriate time period for this purpose.) The calculation looks like this:

$$\frac{\text{Average number of DBE firms actually working on DOT-assisted contracts for the recipient, over five years}}{\text{Average number of all firms actually working on DOT-assisted contracts for the recipient, over five years}} = \text{DBE capacity}$$

This approach uses data that are readily available to the recipient. Since it is based on actual experience, it does not rely on projections about potential participation.

Each of these alternatives describes the shape of a level playing field in a somewhat different way. Each may have its advantages and disadvantages. We seek comment on the relative merits and problems of each approach, or other approaches that commenters may suggest.

In considering how to analyze capacity for Federal procurement, the Departments of Justice and Commerce are considering whether it is possible to include information on whether firms are ready, willing, and able to work on Federal contracts. Is this a relevant consideration for calculating DBE capacity in this program, and is data available that would make it possible?

As a means of reducing potential burdens on recipients, § 26.41(c) would permit recipients to use a DBE capacity figure calculated by another agency in certain circumstances. First, as part of the Federal government's proposed direct procurement rules, the DOC will calculate ''benchmarks'' for various industries. These benchmarks, which are likely to be established on a national or regional basis (e.g., a regional basis for construction), could form a basis for a recipient's DBE capacity calculation.

To use the benchmark for this purpose, however, the recipient would have to determine that the area from which it obtained contractors was generally similar to the area for which DOC prepared the benchmark. That is, if DOC calculates a benchmark for construction in a particular region, a recipient could use the benchmark (and not calculate its own DBE capacity figure) if it obtained construction contractors from the same general region. (Since DOT does not permit its grantees to use geographic preferences in contracting, such comparisons may be readily demonstrable.) In some fields, of course, there might be a national market that everyone uses (e.g., transit vehicle purchases). One of the issues in using DOC figures is that DOC benchmarks, because of differences between Federal procurement and the DBE program, will not include women-owned firms. Consequently, recipients would have to adjust DOC benchmarks to account for women-owned DBEs. We seek comment on whether data are available for this purpose.

Closer to home, recipients may find that other recipients have established overall goals. For example, all state DOTs will establish such goals. A transit authority in a particular state could use the state DOT's goal, assuming the transit authority did its procurement in the same general area. Likewise, recipients (e.g., airports and transit authorities) in a metropolitan area might use one another's goals, or work together on a combined goal, again assuming that their procurement areas are generally similar. The objective is for recipients to use the best possible data to arrive at DBE capacity, while not unnecessarily duplicating the relevant work that others may have done.

As noted in proposed § 26.41(d), recipients may also use other means to establish goals (e.g., a local disparity study). In the interest of promoting flexibility in the program, these could include methods a recipient has devised that are not mentioned anywhere in Part 26. Under § 26.41(d), the recipient would need the operating administration's approval to use alternative goal-setting methods, to ensure that its tailoring was appropriately narrow to meet *Adarand* standards.

The SNPRM (§ 26.41(e))asks for comment on one additional consideration in goal setting. The goal-setting analysis is based primarily on present DBE capacity. But it is very possible that the effects of discrimination have suppressed the formation of DBE firms (e.g., by having made capital more difficult to obtain over a long period, by having deterred potential DBE owners from entering businesses relevant to DOT-assisted

contracting). To account for this suppression of DBE business formation, the proposed rule would require the recipient to increase the goal, if the recipient had evidence to support a finding that DBE business formation had been suppressed. DOJ has proposed a similar mechanism in its NPRM on Federal procurement affirmative action issues.

We seek comment on what data sources would be relevant and available, or would need to be created, to complete this so-called ''but for'' analysis. Other relevant information might include evidence of discrimination in the public and private sectors in such areas as obtaining credit, bonding, and licenses. It could include evidence of discrimination in pricing and contract awards. If, through analysis of such information, the recipient could make a quantitative estimate of DBE suppression, the recipient would increase its overall goal proportionately.

The SNPRM would require recipients to seek information relevant to DBE suppression as part of their public participation process, but it would not require recipients to calculate a suppression factor where data was unavailable. At the same time, where recipients have some information (e.g., anecdotal information that cannot readily be quantified) that the capacity analysis understates the appropriate goal, recipients could take appropriate action in administering their programs to attempt to account for this factor. The Department seeks comment on the issue of how recipients would best obtain data and how they would best proceed in the absence of quantifiable data.

The Department is also aware that, under *Adarand,* programs for women-owned firms may be subject to different legal standards than minority-owned firms. Nonetheless, because the Department's statutes call for operating a unified DBE program, including both minority-and women-owned firms, this SNPRM proposes to use the same administrative mechanisms for all DBEs. We invite comments on alternative ways of viewing the overall goal process, in the post-*Adarand* legal climate, as well as alternative mechanisms. We would also be interested in seeing data that might illustrate the effects on DBE goals of making the calculation this way, as well as through alternative means commenters might suggest.

The Department wants very much to work with recipients and other commenters to flesh out the mechanics of the new goal-setting process. (The costs of making changes in the goal-setting process are eligible for reimbursement from Federal funds on the same basis as the funds are available for other program administration costs.) Since this proposal is intended, in large part, to conform to the legal requirements enunciated in *Adarand,* the Department also seeks comment on the extent to which it succeeds in doing so. The Department also seeks any other suggestions commenters may have on ways of adjusting the overall goal provisions of the rule in light of *Adarand.*

Comments to the December 1992 NPRM raised only a few issues concerning overall goals. Sixteen commenters, mostly recipients, favored dropping the current rule's requirement for a public notice and comment procedure prior to the adoption of each annual overall goal. They said it was an administrative requirement that did not result in the receipt of useful comments. Some of these comments said the requirement should be retained in cases where a goal of less than 10 percent was requested. Three commenters, also recipients, favored its retention. As noted above, we believe that there are values in public participation, and the SNPRM includes such a requirement.

A few comments requested the deletion of the existing requirement that the Governor or other politically responsible official at the head of a governmental jurisdiction sign a request for a goal of less than 10 percent. We believe that this change would be beneficial, in that it would remove an administrative step that can delay goal submissions, so the SNPRM does not include it. We believe that, by this time, the process of goal-setting is likely to be well institutionalized in most recipients' organizations, making a political official's sign-off less important than when we began the program in 1980.

One issue related to goal-setting that was the subject of considerable comment to the December 1992 NPRM is that of group-specific goals. The Department received 32 comments to the December 1992 NPRM, principally from minority-owned DBE firms and their organizations, as well as some recipients, urging the adoption of either separate goals for minority-owned and women-owned DBEs or of multiple goals for different designated groups. Twelve comments, principally from recipients and women-owned DBEs, opposed changing the program to permit separate DBE goals.

The reason most often advanced for adopting separate ''MBE/WBE'' or group-specific goals was a concern on the part of minority firms that they were losing market share to firms owned by white women. Since Congress included women in the DBE program in 1987, comments said, the proportion of contracts going to women-owned DBEs has increased while the proportion of contracts going to minority-owned DBEs has decreased (FHWA statistics appear to support this observation in a number of states). Many of these comments suggested that firms owned by white women are, in effect, less disadvantaged than those owned by minorities. They perceive women-owned firms as having better access to capital, credit, and business opportunities than minority-owned firms. Many women-owned firms are simply fronts, in the view of some of these comments. Even if they are not fronts, strictly speaking, they still can ride on the coat-tails of spouses, relatives, or established businesses.

Women-owned firms countered by asserting that bias against their firms by recipients in the certification process made it more difficult for them to get certified. The main reason these comments suggested for the perceived bias was a desire by some certifying officials to ensure that minority-owned firms retained the lion's share of contracting opportunities under the program.

The Department understands the views of commenters favoring group-specific goals, recognizing that many minority participants in the program have a genuine concern with the market share of DBE work that is available to them. We also note that some of the comments (particularly one from the Mexican-American Legal Defense and Education Fund) made interesting arguments that such goals are constitutionally permissible. However, the use of group-specific goals could raise a variety of policy and administrative problems, and we believe for legal reasons that we cannot propose making group-specific goals part of the Department's program.

The problem that we believe precludes the Department from permitting group-specific goals in the DBE program is a statutory one. The Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) added women as a ''presumptive group'' within the definition of disadvantaged business enterprises. The legislative history of STURAA was quite explicit about the intent of this change. The Senate report on the bill said the following:

> This provision extends the [DBE] program through 1990 and adds women (WBEs) to the rebuttable presumption of being disadvantaged. * * * It is the intention of this language that prime contractors performing Federal-aid highway construction

contracts and State transportation departments will now be able to use WBEs to meet their DBE contract goals. It is not intended that the overall DBE requirement set by this section be increased as a result of the inclusion of WBEs as a presumptive group. (S. Rept. 100–4 (1987) at 11–13).

The STURAA Conference Report directly addressed the issue of separate goals. It said the following:

It is the intention of the conferees that firms owned and controlled by women (WBEs) be included, as a presumptive group, within the definition of Disadvantaged Business Enterprise (DBE). The conferees intend that contractors bidding on Federal-aid highway projects will now be able to make best efforts to meet DBE contract goals using DBEs (as they were defined prior to this Act),WBEs, or combinations thereof. Additionally, *the conferees intend that the Department of Transportation and the States no longer should require contractors . . . to meet separate goals for DBEs (as defined prior to this Act) and WBEs.* (H. Rept. 100–27 (1987) at 148, emphasis added).

In the 1987 amendment to Part 23, the Department's contemporaneous construction of this statutory change was that Congress mandates a single goal encompassing both minority and women-owned DBEs.

Congress extended the DBE program in section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Congress made clear that ''[t]his section provides for an ongoing Disadvantaged Business Enterprise (DBE) program. This section is a continuation of section 106(c) of the STURAA of 1987* * *.'' (H. Rept. 102–404 (1991) at 307). Twice, during the House Public Works and Transportation Committee's consideration of ISTEA and in a subsequent floor vote, the House rejected amendments that would have authorized or required separate MBE/WBE goals.

The present DBE program statute, then, is a continuation of section 106(c) of STURAA, concerning which Congress expressed its explicit intent that contractors should not have to meet separate goals for minority-owned and women-owned businesses. Congress had opportunities to change that direction in 1991 and did not do so. In these circumstances, it is difficult to see how the Department could, consistent with the language and legislative history of the statute, require or authorize separate, let alone group-specific, goals. (This same point applies to DBE airport concessions under Subpart G, since the airport program DBE legislation—49 U.S.C. 47102 and 47113—incorporates the same DBE definition).

Section 26.43 How Are Overall Goals Established for Transit Vehicle Manufacturers?

There were few comments on the December 1992 NPRM section on transit vehicle manufacturers (TVMs), which proposed to continue the existing Part 23 TVM section. Two comments supported the section, one asked for greater clarity, and another said it would be useful if acquisition of specialized equipment obtained by non-transit recipients (e.g., airport fire trucks) could benefit from the same approach. Another comment said that recipients, rather than TVMs themselves, should be responsible for certifying DBEs who work for TVMs.

The Department has adopted one of these comments, and the SNPRM would permit an FAA or FHWA recipient to use the procedures of this section with respect to meeting DBE requirements in the acquisition of specialized equipment, subject to the approval of the concerned operating administration. The Department would make one additional change, intended to provide greater flexibility to recipients, particularly when dealing with a large vehicle procurement. In such a case, the recipient may, with the approval of the concerned operating administration, establish a project-specific goal instead of relying on this section.

Transit vehicle production is clearly a national market, in which it does not make sense for individual transit authorities to set goals for DBE participation individually. Consequently, under the SNPRM, FTA would set a goal for manufacturers. The goal would be set by a means similar to the means the Department chooses for establishing overall goals under § 26.41.

Section 26.45 What Means Do Recipients Use To Meet Overall Goals?

In narrowly tailoring a nondiscrimination regulation, one of the important steps the Department can take is to place greater emphasis on race-neutral approaches such as outreach and technical assistance to meet program objectives. Consequently, the Department is proposing that recipients' first resort in meeting overall goals be to use these means. The proposed, non-exclusive, list of steps that recipients can take include several measures mentioned in the existing Part 23 and the December 1992 NPRM.

The recipient would use means like those listed in paragraph (a) to meet its overall goal to the extent it was able to do so. In many cases, however, it will probably be necessary to use race-conscious means to overcome the effects of discrimination. The Department does not intend, in this section, to say that race-neutral means must be used ''before'' race-conscious measures in any crude chronological sense. We anticipate that a variety of measures will be used in combination to provide appropriate flexibility to recipients.

The basic means to be used when a recipient cannot meet its overall goal wholly through race-neutral methods is contract goals. Because the recipient may meet at least a portion of overall goals using other means, this proposed rule differs from the existing rule and the December 1992 NPRM by not necessarily requiring a contract goal on every contract that has subcontracting possibilities. It would be up to the recipient to determine when use of contract goals is needed to meet the overall goal. For example, if a recipient had met its overall goal for a given year by the end of September, it might use paragraph (a) techniques rather than contract goals the rest of the year.

The proposed regulatory text does not change the existing rule's provision that contract goals are calculated on the basis of the entire amount of the contract (i.e., Federal plus non-Federal shares). We solicit comments, however, on whether there should be any change in this provision, particularly in situations where there is only a small percentage of Federal funds in the contract.

The SNPRM also seeks comment on including an ''evaluation credit'' approach. Under this approach, if a DBE's bid or offer on a prime contract falls within a price differential designated by the recipient (from one to ten percent of the lowest non-DBE offer), the DBE would get the contract. Alternatively, as among non-DBE bidders on prime contracts, a bidder who had a designated level of DBE participation (set by the recipient in a way equivalent to the way contract goals are set) would receive the contract if its bid fell within a given percentage differential of the lowest bid by a bidder who did not achieve that level of DBE participation.

We emphasize that, as proposed, this mechanism would apply only to bidding on prime contracts (though we seek comment on whether there is any feasible way of using it or a similar mechanism on subcontracts). For example, suppose a recipient established a price credit of 7 percent for bidders who had at least 10 percent DBE participation. Bidder A bids $105,000 on a contract, and has 10 percent DBE participation. Bidder B bids $100,000 for the same contract, but has only 5 percent DBE participation.

Bidder A would receive the contract, since it achieved the targeted DBE participation and was within the 7 percent evaluation credit range established by the recipient.

If race-neutral means are the first resort under this proposed section, then set-asides and other more intrusive means, such as a ''conclusive presumption,'' are the last resort. By a set-aside, we mean a procurement practice that permits no one but DBEs to compete for a given contract. Only if the recipient documents that there are no other, less intrusive, ways to meet DBE goals, and only if the recipient has state or local authority independent of Part 26, should the recipient use means of this kind on a DOT-assisted contract.

When a recipient uses race-conscious measures, and these measures appear to have significant success in combating the effects of discrimination, what happens next? Given that, under Adarand, measures must be narrowly tailored to achieve nondiscrimination, we believe that recipients must consider changing their use of race-conscious measures when it appears that DBEs are closer to competing on a level playing field.

For example, suppose a recipient significantly exceeds its overall goals over a number of years. This suggests to us that the recipient should rethink its use of race-conscious measures to achieve overall goals (e.g., to rely more on race-neutral measures). Note that we are not suggesting shutting down the program or getting rid of overall goals in this situation, just changing the mix of measures used to achieve overall goals.

Another way of looking at the slope of the playing field shifts the focus to the broader economy. It is likely that, in many places, DBE participation is better in DOT-assisted contracting than in many other sectors of the economy, simply because of the existence of this program over the last 17 years. Were it not for the DBE program, it is likely that the picture of DBE participation in DOT-assisted contracting would resemble that in similar sectors of the broader economy.

Suppose that, in a given state, minority-and women-owned contractors account for 20 percent of the contractors, but only 10 percent of the business volume. Whatever DBE participation achievements may be in DOT recipient contracting, this suggests that the playing field is not altogether level in the state. If we took away the use of race-conscious measures in the DOT program, its achievements would probably fall to a level approximating that of the broader economy. This is a rationale for maintaining the use of race-conscious measures. If this rationale disappears in the broader economy, then the recipient should rethink its use of race-conscious measures to achieve overall goals (e.g., rely more on race-neutral measures). The Department asks for comments on the data that would be needed to make this approach work.

One concern that disadvantaged businesses have expressed is that recipient sometimes do not apply measures to obtain DBE participation evenly through their various contracting opportunities. For example, DBEs have said that some recipients meet their goals entirely through construction contracting, largely ignoring other types of businesses (e.g., suppliers, architects and engineers, other professional services). The Department's intention is that recipients explore all opportunities for DBE participation, in all fields in which DOT-assisted contracting occurs. We seek comment on whether any regulatory provisions are needed on this subject and, if so, what they should say.

Section 26.47 What Are the Good Faith Efforts Procedures Recipients Follow in Situations Where There Are Contract Goals?

The concept of good-faith efforts is a very broad one, applicable in some senses in a variety of contexts under the rule. Section 23.47, however, applies only in the case where a recipient uses contract goals, one of the intermediate level of mechanisms available to meet overall goals. When the recipient has set a contract goal, the recipient would award the contract to the apparent successful bidder if either of two things happen: the bidder meets the contract goal by providing sufficient DBE participation or the contractor documents adequate good faith efforts (GFE) , despite not meeting the contract goal with DBE participation. This section emphasizes that either showing is acceptable. It would not be consistent with the rule for the recipient to insist on a bidder meeting the goal, disregarding its showing of GFE. To do so would establish a *de facto* quota system. At the same time, it is not consistent with the rule for a recipient to award a contract based on merely *pro forma* or perfunctory efforts by a bidder. This is equally inconsistent with the rule.

In order to reinforce the point that the good faith efforts provision is meant to be taken seriously, the SNPRM proposes that recipients would implement an administrative reconsideration process when the apparent successful bidder had been denied the contract for failing to make adequate good faith efforts. This process is intended to be informal and minimally burdensome, but it is also intended to cause recipients to make sure that their decisions on GFE are well-founded.

One suggestion made by DBEs was that, rather than the recipient itself, a committee made up of recipient, DBE, prime contractor, etc. representatives should make GFE decisions. Is this a good idea, either at the initial decision or review level? Should the Department include such a provision in the final rule?

One issue related to GFE that was the subject of a good deal of comment on the December 1992 NPRM was whether DBE prime contractors should have to meet contract goals. It is clear that the existing Part 23 does not permit recipients to require DBE prime contractors to do so, as pointed out in the preamble to the December 1992 NPRM. (Any recipient programs to the contrary are inconsistent with the Department's rule; FHWA has provided guidance to its recipients emphasizing that any programs containing inconsistent provisions on this point need to be changed.) Under the existing rule, a DBE prime contractor meets a contract goal by virtue of being a DBE. Since the entire amount of a contract to a DBE is counted toward the contract goal, a DBE prime contractor's goal attainment is 100 percent.

Thirty-six comments to the December 1992 NPRM favored changing this provision, so that a DBE prime contractor would have to meet subcontracting goals just like any other prime contractor. Commenters taking this position said that requiring DBE primes to meet goals would help to maximize DBE participation and that it was fair to impose the same requirements on all prime contractors. In some cases, these comments said that DBE primes should only meet goals when they would otherwise subcontract work, or should only have goals applying to that part of the work of a contract they did not plan to perform with their own forces.

Twenty-four comments opposed adding a regulatory requirement for DBE prime goals. Some of these agreed with the rationale of the existing rule, saying that there was already, in effect, 100 percent participation. Others said that requiring DBE primes to meet goals would hinder their growth and productivity, or that recipients should have discretion on this matter. Some comments said that DBE primes should have to meet goals only if they subcontracted work.

The Department seeks additional comment on this issue. We note that there are two competing notions of

equity involved in the debate. On one hand, requiring DBE primes to meet subcontracting goals imposes the same requirements on all prime contractors. On the other hand, since DBE primes are implicitly viewed as not enjoying a level playing field with non-DBE primes, requiring both to meet the same subcontracting requirement can be viewed as simply maintaining the inequity.

With respect to subcontracting, the SNPRM, with certain exceptions, would not count toward DBE goals work performed by non-DBE second tier subcontractors. This approach for subcontractors is more consistent conceptually with a requirement for DBE primes to meet subcontracting goals. On the other hand, it can be argued that to make a DBE prime meet subcontracting goals in effect requires over 100 percent DBE participation on DBEs' prime contracts.

The SNPRM proposes the two approaches in the alternative. We also seek comment on a third alternative, specifying that a DBE prime has to use its own forces for a sufficient percentage of the contract to meet the contract goal. If the DBE prime were subcontracting out so much of its work that it would not cover the goal amount with work performed by its own forces, then the DBE would have to make up the difference with other DBE participation.

The most commented-upon issue in the December 1992 NPRM section on GFE concerned whether compliance with the requirement to supply information about goal attainment or GFE should be a matter of responsiveness or responsibility. If a matter of responsiveness, the bidder must submit all the required information with its bid. Failure to do so results in the bid being non-responsive. If a matter of responsibility, the apparent successful bidder is given a certain amount of time to submit the information following the opening of bids. Under Part 23, recipients had the option of whether to use the responsiveness or the responsibility approach. The December 1992 NPRM proposed that the responsiveness approach be used in all cases, in order to mitigate the problem of ''bid-shopping,'' in which the apparent successful bidder uses the compliance time after bid opening to conduct a sort of reverse auction among prices of DBEs interested in the job.

Thirty-eight comments, mostly recipients and DBEs, supported the NPRM proposal. Many of these comments said that it would be an effective means of limiting prime contractors' opportunity to bid-shop. Others pointed to specific recipients' programs that successfully used the responsiveness approach. A few comments suggested modifications to this approach, such as allowing 5–7 days for contractors who did not meet the goal to show GFE. We have also received a suggestion that, given what some DBEs perceive as abuses of the ''letter of intent'' or ''commitment'' process by prime contractors, that the Department should establish a firm policy of requiring the use of the DBEs that a prime contractor originally names.

Sixty-five comments, mostly prime contractors but including a few recipients, opposed the December 1992 NPRM proposal. These comments said that bid shopping was not that big a problem, or that some degree of bid shopping was appropriate. Their main objection was that the proposal was too burdensome for prime contractors. They painted a picture of contractors submitting multiple bids after a hectic whirl of last-minute negotiations involving quotes from a variety of subcontractors. The time frame for finalizing bids is too short to make the responsiveness approach practical, they said. Some recipients said that they had tried this approach and found it didn't work. Other comments suggested variations on the responsibility approach, such as limiting the time after bid opening in which a contractor could submit the required information or considering as evidence of GFE only those actions a contractor had taken prior to bid opening.

Both sides of this debate make some valid points. Based on DOT's experience with the contracting process, bid shopping appears to be a significant problem that negatively affects the ability of DBE subcontractors to succeed in performing contracts for a profit. Requiring information to be submitted as a matter of responsiveness, in our view and that of a number of comments, appears to be a reasonable means of mitigating that problem. On the other hand, the responsiveness approach would probably be more difficult administratively for prime contractors, though it is being used successfully in some places.

Given that there are valid points to be made in favor of both responsibility and responsiveness, and that the circumstances of different recipients may well differ concerning the desirability of one approach or the other, the significance of a bid-shopping problem in a particular jurisdiction, etc., the SNPRM would continue the existing practice of allowing recipients to choose which approach to follow. The Department seeks additional comment on this issue. In particular, the Department would be interested in receiving examples of how one system works, or fails to work, in current practice.

Sixteen comments to the December 1992 NPRM asked for clarification or greater guidance concerning what constitutes GFE. Some of these comments asked for more ''objective'' GFE criteria, though they did not suggest what the objective criteria should be. Others suggested tightening up informational requirements. For example, some agreed with a proposal in the December 1992 NPRM that the prime should actually have a contract with the DBE in hand to present to the recipient.

The Department is responding to these comments in two ways. First, the Department has rewritten and expanded the rule's GFE guidance (see Appendix B) to provide greater assistance to recipients and contractors. There would also be a new definition in § 26.5 which says that GFE are ''efforts to achieve a DBE goal or other requirement of this Part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.'' Second, while it may not be necessary to have a written contract between the DBE and the prime contractor presented to the recipient, the SNPRM would require that the prime contractor present a letter from each DBE submitted to meet the goal confirming that the DBE is going to perform the contract as represented in the prime contractor's submission.

One of the features of the existing guidance concerning GFE is that a contractor is not viewed as making GFE if it rejects a quote from a DBE in favor of a quote from a non-DBE when the former is higher than the latter, but the DBE has still offered a ''reasonable'' price. Seventeen comments asked for clarification of what a reasonable price is, four supported the existing guidance, while 14 opposed the concept. Opponents said the requirement makes the system more expensive, since it does not allow prime contractors to get the lowest price they can for subcontracts. Some of these comments also said they did not want to have specific ''reasonable price'' requirements (e.g., a percentage) in their bid documents.

The Department believes it would be difficult to mandate a ''reasonable price'' differential that would make sense across the board for DOT-assisted contracts. However, the Department does believe that recipients should have the discretion to do so. Appendix B would specifically provide this

discretion to recipients. The Department notes that in Federal procurement, a range of 1–10 percent is suggested. The Department seeks comment on whether this is a reasonable range, and whether Appendix B should include a specific numerical range of this kind. The Department seeks comment on whether it would be desirable and feasible to establish a national standard concerning award of a subcontract to a DBE which quoted a higher price than another subcontractor, consistent with the narrow tailoring standard of *Adarand*.

The GFE guidance would provide that in determining whether a bidder has made good faith efforts, a recipient may take into account the success of other bidders in meeting goals. That is, if Bidder A has met the goal, but lower Bidder B has not, it is fair for a recipient to inquire if Bidder B's efforts were sufficient. We also seek comment on whether additional provisions would be useful. For example, should there be additional language concerning good faith efforts in subcontracting initiated by a prime contractor after award of the initial prime contract, particularly when the prime contractor may not have met its original commitments to DBE participation?

The December 1992 NPRM proposed that a prime contractor could terminate a DBE only for breach of contract. This proposal would have prohibited terminations for convenience of DBEs. Sixteen comments, primarily from recipients and some DBEs, favored the NPRM proposal, while 19 comments, mostly from prime contractors, opposed it. The opponents said that terminations for convenience were an often-necessary part of doing business and that prohibiting them would add to expense, delay, and litigation. The Department takes a middle ground in the SNPRM. As a general matter, the rule would not prohibit terminations for convenience. However, a contractor could not terminate a DBE for convenience and then turn around and perform the work with its own forces or subcontract to a non-DBE subcontractor, absent the prior written consent of the recipient. We believe that this approach will stop a potential source of abusive conduct by primes while not denying primes needed flexibility.

The December 1992 NPRM also proposed that when a DBE was dropped from a contract, the prime contractor would have to make GFE to find a substitute DBE, even if the prime was meeting its goal by using other DBEs. Twenty comments, principally prime contractors, opposed this proposal. They did not think that requiring substitution even when a prime contractor was already meeting its goal from other sources was a good idea. It would, they said, be a disincentive to prime contractors oversubscribing their goals. Four comments supported the proposal.

The Department has decided not to adopt this proposal in its entirety. As under the existing rule, recipients would still have to make good faith efforts to find a DBE substitute for a DBE that has been unable to complete its planned participation. However, a requirement to replace DBE participation, even when doing so is not needed to meet a contract goal, departs too far from the objective of race-conscious remedies, which is to remedy the effects of discrimination. Consequently, the SNPRM would propose requiring substitution only as needed to meet a contract goal. The Department seeks comments, however, on whether there is a supportable rationale for requiring substitution of DBEs simply on the basis of contract law (i.e., meeting the original commitment to the recipient).

The December 1992 NPRM proposed that recipients have a liquidated damages or penalty provision in their contracts to sanction noncompliance by recipients with the termination and substitution provisions of this section. Two comments favored this idea, while 20 opposed it, saying that liquidated damages or penalty clauses were contrary to state procurement laws in many cases. The SNPRM adopts the suggestion made by one of these comments that recipients be required to have appropriate administrative remedies available to deal with noncompliance, without prescribing what they should be.

Section 26.49 How Is DBE Participation Counted Toward Goals?

One of the issues most commented upon in response to the December 1992 was that of whether the cost of materials obtained from non-DBE sources, but used by DBE contractors, should be counted toward goals. The December 1992 NPRM solicited comment on this issue because the present regulation (49 CFR 23.47(a)) results in an inconsistency in the way credit is counted for materials, providing that the entire value of a contract with a DBE is counted toward goals. This has been interpreted, since the beginning of Part 23 in 1980, to include the cost of materials the DBE contractor obtains, from whatever source, for performance of the contract.

For example, suppose a DBE steel erection firm buys structural steel from a major steel company, which is not a DBE. The steel accounts for 75 percent of the cost of the contract, the rest being accounted for by labor, overhead, profit, etc. Under the present rules, the entire cost of the contract, including 100 percent of the cost of the steel, would be counted toward DBE goals.

The inconsistency arises because of the way that supplies and materials are counted in other situations. If a non-DBE steel erection company bought the same steel from the same steel manufacturer at the same price, none of the value of the steel would count toward DBE goals. If the non-DBE steel erection company bought the steel through a DBE regular dealer, 60 percent of the cost of the steel would count toward DBE goals. The inconsistency could be removed if all materials and supplies were counted the same way: that is, if only materials and supplies produced by a DBE manufacturer or purchased through a DBE regular dealer could count toward DBE goals, regardless of whether the contractor was a DBE or not. This approach would result in the DBE steel erection company, in the example above, being able to count only 25 percent of the value of its contract toward DBE goals.

The great majority of comments on this point (83) opposed resolving the inconsistency in this way, saying that the entire amount of DBE contracts—including materials obtained from non-DBE sources—should continue to count toward DBE goals. Recipients, DBEs, and non-DBE contractors were all represented in this group. They said that materials are always included in the cost of any contract, and so it was meaningless to talk about counting the value of a contract and yet not counting the cost of materials. DBEs, like other contractors, take a financial risk in obtaining materials, and this should be taken into account. Also, since materials often make up a significant portion of the value of a contract, not counting materials would mean a significant reduction in goal attainment, and goals would have to be lowered accordingly. Some comments said that DBE supplies or manufacturers were not available in their areas, making reliance on other sources inevitable.

Fourteen comments, including some recipients and DBEs, favored limiting the counting of materials from non-DBE sources. Some of these suggested treating DBE and non-DBE contractors alike with respect to the counting of materials. In this scenario, only the work actually performed by the DBE would count toward goals. Others suggested limiting to 60 percent the amount of credit for non-DBE source supplies that could be counted toward

goals (placing a DBE contractor in an analogous position to that of a DBE regular dealer).

The Department has decided not to propose changing this provision. There are advantages, from the point of view of consistency and logic, in counting supplies and materials the same way in all cases. These advantages are outweighed, in our view, by the potential disruption that would be caused to the program by changing this basic counting policy. Making the change would have significant effects on goal attainment and would cause recipients and contractors to reorient the way that they do business. We also believe that comments have a good point when they say that since a DBE contractor takes a risk in acquiring materials, and must manage their acquisition and use, it should receive credit for using them in the context of the contract. We do agree with a comment saying that credit should be allowed only for materials that the DBE contractor actually obtains and uses for the contract, and we have added language to this effect.

Another issue of interest to commenters was an NPRM proposal that, for the value of a DBE contract to be counted toward goals, at least 30 percent of the work of the contract must be performed with its own forces. The idea behind this proposal was that such a requirement would limit the possibility of ''pass-throughs.'' Twenty-six comments favored a requirement of this type set at a level of at least 30 percent (a number of these comments favored higher levels, such as 60–75 percent, or supported recipient discretion to establish such a limit). Seventeen comments opposed such a provision, most saying that it would hurt contractors whose work is material-intensive.

The Department believes that a mechanism of this kind would be useful in preventing pass-throughs and in making sure that DBEs really have a sufficient role in performing contracts for which they obtain credit. The SNPRM therefore would provide that a DBE contractor that does not perform at least 30 percent of the contract is rebuttably presumed not to be performing a commercially useful function. The comments opposing this proposal may have misunderstood its implications for material-intensive contracts. This provision (and the existing FHWA practice for prime contractors on which it is based) does not interfere with such contracts: if the contractor is responsible for the materials (i.e., as the comment referred to above suggested, if the DBE negotiates price, determines quantities, orders the material, and installs and pays for the material itself), the portion of the contract represented by the materials is viewed as being performed by the contractor. Language referring to this concept has been included in the SNPRM.

Another issue raised by the December 1992 NPRM is so-called ''back-subbing.'' A non-DBE prime contractor subcontracts a portion of the work of the contract to a DBE. The DBE, in turn, subcontracts a portion of its work back to the prime contractor. Forty-eight comments agreed that work subcontracted back to the prime contractor by a DBE subcontractor should not be counted toward the goals, since it is work performed by the prime contractor, not by the DBE. A number of these comments suggested that the prohibition on counting work subcontracted out by DBEs should apply to work subcontracted to any non-DBE, not just a prime contractor. Some of these comments would make exceptions for what they viewed as customary practices such as equipment rental in certain industries. Ten comments opposed this proposal, saying that such practices as backcharging from the prime to the subcontractor or equipment rental from non-DBEs are normal, constructive industry practices.

Work performed by non-DBE contractors (primes or others) on the basis of subcontracts from DBE subcontractors may well be legitimate in various contexts, as distinct from an attempt to circumvent the DBE program. Whatever else it is, however, it is not work performed by a DBE. The Department believes it makes sense to count toward DBE goals only work that is actually performed by DBEs, and the SNPRM proposes that work performed by a non-DBE subcontractor on the basis of a subcontract from a DBE subcontractor would not count toward DBE goals.

In response to the comments concerned about equipment rentals, the SNPRM provision includes an exception for such rentals, as long as the equipment is rented from someone other than the prime contractor or its affiliate. Supplies would be treated in the same way. This approach recognizes the legitimacy of the DBE's need to acquire equipment and supplies from outside sources in some instances, while guarding against attempts by prime contractors to claim DBE credit for the use of their own materials and equipment.

One issue that comments addressed here, as well as under other provisions of the rule, concerns what happens to DBE credit from a firm that a recipient decertifies while a contract is underway. Six comments favored continuing DBE credit for a contract begun in good faith with a then-certified DBE. One recipient suggested that the credit could continue to be counted toward the prime contractor's goal, but not toward the recipient's overall goal. The SNPRM adopts the recipient's suggestion, which seems a good balance between fairness to contractors and the point that credit to non-DBE firms should not be reflected as DBE goal achievements.

There were a variety of comments on other matters. Eight comments favored, and eight opposed, not crediting DBE participation to prime contractors until the DBE is paid. For purposes of awarding contracts, of course, recipients must operate on the basis of commitments to DBE participation. However, it is administratively feasible not to credit DBE participation to a contractor's goal *attainment* until the DBE has been paid for the work in question, and the SNPRM proposes such a provision.

Other comments asked for clarification of the commercially useful function, regular dealer, and normal industry practices concepts. A few comments asked for clarification on awarding DBE credit for DBE trucking companies, a particular concern being companies that lease all or most of their trucks from non-DBEs. The SNPRM would presume that a DBE trucking company that does not own at least 50 percent of the trucks it uses for a particular contract does not perform a commercially useful function on that contract. This presumption could be overcome by a determination by the recipient that the firm is performing a commercially useful function in light of normal industry practices.

Finally, a few comments supported the notion of the ''carry-forward'' of DBE credit. That is, if a prime contractor gets 15 percent DBE participation on a contract with a 10 percent goal, then the ''extra'' 5 percent credit could be applied to meeting its goal on its next prime contract with the recipient, allowing it to obtain only five percent ''new'' DBE participation on the second contract. The Department has not adopted this idea, because we believe it would lead to an inappropriate focus on merely meeting minimum requirements.

Only the work of DBEs, of course, may be counted toward DBE goals. If a formerly certified firm does not have a certification that is current at the time a contract is executed (e.g., it has been decertified, it has allowed its certification to lapse), then it cannot satisfy DBE requirements. For example,

suppose a DBE prime contractor is identified as the apparent successful bidder for a contract in July. The contract is to be executed in September. In August, however, the firm loses its certification. The recipient cannot use the contract to meet DBE goals, and the firm would have to meet a DBE contract goal (assuming there was one on the contract) the same way any other non-DBE prime contractor would.

Subpart D—Cerftification Standards

The clarification of certification standards is one of the most important purposes of this SNPRM. Recipients and contractors should be aware that the certification standards in this subpart, while not yet formally in effect, represent the Department's interpretations of current Part 23 standards. Recipients should use this material as guidance in applying existing standards to the facts of certification cases.

The SBA is proposing new certification standards and procedures for the 8(a) and 8(d) program, which concern Federal procurement. These standards and procedures are similar in some ways, and differ in other ways, from the proposed Part 26 standards and procedures. The Department seeks comment on whether, in various specific respects, DOT should alter any of its proposed standards to more closely resemble the proposed SBA standards. During and after the comment period, DOT anticipates working with SBA to explore areas where greater convergence between the standards and procedures of the two agencies may be useful.

Section 26.51 How are Burdens of Proof Allocated in the Certification Process?

The purpose of this section is to state clearly who must prove what in certification matters. The December 1992 NPRM proposed that the applicant must bear the burden of proof that it meets eligibility criteria. Forty two comments agreed with this proposal, 36 of them supporting the ''preponderance of the evidence'' standard, which the SNPRM proposes to adopt. This standard means, in essence, that on balance, the recipient must be able to determine that the applicant more likely than not meets each of the basic certification standards: group membership, business size, ownership, and control. The applicant is responsible for demonstrating to the recipient that it meets each of these standards by a preponderance of the evidence. If the applicant fails to carry this burden, then the recipient would not certify it. Six comments favored the higher ''clear and convincing evidence'' standard, which the Department believes is too stringent for this purpose.

There is a major exception to the general rule that the applicant bears the burden of proof on the elements of certification. Because the statutes authorizing this program provide that members of the designated groups are presumed to be socially and economically disadvantaged, applicants who are members of these groups do not have the burden of proving to the recipient that they are disadvantaged. (As noted above, these individuals do have a burden of proof with respect to group membership, however.) Other individuals, as well as designated group members whose presumption of disadvantage has been rebutted, would have the burden of proving, by a preponderance of the evidence, that they are disadvantaged. How the presumption is rebutted is discussed below in the section on social and economic disadvantage.

The December 1992 NPRM said that recipients should avoid ''single factor'' determinations about certification and should make determinations based on all the facts. Eleven comments supported this position, while 13 others opposed it or asked for clarification. Most of the latter noted that there could be a single large factor (e.g., the disadvantaged individual didn't own the company) that outweighed everything else. To avoid the confusion that some commenters noted, we have not incorporated the ''single factor'' language in the SNPRM, but it clearly states that the recipient would have to consider all the facts in the record, viewed as a whole, in deciding whether an applicant has met its burden of proof. A single fact or problem would prevent certification only where it prevented the applicant from making its case by a preponderance of the evidence.

Section 26.53 What Rules Govern Group Membership Determinations?

Group membership is important in making certification decisions because only members of the designated groups enjoy the presumption of disadvantage. Individuals outside these groups must make individual showings of disadvantage in order to be eligible. In many cases, membership in a designated group will be obvious (e.g., women, many Black Americans). The SNPRM does not require recipients to make any special inquiry in these cases. Rather, the recipient would simply accept the obvious. In other cases (e.g., some American Indians, Hispanics, or Asian-Americans) there may be individuals whose membership in a designated group is not obvious to the recipient. When the recipient has reason to question the claimed group membership of an individual, the recipient would require the individual to demonstrate, by a preponderance of the evidence, that he is a member of the group.

There were few comments on this section. Most of them concerned American Indians, a category which a number of comments thought was subject to abuse by persons with little Indian ancestry and little connection with Indian communities. These comments proposed that guidance concerning group membership of Indians be clarified and that recipients be authorized to require documentation of group membership. The Department agrees, and we intend to provide additional guidance concerning group membership when the final rule is issued. The SNPRM would specifically authorize recipients to require applicants to produce appropriate documentation of group membership.

Section 26.55 What Rules Govern Business Size Determinations?

The Department's business size criteria are established by statute. There are two criteria, both of which a firm must meet in order to be eligible. First, a firm must meet SBA small business size criteria, which are found in 13 CFR Part 121. Second, a firm must not exceed an average annual receipts cap required by statute. The proposed section reflects the Department's contemplated adjustment of the current cap ($16.6 million) to $17.77 million. The Department anticipates publishing a **Federal Register** notice in the near future making this adjustment.

Many of the comments on size standards asked for changes that could be accomplished only by legislative amendments. Eight comments thought the gross receipts cap was too high (e.g., one comment said that even non-DBE prime contractors in its jurisdiction fell under the cap) while four (e.g., a petroleum products distributor) thought it was too low. Commenters in both camps, plus a few additional comments, thought that recipients should have discretion to adjust the cap to fit local conditions better. Four commenters thought that we should use only the cap, without involving the SBA size standards. Six other comments thought that DOT should develop its own size standards to replace reliance on SBA standards.

Six comments said that the SBA size standard for architectural and engineering (A & E) firms was too low

and had not changed in many years. We suggest that, if members of a particular industry believe that their SBA size standard is inappropriate, they work with SBA to see if SBA will alter the standard. Such firms are in a better position than DOT to advocate the merits of such a change to SBA.

One comment said that there needed to be different size standards for airport concessionaires. Subpart G contains FAA-developed size standards for airport concessionaires that differ from the size standards of this section, and which control for airport concession purposes. Finally, three comments asked for guidance on how to deal with situations in which a firm may work in more than one area. The size standard for each area may differ. The Department plans to issue guidance on this subject when the final rule is issued.

Section 26.57 What Rule Determine Determinations of Social and Economic Disadvantage?

The presumption of social and economic disadvantage for members of the designated groups has always been rebuttable in the Department's DBE program. The problem has been how to determine when the presumption has been rebutted. There has been substantial uncertainty on recipients' parts on what is necessary to rebut the presumption, with the result that there have been few proceedings under current § 23.69 to remove the presumption from members of the designated groups.

The December 1992 NPRM proposed to address this problem by directing each presumptively disadvantaged owner of an applicant firm to submit a statement of personal net worth (PNW) with the application. If the statement showed that the individual's net worth was over $750,000, then the presumption of that individual's social and economic disadvantage would be rebutted, and the individual would have to demonstrate his or her disadvantage on a case-by-case basis. (The $750,000 number was suggested by SBA's PNW standard for owners of 8(d) program firms. See 13 CFR 124.106(b)). This relatively simple, bright line, across-the-board approach was also intended to prevent the possibility of abuses in which recipients might target a particular firm or class of firms for inquiry into social and economic disadvantage.

This proposal was the subject of extensive comment. Forty comments supported the NPRM approach, or something like it, basically for the reasons stated in the December 1992 NPRM. A few of these comments supported a more draconian approach, in which an applicant with a PNW of over $750,000 would be barred from participating in the program, with no possibility of an individual showing of disadvantage. Another 24 comments disagreed with the $750,000 number. Exactly half of this group thought the number should be lower (e.g., $250,000–$500,000) while the other half thought it should be higher (e.g., $1–$2.75 million). Those who wanted it lower generally thought that the program should not include persons who were affluent enough to have PNW in the mid-six figures range, while those who wanted it higher said that a low figure would limit the borrowing power and ability to expand of DBE firms. A few comments also supported recipients having discretion to set their own threshold.

Fifty-six comments opposed using a PNW threshold at all. They said that the bias that creates disadvantage for minority and women owners has little to do with personal net worth, and that until that bias is eradicated, a PNW threshold was inappropriate. They said it penalizes success. Some of these comments said that PNW was based on a paper accounting of assets, including many that had little to do with the ability of someone to succeed in business. It would be difficult to administer, particularly where firms have multiple owners. It would limit the ability of businesses to expand (i.e., banks and bonding companies often demand that the personal assets of a small business owner guarantee the loan or bond, and if personal assets are limited by this rule, then financing or bonding becomes more difficult). Many comments expressed strong concern about the adverse impact on personal financial privacy of being required to submit personal financial statements to the recipient with all applications. Requiring this information with the application is inconsistent with the statutory presumption, other comments asserted, as well as being a substantial additional paperwork burden on applicants. Many also disagreed with using a number derived from SBA programs, which they saw as very different from the DBE program.

Among other miscellaneous comments were suggestions that spouse's assets, the owner's house, and/or business assets be counted in calculating PNW. Some comments suggested that owners should certify that their PNW was within the threshold or only send PNW information to the recipient as part of a due process proceeding that was challenging the firm's disadvantage.

The Department believes that its original purposes for the $750,000 threshold proposal were valid: establishing a clearly understandable standard for rebuttal of the presumption of disadvantage and preventing potential abuses that single out certain DBEs or classes of DBEs for unfavorable treatment. At the same time, the Department is persuaded that some of the flaws noted by comments that opposed the NPRM proposal—adverse effect on privacy, inconsistency with the statutory presumption, administrative difficulties, additional paperwork burden, etc.—should be considered.

For these reasons, the Department is proposing to adopt a modified version of its NPRM proposal. Recipients would be prohibited from requiring owners to prove their social and economic disadvantage as part of the application process. However, in order to have relevant information to enable them to make determinations about whether there should be inquiry into the disadvantage of applicants, the applicants would have to submit a signed certification that they are socially and economically disadvantaged and a brief summary statement of their personal net worth, which the recipient would have to keep confidential. The applicant would not be required to submit actual personal financial data (e.g., personal income tax returns or a detailed financial statement) documenting the information in the summary statement, however. These provisions are intended to balance applicants' interest in protecting the privacy of financial data and in avoiding unnecessary paperwork with recipients' interest in having sufficient information to determine when further investigation of disadvantage is needed.

Under the SNPRM, if a recipient has a reasonable basis to believe that an owner may not be disadvantaged (e.g., from summary statement of PNW, information provided by third parties, or other information available to the recipient), the recipient could commence a proceeding to determine whether the presumption of disadvantage should be removed from the individual. This proceeding would use the same due process procedures that the recipient uses in a decertification proceeding. The recipient would bear the burden of proving that the individual was not disadvantaged, by a preponderance of the evidence standard. In order to ensure that the statutory presumption is given proper effect, the recipient would not begin such a proceeding until it had

determined that the individual(s) in question owned and controlled the firm. However, to prevent contracts from being awarded to a firm that might not ultimately be owned and controlled by disadvantaged individuals, the recipient could hold the firm's certification in abeyance until the conclusion of the proceeding concerning the owner's disadvantage.

The SNPRM leaves open for further comment the issue of the amount of the threshold. There was considerable disagreement about the proper amount, and the Department asks commenters to provide, if possible, data or even anecdotal information about the potential effects of different thresholds. In doing so, commenters should be aware that this issue concerns the wealth of the owner, not the size of the business. How wealthy can an individual be before he or she ceases to be reasonably regarded as disadvantaged? This is not an abstract inquiry. The legitimacy of the DBE program rests, in part, on being perceived by the public and the courts as fair and as helping the people it is intended to help. Participation in the program by someone who is a strong candidate for air time on ''Lifestyles of the Rich and Famous'' can only undermine the program's credibility.

The Department seeks comment on whether it would be feasible to have recipients, unified certification process entities, or regional consortiums establish variations on the net worth of persons participating in the program. Doing so could increase flexibility in the program, but could also lead to a variety of inconsistent standards. The Department also seeks comment on whether there are other indices of individual social and/or economic disadvantage—other than personal net worth—that the rule should focus on to assist recipients in making disadvantage determinations.

The Department does not agree with those comments that favored using a PNW standard as an absolute cutoff for program eligibility, without the possibility of an individual being able to demonstrate eligibility on a case-by-case basis. Under the DBE program, all persons who are not entitled to the presumption of eligibility may make an individual demonstration of eligibility, and we believe that this should remain the case for persons who lose the presumption by virtue of a PNW over the applicable threshold as well as those who are not members of one of the designated groups.

Another issue concerned what standards recipients should use to make individual determinations of social and economic disadvantage. The December 1992 NPRM proposed using standards based on SBA 8(a) standards (13 CFR § 124.106(a)). Nine comments favored, and 10 opposed, this approach. The opponents pointed to differences between SBA programs and the DOT DBE program that could lead to confusion; proponents believed the standards were appropriate. The Department will retain SBA standards as the basis for guidance on making individual determinations of social and economic disadvantage, there being no other or better standards of which the Department is aware. However, as one comment pointed out, there are some inconsistencies between SBA standards and requirements of the DOT DBE program. Rather than simply incorporate or copy the SBA standards, therefore, Appendix F would modify the standards to ensure a good fit with the DOT program.

At times, firms certified under the SBA 8(a) program seek to participate in the DBE program. Under Part 23, the Department had said that, since these firms had been determined by another Federal agency to be owned and controlled by socially and economically disadvantaged individuals, recipients were required to accept their 8(a) certifications as valid for DBE program purposes. Recipients could not look behind the 8(a) certification to deny certification to such a firm based on the recipients' own evaluation of its ownership and control. Over the years, the Department had heard from recipients that this requirement resulted in their having to use 8(a) firms they believed to be ineligible under DBE program criteria. Therefore, the December 1992 NPRM proposed to allow recipients to look behind 8(a) certifications in some circumstances.

Nine commenters supported the NPRM provision, saying that too many questionable firms have 8(a) status, that size and other criteria differed between the programs, and that they had difficulty in securing assistance from SBA in reviewing the eligibility of 8(a) firms whose eligibility they questioned. Four commenters supported the existing rule's approach, one of them suggesting that there should a memorandum of understanding between DOT and SBA on the subject.

The Department believes, with the latter group of commenters, that deference to the eligibility determinations of SBA is warranted. At the same time, when a recipient has a reasonable belief that a firm is not eligible, we believe that it is contrary to the goals of the program to preclude inquiry. To balance both these concerns, the SNPRM would establish a presumption that an 8(a) firm is owned and controlled by socially and economically disadvantaged individuals. (The firm would have to demonstrate that it meets the DOT gross receipts cap and SBA size criteria for the type of work it was to perform as a DBE.) However, if the recipient had a reasonable basis to believe that the firm or its owner fails to meet Part 26 ownership, control, or disadvantaged status criteria, the recipient would request a response to these concerns from SBA. Taking into account SBA's response (or after 60 days, if SBA had not responded), the recipient could, on the basis of these concerns, initiate an eligibility removal proceeding under § 26.77.

Section 26.59 What Rules Govern Determinations of Ownership?

This section and the control section respond to the need to reinvent the certification standards in the existing Part 23. These sections have provided insufficient guidance to recipients and other participants, resulting in inconsistent and burdensome interpretations and decisions concerning certification. This situation has resulted in DBEs unfairly being denied certification and permitted the certification of firms who should not participate. To ensure that ineligible firms are screened out properly, and that applicants are not treated unfairly, the Department is proposing to provide clearer and more precise standards.

The December 1992 NPRM, like Part 23, said that contributions of capital or expertise can count toward ownership. The December 1992 NPRM proposed to clarify the circumstances under which expertise may be counted as the contribution to acquire ownership. The December 1992 NPRM said that the expertise must be in areas critical to the firm's operation, specific to the type of work the firm performs, and documented in the records of the firm. These records would have to show clearly the contributions of expertise and their value to the firm.

There were 23 comments on this issue, 19 of which supported the proposal. A few of these comments suggested minor modifications. One suggested that the rule should allow contributions of expertise in areas related to the firm's operations, another that under most circumstances business administration skills (e.g., bookkeeping, accounting, office supervision) should not be counted, a third that contributions of expertise should be limited (i.e., to 60 percent of the 51 percent of the firm needed to establish

ownership), and a fourth that the contribution should be entered into corporate documents at the time it arises.

The Department has decided to adopt the NPRM proposal unchanged. The SNPRM would therefore allow business owners who bring a special expertise, but relatively little capital, to a company to establish their ownership. At the same time, the provision provides standards to recipients on how to evaluate these situations. One requirement is that the expertise be specific to the type of work the firm performs. This would exclude, in most instances, general business administration experience from counting. The requirement that the expertise be in areas critical to the firm's operations has sufficient flexibility to allow for expertise in areas closely related to its operations. The Department does not see a rational basis for a specific percentage limitation on the amount of expertise that can be contributed, and it is probably asking too much of a firm to enter details about the contribution of expertise in its records at the time the issue arises, since the firm may not know at that time that it is planning to seek DBE participation.

Part 23 said that no assets held in trust could be counted toward DBE ownership. Early in the implementation of Part 23, the Department interpreted this provision liberally, to allow assets held in trust to be counted in some situations. The December 1992 NPRM proposed to codify this interpretation, allowing trusts to be counted where the trustee and the beneficial owner were disadvantaged individuals or the disadvantaged beneficial owner clearly controlled the company. Seven comments supported the NPRM provision and 11 opposed it. Two comments on each side of the issue raised the question of whether living trusts should be counted.

The SNPRM will adopt the NPRM provision, with the addition that assets held in a revocable living trust may not be counted toward ownership in any circumstances. Since such a trust can be revoked, there is continuing uncertainty about the beneficial owner's possession of the assets. Irrevocable living trusts can be counted if they meet other requirements of the section. Otherwise, the provision meets the original purpose of the ''no trusts'' provision, which was to ensure that titular ownership of assets did not count when the power to control the assets lay with a non-disadvantaged person or organization. If the disadvantaged beneficial owner is also the trustee, or the trustee is also a disadvantaged individual, then this problem does not arise. Also, if it is clear that the disadvantaged beneficial owner controls the firm, and the non-disadvantaged trustee does not, the problem does not arise.

Part 23 said nothing specific about assets acquired through such means as gifts, divorce settlements, and inheritances. Recipients have taken a variety of positions on whether assets acquired through these means constitute a ''real and substantial'' contribution of capital that can count toward ownership. The December 1992 NPRM provided that, while the recipient could take such circumstances into account, recipients could not disregard assets solely because they were acquired by these means.

Six comments favored the NPRM provision, though two of these requested greater specificity. Thirty-one comments opposed one or more provisions of the December 1992 NPRM. The general concern of these commenters is that allowing ownership based on assets acquired through these means would make it easier for fronts to get into the program. It was gifts—particularly interspousal gifts—that commenters were most concerned about. Several of these commenters thought transfers resulting from death or divorce were less troublesome, though others thought where the assets in these cases had been generated through efforts of non-disadvantaged persons, even the irrevocable turnover of the assets to disadvantaged persons in these cases should not result in the assets being counted.

The Department is responding to the comments by introducing more specificity into this portion of the rule. First, the Department believes that assets transferred as the result of death or divorce should always be counted toward ownership. Assets or ownership interests passed through inheritance become the property of the beneficiary, and the decedent, absent supernatural intervention beyond the Department's regulatory jurisdiction, will play no further role in the affairs of the company. Likewise, when assets pass from one spouse to another via a property settlement or other formal resolution of a divorce or legal separation, the assets or ownership interest becomes the property of the party in question, and the former spouse—unless there is some term or condition of the settlement or decree to the contrary—loses all control over the assets. It is very difficult to argue that assets so wholly belonging to an individual, with the former owner out of the picture, should not be counted toward ownership.

On the other hand, the Department is persuaded that many gifts (including transfers not based on adequate consideration) are problematical. The limitation we propose to place on gifts in the SNPRM relates to the identity of the donor and the donor's relationship to the firm seeking certification. If a non-disadvantaged individual who is involved in (1) the firm seeking certification, (2) any affiliate of the firm, (3) a firm in the same or a similar line of business, or (4) a firm having an ongoing business relationship with the firm seeking certification gives assets or an interest in the business to the applicant, then those assets are presumed not to count toward ownership. To overcome this presumption, the applicant must show clear and convincing evidence—a high standard—that the transfer was made for reasons other than DBE certification and that the applicant really does own and control the firm.

The Department believes these limitations will cover the great majority of situations in which gifts can be used to circumvent the intent of the ownership requirements. In other situations, such as a gift from one disadvantaged individual to another, while the recipient may review the situation, the recipient could not rule out counting the assets involved toward ownership just because they result from a gift.

One subject about which the Department has often received requests for clarification is the role of marital assets. This was also a topic on which Part 23 did not provide explicit guidance. The December 1992 NPRM proposed that when joint or community property assets are used to acquire the disadvantaged spouse's ownership interest in the applicant firm, the recipient would count these assets as belonging to the disadvantaged owner if the other spouse formally renounced all rights of ownership in the assets. The December 1992 NPRM proposed that spousal co-signature on documents involved with ownership of the firm would not constitute a ground for finding the firm ineligible on ownership grounds. The December 1992 NPRM also said that a higher level of scrutiny should be given to situations where one spouse's assets are transferred to the other.

There were relatively few comments on these subjects, which were fairly evenly divided. Five comments supported the marital assets provision, while four others supported simply relying on a 50/50 split in such assets

and one opposed counting marital assets that had not been segregated prior to the firm's application. Five comments supported the spousal co-signature provision, while six opposed it. Some comments on both sides of this issue said that co-signature should be a ''red flag'' for recipients. The Department would retain both provisions. Recipients could consider spousal co-signature, but could not determine that a firm is ineligible on this ground alone. The provision concerning interspousal transfers of assets (transfers for adequate consideration, since gifts are treated elsewhere) would be made more specific. The SNPRM would give recipients direction to give particularly close and careful scrutiny in this situation to make sure that the firm is owned and controlled by a disadvantaged individual.

The NPRM preamble asked whether there should be additional limitations on ownership by non-disadvantaged persons in DBE firms. That is, should non-disadvantaged participants be limited to less than the 49 percent stake in a firm possible under Part 23? Again, comments were divided. Twenty-five comments supported more stringent limits, ranging from 10–40 percent. These comments generally said that such a provision would make it less likely that fronts or marginal DBE firms could participate. Twenty-six comments opposed change, mostly on the ground that such a limit would limit the availability of needed capital to DBEs, especially to start-up companies. The Department has decided not to make a change, for the reason suggested by the commenters and because a change (especially a stringent limit like 10 percent) could have very disruptive effects on many currently-certified DBEs and on recipients' programs.

A few comments asked for more specificity on the meaning of the 51 percent stock ownership requirement for corporations. This issue has arisen in some cases where corporations are organized with two or more classes of stock. Should the 51 percent requirement apply to the total of all stock, to the voting stock, or to each class of stock independently? The Department believes the most reasonable answer to this question is that the disadvantaged owner(s) must own 51 percent of all stock (i.e., the combined total) in order to meet ownership requirements. (Of course, a disadvantaged owner who did not own 51 percent of voting stock could not control a firm.) The SNPRM would add a parallel requirement for businesses organized as partnerships, based on SBA regulatory provisions.

Section 26.61 What Rules Govern Determinations Concerning Control?

The December 1992 NPRM proposed that a DBE must be an independent firm, whose disadvantaged owners control its day-to-day operations as well as its overall management. It proposed clarifications of the details of making control determinations at a number of points, which often codified existing DOT interpretations of the rule.

One of these clarifications concerned the role of occupational or professional licenses. Some recipients had taken the position that a disadvantaged owner must personally possess such a license in order to control a firm. The December 1992 NPRM proposed that personal holding of the license be essential for certification only where state law mandated that the person controlling such a firm possess the license. Otherwise, holding a license would be only one of the various factors taken into account by the recipient. Seven comments supported and five opposed this proposal. Some of the latter said that the individual should be required to hold the license for certification purposes even if state law did not require it for other purposes. Comments on the other side of the issue said that it was unfair to require more of DBE firms than others, that it was common business practice in some places for a firm to hire the licensee as an employee, and that experience in the type of work could confer enough ability to control a firm even in the absence of a license.

We believe that the December 1992 proposal makes good sense. Except where expressly mandated by state law as a condition of controlling a firm, we believe it best, in a program intended to facilitate the entry of new businesses into the market, to de-emphasize formal barriers to entry. It is better to make control decisions on the basis of the individual reality of each firm than to rely on a surrogate for determining whether an individual in fact controls the firm.

The Department has interpreted its regulation, since the mid-1980s, as permitting the delegation of functions by disadvantaged business owners. A certification appeal and ensuing litigation in the 1980s established that disadvantaged owners can delegate authority and functions to non-disadvantaged participants, as long as they retain actual control over the firm. This interpretation also states that the disadvantaged owners are not required to have expertise or experience superior to that of other participants in the firm, but must have the ability to intelligently and critically evaluate information provided by others and make their own decisions based on that information. This interpretation provided the basis for the NPRM provision on the delegation/expertise issue.

Comments were evenly divided on this issue. The 18 comments that opposed or expressed serious concern about the proposal (some of which appeared not to be aware that it had been DOT's interpretation of Part 23 for several years) thought that this approach could make it too easy for fronts to enter the program. They stressed the importance of disadvantaged owners having personal expertise in their firms' field of work. Two of the comments thought the proposal was ill-advised because it would increase the market share of white female owned firms at the expense of minority-owned firms. One thought an owner should be able to perform all the tasks his or her company performs, even if not regularly performing them. Two commenters said that owners should be required to have experience or expertise in every critical area of the firm's operations. Others thought that owners should never have less expertise than employees. One suggested that general business administration experience should never, standing alone, be viewed as providing enough expertise to control a company.

An equal number of comments supported the NPRM provision, generally saying that it accurately reflected the reality of business practice. Some of these commenters also said that business administration experience should be counted for control experience. As one commenter noted, being able to keep the financial and administrative sides of a business afloat can be just as critical as experience in driving a truck or operating a grader.

The Department has decided to retain the NPRM provision with a few modifications. In our view, once a firm grows beyond the one-person shop stage, delegation is essential. The more successful or complex a firm becomes, the more inevitable delegation becomes. It is fanciful to imagine that one or a few owners can or should do, or be prepared to do, everything that a firm does. As long as the owners can take back authority they have delegated, retain hiring and firing authority, and continue to ''run the show'' for the company, they control it, notwithstanding delegation of some authority and functions.

With respect to expertise, the disadvantaged owners must, in our view, generally understand and be competent with respect to the substance of the firm's business. We agree with commenters who say that generally (aside, perhaps, from a firm whose

substantive business is providing business administration services) generic business administration experience is insufficient, by itself, to meet this standard. However, the disadvantaged owners need not have extensive experience or expertise in everything the company does, even in all critical areas, or have more experience or expertise than some employees or managers, so long as the owners are able to intelligently and critically evaluate information their subordinates provide and use the information to make independent decisions. We find it difficult to accept the proposition that an individual who exercises this ability is not controlling his or her firm or is acting as a front for some other party.

The December 1992 NPRM addressed the issue of the relative pay levels of owners and other participants. It proposed that the fact that the disadvantaged owner took a lower salary than a non-disadvantaged key employee did not necessarily mean that the owner did not control the firm, even though the recipient could consider this disparity as one factor in reviewing control. Nine comments supported this proposal, one cautioning that the firm should be able to show a good reason for the disparity. Five comments cautioned that recipients needed to continue to look at relative salary levels, since a lower salary for the owner could indicate a ''front'' situation. One of these suggested that no non-disadvantaged participant should have a higher salary than a disadvantaged owner.

The SNPRM follows the NPRM provision, affirming that it is appropriate for recipients to scrutinize relative salary levels in a firm. In doing so, recipients should take into account the duties of the persons involved, normal industry practices, the firm's policy concerning reinvestment of income, and other reasons provided. Because there are common circumstances in which an owner may choose to take a lower salary than he or she may have to pay to certain key employees, a difference of this kind does not necessarily mean that the owner does not control the firm. We are adding a sentence specifying that where a firm used to be owned by a non-disadvantaged person and is now owned by a disadvantaged person, a difference in remuneration between the former and present owner can be taken into account by recipients.

The December 1992 NPRM proposed that recipients treat non-disadvantaged family members the same as other non-disadvantaged participants in DBE firms. The participation of family members in a firm should not be viewed as meaning that a disadvantaged individual fails to control a firm, the December 1992 NPRM said. Seven comments supported the NPRM proposal, one mentioning concern that some recipients appeared to apply a per se rule against firms that employ family members. Fourteen other comments expressed various concerns about the proposal. One said that the NPRM statement was true but too obvious to include in the rule. Two expressed concern about businesses that appear to be run by an entire family as a unit. Two others expressed concern about firms that used to be run by a male relative or still do a lot of work with businesses run by male relatives. One wanted to make sure that family member involvement could be reviewed by recipients, while another favored banning participation by non-disadvantaged family members. The underlying concern of these comments appeared to be that family-run businesses were subject to being used to circumvent requirements of the rule.

The Department believes that its basic statement in the December 1992 NPRM is the most sensible way of looking at the participation of non-disadvantaged family members in a firm. The rule recognizes only two kinds of people in the world: socially and economically disadvantaged individuals and others. Generally, there seems little basis for treating ''others'' who are family members differently from ''others'' who are unrelated, and non-disadvantaged family members may participate in a DBE firm on the same basis as any other non-disadvantaged persons. Except as otherwise provided in the rule, the recipient could not apply a more stringent standard to situations in which family members participate.

However, in response to comments as well as the Department's experience in working with the DBE program, the SNPRM would provide that where the recipient cannot discern that the disadvantaged owners themselves, as distinct from the family unit as a whole, independently control the firm, the applicant has not demonstrated control. In addition, given concerns about firms owned and controlled by white males being transferred to their wives or female relatives and allegedly continuing to operate as before, the SNPRM would add a provision designed to deter this practice. Where the white male or other non-disadvantaged owner continues to be involved with the firm, the current disadvantaged owner would have to meet a higher burden of proof—clear and convincing evidence—concerning ownership and control. The owner must also demonstrate by this higher burden of proof that the transfer of ownership and control was made for reasons other than gaining certification in the DBE program. The Department believes that the combination of provisions on ''family businesses'' should avoid unfairness to businesses that legitimately employ family members while preventing abuses.

Two comments asked that the regulation specify that a firm could be controlled by disadvantaged persons even though it leased, rather than owned, equipment. The SNPRM responds by stating that the recipient could consider this factor, but could not find a firm to be not controlled by its disadvantaged owners solely because it leases or rents equipment, where doing so is a normal industry practice and the lease does not involve a relationship with a prime contractor or other party that compromises the independence of the firm.

In the context of its discussion of the DBE directory, the December 1992 NPRM said that recipients should certify and reflect DBEs simply as DBEs, not as a particular sort of firm. Twenty-six comments, mostly from recipients, objected, their basic argument being that recipients should certify firms to perform only those types of work in which the expertise and experience of the owners allowed them to control. Many of these comments preferred certification by SIC code, while some went further and wished to prequalify DBE firms. Some other comments suggested that the Department should avoid authorizing recipients to take steps that could pigeonhole DBE firms in a particular type of work and inhibit their ability to diversify.

In response to these comments, the Department proposes adding a provision that tells recipients to grant certification to firms only for specific types of work in which the owners have the ability to control the firms. However, to become certified in an additional area, the firm need only demonstrate that its owners have the ability to control the firm in this type of work as well. A complete recertification or new application would not be needed.

Because the Department has received a number of questions about how partnerships and franchises should be handled under the rule, the SNPRM would add paragraphs on these subjects. The provision concerning franchises has been adopted from the Department's regulation concerning the DBE program for airport concessions (see Subpart G). The provision generally permits franchises to participate in the program,

notwithstanding the requirements that franchisers place on them with respect to some aspects of the business. As a policy matter, we do not wish to exclude all franchises, which may be an important route for disadvantaged individuals to enter the market. However, if the ties between franchiser and franchisee are so close as to constitute affiliation, then the franchisee could not participate as a DBE.

With respect to partnerships, the basic requirement would be that, in addition to other control criteria, the non-disadvantaged partners cannot have the power, without the concurrence of the disadvantaged partners, to commit the partnership in a contract or to take actions that subject the partnership to contract or tort liability. On another subject, a sentence would be added to this section to clarify that, for control purposes, the socially and economically disadvantaged owners must own and control 51 percent of the voting stock. Finally, in response to issues that have been raised in certification appeals and in questions to DOT staff, the SNPRM adds a paragraph saying that to be viewed as controlling a firm, a disadvantaged owner cannot engage in outside employment or business interests that prevent the individual from devoting enough time and attention to his duties with the firm. For example, it is unlikely that an individual could control a full-time firm while he spent only part of his or her time working with the business.

Section 26.63 What Are Other Rules Affecting Certification?

This section includes several miscellaneous provisions concerning certification. One of them concerns the role of not-for-profit organizations in the DBE program. The December 1992 NPRM proposed to maintain the Department's long-standing policy of excluding such organizations. Thirty-three commenters agreed, citing such reasons as that the program was designed for entrepreneurs and that the not-for-profit sector has a different, generally more favorable, tax status. Four commenters favored allowing not-for-profits to participate, because they often included useful community organizations, could help individuals with disabilities enter the program, and because some may specialize in technical assistance to DBEs. The Department will retain its existing policy. The basic purpose of this program is to assist firms in entering into and succeeding within the competitive business marketplace. Not-for-profit organizations are often very worthy and useful, but assisting them does not achieve this purpose. The different tax and legal status of not-for-profit organizations in most jurisdictions also weights against permitting them to be certified as DBEs in competition with for-profit businesses.

The December 1992 NPRM proposed to specify that certification decisions be made on the basis of the present, not the past, status of the firm. Eleven comments supported this proposal, while five said that recipients should be able to take the firm's history into account in making certification decisions. We agree with one of the former group that said that this provision should not be construed to preclude a recipient taking action against a DBE for previous fraudulent or deceptive conduct that has come to light. We disagree with a comment in the latter group that suggested that if a firm applies for certification in Year 1, is turned down for lack of expertise on the part of the disadvantaged owner, and reapplies in Year 3 after the owner has acquired the needed expertise, the recipient should have discretion to refuse certification again based on the owner's lack of expertise in Year 1. If the owner now has enough expertise to control the firm, it is illogical to say that he or she is ineligible today because of a three-year-old expertise deficit that has since been corrected. Certainly no one would argue that a firm that was eligible three years ago must be retained as a certified DBE when its circumstances change so that it presently fails to meet ownership and control criteria. The same rationale applies in both directions.

A few comments suggested that recipients should be able to use ''commercially useful function'' as a certification or recertification criterion. The Department disagrees. ''Commercially useful function'' is a concept that concerns solely how credit is counted toward goals for a DBE that has already been certified. It is a contract-specific concept: a DBE may perform a commercially useful function on one contract but not on another. It has nothing to do with determining group membership, disadvantage, size, ownership, or control, which are the factors involved in certification. We agree with those comments that said that a pattern of conduct designed to evade program requirements, which can include such things as repeated instances of operating as a ''pass-through'' for prime contractors, can be taken into account in certification decisions, however.

A few other commenters suggested that there should be, in effect, a prequalification standard for businesses seeking certification, so that only ''viable'' businesses entered the program. The Department believes that it is appropriate to require prequalification for DBEs only if prequalification is required for all contractors. To require more of DBEs than of other participants would, in our view, be discriminatory. Policy on prequalification is at the recipient's discretion, but the policy cannot single out DBEs. That is, it would be consistent with nondiscrimination requirements to require prequalification of DBE subcontractors only if all subcontractors are required to be prequalified. One suggestion that we received would, in fact, call for all subcontractors to be prequalified, DBEs as well as non-DBEs. The intent of the suggestion is to ensure, in advance, that all subcontractors are fully qualified, and to counter assertions that primes cannot find qualified DBEs. The Department seeks comment on this suggestion.

The SNPRM continues to include provisions of the December 1992 NPRM that are derived either from uncontroversial Part 23 language or long-standing DOT policy, concerning Indian tribal firms, cooperation with recipients' information requests, and the limited effect of legal or tax status of firms on determinations concerning independence. Except for one comment agreeing with the Indian tribal firms provision, there were no comments on these provisions. The SNPRM would change one NPRM provision, on which there was also no comment. The December 1992 NPRM proposed to allow certification of a subsidiary of a DBE firm. That is, if Company Q is a small business 51 percent owned and controlled by one or more certified DBE firms, then Company Q could be certified. On further reflection, we have decided that this proposal is inconsistent with the statutes underlying Part 26, which require DBEs to be owned and controlled by socially and economically disadvantaged *individuals.* If Company Q is owned by other business organizations, rather than by disadvantaged individuals, as such, then it would not be certified.

Subpart E—Certification Procedures

Section 26.71 What Are the Requirements for Unified Certification Programs?

By better than a 4–1 margin, commenters endorsed the December 1992 NPRM's proposal to establish unified certification programs (UCPs) in each state that would provide ''one-stop shopping'' to firms seeking DBE

certification. Eighty-two comments favored the proposal, 12 opposed it, and 9 either said UCPs should be optional or expressed concern that it would be difficult to obtain resources for this purpose.

Among the comments favoring the proposal, most agreed that the present system's administrative burden on small businesses seeking multiple certifications was unduly heavy and that it led to a waste of recipient resources. Many of these comments favored regional certification as well, most on a voluntary but some on a mandatory basis. Some of the comments said that more time was needed to establish UCPs than the three years proposed in the December 1992 NPRM, though equal numbers of comments approved the three-year phase-in period or advocated quicker implementation (e.g., one or two years). Some comments asked questions concerning whether individual recipients could ''veto'' UCP decisions with which they disagreed, whether there could be several regional mini-UCPs in a state as distinct from a single state agency, and whether the agencies would be required to follow DOT certification standards.

Comments opposing or expressing concern about the concept said that a UCP would be too difficult to administer, would lessen local autonomy in certification decisions, lead to a ''lowest common denominator'' approach to certification, or would require funding and agency resources that comments said was probably unavailable.

A related issue discussed by a substantial number of comments was mandatory reciprocity. Currently, and under the December 1992 NPRM, recipients have the discretion to accept certification decisions made by other recipients if they choose. Under mandatory reciprocity, a recipient would be required to accept other recipients' decisions. Twenty-six comments favored adopting mandatory reciprocity, at least within a state or region or particular industry, while 33 opposed the idea.

Proponents cited mandatory reciprocity as a way of reducing the impact of multiple certification requirements on applicants, while opponents were concerned that mandatory reciprocity would lead to ''least common denominator'' certification practices, where applicants would ''forum shop'' for recipients with less stringent certification processes, obtain certification, and then force these certifications on recipients who would otherwise not certify them.

The SNPRM would adopt the UCP proposal with certain modifications that respond to commenters' concerns. Restructuring government programs to provide better and more economical services to customers, while making more efficient use of scarce resources, is consistent with the purpose of the Clinton Administration's Regulatory Reform Initiative. Introducing the UCP in DOT Federally-assisted programs is a step similar to many reforms adopted for the Federal government itself as a result of the National Performance Review.

By providing one-stop shopping to small businesses seeking certification, this reform would reduce significant burdens on DBEs. Some comments estimated that going through the certification process one time can cost a business as much as $5000. Avoiding repetitions of this process within a state can save substantial money for these businesses. Moreover, if several recipients within a state have to review an application from the same firm, there is an obviously inefficient use of the recipients' collective resources. UCPs will avoid this costly duplication of effort. Given appropriate cooperation and sharing among the recipients in the state, operation of a UCP should save resources, not increase costs.

The proposed UCP requirement takes fully into account the needs of recipients for flexibility and adequate time for negotiation and implementation of UCP agreements. Recipients within each state would have three years to form an agreement creating a UCP, with the possibility of a one-year extension if granted by the Secretary. The UCPs will have an additional 18 months after DOT approval of the agreement to become fully operational. The Department seeks comment on whether it is desirable and feasible to shorten these time periods (e.g., to two years for forming an agreement and a year for implementation).

Moreover, the recipients in a state would have discretion to devise a type of UCP that best fits their needs. This SNPRM would not prescribe any particular administrative structure. Recipients could choose from among a number of types of UCPs listed in the regulation or construct a different structure of their choosing, which can be responsive to recipient concerns about resources, the role of local recipients, etc. Whatever structure is constructed would have to follow Part 26 certification standards and all other certification requirements applying to recipients, in whose shoes the UCP stands. It would also have to ensure genuine one-stop shopping, which means that individual recipients would have to accept UCP certification decisions.

While mandatory reciprocity within recipients in a state is one optional way to structure a UCP, the SNPRM does not propose mandatory reciprocity among recipients or among UCPs, primarily because of concern about the ''least common denominator'' problem. (Nevertheless, the Department is interested in commenters views on whether nationwide mandatory reciprocity would be, on balance, a good idea.) The SNPRM would authorize, and DOT encourages, multistate UCPs and other regional cooperation ventures. DOT will work with recipients both to assist in setting up UCPs and in fostering regional arrangements.

Commenters also addressed some implementation issues. Twenty-four comments favored, and seven opposed, a system that would require a firm to be certified in its ''home state'' before it could be certified in other states. Proponents believed this could reduce resource needs for out-of-state site visits and place basic certification responsibility on the recipients that are closest to the applicant and know the most about it. Opponents said this could lead to hardship for a firm who for some reason was on the wrong side of its local recipient, or which simply found it most expedient, for business reasons, to seek most of its work in a state other than the one in which it was domiciled. The SNPRM takes a middle ground on this issue, permitting UCPs (but not recipients prior to the establishment of UCPs) to decline to accept an application from a firm that had not first been certified by the UCP in the state in which it maintained its principal place of business. Home-state certification would be much harder to implement before UCPs are in place (i.e., would it mean certification by any transit authority, airport, or state highway agency in the state? What if some home state recipients certified the firm and others did not?). Giving UCPs flexibility with respect to accepting out-of-state applicants not having home-state UCP certifications also is preferable to requiring home-state certification in all cases.

The December 1992 NPRM had proposed that UCP certifications be ''precertifications'' (i.e., certifications decided in advance of the proposed use of a firm to meet DBE goals on a particular contract). Commenters' opinion was split on this issue, with seven comments favoring and six opposing the proposal. The SNPRM would adopt this proposal for two reasons. First, certification under

pressure of a procurement deadline is more likely than precertification to lead to hurried, less adequate, certification decisions. Second, UCPs' resources and priorities are likely to be more effectively allocated in the absence of pressures from recipients to give precedence to processing an application involved in a pending procurement.

Finally, it makes sense, once UCPs are in place, for the UCP, rather than individual recipients, to maintain the DBE directory. This directory would cover all firms certified by the UCP. Since so many agencies and businesses are now equipped with computer communications capability, this unified directory would be made available electronically as well as on paper.

Section 26.73 What Procedures Do Recipients Follow in Making Certification Decisions?

The December 1992 NPRM listed a series of actions that recipients would be required to perform in each certification. They are essentially the same as those in the existing regulation. The only one of these to inspire significant comment was the requirement for a site visit. Fourteen commenters opposed mandatory site visits, while six favored mandatory site visits by each recipient (i.e., they opposed a provision in the December 1992 NPRM that would allow one recipient to rely on another recipient's site visit report). The opponents of mandatory site visits generally cited the cost and burden of carrying out this requirement, particularly when the firm seeking certification was located elsewhere. The Department cannot eliminate the requirement for site visits, because it is statutory. A recipient that fails to make site visits is out of compliance with the rule. On the other hand, allowing a recipient to make use of a site visit report compiled recently by another recipient can be a useful way of conserving resources, and the SNPRM would permit it.

The December 1992 NPRM proposed to require recertification reviews of certified DBEs every two years; that a DBE would remain certified unless it were decertified through a decertification proceeding; and that a DBE had to notify the recipient of any changes in its circumstances that would affect its certification and submit a sworn statement at the time of the recertification review concerning any changes in the firm that could affect its eligibility. Eleven comments favored this general approach, three of which said that the process should be abbreviated (e.g., through the use of a short form or certification instead of a full-fledged review). Another comment said that recipients should not be permitted to force already-certified firms to reapply for certification on an annual or other periodic basis on the rationale that a certification had expired, allowing firms to be effectively decertified without due process. Most of these comments said that two years was an appropriate interval, though two said that annual recertification was preferable. Thirteen commenters supported the specific proposal that DBEs be required to report changes as they occur, a few of which asked for greater specificity in terms of what changes had to be reported and a few others of which suggested that the requirement would be difficult to enforce.

The Department has decided, in response to comments, to modify the NPRM proposal in the SNPRM. First, the Department would retain the requirement for DBEs to submit an affidavit when there is a change in their circumstances that can affect certification. The rule would specify that the recipient must report changes affecting size, disadvantaged status, ownership, control, or any material changes to the information presented on the certification form. Second, in response to comments about simplifying the recertification process, and in order to reduce administrative burdens on DBEs and workload requirements on recipients, the SNPRM would drop the proposed requirement for a recertification review to be conducted by the recipient. (Recipients would remain free to conduct reviews of the status of firms at their discretion, however.) The SNPRM does include the requirement that the DBE would submit an annual affidavit that nothing in its circumstances has changed beyond what it has told the recipient and that it continues to meet size criteria (with supporting documentation).

The December 1992 NPRM proposed that firms would remain certified unless the recipient decertifies them through a decertification proceeding. The proposal was based on the view that requiring frequent reapplications, besides imposing unnecessary paperwork burdens on DBEs that have already been through a certification process, tends to divert recipients' resources from new certifications and decertifications. These resources can better be used for reducing or avoiding certification backlogs. The Department continues to believe that this view has merit. However, we also believe that is inappropriate to require that DBEs remain certified indefinitely. As a means of accommodating both these concerns, the SNPRM would require that a recipient permit a firm to remain certified for three years without any ''recertification'' or ''reapplication'' process, absent cause for decertifying the firm. The Department seeks comment on whether this period should be longer (e.g., five years).

The December 1992 NPRM said that UCPs would have to make certification decisions within 60 days of receiving a complete application. Commenters were divided on this issue. Ten comments said a 60-day period was not enough, suggesting that 90 days or a period of the recipient's discretion was more reasonable. Nine comments supported the 60-day period, saying that it was useful in preventing recipients from unduly delaying responses to applications. One of these said there could be a DOT waiver of the deadline. Three comments supported a shorter period, such as 15 or 30 days, suggesting that such a period was useful in preventing bureaucratic stalling. Many of the commenters on all sides of this issue discussed the deadline in terms of certifications in general, not just those to be performed by UCPs.

The Department has decided, in response to these comments, to propose extending the deadline to 90 days, with a possibility of a 60-day extension of this period if the recipient sends a specific written explanation to the applicant. The Department is persuaded that a 60-day deadline is unrealistic in light of the certification workloads facing many recipients. However, a deadline remains necessary to give firms the assurance of reasonably timely handling of their applications. With the approval of the concerned operating administration, the recipient could alter the deadline involved, but the appropriate DOT office would be very careful to grant only what relief is necessary to recipients.

One issue that has arisen since the publication of the December 1992 NPRM is whether recipients should be able to impose user fees or other charges on applicants for certification. Recipients have taken different positions on this issue, and the Department's rule provides no guidance on the issue. The Department has decided to propose that recipients may impose a modest, reasonable application processing fee, not to exceed the actual cost of processing the application. Such a fee would have to be approved by the concerned operating administration as part of the DBE program approval process. The Department seeks comment on whether there should be a cap on such fees.

Under Part 23, the Department published a model certification form (Schedule A). Recipients had discretion to modify this form. This led to a proliferation of somewhat similar forms that often differed significantly in their details, leading to confusion and difficulty for those applicants who sought certification in more than one jurisdiction. Based in part on the Department's experience in our drug testing program, where a similar approach created similar problems for participants, the December 1992 NPRM proposed requiring the use of a standard, uniform, form by all recipients. Commenters were divided on this proposal. Twenty-four comments favored the idea of a single nationwide form. Two additional comments advocated allowing recipients to add material to the standard form. Twenty commenters preferred the approach of the existing rule, with a model form that recipients could modify. A number of commenters suggested specific modifications to the form published with the December 1992 NPRM.

The Department believes that requiring a single, uniform, nationwide form that all recipients must use without modification is the best approach to take. Many firms seek certification with more than one recipient. Having them have to fill out somewhat different forms providing the same basic substance to different recipients (as distinct from photocopying a standard form they have already filled out) is a waste of their time and money. The same Part 26 standards apply to all these certifications. Each recipient needs the same information to make determinations according to these standards. When UCPs become operational, each UCP (particularly those UCPs that rely on centralized or relatively centralized structures) will presumably need to have a standard form. Under these circumstances, we do not believe that allowing different recipient forms is productive. However, as a few comments suggested, we will allow recipients to supplement (not alter) the standard form to capture additional information that is consistent with Part 26 requirements and reasonably necessary for program administration. Such supplements will have to be approved by the concerned operating administration as part of the recipient's DBE program.

The SNPRM incorporates this policy decision. We are also requesting renewed comment on the content and format of the standard form, including examples of existing forms that commenters would recommend and suggestions about how to make the form both complete and user-friendly. We are also seeking comment on whether, at least when UCPs are operational, we should require that they have a capability of accepting application forms electronically. To assist commenters in formulating responses, we are publishing in Appendix C to the SNPRM a proposed form, but the Department is not committed to adopting the specifics of this form.

Section 26.75 What Rules Govern Recipients' Denials of Initial Requests for Certification?

The December 1992 NPRM proposed that, within 30 days of a recipient's denial of an application, the applicant could fix problems that had led to the denial, and resubmit a revised application to the recipient for consideration at that time. Two comments favored this proposal, while 18 opposed it, mostly out of concern that repeated resubmissions within a short period of time would waste agency resources. Some commenters were also concerned that it would lead to successful resubmissions based on little more than rearranging paperwork. The Department believes that the opponents of this proposal have the better of this argument, and we are not adopting this proposal. However, recipients should allow applicants to correct minor paperwork errors or non-material mistakes or omissions in applications before rejecting the application.

The December 1992 NPRM proposed that after an application was denied, the recipient could set a waiting period of 6–12 months before the firm could reapply. Eighteen comments supported a 12-month waiting period, 12 supported a shorter period (generally 3–6 months), two supported a longer period (12–18 months), five supported letting recipients have discretion in establishing a waiting period, and two advocated having no waiting period. The Department believes that 12 months is long enough to meet recipients' concerns about avoiding wasting their resources on rapidly repeating reapplications and is also consistent with the reported practices of most recipients who commented. A longer period would have too harsh an impact on potential reapplicants. Therefore, the SNPRM proposes a waiting period of no more than 12 months. If a recipient wants to establish a shorter waiting period (e.g., 3, 6 or 9 months), it can seek approval from the relevant DOT administration as part of its DBE program.

The December 1992 NPRM also proposed that the recipient must notify a firm of the denial of its application in writing, with a written explanation of the reasons for the denial. The explanation would have to specifically reference the evidence in the record supporting each reason for the denial. Six comments supported this proposal, while another five wanted additional due process protections (e.g., equivalent to those required in decertification proceedings). The Department has decided to retain the NPRM provision, which we believe provides sufficient protection to applicants in initial denial circumstances. We do not believe that the additional due process protections needed in decertifications (where a recipient is proposing to take away from a firm an existing status, which takes on some of the character of a property interest) are essential here.

Section 26.77 What Procedures Does a Recipient Use To Remove a DBE's Eligibility?

The December 1992 NPRM proposed a set of procedures to govern recipient's decertification proceedings. Comments focused on a relatively small number of the procedural points proposed in the December 1992 NPRM. The subject of the most comments was the proposal that decertification actions must provide administrative due process protections to DBEs, particularly that separation of functions be incorporated into the procedure.

By separation of functions, we mean the principle that, to preserve the fairness of a proceeding, the proponent of an action should not also be the decisionmaker. A prosecuting attorney, for example, is not permitted to serve as the judge or jury. Likewise, the December 1992 NPRM said, a recipient official who proposes that a firm be decertified should not be the same official who decides whether or not the proposal has merit. Fourteen comments supported the separation of functions proposal, a few of whom said that a requirement for administrative law judges (ALJs) or other officials completely separate from the recipient's DBE certification office would be even better. Eight commenters opposed the proposal, many in the apparent belief that it would require the use of ALJs, the hiring of extra personnel.

With respect to the more general issue of administrative due process (e.g., requirements for notice, the opportunity for a hearing, written statement of reasons for a decision, etc.), 21 comments supported the proposal to require these protections. Five comments opposed the proposal, generally saying that it was too burdensome.

The Department believes that it is essential to provide administrative due process to DBEs when recipients propose to decertify them. Basic requirements like notice, the opportunity for a hearing on the record, separation of functions, and a written statement of reasons for a decision are necessary to avoid the appearance, and sometimes the reality, of arbitrary decisions. Through the Department's certification appeals process, we have become aware of situations in which these protections have not been provided. For the sake of fairness to participants, and to uphold the legitimacy of the program, this must change. In addition, DBE certification may take on, to a degree, the character of a property interest. Taking away an interest in property without appropriate due process raises issues under the 5th and 14th Amendments to the Constitution.

Separation of functions is one of the most important features of administrative due process, since it avoids a major potential source of unfairness. Clearly, if a DBE owner walks into a proceeding and sees, in the role of the decisionmaker, the same official who proposed to decertify the firm, the owner may well have a justified perception that the deck is stacked against the company. We would emphasize that separation of functions can be provided in a number of ways, and it does not require hiring ALJs or other ''outside'' personnel. For these reasons, the SNPRM adopts, with minor modifications (e.g., a simplification of the notice procedure, a change requested by several comments), the administrative due process proposals of the December 1992 NPRM.

There were eight comments on the issue of the burden of proof in a decertification proceeding, equally divided between those who agreed with the December 1992 NPRM that the recipient should have the burden of proving the firm should not be certified (including one that said the recipient should have to carry its case by a ''clear and convincing evidence'' standard) and those who said that the firm should have the burden of proving it should remain certified. The SNPRM would continue to require the recipient to carry the burden of proof. In virtually all proceedings in the U.S. legal system, the proponent (e.g., the state in a criminal proceeding, the plaintiff in a civil suit, the agency in a regulatory enforcement proceeding) bears the burden of proof. We do not think that adopting a system contrary to this NPRM would be fair or appropriate. Moreover, the DBE, to become certified in the first place, has had to carry a burden of proof. It is reasonable to ask the recipient to carry the burden to remove the certification. We believe that it is appropriate to apply the preponderance of the evidence standard—the same standard that the DBE must meet to be certified—to attempts by the recipient to decertify the firm.

A few commenters said that recipients should be able to accept anonymous complaints, which the December 1992 NPRM proposed to prohibit. The SNPRM would change this provision so that recipients are not required to accept such complaints, though they may. The December 1992 NPRM also proposed that DOT could act to suspend a firm's certification and direct a recipient to start a decertification proceeding. Three comments objected to this proposal. The SNPRM would modify this provision. Concerned operating administrations would have the discretion to direct a recipient to initiate a proceeding when the Department reasonably believes that a certified DBE is ineligible. However, DOT would not assert the authority to suspend the firm's certification pending the outcome of the recipient's proceeding.

One of the grounds for decertification in the December 1992 NPRM was a documented finding that the recipient's previous decision to certify a firm was clearly erroneous. The intent of this provision was to prevent a recipient from decertifying a firm on the basis of nothing more substantial than a change of mind about an unchanged set of facts. Three commenters questioned this proposal, saying that a recipient should be able to reopen a certification, at least if there were an error. One suggested modifying the language to refer to a ''substantial evidence'' rather than ''clearly erroneous'' standard. Another supported the NPRM language. The standard applying to all decertifications is that the recipient demonstrate by a preponderance of the evidence that the firm does not meet eligibility standards. It would be confusing to introduce another standard here, so we are removing reference to the ''clearly erroneous'' standard. While we are not adopting the ''substantial evidence'' standard here (it is more appropriate as a standard in reviews of administrative proceedings, as distinct from *de novo* proceedings like this), we do think that the emphasis of this standard on factual backing for determinations is appropriate.

The point of this provision is to allow recipients to correct factual mistakes that resulted in certifications, not to reverse judgment calls. For this reason, this SNPRM refers to situations when a previous certification was factually erroneous.

The December 1992 NPRM proposed that if a firm was decertified in the midst of a contract, the remainder of its performance would not count toward contract or overall goals, since it was no longer a DBE. A few comments suggested allowing the remainder of the contract to count at least toward contract goals, assuming that the prime contractor had used the firm in good faith. We have decided to adopt this comment. The remainder of the contract would not count toward the recipient's overall goal, however.

As a general matter, it is not appropriate to remove a firm's eligibility until the recipient has determined that the firm is ineligible. However, there may be situations in which the case against a firm looks very strong, but the process will not conclude before the firm is awarded a contract. In this case, the SNPRM proposes that the recipient can suspend the firm's eligibility to receive new contracts, pending the outcome of the proceeding. This would be a sort of administrative preliminary injunction designed to protect the program from harm.

There was not significant comment on the remainder of the proposed section, and the SNPRM would adopt it with minor modifications (e.g., a cross-reference to SBA regulations has been dropped, given that Appendix F, which is adapted from SBA rules, provides guidance concerning social and economic disadvantage issues).

Section 26.79 What is the Process for Certification Appeals to the Department of Transportation?

Part 23 lacked specific procedures for certification appeals. The Department's procedures for handling appeals evolved as a matter of informal practice. The December 1992 NPRM proposed filling in this gap. Commenters focused on a few points of the proposed procedures.

The December 1992 NPRM proposed that DOT would decide appeals within 60 days of receiving a complete administrative record. Six comments suggested a shorter period (e.g., 30 days) or a longer period (e.g., 90 days); others favored no stated period at all, lest there be reversals or affirmances through inaction; and 12 comments favored the NPRM proposal, some of which supported affirmances or reversals when the time frame was not met. The SNPRM notes that, while we would administratively set a goal of 90 days for finishing appeal decisions once a complete administrative record is acquired, a regulatory time frame would

not be advisable, particularly given the often heavy workload of certification appeals. In short, we do not want to promise what we cannot ensure delivering. We think that affirmances or reversals resulting from failure to meet a self-imposed deadline, rather than on the merits of the appeals, would be inconsistent with the purposes of the appeals system.

Currently, firms have 180 days after a denial or decertification to make a certification appeal. The NPRM proposed reducing that number—which was based on the amount of time used for Title VI complaints—to 90 days, since firms always would have specific notice of the recipient's action on which to base an appeal. Four of the five comments on this issue supported the change, which the SNPRM incorporates for the reason stated above. This change would help the system run reasonably quickly, and provide closure for recipient decisions that are not appealed promptly.

The December 1992 NPRM proposed that, as under Part 23, the effects of a recipient's decision would remain in force pending the DOT appeal. For instance, a firm that the recipient had decertified would stay decertified unless and until DOT reversed the recipient's decision. Sixteen comments supported this position, while two said that DOT should grant stays of recipients' actions in appropriate cases. The SNPRM adopts the NPRM provision.

In the December 1992 NPRM, the Department proposed that we would reverse a recipient's decision if we found that it was unsupported by substantial evidence or inconsistent with this regulation. Nine comments supported the proposal, while six preferred a different standard, such as ''arbitrary and capricious.'' Both the ''substantial evidence'' and ''arbitrary and capricious'' standards are used for the judicial review of administrative action, a function which is analogous to the role of the Department in the certification appeals process. The standards are closely linked, and there is no ''bright line'' between them in most administrative law cases. For example, courts will sometimes say that an agency decision is arbitrary and capricious because it is not supported by substantial evidence.

Generally, the ''arbitrary and capricious'' standard is viewed as slightly narrower, with courts considering whether the agency's decision was based on a consideration of the relevant factors and whether there has been a clear error in judgment. If there was a rational basis for the agency's decision, court decisions say that courts should not substitute their judgment for that of the agency. The ''substantial evidence'' test is said to go to the reasonableness of what the agency did on the basis of the evidence before it. ''Substantial evidence'' must do more than create a suspicion of the fact to be established, requires objective evidence affording a rational basis for the agency's conclusions, and must be capable of convincing an unprejudiced ''reasonable person'' of the truth or validity of the agency's findings. It is less than a preponderance of the evidence, however. There can be ''substantial evidence'' supporting the agency's conclusion even though the record would also support a different conclusion. Use of the ''substantial evidence'' standard implies a somewhat more intensive inquiry into the facts of the case by the reviewing body than the ''arbitrary and capricious.'' Under either standard, inconsistency with governing law is a ground for invalidating an agency's finding.

The SNPRM uses ''substantial evidence'' as the standard for review of agency certification decisions. The Administrative Procedure Act (APA) uses this standard for cases ''reviewed on the record of an agency hearing provided by statute'' (5 U.S.C. 706(2)(E)). In this process, DOT is acting in a role analogous to that of a court reviewing agency action. DOT is reviewing cases on the record of a recipient hearing provided by, in this case, Part 26. The same considerations that support using this standard in court review of agency action, such as the desirability of authorizing a reasonably limited inquiry into the factual basis of the agency's decision, apply in the case of certification appeals. Under the APA, the ''arbitrary and capricious'' standard applies not to adjudications by agencies but to their more purely administrative actions, such as issuing regulations and adopting environmental impact statements. We believe the APA model is an appropriate one for DOT to use in responding to certification appeals.

Two comments said that DOT should hold hearings in certification appeal cases. Such hearings are not appropriate to a review of an administrative record. Two other comments said that a firm should have to pay for a transcript when it appeals. To make possible the administrative review of the record, a recipient who does not already have a transcript of the hearing will have to prepare it to send to DOT. The only appropriate charge to the company, in our view, is for the cost of photocopying the transcript, not for its preparation. Twenty-five commenters supported the Department having an improved indexing/retrieval system for certification appeal decisions. The Department agrees that this is desirable, and we will work to establish such a system for decisions rendered under Part 26. We hope to utilize existing or planned computer bulletin boards in the Department to make certification appeal decisions, as well as guidance, interpretations, etc. of Part 26 available to the public electronically.

Section 26.81 What Actions do Recipients Take Following DOT Certification Appeal Decisions?

This section concerns what happens to recipients' certification actions concerning a firm—including those of recipients other than the one whose decision was appealed to DOT—following a DOT certification appeal decision. The December 1992 NPRM proposed that certification appeal decisions would be binding only on the recipient from whom the appeal was taken. Most of the comment on this section concerned the effects on other recipients.

Twenty-four comments said that other recipients should be able to adopt the Department's certification appeal decisions as their own, without the necessity of conducting further proceedings of their own. That is, if State A decertified Company X, and DOT upheld the decertification, then States B, C, etc. should be able to decertify Company X without being required to go through a § 26.77 decertification proceeding. Most of these comments did not discuss automatically certifying firms when DOT overturned a recipient's denial. Nine comments said that other recipients should have to go through their own due process procedure, rather than automatically taking action to follow a DOT decision.

As a legal matter, it would be inappropriate for recipients, other than the recipient directly involved in the appeal, to automatically take action to certify or decertify firms based on the outcome of a DOT certification appeal. This is because the nature of a DOT certification appeal proceeding. DOT is not, as such, determining whether a firm meets Part 26 eligibility criteria. All DOT is determining is whether a particular recipient's decision about a firm's eligibility is supported by substantial evidence and consistent with Part 26 standards. Under the substantial evidence standard, the Department can uphold a recipient's decision as supported by substantial evidence even though an alternative decision could also be supported by

substantial evidence. The Department could reverse a recipient's decision as unsupported by substantial evidence even though another recipient could have substantial evidence to come to the same result. The Department's decision is necessarily specific to the administrative record of the particular recipient involved and is not a legally definitive statement about the eligibility of the firm. The Department recognizes that it would be possible for the Department to uphold different decisions on the eligibility of a firm by different recipients, if both met the substantial evidence test.

Consequently, when a DOT certification appeal decision upholds or directs a denial of eligibility to a firm, this would provide a basis for other recipients to initiate a decertification proceeding, but they must go through such a proceeding to decertify the firm. Where DOT's action results in a firm being certified, this fact would be taken into account by other recipients to whom the firm is applying, but it would not result in automatic certifications elsewhere. The Department's decision, and its reasoning, would be taken into consideration by other recipients in their proceedings.

Other parts of the NPRM proposal for this section were not the subject of comment, and the SNPRM adopts them without substantive modification.

Section 26.83 What Procedures Govern Direct Ineligibility Complaints to DOT?

Under the existing Part 23, the Office of Civil Rights has accepted so-called ''third party complaints,'' in which a party complains that a recipient has erroneously certified a firm. The NPRM did not include such a mechanism, on the basis that DOT's most useful role was the administrative review of the record of proceedings held at the recipient level. Nevertheless, there may be situations in which it is important for the Department to take a direct hand in responding to an ineligibility complaint.

To handle these situations, the SNPRM proposes that any person may file a direct ineligibility complaint. The Office of Civil Rights would have complete discretion concerning the disposal of the complaint. It could accept the complaint, decline to accept it, or refer it to the appropriate recipient for action. In no case would the Department be required to accept such a complaint; nor would it have to offer explanation for not accepting it.

If the Office of Civil Rights accepted the complaint, it would follow essentially the same procedure as a recipient would in a § 26.79 ineligibility complaint. As in the case of a recipient, the Department could invoke the ''administrative preliminary injunction'' procedure in an appropriate case.

Subpart F—Compliance and Enforcement

Sections 26.91–26.99 concern compliance and enforcement procedures under the rule. They were the subject of little comment. One comment favored leaving them as they were in the December 1992 NPRM. Five comments supported including additional measures, such as requirements for liquidated damages or making more use of the Program Fraud Civil Remedies Act of 1986 (PFCRA). Five comments supported the use of suspension and debarment remedies for program abuses, while six others said that this remedy should be limited to cases of indictment or conviction for criminal offenses (some of these said suspension should only be used where there has been a conviction).

The SNPRM retains the enforcement provisions of the December 1992 NPRM with little change. We are adding a specific reference to PFCRA. We are also deleting paragraphs discussing decertification in cases of criminal conduct, since we believe suspension and debarment remedies are adequate to deal with DBEs involved in criminal offenses. Recipients would retain discretion to begin decertification proceedings concerning DBEs involved in criminal activity, however. Under normal suspension and debarment practice relating to criminal offenses, a firm may be suspended when it is indicted but is only debarred following conviction. The Department will follow this practice in suspension and debarment actions related to criminal activity in the DBE program.

Subpart G—DBE Participation in Airport Concessions

On October 3, 1993, the Department published an NPRM in the **Federal Register**, proposing to revise its DBE program requirements applicable to airport concessions. (58 F.R. 52050) The NPRM proposed to implement statutory provisions which would allow airport sponsors to count new forms of DBE participation toward the overall goals of a DBE concession plan. These new forms include purchases from DBEs of goods and services used in the operation of a concession, as well as management contracts and subcontracts with DBEs. To make these and other changes, the Department proposed to amend Subpart F of 49 CFR Part 23, DOT's existing DBE rule.

The statutory provisions authorizing these changes were cited in the NPRM as Sections 511(a)(17) and 511(h) of the Airport and Airway Improvement Act (AAIA) of 1982, as amended by Section 117 of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (Pub. L. 102–581). The AAIA and other transportation statutes were repealed effective July 5, 1994, by Public Law 103–272 and have been recodified in title 49 of the United States Code (U.S.C.). The recodification does not change substantively the legal authority of the DOT or the Federal Aviation Administration (FAA) or any prior interpretations of that authority, but is merely a restatement of the authority granted under prior statutes using different language and a reordering of provisions.

In accordance with this change, the Department will cite title 49 of the U.S.C., rather than the AAIA or any act which amended it, as authority for administering the DBE program. References to the Airport Improvement Program (AIP) will continue to be made, however.

49 U.S.C. 47107(e) (formerly Sections 511(a)(17) and (h) of the AAIA) provides as follows:

(e) Written Assurances of Opportunities for Small Business Concerns.—

(1) The Secretary of Transportation may approve a project application under this subchapter for an airport development project only if the Secretary receives written assurances, satisfactory to the Secretary, that the airport owner or operator will take necessary action to ensure, to the maximum extent practicable, that at least 10 percent of all businesses at the airport selling consumer products or providing consumer services to the public are small business concerns (as defined by regulations of the Secretary) owned and controlled by a socially and economically disadvantaged individual (as defined in section 47113(a) of this title).

(2) An airport owner or operator may meet the percentage goal of paragraph (1) of this subsection by including any business operated through a management contract or subcontract. The dollar amount of a management contract or subcontract with a disadvantaged business enterprise shall be added to the total participation by disadvantaged business enterprises in airport concessions and to the base from which the airport's percentage goal is calculated. The dollar amount of a management contract or subcontract with a non-disadvantaged business enterprise and the gross receipts of business activities to which the management contract or subcontract pertains may not be added to this base.

(3) Except as provided in paragraph (4) of this section, an airport owner or operator may meet the percentage goal of paragraph (1) of this subsection by including the purchase from disadvantaged business enterprises of goods and services used in businesses conducted at the airport, but the

owner or operator and the businesses conducted at the airport shall make good faith efforts to explore all available options to achieve, to the maximum extent practicable, compliance with the goal through direct ownership arrangements, including joint ventures and franchises.

(4)(A) In complying with paragraph (1) of this subsection, an airport owner or operator shall include the revenues of car rental firms at the airport in the base from which the percentage goal in paragraph (1) is calculated.

(B) An airport owner or operator may require a car rental firm to meet a requirement under paragraph (1) of this subsection by purchasing or leasing goods or services from a disadvantaged business enterprise. If an owner or operator requires such a purchase or lease, a car rental firm shall be permitted to meet the requirement by including purchases or leases of vehicles from any vendor that qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual.

(C) This subsection does not require a car rental firm to change its corporate structure to provide for direct ownership arrangements to meet the requirements of this subsection.

(5) This subsection does not preempt—

(A) a State or local law, regulation, or policy enacted by the governing body of an airport owner or operator; or

(B) the authority or a State or local government or airport owner or operator to adopt or enforce a law, regulation, or policy related to disadvantaged business enterprises.

(6) An airport owner or operator may provide opportunities for a small business concern owned and controlled by a socially and economically disadvantaged individual to participate through direct contractual agreement with that concern.

(7) An air carrier that provides passenger or property-carrying services or another business that conducts aeronautical activities at an airport may not be included in the percentage goal of paragraph (1) of this subsection for participation of small business concerns at the airport.

The NPRM was drafted based on the language in the AAIA, and redrafting the rule to reflect the recodification would be cumbersome. Thus, when appropriate, the SNPRM (as well as this preamble) uses the language in the AAIA. Final rule language will be modified, as needed, to conform to the recodified version of the statute.

Of the entities that submitted comments to the October 1993 NPRM, 16 are minority or female owners of car dealerships. Of these, 13 submitted comments in advance of publication of the NPRM. Five industry associations commented. These include the Airport Minority Advisory Council (AMAC); American Bar Association (ABA); American Car Rental Association (ACRA); Airports Council International—North American Region (ACI–NA); and National Automobile Dealers Association (NADA). Representatives of ten airport operators or owners (sponsors) commented individually. Representatives of 5 car rental agencies also commented individually, including Alamo Rent a Car, Inc.; Avis Rent a Car System, Inc.; Dollar Systems, Inc.; the Hertz Corporation; Thrifty Rent-a-Car System. Thrifty and Dollar submitted comments jointly, while Avis and Hertz each filed several comments. Hertz filed its major papers jointly with ACRA. The remaining comments (9) came from Congresswomen Eleanor Holmes Norton and Cardiss Collins; the Small Business Administration (SBA); two DBEs that are not car dealers; Host Marriott Corporation; Tie Rack, Plc; Smarte Carte, Inc., and one consulting firm.

Much of proposed Subpart G in this SNPRM reflects the Department's response to comments on the October 1993 NPRM. Subpart G also includes proposals for revising overall goals and contract goals based on *Adarand* and proposed implementing guidance issued by the Department of Justice. Generally, the Department intends to employ the same methodology in revising the concession program as the DOT-assisted contracting program. Following the close of the comment period, the Department expects to publish a final rule setting forth the concession provisions in Subpart G to 49 CFR Part 26. This subpart will respond to comments to this SNPRM and the comments to the October 1993 NPRM.

The following analysis includes a discussion of the Department's response to comments on the October 1993 NPRM. As with the other portions of this rule, we request that commenters focus on those matters responsive to *Adarand* and issues on which the Department specifically requests comment.

Section 26.101 Definitions

In one of several matters unrelated to the grant legislation or to *Adarand*, the October 1993 NPRM proposed to modify the definition of ''affiliation.'' Subpart F of 49 CFR Part 23, as issued in 1992, incorporated the definition of the term from § 121.401 of the SBA's regulation, 13 CFR Part 121. The Department chose to adopt the SBA definition but was not required by the statute to do so. 49 U.S.C. § 47107(e) delegates authority to the Secretary to designate size standards for the concession program.

As set forth in 13 CFR § 121.401(l), affiliation may arise through a joint venture agreement, requiring the parties thereto to combine their gross receipts in making a determination of business size. The NPRM proposed to delete § 121.401(l) from the definition employed in the concession program.

Based on a review of the comments, the SNPRM retains this provision as proposed. Of five comments submitted to the docket which address the matter, four are generally supportive, while one is opposed. Two commenters are concerned that DBEs qualifying under the SBA's existing definition may have trouble competing against joint ventures involving a very large firm and a DBE. Another commenter, writing in support of the change, opposes any restrictions on a DBE owning an interest in another firm. This commenter points out that in the concession area, operations often are organized under separate businesses at individual airports, and separate partnerships often are established.

The Department does not believe that this provision would adversely affect a significant number of DBEs meeting SBA's definition of affiliation. The SNPRM does not require modification or abrogation of existing concession agreements during their term. Thus, if a DBE meeting SBA's affiliation standards currently operates a concession, its concession agreement could not be disturbed during the remainder of the term. Further, any DBE could compete for the award of future concession contracts by forming joint ventures or other eligible arrangements under the revised standard. The Department believes that joint ventures can offer DBEs a viable means of participating in a direct ownership arrangement when a lease, sublease, or other arrangement is not feasible.

The Department does not concur that all affiliation requirements should be suspended, and the NPRM did not propose this. Only Section 121.401(l) of 13 CFR Part 121, pertaining to joint ventures, has been deleted from the definition of ''affiliation'' used in the concession program. All other provisions of Section 121.401 would be retained. Under the remaining provisions, affiliation can arise through a variety of other arrangements, such as through an identity of interest, through stock ownership, or through common management. We also point out that the affiliation standards set forth in 13 CFR Part 121 apply regardless of the location of the businesses. To illustrate: if the same socially and economically disadvantaged individual owns 100 percent and clearly exercises management control over a retail concession at an airport and two other businesses located off-airport, the firms are affiliated. The gross receipts earned by all three would be summed in

determining the size of the airport concession.

The SNPRM also would amend the definition of ''concession'' to exclude long distance telephone service. The proposed change is intended to formalize 1993 administrative guidance issued by the FAA. The FAA concluded that facilities operated by long distance carriers generally are not ''located at an airport'' as provided in the definition of a concession and thus, should be excluded from the program. Local pay telephone service, by contrast, generally qualifies as a concession and hence, would be subject to the requirements of the rule.

In further regard to the term ''concession,'' one commenter apparently advocates inclusion of car rentals in the definition if the firm holds a license or permit to pick up or deliver customers to airport terminals. Another organization comments to the contrary, stating that there is no evidence that Congress envisaged such an extension to the program. The Department concurs with the latter position and, to date, the rule has been administered using this latter approach. Since this matter has been the source of some confusion, the SNPRM proposes to clarify it.

As proposed, the SNPRM states that a car rental firm servicing the public from an on-airport facility is deemed ''at the airport,'' while one that only picks up and/or delivers customers to the airport is not so regarded. The same principle would apply to taxicabs, limousines, hotels, and other businesses. In a related matter, an off-airport hotel that maintains a direct telephone in a terminal building would not be considered ''at the airport,'' while a hotel doing business anywhere on airport property would be so regarded.

The SNPRM would further clarify that any firm meeting the definition of ''concession'' is covered by the program, regardless of the name given to its legal agreement with the sponsor or other organization.

The SNPRM proposes to add a definition of ''direct ownership arrangement.'' The term appears in the legislation at 49 U.S.C. Sections 47107(e) (3) and (4). Section 47107(e)(3) names ''joint ventures'' and ''franchises'' as examples of direct ownership arrangements. Under the proposed definition in the SNPRM, such arrangement is one in which a firm owns and controls a concession. ''Subleases'' and ''partnerships'' are other examples of direct ownership arrangements that the SNPRM proposes to reference.

Four commenters favor expanding the definition of ''management contract or subcontract'' to include firms hired by concessionaires. The October 1993 NPRM limited the scope of the term to only those firms hired by sponsors. Although the statute does not define the term, 49 U.S.C. Section 47107(e)(2) explicitly provides for counting DBE management contracts and subcontracts toward a sponsor's overall goal. However, the legislation is devoid of any reference to counting such contracts toward a goal imposed on a concessionaire.

Furthermore, as set forth in Section 47107(e)(2), when a sponsor counts a management contract or subcontract with a DBE toward its overall goal, the gross receipts earned by the business activity to which the management contract applies must be excluded from the base. Section 47107(e)(2) also explicitly requires exclusion of the dollar value of management contracts or subcontracts with non-DBEs from the base.

Thus, if the definition of a management contract is expanded as these commenters request, the gross receipts accrued by a non-DBE concessionaire that hires a DBE management contractor or subcontractor would presumably be excluded from the base. In such case, the only expenditures from the concession added to the base would be the value of the DBE management contracts and/or subcontracts, as well as any goods or services purchased or leased from DBEs, if such provisions apply. DBE participation in the concession would necessarily equal 100 percent, even though the concessionaire is a non-DBE. To take another example, if a non-DBE concessionaire hires a non-DBE management contractor and purchases no goods or services from DBEs, no expenditures or gross receipts from the concession would be added to the base.

The Department concludes that expanding the scope of the term management contract could result in calculating overall DBE goals from a base which is not inclusive of all concession gross receipts. This, in our view, would conflict with 49 U.S.C. Section 47107(e)(1), which requires overall goals to be calculated as a percentage of the gross receipts from all concessions (in the case of a sponsor that uses gross receipts, rather than number of concession agreements, as the base.) Further, adopting an expanded definition of management contract could allow an airport to achieve a high percentage of DBE participation, while not reporting substantial gross receipts accrued by non-DBE concessions.

Since we have no indication that Congress intended such results, we do not propose to expand the scope of the term beyond those agreements with airport sponsors. However, under the SNPRM, managerial services procured by concessionaires, like other services used to operate a concession, can count toward the goals pursuant to the procedures of 49 U.S.C. Section 47107(e) (3) or (4).

In response to another comment, the wording in the definition of ''management contract or subcontract'' would be changed from ''operates a business activity'' to ''operates or directs one or more business activities.'' As this comment points out, in some management contracts, the contractor directs the activities of other entities rather than conducting operations directly. In addition, the Department concurs with the comment that the words ''the assets of which are owned by the sponsor'' should be changed to ''the assets of which are owned, leased or otherwise controlled by the sponsor.'' This makes clear that the sponsor's interest in the business activity is not limited strictly to an ownership interest. One other comment recommends a slight variation-inserting the words ''or in which the airport sponsor has a significant interest or over which the airport sponsor exercises control'' after ''the assets of which are owned.'' However, this version makes no reference to ''leased'' assets and would require a further definition of ''significant interest.''

To further distinguish between a ''concessionaire'' and ''management contractor,'' the SNPRM proposes to modify the former to mean a firm that owns and controls a concession, as opposed to one that simply operates one.

We propose to amend the definition of ''small business concern'' to specify that the appropriate size standard is the one which best describes the type of business a firm seeks to operate under the DBE concession program. The sole exception would be the size standard for car dealerships. This matter is discussed below under ''Appendix G—Size Standards for the Airport Concession Program.'' The SNPRM would also clarify that a small business concern must be an ''existing'' firm.

Under provisions of the SNPRM for DOT-assisted contractors (including FAA-assisted contractors), the presumption of social and economic disadvantage is deemed to be rebutted when an individual's personal net worth exceeds $750,000. The October 1993 NPRM proposed to not apply the

$750,000 personal net worth limit to the concession program.

All five comments to the October 1993 NPRM that address this matter supported the Department's proposal to not apply the $750,000 standard to the concession program. The rationale for not applying this standard to airport concessions is that, given the larger businesses that may participate in the concessions DBE program, the $750,000 figure would be unreasonably low. excluding businesses that the Department intends to be able to participate.

Nevertheless, there are grounds for having some disadvantage threshold or other in this part of the rule. Even though larger businesses are intended to be eligible to participate in airport concessions, the concept of program eligibility based on economic disadvantage appears to call for a criterion to determine when someone is no longer disadvantaged. The Department is seeking comment on the appropriate dollar level for the economic disadvantage threshold in the financial assistance part of the SNPRM. We will ask the same question in the context of airport concessions. In this context, is it reasonable to have a higher threshold than in the case of the financial assistance program and, if so, what should it be?

Section 26.103 Applicability

As modified, this section would state that the subpart applies to any sponsor that received a grant for airport development after January 1988.

Section 26.105 Requirements for Airport Sponsors

In response to one comment, we propose to modify this section to require insertion of the nondiscrimination clause in management contracts. The NPRM required inclusion of the provisions only in concession agreements executed by the sponsor. The clause also would also be required as part of any subsequent contract or subcontract covered by the rule, including contracts for the provision of goods or services. The Department also concurs with a recommendation to include recordkeeping requirements in the rule that will enable sponsors to monitor contract awards and payments by concessionaires to DBEs which provide goods or services. A section would be added pertaining to all recordkeeping and reporting requirements; it would apply to both primary and non-primary airports.

We have not adopted a recommendation to allow small primary airports to submit their DBE concession plans to the FAA for review less frequently than annually, as currently required. We point out that, as administered by the FAA, the concession plan covers a three year period, which requires sponsors to do long-range planning. One purpose of an annual review and update is to include any information in the plan not previously available to the sponsor. Submission of an entirely new document is not required. Additionally, since the rule requires overall annual goals, accomplishments in meeting them must be reported yearly. Thus, the Department believes that the current requirements are appropriate.

Another comment opposes a quarterly reporting requirement, which the Department proposed for the DOT-assisted contracting program. Currently, the FAA requires an annual report of accomplishments in the concession program and does not propose to increase the frequency.

The SNPRM would retain a provision established in 1992 with the issuance of Subpart F of 49 CFR Part 23. Under the proposal, only primary airport sponsors would be required to implement a DBE concession plan. Other airports would not be subject to goal-setting and other components of a plan. Rather, these sponsors would be required to take appropriate outreach steps to encourage available DBEs to participate as concessionaires whenever there is a concession opportunity. This approach is consistent with the narrow tailoring principle of applying race-neutral mechanisms whenever possible to accomplish program objectives.

Section 26.107 Elements of a DBE Concession Plan

1. Overall Goals

This section has been modified for consistency with the Department's approach to overall goals in the DOT-assisted contracting portion of the SNPRM. A discussion of § 26.41 is found above. In it, we note that provisions of the SNPRM concerned with data collection and analysis could be burdensome to recipients. Realizing that the market for airport concessionaires is different from the market for many kinds of contractors for DOT-assisted contracting, we seek comment on how these concepts can best be adapted to the concessions industry and what data sources are available or should be developed to assist this process.

DBE program costs incurred in connection with an approved project are eligible for reimbursement with Federal funds. However, it should be noted that costs incurred in administering the airport concession program are not eligible for AIP funds. The Department therefore invites additional comments on resources available to sponsors to collect and analyze concession program data as required by the SNPRM.

A new requirement has been added to the SNPRM. It would require sponsors to provide for public participation in establishing overall annual goals. This provision is intended to assist sponsors in arriving at appropriate goals.

Several comments to the October 1993 NPRM concern calculation of overall goals. One favors the use of net payment to the airport in lieu of gross receipts as the base from which overall goals are calculated. This commenter opposes using a combination of net payment and gross receipts, as currently required when the gross receipts from a particular concession are not known to the sponsor. This matter was fully considered when Subpart F of Part 23 was published in 1992 and was not raised as an issue under the current rulemaking. (See discussion in preamble to Subpart F at 57 FR 18400, April 30, 1992.) We also do not propose to adopt a comment to allow DBEs that perform an aeronautical business to count toward concession goals. 49 U.S.C. § 47107(e)(7) provides that air carriers and other businesses conducting aeronautical activities are not included in the ''overall percentage goal.''

Another comment favors calculating goals based on ''committed'' dollar values derived from agreed-to contracts or contingent purchase orders, rather than estimated dollars. This commenter also disagrees with the proposal to exclude from the base from which the overall goal is calculated, the value of non-DBE management contracts and the gross revenues from the activity to which the management contract pertains. It advocates establishing a base annually to reflect all eligible DBE program activity.

Regarding the latter comment, as discussed above, the statute explicitly requires exclusion of these figures referenced from the base. Further, the goal of ''at least 10 percent'' is expressed in 49 U.S.C. § 47107(e)(1) as a percentage of ''all businesses at the airport selling consumer products or services to the public,'' language that the Department interprets to mean ''concessions.'' The statute permits a sponsor to count management contracts with DBEs or goods or services purchased or leased from DBEs toward meeting the goal. Thus, Section 47107(e)(2) provides that a sponsor ''may meet the percentage goal of paragraph (1) of this subsection by

including any business operated through a management contract or subcontract.'' Section 47107(e)(3) provides that a sponsor ''may meet the percentage goal of paragraph (1) of this subsection by including the purchase from [DBEs] of goods and services used in businesses conducted at the airport * * *'' The Department believes that expanding the base to include all management contract fees or all purchases or leases of goods or services would be inconsistent with these statutory provisions.

Concerning the use of ''estimated'' versus ''committed'' dollars when setting overall goals, we note that overall annual goals are required as part of a three year plan. Some projections must be made a year or two in advance. Thus, sponsors would not ordinarily have sufficient information to base overall goals on committed dollars. To the extent that they do, however, such information should be reflected in the goals.

The SNPRM states that all overall goals must provide for participation by all certified DBEs and that goals may not be subdivided by specific groups. The Department's rationale for applying this provision to DOT-assisted contracting is discussed above in connection with 49 CFR § 26.41. Since the concession program authorized by 49 U.S.C. § 47107(e) incorporates the definition of ''socially and economically disadvantaged individuals'' from the contracting provisions of 49 U.S.C. § 47113, the Department's rationale applies equally to concessions.

In response to two comments, a provision has been added stating that in setting overall goals, a sponsor is permitted to include only those projected expenditures/gross receipts or number of agreements, as applicable, as the rule allows to be counted toward meeting such goals.

2. Counting DBE Participation Toward Meeting Goals

Several comments point out that the October 1993 NPRM does not clearly state whether the requirement to perform a commercially useful function applies to all expenditures that can be counted toward DBE goals. One commenter favors doing so, and we concur. The SNPRM clarifies this provision. In the preamble to the NPRM, the Department indicated that this was its intention from the outset. It states, ''While the requirement to perform a commercially useful function would be made applicable to any DBE eligible under subpart F, it would be particularly useful in evaluating firms which provide services or supplies, and which subsequently enter into subcontracts.'' (58 FR 52050 at 52053)

Although the NPRM incorporated the provisions of § 23.47(d), it did not include guidance on other counting provisions, such as the definition of ''regular dealer,'' ''manufacturer,'' and others. One commenter believes that it would be useful to add a definition of ''providers of goods or services,'' while another believes that the NPRM is too broad in allowing credit for procurement of goods and services which may be ''pass-throughs'', such as with distributors and brokers. Other comments, discussed below, express the same concerns.

The Department concurs that additional guidance is needed. The SNPRM proposes to adopt many of the counting provisions proposed for DOT-assisted contracting. Although ''providers of goods or services'' would not be defined as such, the SNPRM lists all types of transactions in which a DBE may participate, including as a regular dealer, manufacturer, or provider of a professional, technical, consultant or other service.

a. *Counting purchases or leases of vehicles by car rental firms.* The NPRM proposed to count the total dollar value of purchases or leases of vehicles toward DBE goals. Of 10 comments which address this proposal, 6 favor it, 3 oppose it, while one recommends additional review. Of those opposed, two suggest that the profit earned by the DBE is the appropriate amount to be counted.

The comments indicate that car rentals generally acquire their vehicles through fleet purchases. The Department was unaware of this practice at the time the NPRM was developed, and indeed, there is no reference to fleet purchases in the NPRM. According to the comments, most states have franchise laws requiring that fleet purchases be made through a car dealership. Commenters also state that the major automobile manufacturers have franchise agreements with their dealers, which require all car sales to be made through the dealers.

Fleet purchase transactions vary from one car rental firm to another and from one new car dealer to another. The dealer and car rental firm often agree to have the cars delivered directly from the manufacturer to the car rental firm, a practice known as ''drop shipment,'' in which the dealer neither sees nor touches the cars. The profit margin in a fleet purchase is generally lower than a single car acquired in a retail sale. According to one comment, in a recent year, a minority dealer made a gross profit of approximately $8 per unit on fleet sales of 15,737 cars. The same dealer made $1,090 per unit on 770 cars through retail sales. This dealer comments that car dealers buy and resell these vehicles all in one transaction for which they generally receive a fee of between $10 and $20. Another comment refers to a dealer that made $44 per car or less.

Commenters point out that in a fleet purchase, car rental firms generally adhere to one of two scenarios in processing a new vehicle's ownership documents. In many cases, the new vehicle is delivered to the car rental company and its ownership documents are sent to the new car dealer. In these instances, the dealer handles the titling and registering of the vehicle. In other cases, a new vehicle's ownership documents are sent to the car rental company's regional office or its national headquarters. At these locations, employees of the car rental company, acting as agents for the dealer, perform the various procedures necessary to title and register these new vehicles.

Based on the comments, the Department has concluded that a fleet purchase is a separate function from retail sales of vehicles, and that car dealerships handle the transactions differently. Indeed, a dealer may use a separate account for its fleet purchases. In our view, the statute does not require that 100 percent of the cost of vehicles acquired in a fleet purchase count toward meeting DBE goals. Section 511(h)(3)(B) of the AAIA provided in part, ''In the event that an airport owner or operator requires the purchase or lease of goods or services from DBEs, a car rental firm shall be permitted to meet such requirement by including purchases or leases of vehicles from any vendor that qualifies as a small business concern * * *''

Moreover, we do not interpret the statute to preclude application of ''commercially useful function'' principles to purchases or leases of vehicles. As referenced above, the additional counting provisions included in the SNPRM represent a logical outgrowth in response to comments to the NPRM. Hence, we do not concur with one comment which contends that the Department must issue a new NPRM and obtain additional comments on this matter. Also, we are unable to concur with the rationale provided by commenters who state that the total dollar value of vehicles acquired in fleet purchases must be counted so that a car rental can achieve the goals imposed by a sponsor. Under the SNPRM, a concessionaire that fails to meet a DBE contract goal would be permitted to

demonstrate that it made good faith efforts.

The Department believes that the car dealer's role in a fleet purchase best fits the description in 49 CFR Section 26.107(2)(iii)(E), which provides for counting the fee or commission charged by a DBE that is neither a manufacturer nor a regular dealer. Under paragraph (1) of this section, the entire amount of the fee or commission charged by a DBE for assistance in the procurement of goods would be counted toward the goals, provided that it is determined by the sponsor to be reasonable and not excessive as compared with fees customarily allowed for similar services. However, no portion of the goods themselves (in this case, vehicles) would be counted toward the goals.

While a car dealership may qualify as a ''regular dealer'' in other types of transactions, the Department does not believe that it functions as such in arranging a fleet purchase of vehicles. ''Regular dealer'' is defined in the SNPRM at Section 26.49(f)(2)(ii), applicable to DOT-assisted contracting, and is incorporated into the concession program. It reads in part as follows:''A firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question * * *''

Part 23 contained a similar definition at Section 23.47(e)(3). We point out that the vehicles acquired in a fleet purchase are not ''bought, kept in stock, and regularly sold or leased to the public in the usual course of business.'' Rather, they are always acquired from a manufacturer and often shipped directly to the car rental agency.

The fee or commission earned by a car dealer in a fleet purchase generally will equal the gross profit-the difference between the amount charged by the manufacturer and the amount charged by the car dealer. To facilitate compliance with the rule, a definition of ''fleet purchase'' is proposed, as follows: ''a purchase of vehicles in volume from a manufacturer at a discounted price, which is made through a car dealer. While the process may vary by manufacturer and by car dealer, the vehicles are frequently 'drop-shipped' directly to the car rental firm. A car dealer may handle fleet purchases through a separate account. The minimum number of vehicles in a fleet may vary, but as few as 10 have been used.''

Under the SNPRM, a car dealer may qualify as a regular dealer in retail sales of vehicles (other than fleet sales) or when it leases vehicles or sells supplies or new parts. As proposed, 100 percent of the cost of goods purchased or leased from a DBE regular dealer would be counted toward DBE goals.

b. *Other counting issues pertaining to car rentals.* Two commenters make reference to car repair services performed under a manufacturer's warranty. In some instances, the car rental that purchased the vehicle can select the company to perform the warranty work. The manufacturer, rather than the car rental, pays for the service. One commenter requests that the cost of such warranty services performed by a DBE be counted toward the goals.

Reference is made to 49 U.S.C. 47107(e)(4)(B), which provides that a sponsor ''may require a car rental firm to meet a requirement under paragraph (1) of this subsection by purchasing or leasing goods or services from a [DBE] * * *'' Since the manufacturer, not the car rental, pays for the work performed under a warranty agreement, we conclude that such purchases do not meet the standard in the legislation. As such, they would not count toward DBE goals.

The SNPRM proposes to incorporate a recommendation by a sponsor to credit toward the goals, the amount paid by a car rental franchise to a DBE hired to manage its leased facilities. This provision relates to the discussion of ''management contracts and subcontracts'' set forth above.

3. Counting Purchases of Goods and Services by Concessionaires (Other Than Car Rentals)

Seven comments address the proposal in the NPRM to count the total dollar value of purchases of goods and services by non-DBE concessionaires. As proposed, counting such expenditures would be subject to a requirement that the sponsor and non-DBE make good faith efforts to explore all available options to attain, to the maximum extent practical, a direct ownership arrangement with a DBE. This good faith efforts ''test'' would apply to concessionaires other than car rentals. Three commenters favor the proposal, while four are opposed.

Of those opposed, three prefer use of a ''discount factor'' similar to DOT-assisted contracting procedures, in which 60 percent of supplies obtained from a DBE regular dealer can be counted. Another comment wishes to minimize ''pass-throughs'' such as with distributors and brokers, while one other believes that all concessionaires should be given the same latitude as car rentals, by being exempted from the good faith efforts test.

The SNPRM proposes to apply the same principles of commercially useful function to these transactions as to the ones involving car rentals. Thus, 100 percent of the cost of goods purchased from a DBE acting as a regular dealer or manufacturer would count toward the goals.

If a concessionaire purchases goods from a DBE which is acting neither as a regular dealer nor a manufacturer, only the fee or the commission charged for assistance in the transaction or the cost of the transportation provided would count toward goals, provided that it is determined by the sponsor to be reasonable and not excessive as compared with fees customarily allowed for similar services. However, no portion of the cost of the goods themselves would be counted. Further, the entire amount of fees or commissions charged by a DBE firm that provides a bona fide service to a non-DBE concessionaire would be counted toward goals. Counting any of these expenditures would be predicated on a good-faith efforts test, a condition that is not imposed on car rentals.

The SNPRM makes clear that such purchases of goods and/or services would count even if a non-DBE concessionaire meets a goal for a direct ownership arrangement with a DBE. In response to one comment, we point out that any qualifying DBE participation could count toward goals. The commenter notes that only a limited number of manufacturers of equipment used in baggage cart concessions exist throughout the country. While the rule does not impose restrictions on the geographical location of firms, 49 CFR Section 26.123 does allow a sponsor to employ a geographical preference under the conditions stated in that section.

One comment inquires about warehousing and distribution systems, which have acquired their inventories from DBEs. The commenter proposes that concessionaires be given credit for purchases from such warehousing and distribution systems in proportion to the DBE product mix as a part of the total inventory. Based on a review of the legislation, we do not propose to adopt this comment. 49 U.S.C. Section 47107(e)(3) authorizes sponsors to count purchases from DBEs of goods and services used in ''businesses conducted at the airport,'' words which we

interpret to mean ''concessions.'' Thus, only those goods actually purchased by a concessionaire from a DBE and used in operating a concession would be counted toward meeting DBE goals under this SNPRM.

In response to several comments, the SNPRM incorporates a provision stating that packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers.

4. Other Counting Provisions

One commenter recommends that a DBE should not be required to perform at least 30 percent of the work of a contract with its own forces in order to be considered to perform a commercially useful function. The commenter notes that for management contacts, the 30 percent requirement, which appeared in the December 1992 NPRM, may impose an unrealistically high standard, particularly if it is applied to any work of a concession or activities associated with a management contract. The Department concurs. Thus, while the 30 percent standard and other provisions of 49 CFR Section 26.49(e)(3) would be incorporated into the concession program, management contracts and subcontracts would be exempt. Concession agreements would also be exempt based on our observation that DBEs frequently make up less than 30 percent of a joint venture or sublease less than 30 percent from a prime concessionaire. Other participants in the DBE concession program would be covered by Section 26.49(e)(3), however, in order to be consistent with DOT-assisted contracting provisions.

In response to another comment, the Department could not find a basis in the statute to count purchases of goods or services from DBEs made by non-DBE management contractors. 49 U.S.C. 47107(e)(2) makes no reference to such a procedure, while we interpret Section 47107(e)(3) to apply only to concessions. Under the SNPRM, however, a sponsor may impose a contract goal on a management contractor to attain DBE participation through a management subcontract. (See 49 CFR 26.115(d).)

Section 26.107(g) Certification Procedures

The SNPRM gives sponsors the discretion of participating in the Unified Certification Process (UCP) with regard to certifying DBEs under the concession program. (All sponsors would be required to participate in the UCP with regard to certifying DOT-assisted contractors.) A sponsor that elects not to participate in the UCP would need to independently certify firms that will count toward overall and contract goals set under the concession program. These sponsors could choose to adopt precertification or certify only firms to be counted toward DBE goals.

Section 26.107(h) Certification Process

A sponsor that does not participate in the UCP would not be subject to the timeframes set forth in 49 CFR 26.73(i) in which to make an eligibility determination. These sponsors would be required to determine that a firm is eligible before it could count toward the overall goal or to a firm's contract goal.

Nine comments responded to the Department's proposal for considering the feasibility of adopting a self-certification procedure in limited circumstances, such as for providers of goods and services holding contracts of less than a designated dollar value. Six favor such a procedure, while three are opposed. One proponent recommends using procedures similar to SBA's under which a contracting officer may accept a self-certification in the absence of a written protest by competitors or other credible information. A second proponent suggests imposing penalties for fraud or willful misrepresentation, such as fines or debarment, and also recommends that the Department conduct random samplings of self-certified firms. Those opposed are concerned that self-certification will allow ineligible firms to participate in the program to the detriment of legitimate DBEs.

Significantly, a state department of transportation estimates that 25 percent of applications for DBE certification it receives do not meet eligibility standards and are denied. We concur with the comment that since these applicants believe their firms to be eligible, there may be an inherent problem with a self-certification process. Self-certification may also offer greater opportunity for fraud and abuse. We believe that these potential difficulties would offset any advantages gained by streamlining the process.

Concerning the proposal to allow sponsors to give ''full faith and credit'' to certifications of other DOT recipients, all 10 comments on the subject favor it. Two organizations recommend that both the certifying and accepting agency be held harmless if a defect is discovered in the certification, while another recommends that the certifying agency be held harmless. While the SNPRM would allow UCPs to form reciprocal agreements, it does not propose giving ''full faith and credit'' to certifications of DOT-assisted contractors made by other UCPs or recipients. In view of this, allowing such a practice in the concession program could cause confusion. The Department also believes that the sponsor that counts a firm toward its goals should be the entity responsible for the validity of the certification. If full faith and credit is allowed, a sponsor could knowingly and with impunity accept a defective certification.

Two comments address the feasibility of accepting certifications by local or state agencies that are not DOT recipients, but which use the same eligibility criteria as DOT. Both commenters support such a provision. The Department believes, however, that such agencies would not be proficient in applying the new eligibility standards proposed in this SNPRM, even if their local procedures incorporate them. Also, these agencies would not have the same interest as a recipient in ensuring that their certifications are valid.

For the reasons cited, the SNPRM does not include provisions for self-certification, giving ''full faith and credit,'' or accepting certifications of agencies that are not DOT recipients. We have attempted, however, to minimize administrative requirements associated with certification, whenever feasible. For example, the SNPRM retains the provision in Subpart F of Part 23 that on-site visits are not mandatory in all instances. The establishment of the UCPs and other provisions pertaining to DOT-assisted contracting would also result in a reduction of administrative costs. The following proposed provisions address many concerns raised by commenters.

A UCP would make all certification decisions on behalf of all DOT recipients in the state, except for sponsors that elect not to participate in regard to their concession programs. If a sponsor does elect to participate, the certification decisions made by the UCP would be binding on it. Subject to the Department's approval, recipients in two or more states could form a regional UCP. UCPs could also enter into reciprocity agreements with other UCPs. A UCP would be permitted but not required to accept the certifications of another UCP. A UCP would not be required to process an application for certification from a firm having its principal place of business outside the state if the firm is not certified by the UCP in the state in which it maintains its principal place of business.

Concerning a comment that sponsors be permitted to contract out certification, the FAA issued guidance to sponsors in 1993 on the eligibility of such costs under the AIP. In response to comments recommending that the

Federal government or other agencies be responsible for certification, the Department is proposing recipients retain that responsibility. Regarding certification schedules, Subpart G would incorporate provisions of section 26.73(c), which requires potential DBEs to complete and submit an appropriate application form. Sponsors would be required to use the form provided in Appendix C without change or revision, except that subject to approval by FAA, additional information not inconsistent with the rule could be requested.

Section 26.107(j) Certification Standards

We received 7 comments concerning automobile dealer development programs operated and financed by major car manufacturers. All 7 commenters would support a provision to allow these firms to participate as DBEs. They suggest that the Department grant a limited exception to the ownership requirements in the rule. The comments explain that firms seeking to become car dealerships do not have access to the $700,000 to $1 million in start-up costs necessary to place a new car dealership in business. The commenters state that since commercial banks have not been interested in lending money to these unestablished dealers, the automobile manufacturers have provided start-up financing as a component of their dealer development programs.

Comments indicate that under the program, a candidate must provide a minimum of 15 percent of the start-up capital for the dealership, in return for which the candidate receives 100 percent of the common stock of the new dealership. The manufacturer loans the candidate the remainder of the start-up capital, taking back what is in effect a security interest in the new dealership. This security interest takes the form of a controlling interest in the preferred stock of the corporation. The dealership contract is structured so that as long as the preferred stock is outstanding, the common stockholders in the corporation will not have voting control over the corporation.

This dealership contract is often for a period of ten years, after which the contract will lapse if certain performance and profit conditions have not been met. The intent of the arrangement is that the candidate/dealer will redeem, on an annual basis, a portion of the preferred stock held by the manufacturer out of the profits of the dealership. The dealer gradually redeems all of the preferred stock and gains full control of the dealership within ten years of inception. During the early years of their contracts, dealers in development will not be able to participate in the DBE concession program because they do not own 51 percent of the their dealerships. These commenters do not advocate waiving any other eligibility criteria. They state that the industry recognizes the importance of assuring that disadvantaged owners are actively involved in the daily management of the dealership and meet appropriate size standards.

In considering this matter, we make reference to the definition of a ''DBE'' as follows: ''a for-profit small business concern—(a) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.'' (49 CFR Sections 26.5 and 26.101)

The comments request that we waive the requirements in paragraph (a) concerning ownership. As paragraph (b) makes clear, to qualify as a DBE, the management and daily operations of the firm must be controlled by one or more disadvantaged individuals who are the 51 percent owners. In the case of some dealers in development, however, disadvantaged individuals own less than 51 percent of the business. Thus, control of such a firm cannot rest with disadvantaged individuals, as specified in paragraph (b), if the manufacturer is a non-DBE. Additionally, the comments indicate that the manufacturer and developing firm are in a franchisor/franchisee relationship. If this is the case, and the franchisor controls the franchisee, the firms would be affiliated. Under 49 CFR Section 26.107(j)(4), a business operating under a franchise agreement is eligible for certification only if it qualifies as a DBE and the franchise is not affiliated with the franchisee. Firms are affiliated if one firm controls or has the power to control the other or they meet other criteria stated in the definition of ''affiliation'' found in 49 CFR Section 26.101.

Inasmuch as both ownership and control criteria would need to be waived, the SNPRM would not grant an exemption for dealers in development. However, in the event that the Department adopts a developmental program or a mentor-protégé program for concessions at a future date, we would reexamine our position to determine if dealers in development could qualify.

A commenter notes that while the Department's program encourages the formation and growth of new firms, it may be difficult to make an eligibility determination of a newly formed firm that intends to perform a concession. A provision has been added which would address such situations. The SNPRM states that while a new firm applying for certification as a concessionaire must meet all eligibility standards, a sponsor cannot deny certification solely because it is new, without applying the eligibility standards.

The rule would also clarify that a limited partnership is not eligible for DBE certification if a non-DBE or a non-disadvantaged individual is the general partner.

Section 26.107(k) Good Faith Efforts

This section would require sponsors to use race neutral means, such as outreach and technical assistance, in an effort to meet overall goals, prior to applying the race-conscious technique of contract goals. In many cases, we anticipate that sponsors will need to apply race-conscious means in order to overcome the effects of past discrimination.

This section includes a list of good faith efforts, which is not exhaustive, that a sponsor would consider making to meet its overall annual goals. The efforts would also apply, as appropriate, to firms subject to a DBE contract goal, as well as to a sponsor and firm required to make good faith efforts to attain a direct ownership arrangement with a DBE. To assist sponsors and businesses, a definition of ''good faith efforts'' has been added.

One commenter to the October 1993 NPRM requests that a method be developed for obtaining nationwide information about the availability of certified DBE providers of goods and services. The FAA will provide such information or sources of information that it has. Another commenter requests additional guidance to clarify the meaning of suggested good faith efforts for attaining a direct ownership arrangement with a DBE. The Department suggests, as one example, that the firm conduct a pre-bid meeting concerned with the DBE portion of the contract to explain the solicitation and proposal process.

Another comment observes that the statute requires concessionaires to enter into joint venture agreements with DBEs only if ''practical'' and urges the Department to clarify that concessionaires cannot be required to offer DBEs financial assistance, management training, or other support as a means of making a joint venture

arrangement practical. The Department concurs, and an appropriate provision would be added at 49 CFR Section 26.115(g).

The Department believes, however, that it is within the authority of the legislation to require sponsors and concessionaires to provide technical assistance to DBEs in overcoming limitations, such as the inability to obtain bonding or financing. This assistance may include providing DBEs with information on lending institutions. A provision to this effect now appears in the SNPRM. A sponsor and/or concessionaire may also work with banks in their community in an effort to encourage loans to DBE program participants. A regulation of the Board of Governors of the Federal Reserve System, implementing the Community Reinvestment Act, imposes a continuing and affirmative obligation on financial institutions to help meet the credit needs of their local communities. (See 12 CFR Part 228.)

Section 26.107(l) Monitoring and Compliance Procedures

One commenter recommends establishing a requirement to ensure that non-DBE concessionaires actually fulfill their promised levels of DBE participation. We concur. A new provision would direct sponsors to implement appropriate mechanisms to ensure that all program participants comply with the requirements established pursuant to this subpart. The sponsor would utilize its own local authority to enforce these contractual conditions.

Section 26.115 Obligations of Concessionaires, Contractors, and Competitors

The Department concurs with a comment to the NPRM stating that a sponsor is authorized to impose a DBE contract goal on competitors for concession agreements. This provision is included in the SNPRM. It would also permit a sponsor to impose a contract goal on a management contractor to attain DBE participation through a management subcontract.

Like the current rule, the SNPRM does not require a DBE contract on each concession; rather, the sponsor has discretion to select agreements to be covered by this requirement.

Three commenters to the NPRM support the provision that requires sponsors to seek DBE participation in all types of concessions to the extent practical. They believe that the overall percentage of DBE participation should be distributed equitably among concessionaires. Another commenter requests that the rule expressly prohibit sponsors from levying disproportionate requirements on small concessions. It believes such a provision is a corollary to the statement in the current rule that sponsors ''not concentrate participation in one category or a few categories to the exclusion of others.''

The SNPRM retains the provision in the existing rule requiring sponsors, to the maximum extent practical, to seek DBE participation in all types of concession activities and not concentrate participation in any one or few categories to the exclusion of others. However, we do not propose to adopt a recommendation to require all contract goals to be set at the same percentage level. The SNPRM proposes that a contract goal may be higher or lower than the overall goal, depending on such factors as the type of work involved, its location, and the availability of DBEs for the work of the contract or concession. Unreasonably high contract goals, unrelated to the availability of DBEs, would not be authorized.

The SNPRM proposes that when a contract goal is set, the sponsor would be required to notify competitors that as a condition of receiving the award, the firm must submit information indicating that it will meet the goal by using named DBEs or that it made good faith efforts. Sponsors would be prohibited from using more stringent mechanisms than good faith efforts, such as a set-aside or conclusive presumption, except under specific conditions. A similar approach is proposed under 26.45 for DOT-assisted contracting.

Like overall goals, all contract goals would provide for participation by all certified DBEs and could not be divided into group-specific goals. We concur with one comment that opposes demands by sponsors to give preferential treatment to one group of DBEs over another.

Under the SNPRM, a sponsor may impose either of two requirements on a non-DBE concessionaire or firm competing for the award of a concession agreement, other than a car rental. A contract goal may be set to attain DBE participation solely through a direct ownership arrangement. Alternatively, a contract goal may be set for the purchase of goods or services. In the latter case, the sponsor would be subject to the procedures in 49 CFR 26.117, pertaining to making good faith efforts to attain a direct ownership arrangement.

The Department concurs with a comment that sponsors should not be required to allow car rental firms to meet DBE goals through purchase or lease of goods and services. Accordingly, the SNPRM proposes that a sponsor may levy one or both of the following requirements on such firms. First, it may set a contract goal for purchases or leases of goods or services, in which case, the car rental would be permitted to meet the goal by including costs associated with purchases or leases of vehicles from any firm that qualifies as a DBE.

A sponsor could also require a car rental to state in writing whether a change to its corporate structure is needed in order to form a direct ownership arrangement with a DBE; and to identify any such arrangements. If the car rental can provide for a direct ownership arrangement with a DBE without altering its corporate structure, the sponsor could require it to make good faith efforts to achieve a contract goal through such arrangement. If, however, the car rental cannot form a direct ownership arrangement with a DBE without altering its corporate structure, the sponsor must deem the firm to be responsive to any requirement pertaining to direct ownership arrangements.

The SNPRM proposes that DBEs may participate as prime concessionaires or management contractors through direct contractual agreements with the sponsor. Although the NPRM made reference only to DBEs as prime concessionaires, the legislation does not limit the provision in this way.

Since several comments address the matter of calculating DBE contract goals, we have included a new section on this matter. If a goal applies to a direct ownership arrangement, it would be calculated as a percentage of the total estimated annual gross receipts from the concession. If the goal applies to purchases and/or leases of goods and services, it would be calculated by dividing the estimated dollar value of such purchases/leases from DBEs by the sum of that amount and the estimated annual gross receipts from the concession. The latter is expressed in the following formula, which is designed to parallel the statutory direction for calculating overall goals:

$$\text{DBE Contract Goal} = \frac{\text{Estimated purchases/leases from DBEs (\$)}}{\text{Estimated purchases/leases from DBEs (\$)} + \text{Estimated gross receipts from concession (\$)}}$$

To illustrate: A concession is expected to generate $1 million in gross receipts, and the sponsor wishes to set a DBE contract goal of 10 percent. To meet the goal, the concessionaire must purchase/lease $111,111 in goods or services from DBEs.

$$\text{10\% DBE Goal} = \frac{\$111{,}111}{\$111{,}111 + \$1{,}000{,}000}$$

While the rule would not include a formula for calculating a DBE contract goal imposed on a management contractor, it may be calculated as a percentage of the amount of the prime contract. The Department seeks comment on whether this approach is a sensible one for contract goals, or whether there are other approaches the Department should consider.

Several comments address the proposal under which car rentals are not required to make good faith efforts to form a direct ownership arrangement with a DBE as a condition of counting the purchase or lease of goods and services from DBEs. All representatives of the car rental industry agree with the proposal. Another comment states that the statute does not relieve sponsors or any business operating at airports from making good faith efforts to achieve direct DBE participation. This commenter states that alternative methods of compliance through purchase of goods and services from DBEs is permitted only when direct participation is not practical. Yet another comment states that the statute does not preclude car rental firms from entering into a joint venture, partnership, sublease, or other direct ownership arrangement with a DBE, where such an arrangement is practical or desirable. This comment states that the statute does not relieve car rental firms of the ''good faith'' requirement applicable to every other non-DBE business operating at the airport.

Still another commenter, contending that the good faith efforts test should be applied to car rentals, strongly disagrees with the NPRM. It points out that much of the intent of Congress was stated between the time of the 1987 amendments to the AAIA and the subsequent 1992 Act. This commenter notes that several members of Congress made very key and explicit statements in their remarks on the good faith efforts issue.

Based on its review, the Department has concluded that the Congressional statements cited by this last commenter either do not support its position or are largely irrelevant because they refer to an early version of Section 117 of the 1992 Act which is substantially different than the language of Section 117 that was enacted into law. The position advocated by the commenter was thoroughly considered by Congress during its early deliberations on the 1992 Act but was discarded by Congress in drafting the final statutory language.

Moreover, the Department believes that the plain language of the statute does not impose a good faith efforts test on car rental firms before they are permitted to engage in vendor purchases. 49 U.S.C. Section 47107(e)(3) of 49 U.S.C. (formerly Section 511(h)(2) of the AAIA), which covers all concessionaires except car rental companies, contains the good faith efforts test. Section 47104(e)(4)(B) (formerly Section 511(h)(3)(B) of the AAIA), which covers car rental concessionaires only, contains no such language. Standard rules of statutory construction require that the words of a statute must be given their plain meaning, and the absence of the good faith efforts test from the provision covering car rental concessionaires shows that the test is not mandated for these concessionaires. In *Russello* v. *United States, 464 U.S. 16.23 (1983),* the U.S. Supreme Court held that where Congress includes particular language in one section of a statute but omits it in another section of the same act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.

The Department concurs with other comments on this matter to the extent that a sponsor may, within the constraints imposed by the statute, levy certain requirements on car rentals pertaining to direct ownership arrangements. These requirements are discussed above.

The NPRM proposed that a car rental firm would not be required to change its corporate structure in order to provide for a direct ownership arrangement with a DBE. A change in corporate structure was defined to include a ''transfer of corporate assets, or execution of a joint venture, partnership, or sublease agreement.'' One commenter disagrees with the proposal, while several others agree. The one opposed comments that it does not see a ''coming-together'' of two businesses such as in a joint venture, partnership, or a specific sublease as a change in corporate structure, and the rule should not define it as such. The Department believes, however, that a firm that does not generally conduct its operations through such arrangements may need to alter its corporate structure to provide for doing so. Although the statute does not define ''change to corporate structure,'' Senator Wendell Ford addressed this point as follows:

Section 511(h)(3) of the AAIA, as amended provides that nothing in the law on DBE assurance 'shall require a car rental firm to change its corporate structure to provide for direct ownership arrangements.' For example, a car rental firm is not required, but is permitted, by the DBE assurance sections 511(a)(17) and 511(h) of the AAIA, as amended, to transfer corporate assets or engage in joint ventures, partnerships, or subleases. I would like to repeat that this language has been agreed to by both the car rental industry and the airports. 138 Cong. Rec. S17843 (October 8, 1992) (statement of Sen. Ford).

In an extension of his remarks on the floor of the House of Representatives on October 2, 1992, Representative James L. Oberstar submitted a similar statement for the Congressional Record on October 8, 1992 (138 Cong. Rec. E 3501). Representative William F. Clinger submitted the same statement to the Congressional Record, as an extension of his remarks. (138 Cong. Rec. D 3257.) The SNPRM retains the definition of ''change to corporate structure'' consistent with the sense of Congress described above.

One commenter requests clarification of whether an airport can express a preference for a car rental that can

achieve a DBE goal through a direct ownership arrangement without changing its corporate structure, for instance, a firm that traditionally franchises. The SNPRM would prohibit sponsors from granting such a preference. The Department believes that if adopted, the practice could have the effect of imposing a de facto requirement on some firms to change their corporate structure in order to enter direct ownership arrangements. The prohibition in the rule applies to the selection by sponsors of car rental concessionaires and to the terms and conditions of concession agreements.

Section 26.117 Conditions Precedent to Counting Purchases of Goods and Services by Concessionaires (Other Than Car Rentals) Toward DBE Goals

The rule would include this separate section on the good faith efforts test, which lists the conditions precedent to counting purchases of goods and services toward DBE goals by concessionaires (other than car rentals). For each covered concession, the sponsor would be obligated to either (1) set a DBE contract goal for a direct ownership arrangement and require the non-DBE firm to make good faith efforts; or (2) submit information to the FAA demonstrating that the sponsor and firm made appropriate good faith efforts to attain DBE participation through a direct ownership arrangement.

In the latter case, the sponsor would be permitted, if appropriate, to submit an explanation as to why the nature of a particular concession makes a direct ownership arrangement not economically feasible or otherwise impractical. Any contract goals established under this section would be subject to FAA approval. The Department interprets 49 U.S.C. 47107(e)(3) as authority to require a contract goal for a direct ownership arrangement, whenever practicable. The statute requires the sponsor and concessionaire to ''make good faith efforts to explore all available options to achieve, to the maximum extent through practicable, compliance with the [overall DBE] goal through direct ownership arrangements, including joint ventures and franchises.''

Purchases of goods and services covered by this section would be counted toward DBE goals throughout the duration of the concession agreement, as long as the requirements of this section and subpart are met. For example, if a concessionaire meets a contract goal for a direct ownership arrangement, the purchases of goods and services can also count toward the goals.

Section 26.121 Prohibition on Long-Term, Exclusive Concession Agreements

Under the SNPRM, a sponsor would be permitted to enter into a long-term, exclusive agreement only if one or more DBEs participate throughout the term of the agreement. These DBEs must account for a percentage of the gross receipts equal to a level set in accordance with the goaling process of § 26.107. The SNPRM would specify that such DBE involvement must be in the form of a concession.

However, purchases of goods and services from DBEs would also count toward the goals, as provided in § 26.117. The SNPRM also proposes that if a DBE concessionaire cannot perform successfully, the non-DBE concessionaire must replace the firm with another DBE, if the remaining term of the agreement makes this feasible. Under a newly proposed provision, if such a replacement would not be feasible, the non-DBE would be required to make good faith efforts during the remaining term of the agreement to encourage DBEs to compete for the purchase and/or leases of goods and services that it procures.

Section 26.123 Compliance Procedures

One commenter recommends that the final rule include relatively short deadlines for completing the various stages of investigating a complaint, and that in any case, the FAA be required to resolve a complaint within six months. Two commenters believe that unless the areas relating to car rental concessions are more specific in terms of what a sponsor is permitted to require, many complaints will be generated. One of these commenters recommends that this section be modified accordingly.

The FAA considered matters pertaining to complaint processing in connection with the development of 14 CFR Part 16 (61 FR 53998; October 16, 1996). In the NPRM leading to this rule (59 FR 29889; June 9, 1994), the Department invited comments on specific procedures that would apply to complaints filed under the DBE program. Prior to issuance of Part 16, the procedures in 14 CFR Part 13 governed.

The obligations that would be imposed on concessionaires, including car rentals, are set forth in other sections of the rule, including 49 CFR Section 26.115. 49 CFR Section 26.123 would provide for processing complaints and taking enforcement actions in the event of noncompliance. Complaints would be processed in accordance with the procedures of FAA regulation 14 CFR Part 16, while Title 49 of the United States Code (U.S.C.), including Sections 47106(d), 47111(d), and 47122, would govern the enforcement actions the Administrator is empowered to take in the event of noncompliance. We would like to point out that these procedures would apply to any noncompliance matter, regardless of whether it involves a car rental or other covered organization. We note that other procedures (e.g., DOT Title VI procedures) may apply concurrently in some cases.

Section 26.125 Effect of Subpart

The SNPRM retains the provision in the NPRM concerning nonpreemption of State or local requirements. A new paragraph is proposed concerning local geographical preference, which formalizes FAA guidance on the matter. This section would also incorporate certain miscellaneous requirements from 49 CFR Section 26.99, concerning the availability of records, confidentiality of information on complainants, cooperation, and the prohibition on intimidation and retaliation. These provisions would apply equally to the concession program.

Appendix G—Size Standards for the Airport Concession Program

The NPRM focused on two issues relating to size standards. It solicited comments on an appropriate size standard for car dealerships, and proposed use of SBA size standards for other off-airport firms and for management contractors.

Regarding car dealerships, the NPRM incorrectly stated that the SBA size standard was $11.5 million. The actual standard at the time was $18 million. The standard has since been raised to $21 million, due to an inflationary adjustment to the receipts-based size standards in 13 CFR Part 121, not otherwise prohibited by statute from change. SBA announced this change April 7, 1994. (See 59 F.R. 16513.)

All car rental agencies that commented and four other commenters strongly support basing the size standard for car dealers on number of employees. The number recommended by these organizations ranges from 100 (unaggregated where a DBE owns more than one dealership) to 500 (if aggregated). The SBA believes that its size standard is reasonable for car dealerships, although it comments that a moderately higher standard would also be acceptable. Two commenters suggest basing the standard on annual net profits, while five commenters recommend that the Department conduct additional research prior to

setting a standard. Two of these latter propose that no size limit be imposed during the initial implementation of the rule, while one favors use of an interim standard. Those recommending additional research believe that a number of factors should be studied, including average annual gross receipts earned by dealerships; impact of fleet purchases on gross receipts; number and location of minority dealerships; recognition that not all dealers are given the same line of credit, and that a small dealer may be unable to obtain the credit needed for a fleet inventory.

One sponsor observes that in processing applications for certification, DBE car dealers who own less than 51 percent of a dealership are more likely to meet SBA's size standard, while DBEs who own more that 51 percent of a dealership often exceed this cap. Of the comments favoring the use of gross receipts, one recommends a standard of $58 million, another in excess of $200 million, while another recommends setting the standard based on non-fleet sales, together with other revenues earned from service, parts, and body shop work. Ten car dealerships comment that fleet sales result in very low profits even though dollar volume is high. All car dealers that commented voice the concern that a low gross receipts cap such as $17 million would make them ineligible immediately.

Most dealers provided information on their own gross receipts and number of employees. Only one dealer reports yearly revenues of less than $5 million; five range between $17 and $29 million; three between $45 and $62 million; and three between $100 and $150 million. Two have multiple dealerships (four and five), with aggregated revenues of approximately $424 million and approximately $250 million respectively. The number of employees ranged from 38 to 150 per dealership. Most employment levels range from 38 to 70, with only one dealer reporting more than 600 at four dealerships.

As suggested by one commenter, we obtained the SBA's study, ''Review of Auto Dealer Size Standard March 1991,'' prepared by Robert N. Ray. The study, which has been included in the docket, was undertaken to determine what assistance the SBA could provide to new and used automobile dealers. The industry was in distress at the time of the study due to a downturn in the business cycle. The study recommended an increase in the size limit to $13.5 million or $14.5 million.

The Department concurs with commenters who believe that a size standard based on gross receipts is inappropriate to the extent that revenues from fleet purchases are included, as only a small profit is made by the dealer in these transactions.

The Department has concluded that car dealers meeting the SBA's size standard, in general, are not large enough to handle fleet purchases or are participating in a dealer development program and may own less than 51 percent of the dealership. As noted above, such dealers in development cannot qualify as DBEs. Thus, adopting the current SBA standard of $21 million may leave only a small pool of DBEs to perform the type of work eligible to be counted toward DBE goals. This approach could also eliminate many firms soon after ''graduating'' from a dealer development program and which could benefit significantly from the DOT's DBE program. Selection of a size standard must also consider the substantial capital investment that a new car dealer makes. Setting the standard too low may not provide sufficient time for the firm to develop and grow.

Extensive research may be required in order for the Department to determine an appropriate receipts-based standard that excludes revenues from fleet purchases. A commenter observes that SBA regulations include an employee-based size standard of 500 employees for Division G, ''Retail Trade,'' non-manufacturers engaged in government procurement, and 100 employees for wholesale dealers for Division F, ''Automobiles and Other Motor Vehicles.'' The Department is proposing to use a maximum of 500 employees as the standard. It would apply to any firm that meets the definition of SIC 5511, ''Motor Vehicle Dealers (New and Used),'' found in 49 CFR Section 26.101 under ''small business concern.'' Given the nature of the comments, we do not believe that this standard would result in a very few DBEs dominating the market, to the detriment of smaller DBEs.

If the proposal is adopted, the FAA would notify sponsors in the event of a change to the definition of SIC 5511. The size standard of 500 employees would apply to any firm meeting this definition, regardless of the type of goods and/or services it seeks to provide under the concession program. Thus, if a DBE dealer arranges for a fleet purchase and provides vehicle repair services to a concessionaire, a maximum of 500 employees would be used as the standard for both transactions (whereas, the SBA standard for many types of automobile repair and services is $5.0 million, as in Major Group 75). We believe that this approach would simplify administration of the program and is proposed based on many of the same factors as discussed above.

One comment addresses the matter of the size standard for management contractors. This commenter believes that SBA's size standard of $3.5 million for parking lot contractors may be low, given the experience necessary to manage a parking lot. It suggests a survey of DBE firms currently in this business and of the minimum qualification criteria set by airports.

In proposing to use SBA's size standards, the Department commented that management contractors, unlike concessionaires, generally are not required to make a substantial capital investment in a leasehold facility. Thus, they would not encounter the hardships associated with ''graduating'' from the DBE program after exceeding the size standard, that ordinarily would befall concessionaires. Indeed, the turnover of DBEs would allow more firms to enter and benefit from the program.

The SBA's April 7, 1994, final rule increased the size standard for parking lot operators to a maximum of $5.0 million. (See SIC 7521, ''Automobile Parking.'') The Department points out that rulemaking procedures do not require a survey of organizations having an interest in the matter. Further, at least some of the information that would be obtained in a survey could have been addressed by commenters. Significantly, no firms and only one sponsor commented. In view of this and the recent increase in the standard, the Department proposes to use $5.0 million as the size standard for parking lot operators.

The rule would also incorporate the SBA's size standards for all other providers of goods or services. With regard to leasing of vehicles, if a firm does not fall under SIC 5511, ''Motor Vehicle Dealers (New and Used),'' the appropriate size standard would generally be SIC 7515, ''Passenger Car Leasing,'' which is set at $18.5 million.

The SNPRM would make an inflationary adjustment to the size standards for concessionaires, pursuant to the Secretary's authority under 49 CFR Section 26.101. The Department of Commerce, Bureau of Economic Analysis, prepares estimates of personal consumption expenditures using suitable price indices. These indices include purchases of goods and services, many of which are sold to the public by airport concessionaires. The implicit price deflator for personal consumption expenditures was 10.9 from June 1992 to March 1996. Since size standards for concessionaires were originally established and became effective June 1, 1992, the second

quarter of 1992 is used as the base period. 10.9 percent represents the rate of increase since that time. By multiplying the appropriate size standard by 1.109 we are able to adjust dollar figures for inflation.

Thus, $40,000,000 multiplied by 1.109 yields $44,360,000 as the proposed new size standard for auto rental concessionaires. $30,000,000, when multiplied by 1.109, yields $33,270,000 as the proposed new size standard for many other categories of concessionaires. These standards would apply to concessions as listed in Appendix G, until such time as they are amended. The standards will be further adjusted upon issuance of a final rule.

Miscellaneous Comments to the NPRM

The SNPRM does not incorporate a recommendation by one commenter to require prompt payment to DBE contractors. The Department has no experience in administering a concession program involving providers of goods or services and does not know whether prompt payment to DBEs is an issue under such contracts. This matter can be reconsidered at a later point if problems are brought to our attention.

Two commenters believe that the proposed revisions are not in the best interest of minorities. One is concerned that the resources required to monitor purchases of goods and services and management contractors will make it more difficult to facilitate DBE involvement in direct ownership arrangements. The Department does not concur that such monitoring will impose an unreasonable burden. Additionally, the Department is required by statute to issue a regulation implementing the provisions relating to goods and services.

Another commenter supports the idea of implementing a ''managed growth'' program in which DBEs move from threshold to threshold in terms of development. Upon attaining the level of progress that enables the firm to compete in the free marketplace, the DBE program will have accomplished its goal. The comment does not indicate whether such ''thresholds'' are size standards or other types of developmental stages. Another commenter believes that the proposed development program presents major problems and should not be included without research and testing. We point out that the October 3, 1993, NPRM did not propose a developmental program for DBEs. Such a program was proposed for DOT-assisted contractors and is addressed in that section of the SNPRM.

Other Matters Pertaining to Adarand

The SNPRM does not include a proposal for diversifying DBEs in concessions similar to the one proposed under § 26.33 for DOT-assisted contractors. There are several reasons for this. First, available data does not indicate that DBEs are concentrated in particular types of concessions. Further, when all primary airports are included, DBEs have accounted for less than 10 percent of total gross receipts earned during each of the past three years. Many individual airports are also below this level. Additionally, in contrast to highway construction, very few non-DBEs have complained to the Department of being excluded from particular types of concessions due to a concentration of DBEs.

Like the current rule, the SNPRM would require a DBE to leave the program once it exceeds a specified size standard. As in the other portions of the SNPRM, Subpart G does not propose additional ''graduation'' provisions. However, the Department seeks comment on whether additional provisions affecting the duration element of narrow tailoring should be added to this portion of the rule.

Regulatory Analyses and Notices

Executive Order 12866

This is a significant NPRM under Executive Order 12886. We view it as significant because it has substantial policy and public interest and affects a broad variety of parties across three DOT modes. As noted earlier in the preamble, this SNPRM is one part of the Clinton Administration's overall reform of affirmative action programs. For the same reasons, it is also significant under the Department's Regulatory Policies and Procedures.

We do not believe that the SNPRM would have significant economic impacts, however. In evaluating the potential economic impact of this SNPRM, we begin by noting that this proposal would not create a new program. It would revise the rule governing an existing program. The economic impacts of the DBE program are created by the existing regulation and the statutes that mandate it. The changes that we propose in this program are likely to have some positive economic impacts. For example, ''one-stop shopping'' and clearer standards in certification are likely to reduce costs for small businesses applying for DBE certification, as well as reducing administrative burdens on recipients.

''Narrow tailoring'' changes are likely to be neutral in terms of their overall economic impact. These could have some distributive impacts (e.g., if the proposed goal-setting mechanism results in changes in DBE goals, a different mix of firms may work on DBE contracts), but there would probably not be net gains or losses to the economy. There could be some short-term costs to recipients owing to changes in program administration resulting from ''narrow tailoring,'' however.

In any event, the economic impacts are quite speculative and appear nearly impossible to quantify. We do not now have any data that would allow us to quantify these impacts. The Department is working with other agencies to see if data on DBE participation and potential effects of the proposal can be obtained. We also seek comments and information on the issue of economic impacts or costs to participants. We will conduct further analysis if information or comments we receive make it possible.

Regulatory Flexibility Act Analysis

The DBE program is aimed at improving contracting opportunities for small businesses owned and controlled by socially and economically disadvantaged individuals. Virtually all the businesses it affects are small entities. There is no doubt that a DBE rule always affects a substantial number of small entities.

The SNPRM, while improving program administration and facilitating DBE participation (e.g., by making the certification process clearer) and responding to legal developments, appears essentially cost-neutral with respect to small entities in general (as noted above, the one-stop shopping feature is intended to benefit small entities seeking to participate). It does not impose new burdens or costs on small entities, compared to the existing rule. It does not affect the total funds or business opportunities available to small businesses who seek to work in DOT financial assistance programs. To the extent that the proposals in this SNPRM (e.g., with respect to changes in the methods used to set overall goals) lead to a different goals than the existing rule, some small firms may gain, and others lose, business.

There is no data of which the Department is aware that would permit us, at this time, to measure the distributive effects of the proposed revisions on various types of small entities. It is likely that any attempt to gauge these effects would be highly speculative. For this reason, we are not able to make a quantitative, or even a precise qualitative, estimate of these effects.

Nevertheless, the Department seeks any information that commenters may

have on potential small entity impacts of the SNPRM, particularly the provisions concerning goal-setting and DBE diversification. In addition to reviewing information we receive in comments, DOT anticipates working with other agencies involved in the Administration's affirmative action reform effort to benefit from research and analysis they have performed. Based on the information we have obtained (or program data after a final rule is implemented), the Department may be in a position to do a more detailed analysis of small entity impacts in the future.

Paperwork Reduction Act

At the present time, under 49 CFR Part 23, the Department has one information collection item approved under the Paperwork Reduction Act. This is for a quarterly DBE data report from recipients to DOT (OMB No. 2105–0510). This approval expires July 31, 1997. Under the SNPRM, the frequency of reporting would change from four times a year to twice a year, which would reduce the burden involved.

Under Part 23, there are other regulatory requirements that may have Paperwork Reduction Act implications. These include the requirement for applicants for DBE participation to submit eligibility information to recipients (Appendix C of the SNPRM contains a proposed certification form that applicants would use) and for recipients to submit DBE programs and overall goals to DOT for approval. Similar requirements apply in the airport concessions portion of the rule. These provisions, for the most part, originated before the current version of the Paperwork Reduction Act, and the Department did not, at the time, submit Paperwork Reduction Act approval requests concerning them. These activities would continue under the SNPRM, which would also add a one-time requirement for the submission of a unified certification program plan to the Department for approval.

The Department intends to analyze information collection requirements in the DBE program in greater detail before the issuance of a final rule, and we seek comments on information collection issues. The Department intends, based on its own analysis and information we receive in comments, to submit a formal information collection approval request to OMB in connection with paperwork contained in Part 26.

Organizations and individuals wishing to submit comments on these proposed requirements should direct comments to OMB's Office of Information and Regulatory Affairs, Room 10235, New Executive Office Building, Washington, DC 20503: Attention: Desk Officer for U.S. Department of Transportation. OMB is required to make a decision concerning the collection of information proposed in this SNPRM between 30 and 60 days after its publication. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the Department's comment closing date.

Regulatory Reform Initiative

This proposal is intended to help the Department achieve the goals of the Clinton Administration's Regulatory Reform Initiative. It does so in several ways. It proposes to reduce the frequency of reports. It proposes to reduce the burden on small businesses by creating a one-stop shopping certification system in each state and by ensuring that recipient certification processes treat all applicants fairly and consistently.

One of the most burdensome aspects of the current administration of the program is the vagueness of certification standards and the multiplicity of interpretations and varying guidance and policies that have implemented these standards at the Federal, state, and local levels. To address this problem, the SNPRM reinvents the certification standards and provides clear, specific, uniform, nationwide standards for certification. This will provide greater certainty to all participants and reduce the time, difficulty, and cost involved in the certification process. It will also substantially improve the fairness of the process to applicants.

One aspect of regulatory reinvention is enhancing partnership with state and local governments, providing greater opportunities for state and local innovation and responsibility in carrying out programs. The SNPRM seeks to do so in a number of ways, such as the program waiver provision and the flexibility provided to establish the unified certification process in each state. The Department seeks comment on additional ways the DBE program can accomplish this objective.

The Department also seeks comment on additional ways in which the Department's regulation can be reinvented, simplified, clarified, or made easier for participants to work with, consistent with the goals of the Administration's Regulatory Reform Initiative.

Federalism

The SNPRM does not have sufficient Federalism impacts to warrant the preparation of a Federalism assessment. While the rule concerns the activities of state and local governments in DOT financial assistance programs, the proposal would not significantly alter the role of state and local governments vis-a-vis DOT from the present Part 23. The proposal to permit program waivers could allow greater flexibility for state and local participants, however.

Issued this 21st day of May, 1997, at Washington, DC.

Rodney E. Slater,

Secretary of Transportation.

For the reasons set forth in the preamble, and under the authority of 49 U.S.C. 322, the Department proposes to amend Title 49, Subtitle A, by removing Part 23 and adding Part 26, to read as follows:

PART 26—PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS

Subpart A—General

Sec.

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26.111 Obligations of concessionaires, contractors, and competitors.
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Appendix A—Explanation and Construction of Provisions of 49 CFR Part 26
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Appendix C—DBE Certification Form
Appendix D—DBE Developmental Program Guidelines
Appendix E—Mentor-Protégé Program Guidelines
Appendix F—Guidance for Making Individual Determinations of Social and Economic Disadvantage
Appendix G—Size Standards for Airport Concessionaires

Authority: Section 1003(b) of the Intermodal Surface Transportation Efficiency Act of 1991; 49 U.S.C. 47113, 47107, 47123; 49 U.S.C. 1615; 23 U.S.C. 324; and 42 U.S.C. 2000d, et seq.

Subpart A—General

§ 26.1 What are the purposes of this part?

In this part, the Department seeks to achieve several objectives:

(a) To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;

(b) To result in programs that, consistent with Federal law, create significant opportunities for DBEs to participate, on a nondiscriminatory basis, in the DOT-assisted contracts

(c) To carry out the statutory requirement concerning DBE participation in concessions at airports receiving Federal grant funds;

(d) To assist the development of firms that can compete successfully in the marketplace outside the DBE program;

(e) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs; and

(f) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

§ 26.3 To whom does this part apply?

(a) If you are a recipient of any of the following types of funds, this part applies to you:

(1) Federal-aid highway funds authorized Titles I (other than Part B) and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102–240.

(2) Federal transit funds authorized by Titles I, III, V and VI of Pub. L. 102–240 or by Federal transit laws in Title 49, U.S. Code.

(3) Airport funds authorized by the Airport and Airway Improvement Act of 1982 (AAIA), as amended.

(b) If you are an airport sponsor that has received a grant for airport development after January 1988 authorized by the AAIA, as amended, Subpart G of this part applies to you.

(c) If you are letting a contract, and that contract is to be performed entirely outside the United States, its possessions, Puerto Rico, Guam, or the Northern Marianas Islands, this part does not apply to the contract.

(d) If you are letting a contract in which DOT financial assistance does not participate, this part does not apply to the contract.

§ 26.5 What do the terms used in this part mean?

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

(1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

(i) One concern controls or has the power to control the other; or

(ii) A third party or parties controls or has the power to control both; or

(iii) An identity of interest between or among parties exists such that affiliation may be found.

(2) In determining whether affiliation exists, you must consider all appropriate factors, including common ownership, common management, and contractual relationships. You must consider affiliates together when you determine if a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Compliance means that you have correctly implemented the requirements of this part.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Department or *DOT* means the U.S. Department of Transportation, including the Office of the Secretary and FHWA, FTA, and FAA.

DOT-assisted contract means any contract between a you and a contractor funded in whole or in part with DOT financial assistance (including letters of credit or loan guarantees), except a contract solely for the purchase of land.

Disadvantaged business enterprise or *DBE* means a for-profit small business concern—

(1) Which is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of a corporation, in which

51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and shares in the control, management, risks, and profits of the joint venture to a degree commensurate with its ownership interest.

Noncompliance means that you have not correctly implemented the requirements of this rule.

Operating Administration or *OA* means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The ''Administrator'' of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include

(1) The individual's ownership interest in an applicant or participating DBE firm or

(2) The individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

You are a *Primary recipient* if you receive DOT financial assistance and pass some or all of it on to another recipient.

Program means any undertaking on your part to use DOT financial assistance.

You are a *Recipient* if you are any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or if you have applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or *SBA* means the United States Small Business Administration.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in § 26.55(b).

Socially and economically disadvantaged individuals means individuals who are citizens (or lawfully admitted permanent residents) of the United States and who are:

(1) Individuals in the following groups, who are rebuttably presumed to be socially and economically disadvantaged:

(i) ''Black Americans,'' which includes persons having origins in any of the Black racial groups of Africa;

(ii) ''Hispanic Americans,'' which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(iii) ''Native Americans,'' which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;

(iv) ''Asian-Pacific Americans,'' which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kirbati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong.

(v) ''Subcontinent Asian Americans,'' which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka.

(vi) Women.

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

(2) Any individual, not a member of one of these groups, who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis.

You refers to recipients, unless the context requires otherwise.

§ 26.7 What discriminatory actions are forbidden?

(a) You must never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by this rule on the basis of race, color, sex, or national origin.

(b) In administering your DBE program, you must not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, sex, or national origin (see the Department's rules implementing Title VI of the Civil Rights Act of 1964, 49 CFR part 21).

§ 26.9 How does the Department issue guidance, interpretations, exemptions and program waivers under this part?

(a) This part supersedes the former 49 CFR part 23 contained in the 49 CFR, parts 1 to 99, edition revised as of October 1, [19—]. Only guidance and interpretations (including interpretations set forth in certification appeal decisions) consistent with and issued after [the effective date of the final rule] have definitive, binding, or precedential effect in implementing the provisions of this part.

(b) The Office of the Secretary of Transportation and FHWA, FTA, and FAA may issue written interpretations of or written guidance concerning this part. Interpretations are valid and binding only if they contain the following statement:

> This interpretation of 49 CFR Part 26 has been reviewed and approved through the Department of Transportation DBE Coordination Mechanism for consistency with the language and intent of Part 26.

(c) If you want an exemption from any provision of this part, you must request it in writing from the Office of the Secretary of Transportation, FHWA, FTA, or FAA. We will grant the request only if it meets these criteria:

(1) The request documents special or exceptional circumstances, not likely to be generally applicable, and not contemplated in connection with the rulemaking that established this part effective [effective date of final rule], that make your compliance with a specific provision of this part impracticable. You must agree to take steps we specify to comply with the intent of the provision from which an exemption is granted.

(2) We will issue written responses to all exemption requests. Grants or

denials of exemption requests are valid and binding only if they contain the following statement:

This response to a request for an exemption from 49 CFR Part 26 has been reviewed and approved through the Department of Transportation DBE Coordination Mechanism for consistency with the language and intent of Part 26.

(d) If you want a program waiver authorizing you to operate a DBE program that achieves the objectives of this part by means that differ from one or more of the requirements of subparts B, C or G of this part, you must follow these procedures:

(1) You must apply through the concerned operating administration. The application must include a specific program proposal and address how you will meet the criteria of paragraph (d)(2) of this section. Before submitting its application, you must have had public participation in developing your proposal, including consultation with the DBE community and at least one public hearing. Your application must include a summary of the public participation process and the information gathered through it.

(2) Your application must show that—

(i) There is a reasonable basis to conclude that you could achieve a level of DBE participation consistent with the objectives of this rule using different, innovative, or less prescriptive means than are provided in subparts B , C or G.

(ii) Conditions in your jurisdiction are appropriate for implementing the proposal.

(iii) Your proposal would prevent discrimination against any individual or group in access to contracting opportunities or other benefits of the program; and

(iv) Your proposal is consistent with legal and program requirements of the concerned operating administration's financial assistance program.

(3) The Secretary decides whether to grant your application. If the Secretary grants your application, you may administer your DBE program as provided in your proposal, subject to the following conditions:

(i) DBE eligibility is determined as provided in subparts D and E of this part, and DBE participation is counted as provided in § 26.49 of this part or Subpart G, as applicable;

(ii) Your level of DBE participation continues to be consistent with the objectives of this part;

(iii) There is a reasonable limitation on the duration of the modified program; and

(iv) Any other conditions the Secretary makes on the grant of the waiver.

(4) The Secretary may end a program waiver at any time and require you to comply with this part's provisions. The Secretary may also extend the waiver, if he or she determines that all requirements of paragraphs (d) (2) and (3) of this section continue to be met. Any such extension shall be for no longer than the period originally set for the duration of the program.

(5) The Secretary and Administrators of the concerned operating administrations may establish a limit on the number of recipients' programs operating under a waiver provided under this paragraph.

§ 26.11 What records do recipients keep and report?

(a) You must retain sufficient basic information about its program implementation, its certification of DBEs, and the award and performance of contracts and subcontracts to enable the concerned operating administration to monitor your compliance with this part. Keep this data for at least three years after the completion of the contract or project.

(b) You must report data to the concerned operating administration concerning DBE participation in DOT-assisted contracts twice a year, in a format and on dates determined by the appropriate DOT office.

(c) You must follow the requirements in this section whether or not you have to have a DBE program under § 26.21 of this part.

§ 26.13 What assurances must recipients and contractors make?

(a) Except as provided in paragraph (b) of this section, each financial assistance agreement you sign with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of this Part. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, if required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

(b) An operating administration may, in place of the assurance in paragraph (a) of this section, prescribe other language you must agree to in grant agreements or certifications of compliance.

(c) Each contract you sign with a contractor (and each subcontract the prime contract signs with a subcontractor) must include the assurance in this paragraph.

The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The requirements of 49 CFR Part 26 and the recipient's DOT-approved DBE program (where required) are incorporated in this contract by reference. The contractor shall take all necessary and reasonable steps in accordance with Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

Subpart B—Administrative Requirements for DBE Programs for Federally-Assisted Contracting

§ 26.21 Who must have a DBE program?

(a) If you are in one of these categories and let DOT-assisted contracts, you must have a DBE program meeting the requirements of subparts B, C, D, and E of this part:

(1) All FHWA recipients;

(2) FTA recipients that receive $250,000 or more in FTA planning, capital, and/or operating assistance in a Federal fiscal year.

(3) FAA recipients that receive a grant of $250,000 or more for airport planning or development.

(b) (1) You must submit your program for approval to the concerned operating administration. You must submit revised programs conforming to this part by [a date 180 days from the effective date of the final rule]. Once we approve your program, the approval counts for all DOT programs.

(2) You don't have to submit regular updates of your DBE programs, as long as you remain in compliance. However, you must submit significant changes in the program for approval.

(c) You are not eligible to receive DOT financial assistance unless DOT has approved your DBE program and you are in compliance with it and this part. You must continue to carry out your program until all funds from DOT financial assistance have been expended.

§ 26.23 What is the requirement for a policy statement?

You must issue a signed and dated policy statement which expresses your commitment to your DBE program, states its objectives, and outlines responsibilities for its implementation. You must circulate the statement throughout your organization and to the DBE and non-DBE business communities that perform work on your DOT-assisted contracts.

§ 26.25 What is the requirement for a liaison officer?

You must have a DBE liaison officer, who shall have direct, independent access to your Chief Executive Officer concerning DBE program matters. The liaison officer shall be responsible for implementing all aspects of your DBE program. You must also have adequate staff to administer the program in compliance with this part.

§ 26.27 What efforts must recipients make concerning DBE financial institutions?

You must thoroughly investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in its community and make reasonable efforts to use these institutions. You must also encourage prime contractors to use such institutions.

§ 26.29 What prompt payment mechanisms may recipients have?

You may establish, as part of your DBE program, one or more mechanisms to ensure that DBE subcontractors are promptly and fully paid.

(a) You may include a contract clause to require prime contractors to pay DBE subcontractors for satisfactory performance of their contracts no later than a specific number of days (e.g., 10 days) from receipt of each payment you make to the prime contractor. This prompt payment clause may also provide for appropriate penalties for failure to comply, the terms and conditions of which you set.

(b) Prompt payment clauses may also provide that any delay or postponement of payment among the parties may take place only for good cause, with your prior written approval.

(c) You may also use a contract clause that requires prime contractors to include in their DBE subcontracts language providing that prime contractors and DBE subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. You may specify the nature of such mechanisms.

(d) You may include a contract clause providing that the prime contractor will not be reimbursed for work performed by DBE subcontractors unless and until the prime contractor ensures that the DBE subcontractors are promptly paid for the work they have performed.

(e) You may establish other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs are fully and promptly paid, including the prompt return of retainage payments following the satisfactory completion of the DBE's portion of the work.

§ 26.31 What requirements pertain to the DBE directory?

You must maintain and make available to interested persons a directory identifying all eligible DBEs. In the listing for each firm, you must include its address, phone number, and the types of work the firm has been certified to perform as a DBE. The listing may include additional relevant information. You must revise your directory at least annually and make updated information available to contractors and the public on request.

§ 26.33 What steps must a recipient take to foster DBE diversification?

(a) You must include in your DBE program a diversification mechanism to discourage the concentration of DBEs in certain fields. The mechanism shall provide that—

Alternative 1

If DBE firms receive [50, 75] percent or more of the contracts in a particular field in a given year, you will count toward overall and contract goals in the next year 50 percent of the DBE participation in that field that is normally countable under § 26.49.

Alternative 2

If the cumulative DBE participation in a particular field during any year exceeds four times your overall goal percentage as applied to the work projected to be available in that field over the entire year, you will not count any DBE credit for participation in that field for contracts awarded during the remainder of the year.

Alternative 3

If all DBEs receive [50, 75] percent or more of the contracts in a particular field in a given year, you will not, in the following year, count toward overall and contract goals any participation in that field of a particular DBE firm (or its affiliate) that has received four or more contracts in that field over the preceding four years.

Alternative 4

If DBEs receive [50, 75] percent or more of the contracts in a particular field in a given year, you will, in the following year, tailors its contract goals to specify participation in other fields.

(b) In operating outreach and technical assistance programs under § 26.45(a), you must give priority to assisting firms to enter fields in which DBEs receive [10, 25, 50] percent or fewer of the contracts.

(c) You may, or, if an operating administration directs you to, must establish a DBE business development program (BDP) to assist selected DBE firms in becoming able to compete in fields in which DBEs receive [10, 25, 50] percent or fewer of the contracts awarded. You may include in this program only firms that meet these criteria:

(1) A DBE firm must have been certified by you for at least two years and must have participated in at least one of your DOT-assisted contracts during that time.

(2) You must have made the following determinations about the firm:

(i) It has as its primary area of operation a field in which DBEs have received at least [50, 75] percent of your DOT-assisted contracts in at least one of the previous three years, and

(ii) It is capable, with business development assistance, of competing successfully in one or more fields in which DBEs have received [10, 25, 50] percent or fewer of your DOT-assisted contracts in at least one of the previous three years.

(3) In providing business development assistance to DBE firms, you must be guided by the provisions of appendix D of this part.

(d) As part of a BDP established under paragraph (c) of this section, you may establish a ''mentor-protégé'' program, in which another DBE or non-DBE firm is a principal source of business development assistance. To participate in such a program, a DBE firm must meet these criteria:

(1) It must meet the criteria of paragraphs (c) (1) and (2) of this section.

(2) It must have participated, during the preceding two years, in at least one contract you let in which the mentor firm did not participate.

(e) In operating a mentor-protégé program, you must follow these additional requirements:

(1) During the course of the mentor-protégé relationship, you must not award DBE credit to the mentor firm for using the protégé firm for more than one half of its goal on any contract let by the recipient.

(2) For purposes of making determinations of business size under this part, you must not treat protégé firms as affiliates of mentor firms, when both firms are participating under an approved mentor-protégé program.

(3) You must operate your mentor-protégé program consistent with the guidelines of appendix E to this part.

(f) For purposes of this section, a ''field'' means an industry as defined by a four-digit SIC code in 13 CFR part 121 or a readily identifiable category of work in your DOT-assisted contracting, as designated in your DBE program with the approval of the concerned operating administration.

§ 26.35 What are a recipient's responsibilities for monitoring the performance of other program participants?

You must implement appropriate mechanisms to ensure compliance with this part's requirements by all program participants. You must include in your DBE program the contract provisions, enforcement mechanisms, or other means you use to ensure compliance. These must include a monitoring and enforcement mechanism to verify that the work committed to DBEs at contract award is actually performed by the DBEs.

§§ 26.37–39 [Reserved]

Subpart C—Goals, Good Faith Efforts, and Counting

§ 26.41 How do Recipients Set Overall Goals?

(a) You must have an overall goal and calculate it as follows:

(1) If you are an FHWA recipient, as a percentage of all Federal-aid highway funds you will expend in FHWA-assisted contracts in the forthcoming fiscal year;

(2) If you are an FTA or FAA recipient, as a percentage of all FTA or FAA funds (exclusive of FTA funds to be used for the purchase of transit vehicles) that you will expend in FTA or FAA-assisted contracts in the forthcoming fiscal year. In appropriate cases, the FTA or FAA Administrator may permit you to express your overall goal as a percentage of funds for a particular grant or project or group of grants and/or projects.

(b) Except as provided in paragraphs (c) through (e) of this section, you must calculate its overall goal in the following way:

Alternative 1

(1) Calculate the number of DBE firms available to work on your DOT-assisted contracts. This is the number of certified DBE firms in your DBE directory.

(2) Calculate the total number of firms available to work on your DOT-assisted contracts. This number includes both the DBE firms in your DBE directory and non-DBE firms available to work on your DOT-assisted contracts.

(3) Calculate the percentage of DBEs among the total number of firms available to work on the recipient's DBE contracts. The result represents DBE capacity and becomes your overall goal.

Example to paragraph (b): You have 10 DBE firms in your Directory. There are 100 firms, including the 10 DBEs and 90 non-DBEs, available to work on your DOT-assisted contracts. Your overall goal is 10 percent.

Alternative 2

(1) Calculate the number of minority and women-owned firms in your jurisdiction, using 2-digit SIC codes covering the principal types of work in your DOT-assisted contracts.

(2) Calculate the total number of firms in your jurisdiction in the same SIC codes.

(3) Calculate the percentage that minority- and women-owned firms make up of all firms. This percentage becomes your DBE goal.

Example to paragraph (b): You determine that there are 10 minority-and women-owned firms (not just DBE firms) in your jurisdiction in the three two-digit SIC codes in which you do the bulk of your DOT-assisted contracting. In these same SIC codes, there are a total of 100 firms in your jurisdiction. Your overall goal is 10 percent.

Alternative 3

(1) Calculate the average number of DBE firms that have worked on your DOT-assisted contracts in any capacity (e.g., as prime contractors, subcontractors, suppliers) in the preceding five years.

(2) Calculate the average number of all firms that have worked on your DOT-assisted contracts in any capacity in the preceding five years.

(3) Using the average numbers calculated in paragraphs (b) (1) and (2), determine the percentage that DBE firms make up of all firms that have worked for you in the preceding five years. This percentage becomes your overall goal.

Example to paragraph (b): Over the five years preceding this year, the following numbers of firms have worked for you:

	DBEs	All firms
Year 1	4	45
Year 2	5	49
Year 3	6	42
Year 4	4	38
Year 5	6	41
Total	25	215
Average	5	43

Percentage—11.6%—becomes the overall goal.

(c) Under the following circumstances, you may use an overall goal developed by another agency:

(1) You may use a ''benchmark'' developed by the U.S. Department of Commerce (DOC) for purposes of Federal procurement if—

(i) The geographic scope of your market with respect to the type of business involved is generally similar to the geographic scope of the market studied by DOC; and

(ii) You make an appropriate adjustment to the ''benchmark'' to account for the participation of women-owned DBEs (which are not included in the DOC numbers).

(2) You may use an overall goal developed under paragraph (b) of this section by another DOT recipient if the other recipient's goal pertains to an area generally similar to the area from which you obtain contractors for DOT-assisted contracts.

Example to paragraph (c)(2): City X is located within State Y. The city transit authority could use the State DOT's overall goal, assuming that it procures from the same general area. It could also use the local airport's overall goal, assuming that the airport and transit authority typically obtained contractors for DOT-assisted projects from the same general area.

(3) When you use the overall goal of another agency, you may adjust that goal upward or downward based on information about differences between your market and that of the other agency.

Example to paragraph (c)(3): City X uses the overall goal developed by State Y's DOT. However, there is a heavier concentration of minority-owned businesses in City X than there is statewide. City X could adjust its goal upward to take this demographic difference into account.

(d) With the approval of the concerned operating administration, you could use another means (e.g., a disparity study) of calculating your overall goal, provided that this means is narrowly tailored to redress the effects of discrimination.

(e) On the basis of evidence that discrimination has suppressed business development by DBEs, you must increase the overall goal by a percentage representing the degree to which DBE capacity has been suppressed.

Example to paragraph (e): You determine that discrimination has suppressed DBE business development by 20 percent. DBE capacity is 10 percent. The overall goal

becomes 12 percent (i.e., the 10 percent capacity number plus 20 percent of that number).

(f)(1) If you set overall goals on a fiscal year basis, you must submit them to the applicable DOT operating administration for review 60 days before the beginning of the Federal fiscal year to which the goal applies, or at another time determined by the Administrator of the concerned operating administration.

(2) If you are an FTA or FAA recipient and set your overall goal on a project or grant basis, you must submit the goal for review at a time determined by the FTA or FAA Administrator.

(3) You must include with your overall goal submission a description of the methodology you used to establish the goal and the basis for selecting the particular goal submitted.

(4) You are not required to obtain prior operating administration concurrence with your overall goal. However, if the operating administration's review suggests that your overall goal has not been correctly calculated, or that its justification is inadequate, the operating administration may, after consulting with you, adjust your overall goal. The adjusted overall goal is binding on you.

(g) In establishing an overall goal, you must provide for public participation. This public participation must include:

(1) Consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and your efforts to increase the participation of DBEs.

(2) A published notice announcing your proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that you and the Department will accept comments on the goals for 45 days from the date of the notice. The notice must include addresses to which comments may be sent, and you must publish it in general circulation media and available minority-focus media and trade association publications.

(h) If you don't establish and implement an overall goal as provided in this section, you are in noncompliance with this part and you are not eligible to receive FHWA, FTA, or FAA financial assistance.

(i) If you don't meet your overall goal, you will have an opportunity to explain to the concerned operating administration why you could not do so and why meeting the goal was beyond your control. If you do not make such an explanation, or the explanation is inadequate, the operating administration may direct you to take remedial action. If you don't take this remedial action, you are in noncompliance with this part.

(j) Your overall goals must provide for participation by all certified DBEs and must not be subdivided into group-specific goals.

§ 26.43 How are overall goals established for transit vehicle manufacturers?

(a) If you are an FTA recipient, you must require in your DBE program that each transit vehicle manufacturer, as a condition of being authorized to bid on FTA-assisted transit vehicle procurements, certify that it has complied with the requirements of this section. You do not include FTA assistance used in transit vehicle procurements in the base amount from which your overall goal is calculated.

(b) If you are a transit vehicle manufacturer, you must use an overall goal determined by FTA on a national basis for the industry. The base from which the goal shall be calculated is the amount of FTA financial assistance participating in transit vehicle contracts you will perform during the fiscal year in question. FTA will not include funds attributable to work performed outside the United States and its territories, possessions, and commonwealths in this base.

(c) If you are an FTA recipient, you may, with FTA approval, establish project-specific goals under § 26.41 for DBE participation in the procurement of transit vehicles in place of complying with this section.

(d) If you are an FHWA or FAA recipient, you may, with FHWA or FAA approval, in a case where FHWA or FAA has established a national goal, use the procedures of this section with respect to procurements of vehicles or specialized equipment.

§ 26.45 What means do recipients use to meet overall goals?

(a) You must meet as much of your overall goal as you can by using outreach, technical assistance, and other methods to facilitate DBE participation, including but not limited to the following:

(1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways to facilitate DBE participation (e.g., unbundling large contracts to make them more accessible to DBEs);

(2) Providing assistance to DBEs in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs obtain bonding and financing);

(3) Providing technical assistance and other services;

(4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential DBE subcontractors; provision of information in languages other than English, where appropriate);

(5) Implementing a supportive services program to develop and improve immediate and long-term business management, recordkeeping, and financial and accounting capability for DBEs;

(6) Providing services to help DBEs improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

(7) Establishing a race/gender-neutral program to assist new, start-up firms, particularly in fields in which DBE participation has not been traditionally significant;

(8) Ensuring distribution of its DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.

(b) To meet any portion of your overall goal you cannot meet using the means provided in paragraph (a) of this section, you must use the means provided in paragraphs (c) and/or (d) of this section.

(c) The following provisions apply to the use of contract goals:

(1) You may use contract goals only on those DOT-assisted contracts that have subcontracting possibilities.

(2) You must calculate contract goals on the basis of the entire amount of the prime contract (i.e., both the state/local and Federal share of the contract).

(3) You are not required to set each contract goal at the same percentage level as the overall goal. The goal for a specific contract may be higher or lower than that percentage level of the overall goal, depending on such factors as the type of work involved, the location of the work, and the availability of DBEs for the work of the particular contract. However, over the period covered by its overall goal, you must set contract goals so that they will cumulatively result in the meeting any portion of your overall

goal not met through use of the mechanisms in paragraph (a) of this section.

(4) Operating administration approval of each contract goal is not necessarily required. However, operating administrations may review and approve or disapprove any contract goal you establish.

(5) Your overall goals must provide for participation by all certified DBEs and must not be subdivided into group-specific goals.

(d) The following provisions apply to the use of evaluation credits:

(1) You may use evaluation credits only to the award of prime contracts.

(2) You may provide that a responsible and responsive DBE firm competing for the prime contract will receive the contract if the price it offers is a stated percentage, between one and 10 percent, higher than the lowest price offered by any responsible and responsive non-DBE firm.

(3) You may also provide that a responsible and responsive non-DBE firm competing for the prime contract that provides a stated level of DBE participation will receive the contract if the price it offers is a stated percentage, between one and 10 percent of the amount that is subcontracted, higher than the lowest price offered by any responsible and responsive non-DBE firm that does not provide this level of DBE participation.

(4) In establishing the level of DBE participation used in this mechanism, you must use the factors set forth in paragraphs (c) (2) through (5) of this section. You must require competitors for the prime contract to submit DBE participation information as provided in § 26.47(b)(2) (i) through (v) and (b)(3) of this part.

(5) Your evaluation credit procedures must provide for participation by all certified DBEs and must not be subdivided into group-specific goals.

(e) You must not use more stringent mechanisms (including, but not limited to, set-asides or a conclusive presumption) on DOT-assisted contracts unless—

(1) You have legal authority independent of this part to use such mechanisms; and

(2) You have a continuing, substantial inability to meet your overall goal using the mechanisms provided for in this section. In such a case, you must document in its file for the contract the basis for the determination that other available methods have proven unable to meet DBE goals.

(f) You must review, at appropriate intervals, the methods and procedures used to comply with this section to ensure that they continue to be needed to overcome the effects of discrimination, modifying them as needed for this purpose.

(1) If your actual DBE participation significantly exceeds your overall goals over a substantial period of time, you must consider appropriate reductions in your use of race/gender-conscious means of meeting overall goals.

(2)(i) You must calculate—

(A) The percentage that minority- and women-owned businesses in your state (not just DBEs) in types of work relevant to DOT-assisted contracting make up of all such businesses; and

(B) The percentage of all business receipts in these types of work attributable to minority- and/or women-owned businesses.

Example to paragraph (b)(2): In State Z, minority- and women-owned firms account for 20 percent of all businesses. These same firms account for 10 percent of business volume (i.e., as measured by receipts).

(ii) Where the percentage calculated in paragraph (b)(2)(i)(B) is greater than that calculated in paragraph (b)(2)(i)(A), you must consider appropriate reductions in its use of race/gender-conscious means of meeting overall goals.

Example to paragraph (b)(2)(ii): In State Z, minority- and women-owned firms continue to account for 20 percent of all businesses, but now account for 27 percent of business volume. Particularly where this pattern persists over a significant period of time, you would rely more on race/gender-neutral methods of achieving goals in construction contracts and less on race/gender-conscious means.

§ 26.47 What are the good faith efforts procedures recipients follow in situations where there are contract goals?

(a) When you have established a DBE contract goal, you must award the contract only to a contractor who either meets the contract goal requirement or demonstrates that it has made adequate good faith efforts to do so. If the contractor does document adequate good faith efforts, you must not deny award of the contract on the basis that the contractor failed to meet the goal.

(b) In your solicitations for DOT-assisted contracts for which a contract goal has been established, you must require the following of competitors:

(1) Award of the contract will be conditioned on meeting the requirements of this section; and

(2) All bidders/offerors will be required to submit the following information to the recipient, at the time provided in paragraph (b)(3) of this section:

(i) The names and addresses of DBE firms that will participate in the contract;

(ii) A description of the work that each DBE will perform;

(iii) The dollar amount of the participation of each DBE firm participating;

(iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;

(v) Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and

(vi) If the contract goal is not met, evidence of good faith efforts.

(3) At your discretion, the bidder/offeror must present the information required by paragraph (b)(2) of this section—

(i) Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures; or

(ii) At any time before you commit yourself to the performance of the contract by the bidder/offeror, as a matter of responsibility.

(c) If the DBE participation submitted by the bidder/offeror does not meet the contract goal, you must determine whether the bidder/offeror's good faith efforts are adequate. In making this determination, use the guidance provided in appendix B to this part. If the bidder/offeror makes a showing of adequate good faith efforts, you must award the contract to the bidder/offeror, even if the bidder/offeror did not meet the contract goal.

(d) You must make sure all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts committing yourself to the performance of the contract by the bidder/offeror.

(e) When the apparent successful bidder/offeror for a contract fails to meet the DBE contract goal, and you determine that the bidder/offeror has failed to make adequate good faith efforts, you must, before awarding the contract, provide the bidder/offeror an opportunity for administrative reconsideration.

(1) As part of this reconsideration, the bidder/offeror must have the opportunity to provide written documentation or argument concerning the issue of whether it made adequate good faith efforts to meet the contract goal.

(2) The bidder/offeror must also have the opportunity to meet in person with your officials to discuss the issue of whether it made adequate good faith efforts to meet the contract goal.

(3) Your decision on reconsideration must be made by an official who did not take part in the original determination that the bidder/offeror failed to make adequate good faith efforts.

(4) Your must send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not make adequate good faith efforts.

(5) The result of the reconsideration process is not administratively appealable to the Department of Transportation.

(f) A DBE prime contractor—

Alternative 1—is required to meet DBE contract goals on the same basis as other prime contractors.

Alternative 2—is not required to meet DBE contract goals.

Alternative 3—that will perform, with its own forces, a sufficient percentage of the work on the contract to meet the contract goal is not required to obtain other DBE participation to meet the goal. If a DBE prime contractor will not perform such a percentage of the work with its own forces, it must obtain other DBE participation sufficient to meet the remainder of the goal, or demonstrate that it made adequate good faith efforts to do so.

(g)(1) You must require that a prime contractor not terminate for convenience a DBE subcontractor listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm) and then perform the work of the terminated subcontract with its own forces or those of an affiliate, without your prior written consent.

(2) When a DBE subcontractor is terminated, or fails to complete its work on the contract, for any reason, you must require the prime contractor to make good faith efforts to find another DBE subcontractor to substitute for the original DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal.

(3) You must include in each prime contract a provision for appropriate administrative remedies that you will invoke if the prime contractor fails to comply with the requirements of this section.

§ 26.49 How is DBE participation counted toward goals?

(a) Except as otherwise provided in this section, count the total dollar value of a contract with a DBE toward DBE goals.

(b)(1) Count the entire amount of a construction contract toward DBE goals, including the cost of supplies and materials obtained by the DBE for the work of the contract.

(2) Count the entire amount of fees or commissions charged by a DBE firm for providing a *bona fide* service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a DOT-assisted contract, toward DBE goals, provided you determine the fee to be reasonable and not excessive as compared with fees customarily allowed for similar services.

(c) When a DBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs toward DBE goals.

(d) Do not count any portion of the value of a contract that a DBE subcontractor subcontracts to any non-DBE firm (including a non-DBE prime contractor or its affiliate) toward DBE goals. Provided, however, that you may count value of supplies purchased or equipment leased by a DBE subcontractor from a non-DBE firm (other than the prime contractor or its affiliate) and used by the DBE in the performance of the subcontract toward DBE goals.

(e) Count expenditures to a DBE contractor toward DBE goals only if the DBE is performing a commercially useful function on that contract.

(1) A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, you must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

(2) A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, you must examine similar transactions, particularly those in which DBEs do not participate.

(3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, you must presume that it is not performing a commercially useful function.

(4) You must presume that a DBE engaged in transporting materials is not performing a commercially useful function if the DBE does not own at least 50 percent of the vehicles used for the contract.

(5) When a DBE is presumed not to be performing a commercially useful function as provided in paragraph (e) (3) or (4) of this section, the DBE may present evidence to rebut this presumption. You may determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.

(6) Your decisions on commercially useful function matters are subject to review by the concerned operating administration.

(f) Count expenditures with DBEs for materials or supplies toward DBE goals as provided in this paragraph:

(1)(i) If the materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies toward DBE goals.

(ii) For purposes of this paragraph, a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

(2)(i) If the materials or supplies are purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE goals.

(ii) For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.

(A) To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.

(B) A regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt may be a person who owns and operates distribution equipment for the products and/or owns, operates, or maintains a store, warehouse, or other place of business in which products of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an *ad hoc* or contract-by-contract basis.

(C) Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph.

(3) With respect to materials or supplies are purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward DBE goals, provided you determine the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves toward DBE goals, however.

(g) If a firm is not currently certified as a DBE in accordance with standards of subpart D of this part at the time of the execution of the contract, do not count the firm's participation toward DBE goals.

(h) Do not count the dollar value of work performed under a contract with a firm after it has ceased to be certified toward the your overall goal.

(i) Do not count the participation of a DBE subcontractor toward the prime contractor's goal attainment until the amount being counted toward the goal has been paid to the DBE.

Subpart D—Certification Standards

§ 26.51 How are burdens of proof allocated in the certification process?

(a) In determining whether to certify a firm as eligible to participate as a DBE, you must apply the standards of this subpart.

(b) The firm seeking certification has the burden of demonstrating to you, by a preponderance of the evidence, that it meets the requirements of this subpart concerning group membership, business size, ownership, and control.

(c) You must rebuttably presume that members of the designated groups identified in § 26.57(a) are socially and economically disadvantaged. This means that they do not have the burden of proving to you that they are socially and economically disadvantaged.

(d) Individuals who are not presumed to be socially and economically disadvantaged, and individuals concerning whom the presumption of disadvantage has been rebutted, have the burden of proving to you, by a preponderance of the evidence, that they are socially and economically disadvantaged.

(e) You must make determinations concerning whether individuals and firms have met their burden of demonstrating group membership, ownership, control, and social and economic disadvantage (where disadvantage must be demonstrated on an individual basis) by considering all the facts in the record, viewed as a whole.

§ 26.53 What rules govern group membership determinations?

(a) If you have reason to question whether an individual is a member of a group that is presumed to be socially and economically disadvantaged, you must require the individual to demonstrate, by a preponderance of the evidence, that he is a member of the group.

(b) In making such a determination, you must consider whether the person has held himself out to be a member of the group over a long period of time prior to application for certification and whether the person is regarded as a member of the group by the relevant minority community. You may require the applicant to produce appropriate documentation of group membership.

(1) If you determine that an individual claiming to be a member of a group presumed to be disadvantaged is not a member of the group, the individual must demonstrate social and economic disadvantage on an individual basis.

(2) Your decisions concerning membership in a designated group are subject to the certification appeals procedure of § 26.79.

§ 26.55 What rules govern business size determinations?

(a) To be an eligible DBE, a firm (including its affiliates) must be an existing small business, as defined by Small Business Administration (SBA) standards. You must apply current SBA business size standard(s) found in 13 CFR part 121 appropriate to the type(s) of work the firm seeks to perform in DOT-assisted contracts.

(b) Even if it meets the requirements of paragraph (a) of this section, a firm is not an eligible DBE in any Federal fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by SBA regulations (see 13 CFR 121.402), over the firm's previous three fiscal years, in excess of $17.77 million. The Secretary adjusts this amount for inflation from time to time.

§ 26.57 What rules determine social and economic disadvantage?

(a) *Presumption of disadvantage.* (1) You must rebuttably presume that citizens of the United States (or lawfully admitted permanent residents) who are women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, or other minorities found to be disadvantaged by the SBA, are socially and economically disadvantaged individuals. You must not require an individual who are members of a designated group to demonstrate, in connection with his or her firm's application for certification, that he or she is , in fact, socially and economically disadvantaged.

(2) Except as provided in paragraph (a)(3) of this section, you must not collect information related to the social and economic disadvantage of individuals who are members of the designated groups (including, but not limited to, information concerning personal net worth, personal income tax returns, or other personal financial data) as part of the certification process, except information essential to ascertain the individuals' ownership and control of a business that is unavailable from any other source. When you require an applicant to submit personal financial information, you must provide a written statement to the applicant stating with specificity what information is required, why the information is essential to a determination of ownership and control, and why the information is unavailable from any other source.

(3) You must require applicants for certification to submit a signed, notarized certification that each socially and disadvantaged owner is, in fact, a socially and economically disadvantaged individual, as provided in this part. You must also require applicants for certification to submit a brief summary statement of the personal net worth of each socially and economically disadvantaged owner.

(b) *Rebuttal of presumption of disadvantage.* (1) If you have a reasonable basis to believe that an individual who is a member of one of the designated groups is, in fact, not socially and/or economically disadvantaged, you may start a

proceeding to determine whether the presumption should be regarded as rebutted with respect to that individual.

(2) In the case of a firm that is applying for initial certification, do not start such a proceeding unless and until you have determined that the individual owns and controls the firm and that the firm meets business size criteria. In this case, you may hold the issuance of a certification in abeyance pending the outcome of the proceeding.

(3) Your proceeding must follow the procedures of § 26.77.

(4) In such a proceeding, you have the burden of demonstrating, by a preponderance of the evidence, that the individual is not socially and economically disadvantaged.

(5) If you demonstrate that the personal net worth of the individual exceeds [an amount to be inserted in the final rule], you have met this burden, and the presumption of social and economic disadvantage is rebutted for that individual. In this case, the individual must, in order for his or her firm to be certified, demonstrate on an individual basis that he or she is socially and economically disadvantaged.

(6) For purposes of such a proceeding, you may require the individual whose disadvantage is being questioned to provide information about his or her personal net worth. You may require only such information as is necessary to establish whether the individual's personal worth exceeds [the amount inserted in the final rule].

(c) *8(a) firms.* (1) If a firm applying for certification has a current, valid certification from the SBA under the 8(a) program, you must presume it to be eligible for the DBE program, subject to demonstrating that it meets the average annual gross receipts limit referenced in § 26.55(b) and that it meets SBA business size criteria for the type(s) of work it seeks to perform in your DBE program. If the firm does not meet these requirements, it is not an eligible DBE, even though it has a valid 8(a) certification from SBA.

(2) Consistent with this presumption, you must not, in connection with the firm's application for certification, require an 8(a) firm to provide information related to ownership, control, or social and economic disadvantage. You may require the firm to provide information to demonstrate that it meets the average annual gross receipts limit and that it meets SBA small business size criteria for any type of contracting it expects to perform in your DBE program. You may also require the firm to provide information that will appear in your DBE directory.

(3) If you have a reasonable basis to believe that the ownership, control, or disadvantaged status of an 8(a) firm is not consistent with its participation in the DBE program, bring your concerns to the attention of, and request a response from, the SBA. Following the receipt of the response from SBA, or after 60 days if no response from SBA has been received, you may initiate a proceeding under § 26.77 of this part, including in the record and taking into account any response received from SBA. If the 8(a) firm is making its initial application for certification, you may hold the firm's certification in abeyance pending the outcome of this proceeding.

(d) *Individual determinations of social and economic disadvantage.* Firms owned and controlled by individuals who are not presumed to be socially and economically disadvantaged (including individuals whose presumed disadvantage has been rebutted) may apply for DBE certification. You must make a case-by-case determination of whether such an individual is socially and economically disadvantaged. In such a proceeding, the applicant firm has the burden of demonstrating to you, by a preponderance of the evidence, that the individuals who own and control it are socially and economically disadvantaged. In making these determinations, use the guidance in appendix F to this part.

§ 26.59 What rules govern determinations of ownership?

(a) In determining whether the socially and economically disadvantaged participants in a firm own the firm, you must consider all the facts in the record, viewed as a whole.

(b) To be an eligible DBE, a firm must be at least 51 percent owned by socially and economically disadvantaged individuals. In the case of a corporation, such individuals must own unconditionally at least 51% of the stock. In the case of an applicant firm which is a partnership, 51% of the partnership interest must be unconditionally owned by socially and economically disadvantaged individuals. Such unconditional ownership must be reflected in the firm's partnership agreement.

(c) The firm's ownership by socially and economically disadvantaged individuals must be real, substantial, and continuing, going beyond *pro forma* ownership of the firm as reflected in ownership documents. The disadvantaged owners must enjoy the customary incidents of ownership, and share in the risks and profits commensurate with their ownership interests, as demonstrated by the substance, not merely the form, of arrangements.

(d) All securities that constitute ownership of a firm shall be held directly by disadvantaged persons. Except as provided in this paragraph, no securities or assets held in trust, or by any guardian for a minor, are considered as held by disadvantaged persons in determining the ownership of a firm. However, securities or assets held in trust (other than in a revocable living trust) are regarded as held by a disadvantaged individual for purposes of determining ownership of the firm, if—

(1) The beneficial owner of securities or assets held in trust is a disadvantaged individual, and the trustee is the same or another such individual; or

(2) The beneficial owner is a disadvantaged individual who, rather than the trustee, exercises effective control over the management, policy-making, and daily operational activities of the firm.

(e) The contributions of capital or expertise by the socially and economically disadvantaged owners to acquire their ownership interests must be real and substantial. Examples of insufficient contributions include a promise to contribute capital, an unsecured note payable to the firm or an owner who is not a disadvantaged individual, or mere participation in a firm's activities as an employee. Debt instruments from financial institutions or other organizations which lend funds in the normal course of their business do not render a firm ineligible, even if the debtor's ownership interest is security for the loan.

(f) In situations in which expertise is relied upon as the contribution to acquire ownership, the expertise must be in areas critical to the firm's operations, specific to the type of work the firm performs, and documented in the records of the firm. The records must clearly show the contribution of expertise and its value to the firm.

(g) You must always deem as held by a socially and economically disadvantaged individual, for purposes of determining ownership, all interests in a business or other assets obtained by the individual—

(1) As the result of a property settlement or court order in a divorce or legal separation, provided that no term or condition of the agreement or divorce decree is inconsistent with this section; or

(2) Through inheritance, or otherwise because of the death of the former owner.

(h)(1) You must presume as not being held by a socially and economically disadvantaged individual, for purposes of determining ownership, all interests in a business or other assets obtained by the individual as the result of a gift, or transfer without adequate consideration, from any non-disadvantaged individual or non-DBE firm that is—

(i) Involved in the same firm for which the individual is seeking certification, or an affiliate of that firm;

(ii) Involved in the same or a similar line of business; or

(iii) Engaged in an ongoing business relationship with the firm, or an affiliate of the firm, for which the individual is seeking certification.

(2) To overcome this presumption and permit the interests or assets to be counted, the disadvantaged individual firm must demonstrate to you, by clear and convincing evidence, that—

(i) The gift or transfer to the disadvantaged individual was made for reasons other than obtaining certification as a DBE; and

(ii) The disadvantaged individual actually controls the management, policy, and operations of the firm, notwithstanding the continuing participation of a non-disadvantaged individual who provided the gift or transfer.

(i) You must apply the following rules in situations in which marital assets form a basis for ownership of a firm:

(1) When marital assets (other than the assets of the business in question), held jointly or as community property by both spouses, are used to acquire the ownership interest asserted by one spouse, you must deem the ownership interest in the firm to have been acquired by that spouse with his or her own individual resources, provided that the other spouse irrevocably renounces and transfers all rights in the ownership interest in the manner sanctioned by the laws of the state in which either spouse or the firm is domiciled.

(2) A copy of the document legally transferring and renouncing the other spouse's rights in the jointly owned or community assets used to acquire an ownership interest in the firm must be included as part of the firm's application for DBE certification.

(j) You may consider the following factors in determining the ownership of a firm. However, you must not regard a contribution of capital as failing to be real and substantial, or find a firm ineligible, solely because—

(1) A socially and economically disadvantaged individual acquired his or her ownership interest as the result of a gift, or transfer without adequate consideration, other than the types set forth in paragraph (h) of this section;

(2) There is a provision for the co-signature of a spouse who is not a socially and economically disadvantaged individual on financing agreements, contracts for the purchase or sale of real or personal property, bank signature cards, or other documents; or

(3) Ownership of the firm in question or its assets is transferred for adequate consideration from a spouse who is not a socially and economically disadvantaged individual to a spouse who is such an individual. In this case, you must give particularly close and careful scrutiny to the ownership and control of a firm to ensure that it is owned and controlled, in substance as well as in form, by a socially and economically disadvantaged individual.

§ 26.61 What rules govern determinations concerning control?

(a) In determining whether socially and economically disadvantaged owners control a firm, you must consider all the facts in the record, viewed as a whole.

(b) Only an independent business may be certified as a DBE. An independent business is one the viability of which does not depend on its relationship with another firm or firms.

(1) In determining whether a potential DBE is an independent business, you must scrutinize relationships with non-DBE firms, in such areas as personnel, facilities, equipment, financial and/or bonding support, and other resources.

(2) You must consider whether present or recent employer/employee relationships between the disadvantaged owner(s) of the potential DBE and non-DBE firms or persons associated with non-DBE firms compromise the independence of the potential DBE firm.

(3) You must examine the firm's relationships with prime contractors to determine whether a pattern of exclusive or primary dealings with a prime contractor compromises the independence of the potential DBE firm.

(4) In considering factors related to the independence of a potential DBE firm, you must consider the consistency of relationships between the potential DBE and non-DBE firms with normal industry practice.

(c) A DBE firm must not be subject to any formal or informal restrictions which limit the customary discretion of the socially and economically disadvantaged owners. In the case of a corporation, the socially and economically disadvantaged owners must own and control at least 51 percent of voting stock. There can be no restrictions through corporate charter provisions, by-law provisions, contracts or any other formal or informal devices (e.g., cumulative voting rights, voting powers attached to different classes of stock, employment contracts, requirements for concurrence by non-disadvantaged partners) that prevent the socially and economically disadvantaged owners, without the cooperation or vote of any non-disadvantaged individual, from making any business decision of the firm. This paragraph does not preclude a spousal co-signature on documents as provided for in § 26.59(i)(2) of this part.

(d) The socially and economically disadvantaged owners must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on matters of management, policy and operations.

(e) Individuals who are not socially and economically disadvantaged may be involved in a DBE firm as owners, managers, employees, stockholders, officers, and/or directors. Such individuals must not, however, possess or exercise the power to control the firm, or be disproportionately responsible for the operation of the firm.

(f) The socially and economically disadvantaged owners of the firm may delegate various areas of the management, policymaking, or daily operations of the firm to other participants in the firm, regardless of whether these participants are socially and economically disadvantaged individuals. Such delegations of authority must be revocable, and the socially and economically disadvantaged owners must retain the power to hire and fire any person to whom such authority is delegated. The managerial role of the socially and economically disadvantaged owners in the firm's overall affairs must be such that the recipient can reasonably conclude that the socially and economically disadvantaged owners actually exercise control over the firm's operations, management, and policy.

(g) The socially and economically disadvantaged owners must have an overall understanding of, and managerial or technical competence and experience directly related to, the type of business in which the firm is engaged and the firm's operations. The socially and economically disadvantaged owners are not required to have experience or expertise in every critical area of the firm's operations, or to have greater experience or expertise in a given field than managers or key employees. The socially and economically disadvantaged owners must have the

ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to use this information to make independent decisions concerning the firm's daily operations, management, and policymaking. Generally, expertise limited to office management, administration, or bookkeeping functions unrelated to the principal business activities of the firm is insufficient to demonstrate control.

(h) If state or local law requires the persons to have a particular license or other credential in order to own and/or control a certain type of firm, then the socially and economically disadvantaged persons who own and control a potential DBE firm of that type must possess the required license or credential. If state or local law does not require such a person to have such a license or credential to own and/or control a firm, the you must not deny certification solely on the ground that the person lacks the license or credential. However, you may take into account the absence of the license or credential as one factor in determining whether the socially and economically disadvantaged owners actually control the firm.

(i) You may consider differences in remuneration between the socially and economically disadvantaged owners and other participants in the firm in determining whether to certify a firm as a DBE. Such consideration shall be in the context of the duties of the persons involved, normal industry practices, the firm's policy and practice concerning reinvestment of income, and any other explanations for the differences proffered by the firm. You may determine that a firm is controlled by its socially and economically disadvantaged owner although that owner's remuneration is lower than that of some other participants in the firm. In a case where a non-disadvantaged individual formerly controlled the firm, and a socially and economically disadvantaged individual now controls it, you may consider a difference between the remuneration of the former and current controller of the firm as a factor in determining who controls the firm, particularly when the non-disadvantaged individual remains involved with the firm and continues to receive greater compensation than the disadvantaged individual.

(j) In order to be viewed as controlling a firm, a socially and economically disadvantaged owner cannot engage in outside employment or other business interests that conflict with the management of the firm or prevent the individual from devoting sufficient time and attention to the affairs of the firm to control its activities.

(k) A socially and economically disadvantaged individual may control a firm even though one or more members of the individual's family participate in the firm as a manager, employee, owner, or in another capacity. Except as otherwise provided in this paragraph, you must make a judgment about the control the socially and economically disadvantaged owner exercises vis-a-vis other persons involved in the business as it does in other situations, without regard to whether or not the other persons are family members.

(1) If you cannot determine that the socially and economically disadvantaged owners—as distinct from the family as a whole—control the firm, then the socially and economically disadvantaged owners have failed to carry their burden of proof concerning control, even though they may participate significantly in the firm's activities.

(2) Where a firm was formerly owned and/or controlled by a non-disadvantaged individual, ownership and/or control were transferred to a socially and economically disadvantaged individual, and the non-disadvantaged individual remains involved with the firm in any capacity, the disadvantaged individual now owning the firm must demonstrate to you, by clear and convincing evidence, that

(i) The transfer of ownership and/or control to the disadvantaged individual was made for reasons other than obtaining certification as a DBE; and

(ii) The disadvantaged individual actually controls the management, policy, and operations of the firm, notwithstanding the continuing participation of a non-disadvantaged individual who formerly owned and/or controlled the firm.

(l) In determining whether a firm is controlled by its socially and economically disadvantaged owners, you may consider whether the firm owns equipment necessary to perform its work. However, you must not determine that a firm is not controlled by socially and economically disadvantaged individuals solely because the firm leases, rather than owns, such equipment, where leasing equipment is a normal industry practice and the lease does not involve a relationship with a prime contractor or other party that compromises the independence of the firm.

(m) You must grant certification to a firm only for specific types of work in which the socially and economically disadvantaged owners have the ability to control the firm. To become certified in an additional type of work, the firm need demonstrate to you only that its socially and economically disadvantaged owners are able to control the firm with respect to that type of work. You may not, in this situation, require that the firm be recertified or submit a new application for certification.

(n) A business operating under a franchise or license agreement may be certified if it meets the standards in this subpart and the franchiser or licenser is not affiliated with the franchisee or licensee. In determining whether affiliation exists, you should generally not consider the restraints relating to standardized quality, advertising, accounting format, and other provisions imposed on the franchisee or licensee by the franchise agreement or license, provided that the franchisee or licensee has the right to profit from its efforts and bears the risk of loss commensurate with ownership. Alternatively, even though a franchisee or licensee may not be controlled by virtue of such provisions in the franchise agreement or license, affiliation could arise through other means, such as common management or excessive restrictions on the sale or transfer of the franchise interest or license.

(o) In order for a partnership to be controlled by socially and economically disadvantaged individuals, any non-disadvantaged partners shall not have the power, without the specific written concurrence of the socially and economically disadvantaged partner(s), to contractually bind the partnership or subject the partnership to contract or tort liability.

§ 26.63 What are other rules affecting certification?

(a) (1) Consideration of whether a firm performs a commercially useful function or is a regular dealer pertains solely to counting toward DBE goals the participation of firms that have already been certified as DBEs. Except as provided in paragraph (a)(2) of this section, you must not consider commercially useful function issues in any way in making decisions about whether to certify a firm as a DBE.

(2) You may consider, in making certification decisions, whether a firm has exhibited a pattern of conduct indicating its involvement in attempts to evade or subvert the intent or requirements of the DBE program.

(b) You must evaluate the eligibility of a firm on the basis of present circumstances. You must not refuse to certify a firm based solely on historical information indicating a lack of

ownership or control of the firm by socially and economically disadvantaged individuals at some time in the past, if the firm currently meets the ownership and control standards of this part. Nor must you refuse to certify a firm solely on the basis that it is a newly formed firm.

(c) DBE firms and firms seeking DBE certification shall cooperate fully with your requests (and DOT requests) for information relevant to the certification process. Failure or refusal to provide such information is a ground for a denial or removal of certification.

(d) Only firms organized for profit may be eligible DBEs. Not-for-profit organizations, even though controlled by socially and economically disadvantaged individuals, are not eligible to be certified as DBEs.

(e) Except as provided in paragraph (f) of this section, an eligible DBE firm shall be owned by individuals who are socially and economically disadvantaged. A firm that is owned not by such individuals, but by another firm, is not an eligible DBE, even if the other firm is itself an eligible DBE.

(f) A firm owned by an Indian tribe recognized by the Department of the Interior or an Alaskan Native Corporation may be regarded as owned by socially and economically disadvantaged individuals, notwithstanding the fact that ownership may formally reside in the tribe or corporation as an entity, rather than in individual members of the tribe. Such a firm must meet the control and business size criteria of this section in order to be an eligible DBE. In determining business size, recipients shall apply the affiliation standards of 13 CFR part 121.

(g) Recognition of a business as a separate entity for tax or corporate purposes is not necessarily sufficient to demonstrate that a firm is an independent business, owned and controlled by socially and economically disadvantaged individuals.

(h) You must not require a DBE firm to be prequalified as a condition for certification unless the recipient requires all firms that participate in its contracts and subcontracts to be prequalified.

§§ 26.65—26.69 [Reserved]

Subpart E—Certification Procedures

§ 26.71 What are the requirements for Unified Certification Programs?

(a) Except as provided in paragraph (b) of this section, you and all other DOT recipients in your state must participate in a Unified Certification Program (UCP).

(1) Within three years of [the effective date of the final rule], you and the other recipients in your state must sign an agreement establishing the UCP for that state and submit the agreement to the Secretary for approval. The Secretary may, on the basis of extenuating circumstances shown by the recipients in the state, extend this deadline for no more than one additional year.

(2) The agreement must provide the establishment of a UCP meeting all the requirements of this section. The agreement must specify that the UCP will follow all certification procedures and standards of this part, on the same basis as recipients; that the UCP shall cooperate fully with oversight, review, and monitoring activities of DOT and its operating administrations; and that the UCP shall implement DOT directives and guidance concerning certification matters. The agreement shall also commit recipients to ensuring that the UCP has sufficient resources and expertise to carry out the requirements of this part. The agreement shall include an implementation schedule ensuring that the UCP is fully operational no later than 18 months following the approval of the agreement by the Secretary.

(3) Subject to approval by the Secretary, the UCP in each state may take any form acceptable to the recipients in that state.

(4) The Secretary shall review the UCP and approve it, disapprove it, or remand it to the recipients in the state for revisions. A complete agreement which is not disapproved or remanded within 180 days of its receipt is deemed to be accepted.

(5) If the you and the other recipients in your state fail to meet the deadlines set forth in this paragraph, you shall have the opportunity to make an explanation to the Secretary why a deadline could not be met and why meeting the deadline was beyond your control. If you fail to make such an explanation, or the explanation does not justify the failure to meet the deadline, the Secretary shall direct you to complete the required action within a time certain. If you and the other recipients fail to carry out this direction in a timely manner, you are collectively in noncompliance with this part.

(b) If you are an airport sponsor, you may, but are not required to, participate in the UCP for your state with respect to firms seeking certification as airport concessionaires. If you choose not to participate in the UCP with respect to the concession program, you must certify concessionaires and other concession program participants independently. You must participate in the UCP for your state with respect to contractors on FAA-assisted contracts.

(c) The UCP shall make all certification decisions on behalf of all DOT recipients in the state with respect to participation in the DOT DBE Program. Certification decisions by the UCP shall be binding on all DOT recipients within the state. The UCP shall provide ''one-stop shopping'' to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state.

(d) All certifications by UCPs shall be pre-certifications; i.e., certifications that take place before the issuance of a solicitation for a contract on which a firm seeks to participate as a DBE.

(e) A UCP is not required to process an application for certification from a firm having its principal place of business outside the state if the firm is not certified by the UCP in the state in which it maintains its principal place of business.

(f) Subject to DOT approval as provided in this section, the recipients in two or more states may form a regional UCP. UCPs may also enter into written reciprocity agreements with other UCPs. Such an agreement shall outline the specific responsibilities of each participant. A UCP may accept the certification of any other UCP or DOT recipient.

(g) Pending the establishment of UCPs meeting the requirements of this section, you may enter into agreements with other recipients, on a regional or inter-jurisdictional basis, to perform certification functions required by this part. You may also grant reciprocity to other recipient's certification decisions.

(h) Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP, the information required by § 26.31 of this part. The UCP shall make the directory available to the public electronically as well as in print.

(i) Except as otherwise specified in this section, all provisions of this subpart and subpart D pertaining to recipients also apply to UCPs.

§ 26.73 What procedures do recipients follow in making certification decisions?

(a) You must ensure that only firms certified as eligible DBEs under this section participate as DBEs in their programs.

(b) You must determine the eligibility of firms as DBEs consistent with the standards of subpart D of this part.

(c) You must take all the following steps in determining whether a DBE firm meets the standards of subpart D:

(1) Perform an on-site visit to the offices of the firm. You must interview the principal officers of the firm and review their resumes and/or work histories. You must also perform an on-site visit to job sites if there are such sites on which the firm is working at the time of the eligibility investigation in your jurisdiction or local area. You may rely upon the site visit report of any other recipient with respect to a firm applying for certification. If you have made a site visit to a firm, you must promptly make available the report of that visit to any other recipient that makes a written request for it.

(2) If the firm is a corporation, analyze the ownership of stock in the firm;

(3) Analyze the bonding and financial capacity of the firm;

(4) Determine the work history of the firm, including contracts it has received and work it has completed;

(5) Obtain a statement from the firm of the type of work it prefers to perform as part of the DBE program and its preferred locations for performing the work, if any;

(6) Obtain or compile a list of the equipment owned by or available to the firm and the licenses the firm and its key personnel possess to perform the work it seeks to do as part of the DBE program;

(7) Require potential DBEs to complete and submit an appropriate application form.

(i) You must use the application form provided in Appendix B to this part without change or revision. However, you may provide in your DBE program, with the approval of the concerned operating administration, for supplementing the form by requesting additional information not inconsistent with this part.

(ii) You must make sure that the applicant attests to the accuracy and truthfulness of the information on the application form. This shall be done either in the form of an affidavit sworn to by the applicant before a person who is authorized by state law to administer oaths or in the form of an unsworn declaration executed under penalty of perjury of the laws of the United States.

(iii) You must review all information on the form prior to making a decision about the eligibility of the firm.

(d) Subject to the approval of the concerned operating administration as part of your DBE program, you may impose a reasonable fee for processing a firm's application for certification, which in no case shall exceed the actual cost of the administrative processing of the application. Fee waivers shall be made in appropriate cases.

(e) You must safeguard from disclosure to unauthorized persons information gathered as part of the certification process that may reasonably be regarded as proprietary or other confidential business information, consistent with applicable Federal, state, and local law.

(f) Once you have certified a DBE, it shall remain certified for a period of at least three years unless and until its certification has been removed through the procedures of § 26.77. You must not require DBEs to reapply for certification as a condition of continuing to participate in the program during this three-year period.

(g) If you are a DBE, you must inform the recipient or UCP in writing of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership, or control requirements of this part or any material change in the information provided in its application form. You must attach supporting documentation describing in detail the nature of such changes. The notice must take the form of an affidavit sworn to by the applicant before a person who is authorized by state law to administer oaths or of an unsworn declaration executed under penalty of perjury of the laws of the United States. You must provide the written notification within 21 days of the occurrence of the change. If you fail to make timely notification of such a change, you will be deemed to have failed to cooperate under § 26.99(c) of this part.

(h) If you are a DBE, you must provide to the recipient, every year on the anniversary of the date of its certification, an affidavit sworn to by the firm's owners before a person who is authorized by state law to administer oaths or an unsworn declaration executed under penalty of perjury of the laws of the United States. This affidavit must affirm that there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership, or control requirements of this part or any material changes in the information provided in its application form, except for changes about which you have notified the recipient under paragraph (g) of this section. The affidavit shall specifically affirm that your firm continues to meet SBA business size criteria and the overall gross receipts cap of this part, documenting this affirmation with supporting documentation of your firm's size and gross receipts. If you fail to provide this affidavit in a timely manner, you will be deemed to have failed to cooperate under § 26.99(c) of this part.

(i) If you are a recipient, you must shall make decisions on applications for certification within 90 days of receiving from the applicant firm all information required under this part. You may extend this time period once, for no more than an additional 60 days, upon written notice to the firm, explaining fully and specifically the reasons for the extension. You may establish a different time frame in its DBE program, upon a showing that this time frame is not feasible, and subject to the approval of the concerned operating administration. Your failure to make a decision by the applicable deadline under this paragraph is deemed a constructive denial of the application, on the basis of which the firm may appeal to DOT under § 26.79.

§ 26.75 What rules govern recipients' denials of initial requests for certification?

(a) When you deny a request by a firm, which is not currently certified with you, to be certified as a DBE, you must provide the firm a written explanation of the reasons for the denial, specifically referencing the evidence in the record that supports each reason for the denial. All documents and other information on which the denial is based must be made available to the applicant, on request.

(b) When a firm is denied certification, you must establish a time period of no more than twelve months that must elapse before the firm may reapply to the recipient for certification. You may provide, in its DBE program, and subject to approval by the concerned operating administration, a shorter waiting period for reapplication. The time period for reapplication begins to run on the date the explanation required by paragraph (a) of this section is received by the firm.

(c) When you make an administratively final denial of certification concerning a firm, the firm may appeal the denial to the Department under § 26.79.

§ 26.77 What procedures does a recipient use to remove a DBE's Eligibility?

(a) *Ineligibility complaints.* (1) Any person may file with you a written complaint alleging that a currently-certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. You are not required to accept a general allegation that a firm is ineligible or an anonymous complaint. The complaint may include any information or arguments supporting the complainant's assertion that the firm is ineligible and should not continue to be certified. Confidentiality of complainants' identities may be

protected as provided in § 26.99(b) of this part.

(2) You must review your records concerning the firm, any material provided by the firm and the complainant, and other available information. You may request additional information from the firm or conduct any other investigation that you deem necessary.

(3) If you determine, based on this review, that there is reasonable cause to believe that the firm is ineligible, you must provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. If you determine that such reasonable cause does not exist, you must notify the complainant and the firm in writing of this determination and the reasons for it. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based.

(b) *Recipient-initiated proceedings.* If, based on notification by the firm of a change in its circumstances or other information that comes to your attention, you determine that there is reasonable cause to believe that a currently-certified firm is ineligible, you must provide written notice to the firm that you propose to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based.

(c) *DOT directive to initiate proceeding.* (1) If the concerned operating administration determines that information in your certification records, or other information available to the concerned operating administration, provides reasonable cause to believe that a firm you certified does not meet the eligibility criteria of this part, the concerned operating administration may direct you to initiate a proceeding to remove the firm's certification.

(2) The concerned operating administration concerned must provide you and the firm a notice setting forth the reasons for the directive, including any relevant documentation or other information.

(3) You must immediately commence and prosecute a proceeding to remove eligibility as provided by paragraph (b) of this section.

(d) *Hearing.* When you notify a firm that there is reasonable cause to remove its eligibility, under paragraph, (a), (b) or (c) of this section, you must give the firm an opportunity for an informal hearing, at which the firm may respond to the reasons for the proposal to remove its eligibility in person and provide information and arguments concerning why it should remain certified.

(1) In such a proceeding, you bear the burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards of this part.

(2) You must maintain a complete record of the hearing, by any means acceptable under state law for the retention of a verbatim record of an administrative hearing. If there is an appeal to DOT under § 26.79, you must provide a transcript of the hearing to DOT and, on request, to the firm. You must retain the original record of the hearing. You may charge the firm only for the cost of making a photocopy for the firm.

(3) The firm may elect to present information and arguments in writing, without going to a hearing. In such a situation, a decision you make to remove the firm's eligibility must be based on a preponderance of the evidence that the firm does not meet the eligibility standards of this part.

(e) *Separation of functions.* You must ensure that the decision in a proceeding to remove a firm's eligibility is made by an office and personnel that did not take part in actions leading to or seeking to implement the proposal to remove the firm's eligibility and are not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions.

(f) *Grounds for decision.* You must not base a decision to remove eligibility on a reinterpretation or changed opinion of information available to the recipient at the time of its certification of the firm. You may base such a decision only on one or more of the following:

(1) Changes in the firm's circumstances since the certification of the firm by the recipient that render the firm unable to meet the eligibility standards of this part;

(2) Information or evidence not available to you at the time of its certification of the firm;

(3) Information that was concealed or misrepresented by the firm in previous certification actions by a recipient;

(4) A change in the certification standards or requirements of the Department since you certified the firm; or

(5) A documented finding that your determination to certify the firm was factually erroneous.

(g) *Notice of decision.* Following your decision, you must provide the firm written notice of the decision and the reasons for it, including specific references to the evidence in the record that supports each reason for the decision. The notice must inform the firm of the consequences of your decision and of the availability of an appeal to the Department of Transportation under § 26.79. You must send copies of the notice to the complainant in an ineligibility complaint or the concerned operating administration that had directed the recipient to initiate the proceeding.

(h) *Status of firm during proceeding.* (1) Except as provided in paragraph (h)(3) of this section, a firm remains an eligible DBE during the pendancy of your proceeding to remove its eligibility.

(2) The firm does not become ineligible until the issuance of the notice provided for in paragraph (g) of this section.

(3) If you determine that there is a strong likelihood that the firm will be determined to be ineligible, and it appears that the firm will be awarded a contract or subcontract before the conclusion of the proceeding, you may suspend the eligibility of the firm to receive any new contracts or subcontracts as a DBE, pending the conclusion of the proceeding.

(i) *Effects of removal of eligibility.* When you remove a firm's eligibility, you must take the following action:

(1) When a prime contractor has made a commitment to using the ineligible firm, or you have made a commitment to using a DBE prime contractor, but a subcontract or contract has not been executed before you issue the decertification notice provided for in paragraph (g) of this section, the ineligible firm does not count toward the contract goal or overall goal. You must direct the prime contractor to meet the contract goal with an eligible DBE firm or demonstrate good faith efforts to the recipient.

(2) If a prime contractor has executed a subcontract with the firm before you have notified the firm of its ineligibility, the prime contractor may continue to use the firm on the contract and may continue to receive credit toward its DBE goal for the firm's work. In this case or in a case where you have let a prime contract to the firm, the portion of ineligible firm's performance of the contract remaining after you issued the notice of its ineligibility shall not count toward the overall goal.

(3) When a firm is found to be ineligible, the effects of its ineligibilty (e.g., its participation not counting toward overall goals) are retroactive to the date you received the complaint of

ineligibility or other event initiating the ineligibility proceeding.

(j) *Availability of appeal.* When you make an administratively final removal of a firm's eligibility under this section, the firm may appeal the removal to the Department under § 26.79.

§ 26.79 What is the process for certification appeals to the Department of Transportation?

(a) (1) If you are a firm which is denied certification or whose eligibility is removed by a recipient, you may make an administrative appeal to the Department.

(2) If you are a complainant in an ineligibility complaint to a recipient (including the concerned operating administration in the circumstances provided in § 26.77(c)), you may appeal to the Department if the recipient does not find reasonable cause to propose removing the firm's eligibility or, following a removal of eligibility proceeding, determines that the firm is eligible.

(3) Send appeals to the following address:

Department of Transportation Office of Civil Rights 400 7th Street, SW., Room 2401 Washington, DC 20590

(b) Pending the Department's decision in the matter, the recipient's decision remains in effect. The Department does not stay the effect of the recipient's decision while it is considering an appeal.

(c) If you want to file an appeal, you must send a letter to the Department within 90 days of the date of the recipient's decision, including information and arguments concerning why the recipient's decision should be reversed. The Department may accept an appeal filed later than 90 days after the date of the decision if the Department determines that there was good cause, beyond the control of the appellant, for the late filing of the appeal.

(1) If you are an appellant who is a firm which has been denied certification, whose certification has been removed, whose owner is determined not to be a member of a designated disadvantaged group, or concerning whose owner the presumption of disadvantage has been rebutted, your letter must state the name and address of any other recipient which currently certifies the firm, which has rejected an application for certification from the firm or removed the firm's eligibility within one year prior to the date of the appeal, or before which an application for certification or a removal of eligibility is pending. Failure to provide this information may be deemed a failure to cooperate under § 26.99(c).

(2) If you are an appellant other than one described in paragraph (c)(1), the Department will request, and the firm whose certification has been questioned shall promptly provide, the information called for in paragraph (c)(1). Failure to provide this information may be deemed a failure to cooperate under § 26.99(c).

(d) When it receives an appeal, the Department requests a copy of the recipient's complete administrative record in the matter. If you are the recipient, you must provide the administrative record, including a hearing transcript, within 20 days of the Department's request. To facilitate the Department's review of a recipient's decision, you must ensure that such administrative records are well organized, indexed, and paginated. Records that do not comport with these requirements are not acceptable and will be returned to you to be corrected immediately.

(e) The Department makes its decision based solely on the entire administrative record. The Department does not make a *de novo* review of the matter and does not conduct a hearing. The Department may supplement the administrative record by adding relevant information made available by the DOT Office of Inspector General; Federal, state, or local law enforcement authorities; officials of a DOT operating administration or other appropriate DOT office; a recipient; or a firm or other private party.

(f) As a recipient, when you provide supplementary information to the Department, you shall also make this information available to the firm and any third-party complainant involved, consistent with Federal or applicable state laws concerning freedom of information and privacy. The Department makes available, on request by the firm and any third-party complainant involved, any supplementary information it receives from any source.

(1) The Department affirms your decision unless it determines, based on the entire administrative record, that your decision is unsupported by substantial evidence or inconsistent with the substantive or procedural provisions of this part concerning certification.

(2) If the Department determines, after reviewing the entire administrative record, that your decision was unsupported by substantial evidence or inconsistent with the substantive or procedural provisions of this part concerning certification, the Department reverses your decision and directs you to certify the firm or remove its eligibility, as appropriate. You must take the action directed by the Department's decision immediately upon receiving written notice of it.

(3) The Department is not required to reverse your decision if the Department determines that a procedural error did not result in fundamental unfairness to the appellant or substantially prejudice the opportunity of the appellant to present its case.

(4) If it appears that the record is incomplete or unclear with respect to matters likely to have a significant impact on the outcome of the case, the Department may remand the record to you with instructions seeking clarification or augmentation of the record before making a finding. The Department may also remand a case to you for further proceedings consistent with Department instructions concerning the proper application of the provisions of this part.

(5) The Department does not uphold your decision based on grounds not specified in the your decision.

(6) The Department's decision is based on the status and circumstances of the firm as of the date of your decision that is being appealed.

(7) The Department provides written notice of its decision to you, the firm, and the complainant in an ineligibility complaint. The notice includes the reasons for the Department's decision, including specific references to the evidence in the record that supports each reason for the decision.

(g) All decisions under this section are administratively final, and are not subject to petitions for reconsideration.

§ 26.81 What actions do recipients take following DOT certification appeal decisions?

(a) If you are the recipient from whose action an appeal under § 26.79 is taken, the decision is binding. It is not binding on other recipients.

(b) If you are a recipient to which a DOT determination under § 26.79 is applicable, you must take the following action:

(1) If the Department determines that you erroneously certified a firm, you must remove the firm's eligibility on receipt of the determination, without further proceedings on your part. Effective on the date of your receipt of the Department's determination, the consequences of a removal of eligibility set forth in § 26.77(i) take effect.

(2) If the Department determines that you erroneously failed to find reasonable cause to propose removing the firm's eligibility, you must

expeditiously commence a proceeding to determine whether the firm's eligibility should be removed, as provided in § 26.77.

(3) If the Department determines that you erroneously declined to certify or removed the eligibility of the firm, you must certify the firm, effective on the date of your receipt of the written notice of Department's determination.

(4) If the Department determines that you erroneously determined that the presumption of social and economic disadvantage either should or should not be deemed rebutted, you must take appropriate corrective action as determined by the Department.

(5) If the Department affirms your determination, no further action is necessary.

(c) Where DOT has upheld your denial of certification to or removal of eligibility from a firm, or directed the removal of a firm's eligibility, other recipients with whom the firm is certified may commence a proceeding to remove the firm's eligibility under § 26.77. Such recipients must not remove the firm's eligibility absent such a proceeding. Where DOT has reversed your denial of certification to or removal of eligibility from a firm, other recipients must take the DOT action into account in any certification action involving the firm. However, other recipients are not required to certify the firm based on the DOT decision.

§ 26.83 What procedures govern direct ineligibility complaints to DOT?

(a) Any person who believes that a recipient has erroneously certified a firm as a DBE may file a written complaint with the DOT Office of Civil Rights. The complaint should be sent to the address in § 26.79(a)(3).

(b) The Office of Civil Rights may, at its discretion, accept the complaint, decline the complaint, or refer the complaint for action by a recipient under § 26.77.

(c) If the Office of Civil Rights accepts the complaint, it investigates the facts of the matter and determines if there is reasonable cause to believe that the firm is ineligible. The Office of Civil Rights notifies the firm of its determination, in the same way as provided in § 26.77(a)(3).

(d) If the Office of Civil Rights determines there is reasonable cause to believe that the firm is ineligible, it provides an opportunity for a hearing and makes a decision in the same way as provided in § 26.77 (d) through (g) (except that there is no further administrative appeal to the Department under § 26.79). The effects of a Departmental decision to remove a firm's eligibility is the same as provided in § 26.77(i).

(e) Except as provided in this paragraph, a firm remains eligible during the pendancy of a proceeding under this section. However, if the Office of Civil Rights determines that there is a strong likelihood that the firm will be determined to be ineligible, and it appears that the firm will be awarded a contract or subcontract before the conclusion of the proceeding, the Office of Civil Rights may direct the recipient to suspend, pending the conclusion of the proceeding, the eligibility of the firm to receive any new contracts or subcontracts as a DBE.

§§ 26.85–26.89 [Reserved]

Subpart F—Compliance and Enforcement

§ 26.91 What compliance procedures apply to recipients?

If you fail to comply with any requirement of this part, you may be subject to formal enforcement action under § 26.93 or § 26.95 of this subpart or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with section 519 of the Airport and Airway Improvement Act of 1982, as amended; and in the case of the FTA program, any actions permitted under the Federal Transit Act of 1964, as amended, or applicable FTA program requirements.

§ 26.93 What enforcement actions apply in FHWA and FTA programs?

The provisions of this section apply to enforcement actions under FHWA and FTA programs:

(a) *Noncompliance complaints.* Any person who believes that a recipient has failed to comply with its obligations under this part may file a written complaint with Office of Civil Rights. If you want to file a complaint, you must do so no later than 180 days after the date of the alleged violation or the date on which you learned of a continuing course of conduct in violation of this part. The Office of Civil Rights may extend the time for filing in the interest of justice, specifying in writing the reason for so doing. The Office of Civil Rights may protect the confidentiality of your identity as provided in § 26.99(b) of this part. Complaints under this part are limited to allegations of violation of the provisions of this part.

(b) *Compliance reviews.* The concerned operating administration may review the recipient's compliance with this part at any time, including reviews of paperwork and on-site reviews, as appropriate.

(c) *Reasonable cause notice.* If it appears, from the investigation of a complaint or the results of a compliance review, that you, as a recipient, are in noncompliance with this part, the appropriate DOT office promptly sends you, return receipt requested, a written notice advising you that there is reasonable cause to find you in noncompliance. The notice states the reasons for this finding and directs you to reply within 30 days concerning whether you wish to begin conciliation.

(d) *Conciliation.* (1) If you request conciliation, the appropriate DOT office shall pursue conciliation for at least 30, but not more than 120, days from the date of your request. The appropriate DOT office may extend the conciliation period for up to 30 days for good cause, consistent with applicable statutes.

(2) If you and the appropriate DOT office sign a conciliation agreement, then the matter is regarded as closed and you are regarded as being in compliance. The conciliation agreement sets forth the measures you have taken or will take to ensure its compliance. While a conciliation agreement is in effect, you remain eligible for FHWA or FTA financial assistance.

(3) The concerned operating administration shall monitor your implementation of the conciliation agreement and ensure that its terms are complied with. If you fail to carry out the terms of a conciliation agreement, you are in noncompliance.

(4) If you do not request conciliation, or a conciliation agreement is not signed within the time provided in paragraph (d)(1) of this section, then enforcement proceedings begin.

(e) *Enforcement actions.* (1) Enforcement actions are taken as provided in this subpart.

(2) Applicable findings in enforcement proceedings are binding on all DOT offices.

§ 26.95 What enforcement actions apply in FAA Programs?

(a) Compliance with all requirements of this part by airport sponsors and other recipients of FAA financial assistance is enforced through procedures of Title 49 of the United States Code, including 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

(b) The provisions of § 26.93(b) and § 26.97 apply to enforcement actions in FAA programs.

(c) Any person who knows of a violation of this part by a recipient of FAA funds may file a complaint under 14 CFR part 16 with the Federal Aviation Administration Office of Chief Counsel.

§ 26.97 What enforcement actions apply to firms participating in the DBE program?

(a) If you are a firm that does not meet the eligibility criteria of subpart D of this part and which attempts to participate in a DOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department may initiate suspension or debarment proceedings against you under 49 CFR part 29.

(b) If you are a firm which, in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D, the Department may initiate suspension or debarment proceedings against you under 49 CFR part 29.

(c) In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the concerned operating administration may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude the Department from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.

(d) The Department may take enforcement action under 49 CFR part 31, implementing the Program Fraud Civil Remedies Act of 1986, against any participant in the DBE program whose conduct is subject to such action under part 31.

(e) The Department may refer to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

§ 26.99 What are the rules governing information, confidentiality, cooperation, and intimidation or retaliation?

(a) *Availability of records.* (1) In responding to requests for information concerning any aspect of the DBE program, the Department complies with provisions of the Federal Freedom of Information and Privacy Acts. The Department may make available to the public any information concerning the DBE program release of which is not prohibited by Federal law.

(2) If you are a recipient, you shall safeguard from disclosure to unauthorized persons information that may reasonably be considered as confidential business information, consistent with Federal, state, and local law.

(b) *Confidentiality of information on complainants.* Notwithstanding the provisions of paragraph (a) of this section, the identity of complainants shall be kept confidential, at their election. If such confidentiality will hinder the investigation, proceeding or hearing, or result in a denial of appropriate administrative due process to other parties, the complainant must be advised for the purpose of waiving the privilege. Complainants are advised that, in some circumstances, failure to waive the privilege may result in the closure of the investigation or dismissal of the proceeding or hearing. FAA follows the procedures of 14 CFR part 13 with respect to confidentiality of information in complaints.

(c) *Cooperation.* All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts or suspension and debarment).

(d) *Intimidation and retaliation.* If you are a recipient, contractor, or any other participant in the program, you must not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. If you violate this prohibition, you are in noncompliance with this part.

Subpart G—DBE Participation in Airport Concessions

§ 26.101 Definitions.

Affiliation has the same meaning the term has in regulations of the Small Business Administration, 13 CFR part 121, except that the provisions of § 121.401(l), ''Affiliation under joint venture agreements,'' shall not apply to the definition used in this subpart. Except as otherwise provided in 13 CFR part 121 and in this section, concerns are affiliates of each other when either directly or indirectly—

(1) One concern controls or has the power to control the other, or

(2) A third party or parties controls or has the power to control both, or

(3) An identity of interest between or among parties exists such that affiliation may be found. In determining whether affiliation exists, consideration shall be given to all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates are considered together for purposes of determining whether either concern meets the applicable small business size standard.

Concession means a for-profit business enterprise, located on an airport subject to this subpart, that is engaged in the sale of consumer goods or services to the public under an agreement with the sponsor, another concessionaire, or the owner of a terminal, if other than the sponsor. Businesses which conduct an aeronautical activity are not considered concessionaires for purposes of this subpart. Aeronautical activities include scheduled and non-scheduled air carriers, air taxis, air charters, and air couriers, in their normal passenger or freightcarrying capacities; fixed base operators; flight schools; and sky-diving, parachute-jumping, flying guide services, and helicopter or other air tours.

(1) Appendix G to this part contains a listing of the types of businesses that are frequently operated as concessions.

(2) Examples of entities that do not meet the definition of a concession include flight kitchens and inflight caterers servicing air carriers, government agencies, industrial plants, farm leases, individuals leasing hangar space, custodial and security contracts, telephone and electric utilities, long distance telephone service, and skycap services under contract with an air carrier.

(3) For purposes of this subpart, a business is not considered to be ''located on the airport'' solely because it picks up and/or delivers customers under a permit, license, or other

agreement. This provision applies to, but is not limited to, taxicabs, limousines, hotels, and car rentals. A business is considered to be ''located on the airport,'' however, if it has an on-airport facility which services the public. On-airport facilities include in the case of a taxi-cab, a dispatcher; in the case of a limousine, a booth selling tickets to the public; in the case of a car rental, a counter at which its services are sold to the public; and in the case of a hotel operator, a hotel located anywhere on airport property.

(4) Any business meeting the definition of concession is covered by this subpart, regardless of the name given to the agreement with the sponsor, concessionaire, or airport terminal owner. A concession may be operated under various types of agreements, including:

(i) Leases.

(ii) Subleases.

(iii) Permits.

(iv) Contracts.

(v) Other instruments or arrangements.

Concessionaire means a firm that owns and controls a concession.

Direct ownership arrangement means a joint venture, partnership, sublease, franchise, or other arrangement in which a firm owns and controls a concession.

Disadvantaged business enterprise or *DBE* has the same meaning the term has in § 26.5 of this part, except that for purposes of this subpart—

(1) The firm must qualify as a small business concern, as defined in this subpart; and

(2) The definition of ''socially and economically disadvantaged individuals'' set forth in this subpart shall apply.

Management contract or subcontract means an agreement with a sponsor or a derivative subagreement under which a firm directs or operates one or more business activities, the assets of which are owned, leased, or otherwise controlled by the sponsor.

(1) The managing agent generally receives, as compensation, a flat fee or a percentage of the gross receipts or profit from the business activity. For purposes of this subpart, the business activity operated or directed by the managing agent must be other than an aeronautical activity, be located at an airport subject to this subpart, and be engaged in the sale of consumer goods or services to the public.

(2) As used in this subpart, the term management contract or subcontract shall not include an agreement between a concessionaire and a managing agent. (In the event such managing agent qualifies as a DBE and meets other appropriate criteria in this subpart, it can be counted toward DBE goals as provided in paragraph (c)(2)(iii) or (c)(2)(iv) of § 26.107.)

Material amendment means a substantial change to the basic rights or obligations of the parties to a concession agreement. Examples of material amendments include an extension to the term not provided for in the original agreement or a substantial increase in the scope of the concession privilege. Examples of nonmaterial amendments include a change in the name of the concessionaire or a change to the payment due dates.

Primary airport means a commercial service airport which is determined by the Secretary to have more than 10,000 passengers enplaned annually.

Small business concern means an existing firm, including all its domestic and foreign affiliates, that qualifies under the appropriate size standard referenced in Appendix G to this part. Except as provided in paragraph (4) of this definition, the appropriate standard is the one which best describes the type of concession the firm seeks to operate, or type of goods or services the firm seeks to provide under the DBE concession program.

(1) A concessionaire qualifying under this definition that exceeds the size standard after entering a concession agreement, but which otherwise remains eligible, may continue to be counted as DBE participation toward the overall goals and any contract goals set under this subpart, until the current agreement, including the exercise of options, expires.

(2) The Secretary may periodically adjust the size standards in Appendix G to this part for inflation.

(3) If a concessionaire was certified as a minority/woman/or disadvantaged business enterprise (MBE/WBE/DBE) prior to [the effective date of the final rule], pursuant to a requirement in § 23.43(d) or subpart F of 49 CFR part 23, and the firm has exceeded the size standard, it may be counted as DBE participation until the current agreement, including the exercise of options, expires, provided that the firm remains otherwise eligible.

(4) Any firm falling under ''Standard Industrial Classification (SIC)'' code 5511 shall be considered a small business concern for purposes of this subpart, if it has no more than 500 employees, regardless of the nature of the goods and/or services it seeks to provide under the DBE concession program. SIC 5511, ''Motor Vehicle Dealers (New and Used),'' hereinafter ''car dealerships,'' means: Establishments primarily engaged in the retail sale of new automobiles or new and used automobiles. These establishments frequently maintain repair departments and carry stocks of replacement parts, tires, batteries, and automotive accessories. Such establishments also frequently sell pickups and vans at retail.

Socially and economically disadvantaged individuals has the same meaning the term has in § 26.5 and as further defined in § 26.57 and Appendix F to this part.

Sponsor means the recipient of an FAA grant.

§ 26.103 Applicability.

This subpart applies to any sponsor that received a grant for airport development after January 1988 which was authorized under Title 49 of the United States Code.

§ 26.105 Requirements for airport sponsors.

(a) *General requirements.* (1) Each sponsor shall abide by the non-discrimination requirements of § 26.7 with respect to the award and performance of any concession agreement, management contract or subcontract, purchase or lease agreement, or other agreement covered by this subpart.

(2) Each sponsor shall take all necessary and reasonable steps to ensure nondiscrimination in the award and administration of contracts and agreements covered by this subpart.

(3) The following statements shall be included in all concession agreements and management contracts executed between the sponsor and any firm after [the effective date of the final rule].

(i) ''This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 26, subpart G. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 26, subpart G.''

(ii) ''The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR Part 26, subpart G, that it enters and cause those businesses to similarly include the statements in further agreements.''

(4)(i) Each sponsor shall retain sufficient basic information about its program implementation, its certification of DBEs, and the award and

performance of agreements and contracts to enable the FAA to monitor the sponsor's compliance with this subpart. Data shall be retained for a minimum of three years following the completion of the concession agreement or other covered contract.

(ii) Sponsors shall report data to the appropriate FAA Regional Office concerning DBE participation in concession activities. The reports shall be made in a format, and with a frequency, as determined by the FAA Administrator.

(iii) The requirements of this paragraph apply to all obligated sponsors, whether or not it is required to establish a DBE concession plan under paragraph (b) of this section.

(b) *Additional requirements for primary airports.* (1) Sponsors of primary airports shall implement a disadvantaged business enterprise (DBE) concession plan containing the elements listed in § 26.107. Sponsors of more than one primary airport shall implement a separate plan for each location that has received assistance for airport development. The plan shall be submitted to the appropriate FAA Regional Office for approval.

(2) The sponsor shall review and update the plan at least annually. The updated plan shall include any information required under § 26.107 that was not available to the sponsor when the previous submission was made. Updated plans shall be submitted to the appropriate FAA Regional Office for approval.

(c) *Additional requirements for nonprimary airports.* Sponsors of commercial service airports (except primary), general aviation and reliever airports are not required to implement a DBE concession plan but shall take appropriate outreach steps to encourage available DBEs to participate as concessionaires whenever there is a concession opportunity.

§ 26.107 Elements of a Disadvantaged Business Enterprise (DBE) concession plan.

(a) *Overall annual DBE goals.*

(1) The sponsor shall establish an overall goal for the participation of DBEs in concession activities for each 12-month period covered by the plan.

(2) Sponsors shall calculate the overall DBE goal as a percentage of one of the following bases:

(i) The estimated gross receipts that will be earned by all concessions operating at the airport during the goal period.

(ii) The total number of concession agreements operating at the airport during the goal period.

(3) The plan shall indicate which base the sponsor proposes to use for calculating the overall goals.

(4) Sponsors that employ the procedures of paragraph (a)(2)(i) of this section may add the following amounts to the total DBE participation and to the base from which the overall percentage goal is calculated:

(i) The estimated dollar value of a management contract or subcontract with a DBE. (The dollar value of management contracts and subcontracts with non-DBE firms are not added to the base from which the overall percentage goal is calculated.)

(ii) Subject to the conditions set forth in § 26.117 of this subpart, the estimated dollar value of goods and services that a non-DBE concessionaire (except a car rental) will purchase from DBEs and use in operating the concession.

(iii) The estimated dollar value of goods and services that a non-DBE car rental firm will purchase or lease from DBEs and use in operating the concession.

(5) Sponsors that employ the procedures of paragraph (a)(2)(i) of this section shall also:

(i) Use the net payment to the airport for banks and banking services, including automated teller machines (ATM) and foreign currency exchanges, in calculating the overall goals.

(ii) Exclude from the overall goal calculation any portion of a firm's estimated gross receipts that will not be generated from a concession activity.

Example to paragraph (a)(5). A firm operates a restaurant in the airport terminal which services the traveling public and under the same lease agreement, provides in-flight catering service to the air carriers. The projected gross receipts from the restaurant are included in the overall goal calculation, while the gross receipts to be earned by the in-flight catering services are excluded.

(iii) State in the plan which concession agreements, if any, do not provide for the sponsor to know the value of the gross receipts earned. For such agreements, the sponsor shall use the net payment to the airport and combine these figures with the estimated gross receipts from other agreements, for purposes of calculating overall goals.

(6)(i) Sponsors that will employ the procedures of paragraph (a)(2)(ii) of this section shall submit a rationale as required by § 26.111.

(ii) In calculating overall goals, these sponsors may add the number of management contracts and subcontracts with DBEs to the total of DBE participation and to the base from which the overall percentage goal is calculated. Management contracts and subcontracts with non-DBEs shall not be included in this base.

(7) All overall goals established under this subpart shall provide for participation by all certified DBEs and may not be subdivided into group specific goals.

(8) In setting overall goals, sponsors shall include only those projected expenditures/gross receipts or number of agreements, as applicable, as § 26.107(c) allows to be counted toward meeting such goals.

(9) In establishing the overall annual goals of the concession plan, the sponsor shall provide for public participation by taking at least the steps listed in paragraphs (a)(9)(i) and (ii) of this section. If the FAA approves the overall annual goals of the concession plan, the sponsor is not required to repeat the steps in subsequent years covered by the plan.

(i) Consult with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the sponsor's efforts to increase participation of DBEs.

(ii) Publish a notice announcing the sponsor's proposed overall goals, informing the public that the goals and a description of how they were selected are available for inspection during normal business hours at the principal office of the sponsor for 30 days following the date of the notice, and informing the public that the Department and the sponsor will accept comments on the goals for 45 days from the date of the notice. The notice shall include addresses to which comments may be sent, and shall be published in general circulation media and available minority-focus media and trade association publications, and shall state that the comments are for informational purposes only.

(10) Failure to establish and implement overall annual goals as provided in this section constitutes noncompliance with this subpart. A sponsor that fails to comply with this requirement is not eligible to receive Federal financial assistance from the FAA.

(11) In setting overall DBE goals, the sponsor shall follow the procedures set forth in § 26.41 (b) through (e), as applied to contractors who are available for airport concession leases or contracts.

(12) To the extent practicable, sponsors shall seek to obtain DBE participation in all types of concession

activities and not concentrate participation in one category or a few categories to the exclusion of others.

(13) Approval by the appropriate FAA Regional Office of the sponsor's overall annual goals is required prior to implementation. If the FAA determines that the overall goals have not been correctly calculated or the justification is inadequate, the FAA may, after consulting with the sponsor, establish one or more adjusted overall annual goals. The adjusted overall goal(s) represents the FAA's determination of an appropriate overall goal for DBE participation in the sponsor's concession program, based on relevant data and analysis. The adjusted overall goal(s) shall be binding on the sponsor.

(b) *Goal methodology*. (1) The plan shall contain a description of the methodology used to calculate each overall DBE goal. The methodology shall include information on the concessions that will operate at the airport during the period covered by the plan. For each concession agreement, the sponsor shall provide the following information, together with any additional information requested by the Regional Civil Rights Officer:

(i) Name of firm (if known).

(ii) Type of business (e.g. bookstore, car rental, baggage carts).

(iii) Beginning and expiration dates of agreement, including options to renew.

(iv) For new agreements, method of solicitation proposed by sponsor (e.g. request for proposals, invitation for bids).

(v) Dates that material amendments will be made to the agreement (if known).

(vi) Except for sponsors covered by paragraph (a)(2)(ii) of this section, the estimated gross receipts for each goal period established in the plan.

(vii) Identification of those concessionaires that have been certified under this subpart as DBEs.

(viii) An indication of those concessions having potential for participation by DBEs.

(2) The plan shall provide information on other projected expenditures with DBE firms that the sponsor proposes to count toward meeting overall goals, including

(i) Name of each DBE firm (if known).

(ii) Type of business arrangement (e.g. management contract, vehicle leasing, building cleaning and maintenance service).

(iii) Estimated value of funds to be counted toward meeting the overall goals.

(iv) Identification of entity purchasing or leasing the goods or services from the DBE (e.g., the sponsor or name of non-DBE concessionaire).

(3) Sponsors that will levy a DBE contact goal or other requirements on competitors or concessionaires in accordance with § 26.115 of this subpart shall state those requirements in the plan.

(4) The plan shall include a narrative description of the types of efforts the sponsor intends to make in good faith to achieve the overall annual goals, in accordance with paragraph (k) of this section.

(c) *Counting DBE participation toward meeting the goals.* (1) A sponsor or concessionaire may count toward DBE goals expenditures with DBEs as referenced in this section, provided that the DBE performs a commercially useful function in the work of the contract. For purposes of this subpart, the term commercially useful function has the same meaning as in § 26.49(e) of this part, except that the requirements of § 26.49(e)(3) shall not apply to a concession agreement or management contract or subcontract.

(2) If a sponsor is covered by paragraph (a)(2)(i) of this section, DBE participation is counted toward meeting goals as follows.

(i) The total dollar value of a management contract or subcontract with a DBE is counted toward the goals (but the value of the gross receipts of the business activity to which the management contract or subcontract pertains is not counted toward the goals.)

(ii)(A) The total dollar value of gross receipts a DBE earns under a concession agreement is counted toward the goals, provided, however, that if the DBE enters into a subconcession agreement with a non-DBE, no portion of the gross receipts earned by the non-DBE is counted.

(B) When a DBE performs as a subconcessionaire to a non-DBE, only the portion of the gross receipts earned by the DBE under its subagreement is counted toward the goals.

(C) When a concession is performed by a joint venture involving a DBE, a portion of the gross receipts equal to the percentage of the ownership and control by the DBE partner in the joint venture is counted toward the goals.

(iii) A non-DBE car rental firm may count toward a contract goal set under § 26.115, the expenditures with DBEs for goods and services listed in paragraphs (c)(2)(iii) (A) through (C), (D)(1), and (E) of this section, which are used in operation of the concession. A sponsor may count these same expenditures toward its overall goal. Counting such expenditures toward DBE goals is subject to the additional condition stated in § 26.49(d) of this part.

(A) Costs incurred in connection with the renovation, repair, or construction of a concession facility (sometimes referred to as the ''build-out'') are counted toward DBE goals in accordance with § 26.49 of this part, except that 100 percent of the cost of any materials or supplies purchased from a DBE regular dealer and used in the project are counted toward the goals. For purposes of this subpart, the term regular dealer has the same meaning as in § 26.49(f)(2)(iii).

(B) The entire amount of fees or commissions charged by a DBE firm for a *bona fide* service is counted toward DBE goals, provided that it is determined by the sponsor to be reasonable and not excessive as compared with fees customarily allowed for similar services. Such services may include, but are not limited to, professional, technical, consultant, legal, security systems, advertising, building cleaning and maintenance, computer programming, or managerial.

(C) 100 percent of the cost of goods obtained from a DBE manufacturer is counted toward the goal. For purposes of this subpart, the term manufacturer has the same meaning as in § 26.49(f)(1)(ii) of this part.

(D)(*1*) 100 percent of the cost of goods purchased or leased from a DBE regular dealer is counted toward the goals.

(*2*) 100 percent of the goods purchased from a DBE regular dealer is counted toward goals.

(E) If goods are purchased from a DBE which is neither a manufacturer nor a regular dealer, credit toward DBE goals may be counted as follows:

(*1*) The entire amount of fees or commissions charged for assistance in the procurement of the goods is counted toward the goals, provided that it is determined by the sponsor to be reasonable and not excessive as compared with fees customarily allowed for similar services. No portion of the cost of the goods themselves may be counted toward DBE goals, however.

(*2*) The entire amount of fees or transportation charges for the delivery of goods required in a concession is counted toward DBE goals, provided that it is determined by the sponsor to be reasonable and not excessive as compared with fees customarily allowed for similar services. No portion of the cost of goods themselves may be counted toward the goals, however.

(iv) A non-DBE concessionaire (other than a car rental) may count toward a contract goal set under § 26.115, the expenditures listed in paragraphs

(c)(2)(iii)(A) through (C), (D)(2) and (E) of this section that are used in the operation of a concession. A sponsor may count these same expenditures towards its overall goal. Counting such expenditures toward DBE goals is subject to meeting the additional conditions set forth in § 26.117 of this subpart and § 26.49(d) of this part.

(3) The following guidelines apply the counting provisions of paragraph (c)(2) of this section to various transactions involving car rental firms.

(i) For purposes of this subpart, a fleet purchase means a purchase of vehicles in volume from a manufacturer at a discounted price, which is made through a car dealer. While the process used varies by manufacturer and by car dealer, the vehicles in a fleet purchase are frequently ''dropped-shipped'' directly to the car rental firm. A car dealer may use a separate account to handle fleet purchases. The minimum number of vehicles in a fleet purchase may vary, but as few as 10 have been used.

(ii) A car dealership shall not be regarded as a regular dealer in a transaction in which it assists a car rental firm to make a fleet purchase from a manufacturer. The entire amount of the fee or commission charged by a DBE car dealership for arranging a fleet purchase is counted toward DBE goals, provided that it is determined by the sponsor to be reasonable and not excessive as compared to fees customarily allowed for similar services. No portion of the cost of the vehicles themselves is counted toward DBE goals, however.

(iii) A DBE car dealership may be regarded as a regular dealer with respect to other transactions, including but not limited to, retail sales or leasing of vehicles other than through a fleet purchase and selling motor vehicle supplies or new parts, provided that the operation meets appropriate criteria in this section. In these instances, 100 percent of the cost charged by the DBE car dealer for such goods is counted toward DBE goals.

(iv) The entire amount of the cost charged by a DBE for repairing vehicles is counted toward DBE goals, provided that it is determined by the sponsor to be reasonable and not excessive as compared with fees customarily allowed for similar services.

(v) The entire amount of the fee or commission charged by a DBE to manage a car rental concession under an agreement with the concessionaire is counted toward DBE goals, provided that it is determined by the sponsor to be reasonable and not excessive as compared with fees customarily allowed for similar services.

(vi) No portion of a fee paid by a manufacturer to a car dealership for reimbursement of work performed under the manufacturer's warranty shall be counted toward DBE goals.

(4) If the sponsor is covered by paragraph (a)(2)(ii) of this section, DBE participation is counted toward meeting overall goals and any contract goals set under this subpart as follows:

(i) A sponsor or concessionaire shall count each concession agreement with a DBE toward its goal.

(ii) A sponsor shall count each management contract or subcontract with a DBE toward its goal.

(5) If a firm has not been certified as a DBE in accordance with the standards in this part, the firm's participation may not count toward DBE goals.

(6) Except in the case of a concessionaire that exceeds the small business size standard, as referenced under the definition of a ''small business concern,'' the work performed or gross receipts earned by a firm after its eligibility has been removed may not be counted toward DBE goals.

(d) [Reserved]

(e) *Accomplishments in achieving DBE goals.* The plan shall contain an annual analysis of the accomplishments made by the sponsor toward achieving the previous year's goals. The plan shall show the effect of those results on the overall level of DBE participation in the sponsor's concession program.

(f) *Explanation for not achieving a goal.* (1) If the analysis required under paragraph (e) of this section indicates that the sponsor failed to meet the previous year's overall goal, the plan shall include a statement of the reasons demonstrating why failure to meet the goal was beyond the sponsor's control.

(2) If the FAA determines that the reasons given by the sponsor are not sufficient justification, or if the sponsor fails to state any reasons, the FAA may require the sponsor to implement appropriate remedial measures. Such measures may include an adjustment to the overall goals of the concession plan.

(g) *Certification procedures.* (1) The procedures in § 26.71 apply to this subpart. The DBE concession plan shall state whether the sponsor participates in the unified certification program (UCP) for its state.

(i) A sponsor that participates in a UCP shall be subject to all certification procedures applicable to the UCP.

(ii) A sponsor that elects not to participate in the UCP shall independently certify concessionaires and other program participants counted toward DBE contract goals and overall goals under this subpart. Such a sponsor:

(A) Is not authorized to accept the certifications made by another sponsor or by a UCP;

(B) May, at its own discretion, use the pre-certification procedures in § 26.71(d).

(2) Pending the establishment of a UCP meeting the requirements of this part, any sponsor is authorized to take the actions set forth in § 26.71(g). A sponsor that does not participate in the UCP in its state is not authorized to take such actions, however, after the UCP has become operational.

(h) *Certification process.* (1) Except for paragraphs (c) (1) through (6) of this section, the requirements of § 26.73 of this part apply to all certifications made under this subpart.

(2) In determining whether a firm is an eligible DBE, a sponsor or UCP shall take all steps listed in paragraphs (h)(2)(i) through (vi) of this section.

(i) Obtain the resumes or work histories of the principal owners of the firm and personally interview these individuals;

(ii) Analyze the ownership of stock of the firm, if it is a corporation;

(iii) Analyze the bonding and financial capacity of the firm;

(iv) Determine the work history of the firm, including any concession contracts or other contracts it may have received;

(v) Obtain or compile a list of the licenses of the firm and its key personnel to perform the concession contracts or other contracts it wishes to receive;

(vi) Obtain a statement from the firm of the type(s) of concession(s) it prefers to operate or the type(s) of other contract(s) it prefers to perform.

(3) When determined by the sponsor or UCP to be necessary to validate the certification information submitted by the firm, the sponsor or UCP shall perform an on-site visit to the offices of the firm and to any facilities within the sponsor's jurisdiction or local area prior to making an eligibility determination.

(4) Each certified DBE shall provide the affidavit required by § 26.73(h) of this part, except that, for certifications made under this subpart, the affidavit shall affirm that the firm meets the appropriate size standard in Appendix G to this part.

(5) A sponsor described in paragraph (g)(1)(ii) of this section that does not adopt pre-certification procedures, is required to certify only those firms which will count toward DBE contract goals and overall goals set under this subpart. The provisions of § 26.73(i) shall not apply to such a sponsor if the application for certification is submitted

by a firm that will not count toward such goals.

(i) *Other certification procedures.* (1) Except as provided in paragraph (i)(2) of this section, the procedures in §§ 26.75, 26.77, 26.79, and 26.81 apply to this subpart. For purposes of this subpart, the term ''prime contractor'' in § 26.77(i) shall include:

(i) A firm holding a prime contract with an airport concessionaire to provide goods or services to the concessionaire; and

(ii) A firm holding a prime concession agreement with a sponsor.

(2) The procedures of § 26.77(i)(2) shall apply to this subpart, except when a sponsor removes a concessionaire's eligibility because the firm exceeded the size standard after entering a concession agreement. In such instances, the procedures set forth under the definition of a ''small business concern'' in § 26.101 shall apply.

(j) *Certification standards.* (1) Except as provided in paragraphs (j)(1) (i) and (ii) of this section, sponsors shall use the same standards as contained in §§ 26.51, 26.53, 26.57, 26.59, 26.61, and 26.63 of this part to determine whether a firm may be certified as a DBE under this subpart.

(i) The personal net worth threshold used in rebutting the presumption of disadvantage, referenced in §§ 26.57(b)(5) and (b)(6) and in appendix F of this part, shall be [a number to be inserted in the final rule] under this subpart;

(ii) The provisions of § 26.61(n) of this part shall not apply to this subpart.

(2) A newly formed firm applying for DBE certification as a concessionaire must meet all applicable eligibility standards in this part. A sponsor shall not deny certification solely because such firm was newly formed, without applying the standards in this part.

(3) Businesses operating under the following structures may be eligible for certification as DBEs under this subpart:

(i) Sole proprietorships meeting the standards in this part.

(ii) Corporations described in § 26.59(b).

(iii) Partnerships described in § 26.59(b).

(iv) Other structures that provide for ownership and control by the socially and economically disadvantaged owners.

(4) A business operating under a franchise or license agreement may be certified if it meets the standards in this subpart and the franchiser or licenser is not affiliated with the franchisee or licensee. In determining whether affiliation as defined in § 26.101 exists, the restraints relating to standardizing quality, advertising, accounting format, and other provisions imposed on a franchisee or licensee by its franchise or license agreement generally shall not be considered, provided that the franchisee or licensee has the right to profit from its efforts and bears the risk of loss commensurate with ownership. Alternatively, even though a franchisee or licensee may not be controlled by the franchiser or licenser by virtue of such provisions in the franchise agreement or license, affiliation could arise through other means, such as common management or excessive restrictions upon the sale or transfer of the franchise interest or license.

(5) An association of a DBE firm and one or more other firms meeting the definition of a joint venture in § 26.5 of this part is eligible for certification under this subpart.

(6) Businesses operating under the following arrangements are not eligible for certification as DBEs under this subpart:

(i) A limited partnership, in which a non-DBE firm or a non-disadvantaged individual is the general partner.

(ii) Other arrangements that do not provide for ownership and control by the socially and economically disadvantaged owners.

(k) *Good faith efforts.* (1)(i) A sponsor shall make good faith efforts in accordance with this section to achieve the overall goals of an approved concession plan.

(ii) For purposes of this subpart, good faith efforts means efforts which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to achieve a DBE goal or fulfill another program requirement.

(2) To the maximum extent feasible, sponsors shall meet overall goals by using outreach, technical assistance, and other methods to facilitate DBE participation, including, but not limited to the steps listed in paragraphs (k)(4) (i) through (iv) of this section.

(3)(i) To the extent that a sponsor has determined that it cannot meet its overall goals by using the means referenced in paragraph (k)(2) of this section, the sponsor shall use the additional steps listed in paragraphs (k)(4) (v) and (vi) of this section and the procedures in § 26.115.

(ii) Sponsors shall review at appropriate intervals the methods and procedures used to comply with this section to ensure that they continue to be needed to meet overall goals, modifying them as needed for this purpose. If the sponsor's actual DBE participation significantly exceeds its overall goals over a substantial period of time, the sponsor shall appropriately reduce the use of DBE contract goals as a means of meeting overall goals.

(4) Good faith efforts include the following:

(i) Locating and identifying DBEs who may be interested in participating as concessionaires or contractors under this subpart;

(ii) Notifying DBEs and other organizations of concession/contracting opportunities and encouraging them to compete, when appropriate;

(iii) When practical, structuring contracting activities so as to encourage and facilitate the participation of DBEs; and

(iv) Providing technical assistance to DBEs in overcoming limitations, such as inability to obtain bonding or financing.

(v) Informing competitors for concession/contracting opportunities of any DBE requirements during pre-solicitation meetings;

(vi) Providing information concerning the availability of DBE firms to competitors to assist them in meeting DBE requirements;

(5) A firm subject to a DBE contract goal set under § 26.115 of this subpart shall make good faith efforts to meet the goal. The firm shall consider implementing at least the steps listed in paragraph (k)(4) of this section.

(6) A sponsor and firm covered by § 26.117(b)(2) of this subpart shall make good faith efforts to meet the requirements of that section. The sponsor and firm shall consider implementing at least the steps listed in paragraph (k)(4) of this section.

(l) *Monitoring and compliance procedures.* The sponsor shall implement appropriate mechanisms to ensure compliance with the requirements of this subpart by all participants in the program. The sponsor shall include in its DBE concession plan the specific provisions to be inserted into concession agreements and management contracts, the enforcement mechanisms, and other means it uses to ensure compliance. These provisions shall include a monitoring and enforcement mechanism to verify that the work committed to DBEs as a condition of receiving the award of a covered contract is actually performed by the DBEs.

§ 26.109 [Reserved]

§ 26.111 Rationale for basing overall goals on the number of concession agreements.

(a) A sponsor that proposes to calculate the overall DBE goals as a percentage of the number of concession agreements shall submit information with the DBE plan to demonstrate that

one of the following applies to the airport:

(1) In order to achieve the overall DBE goals of the plan on the basis of gross receipts, the airport would need to award a disproportionate percentage of concession agreements to DBEs. This rationale may address a time period that extends beyond that covered by the current plan; or

(2) Other circumstances at the airport exist that do not make it feasible to use gross receipts as the basis for calculating the goals.

(b) If the FAA approves the request, the sponsor shall not be required to provide further justification during subsequent years of the plan, unless requested by the FAA to do so.

(c) If the FAA determines that the information submitted by the sponsor fails to justify the requested goal-setting procedure, the sponsor shall resubmit the plan. The goals in the revised plan shall be calculated as a percentage of gross receipts, as outlined in § 26.107(a)(2)(i) of this subpart.

§ 26.113 [Reserved]

§ 26.115 Obligations of concessionaires, contractors, and competitors.

(a)(1) Nothing in this subpart shall require any sponsor to modify or abrogate an existing concession agreement (one executed prior to the date the sponsor became subject to this subpart G) during its term. When an option to renew such an agreement is exercised or when a material amendment is made, the sponsor shall assess potential for DBE participation and may, if permitted by the agreement, set a DBE contract goal in accordance with this section.

(2) Sponsors may impose DBE contract goals on competitors for concession agreements or management contracts. If a contract goal is established, the solicitation shall notify competitors that as a condition of receiving the award of the agreement/contract, the competitor shall be required to submit information indicating that the competitor—

(i) Will meet the contract goal through utilization of one or more named DBEs; or

(ii) Made good faith efforts in accordance with § 26.107(k) of this subpart.

(3) The sponsor shall award an agreement or contract for which a contract goal has been established only to a firm that is responsive to the requirements of this section.

(4) All DBE contract goals established under this subpart shall provide for participation by all certified DBEs and may not be subdivided into group-specific goals.

(5) Sponsors are not required to set each contract goal at the same percentage level as the overall goal. The goal for a specific contract may be higher or lower than the percentage level of the overall goal, depending on such factors as the type of work involved, the location of the work, and the availability of DBEs for the work of the particular contract or concession.

(6) DBE contract goals shall be calculated as follows:

(i) If the goal is to attain a direct ownership arrangement with a DBE, the goal is calculated as a percentage of the total estimated annual gross receipts from the concession.

(ii) If the goal applies to purchases and/or leases of goods and services, the goal is calculated by dividing the estimated dollar value of such purchases and/or leases from DBEs by the sum of this amount and the estimated annual gross receipts to be earned by the concession.

(b) A sponsor may impose the requirements of paragraphs (b)(1) and/or (b)(2) of this section on a non-DBE car rental firm.

(1) The sponsor may set a DBE contract goal for the purchase or lease of goods or services, provided, that a car rental firm shall be permitted to meet such goal by including costs associated with purchases or leases of vehicles from any firm that qualifies as a DBE, as defined in this subpart.

(2)(i) The sponsor may require a car rental firm to state in writing—

(A) Whether a change in its corporate structure is needed in order to provide for a direct ownership arrangement with a DBE; and

(B) To identify the particular arrangements it can utilize for such purpose, if any.

(ii) For purposes of this subpart, a change in corporate structure shall include a transfer of corporate assets or execution of a joint venture, partnership, or sublease agreement.

(iii) If a car rental firm identifies one or more direct ownership arrangements pursuant to paragraph (b)(2)(i)(B) of this section, the sponsor may require the firm to make good faith efforts to achieve a DBE contract goal through such arrangement.

(iv) If a car rental firm cannot provide for a direct ownership arrangement with a DBE without changing its corporate structure, the firm shall be considered responsive to any requirement established by the sponsor under this paragraph (b)(2).

(3)(i) Nothing in this subpart shall require a car rental firm to change its corporate structure to provide for a direct ownership arrangement with a DBE in order to meet the requirements of this subpart.

(ii) In evaluating bids or proposals for a car rental concession, a sponsor shall not give preference or more favorable consideration solely because a firm can provide for a direct ownership arrangement with a DBE without changing its corporate structure.

(iii) A sponsor shall not grant more favorable terms or conditions in a car rental concession agreement solely because a firm can provide for a direct ownership arrangement with a DBE without changing its corporate structure.

(c) A sponsor may impose the requirements of paragraphs (b)(1) and/or (b)(2) of this section on a non-DBE concessionaire or competitor (except a car rental firm):

(1) Subject to complying with the conditions in § 26.117, the sponsor may set a DBE contract goal for the purchase of goods or services.

(2) The sponsor may set a contract goal to attain DBE participation solely through a direct ownership arrangement.

(d) A sponsor may impose a contract goal on a management contractor to attain DBE participation through a management subcontract.

(e) A sponsor is permitted to afford DBE firms opportunities to participate as prime concessionaires or management contractors through direct contractual agreements with the sponsor.

(f) When a contract goal has been established in accordance with this section, sponsors are prohibited from using more stringent mechanisms than good faith efforts (including, but not limited to, set-asides and a conclusive presumption) unless—

(1) The sponsor has legal authority independent of this part to use such mechanisms; and

(2) Where the sponsor has a continuing, substantial inability to meet its overall goal using the mechanisms provided for in this section. In such a case, the sponsor shall document in its file for the contract the basis for the determination that other available methods have proven unable to meet DBE goals.

(g) The concession plan shall include a description, together with a citation of state or local law, regulation, or policy, to support any requirement that a sponsor will levy on a firm which is in addition to the requirements of this subpart, such as a requirement to provide financial assistance to a DBE.

This subpart does not provide authority to establish such a requirement.

§ 26.117 Conditions precedent to counting purchases of goods and services by concessionaires (other than car rentals) toward DBE goals.

(a) A sponsor that proposes to count expenditures referenced in § 26.107(c)(1)(iv) of this subpart toward a DBE goal, shall include information in the concession plan on how it will comply with the requirements set forth in this section.

(b)(1) Except as provided in paragraph (d) of this section, the sponsor shall, with respect to each concession agreement covered by this section, implement the procedures of paragraph (b)(1) (i) or (ii) as follows:

(i) Set a DBE contract goal for a direct ownership arrangement and require the non-DBE firm to make good faith efforts as provided in § 26.115 of this subpart.

(ii) Submit information demonstrating that the sponsor and non-DBE firm made good faith efforts, in accordance with § 26.107(k) of this subpart, to explore all available options to attain, to the maximum extent practical, DBE participation through a direct ownership arrangement. If appropriate, the submission may include an explanation why the nature of a particular concession makes DBE participation through a direct ownership arrangement not economically feasible or otherwise impractical.

(2) [Reserved]

(c)(1) The FAA shall approve or disapprove a DBE contract goal submitted by the sponsor pursuant to paragraph (b)(2)(1) of this section.

(2)(i) If a sponsor submits information meeting the standards in paragraph (b)(1)(ii) of this section, the FAA Regional Office shall approve the submission, and if appropriate, require the sponsor to reassess the feasibility of setting a DBE contract goal prior to exercising each option to renew the concession agreement, when a material amendment is made to the agreement, or at another appropriate time.

(ii) If a sponsor submits information that does not meet the standards in paragraph (b)(1)(ii) of this section, the FAA Regional Office may;

(A) Require that additional efforts be made by the sponsor and concessionaire;

(B) Direct the sponsor to set a DBE contract goal for a direct ownership arrangement; or

(C) Take other appropriate action in accordance with this subpart.

(d) If the FAA approved a plan referenced in § 26.121(b)(2) of this subpart, the sponsor is not required to submit additional information pursuant to this section unless requested by the FAA to do so.

(e)(1) Purchases of goods and services covered by this section may be counted toward DBE goals throughout the duration of a concession agreement, provided, that all requirements of this section and subpart are being met.

(2) In the event the FAA determines that the sponsor and non-DBE firm did not comply with all requirements of this subpart, the FAA may direct that the purchases of goods and services affected by such determination shall not be counted toward DBE goals.

§ 26.119 Privately-owned terminal buildings.

(a) The requirements of this subpart apply to concession activities conducted by a private owner of an airport terminal building. The sponsor shall levy the applicable requirements on the terminal owner through the agreement with the owner or by other means, except that certification shall, in the case of a primary airport, remain the responsibility of the sponsor. The sponsor shall ensure that the terminal owner complies with the requirements imposed pursuant to this subpart.

(b) If a terminal building is at a primary airport, the sponsor shall obtain from the terminal owner the overall goals and other elements of the DBE concession plan required under § 26.107. This information shall be incorporated into the concession plan and goals established by the sponsor and submitted to the FAA in accordance with this subpart.

(c) If the terminal building is at a commercial service airport (except primary), general aviation, or reliever airport, the sponsor shall ensure that the owner complies with the requirements in § 26.105(c).

§ 26.121 Prohibition on long-term, exclusive concession agreements.

(a) Except as provided in paragraph (b) of this section, sponsors shall not enter into long-term, exclusive agreements for the operation of concessions. For purposes of this section, a long-term agreement is one having a term in excess of five years. Guidelines for determining whether an agreement is exclusive, as used in this section, shall be issued by the FAA and be made available through any FAA Regional Civil Rights Officer or from the FAA Office of Civil Rights, 800 Independence Avenue, SW., Washington, DC 20591, Attention, ACR–4.

(b) A long-term, exclusive agreement is permitted under this subpart, provided that:

(1) Special local circumstances exist that make it important to enter such agreement, and

(2) The responsible FAA regional civil rights officer approves of a plan for ensuring adequate DBE participation throughout the term of the agreement.

(c) Sponsors shall submit the following information with the plan referenced in paragraph (b)(2) of this section:

(1) A description of the special local circumstances that warrant a long-term, exclusive agreement, e.g., a requirement to make certain capital improvements to a leasehold facility.

(2) A copy of the draft and final leasing and subleasing or other agreements. The long-term, exclusive agreement shall provide that:

(i) One or more DBEs will participate as concessionaires throughout the term of the agreement and account for at a percentage of the estimated annual gross receipts equivalent to a level set in accordance with § 26.107(a)(11) of this subpart.

(ii) The extent of DBE participation will be reviewed prior to the exercise of each renewal option to consider whether an increase is warranted. (In some instances, a decrease may be warranted.)

(iii) A DBE concessionaire that is unable to perform successfully will be replaced by another DBE concessionaire, if the remaining term of the agreement makes this feasible. In the event that such action is not feasible, the sponsor shall require the concessionaire to make good faith efforts during the remaining term of the agreement encourage DBEs to compete for the purchase and/or lease of goods and services that it procures.

(3) Assurances that a DBE concessionaire will be in an acceptable form, such as a sublease, joint venture, or partnership.

(4) Documents used by the sponsor in certifying the DBEs.

(5) A description of the type of business or businesses to be operated, location, storage and delivery space, ''back-of-the-house facilities'' such as kitchens, window display space, advertising space, and other amenities that will increase the DBE's chance to succeed.

(6) Information on the investment required on the part of the DBE and any unusual management or financial arrangements between the prime concessionaire and DBE.

(7) Information on the estimated gross receipts and net profit to be earned by the DBE.

§ 26.123 Compliance procedures.

(a) *Complaints.* Any person who believes that there has been a violation of this subpart may personally, or through a representative, file a written complaint in accordance with FAA regulations (14 CFR part 16). The complaint must be submitted to the Federal Aviation Administration, Office of the Chief Counsel, Attention: FAA Part 16 Airport Proceedings Docket (AGC–610), 800 Independence Avenue, SW., Washington, DC 20591. Complaints which meet the requirements of 14 CFR part 16 shall be docketed and processed as formal complaints.

(b) *Compliance procedures.* In the event of noncompliance with this subpart by a sponsor, the FAA Administrator may take such action as provided in Title 49 of the United States Code (U.S.C.), including sections 47106(d), 47111(d), and 47122.

§ 26.125 Effect of subpart.

(a) *Local requirements not preempted.* Nothing in this subpart shall preempt any State or local law, regulation, or policy enacted by the governing body of a sponsor, or the authority of any State or local government or sponsor to adopt or enforce any law, regulation, or policy relating to DBEs. In the event that a State or local law, regulation, or policy conflicts with the requirements of this subpart, the sponsor shall, as a condition of remaining eligible to receive Federal financial assistance from the DOT, take such steps as may be necessary to comply with the requirements of this subpart.

(b) *Local geographical preference.* Nothing in this subpart shall prohibit a sponsor from employing a local geographical preference in evaluating bids or proposals for a concession agreement or other contract covered by this subpart, provided that the procedure does not conflict with any provision in this part or have the effect of defeating or substantially impairing accomplishment of the objectives of the program. An example of a prohibited practice is a local geographical preference that has the effect of discriminating against a business owner on the grounds of race, color, sex, or national origin, in violation of § 26.7 of this part.

(c) The miscellaneous provisions set forth in § 26.99 of this part apply to this subpart.

Appendix A to Part 26—Explanation of Provisions

The text of this appendix is not included in this SNPRM, since it is intended to reflect the Department's understanding of the meaning and proper interpretation of the provisions of the final version of Part 26. The Department, as an alternative or addition to publishing this Appendix in the final rule, may publish this material as part of a compliance guide responding to the requirements of the Small Business Regulatory Enforcement Fairness Act of 1996.

Appendix B to Part 26—Guidance Concerning Good Faith Efforts

When, as a recipient, you establish a contract goal on a DOT-assisted contract, any bidder which does not meet this goal must show you that it made good faith efforts to do so. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

It is important for you to look at not only the different kinds of efforts that the contractor has made, but also the quantity and intensity of these efforts. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere *pro forma* efforts are not good faith efforts to meet the DBE contract requirements. The extent to which other bidders obtained DBE participation, and the kind and quality of steps they took in attempting to do so, can be considered by the recipient in the course of evaluating a bidder's good faith efforts.

The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

D. Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the extra cost involved in finding and utilizing DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. As a recipient, you may establish, as part of the solicitation, a reasonable range of additional cost that you will consider in making a good faith efforts determination. The range set forth in solicitation documents, or your finding of reasonableness in the absence of a predetermined range should be determined on a case-by-case basis appropriate to the circumstances of the contract involved.

We also note that the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to either meet the contract goal or demonstrate that it made adequate, but unsuccessful, good faith efforts.

E. Noting whether other bidders have met the contract goal. When the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal.

F. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within the highway construction industry, membership in specific groups, organizations, or associations and political or social affiliations [for example union vs. non-union employee status] are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.

G. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

H. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

I. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

In any situation in which you have established a contract goal, Part 26 requires you to use the good faith efforts mechanism

of this part in determining whether bidders/offerors have met program requirements. You must make a fair and reasonable judgment concerning the good faith efforts made by competitors for contracts, and must not accept a showing of efforts that are inadequate or merely *pro forma*.

You are also cautioned against requiring that a bidder meet a contract goal in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. If you impose such a requirement, or reject reasonable showings of good faith efforts by bidders, you may create a *de facto* quota system. Except in the limited circumstances noted in § 26.45(e), you are prohibited from using quotas, a conclusive presumption, or set-asides in the award of DOT-assisted contracts. Such actions may also expose you to lawsuits from contractors.

Appendix C—DBE Certification Application Form

Application is hereby made by the Individual (organization) identified below for certification as a disadvantaged business enterprise (DBE) under the U.S. Department of Transportation DBE program pursuant to 49 CFR part 26. Socially and Economically Disadvantaged (SED) Individuals are presumed to be members of the following groups: Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Subcontinent Americans, Women and any groups so designated by the Small Business Administration (SBA). Applicants who are not one of the presumed groups must prove social and economic disadvantage in accordance with the standards in 49 CFR Part 26, Appendix F.

Any person claiming SED status shall attach copies of a current Financial Statement prepared by an independent CPA or accountant. In addition a copy of one of the following documents must be submitted to prove membership in the ethnic group claimed:

Membership letter or certificate of ethnic organization—Tribal Certificate or Bureau of Indian Affairs Card—Birth Certificate/Record (including those of natural parents)—U.S. Passport—Armed Service Discharge Papers—Alien Registration Number—Any other document that provides evidence of ethnicity.

Note: For purposes of this application the following SED codes are to be used (B) Black Americans, (H) Hispanic Americans, (NA) Native Americans, (AP) Asian-Pacific Americans, (AS) Subcontinent—Asian Americans, (W) Women, (SBA) Other Groups Approved By SBA (O) Other.

Answer all questions. Indicate ''N/A'' if question does not pertain to your firm.

_____

1. Name and Address of Company

_____

2. Mailing Address (if Different)

_____

3. Contact Person and Title

_____

4. Telephone No.

_____

5. Federal Identification Number

_____

6. Other Identification Number Used

7. Has this firm been certified under Section 8(a) by the Small Business Administration? Yes __ No __ If certified attach a copy of the certification.

8. NATURE OF THE FIRM'S BUSINESS:

_____

9. Standard Industrial Classification (SIC) Code and applicable size standard for which the firm qualifies to do business (Refer to the small business size standard at 13 CFR part 121)

SIC _____
Size _____
SIC _____
Size _____
SIC _____
Size _____
SIC _____
Size _____

10. List States in which the firm is authorized to do business.

11. LICENSES REQUIRED TO CONDUCT BUSINESS. Attach copies of any required local, county and state active business license(s) and permit(s), i.e., contractors, PUC, A&E registration etc.

A. For each license/permit attached, indicate:

Name of licensee	Name of qualifying individual	Type of licenses	DBE code	Exp. date

(If the qualifying individual is not one of the minority or women owners listed in the application, please explain in Item 28.)

12. OWNERSHIP INFORMATION:

____Sole Proprietor ____Partnership ____Corporation ____Joint Venture ____Other

Date established/incorporated _____ State _____

13. LIST OWNERS/INVESTORS WHO HAVE A 5% OR MORE INTEREST:

Name	DBE code	Gender M/F	Date of ownership	No. of shares	Voting %	U.S. citizen or permanent resident?

Check here ____, if more space is needed and continue listing in Item 29.

14. List on an attachment to this form, any other companies in which any of their individuals are employed, have been employed within the past year, and also have more than a 5% ownership interest.

15. BOARD OF DIRECTORS (in the last three years)

Name	Title	DBE code	M/F	Expiration of

Check here ____, if more space is needed and continue listing in Item 29.

16. List the contributions of money, equipment, real estate, or expertise of each of the owners/investor. Attach proof of the initial investment in the firm (dollars, real estate, equipment, etc.) on behalf of each of the owners. If more space is required continue in Item 29.

17. MANAGEMENT: List individuals by name and title responsible for the management areas indicated. Detailed resume showing work/experience history and current responsibilities must be included for each individual listed.

Duties	Individual responsible	Reports to:	DBE code
Preparation and presentation of estimates and bids:			
Hiring and firing management personnel:			
Final Determination of what jobs the company will undertake:			
Day to Day Operations			
Negotiations and approval of contracts:			
Administration of company contracts:			
Marketing and sales activities:			
Negotiating and signing for surety bonds:			
Supervision of field operations:			

18. Identify any owner or management official of the firm who is, or has been, an employee of another firm that has an ownership interest in or a present business relationship with the named firm. Provide details of the arrangement and relationship. Present business relationships include shared space, equipment, financing or employees, as well as both firms having the same owners. Be sure to list those persons who are currently working for any other business which has a relationship with this firm, whether on a full-time or part-time basis as an owner, partner, shareholder, advisor, consultant, or employee.

19. Company's experience: List the three largest projects performed by the company in the last 3 years. If performed as a subcontractor, indicate the name of the prime contractor and a contact person for these projects.

Project	Dollar amount	Date completed	Prime contractor/contact person

20. Indicate the firm's gross receipts for the last three tax years:

YEAR ENDING			
GROSS RECEIPTS	$	$	$

21. Name of Surety Company _____ Bonding limit _____
Agent _____ Telephone Number _____

22. Who signs for insurance and payroll? _____. Provide copy of the signed Corporate Bank Resolution(s) and bank account(s) signature card(s)

23. List all sources and amounts of money loaned to the company, when and by whom:

Source	Amount	Date	Terms

24. NAME, COMPANY AND ADDRESS OF FIRM'S CPA OR ACCOUNTANT

25. NAME, COMPANY AND ADDRESS OF FIRM'S ATTORNEY

26. WORKFORCE INFORMATION:
Past calendar year: Highest Total _____ Lowest Total _____ Average _____
A. Permanent Personnel Currently on Payroll

	Administrative	Clerical	Supervisory	Skilled	Unskilled
Part-Time					
Full-Time					

	Administrative	Clerical	Supervisory	Skilled	Unskilled
TOTAL					

B. Are any of the employees on another firm's payroll? Yes ____ No ____. If yes, please identify firm(s) and number of employees _____

27. Provide a listing of owned and leased equipment. Do not include leases. Copies of the state registration cards and titles must be provided for all vehicles that require state registration/licensing. Copies of documentation of ownership for all other equipment owned or leases for leased equipment must be attached.

28. Indicate if the firm or other firms with any of the same officers or owners has previously received or has been denied certification of participation as a DBE, MBE or WBE and describe the circumstances. Indicate the name of the certifying authority and the date of such certification or denial or decertification.

29. Please use the space provided below to explain any of the above items. You may attach additional sheets if necessary.

Affidavit

''The undersigned swears that the foregoing statements are true and correct and include all material information necessary to identify and explain the operations of the firm below as well as the ownership thereof. Further, the undersigned agrees to permit an onsite review of the company's operation as well as the audit and examination of books, records and files of the named firm. Any material misrepresentation will be grounds terminating eligibility as well as any contract which may be awarded and for initiating action under Federal and/or State laws concerning false statements.''

Note: If additional information is required to determine certification, the conditions stated in the affidavit are applicable. If there are any significant changes in the information provided above that would alter your status as a DBE inform the certifying agency (See 49 CFR 26.73(g)).

_____

Name of Firm

_____

Name

_____

Title

_____

Signature

_____

Date

On this _____ day of _____, 19____, before me appeared

_____

who, being duly sworn, did execute the foregoing affidavit, and did state that he or she was properly authorized by (Name of Firm)

_____

to execute the affidavit and did so as his or her free act and deed.

Notary Public _____

Commission expires _____

[Seal]

—Submit the following Documents (and any amendments thereto):

S	P	C	1. Equipment rental and purchase agreement.
S	P	C	2. Management service agreements.
	P		3. Current Federal Tax Form 1065 (plus previous two (2) years).
	P		4. Partnership agreement.
	P		5. Buy-out rights agreement.
	P		6. Profit-sharing agreement.
S	P	C	7. Proof of capital invested.
S	P	C	8. Current financial statement prepared by an independent CPA or accountant.
		C	9. Current Federal Tax Form 1120S and 4562 (plus previous two (2) years).
S	P	C	10. Resumes of principals of your company showing education, training and employment, with dates.
		C	11. Articles of incorporation, including date approved by State.
		C	12. Minutes of first corporate organizational meeting.
		C	13. Minutes of board meetings for the past two years.
		C	14. Corporate bylaws.
		C	15. Copy of stock certificates issued (not a specimen copy)
		C	16. Stock transfer ledger.
		C	17. Proof of stock purchase.
S	P	C	18. Copies of third-party agreements, such as rental or management service agreements.
S	P	C	19. Applicable license(s) and/or permit(s).
S	P	C	20. Business card.
S	P	C	21. Birth certificate or American passport of qualifying applicant.
S	P	C	22. Names of two client references.
S	P	C	23. Lease/rental agreement for business site.
S	P	C	24. One canceled check used for lease/rental of business site.
S	P	C	25. Bank signature card.
S	P	C	26. Recent contractual agreement between firm and client.
S	P	C	27. Brochure (or descriptive information on firm).

S—Sole Proprietorship P—Partnership C—Corporation.

Appendix D to Part 26—DBE Business Development Program Guidelines

(A) Each firm that participates in the developmental program is subject to a program term determined by the recipient. The term will consist of two stages; a developmental stage and a transitional stage.

(B) In order for a firm to remain eligible for program participation, it must continue to meet all eligibility criteria contained in Subpart G.

(C) By no later than 6 months of program entry, the participant should develop and submit to the recipient a comprehensive business plan setting forth the participant's business targets, objectives and goals. The participant will not be eligible for program benefits until such business plan is submitted and approved by the recipient. The approved business plan will constitute the participant's short and long term goals and the strategy for developmental growth to the point of economic viability beyond traditional areas of DBE program participation.

(D) The business plan should contain at least the following:

1. An analysis of market potential, competitive environment and other business analyses estimating the program participant's prospects for profitable operation during the term of program participation and after graduation from the program.

2. An analysis of the firm's strengths and weaknesses, with particular attention paid to the means of correcting any financial, managerial, technical, or labor conditions which could impede the participant from receiving contracts other than those in traditional areas of DBE participation.

3. Specific targets, objectives, and goals for the business development of the participant during the next two years, utilizing the results of the analysis conducted pursuant to paragraphs (C) and (D)(1) of this appendix;

4. Estimates of contract awards from the DBE program and from other sources which are needed to meet the objectives and goals for the years covered by the business plan; and

5. Such other information as the recipient may require.

(E) Each participant shall annually review its currently approved business plan with the recipient and shall modify such plan as may be appropriate to account for any changes in the firm's structure and redefined needs. The currently approved plan shall be considered the applicable plan for all program purposes until the recipient approves in writing a modified plan. The recipient shall establish an anniversary date for review of the participant's business plan and contract forecasts.

(F) Each participant shall annually forecast in writing its need for contract awards for the next program year and the succeeding program year during the review of its business plan conducted under paragraph (E) of this appendix. Such forecast shall be included in the participant's business plan. The forecast shall include:

(1) The aggregate dollar value of contracts to be sought under the DBE program, reflecting compliance with the business plan;

(2) The aggregate dollar value of contracts to be sought in areas other than traditional areas of DBE participation;

(3) The types of contract opportunities being sought, based on the firm's primary line of business; and

(4) Such other information as may be requested by the recipient to aid in providing effective business development assistance to the participant.

(G) Program participation is divided into two stages; (1) A developmental stage and (2) a transitional stage. The developmental stage is designed to assist participants to overcome their social and economic disadvantage by providing such assistance as may be necessary and appropriate to enable them to access relevant markets and strengthen their financial and managerial skills. The transitional stage of program participation follows the developmental stage and is designed to assist participants to overcome, insofar as practical, their social and economic disadvantage and to prepare the participant for leaving the program.

(H) The length of service in the program term should not be a pre-set time frame for either the developmental or transitional stages but should be figured on the number of years considered necessary in normal progression of achieving the firm's established goals and objectives. The setting of such time could be factored on such items as, but not limited to, the number of contracts, aggregate amount of the contract received, years in business, growth potential, etc.

(I) Beginning in the first year of the transitional stage of program participation, each participant shall annually submit for inclusion in its business plan a transition management plan outlining specific steps to promote profitable business operations in areas other than traditional areas of DBE participation after graduation from the program. The transition management plan should be submitted to the recipient at the same time other modifications are submitted pursuant to the annual review under paragraph (E) of this section. Such plan shall set forth the same information as required under paragraph (F) of steps the participant will take to continue its business development after the expiration of its program term.

(J) When a participant is recognized as successfully completing the program by substantially achieving the targets, objectives and goals set forth in its program term, and has demonstrated the ability to compete in the marketplace in non-traditional areas, its further participation within the program may be determined by the recipient.

(K) In determining whether a concern has substantially achieved the goals and objectives of its business plan, the following factors, among others, shall be considered by the recipient:

(1) Profitability;

(2) Sales, including improved ratio of non-traditional contracts to traditional-type contracts;

(3) Net worth, financial ratios, working capital, capitalization, access to credit and capital;

(4) Ability to obtain bonding;

(5) A positive comparison of the DBE's business and financial profile with profiles of non-DBE businesses in the same area or similar business category; and

(6) Good management capacity and capability.

(L) Upon determination by the recipient that the participant should be graduated from the developmental program, the recipient shall notify the participant in writing of its intent to graduate the firm in a letter of notification. The letter of notification shall set forth findings, based on the facts, for every material issue relating to the basis of the program graduation with specific reasons for each finding. The letter of notification shall also provide the participant 45 days from the date of service of the letter to submit in writing information which would explain why the proposed basis of graduation is not warranted.

(M) Participation of a DBE firm in the program may be discontinued by the recipient prior to expiration of the firm's program term for good cause due to the failure of the firm to engage in business practices that will promote its competitiveness within a reasonable period of time as evidenced by, among other indicators, a pattern of inadequate performance or unjustified delinquent performance. Also, the recipient can discontinue the participation of a firm that does not actively pursue and bid on contracts, and a firm that, without justification, regularly fails to respond to solicitations in the type of work it is qualified for and in the geographical areas where it has indicated availability under its approved business plan. The recipient shall take such action if over a 2-year period a DBE firm exhibits such a pattern.

Appendix E to Part 26—Mentor-Protégé Program Guidelines

The purpose of this program element is to assist DBEs to move into non-traditional areas of work, via the provision of training and assistance from other firms. Any mentor-protégé program shall be evidenced by a written development plan, approved by the recipient, which clearly sets forth the objectives of the parties and their respective roles, the duration of the arrangement and the resources covered. The formal mentor/protégé agreement may set a fee schedule to cover the direct and indirect cost for such services rendered by the mentor for specific training and assistance to the protégé through the life of the agreement. It is recognized that this type of service provided by the mentor is considered fundable under the applicable DOT federally assisted program.

To be eligible, the mentor's services provided and associated costs must be directly attributable and properly allowable to specific individual contracts; the recipient may establish a line item for the mentor to quote the portion of the fee schedule expected to be provided during the life of the contract. The amount claimed shall be verified by the recipient and paid on an incremental basis representing the time the protégé is working on the contract. The total individual contract figures accumulated over the life of the agreement shall not exceed the

amount stipulated in the original mentor/protégé agreement.

DBEs involved in a mentor-protégé agreement must be independent business entities which meet the requirements for certification as defined in Subpart D. If the recipient chooses to recognize mentor/protégé agreements, formal general program guidelines shall be developed and submitted to the operating administration for approval prior to the recipient executing an individual contractor/subcontractor-mentor/protégé plan.

Appendix F to Part 26—Individual Determinations of Social and Economic Disadvantage

This appendix contains guidance for recipients as they make individual determinations of social and economic disadvantage for individuals who are not entitled to the statutory presumption of social and economic disadvantage. Applicants not entitled to the presumption must establish both social and economic disadvantage by a preponderance of the evidence.

Social Disadvantage

Socially disadvantaged individuals are those who have been subjected to racial or ethnic prejudice or cultural bias because of their identities as members of groups without regard to their individual qualities. The social disadvantage must stem from circumstances beyond their control. Social disadvantage must include the following elements:

(a) The individual's social disadvantage must stem from his or her color, ethnic origin, gender, physical handicap, long-term residence in an environment isolated from the mainstream of American society, or other similar cause not common to small business persons who are not socially disadvantaged.

(b) The individual must demonstrate that he or she has personally suffered social disadvantage, not merely claim membership in a nondesignated group which could be considered socially disadvantaged.

(c) The individual's social disadvantage must be rooted in treatment which he or she has experienced in American society, not in other countries.

(d) The individual social disadvantage must be chronic and substantial, not fleeting or insignificant.

(e) The individual's social disadvantage must have negatively impacted on his or her entry into and/or advancement in the business world. Recipients must entertain any relevant evidence in assessing this element of an applicant's case, placing emphasis on the following experiences of the individual, where relevant:

(1) *Education*. The recipient must consider, as evidence of an individual's social disadvantage, denial of equal access to institutions of higher education; exclusion from social and professional association with students and teachers; denial of educational honors; social patterns or pressures which have discouraged the individual from pursuing a professional or business education; and other similar factors.

(2) *Employment*. The recipient must consider, as evidence of an individual's social disadvantage, discrimination in hiring; discrimination in promotions and other aspects of professional advancement; discrimination in pay and fringe benefits; discrimination in other terms and conditions of employment; retaliatory behavior by an employer; social patterns or pressures which have channeled the individual into nonprofessional of non-business fields; and other similar factors.

(3) *Business history*. The recipient must consider, as evidence of an individual's social disadvantage, unequal access to credit or capital; acquisition of credit or capital under unfavorable circumstances; discrimination in receipt (award and/or bid) of contracts; discrimination by potential clients; exclusion from business of professional organizations; and other similar factors which have impeded the individual's business development.

Economic Disadvantage

Economically disadvantaged individuals are socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially disadvantaged, and such diminished opportunities have precluded or are likely to preclude such individuals from successfully competing in the open market (i.e., the individuals are not in a position to compete on a ''level playing field'' with non-disadvantaged businesses or business owners). The DBE program is not intended to assist concerns owned and controlled by socially disadvantaged individuals who have accumulated substantial wealth, who have unlimited growth potential or who have not experienced or have overcome impediments to obtaining access to financing, markets and resources.

In determining the degree of diminished credit and capital opportunities of a socially disadvantaged individual, the recipient must consider factors relating both to the applicant and to the individual(s) claiming disadvantaged status, including that individual's access to credit and capital; the financial condition of the applicant; and the applicant's access to credit, capital, and markets. That is, the recipient must look at the situation of the business as well as that of the owner personally. The recipient must compare the applicant's business and financial profile with profiles of businesses in the same or similar line of business which are not owned and controlled by socially and economically disadvantaged individuals.

The recipient must consider the following factors:

(a) *Personal financial condition of the individuals claiming disadvantaged status*. This criterion is designed to assess the relative degree of economic disadvantage of the individual, as well as the individual's potential to capitalize or otherwise provide financial support for the business. The specific factors to be considered include, but are not limited to, the individual's personal net worth, the individual's personal income for at least the past two years, and the total fair market value of all assets. Generally, an individual whose personal net worth exceeds [an amount to be inserted in the final rule] is viewed as not being economically disadvantaged, absent a showing by the individual that other factors in his or her economic situation, the nature of the markets in which his or her firm is competing, the business financial condition of the firm, or its access to capital or credit, make that individual and his or her business relatively disadvantaged (i.e., not on a level playing field), compared to competing firms.

(b) *Business financial condition*. This criterion will be used to provide a financial picture of a firm at a specific point in time in comparison to other concerns in the same or similar line of business which are not owned and controlled by socially and economically disadvantage individuals. In evaluating a concern's financial condition, the recipient's consideration must include, but not be limited to, the following factors: business assets, revenues, pre-tax profits, working capital and net worth of the concern, including the value of the investments in the concern held by the individual claiming disadvantaged status.

(c) *Access to credit and capital*. This criterion will be used to evaluate the ability of the applicant concern to obtain the external support necessary to operate a competitive business enterprise. In making the evaluation, the recipient must consider the concern's access to credit and capital, including, but not limited to, the following factors: Access to long-term financing; equipment trade credit; access to raw materials and/or supplier to trade credit; and bonding capability.

Claims of Disadvantage Based on Alleged Effects of DBE Program

Individuals cannot establish they are socially and economically disadvantaged by relying on competitive disadvantages they allegedly suffer because of the operation of the DBE program itself, or of similar state and local programs. Over the years, there have been allegations from some white male-owned firms that they have difficulty getting contracts in certain fields or certain jurisdictions *because* the DBE program results in a significant portion of contracts going to DBEs. The Department is aware of arguments having been made that this situation may make a given white male-owned firm eligible for an individual finding of social and economic disadvantage. The Department does not accept this argument, which would have the effect of benefiting firms the DBE program is not intending to assist because the program has been successful in assisting the firms for which it is intended. Nothing in this appendix provides that the effect of government-sponsored affirmative action programs can be used as a basis for a finding of disadvantage. Recipients are instructed not to make findings of disadvantage on such a basis.

Appendix G to Part 26—Size Standards for the Airport Concession Program

MAXIMUM AVERAGE ANNUAL GROSS RECEIPTS IN PRECEDING 3 YEARS

[In millions of dollars]

Concession	Amount
Food and beverage	33.270
Book stores	33.270
Auto rental	44.360
Banks	[1] 100.00
Hotels and motels	33.270
Insurance machines and counters	33.270
Gift, novelty, and souvenir shops	33.270
Newsstands	33.270
Shoe shine stands	33.270
Barber shops	33.270
Automobile parking	33.270
Jewelry stores	33.270
Liquor stores	33.270
Travel agencies	33.270
Drug stores	33.270
Pastries and baked goods	33.270
Luggage cart rental	33.270

MAXIMUM AVERAGE ANNUAL GROSS RECEIPTS IN PRECEDING 3 YEARS—Continued

[In millions of dollars]

Concession	Amount
Coin-operated T.V.'s	32.040
Game rooms	33.270
Luggage and leather goods stores	33.270
Candy, nut, and confectionery stores	33.270
Toy stores	33.270
Beauty shops	33.270
Vending machines	33.270
Coin-operated lockers	33.270
Florists	33.270
Advertising	33.270
Taxicabs	33.270
Limousines	33.270
Duty free shops	33.270
Local pay telephone service	[2] 1500
Gambling machines	33.270
Other concessions not shown above	33.270

[1] As measured by total assets.

[2] As measured by number of employees.

OTHER PARTICIPANTS

Management contractors:	
Parking lots	5.0.
Other	As defined in 13 CFR Part 121.
Motor vehicle dealers (new and used).	500 employees.[3]
Other providers of goods or services.	As defined in 13 CFR Part 121.

[3] See definition of ''small business concern'' in § 26.101 for additional information regarding firms classified within this industry.

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federal register

Friday
May 30, 1997

Part V

Department of Education

Indian Education Formula Grants to Local Educational Agencies; Notice

DEPARTMENT OF EDUCATION

[CFDA 84.060A]

Indian Education Formula Grants to Local Educational Agencies

AGENCY: Department of Education.

ACTION: Reopening of closing date for transmittal of applications for new awards for fiscal year (FY) 1997 under the Indian Education Formula Grants to Local Educational Agencies Program (formula grant program) authorized under Subpart 1 of Part A of Title IX of the Elementary and Secondary Education Act (ESEA).

SUMMARY: On December 19, 1996, a notice inviting applications for new awards for FY 1997 for the Indian Education formula grant program was published in the **Federal Register** (61 FR 67178). That notice provided detailed information concerning this program and established March 10, 1997 as the deadline date for receipt of applications. This notice reopens the deadlines for transmittal of applications and for intergovernmental review as originally established in the December 19, 1996 notice. Applicants that have already submitted an application need not submit another application. However, those applicants have until the new closing date to submit any revisions to their application.

Deadline for Transmittal of Applications

The new closing date is June 16, 1997.

Applications not meeting the deadline will not be considered for funding in the initial allocation of awards. Applications not meeting the deadline may be considered for funding if the Secretary determines, under Section 9117(d), Subpart l, Part A of Title IX, ESEA, that funds are available and that reallocation of those funds to those applicants would best assist in advancing the purposes of the program. However, the amount and date of an individual award, if any, made under Section 9117(d) may not be the same to which the applicant would have been entitled if the application had been submitted on time.

Deadline for Intergovernmental Review

The new date is August 15, 1997.

For Applications or Information Contact

Cathie Martin, Office of Indian Education, U.S. Department of Education, 600 Independence Avenue, S.W., Portals Building—Room 4300, Washington, D.C. 20202–6335. Telephone: (202) 260–1683. Deaf and hearing impaired individuals may call the Federal Dual Party Relay Service at 1–800–877–8339 (in the Washington, D.C. 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m. Eastern time.

Authority: 20 U.S.C. 7811–7818, 7881.

Dated: May 27, 1997.

Gerald N. Tirozzi,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 97–14173 Filed 5–29–97; 8:45 am]

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May 30, 1997

Part VI

Northeast Dairy Compact Commission

7 CFR Chapter XIII

Compact Over-Order Price Regulation and Results of Producer Referendum; Final Rules

NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Chapter XIII

Compact Over-Order Price Regulation

AGENCY: Northeast Dairy Compact Commission.

ACTION: Final rule.

SUMMARY: This rule establishes a compact over-order price regulation (''price regulation'') for all Class I, fluid milk route distributions in the territorial region of the six New England states, in the combined, Federal Milk Market Order #1 and compact over-order, amount of $16.94 (Zone 1). The price regulation is established for a six-month duration. The Northeast Dairy Compact Commission (''Compact Commission'') establishes this price regulation based on its findings that it is necessary to assure the viability of dairy farming in New England and to assure the region's consumers of a continued, adequate, local supply of fresh and wholesome milk, reasonably priced, and that it is otherwise in the public interest. The Compact Commission also establishes the price regulation based on the finding that the regulation has been approved by producer referendum pursuant to Article V, section 13 of the Northeast Interstate Dairy Compact. Certification of notice of approval by referendum is published separately in this **Federal Register**.

The price regulation applies to all route dispositions of Class I fluid milk in the territorial region of the six New England states by compact ''pool plants'', or fluid processing plants located in New England, and by compact ''partially regulated plants'', or fluid processing plants located outside New England with such route dispositions in the region. The specific amount of the compact over-order price will be announced each month in coordination with the established procedure for price announcement by the Market Order #1 Administrator.

The price regulation provides for a reimbursement to the Women, Infants and Children Special Supplement Nutrition Program under the United States Child Nutrition Act of 1966. (WIC Program). The reimbursement is in the entire amount of the compact over-order price, or the difference between $16.94 and the Market Order #1 price (Zone 1) as announced monthly, for all milk purchases made by each of the six State WIC programs.

The Compact Commission will monitor production levels regionally and nationally to determine whether action is necessary to assure compliance with the provisions of 7 U.S.C. 7256(5), relating to compensation of the Commodity Credit Corporation (CCC). Finally, the price regulation establishes an administrative assessment of 3.2 cents per hundredweight of milk on all route dispositions of Class I, fluid milk in the territorial region of the six New England states.

EFFECTIVE DATE: July 1, 1997.

ADDRESSES: Northeast Dairy Compact Commission, 43 State Street, P.O. Box 1058, Montpelier, VT 05601.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission at the above address or by telephone at (802) 229–1941 or by facsimile at (802) 229–2028.

SUPPLEMENTARY INFORMATION:

Background

The Compact Commission was established under authority of the Northeast Interstate Dairy Compact (''Compact''). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Pub. L. 93–320; Maine—Pub. L. 89–437, as amended, Pub. L. 93–274; Massachusetts—Pub. L. 93–370; New Hampshire—Pub. L. 93–336; Rhode Island—Pub. L. 93–106; Vermont—Pub. L. 89–95, as amended, 93–57. Consistent with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Pub. L. 104–127 (FAIR ACT), Section 147, codified at 7 U.S.C. § 7256. Subsequently, the United States Secretary of Agriculture, pursuant to 7 U.S.C. § 7256(1), authorized implementation of the Compact.

Section 8 of the Compact empowers the Compact Commission to engage in a broad range of activities designed to ''promote regulatory uniformity, simplicity and interstate cooperation.'' For example, the Compact authorizes the Compact Commission to engage in a range of inquiries into the existing milk programs of both the participating states and the federal milk marketing system, to make recommendations to participating states, and to work to improve industry relations as a whole. *See* Compact, Art. IV, Section 8.

In addition to the powers conferred by Section 8, the Compact also authorizes the Compact Commission to consider adopting a compact over-order price regulation. *See* Compact, Art. IV, Section 9. A ''compact over-order price'' is defined as:

> A minimum price required to be paid to producers for Class I milk established by the Commission in regulations adopted pursuant to sections nine and ten of this compact, which is above the price established in federal marketing orders or by state farm price regulation in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission.

See Compact, Art. II, Section 2(8).

The regulated price established by the Compact Commission is actually an incremental amount above, or ''over-order'' (Federal Milk Market Order) the minimum price for the same milk established by Federal Milk Market Order #1. Price regulation provides for payment of a uniform, ''over-order'' price, out of the proceeds of the price regulation, to dairy farmers making up the New England milkshed, regardless of the utilization of their milk. Such price regulation also establishes the minimum procurement price to be paid by fluid milk processors for milk that is ultimately utilized for fluid milk consumption in the New England region. *See* Compact, Art. IV, Section 9 (''The Commission is hereby empowered to establish the minimum price for milk to be paid by pool plants, partially regulated plants and all other handlers receiving milk from producers located in a regulated area.'')

Section 11 of the Compact delineates the administrative procedure the Compact Commission must follow in deciding whether to promulgate a price regulation:

> Before promulgation of any regulations establishing a compact over-order price or commission marketing order, including any provision with respect to milk supply under subsection 9(f), or amendment thereof, as provided in Article IV, the commission shall conduct an informal rulemaking proceeding to provide interested persons with an opportunity to present data and views. Such rulemaking proceeding shall by governed by section four of the Federal Administrative Procedures Act, as amended (5 U.S.C. § 553). In addition, the commission shall, to the extent practicable, publish notice of rulemaking proceedings in the official register of each participating state. Before the initial adoption of regulations establishing a compact over-order price or a commission marketing order and thereafter before any amendment with regard to prices or assessments, the commission shall hold a public meeting. The Commission may commence a rulemaking proceeding on its own initiative or may in its sole discretion act upon the petition of any person including individual milk producers, any organization of milk producers or handlers, general farm organizations, consumer or public interest groups, and local, state or federal officials.

Pursuant to Section 11 of the Compact, the Compact Commission issued a Notice of Hearing on December 13, 1996,[1] and held public hearings on

[1] 61 FR 65604 (December 13, 1996).

December 17 and 19, 1996. The Notice also invited the public to submit written comments through January 2, 1997. Following the close of this comment period, the Commission met on January 16, 1997 and established three working groups to consider the testimony and data submitted. The Commission issued a Notice of Additional Comment Period on March 14, 1997.[2] This comment period closed on March 31, 1997; the reply comment period closed April 9, 1997.

Based on the testimony and comment received, the Compact Commission issued a Proposed Rule on April 28, 1997 to adopt price regulation.[3] As part of the proposed rule, the Commission published for comment technical regulations to be codified at 7 CFR 1300, *et seq.* Minor corrections to the proposed rule were published on May 8, 1997,[4] to provide clarification and correct errors.

In response to the Proposed Rule issued April 28, 1997, the Compact Commission received additional comment to which it responds below. The Commission also summarizes the findings regarding adoption of the price regulation which were set forth in the Proposed Rule, and provides further discussion of its conclusions. For the reasons stated in the discussion of the Proposed Rule, 62 FR 23032–62, and for the reasons stated in this Final Rule, the Commission hereby adopts the Final Rule.

I. Comments Received in Response to the Proposed Rule and Commission's Response

Comments received by the Commission's published deadline of May 12, 1997 were duly considered by the Commission. The Commission met on May 14, 1997 to consider and act on the comment received. Public notice of this meeting was published on May 7th in the **Federal Register**.[5]

Summary and Analysis of Comments

Nineteen comments were received during the comment period. Eight comments were received from dairy farmers, seven of whom expressed support for the proposed rule. The remaining farmer suggested an alternative approach to price regulation. Four comments were received from officials of dairy cooperatives. Three of these comments expressed support for the proposed rule, with recommendations for some modification of the technical provisions proposed for codification in the **Federal Register**. The remaining comment did not express an opinion on the regulation, but raised some questions about the technical provisions. One commenter, author of one of the studies cited in the proposed rule, provided some clarification about that study. One commenter, the Director of a State WIC Program, proposed some minor modification to the joint proposal presented by the six New England State WIC Directors adopted and incorporated into the Proposed Rule. One commenter, a private attorney, expressed strong reservations about certain aspects of the Proposed Rule. One commenter, the President of a Vermont bank, expressed concern about the sufficiency of the proposed administrative assessment. One commenter, Manager of Public Affairs for the Northeast Farm Credit Associations, expressed support for the proposed rule. One commenter, representing a fluid milk processor, sought an exemption from operation of the price regulation for a certain class of such processors. The final commenter suggested an additional rationale for the cost of production study recommended in the proposed rule.

Dairy Farmer Comment and Reply

Seven of the eight dairy farmers submitting comment expressed general support for the proposed rule, and indicated that New England dairy farming is in severe distress. Most of the commenters indicated that the price they received for their milk does not cover their costs of production. Following is a representative statement of the comment received:

> How do we make farming attractive to our children, when all they see is our struggle to make ends meet, and the constant stress these times put us through. How do we plan for a retirement if we have to borrow more money that eventually eats up our equity in the farm?[6]

The one farmer who did not express support for the approach of the Proposed Rule indicated that the proposed price regulation would not be sufficient to show improved financial performance of farming operations, because the likely price increase will still not be sufficient to provide for costs of production.[7] She indicated that financial losses and attrition would continue, only at a slower rate. In response, the Commission notes that the level of price adopted reflects the dual scrutiny of the inquiry into the price needed to assure an adequate supply of milk along that with assessing costs of production. The price level adopted also reflects a balancing of the numerous elements comprising the ''public interest'' in price regulation. It is also noted that the establishment of a ''flat'', combined federal Market Order and Compact Over-order Price Regulation is designed to improve economic performance through price stabilization as well as income enhancement. The Commission nonetheless recognizes the on-going need to monitor the impact of price regulation to determine if it is achieving the desired goal with respect to improvement of dairy farm viability.

The commenter indicated an apparent, personal, willingness to cut production so as to provide only for the Class I market subject to regulation under the Compact, with the remainder of any production to receive the price for milk utilized for manufactured products. Assuming the commenter is proposing something more than a personal option as a general alternative for implementation of price regulation, the Commission responds that such an approach is beyond the Commission's authority. The Commission has no authority over the pricing of milk utilized for manufactured purposes. See 7 U.S.C. § 7256(2). The commenter's approach is therefore not a workable alternative. The Commission does note the commenter's further suggestion of the need to monitor production levels in response to price regulation. A mechanism for tracking production levels is included in the Final Rule.

Comment on the WIC Proposal and Reply

One of the State WIC Program Directors submitted comment providing minor modification of the joint proposal for the WIC Program reimbursement adopted as part of the Proposed Rule. In view of the importance of the WIC Program to the overall context of price regulation, the joint proposal is again incorporated in full text, including the minor modifications provided by the commenter:[8]

About the WIC Program

The Special Supplemental Nutrition Program for Women, Infants and Children (WIC) is a unique health and nutrition program serving women and children with—or at risk of developing—nutrition-related health problems. WIC provides access to healthcare, free nutritious food, and nutrition information to help keep low to moderate income pregnant women,

[2] 62 FR 12252 (March 14, 1997).
[3] 62 FR 23032 (April 28, 1997).
[4] 62 FR 25140 (May 8, 1997).
[5] 62 FR 24849 (May 7, 1997).
[6] Roy and Brenda Patterson, May 9, 1997.
[7] Rosemarie A. Jeleniewski, May 1, 1997.
[8] Typographical corrections submitted by Sally Beach have also been incorporated.

infants and children under five healthy and strong.

WIC provides a monthly ''prescription'' for nutritious foods tailored to supplement the individual dietary needs of each participant. Foods include milk, cheese, eggs, cereal, fruit juice and peanut butter. Included foods are specifically chosen to provide high levels of protein, iron, calcium, and Vitamins A and C—nutrients that have been scientifically shown to be lacking of needed in extra amounts in the diets of the WIC-eligible population. These five nutrients—plus calories and other essential nutrients provided by the WIC food prescription—are critical for good health during periods of growth and development. Milk and other dairy products play a large and important role in every participant's food package. WIC also distributes coupons for fresh produce—redeemable at local farmers' markets—in conjunction with State Departments of Agriculture.

WIC is a prevention program designed to influence lifetime nutrition and health behaviors. Ongoing nutrition education—the centerpiece of WIC—is designed to ensure that program participants continue to make healthy choices at the grocery store even when they are no longer eligible.

WIC Works

WIC is widely acknowledged to be effective in the prevention of immediate health problems and in the improvement of long-term health outcomes. More than 70 evaluation studies have demonstrated the effectiveness of WIC and documented medical, health and nutrition successes for women, infants, and children: WIC also saves money. Studies have also shown that WIC is cost effective. Every WIC dollar spent on pregnant women produces $1.92 to $4.21 in Medicaid savings for newborns and their mothers.

How WIC Works

The WIC Program is a Federally funded program carried out according to provisions of the Federal Child Nutrition Act. The Program is funded through the Food and Consumer Service of the United States Department of Agriculture (USDA).

The Program is administered on the local level by State WIC Programs in the Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and the Vermont State Departments of Public Health (the States). State funds are also provided in Massachusetts. Participants are issued WIC checks or vouchers at local agencies for WIC authorized foods. The checks or vouchers—which do not have a predetermined value—are redeemed at authorized retail stores at current store prices in accordance with posted prices. Prepayment edits are performed on each check to ensure that specific food purchasing, pricing and payment requirements are met.

The average number of women and children provided WIC benefits and services in August, 1996 in the New England States was 212,760. Individual State WIC participation was: Connecticut 47,673, Massachusetts 99,643; Maine 20,243; New Hampshire 14,700; Rhode Island 17,360; and Vermont 13,141 (Final August, 1997 FSC 298 Reports). These numbers do not include infants also served by the WIC Program.

WIC is not an entitlement program. The number of participants that WIC is able to serve at any time is dependent upon availability of funds from Federal and State sources, and the costs of WIC food items. The national appropriation for WIC is capped by Congress. The amount of USDA funding each State receives is determined through complex formulae taking into account such factors as the number of people served and the funding level of the previous year. The grant level and food costs determine the number of people who can be serviced—not the number of people in need.

Since the amount of funds is fixed, any increase in the price of WIC foods has the effect of reducing the number of women and children the available grant dollars can serve.

USDA estimated that there are 9.4 million women, infants, and children in the U.S. who meet WIC's income eligibility guidelines (185% of the Federal poverty level). The national WIC fiscal year 1997 Federal appropriation is approximately $4 billion. This sum would serve only about 5.5 million at full retail prices, about 60% of the eligible persons.

All the States have instituted measures to stretch food funds to the maximum, including restrictions on container size, brands and product price, requiring store or least expensive brands, competitive store selection procedures, and manufacturers' rebates on infant formula and infant cereal. Nationally, these measures have brought over $1 billion in savings, which are then used to provide services to an additional 1.9 million needy mothers and children. In New England, over 75,000 women and children receive WIC services as a direct result of these cost savings measures, the most significant of which are the result of cooperative projects of State WIC directors working together on an interstate basis.

Still, more than 20% of eligible women and children remain unserved. WIC's current funding is estimated to be $100 million short for this year, with several States reducing caseloads. Funding prospects for next year are not any better, and State WIC programs in New England are not eligible to receive funding to offset the impact of an Over-order Price Regulation.

As such, it is imperative that WIC's funds be held harmless from adverse impact due to price regulation.

The WIC Program and the Milk Over-Order Price Regulation

New England State WIC Programs recognize the important role that farms and farmers play in New England, including ensuring an ongoing supply of fresh milk at competitive prices, keeping important industry—and jobs—in our area, and providing open space that increases quality of life for all New England residents. The New England WIC Programs also understand the need for dairy farmers' relief.

WIC is a major purchaser of locally produced dairy products in the New England region. Because WIC recognizes the importance of dairy products at critical times of child development and therefore must continue its milk purchases, the Program must be concerned with the fact that food cost increases have a direct, inverse effect on the number of participants WIC is able to serve. An increase in milk prices is of particular concern because of the large quantity of milk WIC purchases each month.

Milk purchases are some 35% of WIC food dollars spent by participants. The number of quarts of Class 1 fluid milk purchased by WIC participants in New England in August 1996 was 3,779,015, which represents approximately 3.7% of the total amount sold by New England producers in the Region. WIC Class 1 fluid milk purchases in quarts by State were: Connecticut 1,100,000; Massachusetts 1,481,163; Maine 457,852; New Hampshire 230,000; Rhode Island 300,000; and Vermont 210,000.

Given current WIC participation levels, a 1 cent per quart wholesale price increase in Class 1 Fluid milk reflected at the retail level would translate into an increase in monthly WIC program expenditures of $37,790 for New England as a whole. This increase would necessitate a decrease in monthly program funded participation of 1,260. A 5 cent per quart milk retail price increase would result in an increase in monthly WIC expenditures

of $189,950 and a participation decrease of 6,302.

In order to maintain services to eligible persons, without compromising the nutritional health effectiveness of its food benefits if food costs rise, WIC managers must achieve offsets to increased food benefit expenditures and use those offsets to serve a significant portion of the eligible women and children in need. Further, if the States in New England must reduce or limit participation levels due to higher Class 1 fluid milk costs, there will be a negative impact on Federal WIC funding to the New England Region—and on the amount of milk purchased.

As important, low income women and children who WIC is not able to serve because of increased food costs will not receive the essential medical, health and nutritional benefits of WIC participation. It is critical, then, that the intended benefits to the regional economy and the continuation of dairy farming in New England not accrue at the cost of a significant risk to maternal and child health stemming from Regulation-related costs to WIC.

Retail Price Impact of Price Regulation

The Northeast Interstate Dairy Compact enables participating States collectively to regulate the New England farm price for Class 1 fluid milk, thereby enhancing and stabilizing dairy farmer income. This Regulation may have the effect of increasing the price paid for Class 1 fluid milk by WIC participants at retail stores, if the regulated farm price increase translates directly into an increase at the retail level. Other goals are to stabilize processor and retailer costs and consumer prices.

Concomitantly, the findings of Hansen, *et al*[9] with regard to the variability of milk farm prices and asymmetric price transmission are the basis for the theory that an Over-order Price Regulation on Class 1 fluid milk which brings about stable farm prices for Class 1 fluid milk will result in price stability—and potential price decreases—in Class 1 milk at the retail level for consumers over a period of time. Testing this concept, presented by US Senator Patrick Leahy of Vermont in public comment before the Northeast Dairy Compact Commission, would appear viable with regard to the impact of a price regulation on consumer milk prices.

[9] Hahn, *et al*, ''Determinants of the Farm-to Retail Milk Price Spread'', Agriculture Information Bulletin #693, March 1994.

Demonstration Period and Continuing Assessment of Impact

The New England State WIC Programs understand that the Compact is considering an Over-order Price Regulation on Class 1 fluid milk for a specific period of time. The State Directors believe it appropriate that any initial price regulation be in effect for a limited period, such as six months. A potential outcome of such a demonstration could provide evidence which supports that milk farm price stability due to a price regulation will result in price stability, and perhaps decreases and related savings, on Class 1 fluid milk purchases by consumers—including WIC participants—over time.

To measure and document the impact of a price regulation, the Commission will need to develop systems and methodologies to gather, track and analyze Class 1 fluid milk retail price data in order to accurately assess and evaluate any regulation-related adverse or beneficial impact on costs to consumers and WIC, and to make related adjustments to assure that the public interest is served and consumers and the WIC Program and its participants are protected.

Such an analytical framework should include information which is appropriate to milk purchasing and pricing at both the New England Regional and individual State levels—including each State's WIC programs—comprising representative samples of market areas and retail store types, proportion of sales by package size (quarts, half gallons and gallons), and the degrees to which retail price fluctuations differ for package sizes in relation to each other, since data reflect WIC operations and purchasing patterns in each State. WIC participants often purchase 2 half gallon containers, and the majority do not have ready access to supermarkets, especially for frequent purchase of a perishable product such as milk.

As important, analysis should include development of a baseline by which changes over time will be measured, as well as evaluation of the relationship between changes in the price regulation and Class 1 fluid milk prices at retail levels over time and the cost impact to WIC. WIC does not specify the fat content of milk purchased. Tracking and measuring product differentials based on fat content, therefore, is not necessary to any WIC cost impact methodology.

Post Demonstration Reimbursement System

Given such analysis and evaluation and sufficient evidence, Commission reimbursement to WIC could be then based upon the over-order price regulation and—specifically, on the amount of any portion of the retail cost for Class 1 fluid milk to WIC attributable to the regulation which would encompass and respond to individual state WIC programs.

Demonstration Period Reimbursement System

State WIC Programs recognize, however, that the theory and data which may justify the adoption of a demonstration period regulation does not provide demonstrated, proven assurance that there would be no cost increase to WIC on its Class 1 fluid milk purchases. Notwithstanding any public interest or other justification for a regulation, in the absence of such current evidence that a regulation would be either cost neutral or beneficial to WIC's present year funding, the Commission should provide a way to protect and hold harmless the WIC Program—and its participants—in the New England States from potential increases in the Class 1 fluid milk retail price during a period of a demonstration over-order price regulation, for at least the period of any demonstration regulation. It is clearly a part of the public interest under any regulation to protect WIC's limited funds and the full number of women and children WIC would otherwise serve. Price regulation must not leave women's and children's health and nutritional status at risk because appropriated WIC funds were diverted to pay higher milk prices, rather than remaining with the WIC Program to provide benefits to participants.

Given that State WIC Programs have a September 30th fiscal year end, the Compact Commission can not make the Program whole after the fact. Further, WIC must operate in a funding ''limbo'' between October and January when its State Program grants are announced. Uncertainty regarding the potential effect of price regulation, or reimbursements to states made by the Compact Commission at a later date, would force State WIC managers to lower first quarter participation levels.

As such, the State WIC Programs in New England propose a method by which the WIC Program will be held harmless from any impact related to a demonstration of a compact over-order price regulation for Class 1 fluid milk. The Commission would reimburse each

respective State WIC Program. The amount of reimbursement would be based on (1) the quantities of milk purchased with WIC checks and (2) the amount of any compact over-order price regulation.

This would allow the Commission to implement a Compact demonstration regulation, providing essential relief to dairy farmers, and WIC could continue to serve the maximum number of participants in each State allowed by the grants during price regulation demonstration. This would also allow the Commission a period of time to develop a more finely attuned analysis of the impact of the regulation, and to develop methods to most accurately ascertain any cost to WIC and the most appropriate reimbursement levels.

The principles of the interim mechanism proposed by the State Directors are:

1. The Commission should establish a Reserve Account, to assure that funds are on hand for timely reimbursement by the Commission to the States. This account will be funded from the Compact Over-order price regulation based on the recent percentage of total milk sold in New England purchased by WIC participants and the amount of the Over-order price regulation.

2. Any Commission Over-order Price Regulation in a given month will result in a cent for cent reimbursement for Class 1 fluid milk paid for by each State WIC Program in that month. The amount of reimbursement will be based on the quantities of milk actually paid for by each WIC State Program. Funds in the Reserve Account will only be drawn by individual States in proportion to the price regulation. Unused funds would return to the Commission.

3. Each State WIC Program will invoice the Commission on a monthly basis for reimbursement due. When the refund amounts are small, individual States may elect to bill up to 3 months in one invoice to avoid unnecessary administrative costs for both parties.

Formal Agreement

Implementation will take place under the terms and conditions of a formal agreement between the Commission and the States, entered into by the State WIC Programs acting as a single entity. Such an agreement must contain the above provisions for interim reimbursement determination and procedures, continuing assessment of impact, how the parties will change to any post demonstration reimbursement system, conditions for mutual agreement for modifications to the agreement, term of the agreement and conditions for mutual or either party termination prior to expiration of the agreement.

The above proposal by the State WIC Programs in New England and any subsequent agreement are subject to approval by the Food and Consumer Service of the USDA. The State WIC Programs will collaborate with the Compact Commission and USDA Food and Consumer Service to develop and implement agreement provisions and operating procedures for any reimbursement system which meet the requirements of Compact legislation and Federal WIC guidance, rules and regulations.

Comment on the Technical Provisions and Reply

Two commenters [10] indicated that the definition of ''Producer'' under proposed 7 CFR § 1301.11 required clarification. Specifically, the commenters sought clarification of the definition's requirement that a producer's milk ''* * * must move to a pool plant during the current month and must have been moved to a pool plant for (5) months subsequent to July of the preceding calendar year. * * *'' They indicated the provision is not clear as to the minimum number of shipments each month that would satisfy the requirement. They also indicated that requiring shipments for every day of each month would be overly restrictive and cause market distortion. They propose instead reliance upon the requirement that shipments occur during a representative period for the subject months.

The Commission agrees with the commenters. Such representative time periods appear elsewhere in the regulation as well as in the regulatory pattern of the underlying federal Market Order. Accordingly, the movement of milk required under 7 CFR 1301.11 shall be required for at least one half of the days of each applicable month called for by the section. The section has been amended to conform to this change.

One commenter [11] inquired with respect to the relative treatment of diverted milk by cooperative handlers and handlers operating pool plants. This comment revealed the need for correction of a clerical error to ensure uniform treatment. Accordingly, the reference in 7 CFR 1301.23(b) to a ''partially regulated pool plant'' is corrected to read ''plant other than a pool plant''.

The same commenter inquired specifically whether a cooperative is considered a producer in its receipt of the proceeds of the price regulation. In response, the Commission responds in the affirmative. The same commenter inquired specifically with regard to a cooperative's responsibility to collect the Over-order obligation and the administrative assessment from the cooperative's Class I customers. In response, the Commission notes that cooperatives have no such responsibility.

This commenter also indicated general concern with regard to how the technical provisions would be administered in practice, given the lack of a narrative description in the Proposed Rule. The Commission indicates that the technical provisions are drawn in principle part from the underlying Market Order #1, and uniformity in substance as well as text was established to the degree possible. The Commission also notes that the Market Order #1 Administrator will be providing for the substantial administration of the Compact price regulation, to ensure uniformity and consistency between operation of the underlying Market Order and the Compact Over-order price regulation.

The commenter also inquired with regard to the impact of price regulation on New York's voluntary handling and premium structure. In response, the Commission notes the Compact has no regulatory authority over such payments, and that they are subject only to response of the marketplace.

Two commenters [12] sought specific clarification with regard to payments to those producers supplying pool plants and those producers supplying partially regulated pool plants. In response, the Commission observes that the commenters correctly noted that producers supplying pool plants will receive payment of the pool price, regardless of farm location, for all milk supplied to the pool plant. Producers supplying partially regulated pool plants will receive payment of a prorated amount of the pool price, based on the plant's dispositions of fluid milk sales in New England.

These commenters also sought clarification with regard to the definition of route dispositions. Specifically, they wished to ensure that milk sold in New England is traced to the original processing plant. In response, the Commission indicates that the commenters have accurately described the treatment of all such milk under the regulations. See 7 CFR 1304.4(ii).

One commenter [13] indicated the filing date for reports of receipts and utilization under 7 CFR 1303.1 is earlier than the similar report date for the

[10] Berthiaume, May 9, 1997 (Also on behalf of Sally Beach); Wellington, May 12, 1997.

[11] Gallagher, May 12, 1997.

[12] Berthiaume and Beach, May 12, 1997.

[13] Wellington, May 12, 1997.

Federal Market Order, and will be difficult for handlers to meet. In response, the Commission notes that the date was specifically selected to ensure sufficient time for the Market Order Administrator to conduct the dual, coordinated calculations required by the Compact price regulation and the Federal Milk Market Order and all subsequent, coordinated, reports and price announcements. This coordinated process is necessary to ensure that payments to farmers can be made according to the same schedule as under the Federal Market Order.

Three commenters [14] indicated that 7 CFR 1308.1, relating to the Administrative Assessment, suggests that the assessment is due on milk marketed by cooperatives for non-Class I purposes, or beyond the scope of this price regulation. The Commission agrees the section requires clarification to remove such an ambiguity. The applicable provision, 7 CFR 1308.1(b) has been so modified.

One commenter [15] indicated the assessment incorrectly denotes the intended amount because of a typographical error. The Commission also agrees with this comment. The correct amount is 3.2 cents per cwt. The applicable provision, 7 CFR 1308.1(b) has been so modified.

One commenter [16] expressed concern that the amount of the proposed administrative assessment is not sufficient to allow the Commission to recoup all of the costs incurred during 1996–97 associated with administration of the price regulation. The Commission responds by accepting the comment with the intent to examine further the proper calculation of the ''assessment for the specific purpose'' of administration of price regulation, within the meaning of Compact Article VII, section 18(b).

One commenter [17] indicated that fluid processing companies providing over-order prices ''both at the blend and Class I constantly throughout the year, not for example when milk is in short supply or when it is a means to solicit more farmers'' should be exempt from price regulation. The Commission appreciates the concern of the commenter. The Commission responds by noting that the price regulation is designed to mirror operation of the Market Order in substantial form to the degree possible. An exemption from regulation based on payment of market-based premiums is not recognized under the Federal Market Order System. Accordingly, to provide such an exemption would disrupt the complimentary function of the Compact and underlying Market Order.

General Comment and Reply

One private commenter expressed concern with reliance on cost of production analysis as a basis of price regulation.[18] According to this commenter, existing milk prices already have a ''close relationship'' with production costs. The commenter cited analysis in an accompanying article [19] which indicates that costs of production increase when milk prices rise and decline when milk prices fall, based on business decisions made by farmers in response to changing milk prices. The commenter indicated that reliance on cost of production calculations as the basis for price regulation is made further suspect given that cash operating costs ''by every measure'' are significantly below milk prices, and it is only when non-cash costs are factored in that milk prices emerge as lower than operating costs. Taking his concerns together, according to the commenter, price regulation premised on a higher calculation of costs of production will serve only ''to produce a one-way price ratchet, never again allowing significant reductions in cost of production as occurred in the past.'' The commenter concludes by warning that ''[t]his illustrates the danger of looking beyond the sufficiency of the volume of milk available to the market in making any judgment concerning whether the price to produce such milk is adequate.''

In response, the Commission notes first that the Compact explicitly requires the Compact Commission to make an express finding with regard to ''what level of prices will assure that producers receive a price sufficient to cover their costs of production'' as the basis of any price regulation. Compact Art. V Section 13. The same finding requires inquiry into the level of price sufficient to ''elicit an adequate supply of milk'' for the region, or an analysis along the lines suggested by the commenter. The inquiry required by the Compact, however, is a dual one of these two issues, rather than the single analysis presented by the commenter.

The Commission agrees with the commenter that proper accounting for cash and non-cash costs creates complexity for the accurate determination of whether farm prices are covering costs of production. The Proposed Rule noted this complexity, yet indicated that the diversity of methodology does not compromise the quality of the extensive data presented or the conclusion that such costs are not being covered by pay prices. The Compact Commission also found in the Proposed Rule, and consistent with the commenter's assertion, that costs of production move in relation to prices.[20] It is for both these reasons that the Commission identified that there exists a range of cost of production rather than a single, precise amount. Again, however, the record nonetheless strongly supports the Commission's conclusion that costs of production, however calculated, are not being covered by pay prices and that this is a primary cause of the loss of dairy farms in New England which must be addressed.

In further response to the commenter, the Commission notes that the failure of milk prices to cover costs of production is only one factor relied upon by the Compact Commission in conducting the inquiry mandated by the first finding into the farm-based need to establish price regulation. Responses to the persistent, adverse impact of price volatility and to the failure of milk prices to account for inflation over time are also bases for the stated amount of price regulation.

This same commenter suggests the Commission should utilize its authority under Section 8 of the Compact to explore ways to enhance producer income by means other than price

[14] Berthiaume, Beach, and Wellington, May 12, 1997.

[15] Berthiaume and Beach, May 12, 1997.

[16] Perine, May 12, 1997.

[17] Flint, May 12, 1997.

[18] Vetne, May 9, 1997.

[19] Mark Stephenson, ''The Problem of Declining Milk Prices and The Economic Consequences of a Geographically Isolated Solution'' (Undated) The commenter cites to another article by the same author, ''The Problem of Using Cost of Production as a Basic Formula Price'', Undated) submitted with his testimony on December 19, 1996. This latter article presents a similar argument with regard to prices and costs of production.

The Compact Commission notes that the article titled ''The Problem of Declining Milk Prices and The Economic Consequences of a Geographically Isolated Solution'' expresses concern with price regulation in a single-state format. The author's stated concern, however, is mitigated by an express reference to the Northeast Interstate Dairy Compact:

It is my understanding that several other states in the Northeast are currently considering legislation of higher prices. Although I favor the efficiency of unrestricted markets, uniformly adopted price increases would not be as disruptive to orderly milk movements and manufacturing patterns as geographically isolated augmentations. (At 16)

[20] In making this determination, the Commission cited the comment of DeGeus: In good years, we find that the cost of production tends to rise with the price of milk. With the extra cash farmers replace worn out equipment and make repairs that may have been delayed for years. When the price of milk drops below cost, they consume some of the equity in their farms to meet family living expenses and cash flow demands. De Geus, 1/2/97 Written Comment at 75.

regulation.[21] This comment is beyond the scope of the Proposed Rule.[22]

The same commenter expressed reservation about the Compact Commission's legal authority to regulate the price of milk which is marketed in the New England region but produced outside the region, other than by assessment of so-called ''compensatory payments'' on such milk. See 7 U.S.C. 7256(7).

The Commission responds by identifying its authority to regulate the price of milk marketed in New England but produced outside the region, which is derived from the basic definitional and operational provisions of the Compact. This authority is not limited to the imposition of compensatory payments. Rather, the Commission is authorized further to regulate such milk by the establishment of a ''pool'' of the proceeds of price regulation on such milk. This pool is used further as the basis for payment back to producers supplying the milk.

Section 9(d) of the Compact authorizes the Commission:

> [T]o establish the minimum price for milk to be paid by pool plants, *partially regulated plants* and all other handlers receiving milk from producers located in a regulated area. (Emphasis supplied.)

Compact, Article IV, Section 9(d). ''Partially regulated plants'' are defined as those milk plants

> Not located in a regulated area but having Class I distribution within such area, or receipts from producers located in such area.

Compact Art. II, Section 2(7). Compact Section 10(7) authorizes the Commission to adopt

> Provisions specially governing the pricing *and pooling* of milk handled by partially regulated plants. (Emphasis supplied.)

Compact Art. IV, Section 10(7). The Compact accounts for the establishment of this pooling mechanism for partially regulated plants because such regulatory authority is critical to the uniform and equitable administration of the Compact with regard to milk processors and dairy farmers located both inside and beyond the Compact region.

One commenter[23] expressed the need to complete rather than initiate the cost of production study cited in the Proposed Rule by the date of expiration of the price regulation established by this Final rule. See 62 FR 23034 (Monday, April 28, 1997). As per the comment in the record by the same author the existence of differing costs of production in the region and the potential for resulting disbursements to producers accordingly is cited as the basis for the suggested need to complete the study in the described timeframe.[24]

In response, the Commission reaffirms its understanding of the need to conduct a cost of production study as part of the process of determining the potential benefits and other impacts of price regulation. The Commission will initiate the procedure for conducting the study with adoption of the Final Rule, with the goal of its completion by the date of expiration of the price regulation.

II. Summary and Further Explanation of Findings Regarding Adoption of Over-Order Price

Section 12(a) of the Compact directs the Commission to make four findings of fact before an over-order price regulation can become effective. Specifically, the Commission shall make findings of fact with respect to:

> (1) Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.
>
> (2) What level of prices will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.[25]
>
> (3) Whether the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.
>
> (4) Whether the terms of the proposed regional order or amendment are approved by producers as provided in section thirteen.

Compact, Art. V. Section 12.

The Commission's findings of fact regarding the first three topics are set forth in the Proposed Rule and reaffirmed and further discussed here. As in the Proposed Rule, the second finding required by the Compact (the level of prices needed to assure a sufficient price to producers and an adequate supply of milk) is discussed first. The Commission finds that a price of $16.94/cwt is needed to achieve these dual goals. As in the Proposed Rule, the first finding required by the Compact (whether the public interest will be served by the establishment of minimum milk prices) is discussed next. The Commission finds that the public interest will be served by establishment of an over-order price of $16.94/cwt. With respect to both of these findings, the Commission's inquiry has been guided by Section 9(e) of the Compact, which sets forth several factors which the Commission must consider in determining the amount of an over-order price, should it decide to adopt a price regulation:

> In determining the price, the commission shall consider the balance between production and consumption of milk and milk products in the regulated area, the costs of production, including, but not limited to the price of feed, the cost of labor including the reasonable value of the producer's own labor and management, machinery expense, and interest expense, the prevailing price for milk outside the regulated area, the purchasing power of the public and the price necessary to yield a reasonable return to the producer and the distributor.

As in the Proposed Rule, the third finding required by the Compact is then discussed; the Commission concludes that the major provisions of this order, other than those fixing minimum milk prices, are in the public interest and reasonably designed to achieve the purposes of the order.

In this Final Rule, the Commission makes the fourth finding, premised on the approval of the price regulation by producer referendum pursuant to Article IV, Section 12 of the Compact. Certification of this finding is published separately in this **Federal Register**.

A. What Level of Prices Will Assure That Producers Receive a Price Sufficient to Cover Their Costs of Production and Elicit an Adequate Local Supply of Milk

With regard to the second finding required by the Compact, the Compact Commission sought comment on a wide range of issues. The Commission's deliberations regarding costs of production and the adequacy of farmer pay prices focused on three areas of concern:

(1) The failure, over an extended period of time, of farmer pay prices to adequately cover the costs of production (''price insufficiency'').

(2) Wide swings in farmer pay prices cause farm financial stress and make it difficult for farmers to plan financially (''price instability'').

(3) The failure of farmer pay prices to keep up with inflation.

Failure of Farmer Pay Prices to Cover Costs of Production

With regard to the first topic addressed by the Commission in its

[21] Article IV, Section 8 of the Compact establishes Commission ''Powers to Promote Regulatory Uniformity, Simplicity, and Interstate Cooperation''.

[22] The commenter stated that Connecticut regulations fail to conform to Interstate Milk Shippers (IMS) standards. The Commission notes that Connecticut has been accepted by IMS and, in addition, Connecticut's legislature has adopted the Federal Pasteurized Milk Ordinance (PMO) regulations.

[23] Gillmeister, May 12, 1997.

[24] A similar concern was raised by Rosenfeld,—Hearing transcript, December 19, 1996.

[25] The Commission limited its assessment to issues relating to the fluid milk market, given the limitations on its authority to regulate the price of milk used for manufacturing purposes. *See* Compact, Section 9(a); *see also* 7 U.S.C. 7256(2).

Proposed Rule (whether prices are sufficient to cover the cost of production), the Commission's inquiry was guided by Section 9(e) of the Compact, which directs the Commission to consider cash costs of production, including feed, machinery expense, labor, and interest, as well as the non-cash costs of value for the farmer's own labor and a reasonable return on the farmer's investment. 62 FR 23033. Although the Commission found that estimates regarding costs of production vary, *id.*, the Commission concluded that the total costs of production exceed prices paid to farmers, regardless of the measure of costs of production, *id.* at 23034.

In addition to this overall conclusion, the Commission considered various specific components of cash and non-cash costs. The Commission found that feed costs can account for as much as 50 percent of a farmer's cost of production. 62 FR 23034. Farmers indicated that feed costs had risen beyond their means. *id.* at 23035–36. In 1996, in particular, feed costs increased by some 29 percent. *id.* at 23034.[26] The Commission concludes that feed costs are a major factor in the failure of farmer pay prices to cover costs of production.

Machinery expense as a factor in the cost of production arises primarily in the context of depreciation; that is, depreciation must be covered by replacing old and worn out equipment. Farmers indicated that pay prices are too low to permit them to make these investments. 62 FR 23034, 23036–37.[27] The ability of farmers to pay machinery expenses is further diminished by price instability because farmers are unable to invest (e.g., in new machinery or in upgrading their facilities), given the wide fluctuations in the price of milk. 62 FR 23035. The Commission concludes that this inability to reinvest threatens the continued viability of the New England dairy industry and the local milk supply for inhabitants.

Section 9(e) also directs the Commission to consider interest and labor costs in assessing the sufficiency of farmer pay prices. As stated above, the Commission concluded that regardless of how the separate components of costs of production are measured, pay prices are inadequate to cover them. Moreover, comments submitted for the record indicate that both interest and non-family labor expenses constitute a significant proportion of costs of production: from $0.50 to $1.18 per hundredweight for interest expenses, and $1.08 to $1.92 per hundredweight for labor expenses.[28]

Section 9(e) also directs the Commission to consider certain non-cash costs, including a reasonable value for the farmer's own labor and a reasonable return on the farmer's investment. In considering whether pay prices provide a reasonable value for the farmer's labor, the Commission determined that dairy farms in New England are still predominately family operated. 62 FR 23036. The Commission concluded that in light of farmer pay prices, much of this family labor is completely uncompensated, or significantly undercompensated. *id.* at 23036–37. The Commission concludes that this failure to compensate for family labor discourages entry into the dairy industry. See also *id.* at 23035.

As Section 9(e) directs, the Commission also considered whether pay prices provide a reasonable return on the farmer's investment. Several comments were received indicating that a reasonable return ranges between 4% and 5%.[29] The Commission determined that, for an extended period of time, pay prices have been insufficient to provide a rate of return on equity that reaches these levels. 62 FR 23034.

In summary, the Commission found that while the studies it considered used different methods for determining costs of production, particularly with respect to non-cash costs, all indicated that over an extended period of time, farmer pay prices have failed to cover the full costs of production, however measured. 62 FR 23040–41. Based on these studies, the Commission concluded that the range of the costs of production for New England is somewhere between $14.06 and $16.46. *id.* The Commission further concluded that the costs of production have exceeded the farm pay price by an amount in the range of $0.46–$1.90. *id.* at 23041. Accordingly, the Commission finds that pay prices have failed to cover the costs of production.

Effects of Price Instability

The Commission received a wealth of testimony and comment indicating that wide fluctuations in the price of milk caused farm financial stress and made it difficult for farmers to plan financially. 62 FR 23035. One comment indicated that the price volatility of the last year was triple that experienced in 1981, and much larger than most of the 1980's. *id.* Farmers were reluctant to make long-term investments in their farming operations, and when prices dropped precipitously they were unable to meet their most basic obligations. *id.* The Commission concluded that providing price stability is essential to the continued viability of the dairy industry in New England. *id.*

Failure of Farmer Pay Prices to Keep Up With Inflation

The Commission relied on testimony by both economists and farmers in determining that the failure of farmer pay prices to keep up with inflation is a significant factor contributing to chronic price insufficiency and farm financial stress. 62 FR 23035. The analysis of economist Rick Wackernagel regarding the potential impact of price regulation under the Compact was the most persuasive comment submitted in this regard. *id.*[30]

Wackernagel analyzed three potential ''price trajectories'' based on a 1997 economic model developed by the Food and Agriculture Policy Research Institute (FAPRI), modified for conditions in the northeast. *id.* Important trends emerged from this analysis. *id.*

The first price trajectory was the ''base'' model, or what would happen if the Commission did nothing. The second price trajectory removed much of the price instability factor by holding the Class I price constant. *Id.* The third trajectory raises the Class I price and thereafter increased it by ½ the rate of inflation in subsequent years. *Id.*

The results of this last price trajectory, based on Wackernagel's inflation adjustment, revealed a markedly positive impact on net farm income, equity retention, and ultimate farm survivability. The study thereby confirmed the abundant comments of farmers with regard to the continued failure of farmer pay prices to respond to increases in cost attributable to inflation. 62 FR 23035–36.

With regard to the appropriate adjustment to be made, the Commission was persuaded by the reasoning of economists Reenie DeGeus and Bill

[26] In addition, a cost-of-production study conducted by Wackernagel and relied upon by the Commission (62 FR 23034) indicated that feed and crop expenses together can account for some 39% of a farmer's cash operating expenses.

[27] Economist Reenie DeGeus noted in record testimony that expenditures on machinery and other depreciation expenses tend to rise in the good years and are delayed in the bad years. Reenie DeGeus, WC 75.

[28] See Wackernagel, which analyzed Agrifax and ELFAC farms over a 3-year period; Maine cost-of-production studies; and Pelsue and ERS–USDA studies submitted by Smith.

[29] Robert Smith of the Yankee Farm Credit System suggested a 4% rate of return was reasonable. 62 FR 23033. The Maine cost-of-production studies, which analyze southern New England, used a 5% return on equity. *id.* at 23034. In addition, Michael Sciabarrasi of University of New Hampshire Cooperative Extension Service, suggested that 5% was a minimal rate of return.

[30] The Commission is here responding to the comments of Berthiaume and Beach.

Gillmeister, dairy economists for the Vermont and Massachusetts Departments of Agriculture, respectively. They jointly proposed, and the Commission adopted, an over-order price regulation based in part on an inflation adjustment. Using the Class I, Zone 1 price for 1991 as the base year (a year in which prices were markedly low), and adjusting forward using the 1990 Consumer Price Index (CPI) at Boston as the base CPI index, yielded the amount of $16.94. 62 FR 23041.

The Commission remains mindful of the concern expressed by several commenters that an inflation adjustment not be built in as a permanent, automatic adjustment. 62 FR 23041. These commenters called for continuing evaluation of broader market conditions. The Commission concluded that adoption of a price regulation for limited duration of six months will allow for such an evaluation. *Id.*

After concluding that farmer pay prices have been insufficient to cover costs of production, the Commission considered several other issues relevant to its finding regarding the level of prices needed to assure that producers receive a sufficient price and elicit an adequate supply of local milk.

The Commission first reviewed statistical data and comments regarding prevailing pay prices received by dairy farmers in New England. 62 FR 23037–38. The Commission then considered the balance between production and consumption of fluid milk products, and concluded that while the balance was currently stable, it was ''operating in a balance that is under tremendous stress.'' *Id.* at 23039–40.

The Commission then summarized its analysis of the costs of production. It concluded that ''price regulation is necessary to address the chronic pricing problems and to continue the assurance of an adequate, local supply of milk for the region.'' 62 FR 23040. The Commission further found that an over-order price of $16.94/cwt serves the goals set forth in the Compact. *Id.* at 23041.

The Commission received written testimony from the President of the Milk Industry Foundation, a trade association representing milk processors.[31] The testimony suggested that the ''economic status of New England dairy farmers is already robust,'' and cited a study by the Farm Credit Bank of Springfield indicating that the average New England Dairy farmer held assets worth 1.1 million and had an average net worth of $822,000 in 1993.

In response, the Commission cites a study submitted for the record by the Springfield Farm Credit Services indicating that the average net worth of Agrifax dairy farmers in the Northeast (generally considered to be the larger and more financially stable operations), was $686,607 in 1995 with some $448,201 held in real estate and buildings. This net worth calculation is up from an average net worth of $588,708 in 1991, with nearly 30% of the increase attributable to an increase in the value of land assets held.

These figures reflect the fact that dairy farming is a capital and land intensive enterprise. Moreover, land values in the Northeast frequently reflect urban pressures rather than the value of land as farmland or the amount a farmer could actually pay for the land by farming it.

Most significantly this thin snapshot of net worth belies other data presented to the Commission by the Springfield Farm Credit System:

1. Forty-two percent of the farmers in their survey had negative cash margins in 1995.
2. The average cost of production on these farms averaged $15.37 per hundredweight while the average price received by farmers was $13.70 per hundredweight.
3. The number of dairy farms in New England declined by 41% over the past 10 years.
4. The number of cows has declined by 24% and total production has declined by 4%.
5. Land used in farms fell by nearly 600,000 acres.

The same testimony argued that milk production increased by 1.94% in the six state Compact region from 1994 to 1995 and therefore production was adequate to meet local needs. Citation for this data is presented only as ''according to USDA data''. Data cited above, as submitted by Springfield Farm Credit, however, is directly contrary to the testimony's assertion. Data in the record compiled by New England Agricultural Statistics corroborates the market description of Springfield Farm Credit.[32]

The testimony also argues that Blend prices received by farmers in the New England region were occasionally higher in 1986 than the national average and therefore there was nothing ''unique'' about the condition of the New England dairy industry to justify implementation of the Compact. In response, the Commission observes the relative competitive, national, position of the New England industry is not significant to the Commission's charge under the Compact. According to the Compact's Statement of Purpose, the Commission is concerned with stability in the region's industry. See Compact Article I, § 1.

The Commission would further note that, as explained in the Proposed Rule, the blend price is only one component of the actual pay price or ''mail box'' price paid to farmers.[33] Detailed analysis provided by another witness indicated that when processor premiums and other price components of mail box prices are considered, pay prices received by farmers in New England are comparable if not less than most other regions of the country.[34]

Another commenter[35] submitting written testimony indicated, without support, that price regulation would primarily help the larger and generally more financially healthy dairy producers and would help the smaller and financially stressed producers the least. The Commission responds that the study by Professor Wackerngel cited at length in both the Proposed Rule and in this Final Rule analyzed in detail the impact of Compact price enhancement and price stabilization upon two different farm sizes—an 80 cow herd and a 350 cow herd. In contrast to the assertion of the testimony, the financial viability of both farms improved substantially, according to Professor Wackernagel's analysis.

B. Whether the Public Interest Will Be Served by the Establishment of Minimum Milk Prices to Dairy Farmers

With regard to the first finding required by the Compact, the Compact Commission sought comment on a wide range of subjects and issues. Certain of these subjects and issues were drawn from the inquiry mandated by Section 9(e) of the Compact.[36]

Based on the comment received, the Compact Commission determined that production and consumption of fluid, or beverage milk, in the region are presently in balance, but in a balance of pronounced and unsustainable stress that must be alleviated. 62 FR 23040.

[31] Tipton, Additional Written Comment, January 2, 1997.

[32] Submitted by William Zweigbaum, Univ. of New Hampshire Cooperative Extension, Additional Written Comment, March 31, 1997.

[33] See 62 FR 23037 (Monday, April 28, 1997).

[34] See Leon Berthiaume, HT 12/17, WC 319

[35] Schnittker, Written Comment, January 2, 1997.

[36] The Commission focused specifically on the producer-related inquiry of Section 9(e) in making the second finding required by the Compact (discussed first, in Part A) and then referred to the conclusions there determined in making the first, broader ''public interest finding'' required by the Compact (discussed second, in Part B).

The Commission concluded that overall milk production was in decline in the New England region and in the portion of New York state which has traditionally been a supplemental part of the New England milkshed. 62 FR 23039–40. The Commission also found that supplies of milk are being transported increasing distances from the region's population centers and associated processing plants. 62 FR 23040. While approximately fifty percent of the milk produced in the New England milkshed is presently utilized in a variety of manufactured dairy products, 62 FR 23039, the Commission concludes that substitution of such milk cannot be relied upon to provide an alternative supply for fluid utilization purposes. In sum, the Compact Commission concluded that the balance of production and consumption in the region depended on at least stabilizing, if not increasing, the present, local supply. 62 FR 23040.

With regard to the Compact's emphasis on the ''prevailing price for milk outside the regulated area'' and the first ''public interest'' finding, the Compact Commission determined this data to be relevant with regard to the retail price of milk outside the region, and specifically sought comment on such prices.[37] Based on the comments received, the Commission identified the retail prices in two separate markets outside the Compact region, 62 FR 23046–47, and used the data to establish a benchmark for the subsequent comparative analysis it intends to conduct of retail prices in the Compact region and beyond. The Commission will utilize the results of this inquiry to track the impact of price regulation on retail prices in the region, and to compare ''the current, relative alignment in prices between the New England and New York regions against the relative alignments once price regulation is in place.'' 62 FR 23048.

With regard to ''the purchasing power of the public,'' Compact, § 9(e), the Compact Commission has previously determined that this inquiry was relevant to the impact of an over-order price regulation on the consumer market, which itself is ''a critical part of the Compact Commission's assessment of the public interest under this finding section.'' 62 FR 23045. This inquiry focuses ''primary concern on the consumer interest because milk is a staple product.'' *Id.*

Accordingly, the Commission sought and received comment on a range of issues it deemed relevant to this broader inquiry, including: (1) the elasticity of demand for fluid milk products, (2) the costs of retailing Class I fluid milk in the New England region, (3) the prevailing retail prices for Class I fluid milk inside and outside the region, (4) the costs of retailing fluid milk products, and (5) the potential impact of a flat, combined regulated and Compact over-order price, on the retail market—including the National School Lunch Program and the WIC Program. 62 FR 23045.

The comments received support the Commission's determination that the continuing erosion of the region's milkshed has had a direct—and adverse—impact on retail prices, and hence on the purchasing power of the public, in part because of the increased transportation costs associated with an expanding milkshed. 62 FR 23049. The Commission similarly determined that farm/wholesale price volatility had also likely had an adverse impact on retail prices over time, and that stabilization of the farm/wholesale price through a Compact over-order price regulation, traced through to the endpoint retail market, likely will manifest as a corresponding positive impact on retail prices. 62 FR 23048–49. Accordingly, the foregoing analysis supports the conclusion that the purchasing power of the public likely will be enhanced, rather than diminished, as a result of the stabilizing effects of the over-order price regulation.

With regard to the ''price necessary to yield a reasonable rate of return to the distributor,'' Compact, § 9(e), the Compact Commission has previously determined that ''[t]he focus of this inquiry is the determination of a price that ensures a reasonable rate of return,'' and, more specifically, ''whether processing plants are currently covering costs of production,'' including the distributors' rate of return on capital. 62 FR 23045.

Working from this framework, the Compact Commission sought and received comment on wholesale costs and prices. The data received persuaded the Compact Commission to conclude that processors are in fact covering their margins, including a return on capital of $0.06 per gallon.[38] The Commission further determined that ''minimization of such persistent fluctuations in price can only serve as a benefit to stability of firm participants in the wholesale market.'' 62 FR 23048.[39] The Compact Commission determines that the benefits of price stabilization in the wholesale market parallel the benefits of price stabilization at the farm level, namely, allowing processors to engage in long-term economic planning and investment, and thereby improve their economic efficiency and performance. *C.f.* 62 FR 23035.

One commenter raised a concern that higher retail prices attributable to price regulation could reduce sales, and thereby harm the profitability of processing operations.[40] As noted below, however, the Commission found that price regulation was instead likely to have a downward pressure on retail prices. 62 FR 23048–50. Such an impact would result in the opposite effect of that described by the commenter, or result in increased sales and thereby enhanced profitability. Accordingly, the Commission is not persuaded by the aspects of this comment regarding profitability, because the comment rests on a premise that the Commission has previously rejected.

The commenter also expressed concern that increased retail prices in stores on the borders of New England could force sales outside the Compact area and thereby reduce the wholesale sales of those processing plants supplying the Compact area retailers. The Commission's determination that price regulation likely would have the contrary, downward pressure on retail prices responds to this comment, as well.

[37] Inquiry into the prevailing farm price is also relevant to the second finding. See infra.

[38] The comment received and used for this analysis included a study by R. Aplin, E. Erba, M. Stephenson, ''An Analysis of Processing and Distribution Productivity and Costs in 35 Fluid Milk Plants,'' February 1997, R.B. 97–03, Cornell University, and an extract by the same authors, entitled ''Presentation at IDFA Annual Meeting in Dallas, Texas (October 1996). (This extract provides ''estimated costs of marketing 2% lowfat milk through supermarkets, New York Metro Area, $ per gallon, 1995). In comment received on the proposed rule, Professor Aplin indicates that the extract was based on identified costs of the northeast plants that were part of the broader, overall study group. The Commission also relied upon a study by the Economic Research Service (ERS) of the United States Department of Agriculture, Food Cost Review/AER–729. The Commission found the Aplin et al. study more representative, given its identified inclusion of a significant percentage of northeast plants. Moreover, the ERS study incorporated data drawn from vertically integrated, or combined, processing/retailing facilities. The Compact region only includes one such operation.

[39] The Commission received comment from E. Linwood Tipton, President of the Milk Industry Foundation, the national trade organization for fluid milk processors. This Comment expressed opposition to price regulation on the grounds that it is unneeded and would have an adverse impact on consumers. With regard to the impact of price regulation, *see* the Commission's discussion of the public's purchasing power, *supra*, and its discussion of the likely impact of price regulation on retail prices, *infra*. The Tipton comment does not provide analysis likely to indicate contrary conclusions than those reached by the Commission with regard to the continuing ability of processors to receive a reasonable return under price regulation.

[40] Marcus, Additional Written Comment, Jan. 2, 1997.

The ultimate finding required by Section 12 of the Compact—whether ''the public interest will be served by the establishment of minimum milk prices to dairy farmers''—necessitates consideration of a broader range of subjects and issues than those reviewed under Section 9(e) of the Compact. Accordingly, the Compact Commission sought comment regarding the potential impact of price regulation on each of the farm, wholesale and retail sub-markets which comprise the overall market for fluid milk. 62 FR 23042. These inquiries were broken down further into the individual components of these respective sub-markets, including some of the components specifically listed in Section 9(e) of the Compact, as discussed above. This broad-ranging inquiry, focusing on all phases of the fluid milk market, allowed the Commission to gather substantial data and make an informed determination that an over-order price regulation would be in the public interest, overall and with regard to its specific impact on each of the three discrete sub-markets—farm, wholesale and retail. 62 FR 23048–50.

Farm Sub-market—The Compact Commission previously conducted a comprehensive analysis of the likely impact of price regulation on the farm sub-market under the separate finding inquiry required by Section 9(e) of the Compact. See Section II A *supra*; 62 FR 23033–38, 23040–41. This determination was then taken into account as part of the first finding required by the Commission (whether the public interest would be served by establishment of minimum milk prices).

Wholesale Sub-market—The Commission assessed the impact of price regulation on the wholesale market by considering the issue of rate of return to processors, as discussed above, 62 FR 23045, and by assessing whether price regulation would result in market distortion with regard to wholesale price, and thereby contravene the public interest. 62 FR 23048. In assessing the concern with market distortion, the Commission carefully reviewed present patterns of supply for the region's wholesale needs. The Commission determined that the wholesale market presently is supplied almost totally in the form of raw, bulk product transported from areas of concentration of dairy farms in the rural part of the region to the fluid processing plants located in close proximity to the region's cities. 62 FR 23045. The Commission also determined that the marginal, remainder of the wholesale market is supplied by finished, packaged milk transported from processing plants located some distance away from the region's cities. *Id*.

With regard to the primary bulk supply component of the wholesale market, the Compact Commission determined that there was unlikely to be market distortion caused by price regulation that could adversely affect the wholesale price. According to the comment received, present patterns of raw product supply between processors and independent farmers or cooperative organizations of farmers are relatively stable and are unlikely to be affected by a regulated price increase in the amount and for the duration established by the price regulation. 62 FR 23048.

The Compact Commission also concluded that price regulation was unlikely to cause market distortion with regard to the secondary packaged product component of the market. The concern here is whether price regulation can be administered uniformly with regard to raw product and, as identified and addressed in the Proposed Rule, packaged milk supplies. If a significant portion of the packaged milk supplies is left unregulated, this might distort the market by creating a competitive advantage for such packaged products, encouraging their substitution as a source of wholesale supply. 62 FR 23048. Given that packaged milk as wholesale supply is more expensive than raw product supply, such substitution resulting from market distortion would increase retail prices and be contrary to the public interest.[41]

As discussed in the third finding section (whether the non-price provisions of the regulation established by this rule are in the public interest) the Commission concludes that raw product and packaged product supplies can be regulated uniformly. This uniform regulation will prevent market distortion, including indirect impact on price. Additionally, as both the Commission and commenters have noted, the limited six-month duration of the initial price regulation will minimize the potential for market distortion. 62 FR 23048. Accordingly, the Compact Commission determines that distortion of the relative patterns of supply is not likely to occur, and therefore unlikely to have any adverse impact on price contrary to the public interest.

Retail Sub-market—With regard to the retail market, as noted above, the Compact Commission concluded that price regulation, overall was likely to have a positive impact, and thereby to be distinctly in the public interest. 62 FR 23048. The Commission concluded that stabilizing the milk supply and removing variability in the federally regulated, farm/wholesale, pricing structure would likely combine to have a positive, downward impact on retail prices. 62 FR 23048–50.

In reaching this conclusion, the Commission declined to adopt the directly contrary assertions submitted by some commenters.[42] 62 FR 23049. These commenters indicated their opinion that retail prices would reflect a direct ''pass-through'' of any increase in wholesale cost attributable to compact over-order price regulation. The commenters described quite dramatic increases in retail prices likely to occur if price regulation is imposed.

The commenters presented only a simple arithmetic calculation of the impact on retail prices which could occur if the entire amount of the projected difference in wholesale cost attributable to compact price regulation were passed through. No explanation was provided for the underlying assumption that there would be, necessarily, such a direct pass through of the price increase. The Commission declined to adopt this approach in view of the lack of explanation, and given that it is directly contrary to the developed literature on this issue. As included in the record, and which suggests a contrary conclusion.[43] As the Commission determined in its Proposed Rule, price stabilization eliminates the need for retailers to retain significant margins in order to protect against the uncertainty in wholesale costs that exists when prices are volatile. 62 FR 23049 (citing Hahn, *et al.*). Because retailers will not have to engage in this ''risk response'' pricing strategy to

[41] The president of a Connecticut fluid milk processing firm raised a concern about the stimulus of such distorted substitution in the market with regard to the potential for loss of market share by this firm. Marcus, December 19, 1996 Hearing Transcript at 81, *et seq.*; Additional Written Comment, January 2, 1997. This non-price concern is addressed under the third finding analysis, infra.

[42] Rosenberg, December 19, 1996 Hearing Transcript at 181, et seq; Schnitker, Additional Comment, January 2, 1997; Tipton, Additional Comment, January 2, 1997.

[43] Brorsen, Chavas, Grant and Schnake, ''Marketing Margins and Price Uncertainty: The Case of the U.S. Wheat Market,'' Amer. J. Agr. Econ., (August, 1985) 521–527. The analysis is confirmed with regard to market conduct and performance in the beef industry. Holt, ''Risk Response in the Beef Marketing Channel: A Multivariate Generalized ARCH-M Approach'', Amer. J. Agr. Econ. (August, 1993) 559–571. *See also* Hansen, Hahn, and Weimar, ''Determinants of the Farm-to-Retail Milk Price Spread'', Agriculture Information Bulletin Number 693 (March 1994). *See also* Kinnucan and Forker, ''Asymmetry in Farm-Retail Price Transmission for Major Dairy Products'', Amer. J. Ag. Econ., 285–292 (May, 1987). As noted in the text, each of these articles are contained in the record.

ensure cost recovery, the Commission disagrees with the commenters conclusory remarks regarding the impact of price regulation on retail prices.

The Compact Commission made its determination about the potential, positive impact of price regulation with essential regard to the broad, consumer-based market. The Commission similarly concludes that price regulation will not have a negative impact on government supplemental nutrition programs such as the National School Lunch Program. The Commission makes this further determination based on its assessment that the pricing patterns of such programs are premised on essentially the competitive patterns of the broader, consumer-based market. 62 FR 23050. According to a General Accounting Office description of the program, which the Commission discussed in its Proposed Rule:

> The National School Lunch Act of 1946 (P.L. 79–396) and the Child Nutrition Act of 1966 (P.L. 89–642) authorize USDA to reimburse state and local school authorities—under grant agreements—for some or all of the costs of these programs. Reimbursements are based on either the number of meals served or the number of half pints served. The schools use these funds, as well as state and local funds and moneys collected from students, to purchase food, including milk, for these programs. These purchases are made through either sealed bid or negotiated procurements. USDA's regulations require that these procurements be conducted in a manner that provides for the maximum amount of open and free competition.[44]

The Commission did determine that pricing and reimbursement patterns for one government supplemental nutrition program, the WIC Program, are not configured according to the same pattern as the broader consumer-based retail market. 62 FR 23050. Accordingly, the Commission exempted the WIC program from operation of the price regulation. *Id.* at 23050–53.

The Compact Commission also determined that price regulation was not likely to have an adverse impact on the retailers, themselves. In similar manner as with its assessment of the wholesale market, the Commission reviewed retail costs and prices to determine if retailers are covering costs, including return on capital, under present market conditions. 62 FR 23045, 23046–48. The Commission concluded that such margins are presently being covered. *Id.* at 23048.[45] The Commission further concludes that price regulation will not adversely affect the ability of retail outlets to continue to cover their margins.

C. Whether the Major Provisions of the Order, Other Than Those Fixing Minimum Prices, Are Reasonably Designed To Achieve the Purposes of the Order

The third Compact finding required the Compact Commission to determine whether the non-price provisions of the proposed rule would also be in the public interest, and the Commission so found. The Commission's assessment here focused on two issues: The analysis under this finding centered on the technical provisions the Commission proposed to codify in 7 CFR parts 1300, 1301, and 1303–1307. These provisions establish the procedures for the assessment of price regulation, collection from processors and disbursement to farmers.

The Compact Commission determined these provisions would ensure uniform and equitable administration of the price regulation. 62 FR 23054. The provisions are patterned closely upon the underlying federal Milk Market Order #1, and are designed to work in complement with the Market Order. Moreover, the regulation will be administered with the direct, technical assistance of the Market Order #1 Administrator, which provides further assurance of its proper administration.

In response to the Compact Commission's original Subjects and Issues Notice of Comment,[46] one commenter correctly noted that some packaged milk subject to price regulation is marketed by plants outside of the underlying regulatory supervision of the Market Order #1 Administrator. 62 FR 23048. This commenter expressed concern that such milk could not be properly regulated without the assistance of those Market Order Administrators having regulatory supervision of the milk. The Commission determines that these milk sales are in fact reported by the other, applicable, Market Order Administrators to the Market Order #1 Administrator, so that the Market Order #1 Administrator can in fact audit such sales.

The commenter also expressed concern that some milk is marketed in the New England region in a manner so as to be completely unreported. The Compact Commission determined, however, that technical provisions could be administered so as to ensure that all packaged milk marketed in the Compact region is properly reported by joint operation of the federal Market Order and Compact Commission regulatory processes.

The commenter also expressed concern about the appropriate distribution pattern of the proceeds of the price regulation between those producers supplying Compact ''pool plants'' and those supplying Compact ''partially regulated pool plants.'' In response, the Compact Commission determined that a distinction was properly made based on the geographic location of the plants and their relative provision of supply of fluid milk for the Compact region. 62 FR 23055. ''Pool plants'', or those located in the Compact region, provide the primary supply of fluid milk for the region. *Id.* ''Partially regulated plants'' or those outside the region, provide primary supply to those regions where they are located, and only secondary supply to the Compact region. *Id.* Accordingly, the producers providing milk to pool plants properly share fully in the overall, pooled, proceeds of sales in the Compact region, whereas producers supplying partially regulated plants share only pro rata in the benefit attributable to the sales in the Compact region by those plants.

The Commission also considered the provisions relating to the generation of additional supplies of milk as required by Section 9(f) of the Compact[47] and potential CCC purchase under 7 U.S.C. § 7256(5).[48] 62 FR 23053–54. The

[44] GAO Report 13–239877 at 2 (October 16, 1992), submitted by Jeffords as Additional Reply Comment, April 9, 1997; *see also* 62 FR 23050.

The Commission further notes that the purchasing patterns of other institutional buyers such as the military and hospitals, as described in the GAO study similarly mirror the broader, competitive market. The Commission concludes that these institutional buyers will also benefit from the impact of price regulation on the competitive market.

[45] The comment received and used for the cost analysis relied upon the study by Aplin et al, ''An Analysis of Processing and Distribution Productivity and Costs in 35 Fluid Milk Plants'', February 1997, R.B. 97–03, Cornell University and the extract by the same authors, entitled ''Presentation at IDFA Annual Meeting in Dallas, Texas (October 1996). (This extract provides ''estimated costs of marketing 2% lowfat milk through supermarkets, New York Metro Area, $ per gallon, 1995). In comment received on the proposed rule, Professor Aplin indicates that the represented supermarket costs were representative of New England supermarkets, as well.

The Commission also relied on the study in Food Cost Review/AER–729. For the reasons identified in Footnote 38, the Commission determined the Aplin et al. study to be more representative of costs than the ERS study.

The Commission notes that these studies focus on supermarket costs. Supermarkets represent the primary retail outlet for fluid milk in the marketplace.

[46] 61 FR 65604 (December 13, 1996).

[47] ''When establishing a compact over order price, the commission shall take such action as necessary and feasible to ensure that the over-order price does not create an incentive for producers to generate additional supplies of milk.'' Compact, § 9(f).

[48] ''Before the end of each fiscal year that a Compact price regulation is in effect, the Northeast

Continued

Commission determined that neither additional supplies nor surplus production contemplated by these statutory provisions was likely to result from price regulation. *Id.* The Commission did establish a tracking procedure to monitor production, so as to allow appropriate action should an unanticipated change in production patterns occur. 62 FR 23054.[49]

Finally, in each of its findings, and overall, the Commission noted the significance of its establishment of a price regulation limited to six months. This limited duration at once allows price regulation to be implemented based on the perceived need while limiting, by definition, the potential impact of any unforeseen, adverse impacts. The Commission also identified a series of tracking mechanisms, designed to assess and measure the impact of price regulation on all sectors of the marketplace, from farm to retail outlet.

III. Required Findings of Fact

Pursuant to Compact Art. V. Section 12, the Compact Commission Hereby Finds:

(1) That the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.

(2) That, for purposes of this initial regulation, a level of price in the amount of $16.94 will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

(3) That the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.

(4) That the terms of the proposed price regulation were approved by producers by referendum.

IV. List of Subjects in 7 CFR Parts 1300, 1301, 1303–1307

Milk.

V. Codification in Code of Federal Regulation

For the reasons set forth in the preamble, the Commission establishes in title 7 of the Code of Federal Regulations a new chapter XIII to read as follows:

Chapter XIII—Northeast Dairy Compact Commission

Part

1300 Over-order price regulations.
1301 Definitions.
1303 Handlers reports.
1304 Classification of milk.
1305 Class price.
1306 Compact over-order producer price.
1307 Payments for milk.
1308 Administrative assessment.

PART 1300—OVER-ORDER PRICE REGULATIONS

Sec.

1300.1 Compact Commission.
1300.2 Continuity and separability of provisions.
1300.3 Handler responsibility for records and facilities.
1300.4 Termination of obligation.

Authority: 7 U.S.C. 7256.

§ 1300.1 Compact Commission.

(a) *Designation.* The agency for the administration of the Pricing Regulation shall be the compact commission.

(b) *Powers.* The compact commission shall have the following powers:

Administer the pricing regulation in accordance with its terms and provisions;

(2) Make rules and regulations to effectuate the terms and provisions of the pricing regulation;

(3) Receive and investigate complaints of violations;

(4) Recommend amendments.

(c) *Duties:* The compact commission shall perform all the duties necessary to administer the terms and provisions of the pricing regulation, including, but not limited to the following:

(1) Employ and fix the compensation of persons necessary to enable them to exercise their powers and perform their duties;

(2) Pay out of funds provided by the administrative assessment all expenses necessarily incurred in the maintenance and functioning of their office and in the performance of their duties;

(3) Keep records which will clearly reflect the transactions provided for in the pricing regulation;

(4) Announce publicly at its discretion, by such means as it deems appropriate, the name of any handler who, after the date upon which he is required to perform such act, has not:

(i) Made reports required by the pricing regulation;

(ii) Made payments required by the pricing regulation; or

(iii) Made available records and facilities as required pursuant to § 1300.3;

(5) Prescribe reports required of each handler under the pricing regulation. Verify such reports and the payments required by the pricing regulation by examining records (including such papers as copies of income tax reports, fiscal and product accounts, correspondence, contracts, documents or memoranda,) of the handler, and the records of any other person that are relevant to the handler's obligation under the pricing regulation, by examining such handler's milk handling facilities; and by such other investigation as the compact commission deems necessary for the purpose of ascertaining the correctness of any report or any obligation under the pricing regulation. Reclassify fluid milk product received by any handler if such examination and investigation discloses that the original classification was incorrect;

(6) Furnish each regulated handler a written statement of such handler's accounts with the compact commission promptly each month. Furnish a corrected statement to such handler if verification discloses that the original statement was incorrect; and

(7) Prepare and disseminate publicly for the benefit of producers, handlers, and consumers such statistics and other information covering operation of the pricing regulation and facts relevant to the provisions thereof (or proposed provisions) as do not reveal confidential information.

§ 1300.2 Continuity and separability of provisions.

(a) *Effective time.* The provisions of this pricing regulation or any amendment to the pricing regulation shall become effective at such time as the compact commission may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The compact commission shall suspend or terminate any or all of the provisions of the pricing regulation whenever they find that such provision(s) obstructs or does not tend to effectuate the declared policy of the compact. The pricing regulation shall terminate whenever the provisions of the compact authorizing it cease to be in effect.

(c) *Continuing obligations.* If upon the suspension or termination of any or all of the provisions of the pricing regulation there are any obligations arising under the pricing regulation, the final accrual or ascertainment of which

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Interstate Dairy Compact Commission shall compensate the Commodity Credit Corporation for the cost of any purchases of milk and milk products by the Corporation that result from the projected rate of increase in milk production for the fiscal year within the Compact region in excess of the projected national average rate of the increase in milk production, as determined by the Secretary [of Agriculture].'' 7 U.S.C. § 7256(5).

[49] The Commission notes that the triggering amount identified in the Proposed Rule requires clarification. The Commission will monitor production to determine whether regional production has increased at a rate within or exceeding 0.25 percent of the national rate of increased production.

requires acts by any handler, by the compact commission, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspensions or termination.

§ 1300.3 Handler responsibility for records and facilities.

Each handler shall maintain and retain records of his operations and make such records and his facilities available to the compact commission. If adequate records of a handler, or of any other person, that are relevant to the obligation of such handler are not maintained and made available, any fluid milk product required to be reported by such handler for which adequate records are not available shall not be considered accounted for or established as used in a class other than the highest price class.

(a) *Records to be maintained.* (1) Each handler shall maintain records of his operations (including, but not limited to, records of purchases, sales, processing, packaging and disposition) as are necessary to verify whether such handler has any obligation under the pricing regulation and if so, the amount of such obligation. Such records shall be such as to establish for each plant or other receiving point for each month:

(i) The quantities of fluid milk product contained in, or represented by, products received in any form, including inventories on hand at the beginning of the month, according to form, time and source of each receipt;

(ii) The utilization of all fluid milk product showing the respective quantities of such fluid milk product in each form disposed of or on hand at the end of the month; and

(iii) Payments to producers, dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

(2) Each handler shall keep such other specific records as the compact commission deems necessary to verify or establish such handler's obligation under the pricing regulation.

(b) *Availability of records and facilities.*

Each handler shall make available all records pertaining to such handler's operation and all facilities the compact commission finds are necessary to verify the information required to be reported by the pricing regulation and/or to ascertain such handler's reporting, monetary or other obligation under the pricing regulation. Each handler shall permit the compact commission to observe plant operations and equipment and make available to the compact commission such facilities as are necessary to carry out their duties.

(c) *Retention of records.*

All records required under the pricing regulation to be made available to the compact commission shall be retained by the handler for a period of three years to begin at the end of the month to which such records pertain. If, within such a three year period, the compact commission notifies the handler in writing that the retention of such records, or of specified records, is necessary in connection with a proceeding or court action specified in such notice, the handler shall retain such records, or specified records, until further written notification from the compact commission. The compact commission shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1300.4 Termination of obligation.

The provision of this section shall apply to any obligation under the pricing regulation for the payment of money:

(a) Except as provided in paragraphs (b) and (c) of this section, the obligation of any handler to pay money required to be paid under the terms of the pricing regulation shall terminate two years after the last day of the month during which the compact commission receives the handler's report of receipts and utilization on which such obligation is based, unless within such a two year period, the compact commission notifies the handler in writing that such money is due and payable. Service of such written notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to the following information:

The amount of the obligation;

(2) The month(s) on which such obligation is based; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or such cooperative association, or if the obligation is payable to the compact commission, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under the pricing regulation, to make available to the compact commission all records required by the pricing regulation to be made available, the compact commission may notify the handler in writing, within the two year period provided for in paragraph (a) of this section, of such failure or refusal. If the compact commission so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such records pertaining to such obligation are made available to the compact commission;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under the pricing regulation to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Unless the handler files a petition to the compact commission to commence litigation within the applicable two year period indicated below, the obligation of the compact commission:

(1) To pay a handler any money which such handler claims to be due him under the terms of the pricing regulation shall terminate two years after the end of the month during which the fluid milk product involved in the claim were received; or

(2) To refund any payment made by a handler (including a deduction or offset by the compact commission) shall terminate two years after the end of the month during which payment was made by the handler.

PART 1301—DEFINITIONS

Sec.

1301.1 Compact.
1301.2 Commission.
1301.3 Northeast Dairy Compact Regulated Area.
1301.4 Plant.
1301.5 Pool plant.
1301.6 Partially regulated plant.
1301.7 Non pool plant.
1301.8 Milk.
1301.9 Handler.
1301.10 Producer-handler.
1301.11 Producer.
1301.12 Producer milk.
1301.13 Exempt milk.
1301.14 Fluid milk product.
1301.15 Fluid cream product.
1301.16 Filled milk.
1301.17 Cooperative association.
1301.18 Person.
1301.19 Route disposition.
1301.20 Distributing plant.
1301.21 Supply plant.
1301.22 State dairy regulation.
1301.23 Diverted milk.

Authority: 7 U.S.C. 7256.

§ 1301.1 Compact.

Compact means the Northeast Dairy Compact as approved by section 147 of the Federal Agriculture Improvement

and Reform Act (Fair Act), Pub. L. 104–127.

§ 1301.2 Commission.

Commission means the commission established by the Northeast Dairy Compact.

§ 1301.3 Northeast Dairy Compact Regulated Area.

Northeast Dairy Compact Regulated Area hereinafter called the *Regulated Area* means all territory within the boundaries of the states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont. All waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by any governmental installation, institution, or other similar establishment.

§ 1301.4 Plant.

Plant means the land and buildings, together with their surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, processing or packaging of milk or milk products. The term plant shall not include:

(a) Distribution points (separate premises used primarily for the transfer to vehicles of packaged fluid milk products moved there from processing and packaging plants); or

(b) Bulk reload points (separate premises used for the purpose of transferring bulk milk from one tank truck to another tank truck while en route from dairy farmers' farms to a plant). If stationary storage tanks are used for transferring milk at the premises, the operator of the facility shall make an advance written request to the compact commission that the facility be treated as a reload point; otherwise it shall be a plant. The cooling of milk, collection or testing of samples, and washing and sanitizing of tank trucks at the premises shall not disqualify it as a bulk reload point.

§ 1301.5 Pool Plant.

Pool Plant means any milk plant located in the regulated area.

§ 1301.6 Partially Regulated Plant.

Partially Regulated Plant means a milk plant not located in the regulated area but having Class I distribution in the regulated area, or receipts from producers located in the regulated area.

§ 1301.7 Non Pool Plant.

Non Pool Plant means any milk plant that is not a pool plant pursuant to section 1301.5 and not a partially regulated plant pursuant to section 1301.6.

§ 1301.8 Milk.

Milk means the lacteal secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process and as defined pursuant to prevailing standards of identity.

§ 1301.9 Handler.

Handler means:

(a) Any person, except a producer-handler, who operates a pool plant;

(b) Any person who operates a partially regulated plant;

(c) Any person who operates any other plant, or a pool bulk tank unit as defined under the Federal order, from which fluid milk products are disposed of, directly or indirectly, in the regulated area;

(d) Any cooperative association with respect to the milk that is moved from farms in tank trucks operated by, or under contract to, the association to pool plants or as diverted milk to non pool plants for the account of, and at the direction of, the association. The association shall be considered as the handler who received the milk from the dairy farmers. However, the cooperative association shall not be the handler with respect to the milk moved from any farm if the association and the operator of the pool plant to which milk from such farm is moved both submit a request in writing, on or before the due date for filing the monthly reports of receipts and utilization, that the operator of the pool plant be considered as the handler who received the milk from the dairy farmer, and the pool plant operator's request states that the pool plant operator is purchasing the milk from such farm on the basis of the farm bulk tank measurement readings and the butterfat tests of samples of the milk taken from the farm bulk tank; or

(e) Any person who does not operate a plant but who engages in the business of receiving fluid milk products for resale and distributes to retail or wholesale outlets packaged fluid milk products received from any plant described in paragraph (a), (b) or (c) of this section.

§ 1301.10 Producer-handler.

Producer-handler means any person who, during the month is both a dairy farmer and a handler and who meets all of the following conditions:

(a) Provides as the person's own enterprise and at the person's own risk the maintenance, care, and management of the dairy herd and other resources and facilities that are used to produce milk, to process and package such milk at the producer-handler's own plant, and to distribute it as route disposition.

(b) The person's own route disposition constitutes the majority of the route disposition from the plant.

(c) The producer-handler receives no fluid milk products except from such handler's own production and from pool handlers, either by transfer or diversion.

§ 1301.11 Producer.

Producer means:

(a) A dairy farmer who produces milk in the regulated area that is moved to a pool plant or a partially regulated plant, having Class I distribution in the regulated area;

(b) A dairy farmer who produces milk outside of the regulated area that is moved to a pool plant; *provided* that on more than half of the days on which the handler caused milk to be moved from the dairy farmer's farm during December 1996, all of that milk was physically moved to a pool plant in the regulated. *Or:* to be considered a qualified producer, on more than half of the days on which the handler caused milk to be moved from the dairy farmer's farm during the current month and for five (5) months subsequent to July of the preceding calendar year, all of that milk must have moved to a pool plant;

(c) A dairy farmer who produces milk outside of the regulated area that is moved to a partially regulated plant and allocated to Class I pursuant to Section 1304.5. However, the term shall not include:

(1) A producer handler;

(2) A dairy farmer who is a local or state government that has non-producer status for the month under section § 1301.13(c);

(3) A dairy farmer who is a governmental agency that is operating a plant from which there is route disposition in the regulated area;

(4) Dairy farmer milk received at a pool plant or a partially regulated plant which is rejected and segregated in the handler's normal operations for receiving milk and which receipts are accepted and disposed of by the handler as salvaged product rather than milk.

§ 1301.12 Producer milk.

Producer milk means milk that the handler has received from producers. The quantity of milk received by a handler from producers shall include any milk of a producer that was not received at any plant but which the handler or an agent of the handler has accepted, measured, sampled, and transferred from the producer's farm tank into a tank truck during the month.

Such milk shall be considered as having been received at the pool plant at which other milk from the same farm of that producer is received by the handler during the month, except that in the case of a cooperative association in its capacity as a handler under § 1301.9(d), the milk shall be considered as having been received at a plant in the zone location of the pool plant, or pool plants within the same zone, to which the greatest aggregate quantity of the milk of the cooperative association in such capacity was moved during the current month or the most recent month.

§ 1301.13 Exempt milk.

Exempt milk means:

(a) Fluid milk products received at a pool plant in bulk from a non pool plant to be processed and packaged, for which an equivalent quantity of package fluid milk products is returned to the operator of the non pool plant during the same month, if the receipt of bulk fluid milk products and return of packaged fluid milk products occur during an interval in which the facilities of the non pool plant at which the fluid milk products are usually processed and packaged are temporarily unusable because of fire, flood, storm or similar extraordinary circumstances completely beyond the non pool plant operator's control;

(b) Packaged fluid milk products received at a pool plant from a non pool plant in return for an equivalent quantity of bulk fluid milk products moved from a pool plant for processing and packaging during the same month, if the movement of bulk fluid milk products and receipt of package fluid milk products occur during an interval in which the facilities of the pool plant at which the fluid milk products are usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the pool plant operator's control;

(c) Milk received at a pool plant in bulk from the dairy farmer who produced it, to the extent of the quantity of any packaged fluid milk products returned to the dairy farmer, if:

(1) The dairy farmer is a State or local government that is not engaged in the route disposition of any of the returned products, and

(2) The dairy farmer has by written notice to the compact commission and the receiving handler, elected non-producer status for a period of not less than 12 months beginning with the month in which the election was made and continuing for each subsequent month until canceled in writing, and the election is in effect for the current month.

(d) All fluid milk product disposed outside of the regulated area.

§ 1301.14 Fluid milk product.

(a) Except as provided in paragraph (b) of this section *fluid milk product* means any milk products in fluid or frozen form containing less than nine percent butterfat, that are in bulk or are packaged, distributed and intended to be used as beverages. Such products include, but are not limited to: Milk, skim milk, low fat milk, milk drinks, buttermilk, and filled milk, including any such beverage products that are flavored, culture, modified with added nonfat milk solids, sterilized, concentrated (to not more than 50 percent total milk solids), or reconstituted.

(b) The term *fluid milk product* shall not include:

(1) Plain or sweetened evaporated milk, plain or sweetened evaporated skim milk, sweetened condensed milk or skim milk, formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1301.15 Fluid cream product.

Fluid cream product means cream (other than plastic cream or frozen cream), including sterilized cream, or a mixture of cream and milk or skim milk containing nine percent or more butterfat, with or without the addition of other ingredients.

§ 1301.16 Filled milk.

Filled milk means any combination of nonmilk fat (or oil) with skimmed milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milk fat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than six percent nonmilk fat (or oil).

§ 1301.17 Cooperative association.

Cooperative association means any cooperative marketing association of producers which the Secretary of Agriculture of the United States determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the ''Capper-Volstead Act';

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales of, or marketing milk or its products for its members.

§ 1301.18 Person.

Person means any individual, partnership, corporation, association, or other business unit.

§ 1301.19 Route disposition.

Route disposition means distribution of Class I milk by a handler to retail or wholesale outlets, which include vending machines but do not include plants or distribution points. The route disposition of a handler shall be attributed to the processing and packaging plant from which the Class I milk is moved to retail or wholesale outlets without intermediate movement to another processing and packaging plant.

§ 1301.20 Distributing plant.

Distributing plant means a processing and packaging plant.

§ 1301.21 Supply plant.

Supply plant means a plant at which facilities are maintained and used for washing and sanitizing cans and to which milk is moved from dairy farmers' farms in cans and is there accepted, weighed or measured, sampled, and cooled, or it is a plant to which milk is moved from dairy farmers' farms in tank trucks.

§ 1301.22 State dairy regulation.

State dairy regulation means any state regulation of dairy prices, and associated assessments, whether by statute, marketing order or otherwise.

§ 1301.23 Diverted milk.

Diverted milk means milk, other than that excluded under § 1301.11 from being considered as received from a producer, that meets the conditions set forth in paragraph (a) or (b) of this section and is not excluded from diverted milk under paragraph (c) of this section.

(a) Milk that a handler in its capacity as the operator of a pool plant reports as having been moved from a dairy farmer's farm to the pool plant, but which the handler caused to be moved from the farm to another plant, if the handler specifically reports such movement to the other plant as a movement of diverted milk, and the conditions of paragraph (a) (1) or (2) of this section have been met. Milk that is diverted milk under this paragraph shall be considered to have been received at

the pool plant from which it was diverted.

(1) During any two (2) months subsequent to July of the preceding calendar year, or during the current month, on more than half of the days on which the handler caused milk to be moved from the dairy farmer's farm during the month, all of the milk that the handler caused to be moved from that farm was physically received as producer milk at the handler's pool plant or at another of the handler's pool plants that is not longer operated as a plant.

(2) During the current month and not more than five (5) other months subsequent to July of the preceding calendar year, milk from the dairy farmer's farm was received at or diverted from the handler's pool plant as producer milk, and during the current month all of the milk from that farm that the handler reported as diverted milk was moved from the farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted from the same pool plant in accordance with the preceding provisions of this paragraph.

(b) Milk that a cooperative association in its capacity as a handler under § 1301.9 (d) caused to be moved from a dairy farmer's farm to a plant other than a pool plant if the association specifically reports the movement to such plant as a movement of diverted milk, and the conditions of paragraph (b) (1) or (2) or this section have been met. Milk that is diverted under this paragraph shall be considered to have been received by the cooperative association in its capacity as a handler under § 1301.9 (d).

(1) During any two (2) months subsequent to July of the preceding calendar year, or during the current month, on more than half of the days on which the cooperative association in its capacity as a handler under § 1301.9 (d) caused milk to be moved from the farm as producer milk during the month, all of the milk that the association caused to be moved from the farm was physically received at a pool plant.

(2) During the current month and not more than five (5) other months subsequent to July of the preceding calendar year, the cooperative association in its capacity as a handler under § 1301.9(d) caused milk to be moved from the dairy farmer's farm as producer milk, and during the current month all of the milk from that farm that the cooperative association in its capacity as a handler under § 1301.9(d) reported as diverted milk was moved from the farm in a tank truck in which it was intermingled with milk from other farms, the milk from a majority of which farms was diverted by the association in accordance with the preceding provisions of this paragraph.

(c) Milk moved, as described in paragraphs (a) and (b) of this section, from dairy farmer's farms to partially regulated plants in excess of 35 percent in the months of September through November and 45 percent in other months, of the total quantity of producer milk received (including diversions) by the handler during the month shall not be diverted milk. Such milk, and any other milk reported as diverted milk that fails to meet the requirements set forth in this section, shall be considered as having been moved directly from the dairy farmers' farms to the plant of physical receipt, and if that plant is a nonpool plant the milk shall be excluded from producer milk.

PART 1303—HANDLERS REPORTS

Sec.

1303.1 Reports of receipts and utilization
1303.2 Other reports of receipts and utilization
1303.3 Reports regarding individual producers and dairy farmers
1303.4 Notices to producers

Authority: 7 U.S.C. 7256.

§ 1303.1 Reports of receipts and utilization.

On or before the eighth day after the end of each month, each handler shall report for such month to the compact commission, in the detail and on the forms prescribed by the compact commission as follows:

(a) Each handler, with respect to each of the handler's pool plants shall report the quantities of fluid milk products contained in or represented by:

(1) Receipts of producer milk (including the specific quantities of diverted milk and receipts from the handler's own production);

(2) Receipts of milk from cooperative association in their capacity as handlers under § 1301.9(d);

(3) Receipts of fluid milk products from other pool plants;

(4) Receipts of fluid milk products from partially regulated plants;

(5) Inventories at the beginning and end of the month of fluid milk products;

(6) All Class I utilization or disposition of milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk.

(c) Each handler described in § 1301.9 (d) shall report:

(1) The quantities of all fluid milk product contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler shall report bulk milk received at a handler's pool plant from a cooperative association in its capacity as the operator of a pool plant or as a handler under § 1301.9 (d), if such milk was rejected by the handler subsequent to such handler's receipt of the milk on the basis that it was not of marketable quality at the time the milk was delivered to the handler's plant, and such milk was removed from the plant in bulk form by the cooperative association and was replaced in the other milk from the association. Except for purposes of this paragraph and § 1303.2 (a), such milk that was so removed from the handler's plant shall be treated for all other purposes of the pricing regulation as though it had not been delivered to and received at the handler's plant.

(e) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to the handler's receipts and utilization of milk, filled milk, and milk products in such manner as the compact commission may prescribe.

(f) Any handler who operates a pool plant which has no Class I disposition and receives no milk from producers is exempted from reporting to the compact commission under this section.

§ 1303.2 Other reports of receipts and utilization.

(a) Each handler who intends to have a receipt of unmarketable milk replaced with the other milk in the manner described under § 1303.1 shall give the compact commission, at the request and in accordance with instructions of the compact commission, advance notice of the handler's intention to have such milk replaced.

(b) In addition to the reports required pursuant to paragraph (a) of this section and § 1303.1 and § 1303.3 each handler shall report such other information as the compact commission deems necessary to verify or establish such handler's obligation under the order.

§ 1303.3 Reports regarding individual producers and dairy farmers.

(a) Each handler shall report on or before the 15th day after the end of each month the information required by the compact commission with respect to

producer additions, producer withdrawals, changes in farm locations, and changes in the name of farm operators.

(b) Each handler that is not a cooperative association, upon request from any such association, shall furnish it with information with respect to each of its producer members from whose farm the handler begins, resumes, or stops receiving milk at his pool plant. Such information shall include the applicable date, the producer-member's post office address and farm location, and, if known, the plant at which his milk was previously received, or the reason for the handler's failure to continue receiving milk from his farm. In lieu of providing the information directly to the association, the handler may authorize the compact commission to furnish the association with such information, derived from the handler's reports and records.

(c) Each handler shall submit to the compact commission within ten (10) days after their request made not earlier than twenty (20) days after the end of the month, his producer payroll for the month, which shall show for each producer:

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, with the prices, deductions, and charges involved.

§ 1303.4 Notices to producers.

Each handler shall furnish each producer from whom he receives milk the following information regarding the weight and butterfat test of the milk:

(a) Whenever he receives milk from the producer on the basis of farm bulk tank measurements, the handler shall give the producer at the time the milk is picked up at the farm a receipt indicating the measurement and the equivalent pounds of milk received;

(b) Whenever he receives milk from the producer on a basis other than farm bulk tank measurements, the handler shall give the producer within three (3) days after receipt of the milk a written notice of the quantity so received;

(c) If butterfat tests of the producer's milk are determined from fresh milk samples, the handler shall give the producer within ten (10) days after the end of each month a written notice of the producer's average butterfat test for the month. Such notice shall not be required if the handler has given the producer a written notice of the butterfat test for each of the sampling periods within the month; and

(d) If butterfat tests of the producer's milk are determined from composite milk samples, the handler shall give the producer within seven (7) days after the end of each sampling period a written notice of the producer's average butterfat test for the period.

PART 1304—CLASSIFICATION OF MILK

Sec.

1304.1 Classification of milk.
1304.2 Classification of transfers and diversions.
1304.3 General classification rules.
1304.4 Classification of producer milk at a pool plant.
1304.5 Classification of producer milk at a partially regulated plant.

Authority: 7 U.S.C. 7256.

§ 1304.1 Classification of milk.

All fluid milk products required to be reported by a handler pursuant to this section shall be classified as follows:

(a) Class I milk shall be all fluid milk products disposed of in the regulated area, and in packaged inventory of fluid milk products at the end of the month, except as otherwise provided in paragraphs (b), (c), and (d) of this section;

(b) Fluid Milk Products:

(1) Disposed of in the form of a fluid cream product or any product containing artificial fat, fat substitutes, or six percent or more nonmilk fat (or oil) that resembles a fluid cream product, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b) (1) of this section and in bulk concentrated fluid milk products in inventory at the end of the month;

(3) In bulk fluid milk products and bulk fluid cream products disposed of or diverted to a commercial food processor if the compact commission is permitted to audit the records of the commercial food processing establishment for the purpose of verification. Otherwise, such uses shall be Class I;

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, dry curd cottage cheese, ricotta cheese, pot cheese, Creole cheese, and any similar soft, high moisture cheese resembling cottage cheese in form or use;

(ii) Milkshake and ice milk mixes (or bases), frozen desserts, and frozen dessert mixes distributed in one-quart containers or larger and intended to be used in soft or semi-solid form:

(iii) Aerated cream, frozen cream, sour cream and sour half-and-half, sour cream mixtures containing nonmilk items, yogurt and any other semi-solid product;

(iv) Eggnog, custards, puddings, pancake mixes, buttermilk biscuit mixes, coatings, batter and similar products;

(v) Formulas especially prepared for infant feeding or dietary use (meal replacement) that are packaged in hermetically sealed containers;

(vi) Candy, soup, bakery products and other prepared foods which are processed for general distribution to the public, and intermediate products, including sweetened condensed milk, to be used in processing such prepared food products; and

(vii) Any product not otherwise specified in this section.

(c) All fluid milk products:

(1) Used to produce:

(i) Cream cheese and other spreadable cheeses, and hard cheeses of types that may be shredded, grated, or crumbled, and are not included in paragraph (b)(4)(i) of this section;

(ii) Butter, plastic cream, anhydrous milkfat and butteroil;

(iii) Any milk product in dry form, except nonfat dry milk;

(iv) Evaporated or sweetened condensed milk in a consumer-type package and evaporated or sweetened condensed skim milk in a consumer-type package; and

(2) In inventory at the end of the month of unconcentrated fluid milk products in bulk form and products in bulk form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products, products specified in paragraph (b)(1) of this section, and products processed by the disposing handler that are specified in paragraphs (b)(4) (i)–(iv) of this section, that are disposed of by a handler for animal feed;

(4) In fluid milk products, products specified in paragraph (b)(1) of this section, and products processed by the disposing handler that are specified in paragraphs (v)(4) (i)–(iv) of this section, that are dumped by a handler. The compact commission may require notification by the handler of such dumping in advance for the purpose of having the opportunity to verify such disposition. In any case, classification under this paragraph requires a handler to maintain adequate records of such use, if advance notification of such dumping is not possible, or if the compact commission so requires, the handler must notify the compact commission on the next business day following such use;

(5) In fluid milk products and products specified in paragraph (b)(1) of this section that are destroyed or lost by a handler in a vehicular accident, flood, fire, or in a similar occurrence beyond the handler's control, to the extent that the quantities destroyed or lost can be verified from records satisfactory to the compact commission.

(6) In skim milk in any modified fluid milk product or in any product specified in paragraph (b)(1) of this section that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1301.14 and the fluid cream product definition pursuant to § 1301.15.

(d) All fluid milk products used to produce nonfat dry milk.

§ 1304.2 Classification of transfers and diversions

(a) *Transfers and diversions to pool plants.* Fluid milk products transferred or diverted from a pool plant to another pool plant or partially regulated plant shall be classified as Class I milk unless the operators of both plants request not to classify it Class I. In either case, the classification of such transfers or diversion shall be subject to the following conditions;

(1) The fluid milk products classified in Class I shall be limited to the amount of fluid milk products, respectively, remaining in Class I at the transferee-plant or diverted-plant.

(b) *Transfers and diversions to producers-handlers.* Fluid milk products transferred or diverted from a pool plant to a producer-handler shall be classified as Class I.

§ 1304.3 General classification rules.

In determining the classification of producer milk pursuant to § 1304.4, the following rules shall apply:

(a) Each month the compact commission shall correct for mathematical and other obvious errors all reports filed pursuant to § 1303.1 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1301.9(d) the pounds of skim milk and butterfat, respectively, in Class I in accordance with §§ 1304.1 and 1304.2;

(b) The classification of producer milk for which a cooperative association is the handler pursuant to § 1301.9(d) shall be determined separately from the operations of any pool plant operated by such cooperative; and

(c) If receipts from more than one pool plant are to be assigned, the receipts shall be assigned in sequence according to the zone locations of the plants, beginning with the plant in the lowest-numbered zone for assignments to Class I milk.

§ 1304.4 Classification of producer milk at a pool plant.

For each month the compact commission shall determine the classification of producer milk of each handler described in § 1301.9(a) for each of the handler's pool plants separately and of each handler described in § 1301.9(d) by allocating the handler's receipts of fluid milk products to the handler's utilization pursuant to paragraphs (a) and (b) of this section.

(a) Fluid milk products shall be allocated in the following manner:

(1) Subtract from the total pounds of fluid milk products in Class I the pounds of fluid milk products in:

(i) Beginning inventory packaged fluid milk products;

(ii) Receipts of Class I fluid milk products from other pool plants and partially regulated plants;

(iii) Disposition of Class I fluid milk products outside of the regulated area;

(iv) Receipts of exempt fluid milk products pursuant to section 1301.13 (a), (b), and (c).

(b) The quantity of producer milk in Class I shall be the combined pounds of fluid milk product remaining in Class I.

§ 1304.5 Classification of producer milk at a partially regulated plant.

For each month the compact commission shall determine the classification of producer milk of each handler described in § 1301.9(b) for each of the handler's partially regulated plants separately by allocating the handler's receipts of fluid milk products to the handler's utilization pursuant to paragraphs (a) through (c) of this section.

(a) Fluid milk products shall be allocated in the following manner:

(1) Subtract from the total pounds of fluid milk product in Class I the pounds of fluid milk products in:

(i) Beginning inventory packaged fluid milk products;

(ii) Receipts of Class I fluid milk products from other pool plants and partially regulated plants;

(iii) Disposition of Class I fluid milk products outside of the regulated area;

(iv) Receipts of exempt fluid milk product pursuant to § 1301.13 (a), (b), and (c).

(b) The quantity of producer milk in Class I shall be the combined pounds of fluid milk product remaining in Class I, not to exceed the total pounds of fluid milk products disposed of in the regulated area.

(c) Producer milk will be allocated pursuant to paragraph (b) of this section in the following manner:

(1) Receipts from producers located in the regulated area;

(2) Receipts of diverted pool milk;

(3) Receipts from producers not located in the regulated area shall then be assigned to any remaining Class I in the regulated area.

PART 1305—CLASS PRICE

Sec.
1305.1 Compact over-order class I price and compact over-order obligation.
1305.2 Announcement of compact over-order class I price and compact over-order obligation.
1305.3 Equivalent price.

Authority: 7 U.S.C. 7256.

§ 1305.1 Compact over-order class I price and compact over-order obligation.

The compact over-order Class I price per hundredweight of milk shall be as follows:

(a) The Class I price shall be announced pursuant to § 1305.2.

(b) The compact over-order obligation shall be computed as follows:

(1) The compact Class I price;

(2) Deduct Federal Order #1, Zone 1 price;

(3) The remainder shall be the compact over-order obligation.

§ 1305.2 Announcement of compact over-order class I price and compact over-order obligation.

The compact commission shall announce publicly on or before the 5th day of each month the Class I over-order price and the compact over-order obligation for the following month.

§ 1305.3 Equivalent price.

If, for any reason, a price specified in this part for use in computing class prices or for other purposes is not reported or published in the manner described in this part, the compact commission shall use one determined by the commission to be equivalent to the price that is specified.

PART 1306—COMPACT OVER-ORDER PRODUCER PRICE

Sec.
1306.1 Handler's value of milk for computing basic over-order producer price.
1306.2 Partially regulated plant operator's value of milk for computing basic over-order producer price.
1306.3 Computation of basic over-order producer price.
1306.4 Announcement of basic over-order producer price.

Authority: 7 U.S.C. 7256.

§ 1306.1 Handler's value of milk for computing basic over-order producer price.

For the purpose of computing the basic over-order producer price, the compact commission shall determine for each month the value of milk of each handler with respect to each of the handler's pool plants and of each handler described in § 1301.9(d) with respect to milk that was not received at a pool plant, as directed in this section:

(a) Multiply the pounds of Class I fluid milk products as determined pursuant to § 1304.1(a) by the compact over-order obligation.

§ 1306.2 Partially regulated plant operator's value of milk for computing basic over-order producer price.

For the purpose of computing the basic over-order producer price, the compact commission shall determine for each month the value of milk disposition in the regulated area by the operator of a partially regulated plant, as follows:

(a) Multiply the pounds of Class I fluid milk products as determined pursuant to § 1304.1(a) by the compact over-order obligation.

§ 1306.3 Computation of basic over-order producer price.

The compact commission shall compute the basic over-order producer price per hundredweight applicable to milk received at plants as follows:

(a) Combine into one total the values computed pursuant to § 1306.1 and § 1306.2 for all handlers from whom the compact commission has received at the compact commission's office prior to the 9th day after the end of the month the reports for the month prescribed in § 1303.1 and the payments for the preceding month required under § 1307.3(a).

(b) Add an amount equal to not less than one-half of the unobligated balance of the producer-settlement fund at the close of business on the 8th day after the end of the month;

(c) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk;

(2) The total hundredweight for which a value is computed pursuant to § 1306.2 (a); and

(d) Subtract not less than four (4) cents nor more than five (5) cents for the purpose of retaining a cash balance in the producer-settlement fund. The result shall be the basic over-order producer price for the month.

§ 1306.4 Announcement of basic over-order producer price.

The compact commission shall announce publicly on or before: The 13th day after the end of each month the over-order producer price resulting from the adjustment of the basic over-order producer price for such month, as computed under § 1306.3.

PART 1307—PAYMENTS FOR MILK

Sec.

1307.1 Producer-settlement fund.
1307.2 Handler's producer-settlement fund debits and credits.
1307.3 Payments to and from the producer-settlement fund.
1307.4 Payments to producers.
1307.5 [Reserved].
1307.6 Statements to producers.
1307.7 Adjustment of accounts.
1307.8 charges on overdue accounts.

Authority: 7 U.S.C. 7256.

§ 1307.1 Producer-settlement fund.

(a) The compact commission shall establish and maintain a separate fund known as the *producer-settlement fund*. They shall deposit into the fund all amounts received from handlers under §§ 1307.3, 1307.7, and 1307.8 and the amount subtracted under § 1306.3(d). They shall pay from the fund all amounts due handlers under §§ 1307.3, 1307.7, and 1307.8 and the amount added under § 1306.3(b) subject to their right to offset any amounts due from the handler under these sections and under § 1308.1.

(b) All amounts subtracted under § 1306.3(d), including interest earned thereon, shall remain in the producer-settlement fund as an obligated balance until it is withdrawn for the purpose of effectuating § 1306.3(b).

(c) The compact commission shall place all monies subtracted under § 1306.3(d) in an interest-bearing bank account or accounts in a bank or banks duly approved as a Federal depository for such monies, or invest them in short-term U.S. Government securities.

§ 1307.2 Handlers' producer-settlement fund debits and credits.

On or before the 15th day after the end of the month, the compact commission shall render a statement to each handler showing the amount of the handler's producer-settlement fund debit or credit, as calculated in this section.

(a) The producer-settlement fund debit for each plant and each cooperative association in its capacity as a handler under § 1301.9(d) shall be the value computed pursuant to § 1306.1 and § 1306.2.

(b) The producer-settlement fund credit for each plant and each cooperative association in its capacity as a handler under § 1301.9(d) shall be computed as specified in this paragraph.

(1) Multiply the quantities of producer milk that were allocated to Class I pursuant to § 1304.4 and the quantities of route disposition in the marketing area by partially regulated plants for which a value was determined pursuant to § 1306.2(a) by the basic over-order producer price computed under § 1306.3.

(2) For any cooperative association in its capacity as a handler under § 1301.9(d), multiply the quantities of milk moved to each pool plant by the basic over-order blended price computed under § 1306.3; and to the result add the value determined under § 1306.1.

(c) The producer-settlement fund debit or credit of any handler shall be the net of the producer-settlement fund debits and credits as computed for all of its operations under paragraphs (a) and (b) of this section.

§ 1307.3 Payments to and from the producer-settlement fund.

(a) On or before the 18th day after the end of the month, each handler shall pay to the compact commission the handler's producer-settlement fund debit for the month as determined under § 1307.2(a).

(b) On or before the 20th day after the end of the month, the compact commission shall pay to each handler the handler's producer-settlement fund credit for the month as determined under § 1307.2(b). If the unobligated balance in the producer-settlement fund is insufficient to make such payments, the compact commission shall reduce uniformly such payments and shall complete them as soon as the funds are available.

§ 1307.4 Payments to producers.

(a) On or before the 20th day after the end of the month, each handler shall make payment to each producer for the milk received from him during the month at not less than the basic over-order producer price per hundredweight computer under § 1306.3. If the handler has not received full payment for the compact commission under § 1307.3(b) by the date payments are due under this paragraph, he may reduce pro rata his payments to producers by an amount not to exceed such underpayment. Such payments shall be completed after receipt of the balance due from the compact commission by the next following date for making payments under this paragraph.

(b) If the handler's net payment to a producer is for an amount less than the

total amount due the producer under this section, the burden shall rest upon the handler to prove to the compact commission that each deduction from the total amount due is properly authorized and properly chargeable to the producer.

(c) In making payment to producers under paragraph (b) of this section for milk diverted from a pool plant the handler may elect to pay such producers at the price of the plant from which the milk was diverted, if the resulting net payment to each producer is not less than the otherwise required under this section and the rate of payment and the deduction shown on the statement required to be furnished under § 1307.6 are those used in computing the payment.

(d) If a handler claims that the required payment cannot be made because the producer is deceased or cannot be located, such payment shall be made to the producer-settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the compact commission shall make such payment from the producer-settlement fund to the handler or to the lawful claimant, as the case may be.

(e) If not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the compact commission findings upon verification as provided above such payment shall be made to the producer-settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed or until the handler submits proof to the compact commission that the required payment has been made to the producer in which latter event the payment shall be refunded to the handler.

(f) At a partially regulated plant each handler shall make payments, on a pro rata basis, to all producers and dairy farmers for milk received from them during the month, the payment received pursuant to § 1307.3(b).

§ 1307.5 [Reserved]

§ 1307.6 Statements to producers.

In making the payments to producers required under § 1307.4, each handler and each cooperative shall furnish each producer, in addition to the information required under Federal and State regulations, a supporting statement, in such form acceptable to the commission, which shall show: The rate and amount of the compact over-order producer price.

§ 1307.7 Adjustment of accounts.

(a) Whenever the compact commission verification of a handler's reports or payments discloses an error in payments to or from the compact commission under § 1307.3 or § 1308.1, the compact commission shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period beginning with the 10th day of the prior month and ending with the 9th day of the current month shall be payable by the handler to the market administrator on or before the 18th day of the current month. Adjustment credits issued during that period shall be payable by the compact commission to the handler on or before the 20th day of the current month.

(b) Whenever the compact commission's verification of a handler's payments discloses payment to a producer or a cooperative association of an amount less than is required by § 1307.4, the handler shall make payment of the balance due the producer not later than the 20th day after the end of the month in which the handler is notified of the deficiency.

§ 1307.8 Charges on overdue accounts.

Any producer-settlement fund account balance due from or to a handler under § 1307.3, § 1307.7 or § 1307.8 for which remittance has not been received in or paid from the compact commission office by close of business on the 18th day of any month, shall be increased one percent effective the following day.

PART 1308—ADMINISTRATIVE ASSESSMENT

Authority: 7 U.S.C. 7256.

§ 1308.1 Assessment for pricing regulations administration.

On or before the 18th day after the end of the month, each handler shall pay to the compact commission his pro rata share of the expense of administration of this pricing regulation. The payment shall be at the rate of 3.2 cents per hundredweight. The payment shall apply to:

(a) The quantity of fluid milk products disposed in the regulated area from a pool plant for which a value is determined under § 1306.1;

(b) The quantity of fluid milk products disposed in the regulated area from a cooperative association in its capacity as a handler under Section 1301.9(d) for which a value is determined under Section 1306.1; and

(c) The quantity distributed as route disposition in the regulated area from a partially regulated plant for which a value is determined under § 1306.2.

Daniel Smith,

Executive Director.

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NORTHEAST DAIRY COMPACT COMMISSION

7 CFR Chapter XIII

Results of Producer Referendum on Compact Over-Order Price Regulation

AGENCY: Northeast Dairy Compact Commission.

ACTION: Notice of Referendum Results.

SUMMARY: The Northeast Dairy Compact Commission adopted an over-order price regulation by Final Rule on May 14, 1997, which is published elsewhere in this issue of the **Federal Register**. To become effective the price regulation must be approved by at least two-thirds of all producers voting by referendum. A producer referendum was held during the period of May 15 through May 27, 1997. The Commission's price regulation was approved by more than two-thirds of all producers voting in the referendum.

ADDRESSES: Northeast Dairy Compact Commission, 43 State Street, P.O. Box 1058, Montpelier, Vermont 05601.

FOR FURTHER INFORMATION CONTACT: Daniel Smith, Executive Director, Northeast Dairy Compact Commission at the above address or by telephone at (802) 229–1941 or by facsimile at (802) 229–2028.

SUPPLEMENTARY INFORMATION: The Compact Commission was established under the authority of the Northeast Interstate Dairy Compact (''Compact''). The Compact was enacted into law by each of the six participating New England states as follows: Connecticut—Pub. L. 93–320; Maine—Pub. L. 89–437, as amended, Pub. L. 93–274; Massachusetts—Pub. L. 93–370; New Hampshire—Pub. L. 93–336; Rhode Island—Pub. L. 93–106; Vermont—Pub. L. 89–95, as amended, 93–57. Consistent with Article I, Section 10 of the United States Constitution, Congress consented to the Compact in Public Law 104–127 (FAIR ACT), Section 147, codified at 7 U.S.C. 7256. Subsequently, the United States Secretary of Agriculture, pursuant to 7

U.S.C. 7256(1), authorized implementation of the Compact.

Article V, Section 13(a) of the Compact provides that to ascertain whether a price regulation established by the Commission is approved by producers the Commission shall conduct a referendum among producers. Section 13(b) provides further that a price regulation shall be deemed approved by producers if the Commission determines that it is approved by at least two-thirds of the voting producers who, during a representative period, have been engaged in the production of milk subject to Commission price regulation. Section 13(c) directs the Commission to consider the approval or disapproval of any qualified cooperative association by block vote as the approval or disapproval of the producers who are members or stockholders in the cooperative association. Section 13(c)(4) provides that producers who are members of cooperatives may express their approval or disapproval of the order by ballot, and the Commission shall remove their vote from the total certified by the Cooperative.

By final rule, published in this **Federal Register**, the Commission adopted an over-order price regulation on May 14, 1997. The Final Rule includes specific findings of fact required under Section 12(a)(1)–(4)of the Compact. The following notice provides certification of the finding required under Section 12(a)(4), specifically: ''Whether the terms of the proposed regional order or amendment are approved by producers as provided in section 13.''

The Commission adopted the following resolution for certifying a referendum vote at its May 14, 1997 meeting:

Referendum Approval Certification Procedure

The Compact Commission resolves and adopts this procedure for certifying whether the Price Regulation adopted on May 14 has been duly approved by producer referendum in accordance with Article V, § 12 of the Northeast Interstate Dairy Compact.

The Compact Commission further resolves to designate and authorize a ''Referendum Agent'' to administer this procedure. The Referendum Agent shall:

1. Verify all ballots in accordance with Commission's requirements with respect to timeliness, Cooperative identification, producer eligibility, appearance of authenticity and other steps taken to avoid duplication of ballots. Ballots determined by the referendum agent to be invalid shall be marked ''disqualified'' with a notation of the reason for the disqualification. Disqualified ballots shall not be considered in determining approval or disapproval of the regulation. Verification of ballots shall include those cast individually and by block vote.

2. Certify the following:

a. The total number of ballots cast.

b. The total number of ballots disqualified.

c. The total number of verified ballots cast in favor of the price.

d. The total number of verified ballots cast in opposition to the price regulation.

e. Whether two-thirds of all verified ballots were cast in the affirmative.

3. Report to the Executive Director of the Compact Commission the certified computations and results of the referendum under Section 2, who shall publish such results in the **Federal Register**.

4. At the completion of his or her work, shall seal all ballots, including the disqualified ballots, and shall submit a final report to the Executive Director stating all actions taken in connection with the referendum. The final report shall include all ballots cast and all other information furnished to or compiled by the Referendum Agent.

The ballots cast, the identity of any person or cooperative, or the manner in which any person or cooperative voted and all information furnished to or compiled by the Referendum Agent shall be regarded as confidential.

The Commission hereby duly appoints Mae Schmidle as the Referendum Agent to act in accordance with the procedures adopted by this Resolution.

The Commission appointed Ms. Mae Schmidle, the Commission's Vice Chair as Referendum Agent. A referendum was held during the period of May 15 through May 27, 1997. All producers who were producing milk pooled in Federal Order #1 or for consumption in New England, during January of 1997, the representative period determined by the Commission were deemed eligible to vote. The mailing of ballots to eligible producers was completed on 16, 1997 by the Federal Order #1 Market Administrator. The ballots included an official summary of the Commission's action. Producers were notified that, to be counted, their ballots had to be returned to the Commission offices by noon on May 27, 1997.

Eleven Cooperative Associations were notified of the procedures necessary to block vote by a pre-decisional letter dated April 7, 1997 and a post-decisional letter dated May 15, 1997. Cooperatives were required to provide prior written notice of their intention to block vote to all members on a form provided by the Commission, and to certify to the Commission that (1) timely notice was provided, (2) the number of eligible producers for whom they claimed to be voting, and (3) that they were qualified under the Capper-Volstead Act. Cooperative Associations were further notified that Cooperative Association block vote reporting forms had to be returned to the Commission offices by noon on May 27, 1997.

Notice

On May 27, 1997 the duly authorized referendum agent verified all Ballots according to procedures and criteria established by the Commission. A total of 4,169 ballots were mailed to eligible producers. All ballots and Block Vote Reporting Forms received by the Commission were opened and counted. A total of 3,270 producer ballots were returned to the Commission office. Ballots and Block Vote Reporting forms were verified or disqualified based on criteria established by the Commission, including timeliness, cooperative identification by cooperative members, producer eligibility, appearance of authenticity, appropriate certifications by cooperative associations and other steps taken to avoid duplication of ballots. Ballots determined by the referendum agent to be invalid were marked ''disqualified'' with a notation as to the reason. A total of 112 ballots were disqualified by the referendum agent.

The referendum agent then certified the following:

A total of 4,169 ballots were mailed to eligible producers.

A total of 3,270 ballots were returned to the Commission.

A total of 112 ballots were disqualified.

A total of 3,158 ballots were verified.

A total of 3,146 verified ballots were cast in favor of the price regulation.

A total of 12 verified ballots were cast in opposition to the price regulation.

Accordingly, pursuant to the Referendum Approval Certification Procedure resolution adopted by the Northeast Dairy Compact Commission on May 14, 1997, I hereby provide notice that 3,146 of 3,158 verified ballots or 99.6 percent of all verified ballots cast were in favor of the price regulation and that, therefore, greater than two-thirds of all verified ballots were cast in the affirmative.

Daniel Smith,

Executive Director.

[FR Doc. 97–14260 Filed 5–29–97; 8:45 am]

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RULES GOING INTO EFFECT MAY 30, 1997

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

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AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

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Fish and Wildlife Service

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INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

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JUSTICE DEPARTMENT

Drug Enforcement Administration

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LABOR DEPARTMENT

Occupational Safety and Health Administration

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Abatement verification; published 3-31-97

LIBRARY OF CONGRESS

Copyright Office, Library of Congress

Cable compulsory license:

Merger of cable systems and individual pricing of broadcast signals; published 4-30-97

TENNESSEE VALLEY AUTHORITY

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Technical amendments; published 5-30-97

TRANSPORTATION DEPARTMENT

Coast Guard

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Elizabeth River, VA; security zone; published 5-29-97

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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Coast Guard

Drawbridge operations:

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Agricultural Marketing Service

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AGRICULTURE DEPARTMENT

Grain Inspection, Packers and Stockyards Administration

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FEDERAL EMERGENCY MANAGEMENT AGENCY

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HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

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Current good manufacturing practice regulations; incorporation into quality system regulation; published 10-7-96

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Group health plans; access, portability, and renewability requirements; published 4-8-97

LABOR DEPARTMENT

Employment Standards Administration

McNamara-O'Hara Service Contract Act:

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LABOR DEPARTMENT

Pension and Welfare Benefits Administration

Employee Retirement Income Security Act:

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Group health plans; access, portability, and renewability requirements; published 4-8-97

Correction; published 4-8-97

PENSION BENEFIT GUARANTY CORPORATION

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Allocation of assets—

Interest assumptions for valuing benefits; published 5-15-97

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Coast Guard

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TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Restricted areas; published 4-11-97

TRANSPORTATION DEPARTMENT

Federal Railroad Administration

Railroad power brakes and drawbars:

Train and locomotive power braking systems; advanced technology use; two-way end-of-train telemetry devices; published 1-2-97

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Internal Revenue Service

Excise taxes:

Group health plans; access, portability, and renewability requirements; published 4-8-97

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AGRICULTURE DEPARTMENT

Agricultural Marketing Service

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AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

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Regulated and restricted areas; classification criteria modifications; comments due by 6-2-97; published 5-1-97

AGRICULTURE DEPARTMENT

Commodity Credit Corporation

Loan and purchase programs:

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Federal Crop Insurance Corporation

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AGRICULTURE DEPARTMENT

Farm Service Agency

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AGRICULTURE DEPARTMENT

Rural Business-Cooperative Service

Program regulations:

Community facilities grant program; comments due by 6-6-97; published 4-7-97

AGRICULTURE DEPARTMENT

Rural Housing Service

Program regulations:

Community facilities grant program; comments due by 6-6-97; published 4-7-97

AGRICULTURE DEPARTMENT

Rural Utilities Service

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ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Telecommunications Act of 1996; implementation:

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COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

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Magnuson Act provisions; public meetings; comments due by 6-6-97; published 5-19-97

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Ocean salmon; comments due by 6-4-97; published 5-5-97

DEFENSE DEPARTMENT

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ENERGY DEPARTMENT

Federal Energy Regulatory Commission

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ENVIRONMENTAL PROTECTION AGENCY

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Pharmaceuticals production; comments due by 6-2-97; published 4-2-97

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Utah; comments due by 6-6-97; published 5-7-97

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Maine; comments due by 6-2-97; published 5-2-97

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Propamocarb hydrochloride; comments due by 6-2-97; published 4-2-97

Solid wastes:

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Superfund program:

National oil and hazardous substances contingency plan—

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Telephone number portability; North American Numbering Council recommendations; comments due by 6-2-97; published 5-8-97

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HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

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INTERIOR DEPARTMENT

Indian Affairs Bureau

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INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

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Pallid Manzanita; comments due by 6-4-97; published 5-5-97

INTERIOR DEPARTMENT

Minerals Management Service

Royalty management:

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INTERIOR DEPARTMENT

National Park Service

Special regulations:

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INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Initial and permanent regulatory programs:

Surface coal mining and reclamation operations—

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NATIONAL INSTITUTE FOR LITERACY

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TRANSPORTATION DEPARTMENT

Coast Guard

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TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

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TRANSPORTATION DEPARTMENT

Surface Transportation Board

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TREASURY DEPARTMENT

Fiscal Service

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TREASURY DEPARTMENT

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