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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[Docket No. FV98–985–1 FR]

Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1998–99 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule establishes the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle for, producers during the 1998–99 marketing year. The Spearmint Oil Administrative Committee (Committee), the agency responsible for local administration of the marketing order for spearmint oil produced in the Far West, recommended this rule for the purpose of avoiding extreme fluctuations in supplies and prices, and thus help to maintain stability in the spearmint oil market.

EFFECTIVE DATES: June 1, 1998, through May 30, 1999.

FOR FURTHER INFORMATION CONTACT: Robert J. Curry, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204; telephone: (503) 326–2043; Fax: (503) 326–7440; or Anne M. Dec, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491; Fax: (202) 205–6632. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491; Fax (202) 205–6632.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 985 (7 CFR Part 985), as amended, regulating the handling of spearmint oil produced in the Far West (Washington, Idaho, Oregon, and designated parts of Nevada and Utah), hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the provisions of the marketing order now in effect, salable quantities and allotment percentages may be established for classes of spearmint oil produced in the Far West. This rule establishes the quantity of spearmint oil produced in the Far West, by class, that may be purchased from or handled for producers by handlers during the 1998–99 marketing year, which begins on June 1, 1998. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

Pursuant to authority contained in sections 985.50, 985.51, and 985.52 of the order, the Committee recommended the salable quantities and allotment percentages for the 1998–99 marketing year at its October 8, 1997, meeting. With 6 members favoring the recommendation and 1 member opposed, the Committee recommended the establishment of a salable quantity and allotment percentage for Class 1 (Scotch) spearmint oil of 1,187,077 pounds and 65 percent, respectively. The member in opposition favored the establishment of a higher salable quantity and allotment percentage. In a unanimous vote, the Committee recommended the establishment of a salable quantity and allotment percentage for Class 3 (Native) spearmint oil of 1,155,217 pounds and 57 percent, respectively.

This final rule limits the amount of spearmint oil that handlers may purchase from, or handle for, producers during the 1998–99 marketing year, which begins on June 1, 1998. Salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980.

The U.S. production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (part of the area covered by the marketing order). Spearmint oil is also produced in the Midwest. The production area covered by the marketing order accounts for approximately 65 percent of the annual U.S. production of Scotch spearmint oil and approximately 90 percent of the annual U.S. production of Native spearmint oil.

When the order became effective in 1980, the United States produced nearly 100 percent of the world's supply of Scotch spearmint oil, of which approximately 80 percent was produced in the regulated production area in the Far West. International production characteristics have changed in recent years, however, with foreign Scotch spearmint oil production contributing significantly to world production. Although still a leader in production, the Far West's market share has decreased to approximately 41 percent of the world total. Therefore, the Committee's recommendation for Scotch spearmint oil is designed to maintain market stability by avoiding extreme fluctuations in supplies and

prices, and may help the industry remain competitive on an international level by potentially regaining some of the Far West's historical share of the global market. The Committee's recommendation is intended to foster market stability so that the Far West's Scotch spearmint oil market share will not only be retained, but expanded as well.

The order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year to year. For example, between 1971 and 1975 the price of Native spearmint oil ranged from $3.00 per pound to $11.00 per pound. In contrast, under the order, prices have stabilized between $10.50 and $11.50 per pound for the past ten years. With approximately 90 percent of the U.S. production located in the Far West, the method of calculating the Native spearmint oil salable quantity and allotment percentage primarily utilizes information on price and available supply as they are affected by the estimated trade demand.

The salable quantity and allotment percentage for each class of spearmint oil for the 1998–99 marketing year is based upon the Committee's recommendation and the data presented below.

(1) Class 1 (Scotch) Spearmint Oil

(A) Estimated carry-in on June 1, 1998—456,994 pounds. This figure is derived by subtracting the estimated 1997–98 marketing year trade demand of 853,987 pounds from the revised 1997–98 marketing year total available supply of 1,310,981 pounds.

(B) Estimated world production for the 1997–98 marketing year—2,186,128 pounds.

(C) Estimated Far West production for the 1997–98 marketing year—892,628 pounds.

(D) Far West percentage of total world production in 1997–98—41 percent. This is down from the 1980 level of approximately 80 percent.

(E) Total estimated allotment base for the 1998–99 marketing year—1,826,272 pounds. This figure represents a one percent increase over the revised 1997–98 allotment base.

(F) Recommended 1998–99 allotment percentage—65 percent. This figure is based upon recommendations made at the October 8, 1997, meeting, as well as at five production area meetings held during September.

(G) The Committee's computed 1998–99 salable quantity—1,187,077 pounds. This figure is the product of the recommended allotment percentage and the total estimated allotment base.

(H) Estimated available supply for the 1998–99 marketing year—1,644,071 pounds. This figure is derived by adding the computed salable quantity to the June 1, 1998, carry-in volume, and represents the total amount of Scotch spearmint oil that could be available to the market during the 1998–99 marketing year.

(I) Estimated trade demand for Far West Scotch spearmint oil during the 1998–99 marketing year—900,000 pounds. This figure is based upon estimates provided to the Committee by buyers of spearmint oil.

(J) Estimated carry-out on June 1, 1999—744,071 pounds. This figure is the difference between the 1998–99 estimated trade demand and the 1998–99 estimated available supply.

(2) Class 3 (Native) Spearmint Oil

(A) Estimated carry-in on June 1, 1998—34,756 pounds. This figure is the difference between the estimated 1997–98 marketing year trade demand of 1,150,000 pounds and the revised 1997–98 marketing year total available supply of 1,184,756 pounds.

(B) Estimated trade demand (domestic and export) for the 1998–99 marketing year—1,178,401 pounds. This figure is based on the average of the three most recent years' sales figures and input from spearmint oil buyers.

(C) Salable quantity required from 1998 production—1,143,645 pounds. This figure is the difference between the estimated 1998–99 marketing year trade demand and the estimated carry-in on June 1, 1998.

(D) Total estimated allotment base for the 1998–99 marketing year—2,026,696 pounds. This figure represents a one percent increase over the revised 1997–98 allotment base.

(E) Computed allotment percentage—56.4 percent. This percentage is computed by dividing the required salable quantity by the total estimated allotment base.

(F) Recommended allotment percentage—57 percent. This is the Committee's recommendation based on the computed allotment percentage.

(G) The Committee's recommended salable quantity—1,155,217 pounds. This figure is the product of the recommended allotment percentage and the total estimated allotment base.

The salable quantity is the total quantity of each class of spearmint oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The Committee's recommended Scotch spearmint oil salable quantity of 1,187,077 pounds and allotment percentage of 65 percent are based on the Committee's goal of maintaining market stability by avoiding extreme fluctuations in supplies and prices, and thereby helping the industry remain competitive on the international level. The Committee's recommended Native spearmint oil salable quantity of 1,155,217 pounds and allotment percentage of 57 percent are based on anticipated supply and trade demand during the 1998–99 marketing year. The salable quantities are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market demand for spearmint oil which may develop during the marketing year can be satisfied by an increase in the salable quantities. Both Scotch and Native spearmint oil producers who produce more than their annual allotments during the 1998–99 season may transfer such excess spearmint oil to a producer with spearmint oil production less than his or her annual allotment or put it into the reserve pool.

This regulation is similar to those which have been issued in prior seasons. Costs to producers and handlers resulting from this action are expected to be offset by the benefits derived from a stable market, a greater market share, and possible improved returns. In conjunction with the issuance of this rule, the Committee's marketing policy statement for the 1998–99 marketing year has been reviewed by the Department. The Committee's marketing policy statement, a requirement whenever the Committee recommends volume regulations, fully meets the intent of section 985.50 of the order. During its discussion of potential 1998–99 salable quantities and allotment percentages, the Committee considered: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) prospective production of each class of oil; (4) total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Conformity with the Department's ''Guidelines for Fruit, Vegetable, and Specialty Crop

Marketing Orders'' has also been reviewed and confirmed.

The establishment of these salable quantities and allotment percentages allows for anticipated market needs. In determining anticipated market needs, consideration by the Committee was given to historical sales, and changes and trends in production and demand. This rule also provides producers with information on the amount of spearmint oil which should be produced for next season in order to meet anticipated market demand.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, the AMS has prepared this final regulatory flexibility analysis.

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

There are 9 spearmint oil handlers subject to regulation under the order, and approximately 124 producers of Class 1 (Scotch) spearmint oil and approximately 110 producers of Class 3 (Native) spearmint oil in the regulated production area. Small agricultural service firms are defined by the Small Business Administration (SBA) (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers have been defined as those whose annual receipts are less than $500,000.

Based on the SBA's definition of small entities, the Committee estimates that two of the nine handlers regulated by the order would be considered small entities. Most of the handlers are large corporations involved in the international trading of essential oils and the products of essential oils. In addition, the Committee estimates that 29 of the 124 Scotch spearmint oil producers and 14 of the 110 Native spearmint oil producers would be classified as small entities under the SBA definition. Thus, a majority of handlers and producers of Far West spearmint oil may not be classified as small entities.

The Far West spearmint oil industry is characterized by producers whose farming operations generally involve more than one commodity, and whose income from farming operations is not exclusively dependent on the production of spearmint oil. Crop rotation is an essential cultural practice in the production of spearmint oil for weed, insect, and disease control. A normal spearmint oil producing operation would have enough acreage for rotation such that the total acreage required to produce the crop would be about one-third spearmint and two-thirds rotational crops. An average spearmint oil producing farm would thus have to have considerably more acreage than would be planted to spearmint during any given season. Most farms producing spearmint oil would fall under the SBA category of large businesses due to the added costs associated with the production of this crop.

This final rule establishes the quantity of spearmint oil produced in the Far West, by class, that handlers may purchase from, or handle for, producers during the 1998–99 marketing year. The Committee recommended this rule for the purpose of avoiding extreme fluctuations in supplies and prices, and thus help to maintain stability in the spearmint oil market. This action is authorized by the provisions of sections 985.50, 985.51 and 985.52 of the order.

Small spearmint oil producers generally are not extensively diversified and as such are more at risk to market fluctuations. Such small producers generally need to market their entire annual crop and do not have the luxury of having other crops to cushion seasons with poor spearmint oil returns. Conversely, large diversified producers have the potential to endure one or more seasons of poor spearmint oil markets because incomes from alternate crops could support the operation for a period of time. Being reasonably assured of a stable price and market provides small producing entities with the ability to maintain proper cash flow and to meet annual expenses. Thus, the market and price stability provided by the order potentially benefit the small producer more than such provisions benefit large producers. Even though a majority of handlers and producers of spearmint oil may not be classified as small entities, the volume control feature of this order has small entity orientation.

The order has contributed extensively to the stabilization of producer prices, which prior to 1980 experienced wide fluctuations from year to year. For example, between 1971 and 1975 the price of Native spearmint oil ranged from $3.00 per pound to $11.00 per pound. In contrast, under the order, prices have stabilized between $10.50 and $11.50 per pound for the past ten years.

Alternatives to this rule were discussed at the meeting and included not regulating the handling of spearmint oil during the 1998–99 marketing year, and recommending either higher or lower levels for the salable quantities and allotment percentages. The Committee reached its decision to recommend the establishment of salable quantities and allotment percentages for both classes of spearmint oil for the 1998–99 marketing year after careful consideration of all available information, including: (1) The estimated quantity of salable oil of each class held by producers and handlers; (2) the estimated demand for each class of oil; (3) prospective production of each class of oil; (4) total of allotment bases of each class of oil for the current marketing year and the estimated total of allotment bases of each class for the ensuing marketing year; (5) the quantity of reserve oil, by class, in storage; (6) producer prices of oil, including prices for each class of oil; and (7) general market conditions for each class of oil, including whether the estimated season average price to producers is likely to exceed parity. Based on its review, the Committee believes that the salable quantity and allotment percentage levels recommended will achieve the objectives sought.

Without any regulations in effect, the Committee believes the industry would return to the pattern of cyclical prices of prior years, as well as suffer the potentially price depressing consequence that a release of the nearly 1.2 million pounds of spearmint oil reserves would have on the market. According to the Committee, higher or lower salable quantities and allotment percentages would not achieve the intended goals of market and price stability, with market share maintenance and growth.

Annual salable quantities and allotment percentages have been issued for both classes of spearmint oil since the order's inception. Reporting and recordkeeping requirements have remained the same for each year of regulation. Accordingly, this action would not impose any additional reporting or recordkeeping requirements on either small or large spearmint oil producers and handlers. All reports and forms associated with this program are reviewed periodically in order to avoid unnecessary and duplicative information collection by industry and public sector agencies. The Department has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule was published in the **Federal Register** (62 FR 67297) on

December 24, 1997. A 30-day comment period was provided to allow interested persons the opportunity to respond to the proposal, including any regulatory and informational impacts of this action on small businesses. Copies of the rule were faxed and mailed to the Committee office, which in turn notified Committee members and spearmint oil producers and handlers of the proposed action. In addition, the Committee's meetings were widely publicized throughout the spearmint oil industry and all interested persons were invited to attend and participate on all issues. A copy of the proposal was also made available on the Internet by the U.S. Government Printing Office. No comments were received.

Accordingly no changes are made to the rule as proposed.

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

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, CFR part 985 is amended as follows:

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 985.217 is added to read as follows:

[**Note:** This section will not appear in the Code of Federal Regulations.]

§ 985.217 Salable quantities and allotment percentages—1998–99 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year beginning on June 1, 1998, shall be as follows:

(a) Class 1 (Scotch) oil—a salable quantity of 1,187,077 pounds and an allotment percentage of 65 percent.

(b) Class 3 (Native) oil—a salable quantity of 1,155,217 pounds and an allotment percentage of 57 percent.

Dated: February 12, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–4036 Filed 2–19–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ANE–91]

Amendment to Class D Airspace; Westfield, MA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action revises the Class D airspace area at Westfield, MA (KBAF) to reflect the results of improved airspace computations through the use of computer mapping to determine the controlled airspace requirements for standard instrument approach procedures to Barnes Municipal Airport, Westfield, MA.

DATES: Effective 0901 UTC, April 23, 1998.

Comments for inclusion in the Rules Docket must be received on or before March 23, 1998.

ADDRESSES: Send comments on the rule to: Manager, Airspace Branch, ANE–520, Federal Aviation Administration, Docket No. 98–ANE–91, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7530; fax (781) 238–7596. Comments may also be sent electronically via the internet to the following address: ''9 ne airspace@faa.dot.gov'' Comments sent electronically must indicate Docket 98–ANE–91 in the subject line.

The official docket file may be examined in the Office of the Regional Counsel, New England Region, ANE–7, Room 401, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7050; fax (781) 238–7055.

An informal docket may also be examined during normal business hours in the Air Traffic Division, Room 408, by contacting the Acting Manager, Airspace Branch at the first address listed above.

FOR FURTHER INFORMATION CONTACT: David T. Bayley, ANE–502.3, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7523; fax (617) 238–7596.

SUPPLEMENTARY INFORMATION:

The FAA recently performed a review of the controlled airspace in the vicinity of Barnes Municipal Airport, Westfield, MA (KBAF), noted a need to recompute the airspace requirements to accommodate aircraft using the standard instrument approach procedures at that airport. This effort utilized computer mapping which resulted in greater accuracy in determining the requirements for controlled airspace to accommodate aircraft using the RWY 20 HI Alt TACAN and HI Alt ILS instrument approaches to Barnes Municipal Airport. This action is needed to revise the Class D airspace area at Westfield, MA by increasing slightly the base radius of the Class D airspace while eliminating all Class D extensions. Class D airspace designations are published in paragraph 5000 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation contained in this document will be published subsequently in this Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment, and, therefore, issues it as a direct final rule. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this 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 under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–ANE–91.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these proposed rules will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

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

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ANE MA D Westfield, MA [Revised]

Westfield, Barnes Municipal Airport, MA
(Lat. 42°09′28″ N, long. 72°42′56″ W)

That airspace extending upward from the surface to and including 2,800 feet MSL within a 4.9-mile radius of Barnes Municipal Airport excluding that airspace within the Springfield/Chicopee, MA Class D airspace area during the dates and times it is effective, and that airspace within the Windsor Locks, CT Class C airspace area. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Burlington, MA, on February 12, 1998.

William C. Yuknewicz,

Assistant Manager, Air Traffic Division, New England Region.

[FR Doc. 98–4313 Filed 2–19–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ANE–92]

Amendment to Class E Airspace; Laconia, NH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action revises the Class E airspace at Laconia, NH (KLCI) to provide for adequate controlled airspace for those aircraft using the new GPS RWY 26 standard instrument approach procedure to Laconia Municipal Airport.

DATES: Effective 0901 UTC, April 23, 1998.

Comments for inclusion in the Rules Docket must be received on or before March 23, 1998.

ADDRESSES: Send comments on the rule to: Manager, Airspace Branch, ANE–520, Federal Aviation Administration, Docket No. 98–ANE–92, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7520; fax (781) 238–7596. Comments may also be sent electronically via the internet to the following address: ''9 ne airspace@faa.dot.gov'' Comments sent electronically must indicate Docket 98–ANE–92 in the subject line.

The official docket file may be examined in the Office of the Regional Counsel, New England Region, ANE–7, Room 401, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7050; fax (781) 238–7055.

An informal docket may also be examined during normal business hours in the Air Traffic Division, Room 408, by contacting the Acting Manager, Airspace Branch at the first address listed above.

FOR FURTHER INFORMATION CONTACT: David T. Bayley, ANE–520.3, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7523; fax (617) 238–7596.

SUPPLEMENTARY INFORMATION: A new Standard Instrument Approach Procedure (SIAP) to Laconia Municipal Airport, the GPS RWY 26 approach, requires additional controlled airspace in the vicinity of Laconia extending upward from 700 feet above the surface. This action is needed to add an additional extension of controlled airspace northeast of the airport in order to provide that controlled airspace to adequately accomondate aircraft using the new GPS SIAP to Laconia. Class E airspace areas extending upward from 700 feet above the surface are published in paragraph 6500 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation contained in this document will be published subsequently in this Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or

negative comment, and, therefore, issues it as a direct final rule. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a direct final rule, and was not preceded by a notice of proposed rulemaking, interested persons are invited to comment on this 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 under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 98–ANE–92.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as these routine matters will only affect air traffic procedures and air navigation. It is certified that these proposed rules will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

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

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6500 Class E airspace areas extending upward from 700 feet above the surface of the earth.

* * * * *

ANE NH E5 Laconia, NH [Revised]

Laconia Municipal Airport, NH
(Lat. 43°34′22″N, long. 71°25′08″W)
Belknap NDB
(Lat. 43°32′12″N, long. 71°32′13″W)

That airspace extending upward from 700 feet above the surface within a 3.5-mile radius of Laconia Municipal Airport, and within 2.8 miles on each side of the Belknap NDP 249° bearing extending from the 3.5-mile radius to 8.8 miles southwest of the Belknap NDB, and within 2.8 miles on each side of the Laconia Municipal Airport 041° bearing extending from the 3.5-mile radius to 6.5 miles northeast of Laconia Municipal Airport, and within 2 miles on each side of the Laconia Municipal Airport 067° bearing extending from the 3.5-mile radius to 10.5 miles northeast of Laconia Municipal Airport.

* * * * *

Issued in Burlington, MA, on February 12, 1998.

William C. Yuknewicz,

Assistant Manager, Air Traffic Division, New England Region.

[FR Doc. 98–4314 Filed 2–19–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–ASO–20]

RIN 2120–AA66

Modification of Multiple Federal Airways, Jet Routes, and Reporting Points; FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule modifies the airspace designations for several jet routes, Federal airways, and the one domestic reporting point in the State of Florida. The Tallahassee, FL, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC) is being renamed ''Seminole, FL, VORTAC'' concurrent with the effective date of this rule. This rule modifies all associated airspace designations to reflect the name change. This rule does not alter the dimensions or operating requirements of any of the affected airways, routes, or reporting points.

EFFECTIVE DATE: 0901 UTC, April 23, 1998.

FOR FURTHER INFORMATION CONTACT: Patricia Crawford, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On July 2, 1997, the FAA proposed to amend 14 CFR part 71 (part 71) to modify the airspace designations for several jet routes, Federal airways, and one domestic reporting point in the State of Florida (62 FR 35713). Interested parties were invited to participate in this rulemaking proceeding by submitting comments. No comments objecting to the proposal were received. The notice contained two errors in the legal descriptions of affected airspace; one in the description for J–2, and one in the description for J–20. Specific radials in the legal descriptions of airways and jet routes are given in relation to true (T) north. In NPRM's, however, magnetic (M) north equivalents are also provided. The reference magnetic variation for the Tallahassee/Seminole VORTAC is 2° east, indicating a −2° conversion factor must be applied to convert a true radial to a magnetic radial. The notice listed the magnetic equivalent of the Tallahassee/Seminole VORTAC 290° true radial as 282° in the description for J–2. The correct magnetic equivalent is 288°. Similarly, the notice listed the magnetic equivalent of the Tallahassee/Seminole VORTAC 129° true radial as 131° in the description for J–20. The correct magnetic equivalent is 127°. Except for editorial changes and the corrections to the airspace designations for the two jet routes, this rule is the same as that proposed in the notice.

The Rule

This amendment to part 71 changes the airspace designations for several jet routes, Federal airways, and the domestic reporting point ''COVIA'' in the State of Florida. The airspace designations are being changed to reflect the name change of the Tallahassee VORTAC to ''Seminole VORTAC.'' This rule does not alter the dimensions or operating requirements of any of the affected airways, routes, or reporting points. Jet routes, domestic Federal airways, and other domestic reporting points are published in paragraphs 2004, 6010(a), and 7003, respectively, of FAA Order 7200.9E dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR section 71.1. The jet routes, airways, and reporting point listed in this document will be published subsequently in the Order.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this regulation: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 2004—Jet Routes

* * * * *

J–2 [Revised]

From Mission Bay, CA, via Imperial, CA; Bard, AZ; INT of the Bard 089° and Gila Bend, AZ, 261° radials; Gila Bend, Cochise, AZ; El Paso, TX; Fort Stockton, TX; Junction, TX; San Antonio, TX; Humble, TX; Lake Charles, LA; Semmes, AL; Crestview, FL; INT of the Crestview 091° and the Seminole, FL, 290° radials; Seminole; to Taylor, FL.

* * * * *

J–20 [Revised]

From Seattle, WA, via Yakima, WA; Pendleton, OR; Donnelly, ID; Pocatello, ID; Rock Springs, WY; Falcon, CO; Hugo, CO; Lamar, CO; Liberal, KS; INT Liberal 137° and Will Rogers, OK, 284° radials; Will Rogers; Belcher, LA; Jackson, MS; Montgomery, AL; Meridian, MS; Seminole, FL; INT Seminole 129° and Orlando, FL, 306° radials; Orlando; INT Orlando 140° and Virginia Key, FL, 344° radials; Virginia Key.

* * * * *

J–41 [Revised]

From Key West, FL; Lee County, FL; St. Petersburg; Seminole, FL; Montgomery, AL; Vulcan, AL; Memphis, TN; Springfield, MO, Kansas City, MO, to Omaha, NE.

* * * * *

J–43 [Revised]

From Dolphin, FL; LaBelle, FL; St. Petersburg, FL; Seminole, FL; Atlanta, GA; Volunteer, TN; Falmouth, KY; Rosewood, OH; Carleton, MI; to Sault Ste. Marie, MI.

* * * * *

J–73 [Revised]

From Dolphin, FL; LaBelle, FL; Lakeland, FL; Seminole, FL; La Grange, GA; Nashville, TN; Pocket City, IN; to Northbrook, IL.

* * * * *

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–7 [Revised]

From Dolphin, FL; INT Dolphin 299° and Lee County, FL, 120° radials; Lee County; Lakeland, FL; Cross City, FL; Seminole, FL; Wiregrass, AL; INT Wiregrass 333° and Montgomery, AL, 129° radials; Montgomery; Vulcan, AL; Muscle Shoals, AL; Graham, TN; Central City, KY; Pocket City, IN; INT Pocket City 016° and Terre Haute, IN, 191° radials; Terre Haute; Boiler, IN; Chicago Heights, IL; INT Chicago Heights 358° and Falls, WI, 170° radials; Falls; Green Bay, WI; Menominee, MI; Marquette, MI. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

* * * * *

V–97 [Revised]

From Dolphin, FL; La Belle, FL; St. Petersburg, FL; Seminole, FL; Pecan, GA; Atlanta, GA; INT Atlanta 001° and Volunteer, TN, 197° radials; Volunteer; London, KY; Lexington, KY; Cincinnati, OH; Shelbyville, IN, INT Shelbyville 313° and Boiler, IN, 136° radials; Boiler; Chicago Heights, IL; to INT Chicago Heights 358° and Chicago O'Hare, IL, 127° radials. From INT Northbrook, IL, 290° and Janesville, WI, 112° radials; Janesville; Lone Rock, WI; Nodine, MN; to Gopher, MN. The airspace below 2,000 feet MSL outside the United States is excluded.

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V–198 [Revised]

From San Simon, AZ, via Columbus, NM; El Paso, TX; 6 miles wide; INT El Paso 109° and Hudspeth, TX, 287° radials; 6 miles wide; Hudspeth; 29 miles, 38 miles, 82 MSL, INT Hudspeth 109° and Fort Stockton, TX, 284° radials; 18 miles, 82 MSL; Fort Stockton; 20 miles, 116 miles, 55 MSL; Junction, TX; San Antonio, TX; Eagle Lake, TX; Hobby, TX; Sabine Pass, TX; White Lake, LA; Tibby, LA; Harvey, LA; 69 miles, 33 miles, 25 MSL; Brookley, AL; INT Brookley 056° and Crestview, FL, 266° radials;

Crestview; Marianna, FL; Seminole, FL; Greenville, FL; Taylor, FL; INT Taylor 093° and Craig, FL, 287° radials; to Craig.

* * * * *

V–295 [Revised]

From Virginia Key, FL; INT Virginia Key 014° and Vero Beach, FL, 143° radials; Vero Beach; INT Vero Beach 296° and Orlando, FL, 162° radials; Orlando; Ocala, FL; Cross City, FL; to Seminole, FL. The portion outside the United States has no upper limit.

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Paragraph 7003—Other Domestic Reporting Points

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COVIA: [Revised]

Lat. 27°56′11″N., long. 84°44′10″W. (INT Sarasota, FL, 286°, Seminole, FL, 187° radials)

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Issued in Washington, DC, on February 13, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 98–4311 Filed 2–19–98; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 30, 33, and 190

Distribution of Risk Disclosure Statements by Futures Commission Merchants and Introducing Brokers

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: On September 10, 1997, the Commodity Futures Trading Commission (''CFTC'' or ''Commission'') published for comment proposed amendments to its rules concerning the mandatory risk disclosure obligations of futures commission merchants (''FCMs'') and introducing brokers (''IBs'') to their customers (the ''Proposal'').[1] Specifically, the Commission proposed to relieve FCMs and IBs from the requirements to furnish certain defined customers with mandatory risk disclosure statements and to receive from such customers a signed acknowledgment of receipt of such statements pursuant to Rule 1.55(a) (risk disclosure pertaining to domestic futures); Rule 30.6(a) (risk disclosure pertaining to foreign futures or foreign options); Rule 33.7(a) (risk disclosure pertaining to domestic exchange-traded commodity options); Rule 1.65(a)(3) (risk disclosure for customers whose accounts are transferred other than at the customer's request to another FCM or IB) and Rule 190.10(c) (disclosure pertaining to treatment in bankruptcy of non-cash property held by an FCM as margin for commodity interest contracts). The comment period for the Proposal was sixty days and closed on November 10, 1997.

The Commission has carefully considered the comments received on the Proposal, and based upon its review of these comments and its reconsideration of the proposed rule amendments, it is adopting the Proposal as modified herein.

EFFECTIVE DATE: April 21, 1998.

FOR FURTHER INFORMATION CONTACT:

Thomas E. Joseph, Attorney-Adviser, Division of Trading and Markets, Commodity Futures Trading Commission, 1155 21st Street, N.W., Washington D.C. 20581. Telephone (202) 418–5450.

SUPPLEMENTARY INFORMATION:

I. Background

CFTC rules require FCMs and IBs to provide customers with Commission-approved disclosure statements describing the risks of trading in domestic (and, as applicable, foreign) commodity futures and options and to receive written acknowledgment of receipt of such statements prior to opening an account for the customer.[2] In addition, Commission Rule 190.10(c) requires an FCM to provide a customer with a disclosure statement concerning the treatment in bankruptcy of any non-cash property deposited as margin at the FCM by a customer before the FCM may accept this property from the customer to margin, guarantee or secure any commodity interest contract.[3] As discussed more fully in the Proposal, the Commission, based upon its previous efforts to simplify disclosure obligations of Commission registrants, believed that it was appropriate to provide FCMs and IBs with relief from certain disclosure and bankruptcy statement requirements in the context of accounts for specified customers and thus published for comment proposed amendments to the risk disclosure and bankruptcy rules.[4]

The comment period for the Proposal closed on November 10, 1997, although the Commission considered comments received after this date. The Commission received comment letters from: (1) The Chicago Board of Trade (''CBOT''); (2) the Government Finance Officers Association (''GFOA''); (3) the Chicago Mercantile Exchange (''CME''); (4) the Futures Industry Association (''FIA''); (5) the National Futures Association (''NFA''); and (6) the Association of the Bar of the City of New York, Committee on Futures Regulation (''NYCBar''). Only the GFOA opposed the Commission's effort to modify its risk disclosure rules, although the GFOA alternatively requested that the Commission delete government entities from the list of customers for whom this relief can be claimed. The remaining five commenters generally supported the Proposal but suggested certain modifications, as discussed more fully below. The following discussion focuses principally on the comments received on the Proposal and the modifications to the Proposal made in response to these comments. Additional background information on these final rules is found in the **Federal Register** release setting forth the Proposal.[5]

II. Discussion

The rule amendments adopted herein eliminate the requirement that FCMs and IBs provide specified customers, defined in Rule 1.55(f), with Commission-mandated risk disclosure statements and obtain from these customers a written acknowledgment of receipt of the risk disclosure statement, as required by Rules 1.55(a), 1.65(a)(3), 30.6(a), and 33.7(a), before opening a commodity futures or options account for these customers. Additionally, the amendments relieve FCMs of the obligation to furnish these customers with the bankruptcy disclosure statement required by Rule 190.10(c) before accepting non-cash property from such customers to margin a commodity interest contract. FCMs or IBs will remain free to provide customers specified in proposed Rule 1.55(f) with the Commission-approved risk disclosure statement without obtaining a written acknowledgement of receipt of this statement from these qualifying customers.[6]

[1] 62 FR 47612 (September 10, 1997).

[2] *See* Rule 1.55(a) (risk disclosure requirement concerning trading domestic commodity futures); Rule 30.6(a) (risk disclosure requirement concerning non-United States commodity futures or options contracts); and Rule 33.7(a) (risk disclosure requirement concerning domestic, exchange-traded commodity options).

[3] Commission Rule 190.10 does not require an FCM to obtain a customer's written acknowledgment of receipt of this statement.

[4] *See* 62 FR at 47612–13 (discussing previous Commission efforts to reduce and streamline disclosure obligations of registrants).

[5] 62 FR 47612 (September 10, 1997).

[6] FCMs will also remain free to provide all customers with the disclosure statement concerning

The categories of customers specified in Rule 1.55(f) for whom an FCM or IB may claim the relief adopted herein are based substantially upon the categories of eligible swap participants in part 35 of the Commission rules [7] and eligible participants in part 36 of the Commission rules.[8] Rule 1.55(f) provides FCMs and IBs with clear, objective criteria for identifying the customers to whom delivery of the Commission-approved disclosure statements is not required. In this regard, the Commission notes that the rule contains no specific requirement that FCMs and IBs maintain with their books and records any information in addition to that already required by other Commission rules in order to identify a particular customer's eligibility for the relief provided by the proposed amendments.[9] However, FCMs and IBs are required to assure that mandated disclosure statements are provided to customers other than those to whom this relief applies. In order to substantiate compliance with such disclosure requirements and exercise meaningful supervision over customer accounts, FCMs and IBs should maintain and review on a regular basis adequate documentation relevant to establish the qualifications of the customers for whom the relief adopted herein will be claimed and to confirm the identities of customers to whom specified risk disclosures have been made and from whom acknowledgments have been obtained.[10]

The comments received on the Proposal are summarized below. The Commission has carefully considered these comments. For the reasons discussed herein, the Commission is adopting these rule amendments substantially as proposed, although the Commission is removing government entities from the list of qualifying customers set forth in Rule 1.55(f) [11] and deleting language, which commenters felt was redundant, from Rule 1.55(f) that had referred to the obligation of any FCM or IB claiming this relief to ''provide such disclosure as is material in the circumstances.''

Comment in Opposition to the Proposal

The GFOA objected to the Proposal and recommended that no change be made in the Commission's risk disclosure requirements. The GFOA stressed the difficulty of developing generalized standards to assess financial sophistication and the likelihood that the proposed rule amendments will erode customer protections. However, as the Commission emphasized in the Proposal, its previous efforts to consolidate and reduce disclosure obligations for registrants have not negatively affected the public interest. Moreover, the Commission believes that the stringent criteria set forth in Rule 1.55(f), along with the continuing disclosure obligations set forth in newly-designated Rule 1.55(g), will allow it to eliminate requirements for standardized risk disclosures and customer acknowledgments of that disclosure for certain specified customers without eroding overall customer protection. Thus, after considering GFOA's objections, the Commission continues to believe that it would not be contrary to the public interest to adopt the Proposal, as modified herein, and has decided to adopt these final rule amendments.

Categories of Customers for Whom Relief May Be Claimed

All the commenters urged the Commission to reconsider the categories of parties for whom FCMs and IBs can claim the relief adopted herein. Most generally, the NYCBar questioned ''the creation of a further group of 'sophisticated' customers'' in defining the categories of customers for whom FCMs or IBs can claim the risk disclosure relief and urged the Commission to adopt an already existing standard such as that used by the Commission for defining qualified eligible participants (''QEPs''), qualified eligible clients (''QECs'') or appropriate persons,[12] or used by the Securities and Exchange Commission (''SEC'') to define accredited investor, qualified institutional buyer or qualified purchaser.[13] The NYCBar commented that creation of a new class of customers will lead to even more paperwork as FCMs or IBs try ''to insure that they receive the appropriate representations permitting them to invoke the expected relief.'' The NYCBar also suggested that the policy reasons behind the selection of the criteria used to define the customers set forth in Rule 1.55(f) were not sufficiently explained.

As stated in the Proposal, the categories of customers for whom an FCM or IB can claim the risk disclosure relief are based substantially upon the existing definitions of eligible swap participant and eligible Part 36 participant, which themselves are based upon the definition of appropriate persons contained in the Act. The Commission explained that these definitions were ''appropriate models for the definitions set forth in proposed Rule 1.55(f) inasmuch as the Part 35 and 36 rules exempt parties from providing mandatory risk disclosure statements * * * in connection with transactions covered by these rules.'' [14] Modifications were made to the Part 35 and 36 definitions only to assure that the Proposal did not cause some commodity pools to be given risk disclosure statements when then-current Rule 1.55 did not require any pool to receive such a statement and to prevent applying criteria from the Part 35 and 36 rules that made little sense in the context of the Proposal.[15]

Moreover, as discussed more fully below, the Commission does not believe that the criteria applicable to securities regulations or to other commodities transactions are as relevant as the Part 35 and Part 36 standards in identifying which categories of FCM or IB customers do not require the protections afforded by mandatory risk disclosure. By contrast, the criteria set forth in the Part 35 and Part 36 rules provide a reasonable basis for protecting the public interest and limiting the affected categories of commodity futures or options customers to those persons

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the treatment in bankruptcy of non-cash property held by an FCM to margin, secure or guarantee a commodity interest contract.

[7] *See* CFTC Rule 35.1(b)(2). Part 35 of the Commission's rules exempts certain swap agreements from most provisions of the Act and Commission rules.

[8] *See* CFTC Rule 36.1(c)(2). Part 36 of the Commission's rules exempts certain contract market transactions from specified provisions of the Act and Commission regulations thereunder. Parts 35 and 36 of the Commission rules were adopted pursuant to authority set forth in Section 4(c) of the Act, 7 U.S.C. 6(c). *See* 58 FR 5587 (January 22, 1993) (adopting Part 35) and 60 FR 51323 (October 2, 1995) (adopting Part 36). Section 4(c)(2) of the Act, 7 U.S.C. 6(c)(2), requires that, among other conditions, any agreement, contract or transaction exempted from any provision of the Act pursuant to Section 4(c) of the Act must ''be entered into solely between appropriate persons,'' who are defined in Section 4(c)(3) (A) through (J) of the Act, 7 U.S.C. 6(c)(3)(A)–(J). Thus, the lists of eligible swap participants and eligible participants were, in turn, modeled closely on the list of appropriate persons provided in Section 4(c) of the Act.

[9] For example, FCMs and IBs would be required to obtain and maintain the information required by CFTC Rule 1.37 concerning all customers, including customers listed in Rule 1.55(f).

[10] Rule 166.3 requires FCMs and IBs to supervise diligently the handling of commodity interest accounts.

[11] The Commission's reasons for deleting ''government entities'' from the categories of customers for whom the relief adopted may be claimed is discussed below in the subsection entitled *Government Entities.*

[12] Commission Rule 4.7, 17 CFR 4.7, defines the terms QEP and QEC. The term ''appropriate persons'' is defined in Section 4(c) of the Act.

[13] The term ''accredited investor'' as used in SEC Regulation D is defined at 17 CFR 230.501. The term ''qualified institutional buyer'' is defined at 17 CFR 230.144A. The term ''qualified purchaser'' is defined at 15 U.S.C. 80–2(a)(51)(A) and 17 CFR 270.2a51–1. *See* 62 FR 17512 (April 9, 1997) (adopting, among other rules, 17 CFR 270.2a51–1).

[14] 62 FR at 47613.

[15] *Id.*

whose wealth, line of business or other proxies of financial sophistication render them unlikely to require the protections afforded by standardized risk disclosure. Therefore, with the exception of removing government entities, the Commission has adopted in Rule 1.55(f) the categories of customers for whom FCMs and IBs may claim this relief, as proposed, based upon the reasons explained below.

Government Entities

As an alternative to its recommendation that the Commission not adopt the Proposal, the GFOA urged that government entities be removed from the list of qualifying customers. The GFOA emphasized that the proposed rule did not distinguish between small, local governmental organizations and large state treasury operations. In this respect, GFOA commented that:

> Finance officers in many of the smallest jurisdictions often have additional responsibilities as far removed from finance as handling public works projects and supervising public safety officers. These small jurisdictions often rely on public servants who may have little expertise with commodities. At a minimum, they should be able to expect full disclosure regarding the risk of commodities futures prior to deciding whether or not to open a commodities futures account and to commit taxpayer funds to such an investment.

Further, the GFOA commented that ''asset-based or, similarly portfolio-size measurement tests have proved to be ineffective as predictors of problems. Large entities and investors, both public and private, have been the victims of misrepresentations and other misconduct just as small ones have.'' [16]

The GFOA is a 13,500-member professional association of state and local government finance officials and other public finance specialists whose responsibilities include debt, cash and pension fund management and is in a unique position to comment upon the financial sophistication and disclosure needs of governmental organizations. The Commission, based upon the GFOA's comments, believes that government entities, especially those in smaller jurisdictions, would benefit from continued receipt of the mandatory risk and bankruptcy disclosure statements. Moreover, the Commission has taken note, in particular, of the GFOA's comments that taxpayers deserve the full protection of the CFTC's risk disclosure regulations. Therefore, after careful consideration of the GFOA's comments, the Commission has decided to remove government entities from the list of customers for whom FCMs or IBs may claim the relief provided herein.

Natural Persons

The CBOT, CME, FIA and NFA urged the Commission to allow FCMs and IBs to claim the proposed relief for customers who are natural persons who meet financial criteria significantly less stringent than the $10 million total asset standard proposed in the rule. The two Chicago futures exchanges recommended that FCMs and IBs be allowed to claim the relief for natural persons who are accredited investors as defined in SEC Regulation D. The FIA urged the Commission to allow FCMs and IBs to claim the relief for natural persons with a net worth of $1 million while the NFA suggested that the Commission apply the same standard used to define a natural person who is a QEP under CFTC Rule 4.7(a). These commenters generally argued that the standards applied to regulated exchange-traded futures should be less onerous than those applied in unregulated markets such as the swaps market. The CBOT, in particular, believed that it was not realistic to require an individual to have the same level of assets as a qualifying corporation or to have asset holdings twice as large as those required for a qualifying investment company.

As already mentioned, the total asset test is a proxy for financial sophistication. Trading futures even on regulated exchanges involves different risks than investments in securities. Thus, the private offering safeharbor codified in SEC Regulation D is not necessarily relevant to determining when a futures customer is not in need of standardized risk disclosure.[17] Moreover, the Commission does not believe that in the context of this relief, it is unreasonable for natural persons to be required to have asset holdings larger than entities which are directly involved in the financial industry and are otherwise regulated since such entities would be less likely than individuals to require the protections afforded by mandatory risk disclosure.

Perhaps more relevant to the issues raised by the proposal is the suggestion that FCMs and IBs be able to claim the relief with respect to natural persons who qualify as QEPs under CFTC Rule 4.7(a). Rule 4.7(a) relieves CPOs from providing eligible clients who invest in qualifying pools with a Commission required Disclosure Document (which normally would include a standardized risk disclosure statement), provided that any offering memorandum must include all disclosures necessary to make the information contained therein not misleading. However, a pool participant's potential losses are generally limited to the amount of his or her investment in the pool, while persons trading directly in the futures markets (*i.e.*, customers of an FCM or IB) are exposed potentially to losses beyond amounts deposited as initial margin and are responsible for any deficits that occur in their accounts as a result of adverse price movements. Given the potentially disparate risk exposures assumed by pool investors and customers of IBs and FCMs, the QEP criteria would not necessarily be a reasonable basis for defining customers for whom an FCM and IB can claim the relief adopted herein.[18]

Requirement That FCMs and IBs Claiming Relief Disclose Material Information

FIA and NFA urged the Commission to eliminate from proposed Rule 1.55(f) the statement that FCMs and IBs claiming relief ''provide such disclosure as is material in the circumstances.'' FIA and NFA commented that the requirement could be viewed as imposing a higher disclosure standard on FCMs and IBs claiming relief under the amendments than on other FCMs and IBs and, in any event, it was

[16] In its comment letter, the GFOA noted that it had supported the inclusion of local governments among the entities deemed ''eligible swap participants'' by the Part 35 rules because it believed that to exclude such entities would have been an unwarranted federal intrusion into what is properly a state function—that is, the regulation of allowable investment activity by a state and its political subdivisions. The GFOA further noted that, in its comments on the Part 35 rules, it recommended that the Commission require improved disclosure regarding the types of contracts being entered into and the risks involved in such transactions. The GFOA also stated that it had opposed the Commission's Part 36 professional trading market exemption.

[17] This point is also applicable to FIA's suggestion concerning the net worth criteria for natural persons inasmuch as the SEC's Regulation D defines an ''accredited investor'' to include a natural person with a net worth of $1 million.

[18] The Commission notes that natural persons, along with other specified persons, may qualify as a QEC of a CTA under Rule 4.7(b). QECs are potentially exposed to unlimited liability in connection with the trading of their commodity futures accounts. Some but not all QECs will be among the categories of customers listed in Rule 1.55(f). Under CFTC rules in effect prior to the rule amendments adopted herein, all QECs received a standardized risk disclosure statement from an FCM or IB before opening a commodity trading account although AECs would not receive a Disclosure Document from a CTA who correctly claimed the 4.7(b) relief. Given that QECs have received the full protections of the CFTC risk disclosure rules governing FCMs and IBs, the Commission does not believe that the QEC criteria are appropriate for determining which persons are no longer in need of the protections afforded by the standardized FCM/IB risk disclosure statements.

duplicative of disclosure obligations recognized in then-current Rule 1.55(f) (redesignated Rule 1.55(g) by this final rule).[19]

As the Commission stated in the Proposal, FCMs and IBs currently have obligations independent of the duty to deliver the standardized risk disclosure statement to disclose to customers information that would be material in the circumstances. These rule amendments are not intended to enlarge the scope of an FCM's or IB's existing duties. Given that the proposed wording may create confusion concerning the disclosure obligations for FCMs and IBs which claim this relief, the Commission has decided to delete the above-cited language from Rule 1.55(f). As the commenters noted, however, FCMs and IBs continue to have disclosure obligations to customers for whom this relief has been claimed as recognized in newly-designated Rule 1.55(g).[20] Moreover, as the Commission stated when it first adopted Rule 1.55(g), ''the essential purpose of the rule [is] to confirm the existing obligations of an FCM or IB under the law to disclose material information to its customers.'' [21]

Obligation That FCM or IB Assure That Customers for Whom Relief Is Claimed Qualify for Such Relief

FIA argued that FCMs or IBs should be able to claim the proposed relief and be relieved of any disclosure obligation if a customer's investment adviser or CTA represents that the client qualifies for relief and that the adviser or the CTA has made all necessary disclosure to such client. FIA contended that an institutional client's primary market relationship is with its investment adviser or CTA and not the FCM or IB and, thus, a CTA or adviser should have primary responsibility for disclosure. FIA also urged the Commission to consider whether CTAs and investment advisers, and not the carrying FCMs, should be responsible for providing their clients with the necessary risk and related disclosures in all circumstances, without regard to the financial status of those clients.

FCMs and IBs have obligations under Commission Rules 166.3, 1.37 and, as designated herein, 1.55(g) to supervise customer accounts diligently, to maintain accounts in the name of the ultimate customer, and to provide customers with adequate disclosure. In addition, the Commission has stated, and current law has already recognized, that an FCM's or IB's disclosure obligations vary with the functions and responsibilities that an FCM or IB undertakes on behalf of a customer.[22] This current rulemaking is not intended to shift an FCM's or IB's existing obligations to other parties, such as a CTA or investment adviser, and therefore, the Commission has not made any change in the Proposal in response to this comment.

Financial and Segregation Interpretation No. 12

The CBOT, CME, FIA and NFA suggested that the Commission eliminate the requirement under Financial and Segregation Interpretation No. 12 that FCMs receive a signed, Commission-mandated subordination agreement from customers before the customer may have segregated funds held in foreign depositories. The Commission notes that on December 30, 1997, it published a concept release soliciting public comment on how to address risks related to holding segregated funds offshore or in foreign currencies.[23] Since the subordination agreement has been one means by which the Commission has addressed these risks,[24] comments concerning the need for or effectiveness of the subordination agreement requirement would best be considered by the Commission in connection with the December 30, 1997 concept release and not as part of this rulemaking exercise.[25]

Electronic Distribution of Risk Disclosure Statement

FIA and NFA also urged the Commission to allow FCMs/IBs to establish customer acknowledgment of receipt of electronically-distributed risk disclosure statements through means of a unique customer identifier. Such a change would bring FCM and IB disclosure rules into line with similar, recently-amended rules for CPOs and CTAs [26] and permit FCMs and IBs to deliver the required risk disclosure statements electronically to all categories of customers.

The Commission did not address the question of a customer's ''electronic'' acknowledgment of risk disclosure statements in the Proposal. Any change in current procedures would clearly affect the rights of commodity futures customers beyond those persons identified in Rule 1.55(f), and such customers should be allowed adequate notice and opportunity to comment on any possible changes to current rules. However, although the Commission believes that this suggested change is outside the scope of the current rulemaking, the Commission recognizes the importance of the issues raised by FIA and NFA and will consider undertaking a future rulemaking or other action to address these issues.[27]

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–611, requires that agencies, in promulgating final rules, consider the impact of those rules on small businesses. The rules discussed herein will affect FCMs and IBs. The Commission has already established certain definitions of ''small entities'' to be used by the Commission in evaluating the impact of its rules on such small entities in accordance with the RFA. FCMs have been determined not to be small entities under the RFA.

With respect to IBs, the Commission has stated that it is appropriate to evaluate within the context of a particular rule whether some or all IBs should be considered to be small entities and, if so, to analyze the economic impact on such entities at that time. These rule amendments would not require any IB to alter its current method of doing business. Instead the rule amendments provide IBs with relief from certain disclosure and recordkeeping requirements with respect to certain identified customers. Presumably, an IB would only choose to make use of this relief if it were cost-

[19] Newly-designated Rule 1.55(g) provides: ''This section [Rule 1.55] does not relieve a futures commission merchant or introducing broker from any other disclosure obligation it may have under applicable law.''

[20] The NYCBar also urged the Commission to define ''the scope and duty of such remaining [risk] disclosure obligations.'' As the Commission stated in the Proposal, these minimum disclosure obligations arise under the Act, under state law and under common law, and may differ in particular circumstances. *See* 62 FR at 47614–15. Thus, the scope of an FCM's or IB's disclosure obligations will be affected by the particular facts surrounding a transaction and by the Act, by state law and by common law, as interpreted by the courts or in administrative proceedings. *See id.* at 47615 n.22.

[21] 50 FR 5380, 5381 (February 8, 1985).

[22] *See* 50 FR at 5381–82 (''the extent of the required risk disclosure [by an FCM or IB] will vary with the precise nature of the customer relationship and with the degree of customer reliance on an FCM's or IB's advice'').

[23] 62 FR 67841 (December 30, 1997).

[24] *See* 53 FR 46911, 46913 (November 21, 1988) (release adopting Financial and Segregation Interpretation No. 12).

[25] Comments concerning the issues addressed in the concept release, including those related to the subordination agreement requirement, should be received by the Commission on or before March 2, 1998. *See* 62 FR 67841.

[26] *See* 62 FR 39104 (July 22, 1997) (amending Rules 4.21 and 4.31).

[27] CFTC staff is reviewing issues related to the electronic distribution and acknowledgment of documents and will provide the Commission with recommendations on how best to address these issues.

effective to do so. Further, these rule amendments impose no additional burden or requirements on IBs and, thus, should not have a significant economic impact on a substantial number of IBs.

B. Paperwork Reduction Act

When publishing final rules, the Paperwork Reduction Act of 1995 (Pub. L. 104–13 (May 13, 1995)) imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as defined by the Paperwork Reduction Act. There is no burden associated with the rule amendments to Rule 1.55 or Rule 1.65. While these rule amendments have no burden, the group of rules (3038–0024) of which these rules are a part has the following burden:

Average burden hours per response: 128
Number of Respondents: 3,148
Frequency of response: 36

Three OMB approved collections are affected by the adoption of these rule amendments. In compliance with the Act, this final rule informs the public of:

(1) The reasons the information is planned to be and/or has been collected; (2) the way such information is planned to be and/or has been used to further the proper performance of the functions of the agency; (3) an estimate, to the extent practicable, of the average burden of the collection (together with a request that the public direct to the agency any comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden); (4) whether responses to the collection of information are voluntary, required to obtain or retain a benefit or mandatory; (5) the nature and extent of confidentiality to be provided, if any; and (6) the fact that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The Commission previously submitted these rule amendments in proposed form and its associated information collection requirements to the Office of Management and Budget. The Office of Management and Budget approved the associated information collection on January 6, 1998.

3038–0007—Regulation of Domestic Exchange-Traded Commodity Options. The burden associated with collection 3038–0007, including these final rule amendments, is as follows:

Average burden hours per response: 50.57
Number of Respondents: 190,422
Frequency of response: 1,111

The burden associated with Rule 33.7 is as follows:

Average burden hours per response: 0.08
Number of Respondents: 175
Frequency of response: 115

3038–0021—Regulations Governing Bankruptcies of Commodity Brokers. The burden associated with collection 3038–0021, including these final rule amendments, is as follows:

Average burden hours per response: 0.35
Number of Respondents: 472
Frequency of response: 34

The burden associated with Rule 190.10(c) is as follows:

Average burden hours per response: 0.05
Number of Respondents: 235
Frequency of response: 8

3038–0035—Rules Relating to the Offer and Sale of Foreign Futures and Options. The burden associated with collection 3038–0035, including these final rule amendments, is as follows:

Average burden hours per response: 15.70
Number of Respondents: 2,832
Frequency of response: 48

The burden associated with Rule 30.6 is as follows:

Average burden hours per response: 0.60
Number of Respondents: 360
Frequency of response: 4

Persons wishing to comment on the information which would be required by these amended rules should contact the Desk Officer, CFTC, Office of Management and Budget, Room 10202, NEOB, Washington, DC 20503, (202) 395–7340. Copies of the information collection submission to OMB are available from the CFTC Clearance Officer, 1155 21st Street, N.W., Washington, DC 20581, (202) 418–5160.

List of Subjects

17 CFR Part 1

Customer protection, Risk disclosure statements, Commodity futures.

17 CFR Part 30

Foreign futures and options transactions, Customer protection, Risk disclosure statements.

17 CFR Part 33

Domestic exchange-traded commodity options transactions.

17 CFR Part 190

Bankruptcy.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and in particular sections 2(a)(1), 4b, 4c, 4d, 4f, 4g and 8a of the Act, as amended, 7 U.S.C. 2, 6b, 6c, 6f, 6g and 12a, the Commission hereby amends Chapter I of title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

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

2. Section 1.55 is amended by revising paragraph (a)(1), by removing paragraph (a)(1)(iii), by redesignating paragraph (f) as paragraph (g), and by adding new paragraph (f) to read as follows:

§ 1.55 Distribution of ''Risk Disclosure Statement'' by futures commission merchants and introducing brokers.

(a)(1) Except as provided in § 1.65, no futures commission merchant, or in the case of an introduced account no introducing broker, may open a commodity futures account for a customer, other than for a customer specified in paragraph (f) of this section, unless the futures commission merchant or introducing broker first:

* * * * *

(f) A futures commission merchant or, in the case of an introduced account an introducing broker, may open a commodity futures account for a customer without furnishing such customer the disclosure statements or obtaining the acknowledgments required under paragraph (a) of this section, § 1.65(a)(13), and § 30.6(a), § 33.7(a), and § 190.10(c) of this chapter, provided that the customer is, at the time at which the account is opened:

(1) A bank or trust company;

(2) A savings association or credit union;

(3) An insurance company;

(4) An investment company subject to regulation under the Investment Company Act of 1940 (15 U.S.C. Sec. 80a–1, *et seq.*) or a foreign entity performing a similar role or function subject as such to foreign regulations, provided that such investment company has total assets exceeding $5,000,000;

(5) A pool operated by a commodity pool operator registered under the Commodity Exchange Act or exempt such registration or by a foreign person performing a similar function to that of a commodity pool operator and subject as such to foreign regulation;

(6) A corporation, partnership, proprietorship, organization, trust, or other entity:

(i) which has total assets exceeding $10,000,000; or

(ii) which has a net worth of $1,000,000;

(7) An employee benefit plan subject to the Employee Retirement Income Security Act of 1974, or a foreign person performing a similar role or function and subject as such to foreign regulation, with total assets exceeding $5,000,000 or whose investment decisions are made by a bank, trust company, insurance company, investment adviser subject to regulation under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1, *et seq.*), or a commodity trading advisor subject to regulation under the Commodity Exchange Act;

(8) A broker-dealer subject to regulation under the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*) or a foreign person performing a similar role or function subject as such to foreign regulation, acting on its own behalf: *provided, however,* that if such broker-dealer is a natural person or proprietorship, the broker-dealer must also meet the requirements of paragraphs (f)(6) or (f)(10) of this section;

(9) A futures commission merchant, floor brokers, or floor traders subject to regulation under the Commodity Exchange Act or a foreign person performing a similar role or function subject as such to foreign regulation; or

(10) Any natural person with total assets exceeding $10,000,000.

* * * * *

3. Section 1.65 is amended by redesignating paragraph (a)(3)(ii) as (a)(3)(iii) and adding new paragraph (a)(3)(ii) to read as follows:

§ 1.65 Notice of bulk transfers and disclosure obligations to customers.

(a) * * *

(3) * * *

(ii) As to customers for which the transferee futures commission merchant or introducing broker has clear evidence that such customer was at the time the account was opened by the transferring futures commission merchant or introducing broker, or is at the time the account is being transferred, a customer listed in § 1.55(f); or

* * * * *

PART 30—FOREIGN FUTURES OR FOREIGN OPTIONS TRANSACTIONS

4. The authority citation for part 30 continues to read:

Authority: 7 U.S.C. 1a, 2, 4, 6, 6c and 12a, unless otherwise noted.

5. Section 30.6 is amended by revising paragraph (a) to read as follows:

§ 30.6 Disclosure.

(a) *Future commission merchants and introducing brokers.* Except as provided in § 1.65 of this chapter, no futures commission merchant, or in the case of an introduced account no introducing broker, may open a foreign futures or option account for a foreign futures or option customer, other than for a customer specified in § 1.55(f) of this chapter, unless the futures commission merchant or introducing broker first furnishes the customer with a separate written disclosure statement containing only the language set forth in § 1.55(b) of this chapter or as otherwise approved under § 155(c) of this chapter (except for nonsubstantive additions such as captions), which has been acknowledged in accordance with § 1.55 of this chapter: *Provided, however,* that the risk disclosure statement may be attached to other documents as the cover page or the first page of such documents and as the only material on such page.

* * * * *

PART 33—REGULATION OF DOMESTIC EXCHANGE-TRADED COMMODITY OPTION TRANSACTIONS

6. The authority citation for part 33 continues to read:

Authority: 7 U.S.C. 1a, 2, 4, 6, 6a, 6b, 6c,6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 7, 7a, 7b, 8, 9, 11, 12a, 12c, 13a, 13a–1, 13b, 19, and 21, unless otherwise noted.

7. Section 33.7 is amended by revising paragraph (a)(1) introductory text, to read as follows:

§ 33.7 Disclosure.

(a)(1) Except as provided in § 1.65 of this chapter, no futures commission merchant, or in the case of an introduced account no introducing broker, may open or cause the opening of a commodity option account for an option customer, other than for a customer specified in § 1.55(f) of this chapter, unless the futures commission merchant or introducing broker first:

* * * * *

PART 190—BANKRUPTCY

8. The authority citation for Part 190 continues to read:

Authority: 7 U.S.C. 1a, 2, 4a, 6c, 6d, 6g, 7a, 12, 19, and 24, and 11 U.S.C. 362, 546, 548, 556 and 761–766, unless otherwise noted.

9. Section 190.10 is amended by revising paragraph (c)(1) to read as follows:

§ 190.10 General.

* * * * *

(c) *Disclosure statement for non-cash margin.* (1) Except as provided in § 1.65 of this chapter, no commodity broker (other than a clearing organization) may accept property other than cash from or for the account of a customer, other than a customer specified in § 1.55(f) of this chapter, to margin, guarantee, or secure a commodity contract unless the commodity broker first furnishes the customer with the disclosure statement set forth in paragraph (c)(2) of this section in boldface print in at least 10 point type which may be provided as either a separate, written document or incorporated into the customer agreement, or with another statement approved under § 1.55(c) of this chapter and set forth in appendix A to § 1.55 which the Commission finds satisfies this requirement.

* * * * *

Issued in Washington, DC on February 13, 1998 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–4258 Filed 2–19–98; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 96F–0477]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of polyamide/polyether block copolymers prepared by reacting a copolymer of *omega*-laurolactam and adipic acid with poly(tetramethylene ether glycol) for use in the manufacture of rubber articles intended for repeated use in contact with food. This action responds to a petition filed by Elf Atochem North America, Inc.

DATES: The regulation is effective February 20, 1998. Submit written objections and request for a hearing by March 23, 1998.

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

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS–

216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3086.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 12, 1996 (61 FR 65405), FDA announced that a food additive petition (FAP 7B4528) had been filed by Elf Atochem North America, Inc., 2000 Market St., Philadelphia, PA 19103–3222 . The petition proposed to amend the food additive regulations in § 177.2600 *Rubber articles intended for repeated use* (21 CFR 177.2600) to provide for the safe use of polyamide/polyether block copolymers prepared by reacting a copolymer of *omega*-laurolactam and adipic acid with poly(tetramethylene ether glycol) for use in the manufacture of rubber articles intended for repeated use in contact with food.

FDA has evaluated data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed use of the additive is safe, (2) the additive will achieve its intended technical effect, and that therefore, (3) the regulations in § 177.2600 should be amended as set forth below.

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

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

Any person who will be adversely affected by this regulation may at any time on or before March 23, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379e.

2. Section 177.2600 is amended in paragraph (c)(4)(i) by alphabetically adding a new entry to read as follows:

§ 177.2600 Rubber articles intended for repeated use.

* * * * *

(c) * * *

(4) * * *

(i) * * *

Polyamide/polyether block copolymers (CAS Reg. No. 77402–38–1 prepared by reacting a copolymer of *omega*-laurolactam and adipic acid with poly(tetramethylene ether glycol). The polyamide and polyether components are reacted in ratios such that the polyamide component constitutes a minimum of 30 weight-percent of total polymer units. The copolymers may be used in contact with foods of Types I, II, III, IV, V, VI, VII, VIII, and IX identified in Table 1 of § 176.170(c) of this chapter at temperatures not to exceed 150 °F except that those copolymers prepared with less than 50 weight-percent of polyamide are limited to use in contact with such foods at temperatures not to exceed 100 °F.

* * * * *

Dated: February 6, 1998.

L. Robert Lake,

Director, Office of Policy, Planning and Strategic Initiatives, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–4310 Filed 2–19–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. 96F–0410]

Food Additives Permitted in Feed and Drinking Water of Animals; Sodium Stearate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additives regulations to provide for the safe use of sodium stearate as an anticaking agent in animal feeds. This action is in response to a food additive petition (animal use) filed by Betty J. Pendleton, Chesterfield, MO.

DATES: Effective February 20, 1998; written objections and requests for a hearing by March 23, 1998.

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

FOR FURTHER INFORMATION CONTACT: John P. Honstead, Center for Veterinary Medicine (HFV–222), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1728.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of December 6, 1996 (61 FR 64754), FDA announced that a food additive petition (animal use) (FAP 2236) had been filed by Betty J. Pendleton, 15505 Country Ridge Dr., Chesterfield, MO 63017. The petition proposed that the regulations in § 573.280 *Feed-grade calcium stearate* (21 CFR 573.280) be amended to provide for the safe use of sodium stearate as an anticaking agent in animal feeds. The notice of filing provided for a 60-day comment period. No comments have been received.

FDA has evaluated data in the petition and other relevant material. FDA concludes that the proposed food additive use of sodium stearate as an

anticaking agent for animal feeds is safe when used in accordance with current good manufacturing practices.

In accordance with § 571.1(h) (21 CFR 571.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Veterinary Medicine by appointment with the information contact person listed above. As provided in 21 CFR 571.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

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

Any person who will be adversely affected by this regulation may at any time on or before March 23, 1998, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 573

Animal feeds, Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Veterinary Medicine, 21 CFR part 573 is amended as follows:

PART 573—FOOD ADDITIVES PERMITTED IN FEED AND DRINKING WATER OF ANIMALS

1. The authority citation for 21 CFR part 573 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348.

2. Section 573.280 is revised to read as follows:

§ 573.280 Feed-grade calcium stearate and sodium stearate.

Feed-grade calcium stearate and sodium stearate may be safely used in an animal feed in accordance with the following prescribed conditions:

(a) Feed-grade calcium stearate and sodium stearate are the calcium or sodium salts of a fatty acid mixture that is predominately stearic acid. Associated fatty acids, including palmitic acid and minor amounts of lauric, myristic, pentadecanoic, margaric, arachidic, and other fatty acids may be contained in the mixture, but such associated fatty acids in aggregate do not exceed 35 percent by weight of the mixture. The fatty acids may be derived from feed-grade fats or oils.

(b) The additives meet the following specifications:

(1) Unsaponifiable matter does not exceed 2 percent.

(2) They are free of chick-edema factor.

(c) The additives are manufactured so that in aqueous solution they are exposed for 1 hour or longer to temperature in excess of 180 °F.

(d) They are used as anticaking agents in animal feeds in accordance with current good manufacturing practices.

Dated: January 30, 1998.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 98–4223 Filed 2–19–98; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI58–01–7266; FRL–5967–3]

Approval and Promulgation of State Implementation Plans; Michigan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking finalizes the United States Environmental Protection Agency's (USEPA) disapproval of the State Implementation Plan (SIP) revision submitted by Michigan containing start-up, shutdown and malfunction (SSM) regulations which would apply generally to sources covered under the applicable SIP. This action is being taken under section 110 of the Clean Air Act (Act).

DATES: This final rule is effective March 23, 1998.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Kathleen D'Agostino at (312) 886–1767 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Kathleen D'Agostino, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886–1767.

SUPPLEMENTARY INFORMATION:

I. Background

On March 20, 1997 (62 FR 13357), the USEPA published a document proposing disapproval of a SIP revision containing Rules 336.1912, 336.1913 and 336.1914, which was submitted by the Michigan Department of Environmental Quality (MDEQ) on May 16 1996. Rule 336.1912 requires that a source be operated in a manner consistent with good air pollution control practices for minimizing emissions during start-ups, shutdowns and malfunctions, and contains notice and reporting requirements in the event of start-up, shutdown or malfunction. Rules 336.1913 and 336.1914 excuse excess emissions resulting from start-ups, shutdowns or malfunctions, providing that the notice and reporting requirements in Rule 336.1912 are met. The rationale for USEPA's proposed action is explained in the notice of proposed rulemaking and will not be restated here.

II. Public Comments/Response to Comments

This section summarizes the comments submitted during the public comment period for the notice of proposed rulemaking and provides USEPA's response to those comments. The comment period closed April 21, 1997. Adverse comments were received from the Michigan Department of

Environmental Quality, the Michigan Chamber of Commerce, the Michigan Manufacturers Association, General Motors Corporation and the American Automobile Manufacturers Association.

Comment: USEPA's proposed disapproval is not supported by section 110 of the Clean Air Act (CAA). There is no specific language in section 110 that provides the USEPA with the authority to disapprove Michigan's SSM rules. Section 110 contains no provisions that prohibit the type of exemption and affirmative defense contained in the SSM rules.

Response: It is true that section 110 does not explicitly address SSM regulations. However, under section 110 of the Act, USEPA is required to determine whether a SIP submission, *inter alia,* provides for the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). Because SIPs are developed to attain and maintain ambient-based standards, any emissions above the SIP-approved limits may cause or contribute to violations of the NAAQS. USEPA believes that SSM regulations which are too broadly drawn can threaten attainment and maintenance of the NAAQS. Therefore, EPA believes that it is reasonable to interpret section 110 to prohibit generally applicable SSM provisions.

In addition, § 110(a)(2)(A) of the Act requires that SIP submissions contain enforceable limitations. Enforceability deficiencies, i.e., overly broad bypass provisions and definitions of ''malfunction,'' are discussed further below. (See USEPA's response to the comment that Michigan's SSM rules are consistent with the 1983 memorandum from Kathleen Bennett.)

Comment: Because CAA regulations, e.g., 40 CFR part 63, already allow for protection which is broader than that proposed in the Michigan rules, the USEPA is without authority to proclaim that enforcement discretion is the only avenue for an SSM process to proceed. It is illogical to argue that Michigan's SSM rules do not comply with the CAA when CAA regulations provide for at least as broad protection against enforcement.

Response: The statutory and regulatory focus of NESHAPS (and NSPS) is fundamentally different from the SIP program and different policies apply, i.e., technology-based standards as opposed to the air quality objectives of section 110. The Bennett memoranda recognize that the attainment and maintenance of the NAAQS cannot be assured with overly-broad SSM provisions. EPA continues to believe that the health-based objective of SIPs make general SSM provisions unacceptable, even though such provisions may be appropriate for technology-based standards such as NESHAP and NSPS.

Comment: There is a substantive difference between the position set forth in the Bennett memoranda and the protections afforded by both 40 CFR 63 and the Michigan SSM rules. The promulgated Federal and State rules provide that there is no violation if the requirements of the rules are met. In contrast, the USEPA's memoranda position provides that there is a substantive violation of the CAA which then becomes subject to its enforcement discretion.

Response: The USEPA acknowledges that the Bennett memoranda recognize all periods of excess emissions as violations of the applicable SIP standard whereas periods of excess emissions occurring during start-ups, shutdowns or malfunctions may be excused under 40 CFR part 63 for NESHAPS. For the reasons discussed in response to the previous comment, USEPA believes that this is a reasonable distinction.

Comment: The USEPA misconstrues its authority under section 110 of the CAA. The United States Court of Appeals for the District of Columbia Circuit recently affirmed that the USEPA is not authorized under section 110 to dictate to states the methods to be used to achieve and maintain compliance with the National Ambient Air Quality Standards (NAAQS). Rather the D.C. Circuit recognized the relationship between the states and USEPA as one in which the states determine how best to regulate emission sources to achieve and maintain compliance with the NAAQS while USEPA is limited to determining whether each state's program will achieve the required air quality standards.

In promulgating the SSM statutory provisions and corresponding regulations, Michigan has exercised its power to ''determine which sources would be burdened by regulations and to what extent.'' Provided that attainment and maintenance of the NAAQS is the result of Michigan's overall implementation plan, the USEPA is not authorized, under section 110, to reject portions of Michigan's SIP that differ from the USEPA's enforcement policy.

Response: USEPA agrees that the CAA places primary responsibility upon the states to formulate requirements it deems appropriate to protect air quality. However, the CAA does not grant states unfettered discretion. Rather, the CAA and USEPA policy form a framework which states must work within when developing SIPs. (Some programs and requirements are expressly set forth in the CAA, e.g. inspection and maintenance, reasonably available control technology.) Furthermore, the Act charges USEPA with the determination as to whether the state's choices will result in attainment and maintenance of the NAAQS. For the reasons previously discussed, USEPA believes that the effect of Michigan's SSM regulations is to create uncertainty as to whether this statutory goal can be accomplished. In addition, § 110(a)(2)(A) of the Act requires that SIP submissions contain enforceable limitations. Enforceability deficiencies, i.e., overly broad bypass provisions and definitions of ''malfunction,'' are discussed further below. (See USEPA's response below to the comment that Michigan's SSM rules are consistent with the 1983 memorandum from Kathleen Bennett.)

Comment: Inconsistency with USEPA policy is not a valid reason for disapproval of a State Implementation Plan (SIP) revision. There is no reference to the Bennett memoranda, or any other policy, in section 110 of the CAA. Therefore, it is inappropriate to base the disapproval of Michigan's SSM rules on such policy memoranda. Statutory authority, and not policy memoranda, should be the basis for the disapproval.

Response: As noted previously, it is appropriate for USEPA to clarify regulations and statutes with written policies and guidance documents. In the context of rulemakings on SIP submissions, the public has an opportunity to comment and respond to USEPA's policies that interpret the relevant statutes and regulations. Through rulemaking actions, such as this, USEPA can determine whether to modify its policy or whether it still stands by its policy interpretation in light of any public comments. In this case, USEPA continues to support the policy established by the Bennet memoranda for the reasons stated in those memoranda and in this rulemaking action.

Comment: EPA's disapproval of Michigan's regulations, based on internal policy memoranda, is groundless. The SSM rules are the result of a publicly conducted work group, and were promulgated in accordance with all applicable State laws. The rationale offered by USEPA is not the result of a lawfully conducted notice and comment rulemaking process, nor does it cite any specific portion of any rule or statute with which the SSM rules are inconsistent. The substantive rights

of the regulated community are affected by the enforcement discretion interpretation contained in the Bennett memoranda. Therefore, rulemaking is required in order for the interpretation contained in the policy memoranda to be enforceable.

Response: Policy documents generally interpret the statute and do not establish binding requirements. Therefore, they are not subject to notice and comment rulemaking. As discussed above, rulemaking such as this provides the public with an opportunity to comment and to question USEPA's policy interpretations. If a sufficient basis had been provided for USEPA to revise or deviate from its policy, the Agency would do so. However, the comments submitted have not persuaded the Agency to change the existing policy, nor its application with respect to the Michigan SSM rule.

Comment: The enforcement discretion approach is insufficient following recent statutory and program changes. Title V of the CAA requires that the Responsible Official certify, under penalty of imprisonment, all data as truthful, accurate, and complete and requires periodic submittal of certifications by the Responsible Official detailing the compliance status of each facility. Thus, the Responsible Official for each Title V source has a duty to disclose any noncompliance with any applicable regulation. In addition, the 1990 Amendments provided enhanced criminal penalty provisions and revised the citizen suit provisions, increasing the likelihood of CAA enforcement actions. If an owner or operator of a source has knowledge that a process during startup or shutdown would possibly violate an emission limitation and proceeds to startup or shutdown the process, that knowledge could satisfy the intent requirement for a criminal prosecution. In many cases, compliance with applicable regulations during startup, shutdown, or malfunctions is technically or economically impossible. The SSM regulations contained in Michigan's SIP provide owners and operators of facilities with the appropriate protection against prosecution for startup problems of older facilities.

The enforcement discretion approach asks the regulated industry to rely on the exercise of discretion by both state and federal agencies. In addition, if such dual discretion does occur, nothing prevents citizens from pursuing a civil action to impose penalties on the source for the emission violations. Because of the enhanced federal and state statutes, the creation of criminal liability, and the lack of protection from citizen suits, a reliance on enforcement discretion is insufficient.

Response: With respect to start-up and shutdown situations, it is USEPA's general policy, as set forth in the Bennett memoranda, that: ''Startup and shutdown of process equipment are part of the normal operation of a source and should be accounted for in the planning, design and implementation of operating procedures for the process and control equipment. Accordingly, it is reasonable to expect that careful and prudent planning and design will eliminate violations of emission limitations during such periods.'' If there are circumstances where a source cannot comply with the SIP during start-up, shutdown or maintenance situations despite careful and prudent planning and design, the State should address these particular problems in development of (or revision to) the underlying rules applicable to those sources and not through overarching excess emissions provisions. (Any revision made to the state's rules to address these concerns must be submitted to USEPA as a SIP revision request.)

USEPA is cognizant of the various remedies under the Clean Air Act for SIP violations, including those available under the criminal suit provisions of Section 113(c). It should be noted, however, that no criminal action may be brought under that section unless a person knowingly violates the applicable requirement ''* * * more than 30 days after having been notified * * * that such person is violating such requirement or prohibition* * *.'' Thus, the scenario envisioned by the commentor is not realistic, unless appropriate notice is given and the violations continue. As discussed earlier, where there is such a likelihood of continuing violation, sources should seek relief through the SIP revision process.

USEPA also believes that the commentor's concern about the perceived inadequacy of an enforcement discretion approach is misplaced. The CAA has long provided for enforcement of SIP violations. Moreover, the revisions to enforcement provisions in 1990 were not intended to impact substantive regulations. Rather they were included with the recognition that the CAA has, at times, been difficult to enforce. USEPA further notes that reliance on the judicial system and courts' equitable discretion provides further protection.

Comment: Michigan's SSM provisions are consistent with the February 15, 1983 memorandum from Kathleen M. Bennett, Assistant Administrator for Air, Noise and Radiation to the Regional Administrators entitled ''Policy on Excess Emissions During Startup, Shutdown, Maintenance and Malfunctions.'' The SSM rules contain all of the criteria required to be considered by the regulator in determining whether enforcement action or discretion is warranted.

Response: The criteria referenced above are to be considered when determining whether to exercise enforcement discretion for periods of excess emissions caused by a malfunction, not to excuse those emissions. As discussed previously, because SIPs protect ambient-based standards, any emissions above the allowable may cause or contribute to violations of the NAAQS, and therefore cannot be excused. State and federal agencies (and citizens) need to be able to seek relief where public health may be threatened by periods of excess emissions.

Furthermore, the criteria referenced above apply only in the case of malfunctions. They do not apply to periods of excess emissions caused by startup, shutdown or maintenance (unless the excess is attributable to a malfunction occurring during those times). Start-up and shutdown of process equipment are part of the normal operation of a source and should be accounted for in the design and implementation of the operating procedure for the process and control equipment. Accordingly, it is reasonable to expect that, in most cases, careful planning will eliminate violations of emission limitations during such periods.

Moreover, even if USEPA did determine that the state could excuse these emissions, there remain issues which make the rules unapprovable. The definitions of ''malfunction,'' contained in 324.5509(1), part 55 of the Michigan Natural Resources and Environmental Protection Act and R 336.1113(d), Michigan administrative code, do not limit malfunctions to failures that are ''infrequent'' and ''not reasonably preventable,'' and are therefore too broad. [See e.g. 40 CFR 60.2] Frequent or reasonably preventable excess emissions would tend to indicate an underlying problem with the design, operating procedures or maintenance of a source and therefore should not be considered a malfunction. The State's bypass provisions in SIP R 336.1913(3)(b) and R 336.1914(4)(b) are also too broad. USEPA policy regarding bypass states that ''* * * if effluent gasses are bypassed which cause an emission limitation to be exceeded, this excess need not be treated as a violation

if the source can show that the excesses could not have been prevented through careful and prudent planning and design and that bypassing was unavoidable to prevent loss of life, personal injury or severe property damage.'' [Memorandum dated February 15, 1983, from Kathleen M. Bennett, Assistant Administrator for Air, Noise and Radiation entitled ''Policy on Excess Emissions During Startup, Shutdown, Maintenance, and Malfunctions'']. The USEPA continues to believe that this is a necessary policy, and that the bypass provisions contained in the State's rule are inadequate for the reasons stated in that policy.

In addition, the alternate emission limitations for startups and shutdowns in R 336.1914(4)(d) could (impermissibly) allow relaxations of Act requirements, including NSR limitations, New Source Performance Standards, toxics requirements (NESHAP, MACT), etc. Finally, the State SSM regulations provide no authority for MDEQ to review and require revisions to a source's written emission minimization plan for normal or usual startups and shutdowns. Such authority is necessary to ensure that operating practices for startups and shutdowns meet good engineering practice for minimizing emissions, similar to the authority R 336.1911 currently provides for State review and revision of written preventative maintenance and malfunction abatement plans.

Comment: The USEPA's position is not consistent with existing, long-standing regulations, and not consistent with its own rulemakings in other state's SIPs. Unless the USEPA intends to rescind 40 CFR 63 and other state SIPS as being inconsistent with the CAA, and then propose a general rule consistent with its internal memoranda, the USEPA's argument that Michigan's SSM rules do not comply with the CAA is without merit.

Response: As previously discussed, the difference in approach between the technology-based NESHAP rules and air quality-based SIP rules merits the different treatment for provisions concerning SSM excess emissions. With regard to the suggestion that USEPA's action on the Michigan submission is somehow inconsistent with its action(s) with other state submission, without additional information on which state(s) the commentor is referencing, USEPA cannot reasonably respond to this comment. However, as noted previously, USEPA continues to support the policy established by the Bennett memoranda for the reasons stated in those memoranda and in this rulemaking action. It should nonetheless be noted that, even if the commentor had identified such an inconsistent action, USEPA would not be precluded from disapproving Michigan's SSM submission. *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 121 F. 3d 106 (3d Cir. 1997).

Comment: The USEPA does not identify any deficiencies with Rule 912. Therefore, Rule 912 should be approved as part of the SIP.

Response: USEPA acknowledges that it did not cite any deficiencies for Rule 912 in its notice of proposed rulemaking. However, USEPA believes that when Rule 912 was adopted by Michigan, it was promulgated as an integral part of the SSM regulations; i.e., the protection granted in Rules 913 and 914 is contingent on meeting the operating, notification and reporting requirements in Rule 912. In this case, approving Rule 912 while disapproving Rules 913 and 914 would result in establishing operating, notification and reporting requirements for sources without granting the protection to them contemplated by the companion rules. Under existing case law, USEPA may not partially approve a state SIP submission if such action will result in the approved rules being more stringent than was intended by the state when they were adopted. See *Bethlehem Steel Corp*. v. *Gorsuch,* 742 F. 2d 1028 (7th Cor. 1984); *Indiana and Michigan Elec. Co.* v. *U.S.E.P.A.,* 733 F. 2d 489 (7th Cir. 1984).

III. Final Rulemaking Action

To determine the approvability of a rule, USEPA must evaluate the rule for consistency with the requirements of the Act, USEPA regulations and the USEPA's interpretation of these requirements as expressed in USEPA policy guidance documents. While USEPA understands the concerns raised by the commentors, rules 913 and 914 remain inconsistent with the Act and the applicable policies by which USEPA must evaluate submittals. Therefore, in today's action, USEPA is finalizing the disapproval proposed on March 20, 1997.

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

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility

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.

USEPA's disapproval of the State request under Section 110 and subchapter I, part D of the Clean Air Act does not affect any existing requirements applicable to small entities. Any pre-existing Federal requirements remain in place after this disapproval. Federal disapproval of the state submittal does not affect its state enforceability. Moreover, USEPA's disapproval of the submittal does not impose any new Federal requirements. Therefore, USEPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements and impose any new Federal requirements.

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 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 disapproval 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 disapproval action imposes no new requirements. Accordingly, no additional costs to

State, local, or tribal governments, or to the private sector, result. No new Federal requirements are imposed. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

D. Small Business Regulatory Enforcement Fairness Act

The Congressional Review Act, 5 U.S.C. § 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. USEPA will submit 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 United States prior to publication of the rule in the **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 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 April 21, 1998. 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).

V. List of Subjects in 40 CFR Part 52

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

Authority: 42 U.S.C. § 7401 *et seq.*

Dated: January 30, 1998.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 98–4003 Filed 2–19–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 157

[OPP–250125; FRL–5764–3]

Termite Insecticide Bait Stations; Exemption From Adult Portion of Child-Resistant Testing Specifications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Exemption Order.

SUMMARY: This Order grants a 5–year exemption from the senior-adult test and younger-adult test effectiveness specifications, described in 16 CFR 1700.15(b)(2) (Ease of adult opening), for prefilled, nonrefillable termite insecticide bait stations not designed or intended to be opened or activated in a manner that exposes the contents to human contact. Products qualifying for this exemption must still fully comply with all other child-resistant packaging (CRP) effectiveness, compatibility, and durability standards, as well as all other requirements of 40 CFR part 157. CRP certification for products relying on this exemption must specify that the package does not comply with the senior and younger adult effectiveness specifications per this exemption. This exemption was requested by Griffin Corporation and FMC APG Specialty Products, who suggested that a package that does not require opening or activation to put into use should not require adult ease of opening testing.

DATES: This exemption Order becomes effective on February 20, 1998 and expires on February 20, 2003.

FOR FURTHER INFORMATION CONTACT: Rosalind L. Gross, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone number: (703) 308–7368, e-mail: gross.rosalind@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Griffin Corporation and FMC APG Specialty Products requested an exemption from the senior-adult test and younger-adult test effectiveness specifications, described in 16 CFR 1700.15(b)(2) (Ease of adult opening), for prefilled, nonrefillable termite insecticide bait stations that are not designed or intended to be opened or activated in a manner that exposes the contents to human contact.

I. Background

FIFRA 25(c)(3) requires EPA's CRP standards to be consistent with those of the Consumer Product Safety Commission (CPSC). EPA's CRP regulations at 40 CFR 157.32 require that CRP for pesticides meet the CPSC packaging standards (effectiveness specifications) and testing procedures set forth in 16 CFR 1700.15(b) and 1700.20. The CPSC Poison Prevention Packaging Standards in 16 CFR 1700.15(b) provide that CRP, when tested by the method described in 16 CFR 1700.20, shall meet certain child-resistant test, senior-adult test, and younger-adult test effectiveness specifications. In 16 CFR 1700.15(b)(2), the senior-adult test and younger-adult test effectiveness specifications are discussed with reference to the senior-adult panel test of 16 CFR 1700.20(a)(3) and the younger-adult panel test of 16 CFR 1700.20(a)(4), respectively.

The EPA CRP regulations provide that exemptions from compliance may be requested on a case-by-case basis for specific products based on technical factors (40 CFR 157.24(b)(3)). The regulations further provide that any such exemption decision will be published in the **Federal Register**, will be for a specified length of time, and will be applicable to any product with substantially similar composition and intended uses.

II. Requested Grounds for Exemption

As support for the exemption request, Griffin Corporation and FMC APG Specialty Products advanced the following arguments:

The purpose of adult testing is to ensure that the package is not difficult for adults to use properly. If CRP is difficult for adults to open, the concern arises that the package may be disabled or left unsecured to eliminate the difficulty of reopening it. Under such circumstances the contents would be accessible to children. In the case of prefilled, nonrefillable termite insecticide bait stations not designed or intended to be opened, this concern does not arise. There is no risk that an adult will disable or fail to resecure a difficult to open package, because the packages need not be opened or activated in order to function properly. As there is no concern that an adult will disable or fail to resecure such a package, there is also no concern that the contents of disabled or unsecured packages will be accessible to children. Instead, from a child safety standpoint, the only relevant question regarding such packages is whether they can prevent a child from gaining access to the bait.

III. Agency Determination

The Agency has considered the Griffin Corporation and FMC APG Specialty Products exemption request

and the basis therefore and agrees that it is unnecessary to test the ability of a senior-adult or younger-adult to open and properly resecure a package not designed or intended to be opened or activated. No benefits in terms of improved child safety would be gained by such testing. Therefore, the Agency hereby grants a 5–year exemption Order from the senior-adult test and younger-adult test effectiveness specifications, described in 16 CFR 1700.15(b)(2) for prefilled, nonrefillable termite insecticide bait stations not designed or intended to be opened or activated in a manner that exposes the contents to human contact. The Agency has authority under 40 CFR 157.24(b)(3) to grant an exemption from any CRP requirement, including the testing requirements, based on technical considerations.

IV. Exemption

A 5–year exemption is granted from the senior-adult test and younger-adult test effectiveness specifications, described in 16 CFR 1700.15(b)(2), for prefilled, nonrefillable termite insecticide bait stations not designed or intended to be opened or activated in a manner that exposes the contents to human contact. Products that qualify for this exemption must fully comply with all other CRP effectiveness, compatibility, and durability standards as well as all other requirements of 40 CFR part 157. CRP certification for products relying on this exemption must specify that the package does not comply with the senior and younger adult effectiveness specifications per this exemption. This exemption becomes effective on February 20, 1998 and expires on February 20, 2003.

V. Regulatory Assessment Requirements

This exemption Order does not impose any requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). For the same reason, it does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). In addition, since this type of action does not require any proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

VI. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, as that term is defined in 5 U.S.C. 804(3).

List of Subjects

Administrative practice and procedure, Infants and children, Packaging and containers, Pesticides and pest, Reporting and recordkeeping requirements.

Dated: February 9, 1998.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 98–4186 Filed 2–19–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 43

[IB Docket No. 96–261; FCC 97–280]

International Settlement Rates

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: The Commission amended its rules to revise its international settlement benchmarks. Section 43.61(b) of these rules contained new and modified information collection requirements and became effective on January 23, 1998.

EFFECTIVE DATE: The amendment to 47 CFR § 43.61(b) published at 62 FR 45758, August 29, 1997, became effective on January 23, 1998.

FOR FURTHER INFORMATION CONTACT: Kathryn O'Brien, Attorney-Advisor, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418–1470.

SUPPLEMENTARY INFORMATION: On August 7, 1997, the Commission adopted an order revising its international settlement rate benchmarks, a summary of which was published in the **Federal Register**. See 62 FR 45758, August 29, 1997. Section 43.61(b) of the Commission's rules imposed new or modified information collection requirements. We stated that ''the information collection requirements adopted in this Order will become effective following Office of Management and Budget (OMB) approval. The Commission will publish a document at a later date establishing the effective date.'' The information collections were approved by OMB on January 23, 1998. See OMB No. 3060–0106. This publication satisfies our statement that the Commission would publish a document announcing the effective date of the rules.

List of Subjects in 47 CFR Part 43

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–4329 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–116, RM–8507, RM–8567]

Radio Broadcasting Services; Jefferson City, Cumberland Gap, Elizabethton, TN, and Jonesville, VA

AGENCY: Federal Communications Commission.

ACTION Final rule.

SUMMARY: This document denies a Petition for Reconsideration filed by Eaton P. Govan, III and Berton B. Cagle directed to the *Report and Order* in this proceeding. The *Report and Order* denied their proposals for a reallotment of a channel from Jefferson City to Cumberland Gap, Tennessee, and an upgrade at Elizabethton. Instead, the *Report and Order* allotted Channel 256A to Jonesville, Virginia. *See* 60 FR 57368, published November 15, 1995. With this action the proceeding is terminated.

EFFECTIVE DATE: February 20, 1998.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 94–116, adopted January 21, 1998, and released January 30, 1998. The full text of this decision is available for inspection and copying during normal business hours in the

FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3805, 1231 M Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

Authority: 47 U.S.C. 154, 303, 334, 336.

Federal Communications Commission.

Charles W. Logan,

Acting Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–4224 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–202; RM–8879, RM–8963, RM–8964]

Radio Broadcasting Services; Mount Vernon, Stanford and Brodhead, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Rock Communications of Mount Vernon, allots Channel 270A at Brodhead, Kentucky, as the community's first local aural transmission service (RM–8879). *See* 61 FR 54142, October 17, 1996. Channel 270A can be allotted to Brodhead in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.2 kilometers (2.6 miles) southwest to avoid short-spacings to the licensed site of Station WLJC(FM), Channel 271A, Beattyville, Kentucky. The coordinates for Channel 270A at Brodhead are North Latitude 37–22–29 and West Longitude 84–26–41. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 30, 1998. A filing window for Channel 270A at Brodhead, Kentucky, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–202, adopted February 4, 1998, and released February 13, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by adding Brodhead, Channel 270A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–4330 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–224; RM–9177]

Radio Broadcasting Services; Monroe, UT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Charles D. Hall, allots Channel 257C2 to Monroe, Utah, as the community's first local aural transmission service. *See* 62 FR 61719, November 19, 1997. Channel 257C2 can be allotted to Monroe, Utah, in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.3 kilometers (0.8 miles) south of the community in order to avoid a short-spacing conflict with vacant Channel 256A at Levan, Utah. The coordinates for Channel 257C2 at Monroe are 38–37–21 NL and 112–07–29 WL. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 30, 1998. A filing window for Channel 257C2 at Monroe, Utah, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–224, adopted February 4, 1998, and released February 13, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Utah, is amended by adding Monroe, Channel 257C2.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–4336 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–230; RM–9185]

Radio Broadcasting Services; New Albany, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of George G. Callicut, allots Channel 268A to New Albany, Mississippi, as an additional FM service to the community. *See* 62 FR 61721, November 19, 1997. Channel 268A can be allotted to New Albany in compliance with the Commission's minimum distance separation

requirements with a site restriction of 5.5 kilometers (3.4 miles) northwest in order to avoid a short-spacing conflict with the licensed operation of Station WFTA–FM, Channel 270C2, Fulton, Mississippi. The coordinates for Channel 268A at New Albany are 34–31–14 NL and 89–03–03 WL. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 30, 1998. A filing window for Channel 268A at New Albany, Mississippi, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–230, adopted February 4, 1998, and released February 13, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Channel 268A at New Albany.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–4337 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–202; RM–9129]

Radio Broadcasting Services; Farmersburg, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 242A to Farmersburg, Indiana, as that community's first local aural transmission service in response to a petition filed on behalf of Farmersburg Community Broadcasting. *See* 62 FR 49190, September 19, 1997. Coordinates used for Channel 242A at Farmersburg are 39–15–18 and 87–23–00. With this action, the proceeding is terminated.

DATES: Effective March 30, 1998. A filing window for Channel 242A at Farmersburg, Indiana, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a separate Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180. Questions related to the application filing process should be addressed to the Audio Services Division, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–202, adopted February 4, 1998, and released February 13, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Indiana, is amended by adding Farmersburg, Channel 242A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–4335 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–117; RM–9009]

Radio Broadcasting Services; Wray and Otis, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a request by New Directions Media, Inc., licensee of Station KATR–FM, Wray, Colorado, this document substitutes Channel 252C1 for Channel 252C2 at Wray, reallots Channel 252C1 to Otis, Colorado, and modifies the license for Station KATR–FM accordingly, pursuant to the provisions of Sections 1.420(g) and (i) of the Commission's Rules. *See* 62 FR 22900, April 28, 1997. The allotment of Channel 252C1 to Otis will provide that community with its first local aural transmission facility without depriving Wray of local aural service, and enable Station KATR–FM to expand its service area. Coordinates used for Channel 252C1 at Otis are 40–08–54 and 102–57–48. With this action, the proceeding is terminated.

EFFECTIVE DATE: March 23, 1998.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–117, adopted January 28, 1998, and released February 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado is amended by removing Channel 252C2 at Wray and adding Otis, Channel 252C1.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–4334 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–66; RM–8997]

Radio Broadcasting Services; Fredonia, Kentucky

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of JoeMyers Productions, Inc., allots Channel 221A at Fredonia, Kentucky, as the community's first local aural transmission service. *See* 62 FR 7981, February 21, 1997. Channel 221A can be allotted to Fredonia in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.2 kilometers (3.8 miles) northeast to avoid short-spacings to the licensed sites of Station WYNU(FM), Channel 222C, Milan, Tennessee, Station WBKR(FM), Channel 223C, Owensboro, Kentucky, and Station WMJL–FM, Channel 274A, Marion, Kentucky. The coordinates for Channel 221A at Fredonia are North Latitude 37–15–22 and West Longitude 88–01–49. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 23, 1998. A filing window for Channel 221A at Fredonia, Kentucky, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–66, adopted January 28, 1998, and released February 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by adding Fredonia, Channel 221A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–4333 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–50; RM–8995]

Radio Broadcasting Services; Ocean Shores, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Ryan Broadcasting Company, allots Channel 228A at Ocean Shores, Washington, as the community's first local aural transmission service. *See* 62 FR 6928, February 14, 1997. Channel 228A can be allotted to Ocean Shores in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 228A at Ocean Shores are North Latitude 46–57–47 and West Longitude 124–09–50. Since Ocean Shores is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence has been obtained. With this action, this proceeding is terminated.

EFFECTIVE DATE: March 30, 1998. A filing window for Channel 228A at Ocean Shores, Washington, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–50, adopted February 4, 1998, and released February 13, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Washington, is amended by adding Ocean Shores, Channel 228A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–4332 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 63, No. 34
Friday, February 20, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

7 CFR Part 1755

RIN 0572–AB35

Special Equipment Contract (Including Installation)

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS) is proposing to amend its regulation on RUS Telecommunications Standards and Specifications for Material, Equipment and Construction. This action codifies RUS Form 397, Special Equipment Contract (including installation) and announces a general revision of RUS Form 397. This contract incorporates amendments currently attached to the RUS Form 397, Special Equipment Contract, and updates contract terms and format.

DATES: Written comments must be received by RUS or carry a postmark or equivalent not later than April 21, 1998.

ADDRESSES: Submit written comments to Orren E. Cameron III, Director, Telecommunications Standards Division, Rural Utilities Service, US Department of Agriculture, STOP 1598, 1400 Independence Ave., SW, Washington, DC 20250–1598. RUS requires a signed original and three copies of all comments (7 CFR part 1700.30(e)). All comments received will be made available for public inspection at Room 4034, South Building, U.S. Department of Agriculture, Washington, DC, between 8:00 a.m. and 4:00 p.m. (7 CFR part 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Gary B. Allan, Chief, Transmission Branch, Telecommunications Standards Division, Rural Utilities Service, U.S. Department of Agriculture, STOP 1598, 1400 Independence Ave., SW, Washington, DC 20250–1598, telephone number (202) 720–0665.

SUPPLEMENTARY INFORMATION:

Classification

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866, Regulatory Planning and Review, and, therefore has not been reviewed by the Office of Management and Budget (OMB).

Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this proposed rule meets the applicable standards provided in Sec. 3. of the Executive Order.

Regulatory Flexibility Act Certification

The Administrator of RUS has determined that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The RUS programs provide and finance grants and loans to RUS borrowers at interest rates and terms that are more favorable than those generally available form the private sector. RUS borrowers, as a result of obtaining Federal financing, receive economic benefits which ultimately offset any direct economic costs associated with complying with RUS regulations and requirements.

Information Collection and Recordkeeping Requirements

The reporting and recordkeeping requirements contained in the proposed rule were approved by OMB pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended) under control number 0572–0059.

Send questions or comments regarding this burden or any aspect of these collections of information, including suggestions for reducing the burden to F. Lamont Heppe, Jr., Director, Program Support and Regulatory Analysis, Rural Utilities Service, US Department of Agriculture, STOP 1522, Washington, DC 20250–1422, FAX: (202) 720–1422.

Unfunded Mandates

This rule contains no Federal mandates for State, local, and tribal governments for the private section. Thus, this is not subject to the requirements of section 202 and 205 of the Unfunded Mandates Reform Act.

National Environmental Policy Act Certification

RUS has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance programs under No. 10.851, Rural Telephone Loans and Loan Guarantees; and No. 10.852, Rural Telephone Bank Loans. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402.

Intergovernmental Review

This final rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. A Notice of Final rule titled Department Programs and Activities Excluded from Executive Order 12372 (50 FR 47034) exempts RUS and RTB loans and loan guarantees, and RTB bank loans, to governmental and nongovernmental entities from coverage under this Order.

Background

RUS has issued a series of 7 CFR chapter XVII parts which serve to implement the policies, procedures and requirements for administering its loan and loan guarantee programs and the loan documents and security instruments which provide for secure RUS financing. This revision to 7 CFR part 1755 codifies RUS Form 397, Special Equipment Contract (including installation). The 7 CFR part 1755 also describes where copies of the contract may be obtained. RUS telecommunications borrowers are required to use the RUS Form 397 when purchasing and installing special equipment financed with loan funds. Divestiture, competition, legislation and regulation changes have made the current RUS Form 397 outdated. Contract terms and obligations have been modified and updated to reflect

present business practices as well as changes in technology, services and equipment. The changes to the proposed RUS Form 397 include but are not limited to the following: sealed bid requirements; bid bond requirements; format for listing bid prices and alternatives; delivery and installation requirements; and particular undertakings of the bidder requirements.

List of Subjects in 7 CFR Part 1755

Loan programs-communications, Reporting and recordkeeping requirements, Rural areas, Telecommunications.

For the reasons set forth in the preamble, RUS proposes to amend chapter XVII of title 7 of the Code of Federal Regulations as follows:

PART 1755—TELECOMMUNICATIONS STANDARDS AND SPECIFICATIONS FOR MATERIALS, EQUIPMENT AND CONSTRUCTION

1. The authority citation for part 1755 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, 6941 *et seq.*

§ 1755.397 [Redesignated as § 1755.396]

2. Section 1755.397 is redesignated as § 1755.396.

3. Section 1755.397 is added to read as follows:

§ 1755.397 Form 397, special equipment contract (including installation).

The contract form in this section shall be used when purchasing and installing special equipment, which includes but is not limited to digital carrier equipment, fiber optic equipment and microwave equipment, financed with loan funds. The RUS Form 397, special equipment contract (including installation) follows:

Notice and Instructions to Bidders Special Equipment Project (Including Installation)

1. Sealed Proposals for the engineering, furnishing, delivery and installation of special telephone equipment, materials and software (hereinafter called the ''Equipment'') for the

_____

_____

(hereinafter called the ''Owner'') which is to be part of the system known as

_____

_____

to be financed pursuant to a loan contract between the Owner and the United States of America (hereinafter called the ''Government'') by the Administrator of the Rural Utilities Service (hereinafter called the ''Administrator'') will be received by the Owner on or before

_____o'clock, _____ .M., _____,

at _____

at which time and place the Proposals will be publicly opened and read. The Rural Telephone Bank may also be a party to the loan contract.

2. The Bid Documents, composed of plans, specifications and drawings (hereinafter called the ''Specifications''), together with all necessary forms and other documents for Bidders, may be obtained from the Owner or from the Engineer, at the latter's office at

_____

_____

The Documents may be examined at the office of the Owner or at the office of the Engineer. A copy of the loan contract between the Owner and the Government may be examined at the office of the Owner.

Each set of Bid Documents will have a serial number, assigned by the Engineer, and the number of each set with the name of the Bidder will be recorded by the Engineer. Bids will be accepted only from original Bidders, or from some other qualified Bidder to whom such a set has been transferred by the original Bidder with the approval of the Engineer prior to the pre-bid technical session.

3. A pre-bid technical session will be held with each Bidder during the week of _____ , 19 _____ at _____ , for the purpose of receiving the Bidder's Technical Proposal, discussing details of the Project(s), and considering suggestions from Bidders. The Owner shall attach to this Notice a list of the information required in the Bidder's Technical Proposal. Each Bidder will be given a specific time period for the pre-bid technical session. At the pre-bid technical session, the Bidder shall fully describe to the Owner any exceptions to the Specifications the Bidder may request. In addition, the Bidder shall identify all features and capabilities that are not fully developed or do not have a verifiable satisfactory field performance record. If the Owner decides to incorporate any changes into the Specifications, the Owner shall furnish all prospective Bidders a copy of the Specifications containing such revisions (the ''Revised Specifications'') and all Bids shall be made on the basis of the Revised Specifications. At this session, the Bidder shall identify all documentation and materials that it claims constitute agreed excluded documentation under Section (2)(xi) of the Software License Agreement, 7 CFR § 1753.38. The Bidder shall claim as agreed excluded documentation only those items it may be unable to provide to the Borrower as required by said Section (2)(xi). The Engineer shall immediately provide a list of all items so identified to the appropriate RUS office. The Engineer shall inform the Bidder at least _____days before the scheduled bid opening whether either the Engineer or RUS will reject the Bid because of items so identified. The Licensor, as defined in the Software License Agreement, shall agree that certain licensed software cannot be excluded from the requirements of said Section (2)(xi), including but not limited to software that would significantly impair the operation of the System, would significantly impair the ability of the Owner to generate revenue, or would, in the opinion of RUS, pose a risk to RUS loan security. If allowed, the agreed excluded documentation shall be individually identified in an attachment to the Bid. No bid shall be accepted from a Bidder who fails to attend the pre-bid technical session or fails to demonstrate to the Owner that its equipment meets the requirements of the Specifications.

4. Proposals shall be submitted on the forms furnished by the Owner and must be delivered in a sealed envelope addressed to the Owner. The name and address of the Bidder, the license number (if the State requires a license to bid on a project), and the date and hour of the opening of bids must appear on the envelope in which the Proposal is submitted. Proposals must be in ink or typewritten. No alterations or interlineations will be permitted, unless made, initialed, and dated before submission.

5. Prior to the submission of the Proposal, the Bidder shall make and shall be deemed to have made a careful examination of the Specifications, Bidder's Proposal and Acceptance, and Contractor's Bond attached hereto, and shall become informed as to the location and characteristics of the proposed equipment installations, the transportation facilities, the kind of facilities required before and during the delivery and installation of the equipment and materials, the general local conditions and all other matters that may affect the cost and the time of completion of the installations. Bidders will be required to comply with all applicable statutes, codes, and regulations, including those pertaining to the licensing of contractors and the ''Anti Kick-Back Acts,'' as amended, (40

U.S.C. 276c; 41 U.S.C. 51 *et seq.*) and regulations issued pursuant thereto, and 18 U.S.C. 287, 874, 1001, as amended.

6. Each Proposal must be accompanied by a Bid Bond, RUS Form 307, or a certified check on a bank that is a member of the Federal Deposit Insurance Corporation, payable to the order of the Owner, in an amount equal to ten percent (10%) of the maximum possible bid price. The maximum possible bid price is the sum of the total base bid, spare parts, maintenance tools and all positive amounts for alternatives. Each Bidder agrees that, if its Proposal is one of the three low Proposals, its Bid Bond or check shall be held by the Owner until a Proposal is accepted and a Contractor's Bond, when required, is furnished by the successful Bidder and such acceptance has been approved by the Administrator, or for a period not to exceed ninety (90) days from the date hereinbefore set for the opening of Proposals whichever period shall be the shorter. If such Proposal is not one of the three low Proposals, the Bid Bond or check will be returned to the Bidder within a period of thirty (30) days.

7. The successful Bidder will be required to furnish to the Owner a Contractor's Bond in conformance with the requirements of 7 CFR Part 1788, Subpart C, Insurance for Contractors, Engineers, and Architects.

8. Should the successful Bidder fail or refuse to furnish a Contractor's Bond within thirty (30) days after written notification of the award of the Contract by the Owner, the Bidder will be considered to have abandoned the Proposal. In such event, the Owner shall be entitled to (a) enforce the Bid Bond in accordance with its terms, or (b) retain from the proceeds of the certified check the difference (not exceeding the amount of the certified check) between the amount of the Proposal and such larger amount for which the Owner may in good faith contract with another party to construct the Project(s). The term ''successful Bidder'' shall be deemed to include any Bidder whose Proposal is accepted after another Bidder has previously refused or has been unable to execute the Contract or to furnish a Contractor's Bond.

9. If requested by the Owner or the Administrator, the Bidder shall furnish evidence, satisfactory to the Owner and the Administrator, that the Bidder has the necessary facilities, ability, and financial resources to perform the Contract.

10. The Contract, when executed, shall be deemed to include the entire agreement between the parties thereto and neither party shall claim any modification thereof resulting from any representation or promise made at any time by any officer, agent, or employee of the other or by any other person.

11. The Owner reserves the right to waive minor irregularities or minor errors in any Proposal, if it appears to the Owner that such irregularities or errors were made through inadvertence. Any such irregularities or errors so waived must be corrected on the Proposal in which they occur prior to the execution of any Contract which may be awarded thereon. Failure to provide a Bid Bond or check as specified in item six (6) above is not a minor irregularity.

12. The Owner reserves the right to reject any or all Proposals.

13. Equal Opportunity and Employment.

(a) The Bidder's attention is called to the ''Equal Opportunity Clause'' and the ''Standard Federal Equal Employment Specifications'' set forth herein.

(b) The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Timetables	Goals for minority participation for each trade	Goals for female participation in each trade
	(Insert goals for each year.)	(Insert goals for each year.)

(i) These goals are applicable to all the Contractor's construction work (whether or not it is federal or federally assisted) performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where work is actually performed. With regard to this second area, the Contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

(ii) The Contractor's compliance with Executive Order 11246 and the regulations in 41 CFR Part 60–4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60–4.3(a), and its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade, and the Contractor shall make a good faith effort to employ minorities and women without discrimination on each of its projects. Transfer of minority or female employees or trainees from Contractor to Contractor or from project to project for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, Executive Order 11246 and the regulations in 41 CFR part 60–4. Compliance with the goals will be measured against the total work hours performed.

(c) The Contractor shall provide written notification to the Director of the Office of Federal Contract Compliance Programs within ten (10) working days of award of any construction subcontract in excess of ten thousand dollars ($10,000) at any tier for construction work under the contract resulting from this solicitation. The notification shall list the name, address and telephone number of the subcontractor; estimated dollar amount of the subcontract; estimated starting and completion dates of the subcontract; and the geographical area in which the subcontract is to be performed.

(d) As used in this Notice, and in the contract resulting from this solicitation, the ''covered area'' is

_____

_____

(insert description of the geographical areas where the contract is to be performed giving the state, county and city, if any.)

Note: Paragraph 13 is applicable to the extent required by law. If applicable, certain information needs to be inserted at subparagraphs (b) and (d). In determining whether and how this paragraph is applicable, reference should be made to the Department of Labor Office of Federal Contract Compliance Programs regulations (41 CFR Chapter 60.)

By _____
Owner

_____
Title

_____
Date

Bidder's Proposal to Engineer, Furnish, Deliver, and Install Equipment and Materials

(Proposal shall be submitted in ink or typewritten)

To: _____
(Hereinafter called the ''Owner'')

The undersigned (hereinafter called the ''Bidder'') hereby proposes to engineer, furnish, deliver, install, align and test the equipment, materials and software (hereinafter called the ''Equipment'') described in the plans, specifications and drawings (hereinafter called the ''Specifications'') prepared by the Owner and attached hereto and made a part hereof, financed by a loan to the Owner made or guaranteed by the United States of America, acting through the Administrator of the Rural Utilities Service (hereinafter called the ''Administrator''), or by loans to the Owner by the United States of America and by the Rural Telephone Bank, and designated _____.

The Bidder has become informed as to the location and characteristics of the proposed Equipment and the facilities over which the Equipment is to perform, has become informed as to the kind of facilities required before and during the delivery and installation of the Equipment and has become acquainted with the labor conditions which would affect the work.

The Bidder agrees that if its bid is accepted the following terms and conditions shall govern.

If, in submitting this Proposal, the Bidder has taken any exception to the form of proposal furnished by the Owner, the Bidder understands that the Owner and the Administrator may evaluate the effect of such change as they see fit and they may exclude the Proposal from consideration in determining the award of the Contract.

Article I

Section 1. Bid Price. The Bidder will engineer, furnish, deliver, install, align and test the equipment, materials, and software described in the Specifications for the following sums:

(1) Location by exchange	(2) Equipment	(3) Cost	(4) Installation	(5) Base bid	Time in calendar days		(8) Spare parts	(9) Item	(10) Maintenance tools
					(6) Delivery	(7) Completion of project			
		$	$	$			$	a	$
		$	$	$			$	b	$
		$	$	$			$	c	$
		$	$	$			$	d	$
		$	$	$			$	e	$
		$	$	$			$	f	$
		$	$	$			$	g	$
		$	$	$			$	h	$
		$	$	$			$	i	$
		$	$	$			$	j	$
Totals		$	$	XXXXXXX	XXXXXXX	XXXXXXX	$	XX	$
Total Base Bid				$	XXXXXXX	XXXXXXX	XXXXXXX	XX	XXXXXXX
Alternate No. 1		$	$	$			$	k	$
Alternate No. 2		$	$	$			$	l	$
Alternate No. 3		$	$	$			$	m	$
Alternate No. 4		$	$	$			$	n	$
Alternate No. 5		$	$	$			$	o	$
Alternate No. 6		$	$	$			$	p	$

Section 2. Acceptable Equipment. Unless otherwise specified by the Owner (and agreed to in advance in writing by RUS), the Bidder agrees to furnish under this Proposal only equipment which is currently included in the ''List of Materials Acceptable for Use on Telecommunications Systems of RUS Borrowers'', RUS Informational Publication 344–2. [Note: foreign manufactured products must be covered by a currently valid letter of technical acceptance issued by the Chairman, Committee ''A'' (Telecommunications)]. The Bidder agrees also to furnish only materials, equipment and software which are new and most recent issue and manufacture as of the date of the bid opening.

Section 3. Changes in Project. The Owner, with the approval of the Administrator, may from time to time during the performance of the Contract, make reasonable changes, additions to or subtractions from the Specifications which are part of the Proposal as conditions warrant. However, if substantial changes in the Project shall require an extension of time, a reasonable extension will be granted if the Bidder shall make a written request therefore to the Owner within thirty (30) days after any such change is made. Further, if the cost to the Bidder shall be increased or decreased by any such change or addition, the Contract price shall be increased or decreased by a reasonable amount in accordance with a contract amendment signed by the Owner and the Bidder and approved by the Administrator. No claim for additional compensation for any such change or add-on will be considered unless the Bidder shall have made a written request to the Owner prior to the commencement of work in connection with such change or addition. The Delivery or Completion of Project time in calendar days specified under Columns 6, ''Delivery'', and 7, ''Completion of Project'', in Article I, Section 1, can only be changed by a contract amendment approved by the Bidder, the Owner and RUS.

Section 4. Taxes. The bid prices herein set forth do not include any amounts payable by the Bidder or the Owner on account of taxes imposed by any taxing authority upon the sale, purchase or use of the Equipment to be incorporated in the Project(s). If any such tax is applicable to the sale, purchase or use of the Equipment thereunder, the amount thereof shall be stated separately on all invoices and paid by the Owner.

Article II

Delivery and Installation

Section 1. Time of Completion of Installation. The time of delivery of the

Equipment and of Completion of Project is of the essence of this Contract. The Bidder shall deliver the Equipment within the number of calendar days specified under Column 6, ''Delivery'', in Article I, Section 1, after the Administrator shall have approved this contract in writing and shall complete the installation of Equipment in accordance with the terms of this Contract and Specifications to the satisfaction of the Owner and the Administrator within the number of calendar days specified under Column 7, ''Completion of Project'', in Article I, Section 1. The time for such ''Delivery'' or ''Completion of Project'' shall be extended for the period of any reasonable delay due exclusively to causes beyond the control and without the fault of the Bidder, including, but not limited to, acts of God, fires, strikes, floods, changes in the Specifications as herein provided, and acts or omissions of the Owner with respect to matters for which the Owner is solely responsible. However, no such extension of time shall be granted the Bidder unless within twenty (20) days, after Bidder becomes aware of the happening of any event relied upon by the Bidder for such an extension of time, the Bidder shall have made a request therefor in writing to the Owner. Further, no delay in such time for ''Delivery'', ''Completion of Project'', or in the progress of the work shall result in any liability on the part of the Owner, except that the Owner shall be responsible for and shall pay the Bidder on demand all additional, supportable costs and expenses incurred by the Bidder due to delays to the extent such delays are caused by the Owner's failure to perform its obligations under this Contract unless the Owner's failure to perform is caused by forces beyond its control.

Section 2. Supervision and Inspection. The Bidder shall give adequate supervision to the work at the site of the Project(s), using the Bidder's best skill and attention. The Bidder shall carefully study and compare all drawings, specifications, and other instructions and shall promptly report to the Owner any error, inconsistency or omission which Bidder may discover. The Bidder shall keep on the Project(s) during its progress a competent superintendent (hereinafter called the ''Superintendent'') and any necessary qualified assistants, all satisfactory to the Owner. The Superintendent shall represent the Bidder and all directions given to the Superintendent by the Owner shall be as binding as if given to the Bidder. When requested, such directions shall be confirmed in writing.

The Owner shall make available during installation a competent representative to coordinate installation activities with the Bidder, including coordination with any connecting company.

Section 3. Alignment, Inspection and Tests. The Bidder shall install, adjust and align the Equipment in accordance with the Specifications. The Bidder shall notify the Owner in writing upon completion of installation and alignment of each Project. In addition, the Bidder shall provide the necessary test equipment and perform the inspections and tests specified in the Specifications under the direct supervision of the Owner or its Engineer. The Owner shall receive a copy of the results of all tests conducted by the Bidder. All Equipment furnished for Project(s) shall be subject to the inspection, test and approval of the Owner and Administrator. The Bidder shall furnish all pertinent information required concerning the nature or source of materials. The Owner and the Administrator shall have the right to inspect pertinent records (other than manufacturing cost information) of the Bidder and of any subcontractor relevant to the Project(s). The Owner shall provide all reasonable facilities necessary for such inspection and tests. Failure of the Owner to make inspections shall not release the Bidder from performances required hereunder.

(a) The Owner shall make inspections and determine if results of the tests for each Project are in compliance with the Specifications. The Owner must notify the Bidder, within thirty (30) days after the written notification of Completion of Project from the Bidder, of any deficiencies or corrective measures necessary and whether these corrections shall be made by the Owner or the Bidder.

(b) If, at the request of the Owner, the Bidder shall have commenced work prior to the completion of facilities over which the equipment is to operate or if arrangements with connecting companies for joint testing have not been completed and the Bidder shall have incurred additional expenses because of delays or additional work resulting from lack of completion of such facilities or arrangements, the Owner shall pay the Bidder for such reasonable additional expense. The Owner shall also pay the Bidder for such reasonable additional expenses for the corrections, realignment and retesting the Bidder is required to perform due to the above conditions, including, if necessary, the added expense of returning to the Project. If tests subsequent to this are made necessary by the Bidder's failure to satisfactorily resolve all such deficiencies or corrective measures, the Bidder shall pay the Owner for the cost incurred by the Owner for all such subsequent tests.

Section 4. Delivery of Possession and Control to the Owner. The Bidder shall deliver to the Owner, and the Owner shall accept, full possession and control of each Project on the date of Completion of the Project or on an earlier date if agreed under Article IV, Section 2.

Section 5. Employees. The Owner shall have the right to require the removal of any employee of the Bidder from the Project site if in the judgment of the Owner such removal is necessary in order to protect the interests of the Owner.

Section 6. Defective Workmanship, Materials or Software. Throughout the warranty period defined below, the Bidder shall, within thirty (30) days of written notification from the Owner, and without charge to the Owner, at the Bidder's option, either remedy or replace any materials, equipment or software found to be defective in material, workmanship or installation, or not in conformity with the Specification. This is subject to the following definitions and conditions:

(a) The warranty start date for the Project is the date of delivery of possession and control by the Bidder to the Owner of that Project included in the Contract. Refer to Article II, Section 4. The warranty period is twelve (12) months from the warranty start date, or six (6) months from Completion of Project, whichever results in the longer period of coverage.

(b) Without regard to the expiration of the warranty period set forth above, the Bidder warrants to the Owner that any Software furnished under this Contract shall function, for a period of twelve (12) months from the warranty start date defined in the Contract, in accordance with the specifications and any written or printed technical material provided by the Bidder to explain the operation of the Software and aid in its use. The Bidder shall correct all deficiencies within thirty (30) days from the date of receipt by the Bidder or written notice of such deficiencies from the Owner. An extension of this thirty (30) day period may be allowed only if agreed upon by the Owner. It shall be the Bidder's obligation to insert and thoroughly test, at no charge to the Owner, any software alteration provided to satisfy the obligations of this Section 6. If a deficiency is detected or a correction made within the final ninety (90) days of the warranty, the warranty shall be

extended to a date ninety (90) days after the deficiency has been corrected.

(c) This warranty is not diminished by the acceptance of workmanship, materials, equipment or software, or by the issuing of any certificate with respect to the Completion of the Project.

(d) This warranty does not cover defects in materials, equipment or software that are caused by modifications to or abuse of materials, equipment or software by the Owner.

(e) The Owner shall bear the cost and risk of shipping defective components to the Bidder's designated repair center. The Bidder shall bear the cost and risk of shipping new or repaired replacement components to the Owner.

Article III

Payments and Releases of Lien

Section 1. Payment to Bidder. (a) The Owner shall pay the Bidder upon the basis of written estimates of the Equipment delivered at the site of the Project, presented by the Bidder, and approved by the Owner, the following percentages of the price of the materials, equipment and software for each Project set forth under Column 3, ''Cost'', in Article I, Section 1, as and if revised:

(i) Forty-five percent (45%) when fifty percent (50%) of the materials, equipment and software for each Project has been delivered at the site of the Project(s), and

(ii) Ninety percent (90%) when all of the materials, equipment and software required to place each Project into operation has been delivered at the site of the Project(s).

(b) Upon the Completion of Project, but prior to the payment to the Bidder of any amount in excess of ninety percent (90%) of the Total Contract Price, the Owner shall inspect the work performed thereunder and if the work shall be found to be in accordance with the Specifications and all provisions thereunder, the Owner shall certify as to that fact and as to the amount of the balance found to be due to the Bidder. No later than thirty (30) days after Completion of Contract, as defined in Article VII, Section 1, ''Definitions'' the Owner shall submit such final certificate to the Administrator for approval and when such approval has been given, the Owner shall pay to the Bidder all unpaid amounts to which the Bidder shall be entitled thereunder; provided, however, such final payments shall be made not later than sixty (60) days after Completion of the Contract unless approval by the Administrator shall be withheld or delayed due to Bidder's actions or failure to act.

(c) Payment on undisputed invoices submitted by the Bidder shall be due thirty (30) days after receipt. Any amounts of these invoices not paid when due shall accrue interest at a rate one and one-half percent (1 ½%) higher than the ''Prime Rate'' published in the Wall Street Journal in its first issue of the month in which payment becomes due and changing each subsequent month with the first issue published in the respective month.

(d) Acceptance by the Owner of equipment, materials, workmanship or software while the Bidder is in default under any provision of this Contract shall not be construed as a waiver by the Owner of any right thereunder including, without limitation, any right to liquidated damages the Owner may have by virtue of Article V, Section 2.

Section 2. Release of Liens. Upon the Completion of Project by the Bidder, but prior to the payment to the Bidder of any amount in excess of ninety percent (90%) of the Total Contract Price, the Bidder shall deliver to the Owner, (a) two (2) original Waiver and Release of Lien, in the form attached hereto, from manufacturers, material suppliers and subcontractors who have furnished materials or services for the work, and (b) two (2) original Certificate of Contractor, in the form attached hereto, to the effect that all labor has been paid and that all such releases have been submitted to the Owner; and the Owner shall deliver to the Administrator for approval one of the originals of each such release and certificate.

(a) In lieu of releases of liens where the Bidder is the equipment manufacturer, the Bidder may deliver to the Owner, in duplicate, (1) a Certificate of Contractor and Indemnity Agreement stating that all manufacturers, material suppliers and subcontractors who have furnished materials or services for the Project(s) have been paid in full, and (2) an agreement to indemnify the Owner harmless against any liens arising out of the Bidder's performance thereunder which may have been or may be filed against the Owner.

(b) In this Article III ''manufacturer'' shall mean a Bidder who makes, produces or manufactures the equipment and whose interest, including non-contracted installation, represent more than fifty percent (50%) of the value of the Total Contract Price.

Article IV

Particular Undertakings of the Bidder

Section 1. Protection to Persons and Property. At all times when equipment and materials are being delivered and installed, the Bidder shall exercise reasonable precautions for the safety of employees on the job and of the public, and shall comply with all applicable provisions of Federal, State and Municipal safety, building and construction codes. All machinery and equipment and other physical hazards shall be guarded in accordance with the ''Manual of Accident Prevention in Construction'' of the Associated General Contractors of America, unless such instructions are incompatible with Federal, State or Municipal laws or regulations. The following provisions shall not limit the generality of the above requirements:

(a) The Bidder shall at all times keep the premises free from accumulations of waste material or rubbish caused by its employees or work, and at the completion of the work, the Bidder shall remove all rubbish from and about the Project(s) and all tools, scaffolding and surplus materials and shall leave its work ''broom clean.''

(b) The work, from its commencement to completion, or to such earlier date or dates when the Owner may take possession and control, shall be under the charge and control of the Bidder and during such period of control by the Bidder all risks in connection therewith, and in connection with the Equipment to be used therein, shall be borne by the Bidder. The Bidder shall make good and fully repair all damages to the Equipment under the control of the Bidder by reasons of any act of God, or any other casualty of cause whether or not the same shall have occurred by reason of the Bidder's negligence. The Bidder shall hold the Owner harmless from any and all claims for injuries to persons or for damage to property happening by the reason of any negligence on the part of the Bidder or any of the Bidder's agents, subcontractors or employees during the control by the Bidder of the Project(s) or any part thereof. The Owner shall promptly notify the Bidder in writing of any such claims received and, except where the Owner is the claimant, shall give to the Bidder full authority and opportunity to settle such claims, and reasonably cooperate with the Bidder in obtaining information relative to such claims.

(c) Monthly reports of all accidents shall be promptly submitted by the Bidder, giving such data as may be prescribed by the Owner.

Section 2. Termination of Bidder's Risks and Obligations. The Bidder shall deliver to the Owner, and the Owner shall accept, full possession and control of each Project on the date of Completion of the Project. However, at any time after payment by the Owner to the Bidder of ninety percent (90%) of the Total Base Bid plus accepted

alternatives for that Project, but prior to Completion of the Project, the Owner and Bidder may agree in writing to an earlier date of delivery of possession and control. Upon such delivery of the possession and control of any Project, the risks and obligations of the Bidder, as set forth in Article IV, Section 1(b), pertaining to such Project shall be terminated; provided, however, that nothing herein contained shall relieve the Bidder of its obligation for full performance any liability with respect to defective workmanship or materials as specified in Article II, Section 6, hereof. The equipment shall not be placed in service until transfer of possession and control to the Owner has been accomplished, as set forth above.

Section 3. Insurance. During the Bidder's performance hereunder, the Bidder shall take out and maintain fully paid insurance providing not less than the minimum coverage required by 7 CFR Part 1788, Subpart C.

(a) The Owner shall have the right to require public liability insurance and property damage liability insurance greater than the amounts specified in 7 CFR Part 1788, Subpart C. If this requirement is included in the Specifications used for bidding, the added costs shall be included in the Bid Price. If the requirement is added after the Contract is approved, the additional premium or premiums payable solely as the result of such additional insurance shall be added to the Contract price, by Contract amendment.

(b) Upon request by the Administrator, the Bidder shall furnish to the Administrator a certificate in such form as the Administrator may prescribe evidencing compliance with the foregoing requirements.

Section 4. Purchase of Materials. The Bidder shall purchase all materials and supplies outright and not subject them to any conditional sales agreements, bailment lease or other agreement reserving unto the Bidder any right, title or interest therein. Materials and supplies shall become the property of the Owner as the Owner makes payments therefor to the Bidder in accordance with Article III, Section 1(a). Unless otherwise specified, all materials shall be new.

Section 5. Assignment of Guarantees. All guarantees of materials, equipment, software and workmanship running in favor of the Bidder shall be transferred and assigned to the Owner on Completion of the Project and at such time as the Bidder receives final payment. Any such guarantees shall be in addition to the Bidder's warranty defined in Article II, Section 6. This provision may be modified with respect to a particular warranty if the Bidder demonstrates to the satisfaction of RUS and the Owner that a transfer is not possible.

Section 6. Patent, Copyright, Trademark and Trade Secret Infringement. The Bidder shall hold harmless and indemnify the Owner from all claims, suits, and proceedings for the infringement of any patent, copyright, trademark or violation of trade secrets covering any equipment, materials, software, supplies or installation methods used in the work, except for items of the Owner's design or selection. If the Owner's use of equipment or software is enjoined, the Bidder shall promptly, at its own expense, modify or replace the infringing equipment or software so that it no longer infringes but remains functionally equivalent, or obtain for the Owner a license or other right to use. This shall be in addition to any other rights or claims which the Owner may have. The Bidder shall, at its own cost, (and the Owner agrees to permit Bidder to do so) defend any suits which may be instituted by any party against the Owner for alleged infringement of patents, copyright, trademark or violation of trade secrets relative to the Bidder's performance hereunder. Either party shall notify the other promptly of any such claims, and the Owner shall give to the Bidder full authority and opportunity to settle such claims, and shall reasonably cooperate with the Bidder in obtaining information relative to such claims.

Section 7. Compliance with Statutes and Regulations. The Bidder shall comply with all applicable laws, statutes, ordinances, rules or regulations pertaining to the work. The Bidder acknowledges that it is familiar with the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950b), the Anti-Kickback Acts, as amended (40 U.S.C. 276c; 41 U.S.C. 51 *et seq.*), and any rules and regulations issued pursuant thereto, and 18 U.S.C. 201, 286, 287, 641, 666, 874, 1001, 1361 and 1366, as amended. The Bidder understands that the obligations of the parties hereunder are subject to the applicable regulations and orders of the Governmental agencies having jurisdiction in the premises.

(a) The Bidder represents that to the extent required by Executive Orders 12549 (3 CFR, 1985–1988 Comp., p. 189) and 12689 (3 CFR, 1989 Comp., p. 235), Debarment and Suspension, and 7 CFR Part 3017, it has submitted to the Owner a duly executed certification in the form prescribed in 7 CFR part 3017.

(b) The Bidder represents that, to the extent required, it has complied with the requirements of Pub. L. 101–121, Section 319, 103 Stat. 701, 750–765 (31 U.S.C. 1352), entitled ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions'' and any rules and regulations issued pursuant thereto.

Section 8. Software License. The software licensing agreement, if required, covering the rights, terms and conditions of the use and assignability of all software integral to the operation of the Project(s), shall adhere to 7 CFR part 1753, Subpart E, RUS software licensing requirements. The warranty period for all software under this contract shall be in accordance with Article II, section (6)(b).

Article V

Remedies

Section 1. Completion on Bidder's Default. If default shall be made by the Bidder or by any subcontractor in the performance of any of the work hereunder, the Owner, without in any manner limiting its legal and equitable remedies in the circumstances, may serve upon the Bidder and the surety or sureties upon the Bidder's Bond or Bonds, if any, a written notice requiring the Bidder to cause such default to be corrected forthwith. Unless within thirty (30) days after the service of such notice upon the Bidder such default shall be corrected or arrangements for the correction thereof, satisfactory to both the Owner and the Administrator, shall be made by the Bidder or its surety or sureties, the Owner may take over the performance of the Bidder's obligations hereunder and prosecute the same to completion by contract or otherwise for the account and at the expense of the Bidder, and the Bidder and its surety or sureties shall be liable to the Owner for any cost or expense in excess of the Bid Price occasioned thereby. In such event, the Owner may take possession of and utilize, in completing the Project(s), any tools, supplies, equipment, appliances and plant belonging to the Bidder which may be situated at the site of the Project(s). The Owner, in such contingency, may exercise any rights, claims or demands which the Bidder may have against third persons in connections herewith and for such purpose the Bidder does hereby assign, transfer and set over unto the Owner all such rights, claims and demands.

Section 2. Liquidated Damages. Should the Bidder neglect, refuse or fail to complete any Project as shown under Column 7, ''Completion of Project'' in Article I, Section 1, within the time herein agreed upon, after giving effect to extensions of time, if any, herein provided, then, in that event and in

view of the difficulty of estimating with exactness damages caused by such delay, the Owner shall have the right to deduct from and retain out of such moneys which may be then due, or which may become due and payable to the Bidder the sum of:

_____
dollars ($_____)
for _____
(Project)

_____
dollars ($_____)
for _____
(Project)

_____
dollars ($_____)
for _____
(Project)

_____
dollars ($_____)
for _____
(Project)

_____
dollars ($_____)
for _____
(Project)

per day for each and every day that such completion is delayed beyond the specified time for Completion of the Project, as liquidated damages and not as a penalty; if the amount due and to become due from the Owner to the Bidder is insufficient to pay in full any such liquidated damages, the Bidder shall pay to the Owner the amount necessary to effect such payment in full: provided, however, that the Owner shall promptly notify the Bidder in writing of the manner in which the amount retained, or claimed as liquidated damages was computed. The Bidder shall pay to the Owner the amount necessary to effect such payment in full. Such payment is not to be reduced by the value of any partial performance by the Bidder.

At the technical sessions, each Bidder shall identify all features and capabilities that are not fully developed or do not have a verifiable satisfactory field performance record. If the Owner allows these features to be bid as separate Projects, then they are to be individually listed under Columns 1 through 10, in Article I, Section 1. These unproven features and capabilities are to be individually listed in this Section 2 also, with liquidated damages amounts determined by the Owner and stated for each. If a Bidder neglects to identify any such feature at the technical session, delay in providing the feature is considered a delay in completing the associated Project and the Owner may assess liquidated damages listed for that Project regardless of whether the Project is placed in service.

Section 3. Consequential Damages. In no event shall the Bidder's liability for incidental or consequential loss or damage, except for personal injury or tangible property damage, exceed the amount of ten times the total contract price, as amended.

Section 4. Enforcement of Remedies by Administrator. The Administrator may, on behalf of the Owner, exercise any right or enforce any remedy which the Owner may exercise or enforce hereunder.

Section 5. Cumulative Remedies. Every right or remedy herein conferred upon or reserved to the Owner or the Administrator shall be cumulative and shall be in addition to every right and remedy now or hereafter existing at law or in equity or by statute and the pursuit of any right or remedy shall not be construed as an election; provided, however, that the provisions of Section 2 of this Article V shall be the exclusive measure of damages for the failure by the Bidder to have effected the Completion of Project within the time herein agreed upon.

Article VI

Equal Employment

Section 1. The Bidder.

(a) The Bidder represents that:

(i) It has ____, does not have ____, 100 or more employees, and if it has, that

(ii) It has ____, has not ____, submitted the Equal Employment Opportunity Employers Information Report EEO–1, Standard Form 100, required of employees with 100 or more employees pursuant to Executive Order 11246 and Title VII of the Civil Rights Act of 1964.

(b) The Bidder agrees that it will obtain, prior to the award of any subcontract for more than $10,000 hereunder to a subcontractor with 100 or more employees, a statement, signed by the proposed subcontractor, that the proposed subcontractor has filed a current report on Standard Form 100.

(c) The Bidder agrees that if it has 100 or more employees and has not submitted a report on Standard Form 100 for the current reporting year and that if this contract will amount to more than $10,000, the Bidder will file such report, as required by law, and notify the Owner in writing of such filing prior to the Owner's acceptance of this Proposal.

(d) The Bidder certifies that it does not maintain or provide for its employees any segregated facilities at any of its establishments, and that it does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The Bidder certifies further that it will not maintain or provide for its employees any segregated facilities at any of its establishments, and that it will not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The Bidder agrees that a breach of this certification is a violation of the Equal Opportunity Clause in this contract. As used in this certification, the term ''segregated facilities'' means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive or are in fact segregated on the basis of race, color, religion, or national origin, because of habit, local custom, or otherwise. The Bidder agrees that (except where it has obtained identical certifications from proposed subcontractors for specific time periods) it will obtain identical certifications from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity Clause, and that it will retain such certifications in its files.

Section 2. During the performance of this contract, the Bidder agrees as follows:

(a) The Bidder will not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The Bidder will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, or disability. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising: layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Bidder agrees to pose in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(b) The Bidder will, in all solicitations or advertisements for employees placed by or on behalf of the Bidder, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin or disability.

(c) The Bidder will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representative of the Bidder's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Bidder will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.

(e) The Bidder will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor, or pursuant thereto, and will permit access to the Bidder's books, records and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations and orders.

(f) In the event of the Bidder's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be canceled, terminated or suspended in whole or in part and the Bidder may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order, or by rule, regulation or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Bidder will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Bidder will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a Bidder becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the Bidder may request the United States to enter into such litigation to protect the interests of the United States.

Section 3. Equal Employment Opportunity Specifications.

(a) As used in these specifications:

(i) ''Covered area'' means the geographical area described in the solicitation from this contract;

(ii) ''Director'' means Director, Office of Federal Contract Compliance Programs, United States Department of Labor, or any person to whom the Director delegates authority;

(iii) ''Employer identification number'' means the Federal Social Security number used on the Employer's Quarterly Federal Tax Return, United States Treasury Department Form 941; and

(iv) ''Minority'' includes:

(1) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);

(2) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);

(3) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands); and

(4) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).

(b) Whenever the Contractor, or any Subcontractor at any tier, subcontracts a portion of the work involving any construction trade, it shall physically include in each subcontract in excess of $10,000 the provisions of these specifications and the Notice which contains the applicable goals for minority and female participation and which is set forth in the solicitations from which this contract resulted.

(c) If the Contractor is participating (pursuant to 41 CFR 60–4.5) in a Hometown Plan approved by the United States Department of Labor in the covered area either individually or through an association, its affirmative action obligations on all work in the Plan area (including goals and timetables) shall be in accordance with that Plan for those trades which have unions participating in the Plan. Contractors must be able to demonstrate their participation in and compliance with the provisions of any such Hometown Plan. Each Contractor or Subcontractor participating in an approved Plan is individually required to comply with its obligations under the EEO clause, and to make a good faith effort to achieve each goal under the Plan for each trade in which it has employees. The overall good faith performance by other Contractors or Subcontractors toward a goal in an approved Plan does not excuse any covered Contractor's or Subcontractor's failure to take good faith efforts to achieve the Plan goals and timetables.

(d) The Contractor shall implement the specific affirmative action standards provided in paragraphs (g) (i) through (xv) of these specifications. The goals set forth in the solicitation from which this contract resulted are expressed as percentages of the total hours of employment and training of minority and female utilization the Contractor should reasonably be able to achieve in each construction trade in which it has employees in the covered area. Covered construction contractors performing construction work in geographical areas where they do not have a federal or federally assisted construction contract shall apply the minority and female goals established for the geographical area where the work is being performed. Goals are published periodically in the **Federal Register** in notice form, and such notices may be obtained from any Office of Federal Contract Compliance Programs office or from federal procurement contracting officers. The Contractor is expected to make substantially uniform progress in meeting its goals in each craft during the period specified.

(e) Neither the provisions of any collective bargaining agreement, nor the failure by a union with whom the Contractor has a collective bargaining agreement, to refer either minorities or women shall excuse the Contractor's obligations under these specifications, Executive Order 11246, or the regulations promulgated pursuant thereto.

(f) In order for the nonworking training hours of apprentices and trainees to be counted in meeting the goals, such apprentices and trainees must be employed by the Contractor during the training period, and the Contractor must have made a commitment to employ the apprentices and trainees at the completion of their training, subject to the availability of employment opportunities. Trainees must be trained pursuant to training programs approved by the Department of Labor.

(g) The Contractor shall take specific affirmative actions to ensure equal employment opportunity. The evaluation of the Contractor's compliance with these specifications shall be based upon its effort to achieve

maximum results from its actions. The Contractor shall document these efforts fully, and shall implement affirmative action steps at least as extensive as the following:

(i) Ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which the Contractor's employees are assigned to work. The Contractor, where possible, will assign two or more women to each construction project. The Contractor shall specifically ensure that all foremen, superintendents, and other on-site supervisory personnel are aware of and carry out the Contractor's obligation to maintain such a working environment, with specific attention to minority or female individuals working at such sites or in such facilities.

(ii) Establish and maintain a current list of minority and female recruitment sources, provide written notification to minority and female recruitment sources and to community organizations when the Contractors or its unions have employment opportunities available, and maintain a record of the organizations' responses.

(iii) Maintain a current file of the names, addresses and telephone numbers of each minority and female off-the-street applicant and minority or female referral from a union, a recruitment source or community organization and of what action was taken with respect to each such individual. If such individual was sent to the union hiring hall for referral and was not referred back to the Contractor, this shall be documented in the file with the reason therefore, along with whatever additional actions the Contractor may have taken.

(iv) Provide immediate written notification to the Director when the union or unions with which the Contractor has a collective bargaining agreement has not referred to the Contractor a minority person or woman sent by the Contractor, or when the Contractor has other information that the union referral process has impeded the Contractor's efforts to meet its obligations.

(v) Develop on-the-job training opportunities and/or participate in training programs for the area which expressly include minorities and women, including upgrading programs and apprenticeship and trainee programs relevant to the Contractor's employment needs, especially those programs funded or approved by the Department of Labor. The Contractor shall provide notice of these programs to the sources compiled under (g)(ii) above.

(vi) Disseminate the Contractor's EEO policy by providing notice of the policy to unions and training programs and requesting their cooperation in assisting the Contractor in meeting its EEO obligations; by including it in any policy manual and collective bargaining agreement; by publicizing it in the company newspaper, annual report, etc.; by specific review of the policy with all management personnel and with all minority and female employees at lease once a year; and by posting the company EEO policy on bulletin boards accessible to all employees at each location where construction work is performed.

(vii) Review, at least annually, the company's EEO policy and affirmative action obligations under these specifications with all employees having any responsibility for hiring, assignment, layoff, termination or other employment decisions including specific review of these items with onsite supervisory personnel such as superintendents, general foremen, etc., prior to the initiation of construction work at any job site. A written record shall be made and maintained identifying the time and place of these meetings, persons attending, subject matter discussed, and disposition of the subject matter.

(viii) Disseminate the Contractor's EEO policy externally by including it in any advertising in the news media, and providing written notification to and discussing the Contractor's EEO policy with other Contractors and Subcontractors with whom the Contractor does or anticipates doing business.

(ix) Direct its recruitment efforts, both oral and written, to minority, female and community organizations, to schools with minority and female students, and to minority and female recruitment and training organizations serving the Contractor's recruitment area and employment needs. Not later than one month prior to the date for the acceptance of applications for apprenticeship or other training by any recruitment source, the Contractor shall send written notification to organizations such as the above, describing the openings, screening procedures, and tests to be used in the selection process.

(x) Encourage present minority and female employees to recruit other minority persons and women and, where reasonable, provide after school, summer and vacation employment to minority Contractor's work force.

(xi) Validate all tests and other selection requirements where there is an obligation to do so under 41 CFR part 60–3.

(xii) Conduct, at least annually, an inventory and evaluation at least of all minority and female personnel for promotional opportunities and encourage these employees to seek or to prepare for, through appropriate training, etc., such opportunities.

(xiii) Ensure that all facilities and company activities are nonsegrated except that separate or single-user toilet and necessary changing facilities shall be provided to assure privacy between the sexes.

(xiv) Document and maintain a record of all solicitations of offers or subcontracts from minority and female construction contractors and suppliers, including circulation of solicitations to minority and female contractor associations and other business associations.

(xv) Conduct a review, at least annually of all supervisors' adherence to and performance under the Contractor's EEO policies and affirmative action obligations.

(h) Contractors are encouraged to participate in voluntary associations which assist in fulfilling one or more of their affirmative action obligations under (g) (i) through (xv). The efforts of a contractor association, joint contractor-union, contractor-community, or other similar group of which the Contractor is a member and participant, may be asserted as fulfilling any one or more of its obligations under (g) (i) through (xv) of these specifications provided that the Contractor actively participates in the group, makes every effort to assure that the group has a positive impact on the employment of minorities and women in the industry, ensures that the concrete benefits of the program are reflected in the Contractor's minority and female workforce participation, makes a good faith effort to meet its individual goals and timetables, and can provide access to documentation which demonstrates the effectiveness of actions taken on behalf of the Contractor. The obligation to comply, however, is the Contractor's and failure of such a group to fulfill an obligation shall not be a defense for the Contractor's noncompliance.

(i) A single goal for minorities and a separate single goal for women have been established. The Contractor, however, is required to provide equal employment opportunity and to take affirmative action for all minority groups, both male and female, and all women, both minority and non-minority. Consequently, the Contractor may be in violation of Executive Order

11246 if a particular group is employed in a substantially disparate manner (for example, even though the Contractor may be in violation of Executive Order 11246 if a specific minority group of women is underutilized).

(j) The Contractor shall not use the goals and timetables or affirmative action standards to discriminate against any person because of race, color, religion, sex, national origin or disability.

(k) The Contractor shall not enter into any Subcontract with any person or firm debarred from Government contracts pursuant to Executive Order 11246.

(l) The Contractor shall carry out such sanctions and penalties for violation of these specifications and of the Equal Opportunity Clause, including suspension, termination and cancellation of existing subcontracts as may be imposed or ordered pursuant to Executive Order 11246, as amended, and its implementing regulations, by the Office of Federal Contract Compliance Programs. Any Contractor who fails to carry out such sanctions and penalties shall be in violation of these specifications and Executive Order 11246, as amended.

(m) The Contractor, in fulfilling its obligations under these specifications, shall implement specific affirmative action steps, at least as extensive as those standards prescribed in paragraph (g) of these specifications, so as to achieve maximum results from its efforts to ensure equal employment opportunity. If the Contractor fails to comply with the requirements of Executive Order 11246, the implementing regulations, or these specifications, the Director shall proceed in accordance with 41 CFR part 60–4.8.

(n) The Contractor shall designate a responsible official monitor for all employment related activity to ensure that the company EEO policy is being carried out, to submit reports relating to the provisions hereof as may be required by the Government and to keep records. Records shall at least include for each employee the name, address, telephone numbers, construction trade, union affiliation, if any, employee identification number when assigned, social security number, race, sex, status (e.g., mechanic, apprentice, trainee, helper, or laborer), dates of changes in status, hours worked per week in the indicated trade, rate of pay, and locations at which the work was performed. Records shall be maintained in an easily understandable and retrievable form; however, to the degree that existing records satisfy this requirement, contractors shall not be required to maintain separate records.

(o) Nothing herein provided shall be construed as a limitation upon the application of other laws which establish different standards of compliance or upon the application of requirements for the hiring of local or other area residents (e.g., those under the Public Works Employment Act of 1977 and the Community Development Block Grant Program).

Section 4. In this Article VI—

(a) The term ''Contractor'' shall also mean ''Bidder'' or ''Subcontractor'' as applicable.

(b) The provisions of Sections 2 and 3 of this Article are applicable to the extent required by law. In determining whether these Sections are applicable, reference should be made to the Department of Labor Office of Federal Contract Compliance Programs regulations (41 CFR Part 60).

Article VII

Miscellaneous

Section 1. Definitions.

(a) The term ''Completion of the Contract'' shall mean accomplishment of Completion of the Project for all equipment materials and services listed under Column 2, ''Equipment'', in Article I, Section 1, and all alternatives accepted by the Owner, on the Owner's Acceptance.

(b) The ''Completion of the Project'' shall mean full performance by the Bidder of the Bidder's obligations under the Contract and all amendments and revisions thereof. The scheduled date for Completion of the Project is the date from which liquidated damages are computed. The actual date of Completion of the Project shall be the date of the receipt by the Owner from the Bidder of (i) all documents listed in Article III, Section 2, (ii) other final documents, and (iii) written notification that all deficiencies have been corrected, provided that the Owner finds the deficiencies satisfactorily resolved. If the deficiencies have not been satisfactorily resolved, the actual date of Completion of the Project shall be the date that the deficiencies are fully and satisfactorily resolved as determined by the Owner. The Certificate of Completion approved and signed by the Owner and approved in writing by the Administrator shall be conclusive evidence as to the fact of Completion of the Project and the date thereof. Full compliance with the procedure for ''Completion of the Project'' and an individual Certificate of Completion is required for each Project listed in Article I, Section 1.

(c) The ''Contract'' shall consist of the Notice and Instructions to Bidders, the Bidder's Proposal and the Owner's Acceptance, the Contractor's Bond and the Specifications.

(d) The term ''minor errors or irregularities'' shall mean a defect or variation in a Bidder's bid that is a matter of form and not of substance. Errors or irregularities are ''minor'' if they can be corrected or waived without being prejudicial to other Bidders and when they do not affect the price, quantity, quality, or timeliness of construction. Unless otherwise noted, the borrower determines whether an error or irregularity is ''minor.''

(e) The term ''placed in service'' shall mean used by the Owner to earn revenue.

(f) The term ''Project'' shall mean any special equipment, including but not limited to carrier, lightwave or wireless systems, and all associated terminals (if any), which is listed under Column 2, ''Equipment,'' in Article I, Section 1. A Project will have a single completion schedule listed under Column 7, ''Completion of Project,'' in Article I, Section 1, and a single liquidated damages amount shown in Article V, Section 2. The Contract may consist of one or more Projects.

(g) The term ''Software'' shall mean computer programs contained on a tape, disc, semiconductor device or other memory device or system memory consisting of logic instructions and instruction sequences in machine-readable object code, which manipulate data in the specific special equipment to perform path diagnostic and recovery routines, control call processing, and perform peripheral control, and perform operations, administration, maintenance and provisioning functions; as well as associated documentation used to describe, maintain and use the programs provided under the Contract.

(h) The term ''days'' shall mean calendar days.

(i) The term ''Specifications'' shall mean the minimum performance requirements of the Owner as contained in the documents listed below, which are either attached or become a part of the Contract by reference, as amended by specific written exceptions contained in the Bidder's proposal and accepted by the Owner and the Administrator:

RUS Form _____ ,
dated _____

RUS Form _____ ,
dated _____

RUS Form _____ ,
dated _____

RUS Form _____ ,
dated _____

Section 2. Continuing Equipment Support. Parts, Service, and Software. In addition to warranty repairs and replacement, the Bidder shall offer repair service and repair parts to the Owner in accordance with the Bidder's practices and terms then in effect, for the Bidder's manufactured equipment and software furnished pursuant to the Agreement. Such repair service or repair parts shall be available for as long as the Bidder is manufacturing or stocking such equipment and software, or for no less than five (5) years after the Bidder has ceased manufacturing or offering for sale such equipment and software.

Section 3. Materials and Supplies. In the performance of this contract there shall be furnished only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States or in any eligible country, and only such manufactured articles, materials, and supplies as have been manufactured in the United States or in any eligible country substantially all from articles, materials, or supplies mined, produced or manufactured, as the case may be, in the United States or in any eligible country; provided that the articles, materials, or supplies may be used in the event and to the extent that the Administrator shall expressly in writing authorize such use pursuant to the provisions of the Rural Electrification Act of 1938, as amended. For purposes of this section, an ''eligible country'' is any country that applies with respect to the United States an Agreement ensuring reciprocal access for United States products and services and United States suppliers to the markets of that country, as determined by the United States Trade Representative. The Bidder agrees to submit to the Owner such certificates, signed by the Bidder and all subcontractors, with respect to compliance with the foregoing provision as the Administrator from time to time may require.

Section 4. Confidentiality. All information supplied by the Bidder to the Owner which bears a legend or notice restricting its use, copying, or dissemination, except insofar as it may be in the public domain through no acts attributable to the Owner, shall be treated by the Owner as confidential information, and the Owner shall not reproduce any such information except for its own internal use and as authorized by this Contract, and shall use any information only for archival backup, in-house training, operating, maintenance and administrative purposes and in conjunction with its use of the equipment, materials and software furnished hereunder. All information supplied to the Bidder by the Owner which bears a legend or notice restricting its use, copying, or dissemination, except insofar as it may be in the public domain through no acts attributable to the Bidder, shall be treated by the Bidder as confidential information, and shall not be used by the Bidder for any purpose adverse to the interests of the Owner, and shall not be reproduced or distributed by the Bidder except for the Bidder's use in its performance under this Contract. The foregoing confidentiality obligations do not apply to information which is independently developed by the receiving party or which is lawfully received by the receiving party free of restriction from another source having a right to so furnish such information, or is already known to the receiving party at the time of disclosure free of restriction. If the Bidder has failed to provide continuing equipment support as described in Article VII, Section 2, the Owner is released from this obligation. This provision does not restrict release of information by the United States of America pursuant to the Freedom of Information Act or other legal process.

Section 5. Entire Agreement. The terms and conditions of this Contract as approved by RUS supersede all prior oral or written understandings between the parties. There are no understandings or representations, expressed or implied, not expressly set forth herein.

Section 6. Survival of Obligations. The rights and obligations of the parties, which by their nature, would continue beyond the termination, cancellation, or expiration of this Contract, shall survive such termination or expiration.

Section 7. Non-Waiver. No waiver of any terms or conditions of this Contract, or the failure of either party to enforce strictly any such term or condition on one or more occasions, shall be construed as a waiver of the same or of any other terms or conditions of this Contract on any other occasion.

Section 8. Releases Void. Neither party shall require releases or waivers of any personal rights from representatives or employees or the other in connection with visits to its premises, nor shall such parties plead such releases or waivers in any action or proceeding.

Section 9. License. The Bidder shall comply with all applicable construction codes. (Check one.)

____ The Bidder warrants that it possesses contractor's license number _____ issued to him by the State of _____ in which the Project(s) is located, and said license expires on _____, 19 ____.

____ The Bidder warrants that no license is required in the State in which the Project(s) is located.

Section 10. Nonassignment of Contract. The Bidder will not assign the Contract, effected by acceptance of this Proposal, or any part hereof, or enter into any contract with any person, firm or corporation, for the performance of the Bidder's obligations hereunder, or any part hereof, without the approval in writing of the Owner, the Surety, and the Administrator. However, the Bidder may subcontract the whole or any part of the installation work to be performed at the installation site, (as distinguished from furnishing and delivery of equipment and materials), provided that: (a) the Bidder shall be responsible for the performance thereof and (b) the Bidder shall obtain the consent of the surety to such subcontract. A copy of such consent shall be submitted to the Owner and the Administrator.

Section 11. Choice of Law. The rights and obligations of the parties and all interpretations and performance of this Contract shall be governed in all respects by the laws of the State of _____ except for its rules with respect to the conflict of laws.

Section 12. Approval of the Administrator. The acceptance of this proposal by the Owner shall not create a contract unless such acceptance shall be approved in writing by the Administrator within ninety (90) days after the date hereof:

By _____
(Signature of Bidder)

_____
(Name—Type or Print)

_____
(Title)

_____
(Company Name of Bidder)

_____

_____
(Address of Bidder)

Attest:

_____
(Secretary)

_____
(Date)

The Proposal must be signed with the full name of the Bidder. In the case of a partnership the Proposal must be signed in the firm name by each partner. In the case of a corporation the Proposal must be signed in the corporate name by a duly authorized officer and the corporate seal affixed and attested by the Secretary of the Corporation.

(If executed by one other than President, a Vice-President, a partner or the individual owner, a power of attorney or other legally acceptable document authorizing execution shall accompany

this contract, unless such power of attorney is on file with RUS)

Acceptance

Subject to the approval of the Administrator, the Owner hereby accepts the Proposal of

_____

_____

for the Project(s) herein described for the Total Base Bid of $_____and Alternate For:

Space Parts, Item(s)
$ _____

Maintenance Tools, Item(s)
$ _____

Alternate No. 1 (add) (deduct)
$ _____

Alternate No. 2 (add) (deduct)
$ _____

Alternate No. 3 (add) (deduct)
$ _____

Alternate No. 4 (add) (deduct)
$ _____

Alternate No. 5 (add) (deduct)
$ _____

Alternate No. 6 (add) (deduct)
$ _____

The total contract price is
$ _____

By _____
Owner

_____
President
Attest:

_____
Secretary

_____
Date of Acceptance

Specifications

Special Telephone Equipment

The Specifications listed below can be attached and made a part of this Contract. (The Owner will check the applicable Specification.)

____ *RUS Form 397b, Trunk Carrier System Specifications*

____ *RUS Form 397c, Subscriber Carrier Specifications*

____ *RUS Form 397d, Design Specifications for Point-to-Point Microwave Radio Systems*

____ *RUS Form 397g, Performance Specifications for Line Concentrators*

____ *RUS Form 397h, Design Specifications for Digital Lightwave Transmission Systems*

[End of clause]

Dated: February 9, 1998.

Inga Smulkstys,

Acting Under Secretary, Rural Development.

[FR Doc. 98–4320 Filed 2–19–98; 8:45 am]

BILLING CODE 3410–15–P

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1614

RIN 3046–AA66

Federal Sector Equal Employment Opportunity

AGENCY: Equal Employment Opportunity Commission (EEOC).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Equal Employment Opportunity Commission is proposing revisions to its federal sector complaint processing regulations to implement recommendations made by the Chairman's Federal Sector Workgroup. The Commission proposes to require that agencies establish or make available alternative dispute resolution (ADR) programs during the EEO pre-complaint process. The Commission proposes revisions to the counseling process, the bases for dismissal of complaints, and procedures for requesting a hearing. The Commission also proposes to provide administrative judges with the authority to issue dismissals and final decisions on complaints. The Commission proposes a number of changes to the class complaint procedures, including authorizing administrative judges to issue final decisions on class certification and requiring that administrative judges determine whether a settlement agreement is fair and reasonable. The Commission proposes changes to the appeals procedures to provide agencies the right to appeal an administrative judge's final decision, to revise the appellate briefing schedule, to establish different standards of review for agency final decisions and administrative judges' final decisions, and to revise the process for seeking reconsideration of a decision on appeal. Finally, the Commission proposes to amend the remedies section of the regulation to permit administrative judges to award attorney's fees and to provide for payment of attorney's fees for all services provided by an attorney throughout the equal employment opportunity (EEO) process, including counseling.

DATES: Comments on the notice of proposed rulemaking must be received on or before April 21, 1998.

ADDRESSES: Written comments should be submitted to Frances M. Hart, Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 1801 L Street, N.W., Washington, D.C. 20507. As a convenience to commentators, the Executive Secretariat will accept comments transmitted by facsimile (''FAX'') machine. The telephone number of the FAX receiver is (202) 663–4114. (This is not a toll free number.) Only comments of six or fewer pages will be accepted via FAX transmittal. This limitation is necessary to assure access to the equipment. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663–4078 (voice) or (202) 663–4077 (TDD). (These are not toll free numbers.) Copies of comments submitted by the public will be available for review at the Commission's Library, room 6502, 1801 L Street, N.W., Washington, D.C. between the hours of 9:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Deputy Legal Counsel, Thomas J. Schlageter, Assistant Legal Counsel or Kathleen Oram, Senior Attorney, Office of Legal Counsel, 202–663–4669 (voice), 202–663–7026 (TDD). This notice is also available in the following formats: large print, braille, audio tape and electronic file on computer disk. Requests for this notice in an alternative format should be made to EEOC's Publications Center at 1–800-669–3362.

SUPPLEMENTARY INFORMATION:

Introduction

As part of an ongoing effort to evaluate and improve the effectiveness of the Equal Employment Opportunity Commission's operations, the Chairman established the Federal Sector Workgroup to review the federal sector equal employment opportunity process. The Workgroup was composed of representatives from offices throughout the Commission. The Workgroup focused on the effectiveness of the EEOC in enforcing the statutes that prohibit workplace discrimination in the federal government, namely: section 717 of Title VII of the Civil Rights Act of 1964, which prohibits discrimination against applicants and employees based on race, color, religion, sex and national origin; section 501 of the Rehabilitation Act of 1973, which prohibits employment discrimination on the basis of disability; section 15 of the Age Discrimination in Employment Act, which prohibits employment discrimination based on age; and the Equal Pay Act, which prohibits sex-based wage discrimination.

The Workgroup's review evaluated the Commission's administrative processes governing its enforcement responsibilities in the federal sector and developed recommendations to improve

its effectiveness. In addition, the review sought to implement the goals of Vice President Gore's National Performance Review (NPR), including eliminating unnecessary layers of review, delegating decision-making authority to front-line employees, developing partnership between management and labor, seeking stakeholder input when making decisions, and measuring performance by results.

The Federal Sector Workgroup issued a report entitled ''The Federal Sector EEO Process * * * Recommendations for Change'' in May 1997. The report contains numerous recommendations for changing the federal sector complaint process, including changes to the Part 1614 regulations, changes to EEOC's Management Directive 110 which contains additional guidance and instructions on the federal complaint process, and changes to EEOC's internal procedures.

The Commission proposes to amend Part 1614 to implement the regulatory recommendations. The proposed changes, which are discussed in greater detail below, address the continuing perception of unfairness and inefficiency in the federal sector complaint process. In addition, the proposals accomplish the National Performance Review goals of removing unnecessary layers of review and delegating decision-making authority to front-line employees.

EEOC spent over a year and a half in the development of the federal sector NPRM. During that time period, EEOC consulted extensively with all stakeholders in the federal sector process, very much including the other federal agencies. On April 22, 1996, prior to the development of any recommendations, the EEOC's Federal Sector Workgroup held a meeting with federal EEO and Civil Rights personnel organized by the President of the Council of Federal and Civil Rights Executives. At that time the Council supported EEOC's interest in making the administrative judge decisions final and eliminating agency final decisions following those decisions. The Council subsequently changed its view on this question. On May 21, 1996, then-Chairman Casellas wrote to the EEO Directors of all departments and agencies requesting their written comment on a number of subjects related to the federal sector complaint process. We received comments from 27 agencies, all of which were fully considered in developing the recommendations contained in the Workgroup's report. On September 26, 1997, the Workgroup held a briefing for EEO Directors on the Workgroup's recommendations.

The Commission coordinated this proposed regulation with all federal agencies pursuant to Exec. Order No. 12067 (1978). A number of comments were received from agencies, which included helpful suggestions to improve the proposed regulation as well as criticisms of essential elements of the proposals. The Commission has included a discussion of its proposal, the rationale for the changes, as well as the criticisms of the agencies, in this statement of Supplementary Information and has made certain changes to the proposal. It prefers to decide whether or how to make other changes to this proposal after the benefit of public comment. Federal agencies are, of course, the entities whose conduct would be regulated by these proposals and making decisions based only on their input, without having the opportunity to consider the input of other stakeholders, including complaining parties and their representatives, would be insufficient. The Commission will seriously consider the agency comments in conjunction with the public comments. The Commission will retain the comments received from the agencies during the coordination period in the rulemaking file and will consider and address those comments in the final rule.

In proposing these changes, the Commission seeks to serve two different yet intertwined purposes: first, to ensure that the process for federal employee complaints is fair and is perceived to be fair, and second, to make the process more efficient by eliminating unnecessary layers, dealing expeditiously with meritless claims and by delegating authority to front-line employees.

Alternative Dispute Resolution

The Commission proposes to amend section 1614.102 to require all agencies to establish or make available an alternative dispute resolution (ADR) program for the EEO pre-complaint process. The required pre-complaint ADR program would be in addition to the provisions in the current regulation that encourage the use of ADR at all stages of the complaint process. Agencies would be free to develop the programs that best suit their particular needs. While many agencies have adopted the mediation model as their ADR initiative, other resolution techniques would be acceptable, provided that they conform to the core principles set forth in EEOC's policy statement on ADR, which will be contained in Management Directive 110. Although ADR is believed to be most effective at the early stages of a dispute, agencies may continue their ADR efforts at any stage in the process, including after the formal complaint has been filed. An effective ADR program will serve both goals set out by the Commission. By resolving complaints early on, ADR will make the process more efficient. ADR will also serve to make the process fairer, by giving complainants an alternative to the counseling process that has been criticized by agency officials and employee representatives.

The Commission also proposes changes to section 1614.105, which covers pre-complaint processing, to require that counselors advise aggrieved persons that they may choose between participation in the ADR program offered by the agency and the traditional counseling activities provided for in the current regulation. If a matter is not resolved during ADR or during traditional counseling activities, the counselor will conduct a final interview and the aggrieved person may file a formal complaint. As noted above, agencies would be free to establish the type of ADR program they offer during the counseling period as long as it is consistent with the ADR program core principles set out by EEOC. Before aggrieved persons make a choice between counseling and ADR, they will have an initial counseling session in which counselors must fully inform them about their rights and the choice between the counseling process and the ADR program. Counselors must also inform aggrieved persons that if the ADR process does not result in a resolution of the dispute, they will receive a final interview and have the right to file a formal complaint. If the aggrieved person chooses to participate in the agency's ADR program, the role of the counselor would be limited to advising that person of his or her rights and responsibilities in the EEO complaint process, as set forth currently in section 1614.105(b). Counselors would not be required, in those instances, to attempt to resolve the dispute, but would not be precluded from doing so, if they believe a matter could be resolved quickly.

Many agencies who submitted comments on the draft revisions when it was coordinated under Exec. Order No. 12067 (1978) welcomed Alternative Dispute Resolution (ADR) at the pre-complaint process stating that ADR would result in an early resolution of many cases and create a positive view of the EEO process. A number of agencies suggested that not all cases are appropriate for ADR. Rather, these

agencies requested that they should have the flexibility to establish what type of matter or circumstance would be eligible for ADR. Several agencies also requested that consideration be given to the practical difficulties of creating an ADR program, and accordingly, that ample time be provided to them to obtain the necessary expertise, personnel and funds for ADR. An effective date will be included in the final rule and the governing management directive.

Under the proposed regulations, agencies would be free to develop ADR programs that would best serve their particular needs and unique circumstances. The EEOC encourages creativity and flexibility in establishing ADR programs. This would certainly encompass an array of ADR programs. Agencies with limited funds and resources could use the services, in whole or in part, of another agency, a volunteer organization or other resources to provide for their ADR programs. Keeping with our emphasis on flexibility, an agency could exclude circumstances or matters that it believes are not appropriate for its ADR program. The Commission does not anticipate that ADR will be used in connection with every complaint. For example, agencies may exclude class allegations from its ADR program. As circumstances and needs change within a particular agency, it could modify its ADR program. However, it is essential that all agency ADR programs comply with the spirit of the EEOC's policy statement on the core principles of ADR. Equal Employment Opportunity Commission's Alternative Dispute Resolution Policy Statement (July 17, 1995). Management Directive 110 (MD 110) will provide further information and amplify these core principles.

Some agencies urged that the regulations should clarify the precise roles and responsibilities of the person responsible for conducting ADR during the pre-complaint process and the EEO counselor, for example, whether the mediator or counselor will complete the counselor's report if mediation or other means of ADR fails. These concerns and other questions raised by the agencies about how ADR and EEO counseling will coexist will be explained in MD 110. Each agency will have discretion to develop its own procedures in accordance with the regulation and MD 110. With this flexibility, there will most likely not be uniformity among agencies in the precise roles and responsibilities of EEO counselors and persons conducting ADR activities.

Dismissals

The Commission proposes to amend section 1614.107 to remove one basis for dismissal of EEO complaints and add two new bases for dismissal. The Commission proposes to eliminate the provision in section 1614.107(h) that permits agencies to dismiss complaints for failure to accept a certified offer of full relief. The full relief dismissal policy was premised on the view that adjudication of a claim is unnecessary if the agency is willing to make the complainant whole. The regulatory process, however, has been criticized because complainants are placed in the position of risking dismissal of their complaints if they do not believe the offer of their opposing party is an offer of full relief. If a complainant makes the wrong assessment of the offer and EEOC decides on appeal that the agency did offer full relief, the complainant is precluded from proceeding with the complaint or from accepting the offer. In addition, difficulties assessing what constitutes full relief increased when, as a result of the Civil Rights Act of 1991, damages became available to federal employees. Unless the agency offers the full amount of damages permitted under the statutory caps in the law, it is virtually impossible to assess whether the agency has offered full relief. The Commission found that offers of full relief must address compensatory damages, where appropriate. *Jackson* v. *USPS*, Appeal No. 01923399 (1992); Request No. 05930306 (1993).

During coordination of EEOC's proposals pursuant to Exec. Order No. 12067, some agencies agreed with EEOC's position that full relief dismissals have become rare since compensatory damages became available to federal employees. Other agencies recommended that EEOC revise the procedure to permit an independent review and certification of full relief offers by EEOC, arguing that certification of offers by EEOC would minimize the risk complainants must now take in determining on their own whether an agency's offer constitutes full relief. Finally, some agencies simply disagreed with the proposal to eliminate the full relief dismissal provision, arguing that they continue to use it in some cases. As noted above, without certification of full relief offers by EEOC, complainants are in the unfortunate position of trying to evaluate whether the agencies they believe discriminated against them have truly offered them all the relief they would be entitled to in a federal court, and jeopardizing their whole case if they decide in error. The Commission has determined that it would not be a wise use of our limited resources at this time to create a certification procedure for full relief offers. In response to agency comments, though, as more fully explained below, the Commission has added a provision permitting agencies to make an ''offer of resolution'' in a case. The offer of resolution is similar, but not identical, to the procedure under Rule 68 of the Federal Rules of Civil Procedure for an offer of judgment. Hence, for all of the reasons set forth above, the Commission proposes eliminating the regulatory provision permitting agencies to dismiss complaints for failure to accept a certified offer of full relief.

The Commission proposes to add dismissal provisions permitting agencies to dismiss complaints for two reasons. First, the Commission proposes to permit agencies to dismiss complaints that allege dissatisfaction with the processing of a previously filed complaint (commonly called spin-off complaints). EEOC's regulations at 29 CFR Part 1613, which were superseded by 29 CFR Part 1614 in 1992, expressly permitted complainants to file separate complaints alleging dissatisfaction with agencies' processing of their original complaints. 29 CFR 1613.262 (1991). The procedure resulted in the filing of multiple spin-off complaints. The Commission recognized the need to limit these complaints, and did not include the Part 1613 provision in Part 1614. Guidance was provided in Management Directive 110. Complainants continued, however, to file spin-off complaints. Any alleged unfairness or discrimination in the processing of a complaint can—and must—be raised during the processing of the underlying complaint and there is ample authority to deal with such allegations in that process. There is no provision in either the regulations or the management directive permitting the filing of a separate complaint on this issue. Accordingly, separate complaints should be dismissed. The Commission proposes to add the dismissal provision permitting dismissal of spin-off complaints to ensure that a balance is maintained between fair and nondiscriminatory agency processing of complaints and the need to eliminate multiple filing of burdensome complaints about the manner in which an original complaint was processed.

In conjunction with this regulatory change, the Commission will issue companion guidance in Management Directive 110 addressing the procedures agencies must follow to resolve allegations of dissatisfaction with the complaints process quickly. Individuals

who are dissatisfied with the processing of a complaint will be advised to bring this dissatisfaction to the attention of the official responsible for the complaint, whether it be an investigator, an EEOC administrative judge, or the Commission's Office of Federal Operations on appeal. The allegation of dissatisfaction, and any appropriate evidence, will then be considered during the processing of the existing complaint. Proper handling of spin-off allegations is important to the Commission because it involves the overall quality of the complaints process. Individuals who do not follow the process set out in the Management Directive for allegations of dissatisfaction will have such complaints dismissed by the agency or by the Commission. The procedure to be used will ensure that any evidence of discrimination or improper handling will be considered as part of the claim before the agency or Commission without unnecessarily adding complaints to the system.

The Commission also proposes to add a dismissal provision to section 1614.107 permitting an agency to dismiss a complaint where it finds a clear pattern of abuse of the EEO process through strict application of the criteria set forth in Commission decisions. The proposed section codifies the Commission's decision in *Buren* v. *USPS,* Request No. 05850299 (1985). The Commission has stated that it has the inherent power to control and prevent abuse of its processes, orders or procedures. It is within the Commission's purview to determine that either complainants or agencies are engaging in conduct that constitutes a scheme designed to frustrate the administrative process. The Commission also has recognized that dismissing complaints for abuse of process should be done only on rare occasions because of the strong policy in favor of preserving complainants' EEO rights whenever possible. *Kleinman* v. *Postmaster General,* Request No. 05940579 (1994). The Commission believes that evaluating complaints for dismissal for abuse of process requires careful deliberation and application of strict criteria. Agencies must analyze whether a complainant's prior behavior evidences an ulterior purpose to abuse the EEO process. Evidence of numerous complaint filings, in and of itself, is an insufficient basis for making such a finding. *Hooks* v. *USPS,* Appeal No. 01953852 (1995). However, multiple filings combined with the nature of the subject matter of the complaints, lack of specificity in the allegations, and allegations involving matters previously raised may be considered in determining whether a complainant has engaged in a pattern of abuse of the EEO process. *Goatcher* v. *USPS,* Request No. 05950557 (1996). The Commission proposes to add the dismissal provision based on abuse of process, as well as the dismissal for spin-off complaints, because it believes that they will improve the efficiency and effectiveness of the EEO process. In addition, dealing summarily with abusive complaints will make the process fairer for agencies that must process complaints and for complainants who raise bona fide allegations by focusing resources on bona fide allegations.

Offer of Resolution

The Commission proposes to add a provision to the procedures permitting agencies to make offers of resolution to complainants as long as they are made at least 30 days prior to the hearing. Offers of resolution must be in writing and must explain to the complainant the possible consequences of failing to accept the offer. Complainants will have 30 days to consider the offer and decide whether to accept it. If a complainant is represented by an attorney at the time that the offer is made and fails to accept an offer of resolution, and the decision on the complaint is not more favorable than the offer, then, except where the interest of justice will not be served, the complainant will not receive payment from the agency of attorney's fees or costs incurred after the date of rejection or the expiration of the 30-day period of the offer of resolution if there has been no rejection. If the offer of resolution is not accepted within thirty days it is deemed to have been rejected. Failure to accept an offer of resolution will not preclude an agency from making other offers of resolution or either party from seeking to negotiate a settlement of the complaint at any time. If an agency believes that it has made a fair offer to an unrepresented complainant who later obtains representation and seeks to avoid further liability for attorney's fees, the agency can make a new offer in writing at that time.

The Commission proposes the offer of resolution procedure, in part, in response to comments from the agencies requesting that the failure to accept a certified offer of full relief dismissal provision be retained or modified. The Commission wishes to encourage resolution of complaints at all times in the complaint process and believes the proposed offer of resolution provision will provide incentive for agencies and complainants to resolve complaints. The Commission seeks comment on the offer of resolution proposal, particularly on the interest of justice exception to the preclusion of costs and fees. The Commission believes that the interest of justice standard in the proposal will apply to those situations in which an administrative judge determines that it would be unfair to preclude payment of attorney's fees and costs.

Fragmentation of Complaints

The Commission seeks public comment on whether regulatory changes are necessary to correct the problem of fragmented processing of EEO claims. A recurring problem found by the Federal Sector Workgroup was that many agencies do not distinguish between allegations in support of a legal claim and the legal claim itself. As a result, some claims involving a number of different allegations are fragmented or separated. What should be one legal claim then becomes a number of miscellaneous events, losing its character as a claim. A hypothetical example would be a harassment claim where a pattern of incidents are used to support a claim, but the separate incidents would not constitute a legally cognizable claim of discrimination. As a result of fragmentation, the number of discrimination complaints by federal employees is unnecessarily multiplied and cognizable claims are fragmented to such an extent that potentially valid claims become meaningless. The Commission plans on amending its Management Directive to address this problem and seeks comment on what, if any, regulatory changes are necessary to correct this problem.

Partial Dismissals

The Commission proposes changes to the regulations to eliminate interlocutory appeals of partial dismissals of complaints. Currently, where an agency dismisses part of a complaint, but not the entire complaint, the complainant has the right to immediately appeal the partial dismissal to EEOC. The Commission provided for interlocutory appeals of partial dismissals in Part 1614, hoping to streamline the process and avoid holding two or more hearings on the same complaint. Multiple hearings could have occurred absent an interlocutory appeal when EEOC reversed an agency's partial dismissal after a hearing was held on the rest of the complaint. The Commission believes that this result can be accomplished without the unintended delays of complaints or fragmentation of complaints that may have resulted from the current provision.

The Commission proposes to amend section 1614.401 to remove the right to immediately appeal the dismissal of a portion of a complaint. In addition, the Commission proposes to add a paragraph to the dismissals section, section 1614.107, explaining how to process complaints where a portion of the complaint, but not the entire complaint, meets one or more of the standards for dismissal contained in that section. In those circumstances, the agency will document the file with its reasons for believing that the portion of the complaint meets the standards for dismissal and will investigate the remainder of the complaint. If the complainant requests a hearing from an administrative judge, the administrative judge will evaluate the reasons given by the agency for believing a portion of the complaint meets the standards for dismissal before holding the hearing. If the administrative judge believes that all or a part of the agency's reasons are not well taken, the entire complaint or all of the portions not meeting the standards for dismissal will continue in the hearing process. The parties may conduct discovery to develop a record for all portions of the complaint continuing in the hearing process. The administrative judge's decision on the partial dismissal will become part of the final decision on the complaint, which either party may appeal to EEOC, in accordance with proposed section 1614.401. Where a complainant requests a final decision from the agency without a hearing, the agency will issue a decision addressing all claims in the complaint, including its rationale for dismissing claims, if any, and its findings on the merits of the remainder of the complaint. The complainant may appeal the agency's final decision, including any partial dismissals, to the EEOC.

Hearings

The Commission proposes four changes to the hearings process. First, the Commission proposes to amend section 1614.108, by adding a new paragraph (g), providing that complainants who wish to have a hearing on their complaints after the 180 days period for investigation has expired would be required to submit requests for hearings directly to EEOC, rather than to their agencies, as is the current practice. Agencies will be required to inform complainants in their acknowledgment letters of the EEOC office and address where a request for hearing is to be sent. When requesting a hearing from EEOC, complainants will be required at the same time to send a copy of the request for a hearing to their agencies' EEO offices. Upon receipt of a request for hearing, EEOC would request that the agency provide copies of the complaint file to EEOC and, if not previously provided, to the complainant. The Commission believes that the proposed change will expedite the complaint process. Complainants will communicate directly with EEOC with copies to their agency, rather than through their agency whose only function was to serve as a conduit for getting the request to EEOC. In addition, the proposed change would alleviate concerns that agencies are not responding to requests for hearings quickly enough by allowing the parties to communicate directly with EEOC.

Second, the Commission proposes to specify in the regulation at section 1614.109(b) that administrative judges have the authority to dismiss complaints during the hearing process for all of the reasons contained in the dismissal section, 29 CFR 1614.107. Currently, administrative judges do not have the authority to dismiss complaints that are in the hearing process, but will remand a complaint back to the agency for dismissal, where appropriate. The proposed change would eliminate an unnecessary layer by giving the administrative judge the authority to dismiss without the need for remanding the complaint to the agency.

Third, the Commission proposes to add a provision permitting administrative judges to issue a final decision without a hearing where they determine, even though material facts remain in dispute, that there is sufficient information in the record to decide the case, that the material facts in dispute can be decided on the basis of the written record, that there are no credibility issues that would require live testimony in order to evaluate a witness' demeanor and that the case lacks merit. A new paragraph 1614.109(f)(4) would contain this provision, which would supplement administrative judges' existing authority to issue summary judgment decisions currently contained in 29 CFR 1614.109(e). While the decision is like a dismissal in that it will result in a ruling against the complainant, it is set out as a separate subsection because it will be an adjudication on the merits of the complaints.

Finally, the Commission proposes to amend the regulations to provide that administrative judges issue final decisions on complaints that have been referred to them for a hearing. Complainants or agencies could appeal administrative judges' final decisions to EEOC. Agencies would continue to issue final decisions in cases where the complainants request an immediate final decision without a hearing.

The Commission believes that allowing agencies to reject or modify an administrative judge's findings of fact and conclusions of law leads to an unavoidable conflict of interest. This is particularly true because those cases have been referred to a neutral third party, an EEOC administrative judge, to hear the dispute. Historically, agencies have rejected or modified a majority of administrative judges' findings of discrimination, but have adopted nearly all findings of no discrimination. In fiscal year 1996, Commission administrative judges issued 3,083 decisions, of which 284, or 9.2%, found discrimination. Agencies accepted only 101 of those decisions and rejected 178, or 62.7%. Conversely, of the 2,799 findings of no discrimination, agencies rejected only four or 0.1%. The Commission does not have available current information containing the percentage of agency decisions it accepts or rejects on appeal following administrative judge decisions. The Commission believes that the proposed change will address the perception of unfairness and conflict of interest in agencies deciding complaints of discrimination against them. In addition, this proposal eliminates a layer of review and permits decision-making at an earlier state, central goals of the National Performance Review, thus making the process more efficient.

Of those federal agencies that commented on the draft regulation when the regulation was coordinated under Exec. Order No. 12067 (1978), some supported the proposal to make the decision of the administrative judge final. A number of agencies opposed it, however, chiefly arguing that the Commission did not have authority to allow administrative judges to issue final decisions, while some agencies believed that the administrative judge could only issue a final decision if the hearing was the first level of an appeal to the Commission. The Commission believes that it has broad authority to restructure the discrimination complaint process for federal employee complaints and that administrative judges can issue decisions as proposed.

Section 717(b) of the Civil Rights Act of 1964 authorizes the Commission to ''issue such rules, regulations, orders, and instructions as it deems necessary and appropriate to carry out its responsibilities under this section.'' 42 U.S.C. § 2000e–16(b). Such broad language has been interpreted by the courts to constitute a delegation of legislative rulemaking authority. *E.g.*,

Mourning v. *Family Publications Service, Inc.*, 411 U.S. 356 (1973); *Public Utilities Commission of California* v. *United States*, 355 U.S. 534, 542–43 n. 4 (1958).

In 1972 Congress gave this rulemaking authority to the Civil Service Commission, which was the predecessor to the EEOC in having responsibility for enforcing the employment discrimination laws in the federal sector. In so doing, Congress made it clear that it was granting the Commission complete authority to restructure the complaint process to ensure protection of the interests of all parties involved in the process. It explained:

> One feature of the present equal employment opportunity program which deserves special scrutiny by the Civil Service Commission is the complaint process. The procedure under the present system, intended to provide for the informal disposition of complaints, may have denied employees adequate opportunity for impartial investigation and resolution of complaints.
>
> Under present procedures, in most cases, each agency is still responsible for investigating and judging itself. Although provision is made for the appointment of an outside examiner, the examiner does not have the authority to conduct an independent investigation, and his conclusions and findings are in the nature of recommendations to the agency head who makes the final agency determination on whether there is, in fact, discrimination in that particular case. The only appeal is to the Board of Appeals and Review in the Civil Service Commission.
>
> The testimony before the Labor Subcommittee reflected a general lack of confidence in the effectiveness of the complaint procedure on the part of Federal employees. Complainants have indicated skepticism regarding the Commission's record in obtaining just resolution of complaints and adequate remedies. This has, in turn, discouraged persons from filing complaints with the Commission for fear that doing so will only result in antagonizing their supervisors and impairing any future hope of advancement. The new authority given to the Civil Service Commission in the bill is intended to enable the Commission to reconsider its entire complaint structure and the relationships between the employee, agency, and Commission in these cases.

S. Rept. No. 92–415 (1971), reprinted in Legislative History of the Equal Employment Opportunity Act of 1972, 410 at 423 (1972) (emphasis added).

In 1979, the authority for enforcement of the federal employee complaint process was transferred from the Civil Service Commission to EEOC. In proposing this transfer, the President stated:

> Transfer of the Civil Service Commission's equal employment opportunity responsibilities to EEOC is needed to ensure that: (1) Federal employees have the same rights and remedies as those in the private sector and in state and local government; (2) Federal agencies meet the same standards as are required of other employers; and (3) potential conflicts between an agency's equal employment opportunity and personnel management functions are minimized.... The Civil Service Commission has in the past been lethargic in enforcing fair employment requirements within the Federal government.

Hearings Before a Subcommittee of the Committee on Government Operations, Reorganization Plan No. 1 of 1978 (Equal Employment Opportunity), at 6–7 (1978). In its report on the Plan, the Office of Management and Budget stated that ''The Civil Service Commission is expected to be lawmaker, prosecutor, judge and jury on employment discrimination in the Federal workforce. Organizational deficiencies like these inevitably lead to less rigorous compliance.'' Hearings, Reorganization Plan No. 1 of 1978 at 186. In addition, OMB stated that ''[t]he Civil Service Commission's regulations concerning the filing of class action complaints are highly restrictive.'' Hearings, Reorganization Plan No. 1 of 1978 at 193. The type of organization conflict of interest that the Commission seeks to eliminate in this proposal, where an agency both takes an action and then serves as the final decision maker on the complaint, has been of concern for years.

By proposing these changes, the EEOC is doing precisely what the Congress envisioned would be done, i.e., the Commission is reconsidering the complaint structure and the relative positions of the employee, the agency and the Commission. The language of section 717, its legislative history, and the transfer of that responsibility to EEOC under Reorganization Plan No. 1 of 1978 all confirm that the EEOC has been given the broadest possible authority to restructure the complaints process for individual and class complaints.

Those agencies that assert that EEOC lacks the authority to change its regulations to make administrative judges' decisions final, or that it can only be done as part of an appellate procedure, rely on section 717(c), 42 U.S.C. § 2000e–16(c). Section 717(c) provides:

> Within thirty days of receipt of notice of final action taken by a department, agency, or unit referred to in subsection 717(a), or by the Civil Service Commission upon an appeal from a decision or order of such department, agency, or unit on a complaint of discrimination, * * * or after one hundred and eighty days from the filing of the initial charge with the department, agency, or unit, until such time as final action may be taken by a department, or unit, an employee or applicant for employment, if aggrieved by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 706, * * *

This language, which permits a federal employee to file suit against the agency alleged to have discriminated, waives the government's sovereign immunity from suit. *Chandler* v. *Roudebush*, 425 U.S. 849 (1976); *Brown* v. *GSA*, 425 U.S. 820 (1976). Nothing in this statutory language limits EEOC's ability to issue regulations under subsection 717(b) or to structure the administrative process to enhance its effectiveness and fairness. The language delineates when, under the procedures that existed at that time, an individual could file suit in court. There is no indication that Congress also intended to codify any parts of the existing administrative procedures by the language of this sentence. Indeed, the legislative history of section 717 demonstrates that Congress expected the then-Civil Service Commission to make significant changes to the complaint process. The importance of administrative flexibility to improve the complaint process was reaffirmed in 1978 when the President transferred the responsibilities for federal employee complaints to EEOC.

Class Complaints

The Federal Sector Workgroup identified a series of concerns with the class complaint process. It found that despite studies indicating that class-based discrimination may continue to exist in the federal government, recent data reflect that very few class complaints are filed or certified at the administrative level. Only a very small number of cases are brought as class actions and those that are filed generally result in a denial of class certification. While an effective administrative process for class complaints offers several advantages over litigation in federal court, including informality, lower cost, and the speed of resolution, the Workgroup found there is a perception the current process does not adequately address class-based discrimination in the federal government. As a result, complainants often have elected to pursue their complaints in federal court.

Class actions play a particularly vital role in the enforcement of the equal employment laws. They are an essential mechanism for attacking broad patterns of workplace discrimination and providing relief to victims of discriminatory policies or systemic practices. The courts have long

recognized that class actions ''are powerful stimuli to enforce Title VII,'' providing for the ''removal of artificial, arbitrary, and unnecessary barriers to employment when the barriers operate invidiously to discriminate on the basis of racial or other impermissible classification.'' *Wetzel* v. *Liberty Mutual Ins. Co.*, 508 F.2d 239, 254 (3d Cir.), *cert denied*, 421 U.S. 1011 (1975). The class action device exists, in large part, to vindicate the interests of civil rights plaintiffs. See 5 James W. Moore, *Moore's Federal Practice* § 23.43[1][a], at 23–191 (3d ed. 1997).

These same policies apply with equal force in the federal sector. Accordingly, we propose several changes to strengthen the class complaint process. The purpose of these changes is to ensure that complaints raising class issues are not unjustifiably denied class certification in the administrative process and that class cases are resolved under appropriate legal standards consistent with the principles applied by federal courts. Where a class of individuals have been affected by a policy or practice, it is far more efficient to address those concerns in one action rather than requiring numerous individual complaints. These proposed changes seek to make the class complaint process fairer by allowing individuals to seek class certification at any reasonable stage in the process. The class implications of a complaint may not be apparent until the complainant receives the investigative file or information in discovery that would indicate that the agency has acted in a way that will have implications for a class. In addition, to further address the concerns identified by the Workgroup, the Commission has undertaken a pilot program in which all decisions on class certification will be made centrally by the Complaint Adjudication Division of its Office of Federal Operations to explore possible operational changes.

The Commission proposes four regulatory changes to the class complaint procedures found at 29 CFR 1614.204. The Commission proposes to revise section 1614.204(b) to provide that a complainant may move for class certification at any reasonable point in the process when it becomes apparent that there are class implications raised in an individual complaint. If a complainant moves for class certification after completing counseling, the complainant will not be required to return to the counseling stage. Some agencies who commented on this proposal when it was coordinated under Exec. Order No. 12067 supported the change but asked that the regulation define ''reasonable point in the process'' and indicate what criteria would be used to determine that a complaint has class implications. Some agencies opposed the change, arguing that it would entail additional investigative costs and invite abuse by complainants seeking to bypass the counseling process by making frivolous class allegations. They maintained that a complainant should have to elect between a class or an individual claim at the pre-complaint stage. Others objected only to eliminating counseling, as that it is how the complainant is informed of his or her rights and responsibilities as class agent.

The Commission believes that the proposed change is an important step toward removing unnecessary barriers to class certification of complaints that are properly of a class nature. The Commission has consistently recognized that its decisions on class certification must be guided by the complainant's lack of access to pre-certification discovery; this is different from the situation of a Rule 23 plaintiff who does have access to pre-certification discovery on class issues. Similarly, often an individual complainant will not have reason to know at the counseling stage that the challenged action actually reflects an agency policy or practice generally applicable to a class of similarly situated individuals. The Commission intends that ''reasonable point in the process'' be interpreted to allow a complainant to seek class certification when he or she knows or should know that the complaint has class implications, i.e., it potentially involves questions of fact common to a class and is typical of the claims of a class. Normally, this point would be no later than the end of discovery at the hearing stage. It would be the responsibility of the agency or administrative judge, as appropriate, to ensure that the class agent is advised of his or her obligations at this time. The Commission believes it would be impracticable and unproductive to require the complainant to return to counseling at this stage.

The Commission proposes to amend section 1614.204(d) to provide that administrative judges would issue final decisions on whether a class complaint will be accepted (or certified) or dismissed. Currently, administrative judges make recommendations to agencies on acceptance or dismissal. The Commission particularly invites comment on this proposal. Agencies who commented on this proposal when it was coordinated under Exec. Order No. 12067 said they either supported or opposed it for the same reasons they gave with respect to the proposal for administrative judges to issue final decisions on individual complaints. Some agencies said they supported it only if the agency is given the right to appeal a certification decision. Under the Commission's proposal, an agency would have such a right under section 1614.401(b), which provides that an agency may appeal an administrative judge's final decision. The Commission also seeks public comment on whether to make administrative judges' decisions on the merits final in class cases, consistent with the proposal to allow administrative judges to issue final decisions in section 1614.109(h).

In addition, the Commission proposes to amend section 1614.204(g)(2) to require that administrative judges must approve class settlement agreements pursuant to the ''fair and reasonable'' standard, even when no class member has asserted an objection to the settlement. Several agency commenters under Exec. Order No. 12067 supported this proposal while others disagreed, arguing that it would add an unnecessary layer of review and that adequate safeguards exist in section 1614.204(g)(4), which gives dissatisfied class members the right to petition to vacate a settlement, and 1614.204(a)(2), which requires the class agent to fairly and adequately represent the class. The Commission believes this proposed change is necessary to protect the interests of the class. As one agency commenter noted, class agents sometimes seek to settle their individual claims without full regard for the interests of the class. The change would make the regulations consistent with the practice in federal courts where the court must approve any settlement of a class case under a fair and reasonable standard.

Finally, the Commission proposes to amend section 1614.204(l)(3) to clarify the burdens of proof applicable to individual class members who believe they are entitled to relief. The proposed change would make explicit that the burdens enunciated in *Teamsters* v. *United States*, 431 U.S. 324 (1977), apply. In *Teamsters*, the Court stated that where a finding of discrimination has been made, there is a presumption of discrimination as to every individual who can show he or she is a member of the class and was affected by the discrimination during the relevant period of time. Agencies then would be required to show by clear and convincing evidence that any class member is not entitled to relief, as is provided currently in sections 1614.501 (b) and (c).

Appeals

In addition to the proposal to allow complainants or agencies to appeal administrative judges' final decisions, noted above, the Commission proposes to revise the briefing schedules for appeals to EEOC, to add a provision permitting the Office of Federal Operations to sanction parties for failure to comply with the regulations, to change the standard of review for some appeals, and to revise the process for seeking reconsideration of appeals decisions. The Commission proposes to amend section 1614.403 of the regulations to require that complainants submit any statement or brief in support of an appeal of dismissal of a complaint to EEOC within 30 days of receipt of the dismissal. Any statement or brief in support of an appeal of a final decision on a complaint would have to be submitted to EEOC within 30 days of filing the notice of appeal. Statements or briefs in opposition to appeals would have to be served on the opposing party within 30 days of receipt of a statement or brief in support of an appeal. The Commission will strictly apply appellate time frames. Currently, complainants have 30 days after filing the notice of appeal to submit a statement or brief. The Commission believes that 30 days is sufficient time to file briefs in procedural cases (cases that are dismissed by the agency or the administrative judge) because those cases usually do not raise voluminous factual issues. On the other hand, appeals of final decisions on the merits of cases generally require a thorough review of the record and warrant additional time to formulate arguments to support the appeals. In connection with the briefing schedule changes, the Commission proposes to amend the regulation to require agencies to submit the complaint file to EEOC within 30 days of notification that the complainant has filed an appeal or within 30 days of submission of an appeal by the agency.

The Commission proposes to amend section 1614.404 to add a paragraph authorizing the Office of Federal Operations to take appropriate action where a party to an appeal fails without good cause shown to comply with the appellate procedures or to respond fully and in timely fashion to a request for information. The proposal would allow the Office of Federal Operations to draw an adverse inference that requested information a party failed to provide would have reflected unfavorably on that party, to consider the matters to which the requested information pertains to be established in favor of the opposing party, to issue a decision fully or partially in favor of the opposing party, or to take such other actions as appropriate.

The Commission proposes to amend section 1614.405 of the regulations to provide that decisions on appeal from final decisions by administrative judges after a hearing will be based on a substantial evidence standard of review, but review of all other decisions will be based on a de novo standard of review. The version of the NPRM circulated for interagency coordination had included a clearly erroneous standard of review for administrative judges' factual findings; this was changed to the substantial evidence standard now in the NPRM at the request of agencies, who took the position that the clearly erroneous standard was too restrictive. No new evidence will be considered on appeal unless the evidence was not reasonably available during the hearing process. It should be emphasized that the substantial evidence standard does not preclude meaningful review of factual findings. However, applying the de novo standard of review to the factual findings in administrative judges' final decisions after hearings would be an inefficient use of EEOC's limited resources. In addition, since EEOC's Office of Federal Operations did not see and hear the witnesses, it would not be in a position to second-guess the administrative judge during the appellate process, especially with respect to credibility determinations based on a witness' demeanor. Factual findings based on documentary evidence are more susceptible to review in the appellate process.

Finally, the Commission proposes to amend sections 1614.405 and 1614.407 to model its reconsideration process after the process used by the Merit Systems Protection Board (MSPB). Reconsideration is an extra layer of review that is duplicative and time-consuming but that does little to improve the complaints process. The Commission denies the majority of requests for reconsideration, whether in procedural or merits cases. The purpose of this change is to enable the Commission to direct more resources to decision-making at the first appellate level, focusing on policy issues it deems important and developing a consistent body of decisional law on those issues. Restructuring the reconsideration process will permit the Commissioners to become more involved in the initial appellate decision. This proposal would also effectuate one of the central goals of the National Performance Review by, in many cases permitting decision-making at an earlier stage. The Commission will retain its discretion to reconsider any decision under section 1614.407(a).

Most agency commenters who commented on this proposal when it was coordinated under Exec. Order No. 12067 opposed eliminating the right to seek reconsideration. They urged retention of the right to request reconsideration as a safeguard for agencies against mistakes and inconsistencies by the Office of Federal Operations. It would be unfair to deny agencies this last opportunity for recourse, they maintained, particularly if administrative judges' decisions are made final and given greater deference. They argued the change would unjustifiably tip the balance in favor of complainants, who have the right to file suit in federal court and receive a *de novo* review. As they noted, agencies do not have the right to any court review if dissatisfied with a Commission decision. Several commenters also argued in favor of preservation of the right to request reconsideration of at least those decisions involving important legal issues or having a significant impact on agency policies or programs beyond the case at hand. In response to these comments the Commission has provided standards for parties to meet in seeking reconsideration. While reconsideration will continue to be discretionary, parties can seek reconsideration where there is a clear mistake of fact or law or where the decision will have a far ranging impact on the agency.

Reformation of the reconsideration process is an important component of the proposed federal sector reforms. It will provide the resources to improve the timeliness and quality of the Commission's Office of Federal Operations decisions across the board. The broad availability of reconsideration has not significantly enhanced the overall decision-making process. Many requests are simply a reargument of previously unsuccessful positions. They are sometimes used only to delay the finality of an adverse decision. The overwhelming majority of requests are denied. For example, in fiscal year 1997, requests for reconsideration resulting in a reversal of an order on the merits occurred in only seven instances or about 4% of the cases. For fiscal years 1996, 1995, 1994 and 1993, the figures were 5%, 2%, 2% and 3%, respectively.

To the extent agencies have legitimate complaints about erroneous Office of Federal Operations decisions, the Commission believes the principal remedy is to seek to improve the quality timeliness and consistency of the

decision-making process as a whole. This is best accomplished by shifting resources to the appeal stage. Although the agencies view it as unfair that, unlike complainants, they cannot go to court if they are dissatisfied with the administrative process, the Commission does not believe that this argument supports adding another layer to the process. Regardless of how the reconsideration process is structured, complainants will still have the right to obtain court review while agencies will not. This inherent aspect of the process does not outweigh the need for finality at an earlier stage and the value of a more streamlined process. Finally, some agencies have argued that reconsideration is an important step to ensure full consideration of the agency position in cases involving significant legal issues or broader consequences for agency policies and programs. In the first instance, it is incumbent upon the agency to identify and thoroughly address such policy or legal issues in its brief at the appellate stage so that the Commission can give the case the level of scrutiny warranted at the most appropriate level of review. Moreover, the proposed standards address this concern.

Attorney's Fees

The Commission proposes to amend the attorney's fees section of the regulations to authorize administrative judges to calculate reasonable attorney's fees in cases where a hearing is requested. Currently, administrative judges decide the entitlement to attorney's fees. Agencies, however, calculate the amount of the award. The Commission believes that administrative judges are in a better position to render an impartial decision on the reasonableness of the fees request. They have heard the evidence and can assess the complexity of the case as presented by the attorney as the basis of the award. Moreover, because administrative judges are neutral third parties to the dispute, their attorney's fees calculations will not be perceived as biased in favor of one party or the other. This proposal has been questioned by some agencies because administrative judges generally have not issued such awards previously. In light of these concerns, the Commission will issue guidance to administrative judges on the calculation of reasonable attorney's fees. The Commission will consult with other agencies prior to issuing the guidance.

In addition, the Commission proposes to amend section 1614.501(e)(1)(iv) to provide that an award of attorney's fees may include compensation for the time spent during the counseling period including any ADR process. The Commission believes that the current regulation, which limits attorney's fees awards to fees for work performed after a formal complaint is filed, could serve as a disincentive to participate in alternative dispute resolution, which often occurs during the counseling period, or otherwise settle a case during counseling.

During inter-agency coordination of the proposed rule, many agencies expressed opposition to this proposal to provide for attorney's fees awards for pre-complaint activities, arguing that providing for attorney's fees will formalize the informal counseling process and make it more legalistic and adversarial. While the Commission believes that the availability of attorney's fees will permit settlement early on, agencies believe that it will draw out the process. The Commission proposes the change, in part, to make the EEO complaint remedies consistent with the remedies available to Federal employees in other forums. The Office of Personnel Management's (OPM) Back Pay Act regulations provide for the payment of attorney's fees without a temporal restriction in cases correcting unjustified or unwarranted personnel actions. 5 CFR 550.807. In other words, OPM's regulations provide for full attorney's fees, including cases resolved during the informal stage (first step) of the grievance process. Likewise, the Merit System Protection Board's (MSPB) regulations do not contain any restriction on attorney's fees. 5 CFR 1201.37. The Commission does not believe that federal employees who have been discriminated against should receive a lesser remedy than federal employees who prevail in grievances and MSPB appeals. The Commission is particularly interested in comments on this proposal.

In addition to the proposed changes outlined above, the Commission proposes to amend section 1614.103(b) of the regulations to include the Public Health Service Commissioned Corps and the National Oceanic and Atmospheric Administration Commissioned Corps in the coverage of Part 1614. This inclusion is consistent with prior Commission decisions and with the determination of the Solicitor General that Commissioned Corps member are covered by federal sector anti-discrimination statutes.

In proposing these changes, the Commission wishes to reiterate its intention to monitor the federal employee complaint process and to propose changes that may become necessary to correct problems that may develop. In order to better monitor the system, the Commission will examine the data that it maintains on complaints and appeals to ensure that appropriate information about appeals from final decisions, attorney's fees awarded and other costs exists.

Regulatory Procedures

Executive Order 12866

In promulgating this notice of proposed rulemaking, the Commission has adhered to the regulatory philosophy and applicable principles of regulation set forth in section 1 of the Executive Order 12866, Regulatory Planning and Review. This regulation has been designated as a significant regulation and reviewed by OMB consistent with the Executive Order.

Regulatory Flexibility Act

In addition, the Commission certifies under 5 U.S.C. § 605(b), enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this rule will not have a significant economic impact on a substantial number of small entities, because it applies exclusively to employees and agencies and departments of the federal government. For this reason, a regulatory flexibility analysis is not required.

Paperwork Reduction Act

This regulation contains no information collection requirements subject to review by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 29 CFR Part 1614

Administrative practice and procedure, Age discrimination, Equal employment opportunity, Government employees, Individuals with disabilities, Race discrimination, Religious discrimination, Sex discrimination.

For the Commission.

Paul M. Igasaki,

Chairman.

Accordingly, for the reasons set forth in the preamble, it is proposed to amend chapter XIV of title 29 of the Code of Federal Regulations as follows:

PART 1614—[AMENDED]

1. The authority citation for 29 CFR Part 1614 continues to read as follows:

Authority: 29 U.S.C. 206(d), 633a, 791 and 794a; 42 U.S.C. 2000e–16; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218; E.O. 11222, 3 CFR, 1964–1965 Comp., p. 306; E.O. 11478, 3 CFR, 1969 Comp., p. 133; E.O. 12106, 3 CFR, 1978 Comp., p. 263; Reorg. Plan No. 1 of 1978, 3 CFR, 1978 Comp., p. 321.

2. Section 1614.102 is amended by redesignating paragraphs (b)(2) through (b)(6) as paragraphs (b)(3) through (b)(7), and by adding paragraph (b)(2) to read as follows:

§ 1614.102 Agency program.

* * * * *

(b) * * *

(2) Establish or make available an alternative dispute resolution program for the equal employment opportunity pre-complaint process.

* * * * *

3. Section 1614.103 is amended by removing the word ''and'' at the end of paragraph (b)(3), removing the period at the end of paragraph (b)(4), adding the word ''; and'' at the end of paragraph (b)(4) and adding paragraphs (b)(5) and (b)(6) to read as follows:

§ 1614.103 Complaints of discrimination covered by this part.

* * * * *

(b) * * *

(5) The Public Health Service Commissioned Corps, except when, in time of war or national emergency, the President declares the Corps to be a military service in accordance with 42 U.S.C. 217;

(6) The National Oceanic and Atmospheric Administration Commissioned Corps.

* * * * *

4. Section 1614.105 is amended by redesignating paragraph (b) as paragraph (b)(1), revising the first sentence of redesignated paragraph (b)(1), adding paragraph (b)(2), revising the first sentence of paragraph (d) and revising paragraph (f) to read as follows:

§ 1614.105 Pre-complaint processing.

* * * * *

(b)(1) At the initial counseling session, Counselors must advise individuals orally and in writing of their rights and responsibilities, including the right to request a hearing or an immediate final decision after an investigation by the agency in accordance with § 1614.108(f), election rights pursuant to §§ 1614.301 and 1614.302, the right to file a notice of intent to sue pursuant to § 1614.201(a) and a lawsuit under the ADEA instead of an administrative complaint of age discrimination under this part, the duty to mitigate damages, administrative and court time frames, and that only the matter(s) raised in precomplaint counseling (or issues like or related to issues raised in pre-complaint counseling) may be alleged in a subsequent complaint filed with the agency. * * *

(2) Counselors shall advise aggrieved persons that they may choose between participation in the alternative dispute resolution program offered by the agency and the counseling activities provided for in paragraph (c) of this section.

* * * * *

(d) Unless the aggrieved person agrees to a longer counseling period under paragraph (e) of this section, or the aggrieved person chooses an alternative dispute resolution procedure in accordance with paragraph (b)(2) of this section, the Counselor shall conduct the final interview with the aggrieved person within 30 days of the date the aggrieved person contacted the agency's EEO office to request counseling. * * *

* * * * *

(f) Where the aggrieved person chooses to participate in an alternative dispute resolution procedure in accordance with paragraph (b)(2) of this section, the pre-complaint processing period shall be 90 days. If the matter has not been resolved before the 90th day, the notice described in paragraph (d) of this section shall be issued.

* * * * *

5. Section 1614.106 is amended by adding a sentence after the first sentence of the introductory text of paragraph (d) to read as follows:

§ 1614.106 Individual complaints.

* * * * *

(d) * * * The agency shall advise the complainant in the acknowledgment of the EEOC office and its address where a request for a hearing shall be sent.

* * *

* * * * *

6. Section 1614.107 is amended by redesignating paragraphs (a) through (h) as paragraphs (a)(1) through (8), redesignating the introductory text as paragraph (a) introductory text and revising it, revising paragraph (a)(8) and adding new paragraph (a)(9) and paragraph (b) to read as follows:

§ 1614.107 Dismissals of complaints.

(a) Prior to a request for a hearing in a case, the agency shall dismiss an entire complaint:

* * * * *

(8) That alleges dissatisfaction with the processing of a previously filed complaint; or

(9) Where the agency strictly applies the criteria set forth in Commission decisions and finds a clear pattern of misuse of the EEO process.

(b) Where the agency believes that some but not all of the claims in a complaint should be dismissed for the reasons contained in paragraphs (a)(1) through (9) of this section, the agency shall notify the complainant in writing of its determination, the rationale for that determination and that those allegations will not be investigated, and shall place a copy of the notice in the investigative file. A determination under this paragraph is reviewable by an administrative judge if a hearing is requested on the remainder of the complaint, but is not appealable until a final decision is issued on the remainder of the complaint.

7. Section 1614.108 is amended by revising paragraph (f) and adding a new paragraph (g) to read as follows:

§ 1614.108 Investigation of complaints.

* * * * *

(f) Within 180 days from the filing of the complaint, within the time period contained in an order from the Office of Federal Operations on an appeal from a dismissal, or within any period of extension provided for in paragraph (e) of this section, the agency shall provide the complainant with a copy of the investigative file, and shall notify the complainant that, within 30 days of receipt of the investigative file, the complainant has the right to request a hearing and final decision from an administrative judge or may receive an immediate final decision pursuant to § 1614.110 from the agency with which the complaint was filed.

(g) Where the complainant has received the notice required in paragraph (f) of this section or at any time after 180 days have elapsed from the filing of the complaint, the complainant may request a hearing by submitting a request for a hearing directly to the EEOC office indicated in the agency's acknowledgment letter. The complainant shall send a copy of the request for a hearing to the agency EEO office. Upon receipt of a request for a hearing, EEOC will request that the agency provide copies of the complaint file to EEOC and, if not previously provided, the complainant.

8. Section 1614.109 is amended by revising paragraph (a), redesignating paragraphs (b) through (g) as paragraphs (d) through (i), adding new paragraphs (b) and (c), revising the introductory text of redesignated paragraph (f)(3), in redesignated paragraph (g) removing the phrases ''findings and conclusions'' and adding, in their place, the words ''final decisions'', adding a new paragraph (g)(4), and revising paragraph (i) to read as follows:

§ 1614.109 Hearings.

(a) When a complainant requests a hearing, the Commission shall appoint an administrative judge to conduct a

hearing in accordance with this section. Any hearing will be conducted by an administrative judge or hearing examiner with appropriate security clearances. Where the administrative judge determines that the complainant is raising or intends to pursue issues like or related to those raised in the complaint, but which the agency has not had an opportunity to address, the administrative judge may remand any such issue for counseling in accordance with § 1614.105 or for such other processing as ordered by the administrative judge.

(b) *Dismissals.* Administrative judges shall dismiss complaints pursuant to § 1614.107.

(c) *Offer of resolution.* Any time after the initial counseling session but more than 30 days prior to the hearing, the agency may make an offer of resolution of the complaint to the complainant. The offer of resolution shall be in writing and shall include a notice explaining the possible consequences of failing to accept the offer. The complainant shall have 30 days from receipt of the offer of resolution to accept or reject it. If the complainant is represented by an attorney when the offer is made and fails to accept an offer of resolution, and the final decision on the complaint is not more favorable than the offer, then, except where the interest of justice would not be served, the complainant shall not receive payment from the agency of attorney's fees or costs incurred after the date of rejection or the expiration of the 30-day period of the offer of resolution if no rejection has been made. An acceptance of an offer must be in writing and will be timely if postmarked or received within the 30-day period. Where a complainant fails to accept an offer of resolution, an agency may make other offers of resolution or either party may seek to negotiate a settlement of the complaint at any time.

(f) * * *

(3) When the complainant, or the agency against which a complaint is filed, or its employees fail without good cause shown to respond fully and in timely fashion to an order of an administrative judge, or requests for the investigative file, for documents, records, comparative data, statistics, affidavits, or the attendance of witness(es), the administrative judge shall, in appropriate circumstances:

* * * * *

(g) * * *

(4) Where the administrative judge determines, even though material facts remain in dispute, that there is sufficient information in the record to decide the case, that the material facts in dispute can be decided on the basis of the written record, that there are no credibility issues that would require live testimony in order to evaluate a witness' demeanor and that the case lacks merit, the administrative judge may issue a final decision without a hearing.

* * * * *

(i) *Final decisions by administrative judges.* Unless the administrative judge makes a written determination that good cause exists for extending the time for issuing a final decision, within 180 days of receipt by EEOC of a request for a hearing, an administrative judge shall issue a final decision on the complaint, and shall order appropriate remedies and relief where discrimination is found with regard to the matter that gave rise to the complaint. The administrative judge shall send copies of the entire record, including the transcript, and the final decision to the parties by certified mail, return receipt requested. The final decision shall contain notice of the right of either party to appeal to the Commission, notice of the right of the complainant to file a civil action in Federal district court, the name of the proper defendant in any such lawsuit and the applicable time limits for appeals and lawsuits. A copy of EEOC Form 573 shall be attached to the decision.

9. Section 1614.110 is amended by revising the title and first and second sentence to read as follows:

§ 1614.110 Final decisions by agencies.

Within 60 days of receiving notification that a complainant has requested an immediate decision from the agency, or within 60 days of the end of the 30-day period for the complainant to request a hearing or an immediate final decision where the complainant has not requested either a hearing or a decision, the agency shall issue a final decision. The final decision shall consist of findings by the agency on the merits of each issue in the complaint, or, as appropriate, the rationale for dismissing any claims in the complaint and, when discrimination is found, appropriate remedies and relief in accordance with subpart E of this part.* * *

10. Section 1614.204 is amended by revising paragraph (b), removing the words ''recommend that the agency'' from paragraphs (d)(2), (d)(3), (d)(4), and (d)(5), removing the word ''recommend'' and replacing it with the word ''decide'' in paragraph (d)(6), revising paragraph (d)(7), paragraph (e)(1), paragraph (g)(2) and paragraph (l)(3) to read as follows:

§ 1614.204 Class complaints.

* * * * *

(b) *Pre-complaint processing.* An employee or applicant who wishes to file a class complaint must seek counseling and be counseled in accordance with § 1614.105. A complainant may move for class certification at any reasonable point in the process when it becomes apparent that there are class implications to the claim raised in an individual complaint. If a complainant moves for class certification after completing the counseling process contained in § 1614.105, no additional counseling is required.

* * * * *

(d) * * *

(7) The administrative judge shall transmit his or her decision to accept or dismiss a complaint to the agency and the agent. The dismissal of a class complaint shall inform the agent either that the complaint is being filed on that date as an individual complaint of discrimination and will be processed under subpart A or that the complaint is also dismissed as an individual complaint in accordance with § 1614.107. In addition, it shall inform the agent of the right to appeal the dismissal of the class complaint to the Office of Federal Operations or to file a civil action and shall include EEOC Form 573, Notice of Appeal/Petition.

(e) (1) Within 15 days of receiving notice that the administrative judge has accepted a class complaint or a reasonable time frame specified by the administrative judge, the agency shall use reasonable means, such as delivery, mailing to last known address or distribution, to notify all class members of the acceptance of the class complaint.

* * * * *

(g) * * *

(2) The complaint may be resolved by agreement of the agency and the agent at any time as long as the administrative judge finds the agreement to be fair and reasonable.

* * * * *

(l) * * *

(3) When discrimination is found in the final decision and a class member believes that he or she is entitled to individual relief, the class member may file a written claim with the head of the agency or its EEO Director within 30 days of receipt of notification by the agency of its final decision. The claim must include a specific, detailed showing that the claimant is a class member who was affected by a personnel action or matter resulting from the discriminatory policy or practice, and that this discriminatory

action took place within the period of time for which the agency found class-wide discrimination in its final decision. Where a finding of discrimination against a class has been made, there shall be a presumption of discrimination as to each member of the class. The agency must show by clear and convincing evidence that any class member is not entitled to relief. The period of time for which the agency finds class-wide discrimination shall begin not more than 45 days prior to the agent's initial contact with the Counselor and shall end not later than the date when the agency eliminates the policy or practice found to be discriminatory in the agency decision. The agency shall issue a final decision on each such claim within 90 days of filing. Such decision must include a notice of the right to file an appeal or a civil action in accordance with subpart D of this part and the applicable time limits.

11. Section 1614.401 is amended by redesignating paragraphs (b) through (d) as paragraphs (c) through (e), revising paragraph (a) and adding a new paragraph (b) to read as follows:

§ 1614.401 Appeals to the Commission.

(a) A complainant may appeal an agency's final decision or the agency's dismissal of a complaint.

(b) A complainant or an agency may appeal an administrative judge's final decision or an administrative judge's dismissal of a complaint.

* * * * *

12. Section 1614.403 is revised to read as follows:

§ 1614.403 How to appeal.

(a) The complainant, agency, agent, grievant or individual class claimant (hereinafter appellant) must file an appeal with the Director, Office of Federal Operations, Equal Employment Opportunity Commission, at P.O. Box 19848, Washington, DC 20036, or by personal delivery or facsimile. The appellant should use EEOC Form 573, Notice of Appeal/Petition, and should indicate what is being appealed.

(b) The appellant shall furnish a copy of the appeal to the opposing party at the same time it is filed with the Commission. In or attached to the appeal to the Commission, the appellant must certify the date and method by which service was made on the opposing party.

(c) If an appellant does not file an appeal within the time limits of this subpart, the appeal will be untimely and shall be dismissed by the Commission.

(d) Where an appellant appeals a dismissal, any statement or brief in support of the appeal must be submitted to the Office of Federal Operations within 30 days of receipt of the dismissal. Where an appellant appeals a final decision, any statement or brief in support of the appeal must be submitted within 30 days of filing the notice of appeal.

(e) The agency must submit the complaint file to the Office of Federal Operations within 30 days of notification that the complainant has filed an appeal or within 30 days of submission of an appeal by the agency.

(f) Any statement or brief in opposition to an appeal must be submitted to the Commission and served on the opposing party within 30 days of receipt of the statement or brief supporting the appeal.

13. Section 1614.404 is amended by adding a new paragraph (c) to read as follows:

§ 1614.404 Appellate procedure.

* * * * *

(c) When either party to an appeal fails without good cause shown to comply with the requirements of this section or to respond fully and in timely fashion to requests for information, the Office of Federal Operations shall, in appropriate circumstances:

(1) Draw an adverse inference that the requested information would have reflected unfavorably on the party refusing to provide the requested information;

(2) Consider the matters to which the requested information or testimony pertains to be established in favor of the opposing party;

(3) Issue a decision fully or partially in favor of the opposing party; or

(4) Take such other actions as appropriate.

14. Section 1614.405 is amended by revising the third sentence of paragraph (a) and revising paragraph (b) to read as follows:

§ 1614.405 Decisions on appeals.

(a) * * * The decision on an appeal from a final decision shall be based on a de novo review, except that the review of the factual findings in a decision by an administrative judge issued pursuant to § 1614.109(h) shall be based on a substantial evidence standard of review. * * *

(b) A decision issued under paragraph (a) of this section is final within the meaning of § 1614.408 unless the Commission reconsiders the case. A party may request reconsideration within 30 days of receipt of a decision of the Commission, which the Commission in its discretion may grant, if the party demonstrates that:

(1) The appellate decision involved a clearly erroneous interpretation of material fact or law; or

(2) The decision will have a substantial impact on the policies, practices or operations of the agency.

15. Section 1614.407 is removed and sections 1614.408 through 1614.410 are redesignated sections 1614.407 through 1614.409.

16. Section 1614.501 is amended by revising the last sentence of the introductory text of paragraph (e)(1), and revising paragraph (e)(1)(iv) to read as follows:

§ 1614.501 Remedies and relief.

* * * * *

(e) *Attorney's fees or costs*—(1) * * * In a final decision, the agency, administrative judge, or Commission may award the applicant or employee reasonable attorney's fees or costs (including expert witness fees) incurred in the processing of the complaint.

* * * * *

(iv) Attorney's fees shall be paid for all services performed by an attorney, provided that the attorney provides reasonable notice of representation to the agency, administrative judge or Commission. Written submissions to the agency that are signed by the representative shall be deemed to constitute notice of representation.

* * * * *

17. Section 1614.502 is amended by revising the first sentence of paragraph (a), revising paragraph (b) introductory text and paragraph (b)(2) and adding a new paragraph (b)(3) to read as follows:

§ 1614.502 Compliance with final Commission decisions.

(a) Relief ordered in a final decision on appeal to the Commission is mandatory and binding on the agency except as provided below. * * *

(b) Notwithstanding paragraph (a) of this section, when the agency requests reconsideration and the case involves removal, separation, or suspension continuing beyond the date of the request for reconsideration, and when the decision orders retroactive restoration, the agency shall comply with the decision to the extent of the temporary or conditional restoration of the employee to duty status in the position specified by the Commission, pending the outcome of the agency request for reconsideration.

* * * * *

(2) When the agency requests reconsideration, it may delay the payment of any amounts ordered to be paid to the complainant until after the request for reconsideration is resolved. If the agency delays payment of any

amount pending the outcome of the request to reconsider and the resolution of the request requires the agency to make the payment, then the agency shall pay interest at the rate set by the IRS for the underpayment of taxes compounded quarterly from the date of the original appellate decision until payment is made.

(3) The agency shall notify the Commission and the employee in writing at the same time it requests reconsideration that the relief it provides is temporary or conditional and, if applicable, that it will delay the payment of any amounts owed but will pay interest as specified in paragraph (b)(2) of this section. Failure of the agency to provide notification will result in the dismissal of the agency's request.

* * * * *

[FR Doc. 98–4165 Filed 2–19–98; 8:45 am]

BILLING CODE 6570–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–17; RM–8819]

Radio Broadcasting Services; Beaver Dam and Brownsville, KY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Charles M. Anderson proposing the substitution of Channel 264C3 for Channel 264A at Beaver Dam, the reallotment of Channel 264C3 from Beaver Dam to Brownsville, Kentucky, and the modification of the Station WAUE(FM)'s construction permit accordingly. Channel 264C3 can be allotted to Brownsville in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's requested site. The coordinates for Channel 264C3 at Brownsville are North Latitude 37–10–34 and West Longitude 86–18–08. In accordance with Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in the use of Channel 264C3 at Brownsville, Kentucky, or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before April 6, 1998, and reply comments on or before April 21, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Brian M. Madden, Esq., Leventhal, Senter & Lerman, 2000 K Street, NW., Suite 600, Washington DC 20006 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–17, adopted January 28, 1998, and released February 13, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–4331 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 393

[FHWA Docket No. MC–97–5; FHWA–97–2364]

RIN 2125–AD40

Public Meeting To Discuss Requirements for Brake Hoses Used on Commercial Motor Vehicles

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FHWA is announcing a public meeting to discuss requirements for brake hoses used on commercial motor vehicles. The meeting is intended to initiate dialogue between the FHWA; the National Highway Traffic Safety Administration (NHTSA); manufacturers of brake hoses, brake hose assemblies, and brake hose end fittings for use on commercial motor vehicles; and interested parties concerning the adequacy of current Federal requirements for brake hoses and related components. The meeting will include presentations by the FHWA and the NHTSA explaining their respective roles. The agencies would provide brake hose manufacturers and interested parties the opportunity to voice their concerns about the adequacy of current Federal requirements for brake hoses.

DATES: The meeting will be held on March 24, 1998. The meeting will begin at 10:00 a.m. and end at 4:00 p.m.

ADDRESSES: The meeting will be held in room 4200 of the Department of Transportation's headquarters located at 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Motor Carrier Research and Standards, HCS–10, (202) 366–4009; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC–20, (202) 366–1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded using a modem and suitable communications software from the **Federal Register** Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the **Federal Register**'s home page at: http://

www.nara.gov/nara/fedreg and the Government Printing Office's database at: http://www.access.gpo.gov/su__docs.

Background

On April 14, 1997 (62 FR 18170), the FHWA published a notice of proposed rulemaking (NPRM) concerning 49 CFR part 393 of the Federal Motor Carrier Safety Regulations (FMCSRs), and requested comments on the proposed amendments. The FHWA indicated that the proposed changes are intended to remove obsolete and redundant regulations; respond to several petitions for rulemaking; provide improved definitions of vehicle types, systems, and components; resolve inconsistencies between part 393 and the National Highway Traffic Safety Administration's Federal Motor Vehicle Safety Standards (49 CFR 571); and codify certain FHWA regulatory guidance concerning the requirements of part 393. Generally, the amendments do not involve the establishment of new or more stringent requirements, but a clarification of existing requirements. The agency indicated that this action is consistent with the President's Regulatory Reinvention Initiative and furthers the FHWA's ongoing Zero-Base Regulatory Review in that it proposes to make many sections more concise, easier to understand, and more performance oriented.

On June 12, 1997, the FHWA extended the comment period from June 13, 1997, to July 28, 1997, in response to a petition from the Motor and Equipment Manufacturers Association (MEMA) (62 FR 32066). The MEMA requested additional time to formulate comments in response to the proposed amendments in § 393.25, Requirements for lamps other than head lamps, § 393.45, Brake tubing and hose, adequacy, and § 393.46, Brake tubing and hose connections. A copy of the MEMA request is included in the docket.

FHWA's Proposed Amendments to §§ 393.45 and 393.46

Currently, the FHWA requires that brake hose and tubing installed on commercial motor vehicles conform to the applicable provisions of Federal Motor Vehicle Safety Standard (FMVSS) No. 106, Brake hoses (49 CFR 571.106). In addition, the FHWA's regulations reference several Society of Automotive Engineers (SAE) standards concerning testing procedures for brake hoses used in air, hydraulic, and vacuum brake systems. There are also references to SAE standards for metallic and nonmetallic tubing, and tubing and hose connections.

As part of the FHWA's effort to make the FMCSRs easier to understand, use and enforce, the agency proposed eliminating all of the references to SAE brake hose and tubing standards, with the exception of SAE J844, *Nonmetallic Air Brake System Tubing.* The proposed revisions, if adopted, would continue to require that all brake tubing and hoses, brake hose assemblies, and brake hose end fittings on commercial motor vehicles meet the applicable requirements of FMVSS No. 106. The FHWA would incorporate by reference SAE J844 concerning coiled nylon brake tubing in air brake systems to take into account three exceptions currently contained in the FMVSS No. 106 test procedures for air brake hose.[1] The tests concerning length change, tensile strength, and tensile strength of an assembly after immersion in water, have exceptions for coiled brake tubing. Manufacturers may choose between using the test procedures specified in FMVSS No. 106, or the test procedures specified in the SAE standards referenced in the FHWA's brake hose requirements. The proposed revision would have the effect of limiting each of the exceptions in FMVSS No. 106 to coiled nylon tubing that meets the testing requirements in SAE J844.

Purpose of the Meeting

Several brake hose manufacturers have submitted comments to the rulemaking docket expressing opposition to the proposed changes. The manufacturers believe the SAE standards that would no longer be referenced provide more stringent testing requirements than FMVSS No. 106 and are essential to ensuring that brake hose is adequate for use on commercial motor vehicles. Certain brake hose manufacturers have contacted members of Congress to voice their concerns stating that the proposed changes will decrease highway safety.

The FHWA has received numerous calls from congressional staff and letters from members of the House and Senate. At the request of congressional staff, the FHWA met with representatives from several congressional offices on October 24, 1997, to explain the proposed rulemaking and the roles of the FHWA and the NHTSA. During the meeting, the FHWA offered to hold a public meeting concerning brake hoses. It was agreed that the public meeting would give the FHWA and the NHTSA the opportunity to clarify their respective roles for the brake hose manufacturers, and provide the brake hose manufacturers with the opportunity to voice their concerns about §§ 393.45 and 393.46 and FMVSS No. 106 to the FHWA and the NHTSA.

Meeting Information

The meeting will be held on March 24, 1998, at the Department of Transportation's headquarters located at 400 Seventh Street, SW., Washington, D.C., 20590. The meeting will be held in room 4200. The Department of Transportation's headquarters is located above the L'Enfant Plaza subway station and is two blocks south of the intersection of Independence Avenue and Seventh Street, SW. The meeting is scheduled from 10:00 a.m. to 4:00 p.m.

Since access to the Department of Transportation's headquarters is controlled, all visitors must sign-in with the security office located at the southwest entrance to the building and wear a visitor's badge at all times while in the building.

Individuals who wish to make a formal presentation should contact Mr. Larry W. Minor at (202) 366–4012 no later than March 16, 1998, to ensure that sufficient time is allotted for the presentation and to identify any audio-visual equipment needed for the presentation.

List of Subjects in 49 CFR Part 393

Highways and roads, Incorporation by reference, Motor carriers, Motor vehicle equipment, Motor vehicle safety.

Authority: 49 U.S.C. 31136, 31502; and 49 CFR 1.48.

Issued on: February 13, 1998.

Paul L. Brennan,

Acting Associate Administrator for Motor Carriers.

[FR Doc. 98–4352 Filed 2–19–98; 8:45 am]

BILLING CODE 4910–22–P

[1] Paragraphs S7.3.6 (length change), S7.3.10 (tensile strength), and S7.3.11 (water absorption and tensile strength) of 49 CFR 571.106 cross reference § 393.45 and indicate that certain coiled tubing that meets the requirements of § 393.45 is not required to meet the testing requirements described in those paragraphs.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 120996A]

Magnuson Act Provisions; Essential Fish Habitat; Extension of Comment Period

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

ACTION: Extension of comment period.

SUMMARY: NMFS announces an extension of the public comment period on the interim final regulations containing guidelines for the description and identification of essential fish habitat (EFH) in fishery management plans. The public comment period is hereby extended to March 19, 1998, to give members of the public additional time to review and comment on the interim final regulation.

DATES: Written comments will be accepted on or before March 19, 1998.

ADDRESSES: Comments should be addressed to Director, Office of Habitat Conservation, Attention: EFH, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3282; telephone: 301/713–2325.

FOR FURTHER INFORMATION CONTACT: Lee Crockett, NMFS, 301/713–2325.

SUPPLEMENTARY INFORMATION:

Background

The rulemaking is required by the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq*). The interim final rule was promulgated on December 19, 1997 (62 FR 66531). Details concerning the justification for and development of this interim final rule were provided in the proposed rule (62 FR 19723, April 23, 1997).

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

Dated: February 13, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–4363 Filed 2–17–98; 3:44 pm]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 63, No. 34

Friday, February 20, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Supplement to the Final Environmental Impact Statement for the Summit Fire Recovery, Malheur National Forest, Grant County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to supplement a final environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare a supplement to the final environmental impact statement (EIS) for the Summit Fire Recovery on the Long Creek Ranger District of the Malheur National Forest. The final EIS and Record of Decision for the Summit Fire Recovery were released by Forest Supervisor F. Carl Pence in October 1997 [Notice of Availability, October 10, 1997, (62 FR 52998)]. A review of the existing environemtal analysis specific to riparian habitat conservation areas, management indicator species, and water quality within the Summit Fire project area revealed new environmental information. This information will be documented as a supplement to the existing analysis.

DATES: Written comments are due March 6, 1998.

ADDRESSES: Send written comments and suggestions concerning the scope of this supplemental analysis to Doug V. Robin, District Ranger, P.O. Box 849, John Day, Oregon 97845.

FOR FURTHER INFORMATION CONTACT: Acting Deputy Forest Supervisor Dave Craig, P.O. Box 909, John Day, OR 97845 or District Ranger Doug Robin, P.O. Box 849, John Day, OR 97845 (phone: 541–575–3000).

SUPPLEMENTARY INFORMATION: The purpose of the supplement is to evaluate new information available to the Forest Service with regard to riparian habitat conservation areas (RHCA), management indicator species (MIS), soils, roadless area character, and water quality. Alternatives in the final EIS will include at least one new alternative which will be considered in light of the new information.

A draft supplement will be prepared and circulated for comment. Comments received on the draft supplement EIS will be considered in the preparation of the final EIS. The draft supplement is expected to be available for public review and comment in March 1998.

The Forest Service believes it is important to give reviewers notice, at this early stage, of several court rulings related to public participation in the environmental review process. First, reviewers of the supplemental EIS must structure their participation in the environmental review of the proposal so that it is meangingful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 436 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft supplement EIS stage, but that are not raised until completion of the final EIS, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 f. 2d 1016, 1002 (9th Cir, 1986), and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft supplement EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft supplement. Comments may also address the adequacy of the supplement EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

The final EIS is scheduled for completion by Summer 1998. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft supplement. Forest Supervisor F. Carl Pence is the Responsible Official. He will decide which, if any, of the alternatives will be implemented. His decision and rationale for the decision will be documented in the Record of Decision, which will be subject to Forest Service Appeal Regulations (36 CFR 215).

Dated: February 11, 1998.

F. Carl Pence,

Forest Supervisor.

[FR Doc. 98–4287 Filed 2–19–98; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application to amend certificate.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review. This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 87–12A004.''

Export Trade Certificate of Review No. 87–00004 was issued to AMT—The Association For Manufacturing Technology (''AMT'') on May 19, 1987 (52 FR 19371, May 22, 1987) and subsequently amended on December 11, 1987 (52 FR 48454, December 22, 1987), January 3, 1989 (54 FR 837, January 10, 1989), April 20, 1989 (54 FR 19427, May 5, 1989), May 31, 1989 (54 FR 24931, June 12, 1989), May 29, 1990 (55 FR 23576, June 11, 1990), June 7, 1991 (56 FR 28140, June 19, 1991), November 27, 1991 (56 FR 63932, December 6, 1991), July 20, 1992 (57 FR 33319, July 28, 1992), May 10, 1994 (59 FR 25614, May 17, 1994), December 1, 1995 (61 FR 13152, March 26, 1996), and October 11, 1996 (61 FR 55616, October 28, 1996).

Summary of the Application

Applicant: AMT—The Association For Manufacturing Technology (''AMT''), 7901 Westpark Drive, McLean, Virginia 22102–4269.

Contact: Andrew J. Shapiro, legal counsel, Telephone: (202) 662–5447.

Application No.: 87–12A004.

Date Deemed Submitted: February 5, 1998.

Proposed Amendment

AMT seeks to amend its Certificate to:

1. Add as ''Members'' the following companies: Aldridge Grinding Machine Co., Huntsville, Alabama; Alliance Automation Systems, Rochester, New York; Alliance Manufacturing, Inc., Fond Du Lac, Wisconsin; Apex Broaching Systems, Warren, Michigan; Azon USA, Inc., Kalamazoo, Michigan; Defiance Machine & Tool Co., Maryland Heights, Missouri; Durant Tool Company, Warwick, Rhode Island; Grob Systems, Inc., Bluffton, Ohio; J&S Tool Company, Inc., Livingston, New Jersey; Jewett Automation, Richmond, Virginia; Liberty Precision Industries, Rochester, New York; Manufacturing Technology, Inc., Ventura, California; Mayfran International, Cleveland, Ohio; Mitts & Merrill L.P., Harvard, Illinois; Process Control Automation, Inc., Montague, Missouri.

2. Delete as ''Members'' the following companies: Hobart Laser products; ISI Robotics; Mattison Technologies; Milman Engineering Inc.; Modern Machine Works, Inc.; Niagara Falls Grinders.

3. Change the listing of the company name for the current ''Members'' cited in this paragraph to the new listing cited in parenthesis as follows: Command Corporation International (Command Tooling Systems LLC); Cone Blanchard Machine Systems (Cone-Blanchard); Eaton Leonard Inc. (Eagle Eaton Leonard); Gleason Corp. (The Gleason Works); Grinding Technology Inc. (GTI Technologies, Inc.); Hardinge Brothers, Inc. (Hardinge Inc.); Komo Machine, Inc. (Komo Butler); PH Hydraulics & Automation, Inc. (PH Group, Inc.); Tenco Industries, Inc. (Tenco Industries, Inc., Division of RMT Technologies); Western Atlas (Unova Inc.).

Dated: February 17, 1998.

Morton Schnabel,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 98–4356 Filed 2–19–98; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[Docket No.: 980212034–8034–01]

Notice of Opportunity for Collaboration

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The Office of Export Trading Company Affairs (OETCA), International Trade Administration, Department of Commerce, is seeking a private sector partner to produce and distribute both a print and an electronic directory of U.S. exporters and export intermediaries.

DATES: Proposals should be sent no later than March 6, 1998.

ADDRESSES: Send proposals to Mort Schnabel, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Vanessa Bachman, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title I of the Export Trading Company Act of 1982 (15 U.S.C. 4001–4003) mandates that the Office of Export Trading Company Affairs (OETCA) provide a referral service to facilitate contact between producers of exportable goods and services and firms offering export trade services. In support of this mandate and for several years, OETCA has produced and distributed, in partnerships with a private sector firm, a directory listing trade contact information on U.S. manufacturers, service organizations and export trade intermediaries under the name ''Export Yellow Pages®'' (EYP).

The EYP includes trade contact information on approximately 17,000 U.S. companies, primarily small and medium sized firms, that have registered their export interests with OETCA's Contact Facilitation Service (CFS), a computerized database. Registration on the CFS, and the directory, is free of charge. Display advertising can be purchased for a fee.

A minimum of 50,000 copies of the EYP have been printed annually. They have been distributed free of charge, primarily through the U.S. Department of Commerce's Export Assistance Centers (domestically) and through U.S. Embassies and Consulates abroad. In 1997, OETCA implemented a pilot program to make the directory available to the public on-line via the Internet. The directory is also made available in electronic form through the U.S. Department of Commerce's National Trade Databank (NTDB), an electronic clearinghouse that provides information to the public for a subscription fee.

OETCA is now seeking a new partner to produce and distribute both a print and an electronic directory of U.S. exporters and export intermediaries. The private sector partner will be responsible for:

1. Printing a minimum of 50,000 copies of the directory and delivering them to the sites designated by OETCA;

2. Issuing the first print edition of the directory no later than December 31,1998 and filling orders throughout

the year, issuing subsequent editions no later than December 31st on an annual basis;

3. Establishing, maintaining, and operating, on a continuous basis, an electronic version of the directory that is available to the public via the Internet for World Trade Week, usually the third week in May;

4. Inviting U.S. firms to participate in the directory as registrants, free of cost, or as display advertisers for a competitively determined fee;

5. Collaborating with OETCA on the design of a revised CFS registration form to be used in hard-copy and on-line;

6. Ensuring that the directory contains appropriate material only, particularly ensuring that the directory promotes U.S. exports and not U.S. companies seeking to import or attract foreign investment; and,

7. Providing OETCA the opportunity to review and comment on the content of the directory.

A copy of the Export Yellow Pages® print directory and additional information on the responsibilities of the parties may be obtained through the contact above. The electronic directory can be accessed via the Internet at http://export.uswest.com.

OETCA is looking for a partner that:

(1) Has a successful track record in publishing, preferably involving both directory-type publications and Internet-based services, and the timely distribution of publications both domestically and internationally;

(2) Has sufficient financial resources to ensure a sustainable long-term partnership;

(3) Has dedicated managerial and staff resources to ensure the continued development and improvement of the product and its distribution;

(4) Will provide strong customer service, to meet the needs of the advertisers in the directory and the Department of Commerce;

(5) Has demonstrated managerial and technical ability to continually enhance the quality of both the printed and electronic versions of the directory, including substantial experience with the use of interactive media;

(6) Has the ability to develop and support the use of the electronic version of the directory as a medium for electronic commerce; and

(7) Has a demonstrated interest in export activities and in assisting OETCA in fulfilling its mandate to promote exports of U.S. goods and services.

Interested parties should send a proposal (including a proposed time line for the issuance of both the print and electronic versions of the directory), as well as corporate bona fides including financial data (in audited form if available), to the above address. The proposal can also be sent by fax at (202) 482–1790.

Notwithstanding any other provision of law, no person is required to respond nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The information collection requirements in this notice have been approved by the Office of Management and Budget under OMB Control No. 0625–0120.

Authority: 15 U.S.C. § 175; 22 U.S.C. § 2455(f); and, 15 U.S.C. §§ 4001–4003.

Dated: February 13, 1998.

Morton Schnabel,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 98–4321 Filed 2–19–98; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010698C]

International Whaling Commission; Meetings

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

ACTION: Notice of public meetings.

SUMMARY: NOAA makes use of a public Interagency Committee to assist in preparing for meetings of the International Whaling Commission (IWC). This notice sets forth guidelines for participating on the Committee and a tentative schedule of meetings and other important dates.

DATES: March 6, 1998, 2:00 p.m. See **SUPPLEMENTARY INFORMATION** for additional information and tentative dates of additional interagency meetings in 1998.

ADDRESSES: The March 6, 1998, meeting will be held in Room 1863, Herbert C. Hoover Building, Department of Commerce, 14th and Constitution, Washington, DC. Copies of nominations for the U.S. Delegation to the May IWC meetings should be sent to Catherine Corson, Office of Protected Resources, NMFS, 13th floor, SSMC3, 1315 East West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Catherine Corson, telephone: (301) 713–2322.

SUPPLEMENTARY INFORMATION: The March 6, 1998, Interagency Committee meeting will review recent events relating to the IWC and will review the agenda for the 1998 IWC annual meeting.

The Secretary of Commerce is charged with the responsibility of discharging the obligations of the United States under the International Convention for the Regulation of Whaling, 1946. This authority has been delegated to the Under Secretary for Oceans and Atmosphere, who is also the U.S. Commissioner to the IWC. The U.S. Commissioner has primary responsibility for the preparation and negotiation of U.S. positions on international issues concerning whaling and for all matters involving the IWC. He is staffed by the Department of Commerce and assisted by the Department of State, the Department of the Interior, the Marine Mammal Commission, and by other interested agencies.

Each year, NOAA conducts meetings and other activities to prepare for the annual meeting of the IWC. The major purpose of the preparatory meetings is to provide input in the development of policy by individuals and non-governmental organizations interested in whale conservation. NOAA believes that this participation is important for the effective development and implementation of U.S. policy concerning whaling. Any person with an identifiable interest in United States whale conservation policy may participate in the meetings, but NOAA reserves the authority to inquire about the interest of any person who appears at a meeting and to determine the appropriateness of that person's participation. Foreign nationals and persons who represent foreign governments may not attend. These stringent measures are necessary to promote the candid exchange of information and to establish the necessary basis for the relatively open process of preparing for IWC meetings that characterizes current practices.

Tentative Meeting Schedule

The tentative schedule of additional meetings and deadlines, including those of the IWC, during 1998 follows. Confirmation of Interagency Committee meeting times, dates and locations will be provided in future Federal Register notices.

March 1, 1998: Nominations for the U.S. Delegation to the May IWC meetings are due to the U.S.

Commissioner, with a copy to Catherine Corson (see **ADDRESSES**). All persons wishing to be considered for the U.S. Commissioner's recommendation to the Department of State concerning the composition of the delegation should ensure that nominations are received by this date. Prospective Congressional advisers to the Delegation should contact the Department of State directly.

April 23, 1998: 2:00 p.m., Room 1863, Herbert C. Hoover Building, Department of Commerce, 14th and Constitution, Washington, DC: Tentative Interagency Committee meeting to review recent events relating to the IWC and to review U.S. positions for the 1998 IWC annual meeting.

April 27 to May 9, 1998 (Oman): IWC Scientific Committee Meeting.

May 11 to 20, 1998 (Oman): IWC 50th Annual Meeting.

Special Accommodations

Department of Commerce meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Catherine Corson at least 5 days prior to the meeting date.

Dated: February 17, 1998.

Patricia Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–4364 Filed 2–17–98; 3:44 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021398A]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Council (Council) will hold meetings of its Bottomfish and Crustaceans Plan Teams in Honolulu, HI.

DATES: The Bottomfish Plan Team (BPT) meeting will be held on March 11–13, 1998, from 8:30 a.m. to 5:00 p.m., each day. The Crustaceans Plan Team (CPT) meeting will be held on March 17–19, 1998, from 8:30 a.m. to 5:00 p.m., each day.

ADDRESSES: Both meetings will be held at the Council office conference room, 1164 Bishop Street, Suite 1400, Honolulu, HI; telephone: (808) 522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The BPT will discuss and may make recommendations to the Council on a draft comprehensive amendment to implement new Sustainable Fishery Act (SFA) requirements (bycatch, fishing sectors, fishing communities, overfishing, essential fish habitat); a draft amendment with management options to restore overfished Main Hawaiian Island (MHI) onaga and ehu, or address the situation in other ways; and draft island-area modules for the 1997 bottomfish annual report. Other agenda items that the BPT will discuss and may take action on include:

1. State and Federal research on MHI overfished bottomfish;
2. Possible addition of generic level management unit species to the fishery management plan;
3. Improvements to annual report modules, including reconsideration of geographic reporting of overfishing indicator;
4. Update on the status of the draft amendment for the limited access program for the Mau Zone in the Northwestern Hawaiian Islands (NWHI); and
5. Other business as required.

The CPT will discuss and make recommendations to the Council on a draft comprehensive amendment to implement new SFA requirements (bycatch, fishing sectors, fishing communities, overfishing, essential fish habitat); the draft 1997 NWHI lobster annual report; and the addition of new areas (Commonwealth of the Northern Mariana Islands and U.S. Possessions) to Permit Area 3.

Other agenda items that the CPT will discuss and may take action on include:

1. Research and data collection plans for 1998;
2. Determination of the 1998 harvest guideline, including estimation of exploitable population size and establishment of separate bank quotas;
3. Status of framework regulatory changes: Vessel Monitoring System vessel transit of 50 mile closed area, announce harvest guideline 28 February, add May to closed season for MHI Federal waters; and
4. Other business as required.

Although other issues not contained in this agenda may come before these Teams for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to meeting date.

Dated: February 13, 1998.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–4365 Filed 2–19–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021298A]

Marine Mammals

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

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Dr. Christopher W. Clark, Cornell University, Ithaca, New York 14850, has been issued an amendment to scientific research Permit No. 875–1401.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289); and

Director, Southwest Region, NMFS, 501 West Ocean Blvd., Long Beach, CA 90802–4213 (562/980–4001).

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak, 301/713–2289.

SUPPLEMENTARY INFORMATION: On December 23, 1997, notice was published in the **Federal Register** (62 FR 61093) that an amendment of Permit No. 875–1401, issued September 8, 1997 (62 FR 48611) had been requested by the above-name individual. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of § 216.39 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the provisions of § 222.25 of the

regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

The requested amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No. 875–1401 currently authorizes the harassment of several species of marine mammals during the conduct of research to study the effects of low-frequency sound produced by the Navy's Surface Towed Array Surveillance System Low Frequency Active (SURTASS LFA) system on the behavior of blue whales (*Balaenoptera musculus*) and fin whales (*Balaenoptera physalus*) feeding in the Southern California Bight during September/October of 1997 and/or 1998. It was amended on December 10, 1997 to provide for the conduct of playback experiments using a SURTASS LFA sound source to study behavioral responses of gray whales (*Eschrichtius robustus*) to SURTASS LFA signals, radio tagging via suction cup attachment of up to 14 gray whales, and harassment of individuals of several other species of cetaceans, pinnipeds, and possibly sea turtles, may be taken (*i.e.*, by harassment or auditory temporary threshold shift) during the studies on gray whales. Permit No. 875–1401 has now been amended to authorize the conduct of playback experiments using the SURTASS LFA sound source to study behavioral responses of breeding and nursing humpback whales (*Megaptera novaeangliae*) and foraging sperm whales (*Physeter macrocephalus*) in Hawaii from mid-February through mid-April of 1998. Individuals of several other cetacean, pinniped, and sea turtle species may be taken (*i.e.*, by harassment or auditory temporary threshold shift) during the proposed experiments.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 12, 1998.

Art Jeffers,

Acting Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–4366 Filed 2–19–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Technical Information Service

NTIS Advisory Board Meeting

AGENCY: National Technical Information Service, Technology Administration, U.S. Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the National Technical Information Service Advisory Board (the ''Board'') will meet on Tuesday, March 10, 1998, from 8:30 a.m. to 12:30 p.m., and from 1:30 p.m. to 4:00 p.m. The session from 8:30 a.m. to 12:30 p.m., will be closed to the Public.

The Board was established under the authority of 15 U.S.C. 3704b(c), and was Chartered on September 15, 1989. The Board is composed of five members appointed by the Secretary of Commerce who are eminent in such fields as information resources management, information technology, and library and information services. The purpose of the meeting is to review and make recommendations regarding general policies and operations of NTIS, including policies in connection with fees and charges for its services. The agenda will include a progress report on NTIS activities, an update on the progress of FedWorld, and a discussion of NTIS' long range plans. The closed session discussion is scheduled to begin at 8:30 a.m. and end at 12:30 p.m. on March 10, 1998. The session will be closed because premature disclosure of the information to be discussed would be likely to significantly frustrate implementation of NTIS' business plans.

DATES: The meeting will convene on March 10, 1998, at 8:30 a.m. and adjourn at 4:00 p.m.

ADDRESSES: The meeting will be held in Room 2029 Sills Building, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161.

PUBLIC PARTICIPATION: The meeting will be open to public participation from 1:30 p.m. to 4:00 p.m. on March 10, 1998. Approximately thirty minutes will be set aside on March 10, 1998, for comments or questions from the public. Seats will be available for the public and for the media on a first-come, first-served basis. Any member of the public may submit written comments concerning the Board's affairs at any time. Copies of the minutes of the open session meeting will be available within thirty days of the meeting from the address given below.

FOR FURTHER INFORMATION CONTACT: Linda Lucas, NTIS Advisory Board Secretary, National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, Telephone: (703) 605–6400; Fax (703) 487–4093.

Dated: February 17, 1998.

Donald R. Johnson,

Director.

[FR Doc. 98–4362 Filed 2–19–98; 8:45 am]

BILLING CODE 3510–04–M

COMMODITY FUTURES TRADING COMMISSION

Public Information Collection Requirement

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Intent to Renew Information Collection #3038–0005: Rules Pertaining to the Operations and Activities of Commodity Pool Operators and Commodity Trading Advisors and to Monthly Reporting by Futures Commission Merchants.

SUMMARY: The Commodity Futures Trading Commission is planning to renew information collection 3038–0005, Rules Pertaining to the Operations and Activities of Commodity Pool Operators and Commodity Trading Advisors and to Monthly Reporting by Futures Commission Merchants, which is due to expire on April 30, 1998. The information collected pursuant to this rule provides a basis for determining compliance with Part 4 of the Commission's regulations which pertains to Commodity Pool Operators and Commodity Trading Advisors.

In compliance with the Paperwork Reduction Act of 1995, the Commission solicits comments to:

(1) evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including the validity of the methodology and assumptions used; (2) evaluate the accuracy of the agency's estimate of the burden of the collection of information including the validity of the methodology and assumptions used; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of the information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

DATES: Comments must be received on or before April 21, 1998.

ADDRESSES: Persons wishing to comment on this information collection should contact the CFTC Clearance Officer, 1155 21st Street NW, Washington, DC 20581, (202) 418–5160.

Title: Rules Pertaining to the Operations and Activities of Commodity Pool Operators and Commodity Trading Advisors and to Monthly Reporting by Futures Commission Merchants.

Control Number: 3038–0005.

Action: Extension.

Respondents: Commodity Pool Operators, Commodity Trading Advisors.

Estimated Annual Burden: 55,725.58.

Respondents	Regulation (17 (CFR)	Estimated number of respondents	Annual responses	Est. avg. hours. per response
CPO/CTA	Part 4	4,174	11,243.25	124.75

Issued in Washington, D.C. on February 17, 1998.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–4357 Filed 2–19–98; 8:45 am]

BILLING CODE 6351–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Sunshine Act Meeting

Pursuant to the provisions of the Government in the Sunshine Act (5 U.S.C. 552b), notice is hereby given of the following meeting of the Board of Directors of the Corporation for National and Community Service.

DATE AND TIME: Tuesday, February 24, 1998, from 9:30 a.m. to 12:30 p.m.

PLACE: The meeting will be held at the Corporation for National and Community Service, 1201 New York Avenue NW, Room 8410, Washington, D.C.

STATUS: The meeting will be open.

MATTERS TO BE CONSIDERED:

1. Approval of minutes of October 31, 1997, Board meeting.
2. Report by the Chief Executive Officer.
3. Committee reports.
   a. Executive Committee.
   b. Management Committee.
   c. Planning Committee.
   d. Communications Committee.
4. Report by the network of State Commissions on National and Community Service.
5. Program reports.
   a. AmeriCorps.
   b. Learn and Service America.
   c. Senior Corps.
   d. America Reads.
6. Consider and act on other business.
7. Public Comment.

FOR FURTHER INFORMATION CONTACT: Rhonda Taylor, Assoc. Dir., Special Projects and Initiatives, Corporation for National Service, 1201 New York Avenue NW, 8th Floor, Washington, DC 20525. Telephone (202) 606–5000 ext. 282. (T.D.D. (202) 565–2799).

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternative formats to accommodate visual and hearing impairments. Individuals who have a disability and who need an accommodation to attend the meeting may notify Ms. Taylor.

Dated: February 24, 1998.

Kenneth L. Klothen,

General Counsel.

[FR Doc. 98–4472 Filed 2–18–98; 10:48 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 98–24]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Assistance Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT:

Ms. J. Hurd, DSAA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 98–24, with attached transmittal and policy justification pages.

Dated: February 17, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5000–04–M

DEFENSE SECURITY ASSISTANCE AGENCY

WASHINGTON, DC 20301-2800

5 FEB 1998
In reply refer to:
I-61345/98

Honorable Newt Gingrich
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 98-24 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services estimated to cost $355 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

MICHAEL S. DAVISON, JR.
LIEUTENANT GENERAL, USA
DIRECTOR

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on National Security
Senate Committee on Armed Services
House Committee on Appropriations

Attachments

Separate Cover:
Classified Annex

Transmittal No. 98-24

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) Prospective Purchaser: Egypt

(ii) Total Estimated Value:

Major Defense Equipment*	$209 million
Other	$146 million
TOTAL	$355 million

(iii) Description of Articles or Services Offered:
Two FFG-7 PERRY class frigates, two currently leased FF 1052 KNOX class frigates, 42 HARPOON missiles and containers, upgrade modifications kits for 20 SM-1 STANDARD missiles, sonobuoys and other related ammunition items, shipyard/port support services and post transfer activities relating to "hot ship" turnover of two PERRY class frigates from the U.S. Navy, U.S. Government and contractor engineering and logistics personnel support services, publications, repair and calibration services for shipboard equipment, publications and technical data/drawings, personnel training and training equipment, support equipment, spare and repair parts and other elements of logistics necessary to prepare the frigates for transfer to Egypt in a "Safe to Steam" condition with all shipboard and weapon systems operational.

(iv) Military Department: Navy (SBF, SBG, ABZ, ACA, GES, and GET)

(v) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: none

(vi) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:
See Annex under separate cover.

(vii) Date Report Delivered to Congress: 5 FEB 1998

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt - FFG-7 PERRY and FF-1052 KNOX Class Frigates

The Government of Egypt has requested a possible sale of two FFG-7 PERRY class frigates, two currently leased FF 1052 KNOX class frigates, 42 HARPOON missiles and containers, upgrade modification kits for 20 SM-1 STANDARD missiles, sonobuoys and other related ammunition items, shipyard/port support services and post transfer activities relating to "hot ship" turnover of two PERRY class frigates from the U.S. Navy, U.S. Government and contractor engineering and logistics personnel support services, publications, repair and calibration services for shipboard equipment, publications and technical data/drawings, personnel training and training equipment, support equipment, spare and repair parts and other elements of logistics necessary to prepare the frigates for transfer to Egypt in a "Safe to Steam" condition with all shipboard and weapon systems operational. The estimated cost is $355 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

Egypt already has two U.S. Navy PERRY and two leased KNOX class frigates in its Navy fleet, and air/surface/submarine launched HARPOON missiles in their weapon inventory. Egypt needs these frigates to continue its naval modernization program and enhance its Anti-Submarine Warfare (ASW) capability. The frigates will enable Egypt to continue providing security for the Suez Canal and its shipping lanes in the Mediterranean Sea.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor involved for the HARPOON missiles will be Boeing Company, St. Louis, Missouri. There are no offset agreements proposed to be entered into in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government personnel to Egypt. Contractor representatives representing varying technical skills and disciplines will be required to provide in-country support for approximately five years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 98–4361 Filed 2–19–98; 8:45 am]
BILLING CODE 5000–04–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 198. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the North Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 198 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: March 1, 1998.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 197. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

Dated: February 13, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5000–04–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA:						
ANCHORAGE [INCL NAV RES]						
05/01 -- 09/30	120		59		179	03/01/98
10/01 -- 04/30	86		56		142	03/01/98
BETHEL	103		65		168	03/01/98
CORDOVA	85		62		147	03/01/98
CRAIG						
05/01 -- 08/31	95		66		161	05/01/97
09/01 -- 04/30	79		64		143	05/01/97
DENALI NATIONAL PARK						
06/01 -- 08/31	115		52		167	03/01/98
09/01 -- 05/31	90		50		140	03/01/98
DUTCH HARBOR-UNALASKA	110		69		179	03/01/98
EARECKSON AIR STATION	72		55		127	03/01/98
EIELSON AFB						
05/15 -- 09/15	121		60		181	03/01/98
09/16 -- 05/14	75		56		131	03/01/98
ELMENDORF AFB						
05/01 -- 09/30	120		59		179	03/01/98
10/01 -- 04/30	86		56		142	03/01/98
FAIRBANKS						
05/15 -- 09/15	121		60		181	03/01/98
09/16 -- 05/14	75		56		131	03/01/98
FT. RICHARDSON						
05/01 -- 09/30	120		59		179	03/01/98
10/01 -- 04/30	86		56		142	03/01/98
FT. WAINWRIGHT						
05/15 -- 09/15	121		60		181	03/01/98
09/16 -- 05/14	75		56		131	03/01/98
GLENNALLEN	86		53		139	08/01/97
HEALY						
06/01 -- 08/31	115		52		167	03/01/98
09/01 -- 05/31	90		50		140	03/01/98
HOMER						
05/01 -- 09/30	116		66		182	03/01/98
10/01 -- 04/30	87		64		151	03/01/98
JUNEAU	89		72		161	03/01/98
KENAI-SOLDOTNA						
04/01 -- 09/30	109		61		170	03/01/98
10/01 -- 03/31	74		59		133	03/01/98
KENNICOTT	149		84		233	08/01/97

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
KETCHIKAN				
05/01 -- 09/30	100	74	174	03/01/98
10/01 -- 04/30	85	73	158	03/01/98
KLAWOCK				
05/01 -- 08/31	95	66	161	05/01/97
09/01 -- 04/30	79	64	143	05/01/97
KODIAK				
04/16 -- 09/30	98	69	167	03/01/98
10/01 -- 04/15	88	68	156	03/01/98
KOTZEBUE				
05/16 -- 09/15	101	81	182	04/01/97
09/16 -- 05/15	90	80	170	04/01/97
KULIS AGS				
05/01 -- 09/30	120	59	179	03/01/98
10/01 -- 04/30	86	56	142	03/01/98
MCCARTHY	149	84	233	08/01/97
MURPHY DOME				
05/15 -- 09/15	121	60	181	03/01/98
09/16 -- 05/14	75	56	131	03/01/98
NOME	83	63	146	03/01/98
PETERSBURG	76	62	138	03/01/98
SEWARD				
05/01 -- 09/15	114	62	176	03/01/98
09/16 -- 04/30	78	59	137	03/01/98
SITKA-MT. EDGECOMBE				
04/01 -- 09/04	101	60	161	03/01/98
09/05 -- 03/31	83	59	142	03/01/98
SKAGWAY				
05/01 -- 09/30	100	74	174	03/01/98
10/01 -- 04/30	85	73	158	03/01/98
SPRUCE CAPE				
04/16 -- 09/30	98	69	167	03/01/98
10/01 -- 04/15	88	68	156	03/01/98
TANANA	83	63	146	03/01/98
UMIAT	125	107	232	08/01/97
VALDEZ				
05/15 -- 09/15	105	65	170	03/01/98
09/16 -- 05/14	84	62	146	03/01/98
WASILLA	79	72	151	03/01/98
WRANGELL				
05/01 -- 09/30	100	74	174	03/01/98
10/01 -- 04/30	85	73	158	03/01/98
[OTHER]	72	55	127	03/01/98

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
AMERICAN SAMOA:						
AMERICAN SAMOA	73		53		126	03/01/97
GUAM:						
GUAM (INCL ALL MIL INSTAL)	185		90		275	05/01/97
HAWAII:						
CAMP H M SMITH	110		61		171	07/01/97
EASTPAC NAVAL COMP TELE AREA	110		61		171	07/01/97
FT. DERUSSEY	110		61		171	07/01/97
FT. SHAFTER	110		61		171	07/01/97
HICKAM AFB	110		61		171	07/01/97
HONOLULU NAVAL & MC RES CTR	110		61		171	07/01/97
ISLE OF HAWAII: HILO	76		55		131	07/01/97
ISLE OF HAWAII: OTHER						
04/01 -- 12/18	137		53		190	07/01/97
12/19 -- 03/31	150		54		204	07/01/97
ISLE OF KAUAI						
05/01 -- 11/30	109		71		180	07/01/97
12/01 -- 04/30	133		73		206	07/01/97
ISLE OF KURE	60		41		101	07/01/97
ISLE OF MAUI						
04/16 -- 12/14	100		58		158	07/01/97
12/15 -- 04/15	113		59		172	07/01/97
ISLE OF OAHU	110		61		171	07/01/97
KANEOHE BAY MC BASE	110		61		171	07/01/97
KEKAHA PACIFIC MISSILE RANGE FAC						
05/01 -- 11/30	109		71		180	07/01/97
12/01 -- 04/30	133		73		206	07/01/97
KILAUEA MILITARY CAMP	76		55		131	07/01/97
LULUALEI NAVAL MAGAZINE	110		61		171	07/01/97
NAS BARBERS POINT	110		61		171	07/01/97
PEARL HARBOR [INCL ALL MILITARY]	110		61		171	07/01/97
SCHOFIELD BARRACKS	110		61		171	07/01/97
WHEELER ARMY AIRFIELD	110		61		171	07/01/97
[OTHER]	79		62		141	06/01/93
JOHNSTON ATOLL:						
JOHNSTON ATOLL	13		9		22	07/01/97
MIDWAY ISLANDS:						
MIDWAY ISLANDS [INCL ALL MIL]	60		41		101	07/01/97
NORTHERN MARIANA ISLANDS:						
ROTA	105		71		176	05/01/97
SAIPAN	170		78		248	05/01/97
[OTHER]	61		53		114	05/01/97

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	M&IE RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
PUERTO RICO:						
BAYAMON						
05/01 -- 11/28	105		65		170	09/01/97
11/29 -- 04/30	134		68		202	09/01/97
CAROLINA						
05/01 -- 11/28	105		65		170	09/01/97
11/29 -- 04/30	134		68		202	09/01/97
DORADO						
04/01 -- 12/19	196		68		264	09/01/97
12/20 -- 03/31	354		83		437	09/01/97
FAJARDO [INCL CEIBA, LUQUILLO & HUMACAO]	82		60		142	03/01/98
FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO]						
05/01 -- 11/28	105		65		170	09/01/97
11/29 -- 04/30	134		68		202	09/01/97
LUIS MUNOZ MARIN IAP AGS						
05/01 -- 11/28	105		65		170	09/01/97
11/29 -- 04/30	134		68		202	09/01/97
MAYAGUEZ	74		58		132	09/01/97
PONCE	99		58		157	09/01/97
ROOSEVELT ROADS & NAV STA	82		60		142	03/01/98
SABANA SECA [INCL ALL MILITARY]						
05/01 -- 11/28	105		65		170	09/01/97
11/29 -- 04/30	134		68		202	09/01/97
SAN JUAN & NAV RES STA						
05/01 -- 11/28	105		65		170	09/01/97
11/29 -- 04/30	134		68		202	09/01/97
[OTHER]	80		55		135	09/01/97
VIRGIN ISLANDS (U.S.):						
ST. CROIX						
04/15 -- 12/14	109		80		189	07/01/97
12/15 -- 04/14	129		82		211	07/01/97
ST. JOHN						
06/01 -- 12/15	228		79		307	07/01/97
12/16 -- 05/31	344		91		435	07/01/97
ST. THOMAS						
04/15 -- 12/18	215		76		291	07/01/97
12/19 -- 04/14	322		87		409	07/01/97
WAKE ISLAND:						
WAKE ISLAND	40		35		75	10/01/96

[FR Doc. 98–4315 Filed 2–19–98; 8:45 am]
BILLING CODE 5000–04–C

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend system of records.

SUMMARY: The Department of the Army is updating the address directory located at the back of the inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective February 20, 1998.

ADDRESSES: Privacy Act Officer, Records Management Program Division, U.S. Total Army Personnel Command, ATTN: TAPC-PDR-P, Stop C55, Ft. Belvoir, VA 22060–5576.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: February 13, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DIRECTORY OF UNITED STATES ARMY, ARMY AND AIR FORCE EXCHANGE SERVICE (AAFES), AND FEDERAL ACQUISITION INSTITUTE (FAI) ADDRESSES

This directory is published to enable users of systems of records notices to identify the location of such systems of records in order to request access to and amendment of records.

Headquarters, Department of the Army

The following elements of the Army constitute the Headquarters, Department of the Army

Office of the Secretary of the Army, 101 Army Pentagon, Washington, DC 20310–0101.

Under Secretary of the Army, 102 Army Pentagon, Washington, DC 20310–0102.

Assistant Secretary of the Army Civil Works, 108 Army Pentagon, Washington, DC 20310–0108.

Assistant Secretary of the Army Financial Management and Comptroller, 109 Army Pentagon, Washington, DC 20310–0109.

Assistant Secretary of the Army Installations, Logistics and Environment, 110 Army Pentagon, Washington, DC 20310–0110.

Assistant Secretary of the Army Manpower and Reserve Affairs, 111 Army Pentagon, Washington, DC 20310–0111.

Assistant Secretary of the Army Research, Development and Acquisition, 103 Army Pentagon, Washington, DC 20310–0103.

Department of the Army Review Boards Agency, 1941 Jefferson Davis Highway, Arlington, VA 22202–4508.

Office of the Director of Information Systems for Command, Control, Communications and Computers, 107 Army Pentagon, Washington, DC 20310–0107.

Office of the Inspector General, 1700 Army Pentagon, Washington, DC 20310–1700.

Office of Auditor General, 3101 Park Center Drive, Alexandria, VA 22302–1596.

Chief, Legislative Liaison, 1600 Army Pentagon, Washington, DC 20310–1500.

Director, Small and Disadvantaged Business Utilization, 106 Army Pentagon, Washington, DC 20310–0112.

Commander, U.S. Army Civilian Personnel Evaluation Agency, 1941 Jefferson Davis Highway, Arlington, VA 22202–4508.

Office of the Chief of Staff, 200 Army Pentagon, Washington, DC 20310–0200.

Office of the Chief of Public Affairs, 1500 Army Pentagon, Washington, DC 20310–1500.

Office of the Chief, Army Reserve, 2400 Army Pentagon, Washington, DC 20310–2400.

Office of the Chief of Engineers, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000.

Deputy Under Secretary of the Army, Operations Research, 102 Army Pentagon, Washington, DC 20320–1600.

Office of the Chief, Military History, 1099 14th Street, NW, Washington, DC 2005–3402.

Office of the Surgeon General, Falls Church, VA 22044–3258.

Office of the Chief of Chaplains, 2700 Army Pentagon, Washington, DC 20310–2700.

Office of the Judge Advocate General, 2200 Army Pentagon, Washington, DC 20310–2200.

Office of the Deputy Chief of Staff for Logistics, Army Pentagon, Washington, DC 20310.

Office of the Assistant Chief of Staff for Intelligence, 1000 Army Pentagon, Washington, DC 20310–1001.

Office of the Deputy Chief of Staff for Personnel, Washington, DC 20310–0300.

Office of the Chief, National Guard Bureau, 2500 Army Pentagon, Washington, DC 20310–2500.

Office of the Deputy Chief of Staff for Operations and Plans, 400 Army Pentagon, Washington, DC 20310–0400.

Commander, U.S. Army Special Operations Agency, 400 Army Pentagon, Washington, DC 20310–0400.

Commander, U.S. Army Command and Control Support Agency, 3200 Army Pentagon, Washington, DC 20310–3200.

Army and Air Force Exchange Service, P.O. Box 660202, Dallas, TX 75266–0202.

Major Commands

Commander in Chief, U.S. Army Europe and Seventh Army, Unit 29351, APO AE 09014–0010.

Commander, U.S. Army Forces Command, 1777 Hardee Avenue, SW, Fort McPherson, GA 30330–1062.

Commander, U.S. Army Corps of Engineers, 20 Massachusetts Ave NW, Washington, DC 20314–1000.

Commander, U.S. Military Traffic Management Command, 5611 Columbia Pike, Falls Church, VA 22041–5050.

Commander, U.S. Army Criminal Investigation Command, 6010 6th Street, Fort Belvoir, VA 22060–5506.

Commander, U.S. Army Medical Command, 2050 Worth Road, Fort Sam Houston, TX 78234–6003.

Commander, U.S. Army Intelligence and Security Command, 8825 Beulah Street, Fort Belvoir, VA 22060–5246.

Commander, U.S. Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, VA 22333–0001.

U.S. Army Space and Missile Defense Command, P.O. Box 15280, Arlington, VA 22215–0280.

Commander, U.S. Army Military District of Washington, Fort Lesley J. McNair, DC 20319–5058.

Commander, U.S. Army South, APO AA 34004–7101.

Commander, U.S. Army Training and Doctrine Command, Fort Monroe, VA 23561–5000.

Commander, U.S. Army Pacific Command, Fort Shafter, HI 96858–5100.

Commander, U.S. Forces Korea/ Eighth U.S. Army, APO AP 96205–0010.

Unified Command

Commander in Chief, U.S. European Command, Unit 30400 Box 10000, APO AE 09128–4209.

Commander in Chief, U.S. Southern Command, 3511 NW 91st Avenue, Miami, FL 33172–1217.

Commander in Chief, U.S. Special Operations Command, MacDill Air Force Base, FL 33608–6001.

Army Field Operating Agencies, Subordinate Commands, and Major Installations

Alabama

Commander, U.S. Army Safety Center, 5th Avenue, Fort Rucker, AL 36362–5363.

Commander, Annistron Army Depot, 7 Frankford Avenue, Anniston, AL 36201–5001.

Commander, U.S. Army Engineer Division Huntsville, 4820 University Square, Huntsville, AL 35816–1822.

Commander, U.S. Army Engineering and Support Center P.O. Box 1600, Huntsville, AL 35807–4301.

Commander, U.S. Army Aviation and Missile Command, Redstone Arsenal, AL 35898–5000.

Commander, Fort McClellan, Fort McClellan, AL 36205–5000.

Commander, U.S. Army Aviation Center and Fort Rucker, Fort Rucker, AL 36362–5000.

Commander, U.S. Army Engineer District Mobile, P.O. Box 2288, Mobile, AL 36628–0001.

Commander, Alabama Army Ammunition Plant, 110 Highway No. 235, Childersburg, AL 35044–1021.

Alaska

Commander, U.S. Army Engineer District Alaska, P.O. Box 898, Anchorage, AK 99506–0898.

Commander, U.S. Army Alaska, Fort Richardson, AK 99505–0898.

Commander, U.S. Army Cold Region Test Center, Fort Greely, AK APO AP 98733–5000.

Arizona

Commander, U.S. Army Intelligence Center and Fort Huachuca, Fort Huachuca, AZ 85613–6000.

Commander, U.S. Army Yuma Proving Ground, Yuma, AZ 85635–9102.

Commander, U.S. Army Signal Command, Fort Huachuca, AZ 85613–5000.

Arkansas

Commander, U.S. Army Engineer District Little Rock, P.O. Box 867, Little Rock, AR 72203–0867.

Commander, U.S. Army Pine Bluff Arsenal, Pine Bluff, AR 71602–9500.

California

Commander, U.S. Army Engineer Division South Pacific, 333 Market Street, San Francisco, CA 94105–2195.

Commander, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, CA 90053–2325.

Commander, U.S. Army Engineer District Sacramento, 1325 J Street, Sacramento, CA 95814–2922.

Commander, U.S. Army Engineer District San Francisco, 211 Main Street, San Francisco, CA 94105–1905.

South Pacific Laboratory, 25 Liberty Ship Way, Sausalito, CA 94965–1768.

Commander, U. S. Army National Training Center and Fort Irwin, Fort Irwin, CA 92310–5000.

Colorado

Commander, U.S. Army Space Command, 1670 North Newport Road, Colorado Springs, CO 80916–2749.

Commander, Fitzsimons Army Medical Center, Denver, CO 80045–5001.

Commander, 4th Infantry Division (MECH) and Fort Carson, Fort Carson, CO 80913–5000.

District of Columbia

Commander, U.S. Army Center of Military History, 102 4th Avenue, Fort McNair, DC 20319–5058.

Commander, Walter Reed Army Medical Center, 6925 16th Street NW, Washington, DC 20307–5001.

Commander, Fort Lesley J. McNair, 4th and P Streets SW, Washington, DC 20319–5000.

Armed Forces Institute of Pathology, Washington, DC 20307.

Commander, U.S. Army Physical Disability Agency FGS–WRAMC, Washington, DC 20307–5001.

Florida

Commander, U.S. Army Engineer District, Jacksonville, P.O. Box 4970, Jacksonville, FL 32232–0019.

Georgia

Commander, U.S. Army Reserve Command, 3800 North Camp Creek Pkwy SW, Atlanta, GA 30331–5099.

Commander, Dwight David Eisenhower Army Medical Center, Fort Gordon, GA 30905–5650.

Commander, U.S. Army Signal Center and Fort Gordon, Fort Gordon, GA 30905–5000.

Commander, Fort McPherson, Fort McPherson, GA 30330–5000.

Commander, Fort Stewart and Hunter Army Airfield, Hinesville, GA 31313–5000.

Commander, U.S. Army Engineer District Savannah, P.O. Box 889 Savannah, GA 31402–0889.

Commander, U.S. Army Engineer Division South Atlantic, 77 Forsyth Street, SW, Atlanta, GA 30335–3490.

Hawaii

Commander, U.S. Army Engineer Division Pacific Ocean, Building 230, Fort Shafter, HI 96858–5440.

Commander, U.S. Army Engineer District Honolulu, Building 230, Fort Shafter, HI 96858–5440.

Commander, Tripler Army Medical Center, 1 Jarrett White Road, Honolulu, HI 96859–5000.

Illinois

Commander, U. S. Military Entrance Processing Command, 2500 Green Bay Road, North Chicago, IL 60064–3094.

Commander, U.S. Army Engineer District Chicago, 111 North Canal Street, Suite 600, Chicago, IL 60606–7205.

Commander, U.S. Army Engineer District Rock Island, P.O. Box 2004, Rock Island, IL 61204–2004.

Commander, U.S. Army Construction, Engineering Research Laboratories, P.O. Box 9005, Champaign, IL 61826–9005.

Commander, U.S. Army Industrial Operations Command, Rock Island, IL 61299–5000.

Commander, Rock Island Arsenal Rock Island, IL 61299–5000.

Commander, U.S. Army Engineer Division North Central, 536 South Clark Street, Chicago, IL 60605–1892.

Indiana

Defense Finance and Accounting Service, Building 1225A, Fort Benjamin Harrison, IN 46249–1601.

Commander, U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Fort Benjamin E. Harrison, IN 46249–5301.

Kansas

Commander, U.S. Army Combined Arms Center and Fort Leavenworth, Fort Leavenworth, KS 66027–5000.

Commandant, U.S. Army Command and General Staff College, Fort Leavenworth, KS 66027–5000.

Commander, U.S. Army Disciplinary Barracks, Fort Leavenworth, KS 66027–5000.

Commander, 1st Infantry Division and Fort Riley, Fort Riley, KS 66442–5000.

Kentucky

Commander, U.S. Army Recruiting Command, 1307 3rd Avenue, Fort Knox, KY 40121–2726.

Commander, U.S. Army Engineer District Louisville, P.O. Box 59, Louisville, KY 40201–0059.

Commander, U.S. Army 101st Airborne Division and Fort Campbell, Fort Campbell, KY 42223–5000.

Commander, U.S. Army Armor Center and Ft Knox, Fort Knox, KY 40121–5000.

Commander, Blue Grass Army Depot, 2091 Kingston Highway, Richmond, KY 40475–5000.

Louisiana

Commander, U.S. Army Engineer District New Orleans, P.O. Box 60627, New Orleans, LA 70160–0267.

Maine

Commander, U.S. Army Engineer District New England, Frederick C. Murphy Federal Building, 424 Trapelo Road, Waltham, MA 02254–9149.

Maryland

Commander, U.S. Army Physical Disability Agency, 8120 Woodmont Avenue, Bethesda, MD 20814–2796.

Commander, U.S. Army Central Personnel Security Clearance Facility, Pike Road, Fort Meade, MD 20755–5250.

Commander, U.S. Army Engineer District, Baltimore and Supervisor of Harbor Baltimore, P.O. Box 1715, Baltimore, MD 21203–1715.

Commander, U.S. Army Research Laboratory, Adelphi, MD 20783–1197.

Commander, U.S. Army Chemical and Biological Defense Command. Aberdeen Proving Ground, MD 21010–5423.

Commander, U.S. Army Test and Evaluation Command, Aberdeen Proving Ground, MD 21005–5055.

Commander, U.S. Army Aberdeen Proving Ground, Aberdeen Proving Ground, MD 21005–5000.

Commander, U.S. Army Environmental Center, Aberdeen Proving Ground, MD 21005–5422.

Commander, U.S. Army Ordnance Center, Aberdeen Proving Ground, MD 21005–5201.

Commander, Fort George G. Meade, Fort George G. Meade, MD 20755–5000.

Commander, U.S. Army Garrison, Fort Ritchie, MD 21719–5010.

Massachusetts

Commander, U.S. Army Soldier Systems Command, Natick, MA 01760–6000.

Commander, U.S. Army Natick Research, Development, and Engineering Center, Natick, MA 01760–5000.

Commander, U.S. Army Engineer Division New England, 424 Trapelo Road, Waltham, MA 02234–9149.

Michigan

Commander, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, MI 48231–1027.

Commander, U.S. Army Tank-Automotive Command, Warren, MI 48397–5000.

Minnesota

Commander, U.S. Army Engineer District St. Paul, Army Corps of Engineers Centre, 190 5th Street East, St. Paul, MN 55101–1638.

Mississippi

Commander, U.S. Army Engineer Division, Mississippi Valley, P.O. Box 80, Vicksburg, MS 39181–0080.

Commander, U.S. Army Engineer District Vicksburg, 4155 Clay Street, Vicksburg, MS 39180–3435.

Commander, U.S. Army Engineers, Waterways Experiment Station, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199.

Lower Mississippi Valley Division, 3909 Halls Ferry Road, Vicksburg, MS 39180–0080.

Missouri

Commander, U.S. Army Reserve Personnel Center, 9700 Page Avenue, St. Louis, MO 63132–5200.

Commander, U.S. Army Engineer District St. Louis, 122 Spruce Street, St. Louis, MO 63103–2833.

Commander, U.S. Army Engineer District Kansas City, 700 Federal Building, Kansas City, MO 64106–2896.

Commander, U.S. Army Engineer Center, Fort Leonard Wood, MO 65473–5000.

Commander, U.S. Army Engineer District St. Louis, 210 Tucker Boulevard N, St. Louis, MO 63101–1986.

National Personnel Records Center (Civilian), 111 Winnebago Street, St. Louis, MO 63118–4199.

Nebraska

Commander, U.S. Army Engineer District Omaha, 215 North 17th Street, Omaha, NE 68102–4978.

Chemistry and Material Quality Assurance Laboratory, 420 South 18th Street, Omaha, NE 68102–2586.

New Hampshire

Commander, U.S. Army Cold Regions, Research and Engineering Laboratory, 72 Lyme Road, Hanover, NH 03755–1290.

New Jersey

Commandant, U.S. Military Academy Preparatory School, Fort Monmouth, NJ 07303–5000.

Commander, U.S. Army Communications–Electronics Command, Fort Monmouth, NJ 07703–5000.

Commander, Picatinny Arsenal, Dover, NJ 07801–5000.

Commander, U.S. Army Training Center and Fort Dix, Fort Dix, NJ 98640–5000.

Commander, U.S. Army Armament Research Development and Engineering Center, Picatinny Arsenal, NJ 07806–5000.

New Mexico

Commander, U.S. Army Engineer District Albuquerque, 4101 Jefferson Plaza NE, Albuquerque, NM 87109–3435.

Commander, White Sands Missile Range, NM 88002–5031.

New York

Commander, United States Military Academy West Point, NY 10996–2001.

Commander, U.S. Army Engineer District New York and Supervisor of New York Harbor, 26 Federal Plaza, New York, NY 10278–0090

Commander, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, NY 14207–3199.

Commander, U.S. Army Engineer Division North Atlantic, 90 Church Street, New York, NY 10007–2979.

Commandant, U.S. Army Chaplain School Fort Wadsworth, Staten Island, NY 10305–5000.

North Carolina

Commander, U.S. Army Engineer District Wilmington, P.O. Box 1890, Wilmington, NC 28402–1890.

Commander, Womack Army Medical Center, Ft Bragg, NC 28307–5000.

Commander, Army Special Forces (Airborne) Command, Fort Bragg, NC 28307–5200.

Commander, U.S. Army John F. Kennedy Special Warfare Center and School, Fort Bragg, NC 28307–5200.

Commander, XVIII Airborne Corps-Fort Bragg, Fort Bragg, NC 28307–5000.

Ohio

Commander, U.S. Army Engineer Division Great Lakes and Ohio River, P.O. Box 1159, Cincinnati, OH 45202–2215.

Oklahoma

Commander, U.S. Army Engineer District Tulsa, P.O. Box 61, Tulsa, OK 74121–0061.

Commander, U.S. Army Ammunition Plant, McAlester, OK 74121–5000.

Commander, U.S. Army Field Artillery Center and Fort Sill, Fort Sill, OK 73503–5000.

Oregon

Commander, U.S. Army Engineer North Pacific Regional, P.O. Box 2870, Portland, OR 97208–2870.

Commander, U.S. Army Engineer District Portland, P.O. Box 2946, Portland, OR 97208–2946.

Commander, U.S. Army Engineer Division Northwestern, P.O. Box 2870, Portland, OR 97208–2870.

Pennsylvania

U.S. Army Center of Military History, 22 Ashburn Drive, Carlisle Barracks, Carlisle, PA 17103–5008.

Commander, U.S. Army War College, 122 Forbes Avenue, Carlisle Barracks, PA 17013–5215.

Commander, U.S. Army Engineer District Pittsburgh, William S. Moorehead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222–4186.

Commander, U.S. Army Engineer District Philadelphia, 100 Penn Square East, Philadelphia, PA 19107–3390.

Director, U.S. Army Marine Design Center, 100 Penn Square East, Philadelphia, PA 19107–3391.

Commander, Letterkenny Army Depot, Chambersburg, PA 17201–4150.

Commander, Tobyhanna Army Depot, Tobyhanna, PA 18466–5000.

South Carolina

Commander, U.S. Army Training Center and Fort Jackson, Fort Jackson, SC 29207–5000.

Commander, U.S. Army Engineer District Charleston, P.O. Box 919, Charleston, SC 29402–0919.

Tennessee

Commander, U.S. Army Engineer District Nashville, P.O. Box 1070, Nashville, TN 37202–1070.

Commander, U.S. Army Engineer District Memphis, 167 North Main Street, Memphis, TN 38103–1894.

Director, U.S. Army Corps of Engineers Finance Center, 7800 Third Street, Milington, TN 38054–8001.

Commander, Holston Army Ammunition Plant, 4509 West Stone Drive, Kingsport, TN 37660–9982.

Texas

Commander, U.S. Army Medical Command, Fort Sam Houston, TX 78234–6000.

Commander, U.S. Army Engineer Division Southwestern, 1114 Commerce Street, Dallas, TX 75242–0216.

Commander, U.S. Army Engineer District Fort Worth, P.O. Box 17300, Fort Worth, TX 76102–0300.

Commander, U.S. Army Engineer District Galveston, P.O. Box 1229, Galveston, TX 77553–1229.

Southwestern Laboratory, 4815 Cass Street, Dallas, TX 75235–8011.

Commander, Brooke Army Medical Center, 3851 Roger Brooke Drive, Fort Sam Houston, TX 78234–6200.

Commander, William Beaumont Army Medical Center, 5005 North Piedras St, El Paso, TX 79920–5001.

Commander, U.S. Army Medical Department Center and School, Fort Sam Houston, TX 78234–5000.

Commander, Fifth U.S. Army, Fort Sam Houston, TX 78234–5000

Commander, U.S. Army Air Defense Artillery School, Fort Bliss, TX 79916–7000.

Commander, III Corps and Fort Hood, Fort Hood, TX 76544–5000

Commander, Red River Army Depot, Texarkana, TX 75507–5000.

Utah

Commander, U.S. Army Dugway Proving Ground, Dugway, UT 84022–5000.

Commander, Tooele Army Depot, Tooele, UT 84074–5000.

Virginia

Commander, U.S. Total Army Personnel Command, Hoffman Building I, 200 Stovall Street, Alexandria, VA 22332–0400.

Commander, U.S. Army Combine Arms Support Command and Fort Lee, Fort Lee, VA 23801–5000.

Commander, U.S. Army Operational Test and Evaluation Command, 4501 Ford Avenue, Alexandria, VA 22302–1458.

Commandant, The Judge Advocate General's School U.S. Army, Charlottesville, VA 22903–1781.

Commander, U.S. Army Legal Service Agency, 5611 Columbia Pike, Falls Church, VA 22041–5013.

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0500.

Commander, U.S. Army Research Institute for the Behavioral and Social Sciences, 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

Administrator, U.S. Army Civilian Appellate Review Agency, NASSIF Building, Falls Church, VA 22041–5091.

Commader, Gulf War Declassification Project, 5111 Leesburg Pike, Falls Church, VA 22041–3206.

Commander, Casualty and Memorial Affairs, 2461 Eisenhower Avenue, Alexandria, VA 22041–3206.

Department of Army, Freedom of Information Act Office, 1725 Jefferson Davis, Arlington, VA 22202–4102.

Commander, U.S. Armed Services Center for Research of Unit Records, 7798 Cissna Road, Springfield, VA 22150–3197.

Director, The Institute of Heraldry, 9325 Gunston Road, Fort Belvoir, VA 22050–5579.

Commander, U.S. Army Engineer District Norfolk and Supervisor of Norfolk Harbor, 803 Front Street, Norfolk, VA 23510–1096.

Commander, U.S. Army Engineer Trans Atlantic Programs Center, P.O. Box 2250, Winchester, VA 22604–1450.

Director, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22315–3862.

Director, U.S. Army Support Activity, Humphreys Engineer Center, 7701 Telegraph Road, Alexandria, VA 22315–3860.

Director, U.S. Army Corps of Engineers, Water Resources Support Center, 7701 Telegraph Road, Alexandria, VA 22315–3868.

Commander, U.S. Army Topographic Engineering Center, 7701 Telegraph Road, Alexandria, VA 22315–3864.

Director, U.S. Army Crime Records Center, 6010 6th Street, Fort Belvoir, VA 22060–6686.

Commander, U.S. Army Security Assistance Command, Alexandria, VA 22333–1000.

Commander, U.S. Army Space and Missile Defense Command, P.O. Box 15280, Arlington, VA 22215–0280.

Commander, U.S. Army Transportation Center and Fort Eustis, Fort Eustis, VA 23604–5000.

Commandant, U.S. Army Logistics Management College, Fort Lee, VA 23801–5000.

Commander, U.S. Army Quartermaster Center and School, Fort Lee, VA 23801–5000.

Washington

Commander, U.S. Army Engineer District Seattle, P.O. Box 3755, Seattle, WA 98124–3755.

Commander, U.S. Army Engineer District Walla Walla, 201 North Third Avenue, Walla Walla, WA 99362–1876.

Commander, Madigan Army Medical Center, Tacoma, WA 98431–1110.

Commander, Fort Lewis and I Corps, Fort Lewis, WA 98433–5000.

West Virginia

Commander, U.S. Army Engineer District, Huntington 502 8th Street, Huntington, WV 25701–2070.

Wisconsin

Commander, Fort McCoy, Sparta, WI 54656–5000.

Overseas

Commander, U.S. Army Engineer District Far East, Unit 15546, APO AP 96205–0610.

Commander, U.S. Army Engineer District Japan, USAED–J Unite 45010, APO AP 96338–5010.

[FR Doc. 98–4317 Filed 2–19–98; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Procurement Technical Assistance Cooperative Agreement Program

AGENCY: Defense Logistics Agency (DLA).

ACTION: Notice of Solicitation for cost-sharing cooperative agreement applications.

SUMMARY: On March 17, 1997, the DLA, Office of Small and Disadvantaged Business Utilization, published the revised procedures to implement Title 10, United States Code, Chapter 142, as amended, in Volume 62, Number 51, pages 12610–12622 of the **Federal Register**. Title 10, United States Code, Chapter 142, as amended, authorizes the Secretary of Defense, acting through the Director, DLA, to enter into cost-sharing cooperative agreements to support new and existing procurement technical assistance programs established by state and local governments, private nonprofit organizations, Indian tribal organizations, and Indian-owned economic enterprises. This notice provides clarification regarding the application process.

CLARIFICATION: DLA issued Solicitation Number 96–1 for cooperative agreement applications for the General Program on April 5, 1996, and Solicitation Number 96–2 for applications for the American Indian Program on June 12, 1996, respectively. These solicitations also governed the submission of applications for Fiscal Year 1998. Eligible entities and other interested parties may obtain copies of the solicitation from the Office of Small and Disadvantaged Business (DDAS), 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221.

1. Eligible Entities Qualifying to Submit an Application Under the General Program

a. State

Any of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, exclusive of local governments. The term does not include any public and Indian housing agency under the US Housing Act of 1937.

b. Local Government

A county, municipality, city, town, township, local public authority (including any public and Indian Housing agency under the US Housing Act of 1937), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity, or any agency or instrumentality of a local government. The term does not include institutions of high education and hospitals.

C. Private, Nonprofit Organization

A business entity organized and operated exclusively for charitable, scientific, or education purposes, of which no part of the earnings inure to the benefit of any private shareholder or individual, of which no substantial part of the activities is carrying on propaganda or otherwise attempting to influence legislation or participating in any political campaign on behalf of any candidate for public office, and which are exempt from Federal income taxation under section 501 of the Internal Revenue Code.

d. Indian Economic Enterprise

Any Indian-owned (as defined by the Secretary of the Interior) commercial, industrial, or business activity established or organized, whether or not such economic enterprise is organized for profit or nonprofit purposes: Provided, that such Indian ownership shall constitute not less than 51 per centum of the enterprise.

c. Indian/Tribal Organization

The recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: Provided, that in any case where a cooperative agreement is let or made to an organization to perform services benefiting more than one India tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such cooperative agreement.

2. Eligible Entities Qualifying to Submit an Application Under the American Indian Program

a. Indian Economic Enterprise

Any Indian-owned (as defined by the Secretary of the Interior) commercial, industrial, or business activity established or organized, whether or not such economic enterprise is organized for profit or nonprofit purposes: Provided, that such Indian ownership shall constitute not less than 51 per centum of the enterprise.

b. Indian/Tribal Organization

The recognized governing body of any Indian tribe; any legally established organization Indians which is controlled, sanctioned, or chartered by such governing body, or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities: Provided, that in any case where a cooperative agreement is let or made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such cooperative agreement.

3. Submission of FY 1998 applications for a new start program is April 1 through April 30, 1998. FY 1997 cooperative agreement recipients have 30 calendar days after receipt of the Government's preliminary notice of intent to exercise the option for FY 1998 to submit their applications.

4. An application conference will be held at the DLA Headquarters, Room 2421, 8725 John J. Kingman Road, Fort Belvoir, VA, starting at 9:00 AM on March 18, 1998, and at the Bahia Hotel, 998 West Mission Bay Drive, San Diego, CA, starting at 1:00 PM on March 31, 1998. Potential attendees should notify the Office of Small and Disadvantaged Business Utilization at (730) 767–1663, not later than March 6, 1998, if they plan on attending either location.

FOR FURTHER INFORMATION CONTACT:

Mr. Anthony Kuders, Deputy Director, Office of Small and Disadvantaged Business Utilization (DDAS), Defense Logistics Agency, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060–6221, Telephone (703) 767–1663.

Lloyd C. Alderman,

Director, Small and Disadvantaged Business Utilization.

[FR Doc. 98–4351 Filed 2–19–98; 8:45 am]

BILLING CODE 3620–01–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Computer Matching Program

AGENCY: Defense Manpower Data Center, DLA, DoD.

ACTION: Notice amendment.

SUMMARY: The Department of Defense is amending the effective date of a Computer Matching notice between DoD and HUD. This amendment brings the notice into compliance with the 30-day statutory public comment period.

DATES: This effective date of the Computer Matching notice between DoD and HUD is amended to read March 24, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Vahan Mousehegian, Jr., at 703–607–2943.

SUPPLEMENTARY INFORMATION: On February 9, 1998, at 63 FR 6542, the Department published a Computer Matching notice between DoD and HUD. This amendment brings the notice into compliance with the 30-day statutory public comment period.

Dated: February 17, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–4316 Filed 2–19–98; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–125–001]

Columbia Gulf Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

February 13, 1998.

Take notice that on February 10, 1998, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised sheets bearing a proposed effective date of March 2, 1998:

Fifth Revised Sheet No. 130

Columbia Gulf states that on January 30, 1998, Columbia Gulf filed revised tariff sheets in Docket No. RP98–125–000 to re-incorporate the term ''Offsystem-Onshore Zone'' into the General Terms and Conditions (GTC) of Columbia Gulf's tariff. The term had been mistakenly omitted in other Columbia Gulf filings. By the Commission's order issued February 5, 1998, in Docket No. RP98–125–000, Columbia Gulf is tendering the instant filing to eliminate duplicate tariff sheet pagination. The January 30, 1998 filing contained Fourth Revised Sheet No. 130, but should have been paginated as Fifth Revised Sheet No. 130 according to the Commission's pagination guidelines. The instant filing corrects the pagination and complies with the Commission's order.

Columbia Gulf states that copies of its filing have been mailed to all firm customers, interruptible customers, and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, 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 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4278 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–363–012]

El Paso Natural Gas Company; Notice of Tariff Filing

February 13 1998.

Take notice that on February 9, 1998, El Paso Natural Gas Company (El Paso) tendered for filing as part of its FERC Gas Tariff, the following tariff sheets to become effective February 1, 1998:

Second Revised Volume No. 1–A

Thirteenth Revised Sheet No. 20
Seventeenth Revised Sheet No. 24
Thirteenth Revised Sheet No. 27
Fifth Revised Sheet No. 29

Third Revised Volume No. 2

Thirty-sixth Revised Sheet No. 1–D.3

El Paso states that the tendered tariff sheets implement the pro forma fuel charge provisions that were recently approved by the Commission in this proceeding.

Any person 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 should 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 are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4272 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–221–000]

Iroquois Gas Transmission System L.P.; Notice of Request Under Blanket Authorization

February 13, 1998.

Take notice that on February 6, 1998, Iroquois Gas Transmission System, L.P. (Iroquois), One Corporate Drive, Suite 600, Shelton, Connecticut 06484, filed in Docket No. CP98–221–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate a third meter run at its existing Northport Meter Station, located in Suffolk County, New York, to permit additional capability to serve Long Island Lighting Company (LILCO), under Iroquois' blanket certificate issued in Docket No. CP89–634–000, pursuant to Section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Iroquois proposes to construct and operate a third meter run at Iroquois; Northport Meter Station, located in Suffolk County, New York, to provide additional capacity to serve LILCO at that delivery point. LILCO proposes the conversion of an existing 380 MW generating unit at its Northport Power Station to provide it with dual fuel capability and the addition of a third meter run would provide additional capacity at the meter station to meet LILCO's planned requirements. Iroquois declares the third meter run would increase the delivery capability at the Northport Meter Station from approximately 213 MMcf to approximately 312 MMcf per day.

Iroquois states the estimated cost of the third meter run is $190,000, which will be recovered through the provision of additional deliveries to LILCO.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn 30

days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4269 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–373–010]

Koch Gateway Pipeline Company; Notice of Proposed Changes To FERC Gas Tariff

February 13, 1998.

Take notice that on February 10, 1998, Koch Gateway Pipeline Company (Koch) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheet to be effective December 1, 1997:

Substitute Fourth Revised Sheet No. 1807

Koch states that it is submitting this Substitute Fourth Revised Sheet No. 1807 to replace a previously accepted version of Sheet No. 1807 with a modification that was the intention of the previous filing.

Koch states that copies of this filing have been served upon each party contained in the official service list as compiled by the Secretary in the above captioned proceeding.

Any person 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 appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4276 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER98–11–000 and EL98–22–000]

Long Island Lighting Company; Notice of Initiation of Proceeding and Refund Effective Date

February 13, 1998.

Take notice that on February 12, 1998, the Commission issued an order in the above-indicated dockets initiating a proceeding in Docket No. EL98–22–000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL98–22–000 will be 60 days after publication of this notice in the **Federal Register.**

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4267 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–575–000]

MAC Power Marketing, L.L.C.; Notice of Issuance of Order

February 13, 1998.

MAC Power Marketing, L.L.C. (MAC Power) submitted for filing a rate schedule under which MAC Power will engage in wholesale electric power and energy transactions as a marketer. MAC Power also requested waiver of various Commission regulations. In particular, MAC Power requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by MAC Power.

On December 16, 1997, pursuant to delegated authority, the Director, Division of Rate Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by MAC Power should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, MAC Power is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of MAC Power's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 16, 1998. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4270 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–132–000]

Mississippi River Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 13, 1998.

Take notice that on February 10, 1998, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No.1, Fourth Revised Sheet No. 9, to be effective March 12, 1998.

MRT states that the purpose of this filing is to provide for recovery of additional prior period adjustments to MRT's Account No. 191 balance, representing amounts paid by MRT to resolve litigation involving pre-Order No. 636 gas purchase contracts, pursuant to Sections 16.2(b) and (c) of the General Terms and Conditions of MRT's Tariff.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be

filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. 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 in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4282 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–216–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

February 13, 1998.

Take notice that on February 3, 1998, as supplemented on February 5, 1998, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, NE 68124–1000, filed in Docket No. CP98–216–000 a request pursuant to Sections 157.205, 157.212(a), and 157.216(b) of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212(a), and 157.216(b)) for authorization to abandon the Glenwood, Iowa branchline and to relocate two small volume farm taps all located in Mills County, Iowa, under the blanket certificate issued in Docket No. CP82–401–000, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to abandon approximately 0.2 miles of 2-inch pipe and 1.1 miles of 3-inch lines which were installed in 1950 and 1934, respectively. Northern is requesting abandonment of the Glenwood branchline due to the age of the pipeline. Specifically, Northern asserts that the 3-inch pipeline has deteriorated to the point where it needs to be replaced. Additionally, Northern notes that the 3-inch line crosses 9 out of 11 lots in a new housing development which, per Department of Transportation regulations, requires a class location change. Rather than replace the existing Glenwood branchline in its current location, Northern proposes to abandon the line. Northern notes that it will provide the same service to Glenwood, Iowa via a replacement line installed at a more accessible location under Blanket Authority. The 2-inch line was originally installed to augment service to Glenwood, Iowa but will be rendered useless once the 3-inch line is abandoned. As a result of the abandonment, Northern notes that two farm taps located along the 3-inch line require removal and relocation.

Northern notes that it will utilize the most efficient method of abandonment based on circumstances at the time of abandonment. Generally, Northern proposes to abandon in-place pipeline at unique situations where the environment is better protected by not removing the pipeline. Northern contends that it will also restore the area to its original condition by reseeding or allowing resumption of farming activity (or as specified by landowner). Northern states that the affected state commission has been mailed copies of this request. Northern submitted letters with the customers consenting to the pipeline project.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed authorized effective the day after the time allowed for filing a request. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protests, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4268 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–129–000]

Northwest Pipeline Corporation; Notice of Petition for Grant of Limited Waiver of Tariff

February 13, 1998.

Take notice that on February 9, 1998, pursuant to Rule 207(a)(5) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(5), Northwest Pipeline Corporation (Northwest) tendered for filing a Petition for Grant of Limited Waiver of Tariff.

Northwest seeks a waiver of the Commission's first-come, first-served policy as reflected in Section 1 of Northwest's Rate Schedule TI–1 and in the Priority Date provisions in Section 12.3 of the General Terms and Conditions of Northwest's FERC Gas Tariff, Third Revised Volume No. 1, in order to allow the receipt point priority dates held by Vastar Gas Marketing, Inc. (Vastar) under an interruptible transportation agreement dated November 1, 1997, as amended, to be retained by Vastar's assignee and affiliate, Southern Company Energy Marketing L.P.

Northwest states that a copy of this filing has been served upon Northwest's jurisdictional customers and upon affected state regulatory commissions.

Any person desiring to be heard or protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4279 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–306–005]

Paiute Pipeline Company; Notice of Refund Report

February 13, 1998.

Take notice that on January 15, 1998, Paiute Pipeline Company (Paiute) filed its report of refunds in the above referenced docket for the period January 1, 1997, through July 31, 1997.

Paiute states that on December 16, 1997, it distributed refunds in compliance with Section 3.3 of the Settlement approved by the Commission on October 21, 1997, in Docket No.

RP96–306–000 (Settlement). Section 3.3 of the Settlement requires Paiute to distribute refunds to each of its jurisdictional transportation and storage customers within sixty days of the effective date of the Settlement.

Any person 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 should be filed on or before February 19, 1998. 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 proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4273 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–130–000]

Questar Pipeline Company; Notice of Tariff Filing

February 13, 1998.

Take notice that on February 9, 1998, Questar Pipeline Company tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet No. 164 to be effective March 11, 1998.

Questar states that the proposed tariff sheet revises Section 6, ''Transfer of Gas in Storage'' of the General Terms and Conditions of Part 3 of its tariff to allow in-place transfers of working gas between shippers receiving storage service under different rate schedules, i.e., FSS and ISS.

Questar states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah and the Wyoming Public Service Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should 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 are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4280 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER98–1096–000, ER94–1348–000, ER95–1468–000, OA96–27–000, and EL98–24–000]

Southern Company Services, Inc.; Notice of Initiation of Proceeding and Refund Effective Date

February 13, 1998.

Take notice that on February 12, 1998, the Commission issued an order in the above-indicated dockets initiating a proceeding in Docket No. EL98–24–000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL98–24–000 will be 60 days after publication of this notice in the **Federal Register**.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4266 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–131–000]

Sumas International Pipeline Inc.; Notice of Compliance Filing and Request for Certain Waivers

February 13, 1998.

Take notice that on February 10, 1998, Sumas International Pipeline Inc. (SIPI) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, the tariff sheets listed in Appendix A to the filing, to become effective April 1, 1998.

SIPI asserts that the purpose of this filing is to comply with Order No. 587 issued on July 17, 1996, and the Notice Clarifying Procedures for Filing Pro-Forma Tariff Sheets issued on September 12, 1996, in Docket No. RM96–1–000. These pro-forma sheets reflect the requirement that interstate natural gas pipelines follow standardized procedures for critical business practices (nominations; allocations, balancing and measurement; invoicing; and capacity release) and standardized protocols and file formats for electronic communication except where waivers have been requested.

SIPI states that copies of this filing were mailed to all customers of SIPI and Interested Parties.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before February 20, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4281 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–143–009]

T C P Gathering Co.; Notice of Tariff Filing

February 13, 1998.

Take notice that on February 9, 1998, T C P Gathering Co., (TCP) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheet, to be effective June 1, 1997:

Substitute First Revised Sheet No. 103

TCP states that the above reference tariff sheet is being filed to correct pagination of Sheet No. 103. On July 28, 1997, an order was received directing TCP to repaginate First Revised Sheet No. 103 in the June 9th filing as ''Second Revised Sheet No. 103''. TCP complied with this request in its August 12, 1997 filing. However, due to a timing discrepancy not apparent at the time, this page reference was inappropriate. ''Second Revised Sheet No. 103'' designation had already been used in a July 1, 1997 filing in this docket to reflect other changes required by OPR in previous orders. Therefore,

TCP is submitting repaginated Sheet No. 103 as Substitute First Revised Sheet No. 103.

TCP states that copies of the filing were served upon TCP's jurisdictional customers, interested public bodies and all parties to the proceeding.

Any person 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. 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. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4275 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–133–000]

Texas Eastern Transmission Corporation; Notice of Compliance Filing

February 13, 1998.

Take notice that on February 10, 1998, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing notification of the proposed change of service resulting from the transfer of certain facilities.

Texas Eastern asserts that the purpose of this filing is to comply with the Commission's order issued December 1, 1997, as clarified on February 6, 1998, in Docket No. CP97–677–000 which authorizes Texas Eastern to abandon by sale to CCNG Gas Gathering, L.P. (CCNG) certain facilities. Texas Eastern states that no contracts will be terminated as a result of the abandonment and that equivalent quantities of natural gas can be made available to Duke Energy Trading and Marketing, L.L.C. (DETM), the only shipper currently using the facilities to be transferred, at other interconnections on Texas Eastern's system.

Texas Eastern states that copies of the filing were served on their firm customers and interested state commissions.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. 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 in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4283 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP97–71–009 and RP97–312–004]

Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 13, 1998.

Take notice that on February 10, 1998, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Substitute Original Sheet No. 33. The tariff sheet is proposed to become effective May 1, 1997.

Transco states that the purpose of the instant filing is to supplement Transco's Stipulation and Agreement (Agreement) filed on January 20, 1998 in order to correct an error on Original Sheet No. 33 proposed effective May 1, 1997, which sheet was included in Appendix D to the Agreement. Specifically, Original Sheet No. 33, which sets forth the rates and charges applicable to gathering service provided by Transco, incorrectly reflects rates and charges for firm gathering service effective May 1, 1997. Original Sheet No. 33 should only reflect rates and charges for interruptible gathering service as of that date. Thus, Substitute Original Sheet No. 33 submitted herein, eliminates the reference to firm gathering service on the tariff sheet proposed effective May 1, 1997.

The test of the Agreement at Section C of Article VI, correctly states the agreement of the participants that Transco shall implement the firm rate for gathering service ''upon the effectiveness of this Agreement''. The pro forma Sheet No. 33 included in Appendix D to the Agreement will remain unchanged, as it reflects rates and charges applicable to interruptible and firm gathering service to be effective prospectively upon the effective date of the Agreement.

Transco states that it is serving copies of the instant filing to its affected customers and interested State Commissions.

Any person 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 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.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4274 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–105–001]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

February 13, 1998.

Take notice that on February 10, 1998, Williams Gas Pipelines Central, Inc., formerly Williams Natural Gas Company (Williams), tendered for filing its compliance filing in the above referenced docket.

Williams states that by order issued January 30, 1998, the Commission accepted Williams' GSR filing to be effective February 1, 1998, and directed Williams to file, within 10 days of the date of the order, its firm transportation customer MDTQ's as of December 31, 1997, and an explanation of any differences between the MDTQ's used in its previous filing and the MDTQ's included in this filing; between its most recent customer index and the MDTQ's included in this filing; and between the January 1, 1998 MDTQ's and the December 31, 1997 MDTQ's. This filing is being made to comply with the order.

Williams states that a copy of its filing was served on all participants listed on the service lists maintained by the Commission in the dockets referenced above and on all of Williams' jurisdictional customers and interested state commissions.

Any person desiring to protest this 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 protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4277 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–526–000]

Southern Natural Gas Company; Notice of Availability of the Environmental Assessment For The Proposed East Tennessee Expansion Project

February 13, 1998.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Southern Natural Gas Company in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of the proposed natural gas expansion facilities including:

- East Tennessee Lateral—2.81 miles of 8-inch-diameter pipeline in Catoosa County, Georgia and Hamilton County, Alabama;
- Ocmulgee-Atlanta Loop—8.03 miles of 30-inch-diameter pipeline in Spalding and Henry Counties, Georgia;
- 2nd North Main Loop—2.81 miles of 24-inch-diameter pipeline in Pickens County, Alabama;
- South Main 3rd Loop—4.63 miles of 30-inch-diameter pipeline in Perry County, Alabama;
- Macon Branch Loop—10.73 miles of 16-inch-diameter pipeline replacing an existing 12-inch-diameter Pipeline in Fulton and Clayton Counties, Georgia;
- Rome Compressor Station—3,755 horsepower (hp) installed at a new compressor station in Floyd County, Georgia;
- Bell Mills Compressor Station—1,415 hp added to an existing compressor station in Cleborne County, Alabama;
- Auburn Compressor Station—5,320 hp increased by modifications to two units at an existing compressor station in Lee County, Alabama;
- York Compressor Station—5,320 hp increased by modifications to two units at an existing compressor station in Sumter County, Alabama;
- East Tennessee Meter Station—new meter station at the terminus of the proposed East Tennessee Lateral in Hamilton County, Tennessee;
- Cleveland Branch Meter Station—expansion of an existing meter station in Bradley County, Tennessee; and
- Cartersville Gate Regulator Station—new regulator station in Floyd County, Georgia.

The purpose of the proposed facilities would be to provide about 64,911 thousand cubic feet of natural gas per day in new firm transportation services between 1998 and the year 2000 to 15 different shippers.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, N.E., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspaper, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental Review and Compliance Branch, PR–11.1
- Reference Docket No. CP97–526–000; and
- Mail your comments so that they will be received in Washington, DC on or before March 13, 1998.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your comments considered.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4265 Filed 2–19–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent to File Application for New License

February 13, 1998.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of filing:* Notice of Intent to File Application for New License.

b. *Project No.:* 3410.

c. *Date filed:* January 28, 1998.

d. *Submitted By:* Woods Lake Hydro Company.

e. *Name of Project:* Woods Lake.

f. *Location:* On Lime Creek in Eagle County, Colorado.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. *Effective date of original license:* February 1, 1983.

i. *Expiration date of original license:* January 31, 2003.

j. *The project consists of:* (1) a 6-foot-high, 3713-foot-long reinforced concrete dam with a spillway crest elevation of

9,588.5 feet; (2) a reservoir with negligible storage capacity; (3) a gated and screened intake structure and sluiceway; (4) a 15-inch-diameter, 630-foot-long PVC penstock; (5) a powerhouse with a 45-kilowatt turbine-generator unit; (6) a 24-inch-diameter corrugated metal pipe tailrace; (7) a 2.4 KV, 1.02-mile-long transmission line; and (8) other appurtenances.

k. *Pursuant to 18 FR 16.7, information on the project is available at:* Lake Woods Hydro Company, P.O. Box 11175, Aspen, CO 81612, (970) 925–8854; or Kenneth M. Knight, P.O. Box 247, Parker, CO 80134, (303) 841–5771.

l. *FERC contact:* Hector M. Perez (202) 219–2843.

m. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by January 31, 2001.

David P. Boergers,

Acting Secretary.

[FR Doc. 98–4271 Filed 2–17–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5489–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed February 09, 1998 Through February 13, 1998 Pursuant to 40 CFR 1506.9.

EIS No. 980037, Draft EIS, AFS, WA, Green River Road Access Requests, Easements Grant, Mt. Baker-Snoqualmie National Forest, North Bend Ranger District, King County, WA, Due: April 06, 1998, Contact: Lloyd Johnson (425) 888–1421.

EIS No. 980038, Draft EIS, AFS, NH, Appalachian Mountain Club (AMC) Hut and Pinkham Notch Visitor Center (PNVC) Continued Operations, Special Use Permit and Possible COE Permit Issuance, White Mountain National Forest, Grafton and Coos Counties, NH, Due: April 06, 1998, Contact: Rebecca Oreskes (603) 466–2713, Ext 212.

EIS No. 980039, Final EIS, FHW, CA, Carquinez Bridge Project, Replace/Retrofit the westbound I–80 between Cummings Skyway and CA–29, Funding, US Coast Guard and COE Section 10 and 404 Funding, Contra Costa and Solano Counties, CA, Due: March 23, 1998, Contact: John R. Schultz (916) 498–5041.

EIS No. 980040, Draft EIS, AFS, CA, Sirretta Peak Motorcycle Trail Construction, Approval and Implementation, Sirretta Peak/Machine Creek Area, Kern Plateau, Sequoia National Forest, Cannell Meadow Ranger District, Tulare County, CA, Due: April 06, 1998, Contact: Susan Porter (760) 376–3781.

EIS No. 980041, Final EIS, FHW, WI, WI–10 Highway Corridor, Construction between Village of Fremont and WI–45 near Appleton Urban Area, Funding and COE Section 404 Permit, Winnebago, Outagamie, Waupaca and Waushara Counties, WI, Due: March 23, 1998, Contact: Peter Garcia (608) 829–7513.

EIS No. 980042, Final EIS, BLM, NV, Olinghouse Mine Project, Construction of Two Open Pits, Waste Dump, Haul Road and Cyanide Heap Leach Pads, Plan-of-Operation Approval Carson City, Washoe County, NV, Due: March 23, 1998, Contact: Terri Knutson (702) 885–6156.

EIS No. 980043, Final Supplement, COE, AR, Red River Waterway, Louisiana, Texas, Arkansas and Oklahoma and Related Projects, New and Updated Information, Red River Below Denison Dam Levee Rehabilition, Implementation, Hempstead, Lafayette and Miller Counties, AR, Due: March 23, 1998, Contact: Stuart McLean (601) 631–5965.

EIS No. 980044, Final EIS, BLM, WY, Powder River (WYW136142) and Thundercloud (WYW136458) Coal Lease Applications, Federal Coal Leasing, Campbell and Converse Counties, WY, Due: March 23, 1998, Contact: Nancy Doelger (307) 261–7627.

Amended Notices

EIS No. 980027, Regulatory Draft EIS, NOA, ME, NC, American Lobster Fishery Management Plan, Implementation, To Prevent Overfishing of American Lobster, Exclusive Economic Zone (EEZ) off the New England and Mid-Atlantic, ME , Due: March 23, 1998, Contact: Rolland A. Schmitten (301) 713–2239.

Published FR 02–06–98 Officially Withdrawn by the Preparing Agency.

Dated: February 17, 1998.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–4368 Filed 2–19–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5489–2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 02, 1998 Through February 06, 1998 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 Offices 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 11, 1997 (62 FR 16154).

Draft EISs

ERP No. D–BLM–J39027–CO Rating EC2, Plateau Creek Pipeline Replacement Project, Operation and Maintenance, Ute Water Conservancy District, Right-of-Way Permit, Mesa County, CO.

Summary: EPA expressed environmental concerns about potential impacts to wetlands and requested the purpose and need include future water needs.

ERP No. D–FRC–B03008–00 Rating EO2, Portland Natural Gas Transmission System Project (PNGTS) and (PNGTS)/Maritimes & Northeast Pipeline L.L.C., Phase II Joint Facilities Project, Construction and Operation, COE Section 10 and 404 Permits, MA, York and Cumberland Counties, ME, Coos County, NH and Essex County, VT.

Summary: EPA commented that the scope of the environmental review may have been to limited, resulting in a potentially segmented review of related and/or interconnected projects. EPA requested additional information with regard to wetlands, drinking water, groundwater supply and secondary impacts in order to fully evaluate the environmental impacts of the proposed project.

ERP No. D–STB–A53053–00 Rating EC2, Conrail Acquisition (Finance Docket No. 33388) by CSX Corporation and CSX Transportation Inc., and Norfolk Southern Corporation and Norfolk Southern Railway Company

(NS), Control and Operating Leases and Agreements, To serve portion of eastern United States.

Summary: EPA expressed environmental concerns for the project's potential impact to air quality and requested additional information regarding the noise analysis and mitigation for communities identified by-the STB's environmental justice review.

ERP No. DS–APH–A82124–00 Rating EO2, Logs, Lumber and Other Unmanufactured Wood Articles Importation, Additional Updated Information, Improvements to the existing system to Prohibit Introduction of Plant Pests into the United States.

Summary: EPA had environmental objections to the proposed project and requested additional information. The objections focused on the adequacy of analysis for assessing risk and consequences of pest introduction, compliance of regulations by exporters, human health effects of the program, and the comparison of alternatives. EPA also had concerns about the use of methyl bromide in the program.

ERP No. DS–NOA–L91001–AK Rating EC2, Juneau Consolidated Facility, Additional Information, Space for the University of Alaska Fairbanks School of Fisheries and Ocean Science (UAF), Possible Site Lena Point, Fisheries Management Operation, ''Vision for 2005'', Juneau, AK.

Summary: EPA still has environmental concerns regarding water quality/groundwater, noise, wastewater treatment, and mitigation measures. Clarification of these issues was requested.

Final EISs

ERP No. F–AFS–J65261–MT, Beaverhead Forest Plan Riparian Amendment, Implementation, Beaverhead—Deerlodge National Forest, Beaverhead, Madison, Silver Bow, Deer Lodge and Gallatin Counties, MT.

Summary: EPA expressed environmental concerns regarding the anticipated slow rate of improvement or restoration of existing degraded riparian areas with the preferred alternative. EPA recommended more timely attainment of proper functioning condition and desired future condition, and recommended inclusion of water quality protection language in the objectives.

ERP No. F–IBR–J64006–ND, Arrowwood National Wildlife Refuge, Implementation, Water Management Capability to Mitigate for Past, Present and Future Impacts of Jamestown Reservoir, Stutsman and Foster Counties, ND.

Summary: EPA expressed environmental concerns over potential water quality impacts, and recommended that downstream water quality should be monitored and an adaptive operations plan be developed to ensure that water quality standards are met.

Dated: February 17, 1998.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 98–4369 Filed 2–19–98; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[PF–791; FRL–5768–9]

Notice of Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

DATES: Comments, identified by the docket control number PF–791, must be received on or before March 23, 1998.

ADDRESSES: By mail submit written comments to: Information and Records Integrity Branch, Public Information and Services Divison (7502C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 119, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under ''SUPPLEMENTARY INFORMATION.'' No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 119 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Tompkins, Product Manager (PM) 25, Registration Division, (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 239, 1921 Jefferson Davis Hwy., Arlington, VA., (703) 305–5697; e-mail: Tompkins.jim@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various raw agricultural commodities under section 408 of the Federal Food, Drug, and Comestic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that these petitions contain data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports grantinig of the petition. Additional data may be needed before EPA rules on the petition.

The official record for this notice, as well as the public version, has been established for this notice of filing under docket control number PF–791 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comment and data will also be accepted on disks in Wordperfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket control number (insert docket number) and appropriate petition number. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

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

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and

pests, Reporting and recordkeeping requirements.

Dated: February 12, 1998.

Donald R. Stubbs,

Acting Director, Registration Division, Office of Pesticide Programs.

Summaries of Petitions

Below summaries of the pesticide petitions are printed. The summaries of the petitions were prepared by the petitioners. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

1. DowElanco

PP 1F3935

EPA has received a pesticide petition (PP 1F3935) from DowElanco, 9330 Zionsville Road, Indianapolis, IN 46268-1054 proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of triclopyr, (3,5,6-trichloro-2-pyridinyl)oxyacetic acid and its metabolites 3,5,6-trichloro-2-pyridinol (TCP) and 2-methoxy-3,5,6-trichloropyridine (TMP) in or on the raw agricultural commodity fish at 3.0 parts per million (ppm), and shellfish at 5.0 ppm. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Analytical method.* Adequate methodology is available for the enforcement of tolerances for triclopyr residues of concern. Gas chromatography methods are available for the determination of triclopyr residues of concern. Residues of triclopyr, 3,5,6-trichloro-2-pyridinol, and 2-methoxy-3,5,6-trichloropyridine can be separately determined. The limits of quantitation are 0.01 – 0.05 ppm in fish and shellfish, depending on the compound being analyzed. The water method has a limit of quantitation of 0.1 parts per billion (ppb).

2. *Magnitude of residues.* In field studies, triclopyr and its metabolites in water have half-lives of 0.5 – 15 days. Triclopyr residues in lake water treated at the maximum label rate were below 0.5 ppm within 3 – 14 days. In pond water where whole ponds were treated at the maximum label rate, residues were below 0.5 ppm by 28 days after treatment. After 42 days in both lakes and ponds, residues were non-detectable (<0.010 ppm) to 0.013 ppm.

Residues of triclopyr and its metabolites 3,5,6-trichloro-2-pyridinol and 2-methoxy-3,5,6-trichloropyridine reach a maximum concentration in fish at 3–14 days after treatment of water, and total residues of triclopyr and its metabolites were detectable in the edible flesh at a maximum level of 3.0 ppm in fish and 5.0 ppm in shellfish. Residues in fish and shellfish decline as residues in water dissipate.

B. Toxicological Profile

1. *Acute toxicity.* The developmental no-effect level (NOEL) of 30 milligrams/kilograms/day (mg/kg/day) from a rabbit developmental study was recommended for the acute dietary risk assessment. At the lowest effect level (LEL) of 100 mg/kg/day, there were embryotoxic and fetotoxic effects associated with significant maternal toxicity, including death. Acute exposure assessment will evaluate risk to pregnant females age 13 and older.

2. *Short- and Intermediate-Term Toxicity.* Based on the available data, short- and intermediate-term dermal and inhalation risk assessments are not required. A systemic NOEL of 1,000 mg/kg/day, the highest dose tested (HDT), was determined in a 21–day dermal toxicity study in rabbits. The LC_{50} from the acute inhalation study in rats was determined to be > 2.6 mg/L (Toxicity Category III).

3. *Chronic toxicity.* The Reference Dose (RfD) for triclopyr is 0.05 mg/kg/day. This RfD is based on a 2-generation reproductive toxicity study in rats with a NOEL of 5.0 mg/kg/day using an uncertainty factor of 100. At the next higher dose level of 25 mg/kg/day, an increased incidence of slight degeneration of the proximal tubules of the kidneys was observed in some P1 and P2 parents of both sexes. Chronic exposure assessment will evaluate risk using this RfD.

4. *Carcinogenicity.* Environmental Protection Agency's Cancer Peer Review Committee (CPRC) concluded that triclopyr should be classified as a ''Group D chemical'' - not classifiable as to human carcinogenicity. A cancer risk assessment is not required.

5. *Animal metabolism.* Disposition and metabolism of ^{14}C-triclopyr in rats demonstrated that triclopyr was well absorbed after oral administration. Excretion was relatively rapid with a majority of radioactivity eliminated in the urine by 24 hours. At the high dose of 60 mg/kg, urinary elimination of ^{14}C-triclopyr was decreased due to apparent saturation of renal elimination mechanisms. Fecal elimination of ^{14}C-triclopyr was a minor route of excretion, as was elimination via exhaled air. Unmetabolized parent chemical represented >90% of urinary radioactivity, with the remainder accounted for by the metabolite 3,5,6-trichloro-2-pyridinol (3,5,6-TCP), and possible glucuranide and/or sulfate conjugates of 3,5,6-TCP. Plasma elimination following intravenous administration of ^{14}C-triclopyr was consistent with a one-compartment model with an elimination half-life of 3.6 hr and zero-order kinetics from 0–12 hours at the 60 mg/kg dose.

6. *Bioequivalency.* Toxicology studies conducted with triclopyr have been performed using both the free acid or the triethylamine salt from of triclopyr. Bioequivalency of the two chemical forms of triclopyr has been addressed through the conduct of special studies with the triethylamine from of triclopyr. These studies, which included data on comparative disposition, plasma half-life, tissue distribution, hydrolytic cleavage under physiological and environmental conditions for triclopyr triethylamine salt were found to adequately address the issue of Bioequivalency. In addition, subchronic toxicity studies supported the pharmacokinetics data in demonstrating bioequivalence. Therefore, studies conducted with any one from of triclopyr can be used to support the toxicology database as a whole.

7. *Endocrine effects.* An evaluation of the potential effects on the endocrine systems of mammals has not been determined; However, no evidence of such effects were reported in the chronic or reproductive toxicology studies described above. There was no observed pathology of the endocrine organs in these studies. There is no evidence at this time that triclopyr causes endocrine effects.

C. Aggregate Exposure

1. *Dietary exposure.* The RfD for triclopyr is based upon the 2-generation reproduction toxicity study in rats with a NOEL of 5.0 mg/kg/day, the lowest dose tested. An uncertainty factor of 10 for interspecies differences in response and an uncertainty factor of 10 for intraspecies differences in response was applied. Thus, the RfD for triclopyr was established at 0.05 mg/kg/day by the RfD Peer Review Committee on September 4, 1996.

A chronic dietary exposure analysis was performed using tolerance level

residues and 100 percent crop treated information to estimate the Theoretical Maximum Residue Contribution (TMRC) for the general population and 22 subgroups. Existing tolerances, including the proposed tolerances for fish and shellfish, result in a TMRC that represents 1.25% of the RfD for the U.S. general population. The highest subgroup, Non-Nursing Infants (<1 year old) occupies 2.65% of the RfD. The chronic analysis for triclopyr is a worse case estimate of dietary exposure with all residues at tolerance level and 100 percent of the commodities assumed to be treated with triclopyr. Based on the risk estimates calculated in this analysis, the chronic dietary risk from the uses currently registered is not of concern.

Since the toxicological endpoint to which exposure is being compared in the acute dietary risk analysis is a developmental NOEL (30 mg/kg/day), females (13+ years) are the sub population of particular interest. The Margin of Exposure (MOE) is a measure of how close the high end exposure comes to the NOEL (the highest dose at which no effects were observed in the laboratory test), and is calculated as the ratio of the NOEL to the exposure (NOEL/exposure = MOE.) Generally, acute dietary margins of exposure greater than 100 tend to cause no dietary concern. The high end MOE value of 1,639 is above the acceptable level and demonstrates no acute dietary concern.

An acute dietary exposure analysis was performed using tolerance level residues and 100 percent crop treated to estimate the high end exposure for the general population and females (13+, pregnant, non-nursing). The high end exposure was assumed to be the upper 0.5% of consumers, that is, the 99.5 percentile. The resulting exposure estimates and margins of exposure are as follows:

Population Subgroup	Exposure (mg/kg BW/day)	MOE
U.S. Population	0.01359	2208
Females	0.01831	1639

These high end MOE values are above the acceptable level and demonstrate no acute dietary concerns.

2. *Drinking water.* The use of triclopyr as described on the label allows only slight additional exposure of triclopyr to humans. The proposed labeling requires that the product not be applied within one-quarter mile of a potable water intake and that treated water not be used for domestic purposes until the residue level is demonstrated to be at or below 0.5 ppm as determined by laboratory analysis or immunoassay. The basis for these restrictions is a series of aquatic dissipation studies conducted in lakes and ponds. In these studies, triclopyr was applied to lakes and ponds at the maximum concentration of 2.5 ppm triclopyr in water. Triclopyr residues in the lakes at one-quarter mile from the treatment areas were well below 0.1 ppm throughout the study, with a maximum reported value of 0.058 ppm. Within the treatment area, triclopyr residues of less than 0.5 ppm were reported at 3 – 14 days after treatment in the Lake Minnetonka and Lake Seminole studies. In seven test ponds treated with triclopyr at a water concentration of 2.5 ppm, total residues of triclopyr were less than 0.5 ppm by 28 days after application, with the highest residue value being 0.193 ppm. At 42 days after treatment, total residues in both treated lakes and ponds ranged from non-detectable to 0.013 ppm.

If the proposed labeling is followed precisely, that is, potable water is not collected within one-quarter mile of a treated area, there will be little contribution from water to the ''risk cup'' for triclopyr. If drinking water is collected from the treatment area when water analysis indicates triclopyr residues are 0.5 ppm or less, the risk is still acceptable on an acute basis. On a chronic basis, the value of 0.013 ppm, found to be the highest triclopyr residue at 42 days after treatment in all studies, uses only 0.9% of the RfD for females (13+, pregnant, not nursing) and 2.6% of the RfD for children (1–6 years).

For a worst case estimate of potential drinking water exposure, the water residue at the proposed allowable water level at 0.5 ppm was utilized. When this residue level is considered, the following analysis indicates no level of concern for acute exposure:

For a 60 kg pregnant female consuming 2 liters a day (Acute)

(0.5 mg/L × 2 L/day) / 60 kg = 0.0167 mg/kg/day

MOE = NOEL / Exposure = (30 mg/kg/day) / (0.0167 mg/kg/day) = 1796

For a 60 kg pregnant female consuming 2 liters a day (Chronic)

(0.013 mg/kg/day × 2 L/day) / 60 kg = 0.00043 mg/kg/day

% RfD = (0.00043 mg/kg/day × 100) / (0.05 mg/kg/day) = 0.9 %

For a 10 kg child consuming 1 liter a day (Acute)

(0.5 mg/L × 1 L/day) / 10 kg = 0.05 mg/kg/day

MOE = (30 mg/kg/day) / (0.05 mg/kg/day) = 600

For a 10 kg child consuming 1 liter a day (Chronic)

(0.013 mg/L × 1 L/day) / 10 kg = 0.0013 mg/kg/day

% RfD = (0.0013 mg/kg/day × 100) / (0.05 mg/kg/day) = 2.6 %

3. *Non-dietary exposure.* There are potential exposures to homeowners during usual use-patterns associated with triclopyr. These involve application of triclopyr-containing products by means of aerosol cans, pump spray bottles, squeeze bottles, ''weed sticks,'' hose-end sprayers, power sprayers, paint brush, rotary and drop spreaders. It is unlikely that power sprayers will be used by homeowners; this is an application method requiring special applicator equipment more apt to be used by agricultural or commercial applicator.

Homeowner exposure will not be significant for the following reasons: the percent ai in products for homeowner use is less than that for agricultural or industrial use; the areas treated are usually limited in size; all products are intended for outdoor use which is likely to reduce the concentration in the environment by allowing dissipation in the outdoor air; the application methods recommended or commonly used by homeowners are not expected to provide significant exposure. Additionally, no toxicological endpoints of concern have been identified by EPA for dermal exposure to triclopyr, therefore, no exposure assessment is required for this exposure; an inhalation exposure assessment is also not required and no chronic use pattern is expected for homeowner use of triclopyr products.

There is a potential for post-application exposure to swimmers following applications to aquatic sites

that may be used for recreational purposes. There are no triclopyr-specific exposure data to assess swimmer exposure. However, an assessment was conducted using information provided in EPA's Dermal Exposure Assessment: Principles and Applications. The dermal permeability constant (Kp) was calculated to be 6.5×10^{-8} mg/cm^2/hr. The assessment of swimmer exposure was based on a six-year old boy having a body weight of 21.9 kg and a surface area of 0.88 m^2. The swimming period was assumed to be 3 hours on the day of treatment in water containing 2.5 ppm triclopyr.

Total dermal exposure (mg) = 3 hr/day $\times$ 0.88 m^2 $\times$ 104 cm^2/m^2 $\times$ 6.5×10^{-8} mg/cm^2/hr = 1.716×10^{-3} mg/day

Oral absorption could also account for a portion of the exposure. It was assumed that 1% of the water in residence in the mouth while breathing will be swallowed.

Oral exposure = 3 hr/day $\times$ 0.05 L/hr $\times$ 2.5 mg/L = 0.375 mg/day

Combining the dermal exposure and oral exposure for a 21.9 kg child, the swimming exposure for one day was estimated to be 0.377 mg/day ÷ 21.9 kg = 0.017 mg/kg/day. Compared to the acute NOEL of 30 mg/kg/day, an MOE of 1,765 was obtained. No dermal or inhalation endpoint has been established for triclopyr, so this represents a very conservative estimate of the risk due to swimming in triclopyr-treated waters.

D. Cumulative Effects

The potential for cumulative effects of triclopyr and other substances that have a common mechanism of toxicity was considered. The mammalian toxicity of triclopyr is well defined. However, the biochemical mechanism of toxicity of this compound is not known. No reliable information exists to indicate that toxic effects produced by triclopyr would be cumulative with those of other similar compounds. Therefore, consideration of a common mechanism of toxicity with other compounds is not appropriate. Thus, only the potential risks of triclopyr are considered in the aggregate exposure assessment.

E. Safety Determination

1. *U.S. population*. Because of the toxicological characteristics of triclopyr (no dermal endpoint of concern), post-application exposure assessment was not necessary. Residential exposure is considered to be negligible. Swimming in treated water was shown to be a minimal risk. Therefore, residential and swimming exposure were not considered in the aggregate risk calculation.

For the population subgroup of concern, pregnant females age 13 and older, an MOE of 857 was estimated for the acute aggregate dietary risk (food + water) from exposures to triclopyr residues.

MOE = (30 mg/kg/day) / (0.0183 + 0.0167) mg/kg/day = 857

Using the TMRC exposure assumptions described above, the percentage of the RfD that will be utilized by aggregate exposures (food + water) to residues of triclopyr ranges from 2.1% to 5.3% for the U.S. population. The major identifiable subgroup with the highest aggregate exposure is non-nursing infants <1 year old. The water exposure value used the highest water residue concentration at 42 days after treatment of lakes and ponds (the longest sampling time interval common to all studies), 0.013 ppm, in the calculations below:

Total U.S. Population (Dietary + Drinking Water)

(0.00062 + 0.00043) mg/kg/day $\times$ 100 / (0.05 mg/kg/day) = 2.1% Rfd

Non-nursing Infants (Dietary + Drinking Water)

(0.00133 + 0.0013) mg/kg/day $\times$ 100 / (0.05 mg/kg/day) = 5.3% Rfd

Determination of Safety for U.S. Population

Based on the current state of knowledge for this chemical, the RfD approach accurately reflects the exposure of the U.S. population, infants and children to triclopyr.

2. *Infants and children*. Studies cited earlier in this document indicate that triclopyr is not a selective developmental toxicant, and an additional uncertainty factor for infants and children is unnecessary. This decision is based on the following data.

Since the developmental and reproductive NOELs were either the same or greater than the maternal or parental, it is unlikely that there is additional risk concern for immature or developing organisms which is not reflected by the risk assessment utilizing the established reference dose. The effects noted for the RfD NOEL are parental effects, not developmental.

F. International Tolerances

There are no established or proposed Codex MRLs for triclopyr residues. Therefore, there are no issues of compatibility with respect to U.S. tolerances and Codex MRLs.

2. E.I. du Pont de Nemours & Company

PP 6F4706

EPA has received a pesticide petition (PP 6F4706)from E.I. du Pont de Nemours & Company, Barley Mill Plaza, P.O. Box 80038, Willimington, DE 19880–0038. proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of rimsulfuron: *N*-((4,6-dimethoxypyrimidin-2-yl) aminocarbonyl) -3- (ethylsulfonyl) -2-pyridinesulfonamide in or on the raw agricultural commodity tomato fruit at 0.10 parts per million. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. With the initial establishment of rimsulfuron tolerances in field corn and potatoes, the EPA determined that the nature of plant residues was adequately understood for the purposes establishing those tolerances. A metabolism study on tomatoes was conducted at the following use rates:

Tomatoes grown in field	72 g active ingredient per hectare (approx. 1 oz. ai per acre, maximum proposed use rate).
Tomatoes grown in greenhouse	172, 350, and ca. 700 g ai per hectare (2.5, 5, and 10 oz. ai per acre or up to 10 times the proposed maximum use rate).

No residues of rimsulfuron or any metabolite were detected in any tomato fruit, immature or mature. Detection limits for the study were 0.004 ppm for the field-grown samples and 0.013 ppm for the greenhouse-grown samples. This study conclusively shows that application of rimsulfuron to tomatoes, when used in accordance with the proposed label directions, will not result in detectable residue of rimsulfuron or its metabolites in tomato fruit. Therefore, the nature of rimsulfuron residues (i.e., their absence) has been established for tomato fruit, the only raw agricultural commodity established for tomatoes.

2. *Analytical method.* Adequate analytical methodology, high-pressure liquid chromatography with Uv detection, is available for enforcement purposes. The method is ''Analytical Method for the Quantitiation of DPX-E9636 (rimsulfuron) in Various Crop Matrices and Their Processed Fractions'', DuPont Report No. AMR 3424–95, EPA MRID No. 43979002. The method involves liquid chromatography utilizing eluent and column switching with UV/VIS detection at 254 nm. The limit of quantitation for rimsulfuron in tomatoes is 0.05 ppm. EPA offers enforcement methodology to anyone interested in pesticide enforcement when requested by mail from: Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1130A, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

3. *Magnitude of residues.* —i. *Plant residues.* Magnitude of residues of rimsulfuron in tomato fruit were determined following application of rimsulfuron at the proposed maximum annual use rate of 1.0 oz ai/acre (1×), and at twice that rate (2×). An additional test was conducted at an exaggerated rate of 5.0 oz ai/acre (5×) in an attempt to generate quantifiable residues in tomato fruit (RAC) for a processing study.

Seventeen tests, each containing one control and two treatment plots, were established in California, Florida, Indiana, Maryland, and Pennsylvania. Row-crop tomato samples were collected approximately 45 days following the final application; staked tomatoes were collected immediately following the final application. Tomato samples were analyzed using the procedures described in DuPont Method No. AMR 3424–95, Analytical Method for the Quantitation of DPX-E9636 in Various Crop Matrices and Their Processed Fractions. The overall mean percent recovery of 52 control tomato samples fortified at either 0.05 or 0.10 ppm was 86%, with a relative standard deviation of 4%. Results of freezer storage stability study indicate that rimsulfuron is stable up to 6 months in tomatoes stored at −20C +/− 5C.

No quantifiable residues (<0.05 ppm) of rimsulfuron were found in any of the tomato samples treated at 1.0, 2.0, and 5.0 oz ai/acre. A processing study was not necessary since all 1× and 5× samples did not have rimsulfuron present with a limit of quantitation of 0.05 ppm.

Data generated from this study support the use of rimsulfuron on tomatoes at a maximum seasonal use rate of 1.0 oz ai/acre with a minimum preharvest interval of 45 days. Study results also support the petition for a 0.10 ppm tolerance of rimsulfuron on tomatoes.

ii. *Animal residues.* EPA determined, upon granting field corn and potato tolerances, that there is no reasonable expectation of residues occurring in meat, milk, poultry, or eggs from these tolerances. Tomato fruit and its processed commodities (i.e., tomato paste and puree) are not considered by the EPA to be animal feed items. Further, no residues would be available to enter animal feed based on results from the tomato metabolism study and magnitude or residue study discussed above. Therefore, there remains a reasonable expectation that no residue of rimsulfuron will occur in meat, milk, poultry, or eggs from all rimsulfuron tolerances, current (field corn and potatoes) and proposed (tomatoes).

B. Toxicological Profile

1. *Acute toxicity.* Technical rimsulfuron has been placed in acute toxicology category III based on overall results from several studies. This compound was placed in toxicology category III for acute dermal toxicity (LD_{50} > 2,000 mg/kg; rabbits) and eye irritation (effects reversible within 72 hours; rabbits). Acute oral toxicity (LD_{50} > 5,000 mg/kg; rats), acute inhalation toxicity (LC_{50} > 5.4 mg/L, rats) and skin irritation (no observed irritation; rabbits) results were assigned toxicology category IV. Technical rimsulfuron is not a dermal sensitizer.

2. *Genotoxicty.* Technical rimsulfuron was negative for genotoxicity in a battery of in vitro and in vivo tests. These tests included the following: mutagenicity in bacterial (Ames test) and mammalian (CHO/HGPRT assay) cells; in vitro cytogenetics (chromosomal aberration in human lymphocytes); in vivo cytogenetics (bone marrow micronucleus assay in mice); and unscheduled DNA synthesis in rat primary hepatocytes.

3. *Reproductive and developmental toxicity.* A two-generation reproduction study was conducted in rats with dietary technical rimsulfuron concentrations of 0, 50, 3,000 or 15,000 ppm. The study was negative for reproductive toxicity and there was no indication that offspring were more susceptible to rimsulfuron administration than parents. The NOEL was 3,000 ppm (or 165 to 264 mg/kg/day for P1 and F1 males and females and their offspring). This was based on the following effects at 15,000 ppm (830 to 1,316 mg/kg/day): lower food consumption and/or food efficiency in P1 males and females and F1 females; decreased mean body weights and/or body weight gain by P1 and F1 males and females; lower mean body weights and increased incidence of small body size for F2 pups during lactation.

A developmental study was conducted in rats administered technical rimsulfuron by gavage at 0, 200, 700, 2,000 or 6,000 mg/kg/day. There were no systemic or developmental effects observed up to and including the highest dose tested. The NOEL was therefore > 6,000 mg/kg/day.

A developmental study was conducted in rabbits administered technical rimsulfuron by gavage at 0, 25, 170, 500 or 1,500 mg/kg/day. The NOELs for maternal and offspring toxicity were 170 and 500 mg/kg/day, respectively. The maternal NOEL was based on reduced body weight and mortality at higher doses. These maternal effects precluded any evaluation of adverse effects in fetuses at 1,500 mg/kg/day; however, there were no systemic or developmental effects observed among fetuses at 500 mg/kg/day and below.

4. *Subchronic toxicity.* A 90-day study in mice was conducted at dietary concentrations of 0, 50, 375, 1,500 or 7,500 ppm. The NOELs were 375 ppm (56.0 mg/kg/day) for male mice and 7,500 ppm (1,575 mg/kg/day) for female mice. The NOEL for males was based on slight reductions in mean body weight gain and food efficiency at 1,500 ppm (228 mg/kg/day).

Technical rimsulfuron was administered in the diets of rats at 0, 50, 1,500, 7,500 or 20,000 ppm for 90 days. The NOEL was 1,500 ppm (102 and 120 mg/kg/day for males and females, respectively) based on reduced mean body weights and body weight gains and increased relative liver weights at

7,500 ppm (495 and 615 mg/kg/day for males and females, respectively).

Dogs were administered technical rimsulfuron in their diets at 0, 250, 5,000 or 20,000 ppm for 90 days. The NOEL was 250 ppm (9.63 and 10.6 mg/kg/day for males and females, respectively). This was based on slight increases in liver and/or kidney weights, increased urine volume and decreased urine osmolarity at 5,000 ppm (193 and 189 mg/kg/day for males and females, respectively).

5. *Chronic toxicity*. An 18-month mouse study was conducted with dietary concentrations of 0, 25, 250, 2,500 or 7,500 ppm technical rimsulfuron. This product was not oncogenic in mice. The systemic NOEL was 2,500 ppm (351 and 488 mg/kg/day for males and females, respectively) based on decreased mean body weights in both sexes and increased incidence of spontaneous, age-related artery and tunica degeneration in the testes for this mouse strain at the highest dose tested, 7,500 ppm (1,127 and 1,505 mg/kg/day for males and females, respectively). The latter was observed in the absence of any effect on spermatogenesis. An increased incidence of dilation and cysts in the glandular stomach of males was also observed at 7,500 ppm.

A 2-year chronic toxicity/oncogenicity study was conducted in rats fed diets that contained 0, 25, 300, 3,000 or 10,000 ppm technical rimsulfuron. This product was not oncogenic in rats. The systemic NOELs were 300 ppm (11.8 mg/kg/day) for males and 3,000 ppm (163 mg/kg/day) for females. The NOELs were defined by decreased body weight gain and increased relative liver weights at 3,000 ppm (121 mg/kg/day) and 10,000 ppm (569 mg/kg/day) for males and females, respectively.

Technical rimsulfuron was administered for one year to dogs at dietary concentrations of 0, 50, 2,500 or 10,000 ppm. The NOELs were 50 ppm (1.6 mg/kg/day) for males and 2,500 ppm (86.5 mg/kg/day) for females. The NOEL for males was based on the following effects observed at 2,500 ppm (81.8 mg/kg/day): increased absolute liver and kidney weights; and increased incidence of seminiferous tubule degeneration and increased numbers of spermatid giant cells present in the epididymides. The NOEL for females was based on the following effects observed at 10,000 ppm (358.5 mg/kg/day): decreased body weight and body weight gain; increased serum cholesterol levels and alkaline phosphatase activity, increased absolute liver weight and increased relative liver and kidney weights.

6. *Animal metabolism*. The metabolism of rimsulfuron in animals (rat, goat and hen) is adequately understood and is similar among the species evaluated. Rimsulfuron was rapidly eliminated via urinary and fecal excretion in the rat. Approximately 60 to 70% of the administered dose to rats was excreted within 24 hours. There were no volatile metabolites detected and unmetabolised rimsulfuron was the major component in the urine (42 – 55%) and feces (5 – 16%). The major metabolic pathway in rats involved a contraction of the sulfonylurea bridge followed by dealkylation, hydroxylation and/or conjugation reactions. Cleavage of the sulfonylurea bridge was observed; however, it was considered to be a minor pathway. Elimination of administered rimsulfuron was similarly rapid for the goat and hen. Tissue residue levels were generally less than 0.3% of the administered dose for the rat, goat and hen. There was no evidence of accumulation of rimsulfuron or its metabolites in tissues of any of the species or in milk and eggs.

7. *Metabolite toxicology*. Common metabolic pathways for rimsulfuron were demonstrated in the rat, goat and hen as well as plants (corn, tomatoes and potatoes). When evaluated for acute toxicity and mutagenicity, two of the major metabolites, i.e., one resulting from contraction of the sulfonylurea bridge and one from the cleavage of this bridge, were found to be of low toxicity and were negative in the Ames test. The existing metabolism studies indicate that the metabolites formed are unlikely to accumulate in humans or in animals that may be exposed to these residues in the diet. The fact that no quantifiable residues were found in treated crops further indicates that exposures to and accumulation of metabolites are unlikely. Because of the above, toxicology studies on metabolites were not required.

C. Aggregate Exposure

1. *Dietary exposure — Residue of concern*. When tolerances were established on field corn and potatoes, EPA determined that the residue of concern was rimsulfuron. The metabolism study conducted on tomatoes (see Plant Metabolism Section) showed no residues of rimsulfuron are present in the tomato fruit. Therefore, the residue of concern continues to be rimsulfuron.

2. *Food*. For the general U.S. population, acute dietary exposure assessments were not considered relevant for rimsulfuron for the following reasons: rimsulfuron presents very low acute toxicity based on animal testing; and no detectable residues have been demonstrated in edible portions of treated crops.

The Agency has conducted chronic dietary exposure assessments for rimsulfuron and the results are summarized below. The Reference Dose (RfD) is based on a NOEL of 1.6 mg/kg/day established in the 1-year feeding study with dogs and combines an uncertainty factor of 100. EPA calculated the RfD to be 0.016 mg/kg/day. The theoretical maximum residue contribution (TMRC) for these tolerances for the overall U.S. population is 1.47×10^{-4} mg/kg/day or 0.92% of the RfD based on current (field corn and potatoes) tolerances and would be 2.21×10^{-4}, or 1.4% of the RfD when the proposed tolerance on tomatoes is included.

For infants and children, the TMRC for the most exposed subgroup, children (1 to 6 years old), is 2.37×10^{-4} mg/kg/day, respectively, or 1.95% of the RfD based on current (field corn and potatoes) tolerances and would be 4.37×10^{-4} mg/kg/day, or 2.73% of the RfD, when the proposed tomato tolerance is included. As with calculations for the general US population, these values assume the residues are at the established tolerance level and that 100 percent of the crop is treated.

3. *Drinking water*. Another potential dietary source of exposure of the general population to residues of pesticides is residues in drinking water. There have been no field studies or monitoring programs conducted to assess rimsulfuron residues in groundwater or drinking water. Several factors indicate very low potential that rimsulfuron will be present in raw or finished drinking water: low use rate (1 oz a.i./acre), rapid hydrolysis (half-life < 7 days), short half-lives under field conditions (7–18 days), absence of leaching in field soil dissipation studies. Water solubility for rimsulfuron is as follows:

Unbuffered Water:.		< 10 ppm
Buffers:	pH 5	135 ppm
.....	pH 7	7,300 ppm
.....	pH 9	5,560 ppm (rapidly decomposes at pH 9); K_{oc} is less than 100.

Computer modeling, taking into account use rate, physical properties, and degradation rates, predicts low probability of rimsulfuron being present in ground- or drinking water. Given that only 2.73% of the RfD is attained by the TMRC for the population sub-group with the highest theoretical dietary exposure (children 1–6 years old; see above), there is ample allowance for safe exposure to rimsulfuron via drinking water.

4. *Non-dietary exposure*. Rimsulfuron is not registered for any use which could result in non-occupational, or non-dietary exposure to the general population.

D. Cumulative Effects

Rimsulfuron belongs to the sulfonylurea class of crop protection chemicals. Other structurally similar compounds in this class are registered herbicides. However, the herbicidal activity of sulfonylureas is due to the inhibition of acetolactate synthase (ALS), an enzyme found only in plants. This enzyme is part of the biosynthesis pathway leading to the formation of branched chain amino acids. Animals lack ALS and this biosynthetic pathway. This lack of ALS contributes to the relatively low toxicity of sulfonylurea herbicides in animals. There is no reliable information that would indicate or suggest that rimsulfuron has any toxic effects on mammals that would be cumulative with those of any other chemical.

E. Safety Determination

1. *U.S. population*. Based on the completeness and reliability of the toxicology database and using the conservative assumptions presented earlier, EPA has established an RfD of 0.016 mg/kg/day. This was based on the NOEL for the 1-year dog study of 1.6 mg/kg/day and employed a 100–fold uncertainty factor. It has been concluded that the aggregate exposure for existing crops (corn and potatoes) would utilize 0.92% of the RfD and that the addition of tomatoes would increase utilization to 1.4% of the RfD. Generally, exposures below 100% of the RfD are of no concern because it represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risk to human health. Thus, there is reasonable certainty that no harm will result from aggregate exposures to rimsulfuron residues.

2. *Infants and children*. In assessing the potential for additional sensitivity of infants and children to residues of rimsulfuron, data from the previously discussed developmental and multigeneration reproductive toxicity studies were considered.

Developmental studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during pre-natal development. Reproduction studies provide information relating to reproductive and other effects on adults and offspring from pre-natal and post-natal exposures to the pesticide. The studies with rimsulfuron demonstrated no evidence of developmental toxicity at exposures below those causing maternal toxicity. This indicates that developing animals are not more sensitive to the effects of rimsulfuron administration than adults.

FFDCA section 408 provides that EPA may apply an additional uncertainty factor for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database. Based on current toxicological data requirements, the database for rimsulfuron relative to pre- and post-natal effects for children is complete. In addition, the NOEL of 1.6 mg/kg/day in the 1-year dog study and upon which the RfD is based is much lower than the NOELs defined in the reproduction and developmental toxicology studies. Conservative assumptions utilized to estimate aggregate dietary exposures of infants and children to rimsulfuron demonstrated that only 1.95% of the RfD was utilized for current tolerances (corn and potatoes) and the addition of tomatoes would only increase utilization to 2.73% of the RfD for the highest exposed group. Based on these exposure estimates and the fact that the current database demonstrates that the developing offspring or young animals are not uniquely susceptible to rimsulfuron administration, the extra 10–fold uncertainty factor is not warranted for these groups. Therefore, it may be concluded that there is reasonable certainty that no harm will result to infants and children from aggregate exposures to rimsulfuron.

F. International Tolerances

The following international tolerances (or Maximum Residue Levels, MRL's) exist:

Country	Tolerance in ppm	Crop
Australia	0.05	Tomatoes
Austria	0.1	Corn, Potato
Belgium	0.05	Corn
Bulgaria	0.5	Corn-Fodder
Canada	0.1	Corn, Potato
Croatia	0.1	Fodder
Czech. Rep.	0.05	Corn, Grain, Potato
Germany	0.05	Corn, Potato
Hungary	0.2	Corn
Italy	0.10	Corn, Potato, Tomatoes
Romania	0.05	Corn, Potato

Country	Tolerance in ppm	Crop
Slovakia	0.05	Corn, Grain
Spain	0.05	Corn, Tomatoes
United States	0.1	Corn, Potato

3. Monsanto Company

PP 2E4118 and 7F4886

EPA has received a pesticide petitions (PP 2E4118 and 7F4886) from Monsanto Company, 700 14th St.,NW., Suite 1100, Washington, D.C. 20005, proposing pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. 346a(d), to amend 40 CFR part 180 to establish an exemption from the requirement of a tolerance for glyphosate [(*N*-phosphonomethyl) glycine] in or on the imported raw agricultural commodities barley grain at 20 parts per million (ppm); barley, bran and pearled barley at 60 ppm; cereal grains group (except wheat, corn, oats, grain sorghum, and barley at 0.1 ppm; canola, seed at 10 ppm; canola, meal at 25 ppm; legume vegetables (succulent or dried) group (except soybeans) at 5 ppm. (PP 2E4118) and in or on the raw agricultural commodities beets, sugar, tops (leaves) at 10 ppm; beets, sugar, root at 10 ppm; and beets, sugar, pulp, dried at 25 ppm (PP 7F4886). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. The nature of the residue in plants is adequately understood and consists of the parent, glyphosate and its metabolite AMPA (aminomethyl-phosphonic acid). Only glyphosate parent is to be regulated in plant and animal commodities since the metabolite AMPA is not of toxicological concern in food.

2. *Analytical method*. Adequate methodology High Pressure Liquid Chromatograpy (HPLC) with fluorometric detection is available for enforcement purposes, and the methodology has been published in the Pesticide Analytical Manual (PAM), Vol. II. This method has a limit of detection (0.05 ppm) that allows monitoring of food with residues at or above the levels set in these tolerances.

3. *Magnitude of residues*. The submitted residue data adequately support the proposed tolerances on Barley, grain (20 ppm); Barley, bran and pearled barley (60 ppm); Canola, seed (10 ppm); Canola, meal (25 ppm); and Legume vegetables (succulent or dried) group (except soybeans) (5 ppm), Sugar beet roots at 10 ppm, Sugar beet tops at 10 ppm and Sugar beet dried pulp at 25 ppm. Any secondary residues occurring in liver or kidney of cattle, goats, horses, and sheep and liver and kidney of poultry will be covered by existing tolerances.

B. Toxicological Profile

1. *Acute toxicity*. A rat acute oral study with a combined LD_{50} of > 5000 mg/kg.

A rabbit acute dermal LD_{50} of > 5000 mg/kg.

A primary eye irritation study in the rabbit which showed severe irritation for glyphosate acid. However, glyphosate is normally formulated as one of several salts and eye irritation studies on the salts showed essentially no irritation.

A primary dermal irritation study which showed essentially no irritation.

A primary dermal sensitization study which showed no sensitization.

2. *Genotoxicty*. A number of mutagenicity studies were conducted and were all negative. These studies included: chromosomal aberration *in vitro* (no aberrations in Chinese hamster ovary cells were caused with or without S9 activation); DNA repair in rat hepatocyte; *in vivo* bone marrow cytogenic test in rats; rec-assay with *B. subtilis*; reverse mutation test with *S. typhimurium*; Ames test with *S. typhimurium*; and dominant-lethal mutagenicity test in mice.

3. *Reproductive and developmental toxicity*. An oral developmental toxicity study with rats given doses of 0, 300, 1,000 and 3,500 mg/kg/day with a maternal no observable effect level (NOEL) of 1,000 mg/kg/day based on clinical signs of toxicity, body weight effects and mortality, and a fetal NOEL of 1,000 mg/kg/day based on reduced body weights and delayed sternebrae maturation at the highest dose tested of 3,500 mg/kg/day.

An oral developmental toxicity study with rabbits given doses of 0, 75, 175 and 350 mg/kg/day with a maternal of NOEL of 175 mg/kg/day based on clinical signs of toxicity and mortality, and a fetal NOEL of 350 mg/kg/day based on no developmental toxicity at any dose tested.

A 3-generation reproduction study with rats fed dosage levels of 0, 3, 10 and 30 mg/kg/day with a NOEL for systemic and reproductive/ developmental parameters of 30 mg/kg/ day based on no adverse effects noted at any dose level.

A 2-generation reproduction study with rats fed dosage levels of 0, 100, 500 and 1,500 mg/kg/day with a NOEL for systemic and developmental parameters of 500 mg/kg/day based on body weight effects, clinical signs of toxicity in adult animals and decreased pup bodyweights, and a reproductive NOEL of 1,500 mg/kg/day.

4. *Subchronic toxicity*. A 90-day feeding study in rats fed dosage levels of 0, 1,000, 5,000 and 20,000 ppm with a NOEL of 20,000 ppm based on no effects even at the highest dose tested.

A 90-day feeding study in mice fed dosage levels of 0, 5,000, 10,000 and 50,000 with a NOEL of 10,000 ppm based on body weight effects at the high dose.

A 90-day feeding study in dogs given glyphosate, via capsule, at doses of 0, 200, 600 and 2,000 mg/kg/day with a NOEL of 2,000 mg/kg/day based on no effects even at the highest dose tested.

5. *Chronic toxicity*. A 12-month oral study in dogs given glyphosate, via capsule, at doses of 0, 20, 100 and 500 mg/kg/day with a NOEL of 500 mg/kg/ day based on no adverse effects at any dose level.

A 26-month chronic/feeding oncogenicity study with rats fed dosage levels of 0, 3, 10 and 31 mg/kg/day (males) and 0, 3, 11 and 34 mg/kg/day (females) with a systemic NOEL of 31 mg/kg/day (males) and 34 mg/kg/day (females) based on no carcinogenic or other adverse effects at any dose level.

A 24-month chronic/feeding oncogenicity study with rats fed dosage levels of 0, 89, 362 and 940 mg/kg/day (males) and 0, 113, 457 and 1,183 mg/ kg/day (females) with a systemic NOEL of 362 mg/kg/day based on body weight

effects in the female and eye effects in males. There was no carcinogenic response at any dose level.

6. *Carcinogenicity*. A mouse oncogenicity study with mice fed dosage levels of 0, 150, 750 and 4,500 mg/kg/day with a NOEL of 750 mg/kg/day based on body weight effects and microscopic liver changes at the high dose. There was no carcinogenic effect at the highest dose tested of 4,500 mg/kg/day.

Glyphosate is classified as a Group E (evidence of non-carcinogenicity for humans), based upon lack of convincing carcinogenicity evidence in adequate studies in two animal species. This classification is based on the following findings: (1) There were no tumor findings in the chronic testing that were determined to be compound related; (2) glyphosate was tested up to the limit dose on the rat and up to levels higher than the limit dose in mice; and (3) there is no evidence of genotoxicity for glyphosate.

7. *Animal metabolism*. The nature of the residue in animals is adequately understood and consists of the parent, glyphosate and its metabolite AMPA (aminomethyl-phosphonic acid).

8. *Metabolite toxicology*. Only glyphosate parent is to be regulated in plant and animal commodities since the metabolite AMPA is not of toxicological concern in food.

9. *Endocrine disruption*. The toxicity studies required by EPA for the registration of pesticides measure numerous endpoints with sufficient sensitivity to detect potential endocrine-modulating activity. No effects have been identified in subchronic, chronic or developmental toxicity studies to indicate any endocrine-modulating activity by glyphosate. In addition, negative results were obtained when glyphosate was tested in a dominant-lethal mutation assay. While this assay was designed as a genetic toxicity test, agents that can affect male reproduction function will also cause effects in this assay. More importantly, the multi-generation reproduction study in rodents is a complex study design which measures a broad range of endpoints in the reproductive system and in developing offspring that are sensitive to alterations by chemical agents. Glyphosate has been tested in two separate multi-generation studies and each time the results demonstrated that glyphosate is not a reproductive toxin.

C. Aggregate Exposure

1. *Dietary exposure — Food*. For purposes of assessing the potential exposure under these tolerances, dietary exposure was estimated based on the Theoretical Maximum Residue Contribution (TMRC) from the all present tolerances for glyphosate and the additional exposure that could result if the proposed tolerances are established on barley grain at 20 ppm, barley bran and pearled barley at 60 ppm, canola seed at 10 ppm, canola meal at 25 ppm, legume vegetables (succulent or dried) group (except soybeans) at 5 ppm, sugar beet roots at 10 ppm, sugar beet tops at 10 ppm and sugar beet dried pulp at 25 ppm. The TMRC is obtained by multiplying the tolerance level residue for each food commodity by the consumption data which estimates the amount of those products eaten by various population subgroups. In conducting this exposure assessment, very conservative assumptions were made -- 100% of these crops will contain glyphosate residues and those residues would be at the level of the tolerance -- which result in an overestimate of human exposure. Thus, in making a safety determination for these tolerances, EPA is taking into account this conservative exposure assessment.

Secondary residues in animal commodities may occur from these uses through the feeding of barley grain and canola meal to livestock. Since these proposed tolerances do not arise from changes in U.S. registrations involving the use of glyphosate herbicides on barley, canola, or legume vegetables, it has been concluded that livestock feed items derived from these crops are not likely to enter channels of trade in the United States. Based on these considerations and the results of animal feeding studies and the amount of glyphosate residues expected in animal feeds, EPA has concluded that there is no reasonable expectation that such secondary residues of glyphosate will exceed existing tolerances in edible animal products.

2. *Drinking water*. In examining aggregate exposure, FQPA directs EPA to consider available information concerning exposures from the pesticide residue via drinking water. The lifetime health advisory and maximum contaminant level (MCL), for glyphosate are both 700 parts per billion in the EPA Office of Drinking Water's ''Drinking Water Health Advisory; Pesticides.'' The MCL represents the level at which no known or anticipated adverse health effects will occur, allowing for an adequate margin of safety, and is based on the reference dose (RfD). Environmental Fate data for glyphosate indicate little potential for the chemical to migrate to drinking. Glyphosate is not highly mobile and not persistent in a soil or water environment. Because the Agency lacks sufficient water-related exposure data to complete a comprehensive drinking water risk assessment for many pesticides, EPA has commenced and nearly completed a process to identify a reasonable yet conservative bounding figure for the potential contribution of water related exposures to the aggregate risk posed by a pesticide. In developing the bounding figure, EPA estimated residue levels in water for a number of specific pesticides using various data sources. The Agency then applied the estimated residue levels, in conjunction with appropriate toxicological endpoints (RfDs or acute dietary NOELs) and assumptions about body weight and consumption, to calculate, for each pesticide, the increment of aggregate risk contributed by consumption of contaminated water. While EPA has not yet pinpointed the appropriate bounding figure for consumption of contaminated water, the ranges the Agency is continuing to examine are all below the level that would cause glyphosate to exceed the RfD if the tolerances being considered in this document were granted. The Agency has therefore concluded that the potential exposures associated with glyphosate in water, even at higher levels the Agency may consider a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

3. *Non-dietary exposure*. Glyphosate is registered for use on non-food sites such as around ornamental, shade trees, shrubs, walks, driveways, flowerbeds, home lawns, farmsteads including building foundations, along and in fences, in dry ditches and canals, along ditchbanks, farm roads, shelterbelts, forestry, Christmas trees, and industrial sites and other non-crop or industrial areas such as airports, lumber yards, manufacturing sites, utility substations, parking areas, petroleum tank farms, and pumping station.

Margins of Exposure (MOEs) are determined for non-dietary exposure based on toxicological endpoints and measured or estimated exposures. Since glyphosate is a class E chemical (evidence of non-carcinogenicity for humans), the 21 day dermal study lacked any observable effects at the limit dose, and no adverse effects were observed in developmental toxicity studies in rats up to 1,000 mg/kg/day and rabbits up to 175 mg/kg/day, no toxicological endpoints are applicable. Because available data indicated no evidence of significant toxicity via the dermal or inhalations routes, MOEs were not calculated and risk

assessments are not required for non-occupational (residential uses).

D. Cumulative Effects

EPA does not have, at this time, available data to determine whether glyphosate has a common mechanism of toxicity with other substances or how to include it in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on common mechanism of toxicity, glyphosate does not produce a toxic metabolite which is common to other substances. For the purposes of this tolerance action, therefore EPA has assumed that glyphosate does not have a common mechanism of toxicity with other substances. A condition of the registrations associated with these tolerances will be that the registrant will provide common mechanism data in a timely manner when and if the Agency asks for it. After EPA develops methodologies for more fully applying common mechanism of toxicity issues to risk assessments, the Agency will develop a process to reexamine those tolerance decisions made earlier.

E. Safety Determination

1. *U.S. population* —i. *Acute dietary exposure*. Based on the available acute toxicity data, glyphosate does not pose any acute dietary risks, and an acute dietary risk assessment is not required.

ii. *Chronic dietary exposure*. Using the TAS Exposure 1 software and 1977–78 consumption data, a chronic dietary exposure estimate was based on 100% of the crops treated and all residues at tolerance levels to provide the TMRC. Based this assessment the combined new proposed tolerances contribute dietary exposure equal to 0.36% of the RfD for U.S. population and 0.69% of the RfD for non- nursing infants under 1 year old. Total estimated dietary exposure from glyphosate residues in food, taking into account both existing and these proposed uses will be 1.4% of the RfD for the overall U.S. population and 3.1% of the RfD for non- nursing infants, the most highly exposed population subgroup. An additional risk assessment for residential uses was not required because of no evidence of significant toxicology via dermal or inhalation routes. Even though an appropriate bounding figure for consumption of contaminated water has not been determined, the ranges being examine are all below the level that would cause glyphosate to exceed the RfD. Generally there is no concern for exposures below 100 percent of the RfD. Therefore, based on the completeness and reliability of the toxicity data and the conservative exposure assessment, there is reasonable certainty that no harm will occur from aggregate exposure to glyphosate.

2. *Infants and children*. FFCDA section 408 provides that an additional tenfold margin of exposure (safety) for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database unless it is determined that a different margin of exposure (safety) will be safe for infants and children. Monsanto believes that reliable data support using the standard margin of exposure (usually 100× for combined inter- and intra-species variability) without the additional tenfold margin of exposure when a complete data base under existing guidelines exists and when the nature of the findings from these studies do not raise concerns regarding the adequacy of the standard margin of exposure.

The toxicological database for evaluating pre- and post-natal toxicity for glyphosate is considered to be complete at this time. Risk to infants and children for glyphosate was determined by the use of two developmental toxicity studies in rats and rabbits and a two-generation reproduction study in rats. The developmental toxicity studies evaluates the potential for adverse effects on the developing organism resulting from exposure during prenatal development. The reproduction study provides information relating to effects from exposure to the chemical on the reproductive capability of both (mating) parents and on systemic toxicity, in addition to information on prenatal development. The results of these studies indicate that glyphosate does not produce birth defects and is not a reproductive toxin.

In the rabbits, no developmental toxicity was observed at the highest dose tested (HDT) where significant maternal toxicity occurred (death and clinical signs at 350 mg/kg/day, highest dose tested HDT). Because no developmental toxicity was observed at any dose level, the developmental NOEL is considered to be 350 mg/kg/day. In the rat developmental toxicity study, severe maternal (systemic) and developmental toxicity was noted at 3,500 mg/kg/ day HDT. The HDT in this study was 3.5 times higher than the limit dose that is currently required by the guidelines. The maternal and developmental (pup) NOEL was 1,000 mg/kg/day. No effects on reproductive parameters were observed.

In the rat 2-generation reproduction study, parental toxicity was observed at 1,500 mg/kg/day as soft stools, decreased food consumption and body weight gain; therefore, the systemic NOEL is considered to be 500 mg/kg/day. Developmental (pup) toxicity was also only exhibited at 1,500 mg/kg/day as decreased body weight gain of the $F1_a$, $F2_a$, and $F2_b$ male and female pups during the second and third weeks of lactation. Glyphosate did not affect the ability of rats to mate, conceive, carry or deliver normal offspring at any dose level.

The RfD is based on the NOEL for maternal toxicity in the rabbit developmental study. No developmental effects were noted in the study. In the rat developmental study, effects were noted only at doses 20-fold higher than the NOEL used for the RfD. No pre- or post-natal effects were seen in any study in the absence of maternal toxicity. In the rat reproduction study, developmental effects were noted at doses 5 times higher than the NOEL used for the RfD. The Agency does not believe the effects seen in these studies are of such concern to require an additional safety factor. Accordingly, the Agency believes the RfD has an adequate margin of protection for infants and children. The dietary exposure from current and proposed uses of glyphosate ranges from 1% of the RfD for nursing infants (less than 1 year old) to 3% for non-nursing infants and children 1 to 6 years old. Monsanto has concluded that there is reasonable certainty that no harm will occur to infants and children from aggregate exposure to glyphosate.

F. International Tolerances

Codex MRLs have been established for residues of glyphosate in or on Barley Grain at 20 ppm, Dry Peas at 5 ppm, Dry Beans at 2 ppm, and Rape (Canola) Seed at 10 ppm. The proposed tolerances will achieve harmonization with these existing MRLs. The increase in U.S. tolerances on legume vegetables up to 5 ppm was recommended in 1993 in the glyphosate Reregistration Eligibility Decision.

The proposed U. S. tolerances are also consistent with the MRLs presently established for these commodities by other trade partner countries such as Canada, the European Union, and Japan.

[FR Doc. 98–4187 Filed 2–19–98; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Approved by Office of Management and Budget

February 9, 1998.

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.: 3060–0805.
Expiration Date: 1/31/2000.
Title: Development of Operational, Technical, and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010 (NPRM).
Form No.: N/A.
Estimated Annual Burden: 644,450 annual hour; average 10,270 hours per regional planning committee, 10,000 hours for the national planning committee, and 6 hours third party response; 8,712 respondents.
Description: In order to satisfy local and regional needs and preferences, the Commission proposes that regional planning committees made up of representatives from each public safety community draft and submit regional plans. These may include plans for both spectrum reserved for interoperability and spectrum available for general public safety use. The Commission will use the information to assign licenses and may also use the information to determine whether prospective licensees will operate in compliance with the Commission Rules.

OMB Control No.: 3060–0226.
Expiration Date: 2/28/2001.
Title: Section 90.135(d)&(e) Modification of License.
Form No.: N/A.
Estimated Annual Burden: 276 annual hours; 10 minutes per respondent; 1,656 responses.
Description: Rules require licensees who change certain parameters (name, address, mobile units, etc.) to inform the Commission by form or letter. This information collection covers the submission of letters to notify the FCC. Information is used to maintain an accurate database.

OMB Control No.: 3060–0281.
Expiration Date: 2/28/2001.
Title: Section 90.651 Supplemental reports required of licensees authorized under this subpart.
Form No.: N/A.
Estimated Annual Burden: 2,724 annual hours; 10 minutes per respondent; 16,408 responses.
Description: This section lists various reports required of 800 MHz licensees. The reports indicate whether the system has been constructed and the number of mobile units served.

OMB Control No.: 3060–0291.
Expiration Date: 2/28/2001.
Title: Section 90.477 Interconnected Systems.
Form No.: N/A.
Estimated Annual Burden: 1,000 annual hours; 1 hour per respondent; 1,000 respondents.
Description: Rule permits land mobile licensees to employ interconnection on a non-profit, cost shared basis and requires the cost sharing records to be maintained.

OMB Control No.: 3060–0621.
Expiration Date: 1/31/2000.
Title: Rules and Requirements for Broadband PCS Licenses.
Form No.: N/A.
Estimated Annual Burden: 14,044 annual hours; 30 minutes to 20 hours per responses, and 1 hour of recordkeeping per licensee; 3,000 responses.
Description: Rules require applicants to file certain information so that the Commission can determine whether the applicants are legally, technically and financially qualified to be licensed and to determine whether applicants claiming designated entity status are entitled to certain benefits. This collection covers sections: 24.203, 24.294(f), 24.204(f)(2), 24.709, 24.709(c)(2), 24.714, 24.714(b), 24.719(e), 24.806, 24.813, 24.813(f), 24.815(j), 24.819, 24.825, 24.827, 24.830, and 24.839.

OMB Control No.: 3060–0224.
Expiration Date: 2/28/2001.
Title: Section 90.151 Requests for Waiver.
Form No.: N/A.
Estimated Annual Burden: 120 annual hours; 2 hours per respondent; 60 responses.
Description: Rule requires applicants who request waiver of various rules to submit a justification for the proposed waiver. This is necessary to enable the Commission to make an informed decision on the requests.

OMB Control No.: 3060–0813.
Expiration Date: 7/31/98.
Title: Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.
Form No.: N/A.
Estimated Annual Burden: 194,457 annual hours; 15 minutes—12 hours per response; 125,996 responses. This collection contains various reporting and third party requirements that range in estimated completion time.
Description: The Commission is placing several burdens on the wireless E911 industry and on government entities and phone systems. Most of these are one time rather than ongoing requirements, and are minimal to ensure the rapid implementation of the technologies needed to bring emergency help to wireless callers throughout the United States. In establishing these requirements, the Commission balanced consumers' need for dependable, speedy access to 911 services with carriers' need for flexibility in providing emergency services. The actions were taken in response to concerns raised by the initial Report and Order.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–4327 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Repurchase Agreements of Depository Institutions With Securities Dealers and Others; Notice of Modification of Policy Statement

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Modification of policy statement.

SUMMARY: As part of the FDIC's systematic review of its regulations and written policies under section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRI), the FDIC is adopting modifications recently made by the Federal Financial Institutions Examination Council (FFIEC) to its policy statement on Repurchase Agreements of Depository Institutions with Securities Dealers and Others (Policy Statement). The Policy Statement provides guidance to insured

depository institutions about entering into repurchase agreements in a safe and sound manner. The FDIC is adopting the changes to the Policy Statement which the FFIEC has made to update and streamline the Policy Statement.

EFFECTIVE DATE: February 20, 1998.

FOR FURTHER INFORMATION CONTACT: William A. Stark, Assistant Director, (202/898–6972), Kenton Fox, Senior Capital Markets Specialist, (202/898–7119), Division of Supervision; Leslie Sallberg, Counsel, (202/898–8876), Legal Division, FDIC, 550 17th Street, N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

Background

The FDIC is conducting a systematic review of its regulations and written policies. Section 303(a) of the CDRI (12 U.S.C. 4803(a)) requires the FDIC, the Office of the Comptroller of the Currency (OCC), the Board of Governors of the Federal Reserve System (FRB), and the Office of Thrift Supervision (OTS) (collectively, the federal banking agencies) to each streamline and modify its regulations and written policies in order to improve efficiency, reduce unnecessary costs, and eliminate unwarranted constraints on credit availability. Section 303(a) also requires each of the federal banking agencies to remove inconsistencies and outmoded and duplicative requirements from its regulations and written policies.

The FFIEC developed the Policy Statement to establish guidelines for insured depository institution repurchase agreement activities, including guidelines for written repurchase agreements, policies and procedures, credit risk management, and collateral management. The OCC, FRB, and FDIC each adopted the FFIEC's original Policy Statement, (50 FR 49764, December 4, 1985) with the FDIC's adoption taking place on December 31, 1985. 2 FDIC, Law, Regulations, and Related Acts (FDIC) 5265.

On February 11, 1998, the FFIEC published a notice making changes to its Policy Statement in order to update, clarify and streamline it. 63 FR 6935. There are three principal revisions to the Policy Statement.

First, the Policy Statement has been updated and streamlined to reflect the enactment of the Government Securities Act of 1986 and the Government Securities Act Amendments of 1993, 15 U.S.C. 78o–5 (GSA). The Policy Statement section, Dealings with Unregulated Securities Dealers, has been deleted. The GSA established a regulatory structure for government securities dealers, making this section obsolete. A new section, Legal Requirements, has been added to the Policy Statement. The first subsection, Government Securities Regulations, presents general information on the requirements of the GSA.

Second, the Policy Statement has been updated to generally cover the other laws and regulations applicable to repurchase agreements. These include the antifraud provisions of the securities laws, the requirements of the Uniform Commercial Code, and lending limitations. Third, the list of written repurchase agreement provisions has been updated with an expanded list of provisions to reflect current market practice. These provisions include terms of transaction initiation, confirmation and termination, payments and transfers of securities, collateral segregation, collateral repricing, rights to principal and interest payments, required disclosures for hold-in-custody repurchase agreements, and disclosures required by regulatory agencies. In addition to the revisions to the Policy Statement previously described, minor changes to the Policy Statement have also been made to improve clarity and readability.

Consistent with the goals of the CDRI review, the FDIC is adopting the FFIEC's modifications to the Policy Statement to eliminate outdated material, provide clarification, and to streamline the contents of the Policy Statement. The modified Policy Statement reads as follows:

Federal Financial Institutions Examination Council Supervisory Policy

Repurchase Agreements of Depository Institutions With Securities Dealers and Others

Purpose

Depository institutions and others involved with repurchase agreements [1] have sometimes incurred significant losses as a result of a default or fraud by the counterparty to the transaction. Inadequate credit risk management and the failure to exercise effective control over securities collateralizing the transactions are the most important factors causing these heavy losses.

The following guidelines are examples of elements that address credit risk management and exposure to counterparties under securities repurchase agreements and for controlling the securities in those transactions. Depository institutions that enter into repurchase agreements with securities dealers and others should consider these guidelines. Each depository institution that actively engages in repurchase agreements must have adequate policies and controls to suit their particular circumstances. The examining staffs of the federal supervisory agencies will review written policies and procedures of depository institutions to determine their adequacy in light of the scope of each depository institution's operations.

I. Legal Requirements

A. Government Securities Regulations

Securities sold under an agreement to repurchase that is collateralized by U.S. government and agency obligations are subject to regulations of the Treasury Department issued under the Government Securities Act of 1986, 15 U.S.C. 78o–5 (GSA). These regulations appear at 17 CFR Parts 400 to 450. Particular attention should be given to the requirements and ''Required Disclosures'' in 17 CFR 403.5. Institutions engaging in hold-in-custody repurchase transactions should also give attention to 17 CFR 450.

B. Other Laws and Regulations

Federal and state laws such as the antifraud provisions of the securities laws and the requirements of the Uniform Commercial Code may apply to a repurchase agreement.

Resale transactions of national banks and thrift institutions are subject to the lending limitations of 12 U.S.C. 84. In addition, state-chartered institutions should consult with their counsel or state regulatory authorities as to the applicability of state lending limitations. Depository institutions should also consider other rules that may apply to the transactions depending on the type of bank charter.

II. Credit Policy Guidelines for Securities Purchased Under Agreement To Resell

All depository institutions that engage in securities repurchase agreement transactions should establish written credit policies and procedures governing these activities. These policies and procedures usually address:

[1] The term *repurchase agreement* in this policy statement refers to both repurchase and reverse repurchase agreements. A repurchase agreement is one in which a party that owns securities, acquires funds by selling the specified securities to another party under a simultaneous agreement to repurchase the same securities at a specified price and date. A reverse repurchase (resale) agreement is one in which a party provides funds by purchasing specified securities pursuant to a simultaneous agreement to resell the same securities at a specified price and date.

A. Counterparties

Policies normally include ''know your counterparty'' principles. Engaging in repurchase agreement transactions in volume and in large dollar amounts frequently requires the services of a counterparty who is also a dealer in the underlying securities. Some firms that deal in the markets for U.S. Government and federal agency securities are subsidiaries of, or related to, financially stronger and better-known firms. However, these stronger firms may be independent of their U.S. Government securities subsidiaries and affiliates and may not be legally obligated to stand behind the transactions of related companies. Without an express written guarantee, the stronger firm's financial position cannot be relied upon to assess the creditworthiness of a counterparty.

Depository institutions should know the legal entity that is the actual counterparty to each repurchase agreement transaction. This includes knowing about the actual counterparty's character, integrity of management, activities, and the financial markets in which it deals.

Depository institutions should be particularly careful in conducting repurchase agreements with any firm that offers terms that are significantly more favorable than those currently prevailing in the market.

In certain situations, depository institutions may use, or serve as, brokers or finders to locate repurchase agreement counterparties or particular securities. When using or acting as this type of agent, the name of each counterparty should be fully disclosed. Depository institutions should not enter into undisclosed agency or ''blind brokerage'' repurchase transactions in which the counterparty's name is not disclosed.

B. Credit Analysis

Periodic evaluations of counterparty creditworthiness should be conducted by individuals who routinely make credit decisions and who are not involved in the execution of repurchase agreement transactions.

Before engaging in initial transactions with a new counterparty, depository institutions should obtain audited financial statements and regulatory filings from the proposed counterparty, and should require the counterparty to provide similar information on a periodic and timely basis in the future.

The credit analysis should consider the counterparty's financial statements and those of any related companies that could have an impact on the financial condition of the counterparty.

When transacting business with a subsidiary, consolidated financial statements of a parent are not adequate. Repurchase agreements should not be entered into with any counterparty that is unwilling to provide complete and timely disclosure of its financial condition. The depository institution also should inquire about the counterparty's general reputation and whether state or federal securities regulators or self-regulatory organizations have taken any enforcement actions against the counterparty or its affiliates.

C. Credit Limits

Depository institutions usually establish maximum position and temporary exposure limits for each approved counterparty based upon credit analysis performed. Periodic reviews and updates of those limits are necessary.

When assigning individual repurchase agreement counterparty limits, the depository institution should consider overall exposure to the same or related counterparty throughout the organization. Repurchase agreement counterparty limitations should consider the overall permissible dollar positions in repurchase agreements, maximum repurchase agreement maturities, limitations on the maturities of collateral securities, and limits on temporary exposure that may result from decreases in collateral values or delays in receiving collateral.

III. Guidelines for Controlling Collateral for Securities Purchased Under Agreement to Resell

Repurchase agreements can be a useful asset and liability management tool, but repurchase agreements can expose a depository institution to serious risks if they are not managed appropriately. It is possible to reduce repurchase agreement risk if the depository institution executes written agreements with all repurchase agreement counterparties and custodian banks. Compliance with the terms of these written agreements should be monitored on a daily basis.

The marketplace perceives repurchase agreement transactions as similar to lending transactions collateralized by highly liquid securities. However, experience has shown that the collateral securities probably will not serve as protection if the counterparty becomes insolvent or fails, and the purchasing institution does not have control over the securities. This policy statement provides general guidance on the steps depository institutions should take to protect their interest in the securities underlying repurchase agreement transactions (see ''C. Control of Securities''). However, ultimate responsibility for establishing adequate procedures rests with management of the institution. The depository institution's legal counsel should review repurchase agreements to determine the adequacy of the procedures used to establish and protect the depository institution's interest in the underlying collateral.

A. General Requirements

Before engaging in repurchase transactions, a depository institution should enter into a written agreement covering a specific repurchase agreement transaction or master agreement governing all repurchase agreement transactions with each counterparty. Valid written agreements normally specify all the terms of the transaction and the duties of both the buyer and seller. The agreement should be signed by authorized representatives of the buyer and seller. Senior managers of depository institutions should consult legal counsel regarding the content of the repurchase and custodial agreements. Counsel should review the enforceability of the agreement with consideration as to the differing rules of liquidation for agreements with different counterparties, such as broker/dealers, banks, insurance companies, municipalities, pension plans, and foreign counterparties. Repurchase and custodial agreements normally specify, but are not limited to, the following:

- terms of transaction initiation, confirmation and termination;
- provisions for payments and transfers of securities;
- requirements for segregation of collateral securities;
- acceptable types and maturities of collateral securities;
- initial acceptable margin for collateral securities of various types and maturities;
- margin maintenance and collateral repricing provisions;
- provisions for collateral substitution;
- rights to interest and principal payments;
- events of default and the rights and obligations of the parties;
- required disclosures for transactions in which the seller retains custody of purchased securities;
- disclosures required by regulatory agencies; and
- persons authorized to transact business for the depository institution and its counterparty.

B. Confirmations

Some repurchase agreement confirmations may contain terms that attempt to change the depository institution's rights in the transaction. The depository institution should obtain and compare written confirmations for each repurchase agreement transaction to be certain that the information on the confirmation is consistent with the terms of the agreement. Confirmations normally identify the essential terms of the transaction, including the identity of specific collateral securities and their market values.

C. Control of Securities

As a general rule, a depository institution should obtain possession or control of the underlying securities and take necessary steps to protect its interest in the securities. The legal steps necessary to protect its interest may vary with applicable facts and law, and accordingly should be undertaken with the advice of counsel. Particular attention should also be given to the possession or control requirements under 17 CFR 450 for depository institutions when acting as a custodian for any type of repurchase agreement. Additional prudential management controls may include:

(1) Direct delivery of physical securities to the institution, or transfer of book-entry securities by appropriate entry in an account maintained in the name of the depository institution by a Federal Reserve bank which maintains a book-entry system for U.S. Treasury securities and certain agency obligations (for further information as to the procedures to be followed, contact the Federal Reserve bank for the district in which the depository institution is located);

(2) Delivery of either physical securities to, or in the case of book-entry securities, making appropriate entries in the books of a third-party custodian designated by the depository institution under a written custodial agreement which explicitly recognizes the depository institution's interest in the securities as superior to that of any other person; or

(3) Appropriate entries on the books of an independent third-party custodian exercising independent control over the exchange of securities and funds and acting pursuant to a tripartite agreement with the depository institution and the counterparty. The third-party custodian should ensure adequate segregation, free of any lien or claim, and specific identification and valuation of either physical or book-entry securities.

If control of the underlying securities is not established, the depository institution may be regarded only as an unsecured general creditor of an insolvent counterparty. Under these circumstances, substantial losses are possible. Accordingly, a depository institution should not enter into a repurchase agreement without obtaining control of the securities unless all of the following minimum procedures are observed:

- it is completely satisfied as to the creditworthiness of the counterparty;
- the transaction is within credit limitations that have been pre-approved by the board of directors, or a committee of the board, for unsecured transactions with the counterparty;
- the depository institution has conducted periodic credit evaluations of the counterparty;
- the depository institution has ascertained that collateral segregation procedures of the counterparty are adequate; and
- it obtains a written and executed repurchase agreement and pays particular attention to the provisions of 17 CFR 403.5.

Unless prudential internal procedures of these types are instituted and observed, the financial supervisory agency may cite the depository institution for engaging in unsafe or unsound practices.

All receipts and deliveries of either physical or book-entry securities should be made according to written procedures, and third-party deliveries should be confirmed in writing directly by the custodian. The depository institution normally obtains a copy of the advice of the counterparty to the custodian requesting transfer of the securities to the depository institution. Where securities are to be delivered, the depository institution should not make payment for securities until the securities are actually delivered to the depository institution or its agent. In addition, custodial contracts normally provide that the custodian take delivery of the securities subject to the exclusive direction of the depository institution.

Substitution of securities should not be allowed without the prior written consent of a depository institution. The depository institution should give its consent before the delivery of the substitute securities to the depository institution or a third-party custodian and receive a written list of specific securities substituted and their respective market values. Any substitution of securities should take into consideration the following discussion of ''Margin Requirements.''

D. Margin Requirements

Under the repurchase agreement a depository institution should pay less than the market value of the securities, including the amount of any accrued interest, with the difference representing a predetermined margin. When establishing an appropriate margin, a depository institution should consider the size and maturity of the repurchase transaction, the type and maturity of the underlying securities, and the creditworthiness of the counterparty. Margin requirements on U.S. government and federal agency obligations underlying repurchase agreements should allow for the anticipated price volatility of the security until the maturity of the repurchase agreement. Less marketable securities may require additional margin to compensate for less liquid market conditions. Written repurchase agreement policies and procedures normally require daily mark-to-market of repurchase agreement securities to the bid side of the market using a generally recognized source for securities prices. Repurchase agreements normally provide for additional securities or cash to be placed with the depository institution or its custodian bank to maintain the margin within the predetermined level.

Margin calculations should also consider accrued interest on underlying securities and the anticipated amount of accrued interest over the term of the repurchase agreement, the date of interest payment, and which party is entitled to receive the payment. In the case of pass-through securities, anticipated principal reductions should also be considered when determining margin adequacy.

E. Maturity and Renewal Procedures

Depository institutions should follow prudent management procedures when administering any repurchase agreement. For longer term repurchase agreements, management should monitor daily the effects of securities substitutions, margin maintenance requirements (including consideration of any coupon interest or principal payments) and possible changes in the financial condition of the counterparty. Engaging in open repurchase agreement transactions without maturity dates may be regarded as an unsafe and unsound practice unless the depository institution has, in its written agreement, retained rights to terminate the transaction quickly to protect itself against changed circumstances. Similarly, automatic renewal of short-term repurchase agreement transactions

without reviewing collateral values, adjusting collateral margin, and receiving written confirmation of the new contract terms, may be regarded as an unsafe and unsound practice. If additional margin is not deposited when required, the depository institution's rights to sell securities or otherwise liquidate the repurchase agreement should be exercised without hesitation.

IV. Guidelines for Controlling Collateral for Securities Sold Under Agreement to Repurchase

Depository institutions normally use current market values (bid side), including the amount of any accrued interest, to determine the price of securities that are sold under repurchase agreements. Counterparties should not be provided with excessive margin. Thus, the written repurchase agreement contract normally provides that the counterparty must make additional payment or return securities if the margin exceeds agreed upon levels. When acquiring funds under repurchase agreements it is prudent business practice to keep at a reasonable margin the difference between the market value of the securities delivered to the counterparty and the amount borrowed. The excess market value of securities sold by a depository institution may be viewed as an unsecured loan to the counterparty subject to the unsecured prudential limitations for the depository institution and should be treated accordingly for credit policy and control purposes.

By order of the Board of Directors.

Dated at Washington, D.C., this 10th day of February, 1998.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 98–4143 Filed 2–19–98; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Wednesday, February 25, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Joseph R. Coyne, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.bog.frb.fed.us for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: February 18, 1998.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 98–4470 Filed 2–18–98; 10:48 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Commission on Consumer Protection and Quality in the Health Care Industry; Public Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, Public Law. 92–463, notice is hereby given of the meeting of the Advisory Commission on Consumer Protection and Quality in the Health Care Industry. This two-day meeting will be open to the public, limited only by the space available.

Place of meeting: Omni Shoreham Hotel, 2500 Calvert Street, NW.; Washington, DC 20008. Exact locations of the sessions will be available at the registration desk and on the Commission's web site, ''http://www.hcqualitycommission.gov''.

Times and Dates: The public meeting will span two days. On Wednesday, February 25, 1998, the Subcommittee on Roles and Responsibilities will meet from 10:30 a.m. until 4:30 p.m. On Thursday, February 26, 1998, the General Session will begin at 8 a.m. and it will continue until 4 p.m.

Purpose/Agenda: To hear testimony and continue formal proceedings of the Commission's remaining subcommittee (Subcommittees on Quality Measurement, on a Quality Improvement Environment and on Consumer Rights have completed their work). The General Session will focus on the Commission's draft components to the final report. Agenda items are subject to change as priorities dictate.

Contact Person: For more information, including substantive program information and summaries of the meeting, please contact: Edward (Chip) Malin, Hubert Humphrey Building, Room 118F, 200 Independence Avenue, SW., Washington, DC 20201; (202/205–3333).

Dated: _____ February 12, 1998.

Janet Corrigan,

Executive Director, Advisory Commission on Consumer Protection and Quality in the Health Care Industry.

[FR Doc. 98–4222 Filed 2–19–98; 8:45 am]

BILLING CODE 4110–60–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS).

Times and Dates: 8:00 a.m.–5:30 p.m., March 3, 1998. 8:00 a.m.–5:00 p.m., March 4, 1998.

Place: Conference Room 303A–339A, Hubert H. Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201.

Status: Open.

Purpose: The meeting will focus on a variety of data policy and privacy issues. The Committee will review its progress and consider next steps in addressing new responsibilities in health data standards and health information privacy as outlined in the administrative simplification provisions of Pub. L. 104–191, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), as well as on related matters. Department officials will brief the Committee on recent activities of the HHS Data Council, the status of HHS activities in implementing the administrative simplification provisions of Pub. L. 104–191, and data implications of the Balanced Budget Act.

A presentation also is scheduled relating to the President's Commission on Quality and Consumer Protection, with special attention to data issues. A panel discussion on data quality standards is planned, as well as a panel discussion of approaches to standards for computer-based patient records. Breakout sessions are planned for the Subcommittee on Health Data Needs, Standards and Security, the Subcommittee on Privacy and Confidentiality, and the Subcommittee on Population-Specific Issues. In addition, a new member orientation is scheduled, and the Committee will discuss priorities and work plans. All topics are tentative and subject to change. Please check the NCVHS website for a detailed agenda.

Contact Person for More Information: Substantive information as well as summaries of the meeting and a roster of committee members may be obtained by visiting the NCVHS website (http://

aspe.os.dhhs.gov/ncvhs) or by calling James Scanlon, NCVHS Executive Staff Director, Office of the Assistant Secretary for Planning and Evaluation, DHHS, Room 440–D. Humphrey Building, 200 Independence Avenue S.W., Washington, D.C. 20201, telephone (202) 690–7100, or Marjorie S. Greenberg, Executive Secretary, NCVHS, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050.

Note: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey Building by non-government employees. Thus, individuals without a government identification card may need to have the guard call for an escort to the meeting room.

Dated: February 12, 1998.

James Scanlon,

Director, Division of Data Policy.

[FR Doc. 98–4346 Filed 2–19–98; 8:45 am]

BILLING CODE 4151–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Translation Advisory Committee for Diabetes Prevention and Control Programs: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Translation Advisory Committee for Diabetes Prevention and Control Programs.

Times and Dates: 9 a.m.–6 p.m., March 10, 1998. 9 a.m.–1 p.m., March 11, 1998.

Place: The Georgian Terrace, 659 Peachtree Street, Atlanta, Georgia 30308, telephone 404/897–1991.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: This committee is charged with advising the Director, CDC, regarding policy issues and broad strategies for diabetes translation activities and control programs designed to reduce risk factors, health services utilization, costs, morbidity, and mortality associated with diabetes and its complications. The Committee identifies research advances and technologies ready for translation into widespread community practice; recommends broad public health strategies to be implemented through public health interventions; identifies opportunities for surveillance and epidemiologic assessment of diabetes and related complications; and for the purpose of assuring the most effective use and organization of resources, maintains liaison and coordination of programs within the Federal, voluntary, and private sectors involved in the provision of services to people with diabetes.

Matters to be Discussed: Agenda items include a discussion of public health issues pertinent to the role of future program models best suited for Diabetes Control Programs in the Division of Diabetes Translation (DDT) priorities. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Margaret Hurd, Committee Management Specialist, DDT, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway, NE, M/S K–10, Atlanta, Georgia 30341–3717, telephone 770/488–5505.

Dated: February 13, 1998.

Julia M. Fuller,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–4288 Filed 2–19–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Agency Information Collection Under OMB Review

Title: April 1998 Current Population Survey Supplement on Child Support.

OMB No.: 0992–0003.

Description: Collection of these data will assist legislators and policymakers in determining how effective their policy making efforts have been over time in applying the various child support legislation to the overall child support enforcement picture. This information will help policymakers determine to what extent individuals on welfare would be removed from the welfare rolls as a result of more stringent child support enforcement efforts.

Respondents: Individuals or households.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Supplement	47,000	1	.0241	1,136

Estimated Total Annual Burden Hours: 1,136.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, Division of Information Resource Management Services, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make decision concerning the collection information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, N.W., Washington, D.C. 20503, Attn: Ms. Wendy Taylor.

Dated: February 13, 1998.

Bob Sargis,

Acting Reports Clearance Officer.

[FR Doc. 98–4347 Filed 2–19–98; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

State Median Income Estimates for Four-Person Families (FY 1999); Notice of the Fiscal Year (FY) 1999 State Median Income Estimates for Use Under the Low Income Home Energy Assistance Program (LIHEAP)

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Notice of estimated state median income for FY 1999.

SUMMARY: This notice announces the estimated median income for four-

person families in each state and the District of Columbia for FY 1999 (October 1, 1998 to September 30, 1999). LIHEAP grantees may adopt the state median income estimates beginning with the date of this publication of the estimates in the **Federal Register** or at a later date as discussed below. This means that LIHEAP grantees could choose to implement this notice during the period between the heating and cooling seasons. However, by October 1, 1998, or by the beginning of a grantee's fiscal year, whichever is later, LIHEAP grantees using state median income estimates must adjust their income eligibility criteria to be in accord with the FY 1999 state median income estimates.

This listing of estimated state median incomes concerns maximum income levels for households to which LIHEAP grantees may make payments under LIHEAP.

EFFECTIVE DATE: The estimates are effective at any time between the date of this publication and October 1, 1998, or by the beginning of a LIHEAP grantee's fiscal year, whichever is later.

FOR FURTHER INFORMATION CONTACT: Leon Litow, Administration for Children and Families, HHS, Office of Community Services, Division of Energy Assistance, 5th Floor West, 370 L'Enfant Promenade, S.W., Washington, D.C. 20447, Telephone: (202) 401–5304, Internet E-Mail: llitow@acf.dhhs.gov,

SUPPLEMENTARY INFORMATION: Under the provisions of section 2603(7) of Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35, as amended), we are announcing the estimated median income of a four-person family for each state, the District of Columbia, and the United States for FY 1999 (the period of October 1, 1998, through September 30, 1999).

Section 2605(b)(2)(B)(ii) of the LIHEAP statute provides that 60 percent of the median income for each state, as annually established by the Secretary of Health and Human Services, is one of the income criteria that LIHEAP grantees may use in determining a household's eligibility for LIHEAP.

LIHEAP is currently authorized through the end of FY 1999 by the Human Services Amendments of 1994, Pub. L. 103–252, which was enacted on May 18, 1994.

Estimates of the median income of four-person families for each state and the District of Columbia for FY 1999 have been developed by the Bureau of the Census of the U.S. Department of Commerce, using the most recently available income data. In developing the median income estimates for FY 1999, the Bureau of the Census used the following three sources of data: (1) The March 1997 Current Population Survey; (2) the 1990 Decennial Census of Population; and (3) 1996 per capita personal income estimates, by state, from the Bureau of Economic Analysis of the U.S. Department of Commerce.

Like the estimates for FY 1998, the FY 1999 estimates include income estimates from the March Current Population Survey that are based on population controls from the 1990 Decennial Census of Population. Income estimates prior to FY 1996 from the March Current Population Survey had been based on population controls from the 1980 Decennial Census of Population. Generally, the use of 1990 population controls results in somewhat lower estimates of income.

For further information on the estimating method and data sources, contact the Housing and Household Economic Statistics Division, at the Bureau of the Census (301–457–3242).

A state-by-state listing of median income, and 60 percent of median income, for a four-person family for FY 1999 follows. The listing describes the method for adjusting median income for families of different sizes as specified in regulations applicable to LIHEAP, at 45 CFR 96.85(b), which was published in the **Federal Register** on March 3, 1988 at 53 FR 6824.

Dated: February 13, 1998.

Donald Sykes,

Director, Office of Community Services.

ESTIMATED STATE MEDIAN INCOME FOR 4-PERSON FAMILIES, BY STATE, FISCAL YEAR 1999 [1]

States	Estimated state median income 4-person families [2]	60 Percent of estimated state median income 4-person families
Alabama	$44,879	$26,927
Alaska	62,078	37,247
Arizona	45,032	27,019
Arkansas	36,828	22,097
California	53,807	32,284
Colorado	53,632	32,179
Connecticut	67,380	40,428
Delaware	56,662	33,997
District of Col.	53,256	31,954
Florida	44,829	26,897
Georgia	48,920	29,352
Hawaii	57,909	34,745
Idaho	44,133	26,480
Illinois	55,372	33,223
Indiana	52,962	31,777
Iowa	48,167	28,900
Kansas	49,034	29,420
Kentucky	44,932	26,959
Louisiana	41,851	25,111
Maine	48,632	29,179
Maryland	61,860	37,116
Massachusetts	62,385	37,431
Michigan	56,174	33,704
Minnesota	56,200	33,720
Mississippi	38,748	23,249
Missouri	50,015	30,009
Montana	41,462	24,877
Nebraska	46,726	28,036
Nevada	50,946	30,568
New Hampshire	56,497	33,898
New Jersey	65,586	39,352
New Mexico	38,143	22,886
New York	52,799	31,679
North Carolina	49,272	29,563
North Dakota	45,480	27,288
Ohio	51,835	31,101
Oklahoma	43,138	25,883
Oregon	46,245	27,747
Pennsylvania	53,814	32,288
Rhode Island	53,967	32,380
South Carolina	46,973	28,184
South Dakota	45,043	27,026
Tennessee	45,245	27,147
Texas	46,757	28,054
Utah	45,775	27,465
Vermont	49,401	29,641
Virginia	53,394	32,036
Washington	53,153	31,892
West Virginia	41,293	24,776
Wisconsin	52,986	31,792
Wyoming	46,830	28,098

NOTE—FY 1999 covers the period of October 1, 1988 through September 30, 1999. The estimated median income for 4-person families living in the United States is $51,518 for FY 1999. The estimates are effective for the Low Income Home Energy Assistance Program (LIHEAP) at any time between the date of this publication and October 1, 1998, or by the beginning of a LIHEAP grantee's fiscal year, whichever is later.

[1] In accordance with 45 CFR 96.85, each state's estimated median income for a 4-person family is multiplied by the following percentages to adjust for family size: 52% for one person, 68% for two persons, 84% for three persons, 100% for four persons, 116% for five persons, and 132% for six persons. For family sizes greater than six persons, add 3% to 132% for each additional family member and multiply the new percentage by the state's estimated median income for a 4-person family.

[2] Prepared by the Bureau of the Census from the March 1997 Current Population Survey, 1990 Decennial Census of Population and Housing, and 1996 per capita personal income estimates, by state, from the Bureau of Economic Analysis.

[FR Doc. 98–4355 Filed 2–19–98; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing infromaiton and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Aspirin Metabolites As Protectors Against Oxidative Stress And Chemotherapy Drug Toxicity

JB Mitchell, A Russo, CM Krishna, W DeGraff, AM DeLuca, L Myers, SM Hahn (NCI)

Serial No. 60/039,375 filed 20 Mar 97

Licensing Contact: Leopold J. Luberecki, Jr., 301/496–7735 ext. 223

Although oxygen is required to sustain most life forms, a variety of toxic oxygen-related species, such as hydroxyl radicals, hydrogen peroxide, and superoxide, are produced, which could damage cells if left unchecked. Cells usually possess systems which rid themselves of these by-products, yet there is a small amount of these substances which escapes the biochemical defense network. It is not known whether chronic exposure to low levels of oxygen-derived free radical species is deleterious. It is postulated that the aging process may be a manifestation of the organism's inability to cope with sustained oxidative stress. In addition, some cancer treatment modalities exert their cytotoxicity via production of free radicals. This invention describes methods of using a composition made of a hydroxybenzoate metabolite, a hydroxybenzoate analogue, or a mixture thereof, in the preventative and therapeutic treatment for oxidative stress. The use of the compounds to treat oxidative stress is superior to aspirin itself for reasons including avoidance of gastric and duodenal ulcers and platelet function disorders, and the ability to realize high concentrations of specific metabolities or analogues, which cannot be achieved using aspirin. In addition, compositions may be used to protect biological material from the cytotoxic effects of cancer chemotherapeutic agents, including adriamycin, one of the most widely used chemotherapeutic agents. As an example, the effectiveness of adriamycin is limited by the resulting bone marrow suppression, gastorintestional damage, and cumulative cardiotoxicity caused by the treatment. The compositions of this invention could act as anti-cytotoxic agents. The compositions also could be used to treat extravasation tissue injury. Extravasation occurs when a hypodermic injection, such as an injection of a chemotherapeutic agent, misses the vein, as frequently occurs in older persons, thereby causing release of a high localized concentration of the agent into the surrounding tissue, which results in cellular damage and a disfiguring ulceration. A composition as described in this invention could be rapidly injected at the site of the missed injection to alleviate or prevent this damage.

Trophic and Cell Differentiating Effects of Glucagon-Like Peptite (GLP–1) and Exedin-4

J Egan, R Perfetti, A Passaniti, N Greg, H Holloway (NIA)

DHHS Reference No. E–251–97/0

Licensing Contact: Charles M. Maynard, 301/496–7735 ext. 243

GLP–1 is a hormone produced and predominantly found in the mammalian gut. GLP–1 has been found to stimulate insulin production and suppress glucagon production in response to increases in serum glucose levels caused by a variety of events, such as ingestion of a mixed meal. Consequently, it has generated a considerable amount of investigation as a potentially useful therapeutic agent in the treatment of diabetes. Clinical trials of administration of synthetic GLP–1 have shown a reduction of the need for insulin injection in patients with diabetes, both type I and type II. GLP–1 also has the distinct advantage over traditional treatment of these conditions, in that the insulinotropic effect of GLP–1 is dependent on serum glucose concentration, resulting in the fact that in vivo administration of significant amounts of GLP–1 appears not to trigger hyperinsulinemia. Unfortunately, GLP–1 has an effective pharmaceutical half-life in the realm of five minutes, requiring repeated dosing.

Exedin–4 is an abstract from the venom of the Gila monster, about 50% structurally related to GLP–1, which was found to be a potent agonist of GLP–1, and which also was found to increase insulin production when administered by itself. Exedin–4 also has the advantage of a significantly longer effective duration, on the order of ten hours. Research, therefore, has focused on finding combinations of GLP–1 and exedin–4 that are likely to provide the longest effect, as well as on the mechanisms through which they mediate insulin production.

Oncoimmunins

B Packard, A Komoriya (FDA)

U.S. Patent 5,364,619 issued 15 Nov 94 and U.S. Patent 5,635,356 issued 3 Jun 97

Licensing Contact: Jaconda Wagner, 301/496–7735 ext. 284

Two tumor-derived soluble proteins named oncoimmunin-L and oncoimmunin-M have been isolated and partially characterized. Oncoimmunin-L is a T-cell mitogen and oncoimmunin-M is a myeloid differentiation inducing agent. The partial characterization of these two factors has shown that they are similar to human leukocyte elastase inhibitor and human lactate dehyrodrogenase M, respectively. As cells of both lymphoid and myeloid origin are known to play roles in immune defense, factors which can modulate their number and/or function may be useful in the diagnosis and treatment of cancer. Since these factors are derived from tumors, their appearance in blood may signal the presence of tumor or of metastatic disease. The in vivo bioactivities of these factors suggests their utility as therapeutic agents for cancer and infectious diseases.

This research has been published in Biochim Biophys Acta 1995 Oct 19; 1269(1): 41–50.

Dated: February 11, 1998.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 98–4236 Filed 2–19–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; 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 meeting:

Name of Committee: National Human Genome Research Institute Initial Review Group, Genome Research Review Subcommittee.

Agenda Purpose: To review and evaluate grant applications and/or contract proposals.

Date: March 10–11, 1998.

Time: March 10, 7a.m. to 10 a.m; March 11, 12 noon to 5 p.m.

Place: The Stanford Terrace Inn, Palo Alto, California.

Contact Person: Rudy Pozzatti, Ph.D., Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Building 38A, Room 604, Bethesda, Maryland 20892, (301) 402–0838.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The applications and/or contract proposals, and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research)

Dated: February 11, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4235 Filed 2–19–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code Appendix 2), notice is hereby given of the following National Institute of General Medical Sciences Special Emphasis Panel (SEP) meeting:

Name of SEP: RFA Review.

Date: March 11, 1998.

Time: 8:30 a.m.—adjournment.

Place: Holiday Inn—Bethesda, 8120 Wisconsin Avenue, Bethesda, Maryland 20814.

Contact Person: Dr. Arthur L. Zachary, Scientific Review Administrators, NIGMS, Natcher Building—Room 1AS–13, Bethesda, Maryland 20892, Telephone: 301–594–2886.

Purpose/Agenda: To evaluate and review grant applications

The meeting will be closed in accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6) Title 5 U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. [93.821, Biophysics and Physiological Sciences; 93.859, Pharmacological Sciences; 93.862, Genetics Research; 93.863, Cellular and Molecular Basis of Disease Research; 93.880, Minority Access Research Careers (MARC); and 93.375, Minority Biomedical Research Support (MBRS)], National Institutes of Health)

Dated: February 11, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4232 Filed 2–19–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 18, 1998.

Time: 11:30 a.m.

Place: Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Phyllis D. Artis, Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–6470.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 18, 1998.

Time: 1:30 p.m.

Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Richard Johnson, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 20, 1998.

Time: 9:30 a.m.

Place: Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Richard Johnson, Parklawn, Room 9C–18, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 443–1340.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: February 11, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4233 Filed 2–19–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 United States Code Appendix 2), Notice is hereby given of the following National Institute of General Medical Sciences Special Emphasis Panel (SEP) meeting:

Name of SEP: RFA Review (Teleconference).

Date: February 23, 1998.

Time: 1 p.m.—adjournment.

Place: NIH, NIGMS, Natcher Building, Room 1AS–13, Bethesda, Maryland.

Contact Person: Dr. Arthur L. Zachary, Scientific Review Administration, NIGMS, Natcher Building—Room 1AS–13, Bethesda, Maryland 20892, Telephone: 301–594–2886.

Purpose/Agenda: To evaluate and review grant applications.

The meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. The discussions of these applications could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with these applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Nos. [93.821, Biophysics and Physiological Sciences; 93.859,

Pharmacological Sciences; 93.862, Genetics Research; 93.863, Cellular and Molecular Basis of Disease Research; 93.880, Minority Access Research Careers (MARC); and 93.375, Minority Biomedical Research Support (MBRS)], National Institutes of Health)

Dated: February 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4238 Filed 2–19–98; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meetings of the Diabetes and Digestive and Kidney Diseases Special Grant Review Committee, National Institute of Diabetes and Digestive Kidney Diseases (NIDDK) for March 1998.

Name of Committee: Diabetes, Endocrinology and Metabolic B Subcommittee.
Date: March 9, 1998.
Time: 8:30 a.m.–Adjournment.
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814, Telephone: (301) 657–1234.
Contact Person: Ned Feder, M.D., Scientific Review Administrator, Natcher Building, Room 6AS–25S, National Institutes of Health, Bethesda, Maryland 20892–6600, Phone: 301–594–8890.
Purpose/Agenda: To review and evaluate research grant applications.

Name of Committee: Digestive Diseases and Nutrition C Subcommittee.
Date: March 12, 1998.
Time: 8:30 a.m.–Adjournment.
Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815, Telephone: (301) 656–1500.
Contact Person: Daniel Matsumoto, Ph.D., Scientific Review Administrator, Natcher Building, Room 6AS–37B, National Institutes of Health, Bethesda, Maryland 20892–6600, Phone: 301–594–8894.
Purpose/Agenda: To review and evaluate research grant applications.

Name of Committee: Kidney, Urologic and Hematologic Diseases D Subcommittee.
Date: March 27, 1998.
Time: 8:00 a.m.–Adjournment.
Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Bethesda, MD 20815, Telephone: (301) 656–1500.
Contact Person: Ann A. Hagan, Ph.D., Scientific Review Administrator, Natcher Building, Room 6AS–37F, National Institutes of Health, Bethesda, Maryland 20892–6600, Phone: 301–594–8886.

Purpose/Agenda: To review and evaluate research grant applications.

These meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)

Dated: February 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4239 Filed 2–19–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings;

Purpose/Agenda: To review individual grant applications.
Name of SEP: Chemistry and Related Sciences.
Date: March 4–6, 1998.
Time: 8:30 a.m.
Place: Best Western McArthur Hotel, Holtsville, NY.
Contact Person: Dr. Marjam Behar, Scientific Review Administrator, 6701 Rockledge Drive, Room 5218, Bethesda, Maryland 20892, (301) 435–1180.
Name of SEP: Chemistry and Related Sciences.
Date: March 6–7, 1998.
Time: 8:30 p.m.
Contact Person: Dr. Marjam Behar, Scientific Review Administrator, 6701 Rockledge Drive, Room 5218, Bethesda, Maryland 20892, (301) 435–1180.

Name of SEP: Biological and Physiological Sciences.
Date: March 10, 1998.
Time: 10:30 a.m.
Place: NIH, Rockledge 2, Room 5196, Telephone Conference.
Contact Person: Ms. Carol Campbell, Scientific Review Administrator, 6701 Rockledge Drive, Room 5196, Bethesda, Maryland 20892, (301) 435–1257.

Name of SEP: Clinical Sciences.
Date: March 12, 1998.
Time: 11:00 a.m.
Place NIH, Rockledge 2, Room 4118, Telephone Conference.
Contact Person: Dr. Christine Melchior, Scientific Review Administrator, 6701 Rockledge Drive, Room 4118, Bethesda, Maryland 20892, (301) 535–1713.

Name of SEP: Biological and Physiological Sciences.
Date: March 12, 1998.
Time: 2:00 p.m.
Place: Embassy Suites, Washington, DC.
Contact Person: Ms. Carol Campbell, Scientific Review Administrator, 6701 Rockledge Drive, Room 5196, Bethesda, Maryland 20892, (301) 435–1257.

Name of SEP: Chemistry and Related Sciences.
Date: March 23, 1998.
Time: 2:00 p.m.
Place: NIH, Rockledge 2, Room 5106, Telephone Conference.
Contact Person: Dr. Richard Panniers, Scientific Review Administrator, 6701 Rockledge Drive, Room 5106, Bethesda, Maryland 20892, (301) 435–1166.

Name of SEP: Biological and Physiological Sciences.
Date: March 23–24, 1998.
Time: 8:30 a.m.
Place: Ana Hotel, Washington, DC.
Contact Person: Dr. Mushtaq Khan, Scientific Review Administrator, 6701 Rockledge Drive, Room 4124, Bethesda, Maryland 20892, (301) 435–1778.

Name of SEP: Chemistry and Related Sciences.
Date: April 2, 1998.
Time: 8:00 a.m.
Place: Ramada Inn, Bethesda, MD.
Contact Person: Dr. Donald Schneider, Scientific Review Administrator, 6701 Rockledge Drive, Room 4172, Bethesda, Maryland 20892, (301) 435–1727.

Purpose/Agenda: To review Small Business Innovation Research.
Name of SEP: Clinical Sciences.
Date: March 17, 1998.
Time: 8:00 a.m.
Place: Doubletree Hotel, Rockville, MD.
Contact Person: Dr. Gertrude McFarland, Scientific Review Administrator, 6701 Rockledge Drive, Room 4110, Bethesda, Maryland 20892, (301) 435–1784.

Name of SEP: Clinical Sciences.
Date: March 19–20, 1998.
Time: 7:00 p.m.
Place: Holiday Inn–Georgetown, Washington, DC.
Contact Person: Dr. Nancy Shinowara, Scientific Review Administrator, 6701 Rockledge Drive, Room 5216, Bethesda, Maryland 20892, (301) 435–1173.

Name of SEP: Clinical Sciences.
Date: March 31, 1998.
Time: 8:00 a.m.
Place: Holiday Inn–Georgetown, Washington, DC.
Contact Person: Dr. Nancy Shinowara, Scientific Review Administrator, 6701 Rockledge Drive, Room 5216, Bethesda, Maryland 20892, (301) 435–1173.

Name of SEP: Biological and Physiological Sciences.
Date: April 4, 1998.
Time: 8:30 a.m.
Place: Doubletree Hotel, Rockville, MD.
Contact Person: Dr. Michael Micklin, Scientific Review Administrator, 6701 Rockledge Drive, Room 5198, Bethesda, Maryland 20892, (301) 435–1258.

Name of SEP: Clinical Sciences.
Date: April 8, 1998.
Time: 8:00 a.m.
Place: Holiday Inn, Silver Spring, MD.
Contact Person: Dr. Gertrude McFarland, Scientific Review Administrator, 6701 Rockledge Drive, Room 4110, Bethesda, Maryland 20892, (301) 435–1784.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.383–93.396, 93.837–93,844, 93.846–93.878, 93,892, 93,893, National Institutes of Health, HHS)

Dated: February 11, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4234 Filed 2–19–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.
Name of SEP: Biological and Physiological Sciences.
Date: March 12–13, 1998.
Time: 9:00 a.m.
Place: Holiday Inn–Georgetown, Washington, DC.
Contact Person: Dr. Anita Sostek, Scientific Review Administrator, 6701 Rockledge Drive, Room 5202, Bethesda, Maryland 20892, (301) 435–1260.

Name of SEP: Biological and Physiological Sciences.
Date: March 20, 1998.
Time: 8:30 a.m.
Place: Holiday Inn-Georgetown, Washington, DC.
Contact Person: Dr. Krish Krishnan, Scientific Review Administrator, 6701 Rockledge Drive, Room 4122, Bethesda, Maryland 20892, (301) 435–1779.

Name of SEP: Chemistry and Related Sciences.
Date: March 23–24, 1998.
Time: 8:00 a.m.
Place: Doubletree Hotel, Rockville, MD.
Contact Person: Dr. Gopa Rakhit, Scientific Review Administrator, 6701 Rockledge Drive, Room 4154, Bethesda, Maryland 20892, (301) 435–1721.

Purpose/Agenda: To review Small Business Innovative Research.
Name of SEP: Biological and Physiological Sciences.
Date: March 2–3, 1998.
Time: 8:00 a.m.
Place: Bethesda Marriott Hotel, Bethesda, MD.
Contact Person: Dr. Nabeeh Mourad, Scientific Review Administrator, 6701 Rockledge Drive, Room 4212, Bethesda, Maryland 20892, (301) 435–1222.

The meetings will be closed in accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 9, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, National Institutes of Health.

[FR Doc. 98–4237 Filed 2–19–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.
Name of SEP: Microbiological and Immunological Sciences.
Date: March 3, 1998.
Time: 7:30 p.m.
Place: Palm Springs Hilton Resort, Palm Springs, CA.
Contact Person: Dr. Sami Mayyasi, Scientific Review Administrator, 6701 Rockledge Drive, Room 5106, Bethesda, Maryland 20892, (301) 435–1166.

Name of SEP: Microbiological and Immunological Sciences.
Date: March 20, 1998.
Time: 2 p.m.
Place: NIH, Rockledge 2, Room 5106, Telephone Conference.
Contact Person: Dr. Sami Mayyasi, Scientific Review Administrator, 6701 Rockledge Drive, Room 5106, Bethesda, Maryland 20892, (301) 435–1166.

Name of SEP: Clinical Sciences.
Date: April 8, 1998.
Time: 8:30 p.m.
Place: Doubletree Hotel, Rockville, MD.
Contact Person: Dr. Anthony Chung, Scientific Review Administrator, 6701 Rockledge Drive, Room 4138, Bethesda, Maryland 20892, (301) 435–1213.

Name/Purpose:

To review Small Business Innovation Research.

Name of SEP: Biological and Physiological Sciences.
Date: March 30, 1998.
Time: 8 a.m.
Place: Ramada Inn, Rockville, MD.
Contact Person: Dr. Abubakar Shaikh, Scientific Review Administrator, 6701 Rockledge Drive, Room 6166, Bethesda, Maryland 20892, (301) 435–1042.

Name of SEP: Chemistry and Related Sciences.
Date: April 1–3, 1998.
Time: 6 p.m.
Place: Triphammer Lodge, Ithaca, NY.
Contact Person: Dr. Nancy LaMontagne, Scientific Review Administrator, 6701 Rockledge Drive, Room 4170, Bethesda, Maryland 20892, (301) 435–1726.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 12, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, National Institute of Health.

[FR Doc. 98–4240 Filed 2–19–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Statement of Organization, Functions, and Delegations of Authority

Part N, National Institutes of Health, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 62 FR 37587, July 14, 1997, and redesignated from Part HN as Part N at 60 FR 56605, November 9, 1995), is amended as set forth below to reflect the reorganization of the information technology functions within NIH into a single organization, the Center for Information Technology. (1) Establish the Center for Information Technology by transferring the functions of the Division of Computer Research and Technology and the functions of two offices in the Office of Management, Office of the Director, NIH, to the Center. (2) Establish the functional statement for the newly established Center and revise the functional statements for the Office of Management and the Office of Administration. (3) Within the Center, establish the Office of Telecommunications Management and the Office of Resources Management; revise the functional statements of the Office of Computational Bioscience and the Office of Computing Resources and Services; in the Office of the Director (OD), revise the functional statement of the OD and the Office of Administrative Management and retitle the Office of Information Resources Management as the Office of Information Technology Planning and revise its functional statement.

Section N–B, Organization and Functions, is amended as follows:

(1) Under the heading Division of Computer Research and Technology (NU, formerly HNU), the following is inserted:

Center for Information Technology (NU, formerly HNU). (1) Provides leadership for the determination of NIH computational and telecommunications needs at all levels and oversees the development of appropriate infrastructure support to meet identified needs; (2) develops, operates, and maintains a state-of-the-art regional computer facility and provides overall guidance based on legislation and policy that is responsive to the NIH mission; (3) develops and provides NIH information technology policy to implement legislative mandates, such as those under the Information Technology Management Reform Act, Presidential and other Administration initiatives, and HHS, OMB, and other policy and administrative requirements; (4) provides leadership and focus within NIH for the development and implementation of policy and standards in the area of information technology by identifying, documenting, and communicating information technology issues, problems, and solutions to the NIH community in a comprehensive and meaningful way; (5) establishes and operates the necessary organization and infrastructure to ensure appropriate security, connectivity, and inter-operability across the NIH Institutes and Centers, off-campus locations, and remote access; (6) serves as a Federal Delta Processing Center for administrative, biomedical, and statistical computing, provides data processing and high performance computing facilities and integrated telecommunications data networks, and provides services to the DHHS and other Federal agencies.

Office of the Director (NUI, formerly HNUI). (1) Plans, directs, coordinates, and evaluates the Center's programs, policies, and procedures; and (2) provides analysis and guidance in the development of systems for the effective use of ADP techniques and equipment in support of NIH programs.

Office of Administrative Management (NU14, formerly HNU14). (1) Advises the Center Director on management aspects of the Center's programs, policies, and procedures; (2) provides administrative services in support of Center program efforts; (3) coordinates the Center's response to NIH-wide management programs; (1) provides staff support in information sciences in support of the missions of the Center and the NIH; (5) plans and carries out scientific and technical communications activities for the Center; and (6) manages a core collection of computer and computer science-related information for NIH.

Office of Information Technology Planning (NU18, formerly HNU18). (1) Advises the Director and Deputy Director of the Center on all aspects of internal information technology (IT) activities, including strategic planning, budget planning, performance measurement, capacity management, security, and coordination of the acquisition of information processing resources; (2) oversees the Center's IT programs for compliance with regulatory IRM requirements; (3) coordinates the Center's IT portfolio management and investment review process; (4) performs strategic and budget planning for the Center; (5) assists staff in IT management, including acquisition of major information technology resources; (6) provides internal quality control and oversight for Center IT programs; and (7) oversees and coordinates initiatives related to computer and information security, including the Center's computer emergency response team (CERT).

Office of Computational Bioscience (NU2, formerly HNU2). (1) Coordinates and managers all Center activities related to the conduct and support of NIH research in the computational biosciences; (2) applies computing technology to research involving molecular structure determination and modeling, protein and DNA sequence analysis, and biomedical imaging; (3) conducts and supports research in mathematical theory and biophysical instrumentation to explain biological phenomena in terms of chemistry and physics; (4) conducts research and development in computer science and computational engineering; (5) promotes the application of high performance computing to biomedical research and represents the Center to the Federal Program in High Performance Computing and Communication (HPCC); (6) evaluates the overall performance of these programs; and (7) communicates and collaborates with researchers, both within and outside NIH, to obtain and provide information concerning the Center's ongoing and future research and support for research.

Office of Computing Resources and Services (NU3, formerly HNU3). (1) Advises the Center's Director and Deputy Director on all matters pertaining to the management of the Center's ADP service and support programs; (2) coordinates and oversees all programs related to the development and provision of networking facilities; (3) provides centralized computational and data processing facilities and professional programming services; (4) provides guidance and support for end users of distributed computing technology, including personal computers, workstations, and local area networks; (5) provides engineering design to facilitate laboratory and clinical applications of automation technology; and (6) provides central systems analysis, design, and programming resources for database projects relating to scientific, technical, management, financial, and administrative data.

Office of Telecommunications Management (NU4, formerly HNU4). (1) Manages and directs the NIH telecommunications systems and

administers the telecommunications budget; (2) develops technical requirements for the NIH Institutes and Centers (ICs) and implements telecommunications programs to meet the needs of the NIH community; (3) serves as the focal point for service orders and billing; (4) develops and disseminates policies and procedures for the nationwide implementation and management of the NIH telecommunication systems; and (5) serves as the telecommunications liaison for NIH with other Federal agencies, GSA, DHHS, and private industry.

Office of Information Resources Management (NU5, formerly HNU5). Advises the Chief Information Officer on the direction and management of NIH information technology (IT) program activities under the Paperwork Reduction Act, the Computer Security Act, the Information Technology Management Reform Act, and OMB Circular A–130 by serving as a focal point for: (1) Implementing, managing, and overseeing NIH IT activities related to IT policy, planning and budgeting, IT resources user requirements, IT reviews, IT and automated systems inventories, capacity management and planning, security, IT standards, and IT resources obsolescence and excess shipment: (2) collaborating with NIH components responsible for acquisition of IT resources, major information systems, telecommunications management, printing management, computer matching, IT accommodations for persons with disabilities, records and forms management including the Privacy Act, information collection, and information dissemination; (3) serving as the NIH liaison to the Department and to OMB, GSA, and the National Institute of Standards and Technology and other Federal agencies on all IT matters; (4) participating with appropriate NIH components in assessing and enhancing the level of knowledge and skill of users of IT resources; (5) coordinating with appropriate NIH components in developing an NIH-wide plan for standardizing networking, cabling, and electrical facilities for IT resources; (6) ensuring that oversight measures are appropriate for the diversity, complexity, and size of the major providers and the individual ICs; and (7) providing direction to the major providers/individual ICs in enhancing and strengthening their individual IT program management to ensure compliance with legislative mandates.

(2) Under the heading Office of the Director (NA, formerly HNA) the following is inserted: Office of Management (NAM, formerly HNAM). (1) Advises the NIH Director and staff on all phases of NIH-wide administration and Management; (2)provides leadership and direction to all aspects of management; and (3) oversees the management of functions in the areas of budget and financial management, personnel management, management policy, management assessment, program integrity, contract, procurement, and logistics management, engineering services, safety, space and facility management, support services, and security operations.

Office of Administration (NAM2, formerly HNAM2). (1) Advises the NIH Director and staff on administration and management; (2) provides leadership and guidance to NIH components on administrative management; and (3) develops and implements policies, provides oversight, and manages the operational components in the areas of management assessment, contract management, procurement management, and logistics management.

Delegatins of Authority Statement: All delegations and redelegations of authority to offices and employees of NIH that were in effect immediately prior to the effective date of this reorganization and are consistent with this reorganization shall continue in effect, pending further redelegation.

Dated: February 10, 1998.

Harold Varmus,

Director, National Institutes of Health.

[FR Doc. 98–4241 Filed 2–19–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have 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: Exotic Feline Breeding Compound, Inc., Rosamond, CA, PRT–839056.

The applicant requests a permit to import one captive-born male Amur leopard (*Panthera pardus orientalis*) from Estonia for the purpose of enhancement through captive propagation.

Applicant: Grand Canyon Monitoring & Research Ctr., Flagstaff, AZ, PRT–839107.

The applicant requests a permit to import up to 210 preserved specimens of Kanab ambersnail (*Oxyloma haydeni kanabensis*) from Canada for the purpose of scientific research related to taxonomic identification.

Applicant: John J. Schumann, Jr., Vero Beach, FL, PRT–839357.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Applicant: David Roberts, Madison, WI, PRT–839037.

The applicant requests a permit to import 2 male and 7 female certified bred-in-captivity Cabot's tragopan (*Tragopan caboti*) from Glenn Howe, Ontario, Canada, for the purpose of enhancement of the survival of the species through captive propagation.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

The public is invited to comment on the following applications for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Applicant: Institute of Marine Science, University of California, Santa Cruz, CA, PRT–839099.

Permit Type: Take for Scientific Research.

Name and Number of Animals: Pacific Walrus (*Odobenus rosmarus*), 400.

Summary of Activity to be Authorized: Analysis of tissue samples to determine metabolic activity and model energy reserves.

Source of Marine Mammals: The samples will be provided to the applicant by Fish and Wildlife Service, Marine Mammals Management Office biologists. The samples are taken from walrus killed during Native American subsistence hunts.

Period of Activity: Up to 5 years from issuance date of permit, if issued.

Applicant: Mote Marine Laboratory, Sarasota, FL, PRT–838930.

Permit Type: Take for scientific research.

Name and Number of Animals: West Indian manatee (*Trichechus manatus*), up to 70.

Summary of Activity to be Authorized: The applicant requests a

permit to perform in-water observations of manatees to determine gender for life history studies.

Source of Marine Mammals: Sarasota Bay, Florida.

Period of Activity: Up to 5 years from issuance date of permit, if issued.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Applicant: John Abercrombie, Las Vegas, NV, PRT–839323.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Southern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Applicant: Wallace Gott, Upland, CA, PRT–839315.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted prior to April 30, 1994, from the Northern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Applicant: Jesse Kirk, Irving, TX, PRT–838024.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Northern Beaufort Sea polar bear population, Northwest Territories, Canada for personal use.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be sent to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281 and must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Documents and other information submitted with the application are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the above address within 30 days of the date of publication of this notice.

Dated: February 13, 1998.

Mary Ellen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–4260 Filed 2–19–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Application for Endangered Species Permit

The following applicants have applied for permits 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.*):

PRT–839030

Applicant: Bobby C. Reed, Inland Fisheries Division, Louisiana Department of Wildlife and Fisheries, Lake Charles, Louisiana.

The applicant requests authorization to take (capture and retain for captive propagation and release of progeny) the pallid sturgeon, Scaphirhynchus albus, throughout the species range in Louisiana, for the purpose of enhancement of survival of the species.

PRT–839029

Applicant: Anthony J. Savereno, Mt. Pleasant, South Carolina.

The applicant requests authorization to take (capture, band, and harass during surveys and installation of cavity restrictors) the red-cockaded woodpecker, Picoides borealis, throughout the species range in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Arkansas, Mississippi, and Louisiana, for the purpose of enhancement of survival of the species.

Written data or comments on these applications should be submitted to: Regional Permit Biologist, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345. All data and comments must be received by March 23, 1998.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, 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, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist). Telephone: 404/679–7313; Fax: 404/679–7081.

Dated: February 12, 1998.

Sam D. Hamilton,

Regional Director.

[FR Doc. 98–4286 Filed 2–19–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permit for Marine Mammals

On November 28, 1997, a notice was published in the **Federal Register**, Vol. 62, No. 229, Page 63374, that an application had been filed with the Fish and Wildlife Service by Texas A&M University, Marine Mammals Research Program, Galveston, TX for amendment and renewal of their permit (PRT–766146) to take captive manatees (*Trichechus manatus*) for the scientific research.

Notice is hereby given that on January 26,1998, as authorized by the provisions of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for these applications are available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Rm 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: February 13, 1998.

Mary Ellen Amtower,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–4259 Filed 2–19–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–1990–00]

Availability for the Olinghouse Mine Project Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of availability for the Olinghouse Mine Project Final Environmental Impact Statement (FEIS), Washoe County, Nevada.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act, 40 CFR 1500–1508 and 43 CFR 3809, notice is given that the Bureau of Land Management (BLM) has prepared, with the assistance of a third-party consultant, a FEIS for Alta Gold Company's proposed Olinghouse Mine, located approximately 33 miles east of Reno, Nevada. Copies of the document are available for public review.

DATES: Written comments on the FEIS will be accepted until close of business on March 20, 1998. No public meetings are scheduled. Following the 30-day availability period of this FEIS, a Record of Decision (ROD) will be issued.

ADDRESSES: A copy of the FEIS can be obtained from: Bureau of Land Management, Carson City Field Office, Attn: Terri Knutson, Olinghouse Project Manager, 5665 Morgan Mill Road, Carson City, Nevada 89701.

The FEIS is available for inspection at the following location: BLM Carson City Field Office.

FOR FURTHER INFORMATION CONTACT: For additional information, write to the above address or call Terri Knutson at (702) 885–6156.

Dated: February 6, 1998.

Karl L. Kipping,

Associate District Manager.

[FR Doc. 98–4263 Filed 2–19–98; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–930–1430–10; COC–39308]

Notice of Proposed Withdrawal: Opportunity for Public Meeting; Colorado

February 9, 1998.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw an additional 10,503 acres of National Forest System lands adjacent to the Keystone Ski Area at Keystone, Colorado, for 10 years to protect recreational facilities and high resource values. This proposed action will withdraw these lands for 10 years. This notice closes the 10,503 acres to location and entry under the mining laws for up to two years. The lands remain open to mineral leasing and to such forms of disposition may by law be made of National Forest System land.

DATES: Comments on this proposed withdrawal must be received on or before May 21, 1998.

ADDRESSES: Comments should be sent to the Colorado State Director, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215–7076.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, 303–239-3706.

SUPPLEMENTARY INFORMATION: On February 2, 1998, the Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws (30 U.S.C. Ch 2):

White River National Forest

T. 5 S., R. 76 W.,
- Sec. 20, Lots 2, 3, 4, 15, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 43, 47, 48, 49, 50, and 51;
- Sec. 21, S½N½ and S½;
- Sec. 22, S½;
- Sec. 23, SW¼SW¼;
- Sec. 26, Lots 2, 3, and 7, and NW¼NW¼;
- Sec. 27, All;
- Sec. 28, All;
- Sec. 29, E½ and E½E½W½;
- Sec. 32, E½, E½NE¼NW¼, SE¼NW¼ and E½SW¼;
- Sec. 33, All;
- Sec. 34, NW¼.

T. 5 S., R. 77 W.,
- Sec. 23, Lots 11, 13, and 15, S½SE¼ and S½NW¼SE¼;
- Sec. 24, Lot 11 and W½SW¼;
- Sec. 25, W½NW¼, W½NE¼SW¼, NW¼SW¼, SE¼SW¼SW¼, N½SW¼SW¼, and SE¼SW¼;
- Sec. 26, W½E½, E½W½, NE¼NE¼NE¼, SW¼NE¼SE¼, and W½SE¼SE¼;
- Sec. 35, E½ and E½NW¼;
- Sec. 36, W½NE¼, SE¼NE¼, NE¼NW¼, SW¼NW¼NW¼, SW¼NW¼, NE¼SE¼NW¼, W½NE¼SW¼, S½SW¼, and NW¼SW¼.

T. 6 S., R. 76 W.,
- Sec. 4, Lots 3, 4, 5, 6, 11, and 12, and SW¼;
- Sec. 5, Lots 1 thru 12, inclusive;
- Sec. 6, Lots 1, 8, and 9, and E½SE¼;
- Sec. 8, S½N½SW¼.

T. 6 S., R. 77 W.,
- Sec. 2, Lots 1, 2, 3, and 4, and S½N½, SW¼ and W½SE¼;
- Sec. 3, S½;
- Sec. 4, SE¼SE¼;
- Sec. 9, E½E½;
- Sec. 10, All;
- Sec. 11, All;
- Sec. 12, SW¼NW¼, SW¼, and S¼SE¼;
- Sec. 13, N½ and N½S½;
- Sec. 14, Lots 1, 2, 4, and 5, N½ and N½SE¼;
- Sec. 15, N½;
- Sec. 16, NE¼.

The areas described aggregate approximately 10,503 acres in Summit County.

The purpose of this withdrawal is to protect recreational resources and planned recreational facilities at the Keystone Ski Area.

For a period of 90 days from the date of publication of this notice, all parties who wish to submit comments, suggestions, or objections in connection with this proposed withdrawal may present their views in writing to the Colorado State Director. A public meeting will be scheduled and held. The meeting will be conducted in accordance with 43 CFR 2310.3–1(c)(2). Notice of the public meeting will be published in the **Federal Register**.

This application will be processed in accordance with the regulations set forth in 43 CFR part 2310.

For a period of two years from the date of publication in the **Federal Register** this land will be segregated from the mining laws as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date. During this period the Forest Service will continue to manage these lands.

Jenny L. Saunders,

Realty Officer.

[FR Doc. 98–4264 Filed 2–19–98; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF JUSTICE

[AAG/A Order No. 146–97]

Privacy Act of 1974; Notice of Modified Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), the Department proposes to modify the following Privacy Act systems of records:

Antitrust Information Management System (AMIS)—Matter Report, Justice/ATR–006 (previously published on October 17, 1988 at 53 FR 40502)

Central Civil Rights Division Index File and Associated Records, Justice/CRT–001 (previously published on May 17, 1993 at 58 FR 28896)

Central Criminal Division Index File and Associated Records, Justice/CRM–001 (previously published on December 11, 1987 at 53 FR 47186)

Civil Division Case File System, Justice/CIV–001 (previously published on October 17, 1988 at 53 FR 40504)

Civil Case Files, Justice/USA–005 (previously published on January 22, 1988 at 53 FR 1864)

Criminal Case Files, Justice/USA–007 (previously published on January 22, 1988 at 53 FR 1861)

FBI Central Records System, Justice/FBI–002 (previously published on October 5, 1993 at 58 FR 51858)

Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Criminal Tax Cases, Justice/TAX–001 (previously published on September 30, 1977 at 42 FR 53389)

Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Civil Tax Cases, Justice/TAX–002 (previously published on September 30, 1977 at 42 FR 53390)

The Department proposes to add a new routine use disclosure to all of the above-named systems of records. The routine use will permit disclosure of health care-related information obtained during health-care related investigations. In addition, the

Department proposes to add an additional routine use disclosure to the Central Civil Rights Division Index File and Associated Records system to permit the disclosure of information regarding the progress and results of investigations to the complainants and/or victims involved. The proposed disclosures have been italicized for the reader's convenience. The modified systems of records are printed below.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on proposed new routine use disclosures. The Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires a 40-day period in which to conclude its review of the new routine uses.

Therefore, please submit any comments by March 23, 1998. The public, OMB, and the Congress are invited to send written comments to Patricia E. Neely, Program Analyst, Information Management and Security Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 850, WCTR Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and the Congress on the proposed modification.

Dated: December 31, 1997.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/ATR–006

SYSTEM NAME:

Antitrust Information Management System (AMIS)-Matter Report.

SYSTEM LOCATION:

U.S. Department of Justice, 10th and Constitution Avenue, NW., Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Professional employees of the Antitrust Division of the U.S. Department of Justice and individual defendants and investigation targets involved in past and present Antitrust investigations and cases.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the names of Division employees and their case/investigation assignments and the names of individual defendants/investigation targets as they relate to a specific case/investigation. In addition, information reflecting the current status and handling of Antitrust cases/investigations is included within this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The file is established and maintained pursuant to 28 CFR 40(f), 28 U.S.C. 522, and 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The file is used by Antitrust Division personnel as a basis for determining Antitrust Division allocation of resources to particular products and industries (e.g., oil, autos, chemicals), to broad categories of resource use such as civil cases, criminal cases, regulatory agency cases, and Freedom of Information Act requests. It is employed by the section chiefs, the Director and Deputy Director of Operations, and other Division personnel to ascertain the progress and current status of cases and investigations within the Division. In addition, the files will be employed in the preparation of reports for the Division's budget requests and to the Attorney General and Congress.

A record maintained in this system, or any facts derived therefrom, may be disseminated:

1. In a proceeding before a court or adjudicative body before which the Antitrust Division is authorized to appear, when (1) the Antitrust Division, or any subdivision thereof; or (2) any employee of the Antitrust in his or her official capacity; or (3) any employee of the Antitrust Division in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (4) the United States, where the Antitrust Division determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the Antitrust Division to be arguably relevant to the litigation.

2. *In any health care-related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disclosed as a routine use to any federal, state, local, tribal, foreign, joint, international or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care-related laws or regulations. Further, information indicating an ongoing quality of care problem by a health care provider or at a health care facility may be disclosed to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, neglect, abuse, or poor or inadequate quality of care may be disclosed to the affected patient or his or her representative or guardian at the discretion of and in the manner determined by the agency in possession of the information.*

3. To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

4. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record. Information not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available.

5. To the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained electronically in the Information systems support group's AMIS Computerized information system.

RETRIEVABILITY:

Information is retrieved by a variety of key words.

SAFEGUARDS:

Information contained in the system is unclassified. It is safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information. Access to the file is limited to those persons whose official duties require such access and employees of the Antitrust Division.

RETENTION AND DISPOSAL:

Information contained in the file is retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information Systems Support Group; Antitrust Division; U.S. Department of Justice; 555 4th Street, NW., Room 11–854, Washington, DC 20001.

NOTIFICATION PROCEDURE:

Address inquiries to the Assistant Attorney General, Antitrust Division, U.S. Department of Justice, 10th and

Constitution Avenue, Washington, DC. 20530.

RECORD SOURCE CATEGORIES:

Information for the monthly report is provided by the Antitrust Division section and filed office chiefs.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d), (e)(4)(G)–(H), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the **Federal Register**.

JUSTICE/CRT–001

SYSTEM NAME:

Central Civil Rights Division Index File and Associated Records.

SYSTEM LOCATION:

United States Department of Justice Civil Rights Division (CRT), 10th and Constitution Avenue, NW, Washington, DC 20530; 1425 New York Avenue, NW., Washington, DC 20530; and Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

These persons may include: Subjects of investigations, victims, potential witnesses, individuals of Japanese ancestry who are eligible, or potentially eligible, for restitution benefits as a result of their evacuation, relocation, or internment during World War II, correspondents on subjects directed or referred to CRT or other persons or organizations referred to in potential or actual cases and matters of concern to CRT, and CRT employees who handle complaints, cases or matters of concern to CRT.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of alphabetical indices bearing the names of those individuals identified above and the associated record to which the indices relate containing the general and particular records of all CRT correspondences cases, matters, and memoranda, including, but not limited to, investigative reports, correspondence to and from the Division memoranda, legal papers, evidence, and exhibits. The names of some individuals, e.g., witnesses, may not yet be on the central indices. Records relating to such individuals may be obtained by direct access to the file jackets. Such file jackets are located within the respective sections of CRT according to the legal subject matter assigned to each CRT section. The delegated legal duties and responsibilities of each section are described as follows:

The records related to the duties of the Appellate Section of CRT include records generated by all CRT cases that have entered the U.S. Supreme Court and the Courts of Appeal. Other records include those generated in the course of Appellate Section duties such as advising Members of Congress on legislative matters, providing legal counsel on civil rights issues to Federal agencies and providing counsel to the various components of the Department of Justice.

The records related to the duties of the Coordination and Review Section of CRT include letters, studies, and reports concerning the implementation of Executive Orders 12250 and 12236. Under E.O. 12250, the Attorney General coordinates and monitors the enforcement of Title VI of the Civil Rights Act of 1964. Title IX of the Education Amendments of 1972, as amended, and the civil rights provisions of any Federal assistance grant which forbids discrimination in federally assisted programs on the basis of race, color, national origin, sex, handicap or religion. The Coordination and Review Section also works with Federal agencies under E.O. 12236 to monitor review of their enabling legislation on the basis of sex.

In addition, the records related to the duties of the Coordination and Review Section of CRT include complaint investigation files and other matters arising under Titles II and III of the Americans with Disabilities Act (ADA), 42 U.S.C. 12131–12134, 12181–12189. Further, the Coordination and Review Section may maintain case-related records on investigations arising under section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and Title IX of the Education Amendments of 1972, 20 U.S.C. 1681, and other nondiscrimination statutes.

The records related to the duties of the Criminal Section of CRT include cases or matters arising under 18 U.S.C. 241 and 242 which prohibit persons acting under color of law or in conspiracy with others to interfere with or deny the exercise of Federal constitutional rights, cases involving criminal violations of the Voting Rights Act of 1965 (42 U.S.C. 1971 through 1974), cases or matters involving criminal interference with housing rights as is prohibited by 42 U.S.C. 3631 and criminal interference with other federally protected rights as is prohibited by 18 U.S.C. 245. Other Criminal Section records include cases or matters involving 18 U.S.C. 1581 through 1588 which prohibit involuntary servitude, some cases involving maritime law.

The records related to the duties of the Educational Opportunities Section of CRT include cases or matters arising under Federal laws requiring nondiscrimination in public education such as Titles IV and IX of the Civil Rights Act of 1964 (42 U.S.C. 2000c, 42 U.S.C. 2000h–2) which prohibit discrimination on the basis of race, color, religion, sex, or national origin: Title IX of the 1972 Education Amendments (20 U.S.C. 1681) which prohibits discrimination on the basis of sex in educational programs or activities receiving federal financial assistance and section 504 of the Rehabilitation Act of 1973 which grants rights to handicapped persons participating in educational programs receiving federal financial assistance. In addition, the records related to the duties of the Educational Opportunities Section include cases or matters arising under the Equal Educational Opportunities Act of 1974 (20 U.S.C. 1701).

The records related to the duties of the Employment Litigation Section of CRT include cases or matters arising under Federal laws prohibiting discriminatory employment practices by State and local governments such as the equal employment opportunity provisions contained within the Revenue Sharing Act of 1972, as amended. Other records include cases or matters arising under Title VII of the Civil Rights Act of 1964 and its amendment which is the Pregnancy Discriminatory Act of 1978 (42 U.S.C. 2000e(k)). In addition, the records related to the duties of the Employment Litigation Section include cases or matters arising under Executive Order No. 11246 involving equal opportunity laws applicable to public employers, Federal contractors and subcontractors involved in federally financed projects.

The records related to the duties of the Housing and Civil Enforcement Section of CRT include cases or matters involving the Fair Housing Act of 1968 (42 U.S.C. 3501 through 3619), and cases or matters involving fair credit laws such as the Equal Credit Opportunity Act (15 U.S.C. 1691 through 1691g) as well as its implementing regulations. Regulation B (12 CFR part 202). Other records include cases or matters arising under Title II and Title III of the Civil Rights Act of 1964 which prohibit discrimination in public facilities (except those Title III matters that involve prison facilities)

and cases or matters arising under the nondiscrimination provisions of the Revenue Sharing Act and the Housing and Community Development Act of 1974.

The records related to the duties of the Special Litigation Section of CRT includes cases or matters arising under Title III of the Civil Rights Act of 1964 as it applies to prison facilities, cases or matters arising under the Civil Rights of Institutionalized Persons Act of 1980 (42 U.S.C. 1997), cases or matters involving the constitutional rights of institutional juveniles, and the constitutional rights of mentally and physically handicapped persons of all ages, cases arising under section 504 of the Rehabilitation Act of 1973, as amended.

The records relate to the duties of the Office of Redress Administration (ORA) and include records pertaining to the identification, location and authorization for restitution payments to eligible individuals of Japanese ancestry who were evacuated, relocated or interned during World War II. Such restitution payments are authorized by Section 1C5 of the Civil Liberties Act of 1988 (50 U.S.C. App. 1989b). Records will also relate to any criminal or civil cases arising under this Act which occur as a result of fraud, challenges to ORA administrative regulations.

The records related to the duties of the Public Access Section of the Civil Rights Division include cases or matters arising under Titles II and III of the Americans with Disabilities Act (ADA), 42 U.S.C. 12131–12134, 12181–12189, which prohibit discrimination by State and local governments, public accommodations, commercial facilities, and providers of certain examinations and courses on the basis of disability. Other records include cases or matters involving the certification of State and local building codes under section 308(b) of the ADA, 42 U.S.C. 12188(b)(1)(A)(ii), and the provision of technical assistance under section 506 of the ADA, 42 U.S.C. 12206. Further, the Public Access Section may maintain case-related records on investigations arising under section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 and other nondiscrimination statutes. Other records relate to litigation involving the civil rights statutes coordinated by the Department of Justice, and such other matters as may be required to fulfill the duties mandated by the President and Congress.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The records in the system of records are kept under the authority of 44 U.S.C. 3101 and in the ordinary course of fulfilling the responsibility assigned to CRT under the provisions of 28 CFR 0.50, 0.51.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. Information in the system may be used by employees and officials of the Department to make decisions in the course of investigations and legal proceedings: to assist in preparing responses to correspondence from persons outside the Department to prepare budget requests, and various reports on the work product of CRT or to carry out other authorized Department functions.

B. A record maintained in this system of records may be disseminated as a routine use of such records as follows:

(1) A record relating to a possible or potential violation of law, whether civil, criminal, or regulatory in nature may be disseminated to the appropriate federal, state or local agency charged with the responsibility of enforcing or implementing such law; (2) In the course of the Administration by CRT of a federally mandated program, or the investigation or litigation of a case or matter, a record may be disseminated to a federal, state or local agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information or has the expertise in an official or technical capacity to assist in the administration of such program or to analyze information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such assistance, information or expert analysis, or to obtain the cooperation of a prospective witness; (3) A record relating to a case or matter, or any facts derived therefrom, may be disseminated in a proceeding before a court, grand jury, administrative or regulatory proceeding or any other adjudicative body before which CRT is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by CRT to be arguably relevant to the litigation; (4) a record relating to a case or matter may be disseminated to an actual or potential party to litigation or the party's attorney (a) for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining or (b) in formal or informal discovery proceedings; (5) A record relating to a case or matter that has been referred for investigation may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any determination that has been made; (6) A record relating to a person held in custody or probation during a criminal proceeding or after conviction, may be disseminated to any agency or individual having responsibility for the maintenance, supervision or release of such person; (7) A record may be disseminated to the United States Commission on Civil Rights in response to its request and pursuant to 42 U.S.C. 1975d; (8) A record may be disseminated to volunteer student workers and students working under a work-study program as is necessary to enable them to perform their assigned duties; *(9) A record may be disseminated to complainants and victims to the extent necessary to provide such persons with information and explanations concerning the progress or results of the investigation or case arising from the matters of which the complainants or victims complained or of which they were a victim; (10) In any health care-related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disseminated as a routine use to any federal, state, local, tribal, foreign, joint, international or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care-related laws or regulations. Further, information indicating an ongoing quality of care problem by a health care provider or at a health care facility may be disseminated to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, neglect, abuse, or poor or inadequate quality of care may be disseminated to the affected patient or his or her representative or guardian at the discretion of and in the manner determined by the agency in possession of the information; (11)* Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; (12) Information may be disclosed as is necessary to respond to inquiries by Members of Congress on behalf of individual constituents that

are subject to CRT records; (13) A record may be disclosed as a routine use to the National Archives and Records Administration (NARA) and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS OF RECORDS IN THE SYSTEM:

STORAGE:

Information in this system is stored on index cards, in file jackets, and on computer disks or tapes.

RETRIEVABILITY:

Information is retrieved through either use of an index card system or logical queries to the computer-based system. Entries are arranged alphabetically by the names of individuals covered by the system. (Complaints received from individuals which have not been investigated by the Department have not been systematically indexed and information pertaining to such individuals may or may not be retrievable.) Information on such individuals may be retrievable from the file jackets by a number assigned and appearing on the index cards.

SAFEGUARDS:

Information in manual and computer form is safeguarded and protected in accordance with applicable Department security regulations for systems of records. Only a limited number of staff members who are assigned a specific identification code will be able to use the computer to access the stored information.

RETENTION AND DISPOSAL:

Records are maintained on the system while current and required for official Government use. When no longer needed on an active basis, the paper files are transferred to the Federal Records Center, Suitland, Maryland and some records are transferred to computer tape and stored in accordance with Department security regulations for system of records. Final disposition is in accordance with records retirement or destruction as scheduled by NARA.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Officer. Administrative Management Section, Civil Rights Division, United States Department of Justice, Washington, DC 20530.

NOTIFICATION PROCEDURE:

Part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2) and (k)(2). Address inquiries to the System Manager listed above.

RECORD ACCESS PROCEDURES:

Part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2) and (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record retrievable in this system shall be made in writing, with the envelope and letter clearly marked ''Privacy Access Request.'' Include in the request the full name of the individual, his or her current address, date and place of birth, notarized signature (28 CFR 16.41(b)), the subject of the case or matter as described under ''Categories of records in the system,'' and any other information which is known and may be of assistance in locating the record, such as the name of the civil rights related case or matter involved, where and when it occurred and the name of the judicial district involved. The requester will also provide a return address for transmitting the information. Access requests should be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend non-exempt information retrievable in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system may be an agency or person who has or offers information related to the law enforcement responsibilities and/or other statutorily-mandated duties of CRT.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted parts of this system from subsections (c)(3), (d), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register**.

These exemptions apply only to the extent that information in a record pertaining to a particular individual relates to an official Federal investigation and/or law enforcement matter. Those files indexed under an individual's name which concern only the administrative management of restitution payments under Section 105 of the Civil Liberties Act of 1988 are not being exempted pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

JUSTICE/CRM–001

SYSTEM NAME:

Central Criminal Division Index File and Associated Records.

SYSTEM LOCATION:

U.S. Department of Justice, Criminal Division, Bond Building, 1400 New York Avenue NW., Washington, DC 20530, and, Federal Records Center, Suitland, Maryland 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons referred to in potential or actual cases and matters of concern to the Criminal Division and correspondents on subjects directed or referred to the Criminal Division.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of alphabetical indices bearing individual names, and the associated records to which they relate, arranged either by subject matter or individual identifying number containing the general and particular records of all Criminal Division correspondence, cases, matters, and memoranda, including but not limited to investigative reports, correspondence to and from the Division, legal papers, evidence, and exhibits. The system also includes items classified in the interest of national security with such designations as confidential, secret, and top secret received and maintained by the Department of Justice. This system may also include records concerning subject matters more particularly described in other systems of records of the Criminal Division.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 44 U.S.C. 3101 to implement all functions assigned to the Criminal Division in 28 CFR 0.55 through 0.64–2.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility for investigation or

prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record related to a case or matter may be disseminated in an appropriate federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice; (4) a record relating to a case or matter may be disseminated to a federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) a record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purposes of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter; (7) a record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person; (8) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (9) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency; (10) a record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (11) a record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi; (12) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return; (13) a record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making provisions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.60; (14) a record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title; *(15) in any health care-related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disclosed as a routine use to any federal, state, local, tribal, foreign, joint, international or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care-related laws or regulations. Further, information indicating an ongoing quality of care problem by a health care provider or at a health care facility may be disclosed to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, neglect, abuse, or poor or inadequate quality of care may be disclosed to the affected patient or his or her representative or guardian at the discretion of and in the manner determined by the agency in possession of the information;* (16) information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; (17) information not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record; and (18) a record may be disclosed as a routine use to the National Archives and Records Administration and the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents are stored in file folders and in the Federal Records Center; selected summary data is stored on manual index cards and on microfilm and on IBM System/38.

RETRIEVABILITY:

Summary data, e.g., names, file numbers, subjects, dates of correspondence, dates of receipt, due dates of assignments, docket numbers and/or synopses are retrieved from manual index cards microfilm, and a numerical listing maintained on IBM System/38. File folders are retrieved through manual or automated indexes which are accessed through certain summary data, i.e., name or file and docket numbers.

SAFEGUARDS:

The records are safeguarded and protected in accordance with applicable Departmental rules. Security for the automated records include strictly controlled access codes and passwords. In addition, only authorized Criminal Division employees will have access to the system.

RETENTION AND DISPOSAL:

Currently there is an agreement with the Federal Records Center for retention

and disposal after ten years applicable to approximately 20 percent of the Division records. All other paper records are currently retained indefinitely. A retention and disposal schedule for automated records will be under review in connection with a revised schedule for the paper records.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Criminal Division, U.S. Department of Justice; 10th and Constitution Avenue, NW., Washington, DC 20530.

NOTIFICATION PROCEDURE:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k)(1), or (k)(2). Inquiry concerning this system should be directed to the system manager listed above.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement under 5 U.S.C. 552a(j)(2), (k)(1), or (k)(2). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request.' Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record, the name of the case or matter involved, if known, and the name of the judicial district involved, if known. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Department officers and employees, and other federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e)(1), (2) and (e)(4), (G), (H) and (I), (e)(5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/CIV–001

SYSTEM NAME:

Civil Division Case File System.

SYSTEM LOCATION:

Civil Division, U.S. Department of Justice 10th Street NW, Washington, DC 20530; Record Management Unit, 5320 Marinelli Road, Rockville, MD 20652; and Federal Records Center, Suitland, MD 20409.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals referenced in potential or actual cases and matters under the jurisdiction of the Civil Division; and attorneys, paralegal, and other employees of the Civil Division directly involved in these cases or matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Records in this system pertain to a broad variety of litigation under the jurisdiction of the Civil Division relating to torts, civil fraud and other commercial matters, federal programs and national security, immigration, and consumer issues. The case files contain court records, inter-agency and intra-agency correspondence, and legal research. These records may include civil investigatory and/or criminal law enforcement information and information classified pursuant to Executive Order to protect national security interests. (2) Summary information (i.e., names of principal parties or subjects, case file numbers, assignments, status, and classification) of these cases or matters is maintained prior to FY 78 on index cards and from FY 78 in an automated case tracking system. (3) A timekeeping function for attorneys, paralegal, and other employees of the Civil Division directly involved in litigation supplements the automated case tracking system from May of 1981.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority to maintain the system is contained in 5 U.S.C. 301 and 44 U.S.C. 3101. The particular system was established in accordance with 28 CFR 0.77(f) and 28 U.S.C. 552 and was delegated to the Civil Division pursuant to the memorandum from the Deputy Attorney General, dated July 17, 1974.

PURPOSE(S):

Case records are maintained for the purpose of litigating or resolving any case or matter under consideration by the Civil Division. The automated case tracking and timekeeping system exists for the purpose of managing and evaluating the Division's litigative activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) in the course of investigating the potential or actual violation of any law, whether civil, criminal or regulatory in nature, or during the course of a trial or hearing, or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual or organization possesses information or is responsible for acquiring information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) a record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, or where the agency or officials thereof are a party to litigation or where the agency or officials may be affected by a case or matter, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter (4) a record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement (5) a record may be disseminated to a federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient

agency or to provide investigative leads to such agency; (6) a record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in civil or criminal proceedings in which the United States or one of its officers or agencies has an interest; (7) a record, or any facts derived therefrom, may be disclosed in a grand jury proceeding or in a proceeding before a court or adjudicative body before which the Civil Division is authorized to appear when the United States, or any agency or subdivision thereof, is a party to litigation and such records are determined by the Civil Division to be arguably relevant to the litigation; (8) to facilitate processing Freedom of Information and Privacy Act requests for these records, information may be disclosed to another Federal agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records; (9) information may be released to the news media and the public in accordance with 28 CFR 50.2 unless it is determined that release would constitute an unwarranted invasion of personal privacy; (10) a record may be disclosed to the National Archives and Records Administration and the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906; *(11) in any health care-related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disclosed as a routine use to any federal, state, local, tribal, foreign, joint, international or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care-related laws or regulations. Further, information indicating an ongoing quality of care problem by a health care provider or at a health care facility may be disclosed to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, neglect, abuse, or poor or inadequate quality of care may be disclosed to the affected patient or his or her representative or guardian at the discretion of and in the manner determined by the agency in possession of the information.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual records are stored in file cabinets and on index cards. Automated records are stored on magnetic disks. Classified information is stored in locked safes.

RETRIEVABILITY:

Manual records are retrieved by file number. This number can be obtained from index cards arranged alphabetically by subject name for records received prior to FY 78 and from logical queries to the computer-based data for FY 78 and subsequent years.

SAFEGUARDS:

Classified information is maintained in locked safes. Access to all information is limited to Department of Justice personnel who have need for the records to perform their duties. Automated records are safeguarded and protected in accordance with Department rules and procedures governing the handling of computerized information.

RETENTION AND DISPOSAL:

When a case file is closed by the responsible attorney, it is sent to the Federal Records Center for retention in accordance with the authorized Record Disposal Schedule for the classification of the case. Such schedules are approved by the National Archives.

After the designated period has passed, the file is destroyed. However, the index and docket cards are not purged. Automated records constitute a cumulative resource file for which there are no plans to delete records.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Civil Division: U.S. Department of Justice; 10th and Constitution Avenue, NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

Address inquiries to: Assistant Attorney General; Civil Division; U.S. Department of Justice; 10th and Constitution Avenue, NW, Washington, DC 20530.

RECORD ACCESS PROCEDURES:

Portions of this system are exempt from disclosure and contest by 5 U.S.C. 552a(j)(2), (k)(1) and (k)(2). Submit in writing all requests for access to those portions not so exempted to the system manager identified above. Clearly mark the envelope and letter ''FOI/PA Request'' and provide a return address. The subject of the record should also provide his/her full name and notarized signature, data and place of birth, case caption, or other information which may assist in locating the records sought.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the Assistant Attorney General, Department of Justice, 10th and Constitution Avenue, NW, Washington, DC 20530. The request should clearly state what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Information may be obtained from all individuals referred to in all cases or matters under consideration of the Civil Division. Timekeeping information is obtained from all Civil Division attorneys, paralegals, and other employees directly involved in such litigation or matters.

SYSTEMS EXEMPTED FORM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted certain categories of records in this system form subsections (c)(3) and (4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G) and (H), (e)(5), (e)(8), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), (k)(1) and (k)(2). That is, these exemptions apply only to the extent that the file contains information which has been properly classified pursuant to an Executive Order, or to the extent that it contains investigatory and other law enforcement materials. Rules have been promulgated in accordance with the requirements of 5 U.S.C. 552(b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/USA–005

SYSTEM NAME:

Civil Case Files.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Offices (See Appendix identified as Justice/USA–999), Executive Office for United States Attorneys, U.S. Department of Justice, 10th and Constitution Avenue, NW, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals being investigated in anticipation of Civil suits; (b)

Individuals involved in Civil suits; (c) Defense Counsel(s); (d) Information sources; (e) Individuals relevant to the development of Civil suits.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) All Civil Case Files (USA–34); (b) Docket Cards (USA–116); (c) Civil Debtor Cards—(USA–117b); (d) Civil Case Activity Card (USA–164); (e) Civil Debtor Activity Card (USA–166); (f) 3 x 5 Index Cards; (g) Caseload Printouts; (h) General Correspondence re: Civil Cases; (i) Reading Files re: Civil Cases; (j) Information Source File; (k) Attorney Assignment sheets; (l) Telephone records; (m) Miscellaneous Investigative files; (n) Lands condemnation files (Appraisal and Negotiator Reports); (o) Tax Case Resource File; (p) Material in Civil File related to Criminal cases arising out of Civil Proceedings; (q) Search Warrants; (r) Files unique to District; (s) Civil Miscellaneous Correspondence File.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301, 28 U.S.C. 547 and 44 U.S.C. 3101.

PURPOSE(S):

Records are maintained for the purpose of litigating or otherwise resolving civil cases or matters handled by the United States Attorneys or the Executive Office for United States Attorneys.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law, civil, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, State, local or foreign agency charged with the responsibility of investigating, defending or pursuing such violation, civil claim or remedy, or charged with enforcing, defending or implementing such law;

(b) In the course of investigating the potential or actual violation or civil liability of any government action or law, civil, or regulatory in nature or during the course of a trial or hearing or the preparation for a trial or hearing for such civil action, a record may be disseminated to a Federal, State, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation or civil action trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an agency;

(c) A record relating to a case or matter may be disseminated in an appropriate Federal, State, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, State, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, civil action, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(h) A record may be disseminated to a Federal, State, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency or to assist in general civil matters or cases;

(i) A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of security clearance as is required, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(j) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of types or courses of action or distinctive or unique modus operandi, provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(k) A record may be disseminated to a foreign country, through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in general crime prevention, the pursuit of general civil, regulatory or administrative civil actions or to provide investigative leads to such country, or assist in the location and/or returning of witnesses and other evidence;

(l) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed by the President, in accordance with the provisions codified in 28 CFR 17.96;

(m) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title;

(n) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function;

(o) A record, or facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the United States Attorney's office or the Executive Office for U.S. Attorneys is authorized to appear when (i) the United States Attorney's office or the Executive Office for U.S. Attorneys, or any subdivision thereof, or (ii). any employee of the United States Attorney's office or the Executive Office for U.S. Attorneys in his or her official capacity, or (iii). any employee of the United States Attorney's office or the Executive Office for U.S. Attorneys in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (iv). the United States, where the United States Attorney's office or the Executive Office for U.S. Attorneys determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the United States Attorney's office or the Executive Office for U.S. Attorneys to be arguably relevant to the litigation;

(p) A record, or facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the

United States Attorney's Office is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the United States Attorney's Office to be arguably relevant to the litigation;

(q) In any health care related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disclosed as a routine use to any federal, state, local, tribal, foreign, joint, international or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care related laws or regulations. Further, information indicating an ongoing quality of care problem by a health care provider or at a health care facility may be disclosed to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, abuse or poor or inadequate quality of care may be disclosed to the affected patient or his or her representative or guardian at the discretion of and in the manner determined by the agency in possession of the information;

(r) Records relating to an individual who owes an overdue debt to the United States may be disseminated to (1) a Federal agency which employs the individual to enable the employing agency to offset the individual's salary, (2) a Federal, State, local or foreign agency, an organization, including a consumer reporting agency, or individual to elicit information to assist the United States Attorney in the collection of the overdue debt, (3) a collection agency or private counsel to enable them to collect the overdue debt, and (4) the Internal Revenue Service (IRS) to enable that agency to offset the individual's tax refund. Records provided to the IRS may be used in a computer matching program to identify individuals who are entitled to refunds against which such offset for overdue debts would be appropriate;

(s) Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(t) Information not otherwise required to be released pursuant to 5 U.S.C. 552, may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of this record;

(u) A record may be disclosed as a routine use to the National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906; and *Notice of disclosure under subsection (b)(12) of the Privacy Act:* Records relating to individuals who owe a past-due debt to the United States may be disseminated to consumer reporting agencies to encourage payment of the past-due debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM

STORAGE:

All information, except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, complaint number or court docket number. Information within this system of records may be accessed by various U.S. Attorneys' offices, and the Executive Office for United States Attorneys by means of cathode-ray tube terminals (CRT's).

SAFEGUARDS:

Information in the system is both confidential and nonconfidential and located in file cabinets in the United States Attorney offices.

Confidential materials are in locked file drawers and safes, and nonconfidential materials are in unlocked file drawers. Offices are locked during nonworking hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRT's within various U.S. Attorney's offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Records are destroyed ten years after case is closed in accordance with approved retention and disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

System Manager for the system in each office is the Administrative Officer/Assistant, for the U.S. Attorney for each district. (See appendix.)

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending. (See appendix.)

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to examination shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked ''Privacy Access Request.'' Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requestor will also provide his or her notarized signature and a return address for transmitting the information. Access requests will be directed to the System Manager. (See appendix.)

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a (j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (see appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to, investigative reports of Federal, State, and local law enforcement, civil litigation, regulatory and administrative agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies: forensic reports; statements of witnesses and parties; verbatim transcripts of deposition and court proceedings; date, memoranda and

reports from the court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e) and have been published in the **Federal Register**.

JUSTICE/USA–007

SYSTEM NAME:

Criminal Case Files.

SYSTEM LOCATION:

Ninety-four United States Attorneys' Offices (See Appendix identified as Justice/USA–999), Executive Office for United States Attorneys, U.S. Department of Justice, 10th and Constitution Avenue NW, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals charged with violations; (b) Individuals being investigated for violations; (c) Defense Counsel(s); (d) Information Sources; (e) Individuals relevant to development of Criminal Cases; (f) Individuals investigated, but prosecution declined; (g) Individuals referred to in potential or actual cases and matters of concern to a U.S. Attorney's Office; (h) Individuals placed into the Department's Pretrial Diversion program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(a) All case files (USA–33); (b) Docket Cards (USA–115); (c) Criminal Debtor Cards (USA–117a); (d) Criminal Case Activity Card (USA–163); (e) Criminal Debtor Activity Card (USA–164); (f) 3 by 5 Index Cards; (g) Caseload Printouts; (h) Attorney Assignment Sheets; (i) General Correspondence re: Criminal Cases; (j) Reading Files re: Criminal Cases; (k) Grand Jury Proceedings; (l) Miscellaneous Investigative Reports; (m) Information Source Files; (n) Parole Recommendations; (o) Immunity Requests; (p) Witness Protection Files; (q) Wiretap Authorizations; (r) Search Warrants; (s) Telephone Records; (t) Criminal Complaints; (u) Sealed Indictment Records; (v) Files Unique to a District; (w) Criminal Miscellaneous Correspondence File; (x) Prosecution Declined Reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

These systems are established and maintained pursuant to 5 U.S.C. 301, 28 U.S.C. 547 and 44 U.S.C. 3101.

PURPOSE(S):

Records are maintained for the purpose of prosecuting or otherwise resolving criminal cases or matters handled by the United States Attorneys.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system of records may be disseminated as a routine use of such record as follows:

(a) In any case in which there is an indication of a violation or potential violation of law, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law;

(b) In the course of investigating the potential or actual violations of any law, criminal, civil, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant;

(c) A record relating to a case or matter may be disseminated in an appropriate Federal, state, local, or foreign court or grand jury proceeding in accordance with established constitutional, substantive, or procedural law or practice;

(d) A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing;

(e) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings;

(f) A record relating to a case or matter that has been referred by an agency for investigation, prosecution, or enforcement, or that involves a case or matter within the jurisdiction of an agency, may be disseminated to such agency to notify the agency of the status of the case or matter or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case or matter;

(g) A record relating to a person held in custody pending or during arraignment, trial, sentence, or extradition proceedings, or after conviction or after extradition proceedings, may be disseminated to a Federal, state, local, or foreign prison, probation, parole, or pardon authority, or to any other agency or individual concerned with the maintenance, transportation, or release of such a person;

(h) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement;

(i) A record may be disseminated to a Federal, state, local, foreign, or international law enforcement agency to assist in the general crime prevention and detection efforts of the recipient agency or to provide investigative leads to such agency;

(j) A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of any employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter;

(k) A record may be disseminated to the public, news media, trade associations, or organized groups, when the purpose of the dissemination is educational or informational, such as descriptions of crime trends or distinctive or unique modus operandi: Provided that the record does not contain any information identifiable to a specific individual other than such modus operandi;

(l) A record may be disseminated to a foreign country through the United States Department of State or directly to the representative of such country, to the extent necessary to assist such country in apprehending and/or returning a fugitive to a jurisdiction which seeks his return;

(m) A record that contains classified national security information and material may be disseminated to persons who are engaged in historical research projects, or who have previously occupied policy making positions to which they were appointed

by the President, in a accordance with the provisions codified in 28 CFR 17.96;

(n) A record relating to an actual or potential civil or criminal violation of title 17, United States Code, may be disseminated to a person injured by such violation to assist him in the institution or maintenance of a suit brought under such title;

(o) Information permitted to be released to the news media and the public pursuant to 28 CFR 50.2 may be made available unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

(p) Information not otherwise required to be released pursuant to 5 U.S.C. 552 may be made available to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record;

(q) A record may be disclosed as a routine use to the National Archives and Records Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906;

(r) A record may be accessed by volunteer student workers and students working under a college work-study program, as is necessary to enable them to perform their function;

(s) A record, or facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the United States Attorney's office or the Executive Office for U.S. Attorneys is authorized to appear when i. the United States Attorney's office or the Executive Office for U.S. Attorneys, or any subdivision thereof, or ii. any employee of the United States Attorney's office or the Executive Office for U.S. Attorneys in his or her official capacity, or iii. any employee of the United States Attorney's office or the Executive Office for U.S. Attorneys in his or her individual capacity where the Department of Justice has agreed to represent the employee, or iv. the United States, where the United States Attorney's office or the Executive Office for U.S. Attorneys determines that the litigation is likely to affect it or any of its subdivisions, is a party to litigation or has an interest in litigation and such records are determined by the United States Attorney's office or the Executive Office for U.S. Attorneys to be arguably relevant to the litigation;

(t) A record, or facts derived therefrom, may be disseminated in a proceeding before a court or adjudicative body before which the United States Attorney's office is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the United States Attorney's office to be arguably relevant to the litigation;

(u) In any health care related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disclosed as a routine use to any federal, state, local, tribal, foreign, joint, international or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care related laws or regulations. Further, information indicating an ongoing quality of care problem by a health care provider or at a health care facility may be disclosed to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, abuse or poor or inadequate quality of care may be disclosed to the affected patient or his or her representative or guardian at the discretion of and in the manner determined by the agency in possession of the information.

(v) Records relating to an individual who owes an overdue debt to the United States may be disseminated to (1) a Federal agency which employs the individual to enable the employing agency to offset the individual's salary, (2) a Federal, State, local or foreign agency, an organization, including a consumer reporting agency, or individual to elicit information to assist the United States Attorney in the collection of the overdue debt, (3) a collection agency or private counsel to enable them to collect the overdue debt, and (4) the Internal Revenue Service (IRS) to enable that agency to offset the individual's tax refund. Records provided to the IRS may be used in a computer matching program to identify individuals who are entitled to refunds against which such offset for overdue debts would be appropriate; and *Notice of disclosure under Subsection (b)(12) of the Privacy Act:* Records relating to individuals who owe a past-due debt to the United States may be disseminated to consumer reporting agencies to encourage payment of the past-due debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All information except that specified in this paragraph, is recorded on basic paper/cardboard material, and stored within manila file folders, within metal file cabinets, electric file/card retrievers or safes. Some material is recorded and stored on magnetic tape, card or other data processing type storage matter for reproduction later into conventional formats.

RETRIEVABILITY:

Information is retrieved primarily by name of person, case number, compliant number of court docket number. Information within this system of records may be accessed by various U.S. Attorney's offices and the Executive Office for United States Attorneys by means of catho-ray tube terminals (CRTs).

SAFEGUARDS:

Information in the system is both confidential and non-confidential and located in file cabinets in the United States Attorney offices.

Confidential materials are in locked file drawers and safes, and nonconfidential materials are in unlocked file drawers. Offices are locked during non-working hours and are secured by either Federal Protective Service, United States Postal Service, or private building guards. Information that is retrievable by CRTs within various U.S. Attorney's offices and the Executive Office for United States Attorneys requires user identification numbers which are issued to authorized employees of the Department of Justice.

RETENTION AND DISPOSAL:

Case files involving no sentence, or sentences of ten years or less, are destroyed ten years after case is closed. Case files involving sentences of more than ten years are destroyed one year after the date of termination of sentence. Both are in accordance with approved retention and disposal schedules.

SYSTEM MANAGER(S) AND ADDRESS:

System manager for the system in each office is the Administrative Office/ Assistant, for the U.S. Attorney for each district (See appendix).

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager for the judicial district in which the case or matter is pending (See appendix).

RECORD ACCESS PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a(j)(2), (k)(1) and/or (k)(2). To the extent that this system is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. A request for access to a record from this system shall be made in writing, with the envelope and the letter clearly marked ''Privacy Access Request.'' Include in the request the name of the individual involved, his birth date and place, or any other identifying number or information which may be of assistance in locating the record and the name of the case or matter involved, if known. The requester will also provide his or her notarized signature and a return address for transmitting the information. Access requests will be directed to the System Manager (See appendix).

CONTESTING RECORD PROCEDURES:

The major part of the information maintained in this system is exempt from this requirement under 5 U.S.C. 552a(j)(2), (k)(1) and/or (k)(2).

To the extent that this system is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager (See Appendix) stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system include, but are not limited to, investigative reports of federal, state and local law enforcement agencies; client agencies of the Department of Justice; other non-Department of Justice investigative agencies; forensic reports; statements of witnesses and parties; verbatim transcripts of Grand Jury and court proceedings; data, memoranda and reports from the Court and agencies thereof; and the work product of Assistant United States Attorneys, Department of Justice attorneys and staff, and legal assistants working on particular cases.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c) (3) and (4), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e) (5) and (8), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k) (1) and (2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/FBI–002

SYSTEM NAME:

The FBI Central Records System.

SYSTEM LOCATION:

a. Federal Bureau of Investigation, J. Edgar Hoover Building, 10th and Pennsylvania Avenue, NW, Washington DC 20535; b. 56 field divisions (see Appendix); c. 16 Legal Attache (see Appendix).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

a. Individuals who relate in any manner to official FBI investigations including, but not limited to subjects, suspects, victims, witnesses, and close relatives and associates who are relevant to an investigation.

b. Applicants for and current and former personnel of the FBI and persons related thereto who are considered relevant to an applicant investigation, personnel inquiry, or other personnel matters.

c. Applicants for and appointees to sensitive positions in the United States Government and persons related thereto who are considered relevant to the investigation.

d. Individuals who are the subject of unsolicited information, who offer unsolicited information, request assistance, and make inquiries concerning record material, including general correspondence, and contacts with other agencies, businesses, institutions, clubs; the public and the news media.

e. Individuals associated with administrative operations or services including pertinent functions, contractors and pertinent persons related thereto. (All manner of information concerning individuals may be acquired in connection with and relating to the varied investigative responsibilities of the FBI which are further described in ''CATEGORIES OF RECORDS IN THE SYSTEM.'' Depending on the nature and scope of the investigation this information may include, among other things, personal habits and conduct, financial information, travel and organizational affiliation of individuals. The information collected is made a matter of record and placed in FBI files.)

CATEGORIES OF RECORDS IN THE SYSTEM:

The FBI Central Records Systems—The FBI utilizes a central records system of maintaining its investigative, personnel, applicant, administrative, and general files. This system consists of one numerical sequence of subject matter files, an alphabetical index to the files, and a supporting abstract system to facilitate processing and accountability of all important mail placed in files. This abstract system is both a textual and an automated capability for locating mail. Files kept in FBI field offices are also structured in the same manner, except they do not utilize an abstract system.

The 281 classifications used by the FBI in its basic filing system pertain primarily to Federal violations over which the FBI has investigative jurisdiction. However, included in the 281 classifications are personnel, applicant, and administrative matters to facilitate the overall filing scheme. These classifications are as follows (the word ''obsolete'' following the name of the classification indicates the FBI is no longer initiating investigative cases in these matters, although the material is retained for reference purposes):

1. Training Schools; National Academy Matters: FBI National Academy Applicants. Covers general information concerning the FBI National Academy, including background investigations of individual candidates.

2. Neutrality Matters. Title 18, United States Code, Sections 956 and 958 962; Title 22, United States Code, Sections 1934 and 401.

3. Overthrow or Destruction of the Government. Title 18, United States Code, Section 2385.

4. National Firearms Act, Federal Firearms Act; State Firearms Control Assistance Act; Unlawful Possession or Receipt of Firearms. Title 26, United States Code, Sections 5801–5812; Title 18, United States Code, Sections 921–928; Title 18, United States Code, Sections 1201–1203.

5. Income Tax. Covers violations of Federal income tax laws reported to the FBI. Complaints are forwarded to the Commissioner of the Internal Revenue Service.

6. Interstate Transportation of Strikebreakers. Title 18, United States Code, Section 1231.

7. Kidnapping. Title 28, United States Code, Sections 1201 and 1202.

8. Migratory Bird Act. Title 18, United States Code, Section 43; Title 16, United States Code, Section 703 through 718.

9. Extortion. Title 18, United States Code, Sections 876, 877, 875, and 873.

10. Red Cross Act. Title 18, United States Code, Sections 706 and 917.

11. Tax (Other than Income). This classification covers complaints concerning violations of Internal

Revenue law as they apply to other than alcohol, social security and income and profits taxes, which are forwarded to the Internal Revenue Service.

12. Narcotics. This classification covers complaints received by the FBI concerning alleged violations of Federal drug laws. Complaints are forwarded to the headquarters of the Drug Enforcement Administration (DEA), or the nearest district office of DEA.

13. Miscellaneous. Section 125, National Defense Act, Prostitution; Selling Whiskey Within Five Miles of An Army Camp, 1920 only. Subjects were alleged violators of abuse of U.S. flag, fraudulent enlistment, selling liquor and operating houses of prostitution within restricted bounds of military reservations. Violations of Section 13 of the Selective Service Act (Conscription Act) were enforced by the Department of Justice as a war emergency measure with the Bureau exercising jurisdiction in the detection and prosecution of cases within the purview of that Section.

14. Sedition. Title 18, United States Code, Sections 2387, 2388, and 2391.

15. Theft from Interest Shipment. Title 18, United States Code, Section 859; Title 18, United States Code, Section 660; Title 18 United States Code, Section 2117.

16. Violations of Federal Injunction (obsolete). Consolidated into Classification 69, ''Contempt of Court''.

17. Fraud Against the Government, Department of Veterans Affairs, Department of Veterans Affairs Matters. Title 18, United States Code, Section 287, 289, 290, 371, or 1001, and Title 38, United States Code, Sections 787(a), 787(b), 3405, 3501, and 3502.

18. May Act. Title 18, United States Code, Section 1384.

19. Censorship Matter (obsolete). Pub. L. 77th Congress.

20. Federal Grain Standards Act (obsolete) 1920 only. Subjects were alleged violators of contracts for sale. Shipment of Interstate Commerce, Section 5, U.S. Grain Standards Act.

21. Food and Drugs. This classification covers complaints received concerning alleged violations of the Food, Drug and Cosmetic Act; Tea Act; Import Milk Act; Caustic Poison Act; and Filled Milk Act. These complaints are referred to the Commissioner of the Food and Drug Administration of the field component of that Agency.

22. National Motor Vehicle Traffic Act, 1922–27 (obsolete). Subjects were possible violators of the National Motor Vehicle Theft Act, Automobiles seized by Prohibitions Agents.

23. Prohibition. This classification covers complaints received concerning bootlegging activities and other violations of the alcohol tax laws. Such complaints are referred to the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, or field representatives of the Agency.

24. Profiteering 1920–42 (obsolete). Subjects are possible violators of the Lever Act—Profiteering in food and clothing or accused company was subject of file. Bureau conducted investigations to ascertain profits.

25. Selective Service Act; Selective Training and Service Act. Title 50, United States Code, Section 462; Title 50, United States Code, Section 459.

26. Interstate Transportation of Stolen Motor Vehicle; Interstate Transportation of Stolen Aircraft. Title 18, United States Code, Sections 2311 (in part), 2312, and 2313.

27. Patent Matter. Title 35, United States Code, Sections 104 and 105.

28. Copyright Matter. Title 17, United States Code, Sections 104 and 105.

29. Bank Fraud and Embezzlement. Title 18, United States Code, Sections 212, 213, 215, 334, 655–657, 1004–1006, 1008, 1009, 1014, and 1306; Title 12, United States Code, Section 1725(g).

30. Interstate Quarantine Law, 1922–25 (obsolete). Subjects alleged violators of Act of February 15, 1893, as amended, regarding interstate travel of persons afflicted with infectious diseases. Cases also involved unlawful transportation of animals, Act of February 2, 1903. Referrals were made to Public Health Service and the Department of Agriculture.

31. White Slave Traffic Act. Title 18, United States Code, Section 2421–2424.

32. Identification (Fingerprint) Matters. This classification covers general information concerning Identification (fingerprint) matters.

33. Uniform Crime Reporting. This classification covers general information concerning the Uniform Crime Reports, a periodic compilation of statistics of criminal violations throughout the United States.

34. Violation of Lacy Act. 1922–43. (obsolete) Unlawful Transportation and shipment of black bass and fur seal skins.

35. Civil Service. This classification covers complaints received by the FBI concerning Civil Service matters which are referred to the Office of Personnel Management in Washington or regional offices of that Agency.

36. Mail Fraud. Title 18, United States Code, Section 1341.

37. False Claims Against the Government. 1921–22 (obsolete). Subjects submitted claims for allotment, vocational training, compensation as veterans under the Sweet Bill. Letters were generally referred elsewhere (Veterans Bureau). Violators apprehended for violation of Article No. 1, War Risk Insurance Act.

38. Application for Pardon to Restore Civil Rights. 1921–35 (obsolete). Subjects allegedly obtained their naturalization papers by fraudulent means. Cases later referred to Immigration and Naturalization Service.

39. Falsely Claiming Citizenship (obsolete). Title 18, United States Code, Sections 911 and 1015(a)(b).

40. Passport and Visa Matter. Title 18, United States Code, Sections 1451–1546.

41. Explosives (obsolete). Title 50, United States Code, Sections 121 through 144.

42. Deserter; Deserter, Harboring. Title 10, United States Code, Sections 808 and 885.

43. Illegal Wearing of Uniforms; False Advertising or Misuse of Names, Words, Emblems or Insignia; Illegal Manufacturer, Use, Possession, or Sale of Emblems and Insignia; Illegal Manufacture, Possession, or Wearing of Civil Defense Insignia; Miscellaneous, Forging or Using Forged Certificate of Discharge from Military or Naval Service; Miscellaneous, Falsely Making or Forging Naval, Military, or Official Pass; Miscellaneous, Forging or Counterfeiting Seal of Department or Agency of the United States, Misuse of the Great Seal of the United States or of the Seals of the President or the Vice President of the United States; Unauthorized Use of ''Johnny Horizon'' Symbol; Unauthorized Use of Smokey Bear Symbol. Title 18, United States Code, Sections 702, 703, and 704; Title 18, United States Code, Sections 701, 705, 707, and 710; Title 36, United States Code, Section 182; Title 50, Appendix, United States Code, Section 2284; Title 46, United States Code, Section 249; Title 18, United States Code, Sections 498, 499, 506, 709, 711, 711a, 712, 713, and 714; Title 12, United States Code, Sections 1457 and 1723a; Title 22, United States Code, Section 2518.

44. Civil Rights; Civil Rights, Election Laws, Voting Rights Act, 1965, Title 18, United States Code, Sections 241, 242, and 245; Title 42, United States Code, Section 1973; Title 18, United States Code, Section 243; Title 18, United States Code, Section 244, Civil Rights Act—Federally Protected Activities; Civil Rights Act—Overseas Citizens Voting Rights Act of 1975.

45. Crime on the High Seas (includes stowaways on boats and aircraft). Title

18, United States Code, Sections 7, 13, 1243, and 2199.

46. Fraud Against the Government (includes Department of Health, Education and Welfare; Department of Labor (CETA), and Miscellaneous Government Agencies), Anti-Kickback Statute; Department Assistance Act of 1950; False Claims, Civil; Federal-Aid Road Act; Lead and Zinc Act; Public Works and Economic Development Act of 1965; Renegotiation Act, Criminal; Renegotiation Act, Civil; Trade Expansion Act of 1962; Unemployment Compensation Statutes; Economic Opportunity Act, Title 50, United States Code, Section 1211 et seq.; Title 31, United States Code, Section 231; Title 41, United States Code, Section 119; Title 40, United States Code, Section 489.

47. Impersonation. Title 18, United States Code, Sections 912, 913, 915, and 916.

48. Postal. Violation (Except Mail Fraud). This classification covers inquiries concerning the Postal Service and complaints pertaining to the theft of mail. Such complaints are either forwarded to the Postmaster General or the nearest Postal Inspector.

49. Bankruptcy Fraud. Title 18, United States Code, Sections 151–155.

50. Involuntary Servitude and Slavery. U.S. Constitution, 13th Amendment; Title 18, United States Code, Sections 1581–1588, 241, and 242.

51. Jury Panel Investigations. This classification covers jury panel investigations which are requested by the appropriate Assistant Attorney General as authorized by 28 U.S.C. 533 and AG memorandum 781, dated November 9, 1972. These investigations can be conducted only upon such request and consist of an indices and arrest check, and only in limited important trials where defendant could have influence over a juror.

52. Theft, Robbery, Embezzlement, Illegal Possession or Destruction of Government Property. Title 18, United States Code, Sections 641, 1024, 1660, 2112, and 2114. Interference With Government Communications, Title 18, United States Code, Section 1632.

53. Excess Profits on Wool. 1918 (obsolete). Subjects possible violators of Government Control of Wool Clip Act of 1918.

54. Customs Laws and Smuggling. This classification covers complaints received concerning smuggling and other matters involving importation and entry of merchandise into and the exportation of merchandise from the United States. Complaints are referred to the nearest district office of the U.S. Customs Service or the Commissioner of Customs, Washington, DC.

55. Counterfeiting. This classification covers complaints received concerning alleged violations of counterfeiting of U.S. coins, notes, and other obligations and securities of the Government. These complaints are referred to either the Director, U.S. Secret Service, or the nearest office of that Agency.

56. Election Laws. Title 18, United States Code, Sections 241, 242, 245, and 591–607; Title 42, United States Code, Section 1973; Title 26, United States Code, Sections 9012 and 9042; Title 2, United States Code, Sections 431–437, 439, and 441.

57. War Labor Dispute Act (obsolete). Pub. L. 89—77th Congress.

58. Corruption of Federal Public Officials. Title 18, United States Code, Sections 201–203, 205–211; Public Law 89–4 and 89–136.

59. World War Adjusted Compensation Act of 1924–44 (obsolete). Bureau of Investigation was charged with the duty of investigating alleged violations of all sections of the World War Adjusted Compensation Act (Pub. L. 472, 69th Congress (H.R. 10277)) with the exception of Section 704.

60. Anti-Trust, Title 15, United States Code, Sections 1–7, 12–27, and 13.

61. Treason or Misprision of Treason. Title 18, United States Code, Sections 2381, 2382, 2389, 2390, 756, and 757.

62. Administrative Inquiries. Misconduct Investigations of Officers and Employees of the Department of Justice and Federal Judiciary; Census Matters (Title 13, United States Code, Sections 211–214, 221–224, 304, and 305) Domestic Police Cooperation; Eight-Hour-Day Law (Title 40, United States Code, Sections 321, 332, 325a, 326); Fair Credit Reporting Act (Title 15, United States Code, Sections 1681q and 1681r); Federal Cigarette Labeling and Advertising Act (Title 15, United States Code, Section 1333); Federal Judiciary Investigations; Kickback Racket Act (Title 18, United States Code, Section 874); Lands Division Matter, other Violations and/or Matters; Civil Suits—Miscellaneous; Soldiers' and Sailors' Civil Relief Act of 1940 (Title 50, Appendix, United States Code, Sections 510–590); Tariff Act of 1930 (Title 19, United States Code, Section 1304); Unreported Interstate Shipment of Cigarettes (Title 15, United States Code, Sections 375 and 376); Fair Labor Standards Act of 1938 (Wages and Hours Law) (Title 29, United States Code, Sections 201–219); Conspiracy (Title 18, United States Code, Section 371 (formerly Section 88, Title 18, United States Code); effective September 1, 1948).

63. Miscellaneous—Nonsubversive. This classification concerns correspondence from the public which does not relate to matters within FBI jurisdiction.

64. Foreign Miscellaneous. This classification is a control file utilized as a repository for intelligence information of value identified by country. More specific categories are placed in classification 108–113.

65. Espionage. Attorney General Guidelines on Foreign Counterintelligence; Internal Security Act of 1950; Executive Order 11905.

66. Administrative Matters. This classification covers such items as supplies, automobiles, salary matters and vouchers.

67. Personnel Matters. This classification concerns background investigations of applicants for employment with the FBI and folders for current and former employees.

68. Alaskan matters (obsolete). This classification concerns FBI investigations in the Territory of Alaska prior to its becoming a State.

69. Contempt of Court. Title 18, United States Code, Sections 401, 402, 3285, 3691, 3692; Title 10, United States Code. Section 847; and Rule 42, Federal Rules of Criminal Procedure.

70. Crime on Government Reservation. Title 18, United States Code, Sections 7 and 13.

71. Bills of Lading Act, Title 49, United States Code, Section 121.

72. Obstruction of Criminal Investigations: Obstruction of Justice, Obstruction of Court Orders. Title 18, United States Code. Sections 1503 through 1510.

73. Application for Pardon After Completion of Sentence and Application for Executive Clemency. This classification concerns the FBI's background investigation in connection with pardon applications and request for executive clemency.

74. Perjury. Title 18, United States Code, Sections 1621, 1622, and 1623.

75. Bondsmen and Sureties. Title 18, United States Code, Section 1506.

76. Escaped Federal Prisoner. Escape and Rescue; Probation Violator, Parole Violator, Mandatory, Release Violator. Title 18, United States Code, Sections 751–757, 1072; Title 18, United States Code. Sections 3651–3656; and Title 18, United States Code. Sections 4202–4207, 5037, and 4161–4166.

77. Applicants (Special Inquiry, Departmental and Other Government Agencies, except those having special classifications). This classification covers the background investigations

conducted by the FBI in connection with the aforementioned positions.

78. Illegal Use of Government Transportation Requests. Title 18, United States Code, Section 287, 495, 508, 641, 1001 and 1002.

79. Missing Persons. This classification covers the FBI's Identification Division's assistance in the locating of missing persons.

80. Laboratory Research Matters. At FBI Headquarters this classification is used for Laboratory research matters. In field office files this classification covers the FBI's public affairs matters and involves contact by the FBI with the general public, Federal and State agencies, the Armed Forces, Corporations, the news media and other outside organizations.

81. Gold Hoarding. 1933–45. (obsolete) Gold Hoarding investigations conducted in accordance with an Act of March 9, 1933 and Executive Order issued August 28, 1933. Bureau instructed by Department to conduct no further investigations in 1935 under the Gold Reserve Act of 1934. Thereafter, all correspondence referred to Secret Service.

82. War Risk Insurance (National Life Insurance (obsolete)). This classification covers investigations conducted by the FBI in connection with civil suits filed under this statute.

83. Court of Claims. This classification covers requests for investigations of cases pending in the Court of Claims from the Assistant Attorney General in charge of the Civil Division of the Department of Justice.

84. Reconstruction Finance Corporation Act (obsolete). Title 15, United States Code, Chapter 14.

85. Home Owner Loan Corporation (obsolete). This classification concerned complaints received by the FBI about alleged violations of the Home Owners Loan Act, which were referred to the Home Owners Loan Corporation. Title 12, United States Code, Section 1464.

86. Fraud Against the Government—Small Business Administration. Title 15, United States Code, Section 645; Title 18, United States Code, Sections 212, 213, 215, 216, 217, 657, 658, 1006, 1011, 1013, 1014, 1906, 1907, and 1909.

87. Interstate Transportation of Stolen Property (Heavy Equipment—Commercialized Theft). Title 18, United States Code, Sections 2311, 2314, 2315 and 2318.

88. Unlawful Flight to Avoid Prosecution, Custody, or Confinement; Unlawful Flight to Avoid Giving Testimony. Title 18, United States Code, Sections 1073 and 1074.

89. Assaulting or Killing a Federal Officer, Crimes Against Family Members, Congressional Assassination Statute, Title 18, United States Code, Sections 1111, 1114, 2232.

90. Irregularities in Federal Penal Institutions. Title 18, United States Code, Sections 1791 and 1792.

91. Bank Burglary, Bank Larceny; Bank Robbery. Title 18, United States Code, Section 2113.

92. Racketeer Enterprise Investigations. Title 18, United States Code. Section 3237.

93. Ascertaining Financial Ability. This classification concerns requests by the Department of Justice for the FBI to ascertain a person's ability to pay a claim, fine or judgment obtained against him by the United States Government.

94. Research matters. This classification concerns all general correspondence of the FBI with private individuals which does not involve any substantive violation of Federal law.

95. Laboratory Cases (Examination of Evidence in Other Than Bureau's Cases). The classification concerns non-FBI cases where a duly constituted State, county or a municipal law enforcement agency in a criminal matter has requested an examination of evidence by the FBI Laboratory.

96. Alien Applicant (obsolete). Title 10, United States Code, Section 310.

97. Foreign Agents Registration Act. Title 18, United States Code, Section 951; Title 22, United States Code, Sections 611–621; Title 50, United States Code, Sections 851–857.

98. Sabotage. Title 18, United States Code, Sections 2151–2156; Title 50, United States Code, Section 797.

99. Plant Survey (obsolete). This classification covers a program wherein the FBI inspected industrial plants for the purpose of making suggestions to the operations of those plants to prevent espionage and sabotage.

100. Domestic Security. This classification covers investigations by the FBI in the domestic security field, e.g., Smith Act violations.

101. Hatch Act (obsolete). Public Law 252, 76th Congress.

102. Voorhis Act, Title 18, United States Code, Section 1386.

103. Interstate Transportation of Stolen Livestock, Title 18, United States Code, Sections 667, 2311, 2316 and 2317.

104. Servicemen's Dependents Allowance Act of 1942 (obsolete). Public Law 625, 77th Congress, Sections 115–119.

105. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

106. Alien Enemy Control; Escaped Prisoners of War and Internees, 1944–55 (obsolete). Suspects were generally suspected escaped prisoners of war, members of foreign organizations, failed to register under the Alien Registration Act. Cases ordered closed by Attorney General after alien enemies returned to their respective countries upon termination of hostilities.

107. Denaturalization Proceedings (obsolete). This classification covers investigation concerning allegations that an individual fraudulently swore allegiance to the United States or in some other manner illegally obtained citizenship to the U.S. Title 8, United States Code, Section 738.

108. Foreign Travel Control (obsolete). This classification concerns security-type investigations wherein the subject is involved in foreign travel.

109. Foreign Political Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign political matters broken down by country.

110. Foreign Economic Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign economic matters broken down by country.

111. Foreign Social Conditions. This classification is a control file utilized as a repository for intelligence information concerning foreign social conditions broken down by county.

112. Foreign Funds. This classification is a control file utilized as a repository for intelligence information concerning foreign funds broken down by country.

113. Foreign Military and Naval Matters. This classification is a control file utilized as a repository for intelligence information concerning foreign military and naval matters broken down by country.

114. Alien Property Custodian Matter (obsolete). Title 50, United States Code, Sections 1 through 38. This classification covers investigations concerning ownership and control of property subject to claims and litigation under this statute.

115. Bond Default; Bail Jumper. Title 18, United States Code, Sections 3146–3152.

116. Department of Energy Applicant; Department of Energy, Employee. This classification concerns background investigations conducted in connection with employment with the Department of Energy.

117. Department of Energy, Criminal. Title 42, United States Code, Sections 2011–2281; Public Law 93–438.

118. Applicant, Intelligence Agency (obsolete). This classification covers applicant background investigations conducted of persons under

consideration for employment by the Central Intelligence Group.

119. Federal Regulation of Lobbying Act. Title 2, United States Code, ections 261–270.

120. Federal Tort Claims Act, Title 28, United States Code, Sections 2671 to 2680. Investigations are conducted pursuant to specific request from the Department of Justice in connection with cases in which the Department of Justice represents agencies sued under the Act.

121. Loyalty of Government Employees (obsolete). Executive Order 9835.

122. Labor Management Relations Act, 1947. Title 29, United States Code, Sections 161, 162, 176–178 and 186.

123. Section inquiry, State Department, Voice of America (U.S. Information Center) (Public Law 402, 80th Congress) (obsolete). This classification covers loyalty and security investigations on personnel employed by or under consideration for employment for Voice of America.

124. European Recovery Program Administration, formerly Foreign Operations Administration, Economic Cooperation Administration or E.R.P., European Recovery Programs; A.I.D. Agency for International Development (obsolete). This classification covers security and loyalty investigation of personnel employed by or under consideration for employment with the European Recovery Program, Public Law 472, 80th Congress.

125. Railway Labor Act; Railway Labor Act—Employer's Liability Act Title 45, United States Code, Sections 151–163 and 181–188.

126. National Security Resources Board, Special Inquiry (obsolete). This classification covers loyalty investigations on employees and applicants of the National Security Resources Board.

127. Sensitive Positions in the United States Government, Public Law 266 (obsolete). Public Law 81st Congress.

128. International Development Program (Foreign Operations Administration) (obsolete). This classification covers background investigations conducted on individuals who are to be assigned to duties under the International Development Program.

129. Evacuation Claims (obsolete). Public Law 886, 80th Congress.

130. Special Inquiry. Armed Forces Security Act (obsolete). This classification covers applicant-type investigations conducted for the Armed Forces security agencies.

131. Admiralty Matter. Title 46, United States Code, Sections 741–752 and 781–799.

132. Special Inquiry, Office of Defense Mobilization (obsolete). This classification covers applicant-type investigations of individuals associated with the Office of Defense Mobilization.

133. National Science Foundation Act, Applicant (obsolete). Public Law 507, 81st Congress.

134. Foreign Counterintelligence Assets. This classification concerns individuals who provide information to the FBI concerning Foreign Counterintelligence matters.

135. PROSAB (Protection of Strategic Air Command Bases of the U.S. Air Force (obsolete). This classification covered contacts with individuals with the aim to develop information useful to protect bases of the Strategic Air Command.

136. American Legion Contact (obsolete). This classification covered liaison contracts with American Legion offices.

137. Informants. Other than Foreign Counterintelligence Assets. This classification concerns individuals who furnish information to the FBI concerning criminal violations on a continuing and confidential basis.

138. Loyalty of Employees of the United Nations and Other Public International Organizations. This classification concerns FBI investigations based on referrals from the Office of Personnel Management wherein a question or allegation has been received regarding the applicant's loyalty to the U.S. Government as described in Executive Order 10422.

139. Interception of Communications (Formerly, Unauthorized Publication or Use of Communications). Title 47, United States Code, Section 605; Title 47, United States Code, Section 501; Title 18, United States Code, Sections 2510–2513.

140. Security of Government Employees; Fraud Against the Government, Executive Order 10450.

141. False Entries in Records of Interstate Carriers. Title 47, United States Code, Section 220; Title 49, United States Code, Section 20.

142. Illegal Use of Railroad Pass. Title 49, United States Code, Section 1.

143. Interstate Transport of Gambling Devices. Title 15, United States Code, Sections 1171 through 1180.

144. Interstate Transportation of Lottery Tickets. Title 18, United States Code, Section 1301.

145. Interstate Transportation of Obscene Materials. Title 18, United States Code, Sections 1462, 1464, and 1465.

146. Interstate Transportation of Prison-Made Goods. Title 18, United States Code, Sections 1761 and 1762.

147. Fraud Against the Government—Department of Housing and Urban Development, Matters. Title 18, United States Code, Sections 657, 709, 1006, and 1010; Title 12, United States Code, Sections 1709 and 1715.

148. Interstate Transportation of Fireworks. Title 18, United States Code, Section 836.

149. Destruction of Aircraft or Motor Vehicles. Title 18, United States Code, Section 31–35.

150. Harboring of Federal Fugitives, Statistics (obsolete).

151. (Referral cases received from the Office of Personnel Management under Pub. L. 298). Agency for International Development; Department of Energy; National Aeronautics and Space Administration; National Science Foundation; Peace Corps; Action; U.S. Arms Control and Disarmament Agency; World Health Organization; International Labor Organization; International Communications Agency. This classification covers referrals from the Office of Personnel Management where an allegation has been received regarding an applicant's loyalty to the U.S. Government. These referrals refer to applicants from Peace Corps; Department of Energy, National Aeronautics and Space Administration, Nuclear Regulatory Commission, United States Arms Control and Disarmament Agency and the International Communications Agency.

152. Switchblade Knife Act. Title 15, United States Code, Sections 1241–1244.

153. Automobile Information Disclosure Act. Title 15, United States Code, Sections 1231–1233.

154. Interstate Transportation of Unsafe Refrigerators. Title 15, United States Code, Sections 1211–1214.

155. National Aeronautics and Space Act of 1958. Title 18, United States Code, Section 799.

156. Employee Retirement Income Security Act. Title 29, United States Code, Sections 1021–1029, 1111, 1131, and 1141; Title 18, United States Code, Sections 644, 1027, and 1954.

157. Civil Unrest. This classification concerns FBI responsibility for reporting information on civil disturbances or demonstrations. The FBI's investigative responsibility is based on the Attorney General's Guidelines for Reporting on Civil Disorders and Demonstrations Involving a Federal Interest which became effective April 5, 1976.

158. Labor-Management Reporting and Disclosure Act of 1959 (Security Matter) (obsolete). Public Law 86–257, Section 504.

159. Labor-Management Reporting and Disclosure Act of 1959

(Investigative Matter). Title 29, United States Code, Sections 501, 504, 522, and 530.

160. Federal Train Wreck Statute. Title 18, United States Code, Section 1992.

161. Special Inquiries for White House, Congressional Committee and Other Government Agencies. This classification covers investigations requested by the White House. Congressional committees or other Government agencies.

162. Interstate Gambling Activities. This classification covers information acquired concerning the nature and scope of illegal gambling activities in each field office.

163. Foreign Police Cooperation. This classification covers requests by foreign police for the FBI to render investigative assistance to such agencies.

164. Crime Aboard Aircraft. Title 49, United States Code, Sections 1472 and 1473.

165. Interstate Transmission of Wagering Information. Title 18, United States Code, Section 1065.

166. Interstate Transportation in Aid of Racketeering. Title 18, United States Code, Section 1952.

167. Destruction of Interstate Property. Title 15, United States Code, Sections 1281 and 1282.

168. Interstate Transportation of Wagering Paraphernalia. Title 18, United States Code, Section 1953.

169. Hydraulic Brake Fluid Act (obsolete); 76 Stat. 437, Public Law 87–637.

170. Extremist Informants (obsolete). This classification concerns individuals who provided information on a continuing basis on various extremist elements.

171. Motor Vehicle Seat Belt Act (obsolete). Pub. L. 88–201, 80th Congress.

172. Sports Bribery. Title 18, United States Code, Section 244.

173. Public Accommodations. Civil Rights Act of 1964 Public Facilities; Civil Rights Act of 1964 Public Education; Civil Rights Act of 1964 Employment; Civil Rights Act of 1964. Title 42, United States Code, Section 2000; Title 18, United States Code, Section 245.

174. Explosives and Incendiary Devices; Bomb Threats (Formerly Bombing Matters; Bombing Matters, Threats). Title 18, United States Code, Section 844.

175. Assaulting, Kidnapping or Killing the President (or Vice President) of the United States. Title 18, United States Code, Section 1751.

176. Anti-riot Laws. Title 18, United States Code, Section 245.

177. Discrimination in Housing. Title 42, United States Code, Sections 3601–3619 and 3631.

178. Interstate Obscene or Harassing Telephone Calls. Title 47, United States Code, Section 223.

179. Extortionate Credit Transactions. Title 18, United States Code, Sections 891–896.

180. Desecration of the Flag. Title 18, United States Code, Section 700.

181. Consumer Credit Protection Act. Title 15, United States Code, Section 1611.

182. Illegal Gambling Business: Illegal Gambling Business, Obstruction; Illegal Gambling Business Forfeiture. Title 18, United States Code, Section 1955; Title 18, United States Code, Section 1511.

183. Racketeer, Influence and Corrupt Organizations. Title 18, United States Code, Sections 1961–1968.

184. Police Killings. This classification concerns investigations conducted by the FBI upon written request from local Chief of Police or duty constituted head of the local agency to actively participate in the investigation of the killing of a police officer. These investigations are based on a Presidential Directive dated June 3, 1971.

185. Protection of Foreign Officials and Officials Guests of the United States. Title 18, United States Code, Sections 112, 970, 1116, 1117, and 1201.

186. Real Estate Settlement Procedures Act of 1974. Title 12, United States Code, Section 2602; Title 12, United States Code, Section 2606, and Title 12, United States Code, Section 2607.

187. Privacy Act of 1974, Criminal. Title 5, United States Code, Section 552a.

188. Crime Resistance. This classification covers FBI efforts to develop new or improved approaches, techniques, systems, equipment and devices to improve and strengthen law enforcement as mandated by the Omnibus Crime Control and Safe Streets Action of 1968.

189. Equal Credit Opportunity Act. Title 15, United States Code, Section 1691.

190. Freedom of Information/Privacy Acts. This classification covers the creation of a correspondence file to preserve and maintain accurate records concerning the handling of requests for records submitted pursuant to the Freedom of Information—Privacy Acts.

191. False Identity Matters. (obsolete) This classification covers the FBI's study and examination of criminal elements' efforts to create false identities.

192. Hobbs Act—Financial Institutions; Commercial Institutions Armored Carrier. Title 18, United States Code, Section 1951.

193. Hobbs Act—Commercial Institutions (obsolete). Title 18, United States Code, Section 1951; Title 47, United States Code, Section 506.

194. Hobbs Act—Corruption of Public Officials. Title 18, United States Code, Section 1951.

195. Hobbs Act—Labor Related. Title 18, United States Code, Section 1951.

196. Fraud by Wire. Title 18, United States Code, Section 1343.

197. Civil Actions or Claims Against the Government. This classification covers all civil suits involving FBI matters and most administrative claims filed under the Federal Tort Claims Act arising from FBI activities.

198. Crime on Indian Reservations. Title 18, United States Code, Sections 1151, 1152, and 1153.

199. Foreign Counterintelligence—Terrorism. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

200. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

201. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

202. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

203. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

204. Federal Revenue Sharing. This classification covers FBI investigations conducted where the Attorney General has been authorized to bring civil action whenever he has reason to believe that a pattern or practice of discrimination in disbursement of funds under the Federal Revenue Sharing status exists.

205. Foreign Corrupt Practices Act of 1977. Title 15, United States Code, Section 78.

206. Fraud Against the Government—Department of Defense, Department of Agriculture, Department of Commerce, Community Services Organization, Department of Transportation. (See classification 46 (supra) for a statutory authority for this and the four following classifications.)

207. Fraud Against the Government—Environmental Protection Agency, National Aeronautics and Space Administration, Department of Energy, Department of Transportation.

208. Fraud Against the Government—General Services Administration.

209. Fraud Against the Government—Department of Health and Human Services (Formerly Department of Health, Education, and Welfare).

210. Fraud Against the Government—Department of Labor.

211. Ethics in Government Act of 1978, Title VI (Title 28, Sections 591–596).

212. Foreign Counterintelligence—Intelligence Community Support. This is an administrative classification for the FBI's operational and technical support to other Intelligence Community agencies.

213. Fraud Against the Government—Department of Education.

214. Civil Rights of Institutionalized Persons Act (Title 42, United States Code, Section 1997).

215. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

216. thru 229. Foreign Counterintelligence Matters. (Same authority as 215.)

230. thru 240. FBI Training Matters.

241. DEA Applicant Investigations.

242. Automation Matters.

243. Intelligence Identities Protection Act of 1982.

244. Hostage Rescue Team.

245. Drug Investigative Task Force.

246 thru 248. Foreign Counterintelligence Matters. (Same authority as 215.)

249. Environmental Crimes—Investigations involving toxic or hazardous waste violations.

250. Tampering With Consumer Products (Title 18, U.S. Code, Section 1395).

251. Controlled Substance—Robbery;—Burglary (Title 18, U.S. Code, section 2118).

252. Violent Crime Apprehension Program (VICAP). Case folders containing records relevant to the VICAP Program, in conjunction with the National Center for the Analysis of Violent Crime Record System at the FBI Academy; Quantico, Virginia.

253. False Identification Crime Control Act of 1982 (Title 18, U.S. Code, Section 1028—Fraud and Related Activity in Connection With Identification Documents, and Section 1738—Mailing Private Identification Documents Without a Disclaimer).

254. Destruction of Energy Facilities (Title 18, U.S. Code, Section 1365) relates to the destruction of property of nonnuclear energy facilities.

255. Counterfeiting of State and Corporate Securities (Title 18, U.S. Code, Section 511) covers counterfeiting and forgery of all forms of what is loosely interpreted as securities.

256. Hostage Taking—Terrorism (Title 18, U.S. Code, Section 1203) prohibits taking of hostage(s) to compel third party to do or refrain from doing any act.

257. Trademark Counterfeiting Act (Title 18, United States Code, section 2320) covers the international trafficking in goods which bear a counterfeited trademark.

258. Credit Card Fraud Act of 1984 (Title 18, United States Code, section 1029) covers fraud and related activities in connection with access devices (credit and debit cards).

259. Security Clearance Investigations Program. (Same authority as 215.)

260. Industrial Security Program. (Same authority as 215.)

261. Security Officer Matters. (Same authority as 215.)

262. Overseas Homicide (Attempted Homicide—International Terrorism). Title 18, United States Code, Section 2331.

263. Office of Professional Responsibility Matters.

264. Computer Fraud and Abuse Act of 1986. Electronic Communications Privacy Act of 1986. Title 18, United States Code, Section 1030; Title 18, United States Code, Section 2701.

265. Acts of Terrorism in the United States—International Terrorist. (Followed by predicate offense from other classification.)

266. Acts of Terrorism in the United States—Domestic Terrorist. (Followed by predicate offense from other classification.)

267. Drug-Related Homicide. Title 21, U.S. Code, Section 848(e).

268. Engineering Technical Matters—FCI.

269. Engineering Technical Matters—Non-FCI.

270. Cooperative Witnesses.

271. Foreign Counterintelligence Matters. Attorney General Guidelines on Foreign Counterintelligence. Executive Order 11905.

272. Money Laundering. Title 18, U.S. Code, Sections 1956 and 1957.

273. Adoptive Forfeiture Matter—Drug. Forfeiture based on seizure of property by state, local or other Federal authority.

274. Adoptive Forfeiture Matter—Organized Crime. (Same explanation as 273.)

275. Adoptive Forfeiture Matter—White Collar Crime. (Same explanation as 273.)

276. Adoptive Forfeiture Matter—Violent Crime/Major Offenders Program. (Same explanation as 273.)

277. Adoptive Forfeiture Matter—Counterterrorism Program. (Same explanation as 273.)

278. Presidents Intelligence Oversight Board. Executive Order 12334.

279. Biological Weapons Anti-Terrorism Act of 1989. (Title 18, U.S. Code, Sections 175–179).

280. Equal Employment Opportunity Investigations.

281. Organized Crime Drug Investigations. Records Maintained in FBI Field Divisions—FBI field divisions maintain for limited periods of time investigative, administrative and correspondence records, including files, index cards and related material, some of which are duplicated copies of reports and similar documents forwarded to FBI Headquarters. Most investigative activities conducted by FBI field divisions are reported to FBI Headquarters at one or more stages of the investigation. There are, however, investigative activities wherein no reporting was made to FBI Headquarters, *e.g.*, pending cases not as yet reported and cases which were closed in the field division for any of a number of reasons without reporting to FBI Headquarters.

Duplicate records and records which extract information reported in the main files are also kept in the various divisions of the FBI to assist them in their day-to-day operation. These records are lists of individuals which contain certain biographic data, including physical description and photograph. They may also contain information concerning activities of the individual as reported to FBIHQ by the various field offices. The establishment of these lists is necessitated by the needs of the Division to have immediate access to pertinent information duplicative of data found in the central records without the delay caused by a time-consuming manual search of central indices. The manner of segregating these individuals varies depending on the particular needs of the FBI Division. The information pertaining to individuals who are a part of the list is derivative of information contained in the Central Records System. These duplicative records fall into the following categories:

(1) Listings of individuals used to assist in the location and apprehension of individuals for whom legal process is outstanding (fugitives):

(2) Listings of individuals used in the identification of particular offenders in cases where the FBI has jurisdiction. These listings include various photograph albums and background data concerning persons who have been formerly charged with a particular crime and who may be suspect in similar criminal activities; and photographs of individuals who are unknown but

suspected of involvement in a particular criminal activity, for example, bank surveillance photographs:

(3) Listings of individuals as part of an overall criminal intelligence effort by the FBI. This would include photograph albums, lists of individuals known to be involved in criminal activity, including theft from interstate shipment, interstate transportation of stolen property, and individuals in the upper echelon of organized crime:

(4) Listings of individuals in connection with the FBI's mandate to carry out Presidential directives on January 8, 1943, July 24, 1950, December 15, 1953, and February 18, 1976, which designated the FBI to carry out investigative work in matters relating to espionage, sabotage, and foreign counterintelligence. These listings may include photograph albums and other listings containing biographic data regarding individuals. This would include lists of identified and suspected foreign intelligence agents and informants:

(5) Special indices duplicative of the central indices used to access the Central Records System have been created from time to time in conjunction with the administration and investigation of major cases. This duplication and segregation facilitates access to documents prepared in connection with major cases.

In recent years, as the emphasis on the investigation of white collar crime, organized crime, and hostile foreign intelligence operations has increased, the FBI has been confronted with increasingly complicated cases, which require more intricate information processing capabilities. Since these complicated investigations frequently involve massive volumes of evidence and other investigative information, the FBI uses its computers, when necessary to collate, analyze, and retrieve investigative information in the most accurate and expeditious manner possible. It should be noted that this computerized investigative information, which is extracted from the main files or other commercial or governmental sources, is only maintained as necessary to support the FBI's investigative activities. Information from these internal computerized subsystems of the ''Central Records System'' is not accessed by any other agency. All disclosures of computerized information are made in printed form or other appropriate format, in accordance with the routine uses which are set forth below and in compliance with applicable security requirements.

Records also are maintained on a temporary basis relevant to the FBI's domestic police cooperating program, where assistance in obtaining information is provided to state and local police agencies. Also, personnel type information, dealing with such matters as attendance and production and accuracy requirements is maintained by some divisions.

(The following chart identifies various listings or indexes maintained by the FBI which have been or are being used by various divisions of the FBI in their day-to-day operations. The chart identifies the list by name, description and use, and where maintained, i.e., FBI Headquarters and/or Field Office. The number of field offices which maintain these indices is also indicated. The list indicates those indexes which are in current use (designated by the word ''active'') and those which are no longer being used, although maintained (designated by the word ''inactive''). There are 27 separate indices which are classified in accordance with existing regulations and are not included in this list. The following indices are no longer being used by the FBI and are being maintained at FBIHQ pending receipt of authority to destroy: Black Panther Party Photo Index; Black United Front Index; Security Index; and Wounded Knee Album.)

1. Administrative Index (ADEX). Consists of cards with descriptive data on individuals who were subject to investigation in a national emergency because they were believed to constitute a potential or active threat to the internal security of the United States. When ADEX was started in 1971, it was made up of people who were formerly on the Security Index, Reserve Index, and Agitator Index. This index is maintained in two separate locations in FBI Headquarters. ADEX was discontinued in January 1978. This list is inactive at FBI Headquarters and 29 Field Offices.

2. Anonymous Letter File. Consists of photographs of anonymous communications and extortionate credit transactions, kidnapping, extortion and threatening letters. It is active at FBI Headquarters.

3. Associates of DEA Class I Narcotics Violators Listing. Consists of a computer listing of individuals whom DEA has identified as associates of Class I Narcotics Violators. It is active at FBI Headquarters and 56 Field Offices.

4. Background Investigation Index—Department of Justice. Consists of cards on persons who have been the subject of a full field investigation in connection with their consideration of employment in sensitive positions with Department of Justice, such as U.S. Attorney, Federal judges, or a high level Department position. It is active at FBI Headquarters.

5. Background Investigation Index—White House, Other Executive Agencies, and Congress. Consists of cards on persons who have been the subject of a full field investigation in connection with their consideration for employment in sensitive positions with the White House, Executive agencies (other than the Department of Justice) and the Congress. Active at FBI Headquarters.

6. Bank Fraud and Embezzlement Index. Consists of individuals who have been the subject of ''Bank Fraud and Embezzlement'' investigation. This file is used as an investigative aid. It is active in one Field Office.

7. Bank Robbery Album. Consists of photos of bank robbers, burglars, and larceny subjects. In some field offices it will also contain pictures obtained from local police departments of known armed robbers and thus potential bank robbers. The index is used to develop investigative leads in bank robbery cases and may also be used to show to witnesses of bank robberies. It is usually filed by race, height, and age. This index is also maintained in one resident agency (a suboffice of a field office). Active in 47 Field Offices.

8. Bank Robbery Nickname Index. Consists of nicknames used by known bank robbers. The index cards on each would contain the real name and method of operation and are filed in alphabetical order. Active in one Field Office.

9. Bank Robbery Note File. Consists of photographs of notes used in bank robberies in which the suspect has been identified. This index is used to help solve robberies in which the subject has not been identified but a note was left. The role is compared with the index to try to match the sentence structure and handwriting for the purpose of identifying possible suspects. Active at FBI Headquarters.

10. Bank Robbery Suspect Index. Consists of a control file or index cards with photos, if available, of bank robbers or burglars. In some field offices these people may be part of a bank robbery album. This index is generally maintained and used in the same manner as the bank robbery album. Active in 33 Field Offices.

11. Car Ring Case Photo Album. Consists of photos of subjects and suspects involved in a large car theft ring investigation. It is used as an investigative aid. Active in one Field Office.

12. Car Ring Case Photo Album and Index. Consists of photos of subjects and

suspects involved in a large car theft ring investigation. The card index maintained in addition to the photo album contains the names and addresses appearing on fraudulent title histories for stolen vehicles. Most of these names appearing on these titles are fictitious. But the photo album and card indexes are used as an investigative aid. Active in one Field Office.

13. Car Ring Case Toll Call Index. Consists of cards with information on persons who subscribe to telephone numbers to which toll calls have been placed by the major subjects of a large car theft ring investigation. It is maintained numerically by telephone number. It is used to facilitate the development of probable cause for a court-approved wiretap. Active in two Field Offices.

14. Car Ring Theft Working Index. Contains cards on individuals involved in car ring theft cases on which the FBI Laboratory is doing examination work. Active at FBI Headquarters.

15. Cartage Album. Consists of photos with descriptive data of individuals who have been convicted of theft from interstate shipment or interstate transportation of stolen property where there is a reason to believe they may request the offense. It is used in investigating the above violations. Active in three Field Offices.

16. Channelizing Index. Consists of cards with the names and case file numbers of people who are frequently mentioned in information reports. The index is used to facilitate the distributing or channeling of information reports to appropriate files. Active in nine Field Offices.

17. Check Circular File. Consists of fliers numerically in a control file on fugitives who are notorious fraudulent check passers and who are engaged in a continuing operation of passing checks. The fliers, which include the subject's name, photo, a summary of the subject's method of operation and other identifying data, are used to alert other FBI field offices and business establishments which may be the victims of bad checks.

18. Computerized Telephone Number File (CTNF) Intelligence. Consists of a computer listing of telephone numbers (and) subscribers' names and addresses) utilized by subjects and/or certain individuals which come to the FBI's attention during major investigations. During subsequent investigations, telephone numbers, obtained through subpoena, are matched with the telephone numbers on file to determine connections or associations. Active at FBI Headquarters.

19. Con Man Index. Consists of computerized names of individuals, along with company affiliation, who travel nationally and internationally while participating in large-dollar-value financial swindles. Active in four Field Offices.

20. Confidence Game (Flim Flam) Album. Consists of photos with descriptive information on individuals who have been arrested for confidence games and related activities. It is used as an investigative aid. Active in one Field Office.

21. Copyright Matters Index. Consists of cards of individuals who are film collectors and film titles. It is used as a reference in the investigation of copyright matters. Active in one Field Office.

22. Criminal Intelligence Index. Consists of cards with name and file number of individuals who have become the subject of an antiracketeering investigation. The index is used as a quick way to ascertain file numbers and the correct spelling of names. This index is active in two Field Offices and one Resident Agency.

23. Criminal Informant Index. Consists of cards containing identity and brief background information on all active and inactive informants furnishing information in the criminal area. Active at FBI Headquarters.

24. DEA Class 1 Narcotics Violators Listing. Consists of a computer listing of narcotic violators—persons known to manufacture, supply, or distribute large quantities of illicit drugs—with background data. It is used by the FBI in their role of assisting DEA in disseminating intelligence data concerning illicit drug trafficking. This index is also maintained in two resident agencies.

25. Deserter Index. Contains cards with the names of individuals who are known military deserters. It is used as an investigative aid. Active in four Field Offices.

26. False Identities Index. Contains cards with the names of deceased individuals whose birth certificates have been obtained by other persons for possible false identification uses and in connection with which the FBI laboratory has been requested to perform examinations. Inactive at FBI Headquarters.

27. False Identities List. Consists of a listing of names of deceased individuals whose birth certificates have been obtained after the person's death, and thus whose names are possibly being used for false identification purposes. The listing is maintained as part of the FBI's program to find persons using false identities for illegal purposes. Inactive at 31 Field Offices.

28. False Identity Photo Album. Consists of names and photos of people who have been positively identified as using a false identification. This is used as an investigative aid in the FBI's investigation of false identities. Inactive in two Field Offices.

29. FBI/Inspector General (IG) Case Pointer System (FICPS). Consists of a computerized listing of individual names of organizations which are the subject of active and inactive fraud investigations, along with the name of the agency conducting the investigation. Data is available to IG offices throughout the federal government to prevent duplication of investigative activity. Active at FBI Headquarters.

30. FBI Wanted Persons Index. Consists of cards on persons being sought on the basis of Federal warrants covering violations which fall under the jurisdiction of the FBI. It is used as a ready reference to identify those fugitives. Active at FBI Headquarters.

31. Foreign Counterintelligence (FCI). Consists of cards with identity background data on all active and inactive operational and informational assets in the foreign counterintelligence field. It is used as a reference aid on the FCI Asset program. Active at FBI Headquarters.

32. Fraud Against the Government Index. Consists of individuals who have been the subject of a ''fraud against the Government''investigation. It is used as an investigative aid. Active in one Field Office.

33. Fugitive Bank Robbers File. Consists of fliers on bank robbery fugitives filed sequentially in a control file. FBI Headquarters distributes to the field offices fliers on bank robbers in a fugitive status for 15 or more days to facilitate their location. Active at FBI Headquarters and in 43 Field Offices.

34. General Security Index. Contains cards on all persons that have been the subject of a security classification investigation by the FBI field office. These cards are used for general reference purposes. Active in one Field Office.

35. Hoodlum License Plate Index. Consists of cards with the license plate numbers and descriptive data on known hoodlums and cars observed in the vicinity of hoodlum homes. It is used for quick identification of such person in the course of investigation. The one index which is not fully retrievable is maintained by a resident agency. Active in three Field Offices.

36. Identification Order Fugitive Flier File. Consists of fliers numerically in a control file. When immediate leads have

been exhausted in fugitive investigations and a crime of considerable public interest has been committed, the fliers are given wide circulation among law enforcement agencies throughout the United States and are posted in post offices. The fliers contain the fugitive's photograph, fingerprints, and description. Active at FBI Headquarters and in 49 Field Offices.

37. Informant Index. Consists of cards with the name, symbol numbers, and brief background information on the following categories of active and inactive informants, top echelon criminal informants, security informants, criminal information, operational and informational assets, extremist informants (discontinued), plant informant—informants on and about certain military basis (discontinued), and potential criminal informants. Active in 56 Field Offices.

38. Informants in Other Field Offices, Index of. Consist of cards with names and/or symbol numbers of informants in other FBI field offices that are in a position to furnish information that would also be included on the index card. Active in 15 Field Offices.

39. Interstate Transportation of Stolen Aircraft Photo Album. Consists of photos and descriptive data on individuals who are suspects known to have been involved in interstate transportation of stolen aircraft. It is used as an investigative aid. Active in one Field Office.

40. IRS Wanted List. Consists of one-page fliers from IRS on individuals with background information who are wanted by IRS for tax purposes. It is used in the identification of persons wanted by IRS. Active in 11 Field Offices.

41. Kidnapping Book. Consists of data, filed chronologically, on kidnappings that have occurred since the early fifties. The victims' names and the suspects, if known, would be listed with a brief description of the circumstances surrounding the kidnapping. The file is used as a reference aid in matching up prior methods of operation in unsolved kidnapping cases. Active at FBI Headquarters and inactive in four Field Offices.

42. Known Check Passers Album. Consists of photos with descriptive data of persons known to pass stolen, forged, or counterfeit checks. It is used as an investigative aid. Active in four Field Offices.

43. Known Gambler Index. Consists of cards with names, descriptive data, and sometimes photos of individuals who are known bookmakers and gamblers. The index is used in organized crime and gambling investigations. Subsequent to GAO's review, and at the recommendation of the inspection team at one of the two field offices where the index was destroyed and thus is not included in the total. Active in five Field Offices.

44. La Cosa Nostra (LCN) Membership Index. Contains cards on individuals having been identified as members of the LCN index. The cards contain personal data and pictures. The index is used solely by FBI agents for assistance in investigating organized crime matters. Active at FBI Headquarters and 55 Field Offices.

45. Leased Line Letter Request Index. Contains cards on individuals and organizations who are or have been the subject of a national security electronic surveillance where a leased line letter was necessary. It is used as an administrative and statistical aid. Active at FBI Headquarters.

46. Mail Cover Index. Consists of cards containing a record of all mail covers conducted on individuals and group since about January 1973. It is used for reference in preparing mail cover requests. Active at FBIHQ.

47. Military Deserter Index. Consists of cards containing the names of all military deserters where the various military branches have requested FBI assistance in locating. It is used as an administrative aid. Active at FBI Headquarters.

48. National Bank Robbery Album. Consists of fliers on bank robbery suspects held sequentially in a control file. When an identifiable bank camera photograph is available and the case has been under investigation for 30 days without identifying the subject, FBIHQ sends a flier to the field offices to help identify the subject. Active at FBI Headquarters and in 42 Field Offices.

49. National Fraudulent Check File. Contains photographs of the signature on stolen and counterfeit checks. It is filed alphabetically but there is no way of knowing the names are real or fictitious. The index is used to help solve stolen check cases by matching checks obtained in such cases against the index to identify a possible suspect. Active at FBI Headquarters.

50. National Security Electronic Surveillance Card File. Contains cards recording electronic surveillances previously authorized by the Attorney General and previously and currently authorized by the FISC; current and previous assets in the foreign counterintelligence field; and a historical, inactive section which contains cards believed to record nonconsented physical entries in national security cases, previously toll billings, mail covers and leased lines. The inactive section also contains cards Attorney General approvals and denials for warrantless electronic surveillance in the national security cases. Inactive at FBI Headquarters.

51. Night Depository Trap Index. Contains cards with the names of persons who have been involved in the theft of deposits made in bank night depository boxes. Since these thefts have involved various methods, the FBI uses the index to solve such cases by matching up similar methods to identify possible suspects. Active at FBI Headquarters.

52. Organized Crime Photo Album. Consists of photos and background information on individuals involved in organized crime activities. The index is used as a ready reference in identifying organized crime figures within the field offices' jurisdiction. Active in 13 Field Offices.

53. Photospread Identification Elimination File. Consists of photos of individuals who have been subjects and suspects in FBI investigations. It also includes photos received from other law enforcement agencies. These pictures can be used to show witnesses of certain crimes. Active in 14 Field Offices.

54. Prostitute Photo Album. Consists of photos with background data on prostitutes who have prior local or Federal arrests for prostitution. It is used to identify prostitutes in connection with investigations under the White Slave Traffic Act. Active in four Field Offices.

55. Royal Canadian Mounted Policy (RCMP) Wanted Circular File. Consists of a control file of individuals with background information of persons wanted by the RCMP. It is used to notify the RCMP if an individual is located. Active in 17 Field Offices.

56. Security Informant Index. Consists of cards containing identity and brief background information on all active and inactive informants furnishing information in the criminal area. Active at FBI Headquarters.

57. Security Subjects Control Index. Consists of cards containing the names and case file numbers of individuals who have been subject to security investigations check. It is used as a reference source. Active in one Field Office.

58. Security Telephone Number Index. Contains cards with telephone subscriber information subpoenaed from the telephone company in any security investigation. It is maintained numerically by the last three digits in the telephone number. It is used for general reference purposes in security

investigations. Active in one Field Office.

59. Selective Service Violators Index. Contains cards on individuals being sought on the basis of Federal warrants for violation of the Selective Service Act. Active at FBI Headquarters.

60. Sources of Information Index. Consists of cards on individuals and organizations such as banks, motels, local government that are willing to furnish information to the FBI with sufficient frequency to justify listing for the benefit of all agents. It is maintained to facilitate the use of such sources. Active in 10 Field Offices.

61. Special Services Index. Contains cards of prominent individuals who are in a position to furnish assistance in connection with FBI investigative responsibility. Active in 28 Field Offices.

62. Stolen Checks and Fraud by Wire Index. Consists of cards on individuals involved in check and fraud by wire violations. It is used as an investigative aid. Active in one Field Office.

63. Stop Notices Index. Consists of cards on names of subjects or property where the field office has placed a stop at another law enforcement agency or private business such as pawn shops in the event information comes to the attention of that agency concerning the subject or property. This is filed numerically by investigative classification. It is used to insure that the agency where the stop is placed is notified when the subject is apprehended or the property is located or recovered. Active in 43 Field Offices.

64. Surveillance Locator Index. Consists of cards with basic data on individuals and businesses which have come under physical surveillance in the city in which the field office is located. It is used for general reference purposes in antiracketeering investigations. Active in two Field Offices.

65. Telephone Number Index—Gamblers. Contains information on persons identified usually as a result of a subpoena for the names of subscribers to particular telephone numbers or toll records for a particular phone number of area gamblers and bookmakers. The index cards are filed by the last three digits of the telephone number. The index is used in gambling investigations. Active in two Field Offices.

66. Telephone Subscriber and Toll Records Check Index. Contains cards with information on persons identified as the result of a formal request or subpoena to the phone company for the identity of subscribers to particular telephone numbers. The index cards are filed by telephone number and would also include identity of the subscriber, billing party's identity, subscriber's address, date of request from the telephone company, and file number. Active in one Field Office.

67. Thieves, Couriers and Fences Photo Index. Consists of photos and background information on individuals who are or are suspected of being thieves, couriers, or fences based on their past activity in the area of interstate transportation of stolen property. It is used as an investigative aid. Active in four Field Offices.

68. Toll Record Request Index. Contains cards on individuals and organizations on whom toll records have been obtained in national security related cases and with respect to which FBIHQ had to prepare a request letter. It is used primarily to facilitate the handling of repeat requests on individuals listed. Active at FBIHQ.

69. Top Burglar Album. Consists of photos and background data of known and suspect top burglars involved in the area of interstate transportation of stolen property. It is used as an investigative aid. Active in four Field Offices.

70. Top Echelon Criminal Informer Program (TECIP) Index. Consists of cards containing identity and brief background information on individuals who are either furnishing high level information in the organized crime area or are under development to furnish such information. The index is used primarily to evaluate, corroborate, and coordinate informant information and to develop prosecutive data against racket figures under Federal, State, and local statutes. Active at FBI Headquarters.

71. Top Ten Program File. Consists of fliers, filed numerically in a control file, on fugitives considered by the FBI to be 1 of the 10 most wanted. Including a fugitive of the top 10 usually assures a greater national news coverage as well as nation-wide circulation of the flier. Active at FBI Headquarters and in 44 Field Offices.

72. Top Thief Program Index. Consists of cards of individuals who are professional burglars, robbers, or fences dealing in items likely to be passed in interstate commerce or who travel interstate to commit the crime. Usually photographs and background information would also be obtained on the index card. The index is used as an investigative aid. Active in 27 Field Offices.

73. Truck Hijack Photo Album. Contains photos and descriptive data of individuals who are suspected truck hijackers. It is used as an investigative aid and for displaying photos to witnesses and/or victims to identify unknown subjects in hijacking cases. Active in four Field Offices.

74. Truck Thief Suspect Photo Album. Consists of photos and background data on individuals previously arrested or are currently suspects regarding vehicle theft. The index is used as an investigative aid. Active in one Field Office.

75. Traveling Criminal Photo Album. Consists of photos with identifying data of individuals convicted of various criminal offenses and may be suspects in other offenses. It is used as an investigative aid. Active in one Field Office.

76. Veterans Administrative (VA)/Federal Housing Administration (FHA) Matters Index. Consists of cards of individuals who have been subject of an investigation relative to VA and FHA matters. It is used as an investigative aid. Active in one Field Office.

77. Wanted Fliers File. Consists of fliers, filed numerically in a control file, on badly wanted fugitives whose apprehension may be facilitated by a flier. The flier contains the names, photographs, aliases, previous convictions, and a caution notice. Active at FBI Headquarters and in 46 Field Offices.

78. Wheeldex. Contains the nicknames and the case file numbers of organized crime members. It is used in organized crime investigations. Active in one Field Office.

79. White House Special Index. Contains cards on all potential White House appointees, staff members, guests, and visitors that have been referred to the FBI by the White House security office for a records check to identify any adverse or derogatory information. This index is used to expedite such check in view of the tight timeframe usually required. Active at FBI Headquarters.

80. Witness Protection Program Index. Contains cards on individuals who have been furnished a new identity by the U.S. Justice Department because of their testimony in organized crime trials. It is used primarily to notify the U.S. Marshals Service when information related to the safety of a protected witness comes to the FBI's attention. Active at FBI Headquarters.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Records Act of 1950, Title 44, United States Code, chapter 31, section 3101; and title 36, Code of Federal Regulations, chapter XII, require Federal agencies to insure that adequate and proper records are made and preserved to document the organization, functions, policies, decisions, procedures and transactions and to protect the legal and

financial rights of the Federal Government, title 28, United States Code, section 534, delegates authority to the Attorney General to acquire, collect, classify, and preserve identification, criminal identification, crime and other records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records, both investigative and administrative, are maintained in this system in order to permit the FBI to function efficiently as an authorized, responsive component of the Department of Justice. Therefore, information in this system is disclosed to officials and employees of the Department of Justice, and/or all components thereof, who have need of the information in the performance of their official duties.

Personal information from this system may be disclosed as a routine use to any Federal agency where the purpose in making the disclosure is compatible with the law enforcement purpose for which it was collected, e.g., to assist the recipient agency in conducting a lawful criminal or intelligence investigation, to assist the recipient agency in making a determination concerning an individual's suitability for employment and/or trustworthiness for employment and/or trustworthiness for access clearance purposes, or to assist the recipient agency in the performance of any authorized function where access to records in this system is declared by the recipient agency to be relevant to that function.

In addition, personal information may be disclosed from this system to members of the Judicial Branch of the Federal Government in response to a specific request, or at the initiation of the FBI, where disclosure appears relevant to the authorized function of the recipient judicial office or court system. An example would be where an individual is being considered for employment by a Federal judge. Information in this system may be disclosed as a routine use to any state or local government agency directly engaged in the criminal justice process, e.g., police, prosecution, penal, probation and parole, and the judiciary, where access is directly related to a law enforcement function of the recipient agency, e.g., in connection with a lawful criminal or intelligence investigation, or making a determination concerning an individual's suitability for employment as a state or local law enforcement employee or concerning a victim's compensation under a state statute. Disclosure to a state or local government agency, (a) not directly engaged in the criminal justice process or (b) for a licensing or regulatory function, is considered on an individual basis only under exceptional circumstances, as determined by the FBI.

Information in this system pertaining to the use, abuse or traffic of controlled substances may be disclosed as a routine use to federal, state or local law enforcement agencies and to licensing or regulatory agencies empowered to engage in the institution and prosecution of cases before courts and licensing boards in matters relating to controlled substances, including courts and licensing boards responsible for the licensing or certification of individuals in the fields of pharmacy and medicine.

In any health care-related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disclosed as a routine use to any Federal, State, local, tribal, foreign, joint, international, or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care-related laws or regulations. Further, information indicating an ongoing quality of care problem by a health care provider or at a health care facility may be disclosed to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, neglect, abuse, or poor or inadequate quality of care may be disclosed to the affected patient or his or her representative or guardian at the discretion of and in the manner determined by the agency in possession of the information. Information in this system may be disclosed as a routine use in a proceeding before a court of adjudicative body, e.g., the Equal Employment Opportunity Commission and the Merit Systems Protection Board, before which the FBI is authorized to appear, when (a) the FBI or any employee thereof in his or her official capacity, or (b) any employee in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (c) the United States, where the FBI determines it is likely to be affected by the litigation, is a party to litigation or has an interest in litigation and such records are determined by the FBI to be relevant to the litigation.

Information in this system may be disclosed as a routine use to an organization or individual in both the public or private sector if deemed necessary to elicit information or cooperation from the recipient for use by the FBI in the performance of an authorized activity. An example would be where the activities of an individual are disclosed to a member of the public in order to elicit his/her assistance in our apprehension or detection efforts.

Information in this system may be disclosed as a routine use to an organization or individual in both the public or private sector where there is reason to believe the recipient is or could become the target of a particular criminal activity or conspiracy, to the extent the information is relevant to the protection of life or property.

Information in this system may be disclosed to legitimate agency of a foreign government where the FBI determines that the information is relevant to that agency's responsibilities, and dissemination serves the best interests of the U.S. Government, and where the purpose in making the disclosure is compatible with the purpose for which the information was collected.

Relevant information may be disclosed from this system to the news media and general public where there exists a legitimate public interest, e.g., to assist in the location of Federal fugitives, to provide notification of arrests, and where necessary for protection from imminent threat of life or property. This would include releases of information in accordance with 28 CFR 50.2.

A record relating to an actual or potential civil or criminal violation of the copyright statute, Title 17, United States Code, or the trademark statutes. Titles 15 and 17, U.S. Code, may be disseminated to a person injured by such violation to assist him/her in the institution or maintenance of a suit brought under such titles. The FBI has received inquiries from private citizens and Congressional offices on behalf of constituents seeking assistance in locating individuals such as missing children and heirs to estates. Where the need is acute, and where it appears FBI files may be the only lead in locating the individual, consideration will be given to furnishing relevant information to the requester. Information will be provided only in those instances where there are reasonable grounds to conclude from available information the individual being sought would want the information to be furnished, e.g., an heir to a large estate. Information with regard to missing children will not be provided where they have reached their majority.

Information contained in this system, may be made available to a Member of Congress or staff acting upon the

member's behalf when the member of staff requests the information in behalf of and at the request of the individual who is the subject of the record.

A record from this system of records may be disclosed as a routine use to the National Archives and Records Administration and General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906, to the extent that legislation governing the records permits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The active main files are maintained in hard copy form and some inactive records are maintained on microfilm. Investigative information which is maintained in computerized form may be stored in memory, on disk storage, on computer tape, or on a computer printed listing.

RETRIEVABILITY:

The FBI General Index must be searched to determine what information, if any, the FBI may have in its files. Index records, or pointers to specific FBI files, are created on all manner of subject matters, but the predominant type record is the name index record. It should be noted the FBI does not index all individuals who furnish information or all names developed during the course of an investigation. Only that information considered pertinent, relevant, or essential for future retrieval, is indexed. In certain major cases, individuals interviewed may be indexed to facilitate the administration of the investigation. The FBI has automated that portion of its index containing the most recent information—15 years for criminal related matters and 30 years for intelligence and other type matters.

Automation will not change the ''Central Records System''; it will only facilitate more economic and expeditious access to the main files. Searches against the automated records are accomplished on a ''batch off-line'' basis for certain submitting agencies where the name search requests conform to FBI specified formats and also in an ''on-line'' mode with the use of video display terminals for other requests. The FBI will not permit any organization, public or private, outside the FBI to have direct access to the FBI indices system. All searches against the indices data base will be performed on site within FBI space by FBI personnel with the assistance of the automated procedures, where feasible. Automation of the various FBI field office indices was completed in 1989. This automation initiative has been on a ''day-one'' basis. This indices system points to specific files within a given field office. Additionally, certain complicated investigative matters may be supported by specialized computer systems or by individual microcomputers. Indices created in these environments are maintained as part of the particular computer system and accessible only through the system or through printed listings of the indices. Full text retrieval is used in a limited number of cases as an investigative technique. It is not part of the normal search process and is not used as a substitute for the General Index or computer indices mentioned above.

The FBI will transfer historical records to the National Archives consistent with 44 U.S.C. 2103. No record of individuals or subject matter will be retained for transferred files; however, a record of the file numbers will be retained to provide full accountability of FBI files and thus preserve the integrity of the filing system.

SAFEGUARDS:

Records are maintained in a restricted area and are accessed only by agency personnel. All FBI employees receive a complete background investigation prior to being hired. All employees are cautioned about divulging confidential information or any information contained in FBI files. Failure to abide by this provision violates Department of Justice regulations and may violate certain statutes providing maximum severe penalties of a ten thousand dollar fine or 10 years imprisonment or both. Employees who resign or retire are also cautioned about divulging information acquired in the jobs. Registered mail is used to transmit routine hard copy records between field offices. Highly classified records are hand carried by Special Agents or personnel of the Armed Forces Courier Service. Highly classified or sensitive privacy information, which is electronically transmitted between field offices, is transmitted in encrypted form to prevent interception and interpretation. Information transmitted in teletype form is placed in the main files of both the receiving and transmitting field offices. Field offices involved in certain complicated investigative matters may be provided with on-line access to the duplicative computerized information which is maintained for them on disk storage in the FBI Computer Center in Washington, DC, and this computerized data is also transmitted in encrypted form.

RETENTION AND DISPOSAL:

As the result of an extensive review of FBI records conducted by NARA, records evaluated as historical and permanent will be transferred to the National Archives after established retention periods and administrative needs of the FBI have elapsed. As deemed necessary, certain records may be subject to restricted examination and usage, as provided by 44 U.S.C. section 2104.

FBI record disposition programs relevant to this System are conducted in accordance with the FBI Records Retention Plan and Disposition Schedule which was approved by the Archivist of the United States and the U.S. District Court, District of Columbia. Investigative, applicant and administrative records which meet the destruction criteria will be destroyed after 20 or 30 years at FBI Headquarters and after 1, 5, 10 or 20 years in FBI Field Offices. Historical records will be transferred to the National Archives after 30 or 50 years, contingent upon investigative and administrative needs. The administrative indices and listings described within this System were appraised separately and disposition authority established. (Job No. NC1–65–82–4 and amendments)

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, Washington, DC 20535.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURES:

A request for access to a record from the system shall be made in writing with the envelope and the letter clearly marked ''Privacy Access Request''. Include in the request your full name, complete address, date of birth, place of birth, notarized signature, and other identifying data you may wish to furnish to assist in making a proper search of our records. Also include the general subject matter of the document of its file number. The requester will also provide a return address for transmitting the information. Requests for access to information maintained at FBI Headquarters must be addressed to the Director, Federal Bureau of Investigation, Washington, DC 20535. Requests for information maintained at FBI field divisions or Legal Attaches must be made separately and addressed to the specific field division or Legal Attache listed in the appendix to this system notice.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should also direct their request to the Director, Federal Bureau of Investigation, Washington, DC 20535, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The FBI, by the very nature and requirement to investigate violations of law within its investigative jurisdiction and its responsibility for the internal security of the United States, collects information from a wide variety of sources. Basically, it is the result of investigative efforts and information furnished by other Government agencies, law enforcement agencies, and the general public, informants, witnesses, and public source material.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d), (e) (1), (2) and (3), (e)(4) (G) and (H), (e)(8) (f), (g), of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553 (b), (c) and (e).

Appendix of Field Divisions and Legal Attaches for the Federal Bureau of Investigation Field Divisions; Justice/FBI–999

5th Floor, 445 Broadway, Albany, NY 12201.
POB 25186, Albuquerque, NM 87125.
POB 100560, Anchorage, AK 99510.
POB 1683, Atlanta, GA 30370.
7142 Ambassador Road, Baltimore, MD 21207.
2122 Building, Birmingham, AL 35203.
One Center Plaza, Suite 600, Boston, MA 02108.
111 West Huron Street, Buffalo, NY 14202.
6010 Kenley Lane, Charlotte, NC 28217.
219 S. Dearborn St., Chicago, IL 60604.
POB 1277, Cincinnati, OH 45201.
1240 E. 9th St., Cleveland, OH 44199.
POB 137, Columbia, SC 29202.
1801 W. Lamar, Dallas, TX 75202.
POB 1229, Denver, CO 80201.
POB 2118, Detroit, MI 48231.
700 E. San Antonio Ave., El Paso, TX 79901.
POB 50164, Honolulu, HI 96850.
POB 61369, Houston, TX 77208.
POB 1186, Indianapolis, IN 45206.
100 W. Capitol St., Jackson, MS 39269.
POB 8928, Jacksonville, FL 32239.
POB 2449, Kansas City, MO 64142.
POB 10368, Knoxville, TN 37919.
POB 16032, Las Vegas, NV 89101.
POB 21470, Little Rock, AR 72221–1470.
11000 Wilshire Blvd., Los Angeles, CA 90024.
POB 2467, Louisville, KY 40201.
167 N. Main St., Memphis, TN 38103.
POB 592418, Miami, FL 33159.
POB 2058, Milwaukee, WI 53201.
111 Washington Ave. South S–1100, Minneapolis, MN 55401.
POB 2128, Mobile, AL 36652.
POB 1158, Newark, NJ 07101.
POB 2058, New Haven, CT 06521.
POB 51930, New Orleans, LA 70151.
POB 1425, New York, NY 10008.
POB 3828, Norfolk, VA 23514.
POB 54511, Oklahoma City, OK 73154.
POB 548, Omaha, NE 68101.
600 Arch St., Philadelphia, PA 19106.
201 E. Indianola, Phoenix, AZ 85012.
POB 1315, Pittsburgh, PA 15230.
POB 709, Portland, OR 97207.
POB 12325, Richmond, VA 23241.
POB 13130, Sacramento, CA 95813.
POB 7251, St. Louis, MO 63177.
125 S. State St., Salt Lake City, UT 84138.
POB 1630, San Antonio, TX 78296.
880 Front St., San Diego, CA 92188.
POB 36015, San Francisco, CA 94102.
POB BT, San Juan, PR 00936.
915 2nd Ave., Seattle, WA 98174.
POB 3646, Springfield, IL 62708.
POB 172177, Tampa, FL 33602.
Washington Field Office, Washington, DC 20535.
Federal Bureau of Investigation Academy, Quantico, VA 22135.
Legal Attaches: (Send c/o the American Embassy for the Cities indicated).
Athens, Greece (PSC 108, Box 45, APO AE 09842) Bangkok, Thailand (Box 67, APO AP 96546).
Bern, Switzerland.
Bogota, Columbia (APO, Miami 34038).
Bonn, Germany (Box 310, APO, New York 09080).
Bridgetown, Barbados (Box B, FPO, Miami 34054).
Brussels, Belgium (APO, New York 09667).
Canberra, Australia (APO, San Francisco 96404–0001).
Caracas, Venezuela (Unit 4966, APO AA 34037).
Hong Kong, B.C.C. (FPO, San Francisco 96659–0002).
London, England (Box 2, FPO, New York 09509).
Madrid, Spain (PSC 61, Box 0001, APO AE 09642).
Manila, Philippines (APO, San Francisco 96528).
Mexico City, Mexico (POB 3087, Laredo, TX 78044–3087).
Montevideo, Uruguay (APO, Miami 34035).
Ottawa, Canada.
Panama City, Panama (Box E, APO, Miami 34002).
Paris, France (APO, New York 09777).
Rome, Italy (APO, New York 09794).
Tokyo, Japan (APO, San Francisco 96503).
Vienna, Austria (Unit 27937, Box 37, APO AE 09222).

JUSTICE/TAX–001

SYSTEM NAME:

Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Criminal Tax Cases.

SYSTEM LOCATION:

U.S. Department of Justice, Tax Division, 10th and Constitution Avenue, NW, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons referred to in potential or actual criminal tax cases and related matters of concern to the Tax Division under the Internal Revenue laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an alphabetical index by individual name of all criminal tax cases, and related matters assigned, referred, or of interest to the Tax Division. Records in many instances are duplicated in the criminal section of the Division which has specific jurisdiction over criminal tax cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 28 CFR 0.70 and 0.71.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. Classification cards are maintained on each Tax Division criminal case to identify and assign mail to the proper office within the Division; to relate incoming material to an existing case; to establish a file number for a new case upon receipt; and to provide a central index of cases within the Division.

B. Docket cards are records pertaining to the flow of legal work in the Division. They are maintained on each criminal case which is being or was handled by the Division's sections.

C. Case files maintained allow Division attorneys immediate access to information which is essential in carrying out their responsibilities concerning all criminal tax cases.

D. A record maintained in this system of records may be disseminated as a routine use as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing such law; (2) In the course of investigating the potential or actual violation of any law whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe

that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) A record relating to a case or matter may be disseminated to the appropriate Federal, state, local, or foreign court or grand jury in accordance with applicable constitutional, substantive, or procedural law or practice; (4) A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) A record relating to a case or matter that has been referred to the Tax Division may be disseminated to the referring agency to notify such agency of the status of the case or matter or of any decision or determination that has been made; (7) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (8) A record may be disseminated to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter. (9) *In any health care-related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disclosed as a routine use to any federal, state, local, tribal, foreign, joint, international or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care-related laws or regulations. Further, information indicating an ongoing problem by a health care provider or at a health care facility may be disclosed to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, neglect, abuse or poor or inadequate quality of care may be disclosed to the affected patient or his or her representative or guardian at the discretion of and in the manner determined by the agency in possession of the information;* and (10) a record may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information contained in this system is stored manually on index cards and in folders.

RETRIEVABILITY:

Information is retrieved manually by the name of the individual from the index card which in turn indicates the case number, and the section unit or attorney assigned to work on the material.

SAFEGUARDS:

Information contained in this system is safeguarded and protected in accordance with applicable Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

RETENTION AND DISPOSAL:

Currently there are no provisions for the disposal of the cards in this system, however, the records of the closed classes are forwarded to the Federal Record Center, where they are destroyed after 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General; Tax Division; U.S. Department of Justice; 10th Street and Constitution Avenue, NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

An inquiry concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption as to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if known, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Internal Revenue Service, Department offices and employees, and other Federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses, and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has proposed exemption of this system from subsection (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/TAX–002

SYSTEM NAME:

Tax Division Central Classification Cards, Index Docket Cards, and Associated Records—Civil Tax Cases.

SYSTEM LOCATION:

U.S. Department of Justice; Tax Division; 10th and Constitution Avenue, NW, Washington, DC 20530.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons referred to in potential or actual civil tax cases and related matters of concern to the Tax Division under the Internal Revenue laws.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system consists of an alphabetical index by individual name of all civil tax cases, and related matters assigned, referred, or of interest to the Tax

Division. Records in many instances are duplicated in the various Civil Tax Sections of the Division which have specific jurisdiction over civil tax cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

This system is established and maintained pursuant to 28 CFR 0.70 and 0.71.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A. Classification cards are maintained on each Tax Division civil case in order to identify and assign mail to the proper office within the Division; to relate incoming material to an existing case; to establish a file number for a new case upon receipt; and to provide a central index of civil tax cases within the Division.

B. Docket cards are records pertaining to the flow of legal work in the Division. They are maintained on each civil tax case which is being or was handled by the Division's Sections.

C. Case files maintained allow Division attorneys immediate access to information which is essential in carrying out their responsibilities concerning all civil tax cases.

D. A record maintained in this system of records may be disseminated as a routine use as follows: (1) In any case in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, the record in question may be disseminated to the appropriate Federal, state, local, or foreign agency charged with the responsibility of investigating or prosecuting such violations or charged with enforcing or implementing such law; (2) In the course of investigating the potential or actual violation of any law whether civil, criminal, or regulatory in nature, or during the course of a trial or hearing or the preparation for a trial or hearing for such violation, a record may be disseminated to a Federal, state, local or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial or hearing and the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant; (3) A record relating to a case or matter may be disseminated to the appropriate Federal, state, local, or foreign court or grand jury in accordance with applicable constitutional, substantive, or procedural law or practice; (4) A record relating to a case or matter may be disseminated to a Federal, state, or local administrative or regulatory proceeding or hearing in accordance with the procedures governing such proceeding or hearing; (5) A record relating to a case or matter may be disseminated to an actual or potential party or his attorney for the purpose of negotiation or discussion on such matters as settlement of the case or matter, plea bargaining, or informal discovery proceedings; (6) A record relating to a case or matter that has been referred to the Tax Division may be disseminated to the referring agency to notify such agency of the status of the case or matter of any decision or determination that has been made; (7) A record relating to a case or matter may be disseminated to a foreign country pursuant to an international treaty or convention entered into and ratified by the United States or to an executive agreement; (8) A record may be disseminated to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter; (9) *In any health care-related civil or criminal case, investigation, or matter, information indicating patient harm, neglect, or abuse, or poor or inadequate quality of care, at a health care facility or by a health care provider, may be disclosed as a routine use to any federal, sate, local, tribal, foreign, joint, international or private entity that is responsible for regulating, licensing, registering, or accrediting any health care provider or health care facility, or enforcing any health care-related laws or regulations. Further, information indicating an ongoing problem by a health care provider or at a health care facility may be disclosed to the appropriate health plan. Additionally, unless otherwise prohibited by applicable law, information indicating patient harm, neglect, abuse or poor or inadequate quality of care may be disclosed to the affected patient or his or her representative or guardian at the discretion of and in the manner determined by the agency in possession of the information;* and (10) a record may be disclosed as a routine use to the National Archives and Records Administration (NARA) in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information contained in this system is stored manually on index cards and in folders.

RETRIEVABILITY:

Information is retrieved manually by the name of the individual from the index card which, in turn, indicates the case number, and the section unit or attorney assigned to work on the material.

SAFEGUARDS:

Information contained in the system is safeguarded and protected in accordance with Departmental rules and procedures governing access, production and disclosure of any materials contained in its official files.

RETENTION AND DISPOSAL:

Currently, there are no provisions for the disposal of the cards in this system; however, the records of the closed classes are forwarded to the Federal Record Center, where they are destroyed after 25 years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Attorney General, Tax Division, U.S. Department of Justice, 10th and Constitution Avenue, NW, Washington, DC 20530.

NOTIFICATION PROCEDURE:

An inquiry concerning this system should be directed to the System Manager listed above.

RECORD ACCESS PROCEDURES:

To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to the applicability of an exemption to a specific record shall be made at the time a request for access is received. A request for access to a record contained in this system shall be made in writing, with the envelope and the letter clearly marked 'Privacy Access Request'. Include in the request the name of the individual involved, his birth date and place, or any other identifying number which may be of assistance in locating the record, the name of the case or matter involved, if known, the name of the judicial district involved, if known, and any other information which may be of assistance in locating the record. The requestor will also provide a return address for transmitting the information. Access requests will be directed to the System Manager listed above.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Internal Revenue Service, Department offices and employees, and other Federal, state, local, and foreign law enforcement and non-law enforcement agencies, private persons, witnesses and informants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsections (c)(3), (d)(1), (d)(2), (d)(3), and (d)(4), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

[FR Doc. 98–4206 Filed 2–19–98; 8:45 am]

BILLING CODE 4410–01–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 96–8]

Samuel Arnold, D.D.S.; Reprimand and Continuation of Registration

On November 1, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Samuel Arnold, D.D.S. (Respondent) of Fairborn, Ohio, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, BA4089620, pursuant to 21 U.S.C. 824(a)(1), and deny any pending applications for renewal of such registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged that Respondent materially falsified his July 7, 1994 application for registration with DEA.

By letter dated November 24, 1995, Respondent filed a timely request for a hearing, and following prehearing procedures, a hearing was held in Dayton, Ohio on October 22, 1996, before Administrative Law Judge Mary Ellen Bittner. At the hearing, both parties called witnesses to testify and the Government introduced documentary evidence. After the hearing, Government counsel submitted proposed findings of fact, conclusions of law and argument. Respondent did not submit any posthearing filing. On November 25, 1997, Judge Bittner issued her Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision, recommending that Respondent's registration not be revoked, but that Respondent be issued a reprimand. Neither party filed exceptions to Judge Bittner's Opinion and Recommended Ruling, and on January 9, 1998, the record was transmitted to the Acting Deputy Administrator.

The Acting Deputy Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Deputy Administrator adopts, in full, the Opinion and Recommended Ruling of the Administrative Law Judge. His adoption is in no manner diminished by any recitation of facts, issues and conclusions herein, or of any failure to mention a matter of fact or law.

The Acting Deputy Administrator finds that the Ohio State Dental Board (Board) issued a Notice of Opportunity for Hearing to Respondent on June 20, 1991, alleging that Respondent had charged the Ohio Department of Human Services for services to 29 nursing home patients that he did not actually perform in violation of state law. As a result, Respondent and the Board entered into a Consent Agreement that was fully executed on November 21, 1991, in which Respondent admitted the allegations in the Notice of Opportunity for Hearing, his license to practice dentistry was suspended for one year effective January 1, 1992, with 60 days stayed, and he was placed on probation for two years effective January 1, 1992. Respondent was permitted to resume the practice of dentistry on November 1, 1992.

Upon learning of his state suspension, DEA contacted Respondent on January 10, 1992, and requested that he voluntarily surrender his DEA registration. Respondent agreed to surrender his registration, but did not in fact do so. Instead, Respondent's previous registration was ultimately retired, since he did not submit an application for renewal of the registration.

On July 7, 1994, Respondent executed an application for a new DEA Certificate of Registration. One question on the application, hereinafter referred to as ''the liability question,'' asks, ''Has the applicant ever been convicted of a crime in connection with controlled substances under State or Federal law, or ever surrendered or had a Federal controlled substance registration revoked, suspended, restricted or denied, or ever had a State professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation?'' Respondent answered ''no'' to this question. Respondent's application was approved by the registration unit in the DEA Detroit Field Division, and Respondent was issued the DEA Certificate of Registration that is the subject of these proceedings.

A DEA investigator testified at the hearing before Judge Bittner that had Respondent answered ''yes'' to the liability question his application would have been referred to the local DEA office in Columbus, Ohio for investigation. The investigator further testified on cross-examination however, that had Respondent answered ''yes'' to the liability question, his application would ''more than likely'' have been granted. The investigator further testified that there was nothing that would lead him to believe Respondent intentionally tried to circumvent DEA procedures to acquire a DEA registration, and that there had never been any charges or allegations relating to Respondent's handling of controlled substances.

Two individuals testified on behalf of Respondent, his office manager and the dental technician who owns and operates the dental laboratory that is located in Respondent's office. Both testified that they overhead a conversation between Respondent and an unidentified DEA employee which was conducted using a speaker telephone so they were able to hear both parties to the conversation. The office manager testified that the conversation occurred sometime ''in July'' and that Respondent asked how he should respond to the liability question in light of the Ohio Board's action. The office manager could not specifically identify who Respondent talked to, but testified that the DEA employee told Respondent that because his Ohio dental license was no longer suspended, he should answer the liability question in the negative. The dental technician was also unable to specifically identify the DEA employee, but testified that the DEA employee instructed Respondent to answer the liability questions in the negative after ascertaining that Respondent's suspension was unrelated to his handling of controlled substances. Both testified that Respondent is very cautious in his prescribing of controlled substances.

Pursuant to 21 U.S.C. 824(a)(1), ''A registration pursuant to section 823 of

this title to * * * dispense a controlled substance * * * may be suspended or revoked by the Attorney General upon a finding that the registration—(1) has materially falsified any application filed pursuant to or required by this subchapter or subchapter II of this chapter.'' DEA has previously held that in finding that there has been a material falsification for purposes of 21 U.S.C. 824(a)(1), it must be determined that the applicant knew or should have known that the response given to the liability question was false. See, *Martha Hernandez, M.D.,* 62 FR 61,145 (1997); *Bobby Watts, M.D.,* 58 FR 4699 (1993); *Herbert J. Robinson, M.D.,* 59 FR 6304 (1994).

Here, it is undisputed that Respondent's Ohio dental license had been suspended and placed on probation, yet Respondent answered ''no'' to the question asking whether he had ''ever had a state professional license or controlled substance registration revoked, suspended, denied, restricted or placed on probation.'' It is also undisputed that Respondent knew that his Ohio dental license had previously been suspended. Therefore, the Acting Deputy Administrator concurs with Judge Bittner's conclusion ''that Respondent materially falsified his application, and that therefore there are grounds to revoke Respondent's DEA registration.''

The question then becomes whether revocation is the appropriate sanction in light of the facts and circumstances of this case. Respondent argues that although he was aware that his Ohio dental license had been suspended, he did not understand the liability question. However, DEA has previously held that such an explanation does not relieve the applicant of the ''responsibility to carefully read the question and to honestly answer all parts of the question.'' *Martha Hernandez, M.D.,* 62 FR 61,145, 61,147 (1997).

Nevertheless, in exercising his discretion in determining the appropriate remedy in this case, the Acting Deputy Administrator finds it significant that Respondent presented the testimony of two individuals who overheard Respondent telephoning someone before executing the application. The Acting Deputy Administrator concurs with Judge Bittner's finding ''that the telephone call indicates that Respondent attempted to comply with the applicable laws and regulations related to maintaining a DEA registration.'' While this telephone call does not relieve Respondent of the responsibility for falsifying his application, it does indicate an effort on his part to answer the question correctly.

Also, in considering the appropriate remedy in this matter, the Acting Deputy Administrator has considered that the suspension of Respondent's Ohio dental license did not relate to his handling of controlled substances. While DEA has revoked registrations in the past based upon the material falsification of an application that was not related to the mishandling of controlled substances, the Acting Deputy Administrator has previously concluded that he must consider all of the facts and circumstances of a particular case. See *Id.* at 61,148. Here, Respondent apparently attempted to get guidance on the appropriate response to the liability question, the office manager and dental technician both testified that Respondent was very cautious in his prescribing of controlled substances, and Judge Bittner was favorably impressed with ''the manner in which (Respondent) conducted himself at the hearing.'' Therefore, the Acting Deputy Administrator agrees with Judge Bittner's conclusion that revocation would be too severe a sanction given the facts and circumstances of this case.

However, the Acting Deputy Administrator is troubled by Respondent's failure to correctly answer the liability question on the application. DEA relies on the truthfulness of the responses to the questions on the application. Therefore, the Acting Deputy Administrator finds that it is appropriate to reprimand Respondent for his failure to accurately respond to the liability question on his application for a DEA Certificate of Registration.

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 reprimands Samuel Arnold, D.D.S., for failing to properly complete his DEA registration application. The Acting Deputy Administrator further orders that DEA Certificate of Registration BA4089620, issued to Samuel Arnold, D.D.S., be continued, and any pending applications be granted. This order is effective February 20, 1998.

Dated: February 12, 1998.

[FR Doc. 98–4359 Filed 2–19–98; 8:45 am]

BILLING CODE 4410–09–M

FOREIGN CLAIMS SETTLEMENT COMMISSION

[F.C.S.C. Meeting Notice No. 5–98]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

DATE AND TIME: Wednesday, February 25, 1998, 9:30 a.m. to 5:00 p.m.; Friday, February 27, 1998, 9:30 a.m. to 5:00 p.m.; Monday, March 2, 1998, 9:30 a.m. to 5:00 p.m.; Wednesday, March 4, 1998, 9:30 a.m. to 5:00 p.m.; Friday, March 6, 1998, 9:30 a.m. to 5:00 p.m.

SUBJECT MATTER: (1) Oral Hearings and Hearings on the Record on Objections to Individual Proposed Decisions on Claims of Holocaust Survivors Against Germany; (2) Issuance of Individual Final Decisions on Claims of Holocaust Survivors Against Germany.

STATUS: Closed.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street, N.W., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Administrative Officer, Foreign Claims Settlement Commission, 600 E Street, NW., Room 6002, Washington, DC 20579. Telephone: (202) 616–6988.

Dated at Washington, DC February 17, 1998.

Delissa A. Ridgway,

Chair.

[FR Doc. 98–4469 Filed 2–18–98; 12:14 pm]

BILLING CODE 4410–01–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1895–97]

Direct Mail Program for the New Orleans District Office and the Louisville and Memphis Suboffices; Form N–400

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice announces that the Immigration and Naturalization Service (INS or Service) is expanding its Direct Mail Program to include the New Orleans District Office and the Louisville and Memphis Suboffices on

the list of direct mail sites for filing Form N–400, Application for Naturalization. Applicants residing within these districts and suboffices will mail their Form N–400 directly to the designated INS Service Center for processing. This expansion is intended to improve INS service to the public by reducing processing times for Form N–400, limiting in-person visits to local offices, and improving the quality of case status information provided to the public.

DATES: This notice is effective February 20, 1998.

FOR FURTHER INFORMATION CONTACT: Susan Arroyo, Adjudications Officer, Immigration and Naturalization Service, Office of Naturalization Operations, 801 I Street, NW., Room 935E, Washington, DC 20536, telephone, (202) 514–8247.

SUPPLEMENTARY INFORMATION: Under the Direct Mail Program, certain applicants and petitioners for immigration benefits mail applications and petitions directly to an INS service center for processing instead of submitting them to a local INS office. The purposes and strategy of the Direct Mail Program have been discussed in previous rulemaking and notices (see, e.g., 59 FR 33903 and 59 FR 33985).

The Service is continuing expansion of the Direct Mail Program as applied to Form N–400 by adding the New Orleans District Office, and the Louisville and Memphis Suboffices, as Direct Mail sites.

Where To File

Effective February 20, 1998, applicants for naturalization residing within the jurisdiction of the New Orleans District Office and the Louisville and Memphis Suboffices must mail the Form N–400, Application for Naturalization, directly to the Texas Service Center at the following address; USINS Texas Service Center, Attention: N–400 Unit, P.O. Box 851204, Mesquite, Texas 75185–1204.

Transition

During the first 60 days following the effective date of this notice, the New Orleans District Office and the Louisville and Memphis Suboffices will forward in a timely fashion to the Texas Service Center any Form N–400, Application for Naturalization, which has been inadvertently filed with the respective district or suboffice. Applicants will be provided a notice at the time of filing at the district or suboffice advising them their application is being forwarded to the service center for initial processing. The applicant will receive written notification from their respective district or suboffice of the date, place, and time of their interview for naturalization. When applications are forwarded from the district or suboffices, they will be receipted and filed when they arrive at the service center. After the 60-day transition period, applicants attempting to file Form N–400, Application for Naturalization, at the offices listed above will be directed to mail their application directly to the Texas Service Center for processing.

Dated: February 18, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98–4344 Filed 2–19–98; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 1885–97]

Direct Mail Program for the San Francisco District Office and the Fresno, Oakland, Sacramento and San Jose Suboffices; Form N–400

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice announces that the Immigration and Naturalization Service (INS or Service) is expanding its Direct Mail Program to include the San Francisco District Office and the Fresno, Oakland, Sacramento and San Jose Suboffices on the current list of direct mail sites for filing Form N–400, Application for Naturalization. Applicants residing within these districts and suboffices will mail their Form N–400 directly to the designated INS service center for processing. This expansion is intended to improve INS service to the pubic by reducing processing times for Form N–400, limiting in-person visits to local offices, and improving the quality of case status information provided to the public.

DATES: This notice is effective February 20, 1998.

FOR FURTHER INFORMATION CONTACT: Susan Arroyo, Adjudications Officer, Immigration and Naturalization Service, Office of Naturalization Operations, 801 I Street, NW., Room 935E, Washington, DC 20536, telephone, (202) 514–8247.

SUPPLEMENTARY INFORMATION: Under the Direct Mail Program, certain applicants and petitioners for immigration benefits mail their applications and petitions directly to an INS service center for processing instead of submitting them to a local INS office. The purposes and strategy of the Direct Mail Program have been discussed in detail in previous rulemaking and notices (see, e.g., 50 FR 33903 and 59 FR 33985).

The Service is continuing expansion of the Direct Mail Program as applied to Form N–400 by adding the San Francisco District Office and the Fresno, Oakland, Sacramento, and San Jose Suboffices as Direct Mail sites.

Where To File

Effective February 20, 1998, applicants for naturalization residing within the jurisdiction of the San Francisco District Office and the Fresno, Oakland, Sacramento, and San Jose Suboffices must mail the Form N–400, Application for Naturalization, directly to the California Service Center at the following address: USINS California Service Center, *Attention:* N–400 Unit, P.O. Box 10400, Laguna Nigel, California 92607–0400.

Transition

During the first 60 days following the effective date of this notice, the San Francisco District Office and the Fresno, Oakland, Sacramento, and San Jose Suboffices will forward in a timely fashion to the California Service Center any Form N–400, Application for Naturalization, which has been inadvertently filed with the respective district or suboffice. Applicants will be provided a notice at the time of filing at the district or suboffice advising them their application is being forwarded to the Service Center for initial processing. The applicant will receive written notification from their respective district or suboffice of the date, place, and time of their interview for naturalization. When applications are forwarded from the district or suboffices, they will be receipted and filed when they arrive at the Service Center. After the 60-day transition period, applicants attempting to file Form N–400, Application for Naturalization, at the offices listed above will be directed to mail their application directly to the California Service Center for processing.

Dated: February 13, 1998.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 98–4345 Filed 2–19–98; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Office of the Secretary

Bureau of International Labor Affairs; U.S. National Administrative Office; North American Agreement on Labor Cooperation; Hearing on Submission #9703

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of hearing.

SUMMARY: The purpose of this notice is to announce a hearing, open to the public, on Submission #9703.

Submission #9703, was filed with the U.S. National Administrative Office (NAO) on December 15, 1998, by the Echlin Workers Alliance, a group that includes the Teamsters; the Canadian Auto Workers; the Union of Needletrades and Industrial Textile Employees (UNITE); the United Electrical, Radio and Machine Workers of America; the Paperworkers; and the Steelworkers. Twenty-four other organizations, including non-governmental organizations, human rights groups and labor unions from the three NAFTA countries are cited as concerned organizations in the submission. The submission was accepted for review by the NAO on January 30, 1998, and a Notice of acceptance for review was published in the **Federal Register** on February 4, 1998.

Article 16(3) of the North American Agreement on Labor Cooperation (NAALC) provides for the review of labor law matters in Canada and Mexico by the NAO in accordance with U.S. domestic procedures. Revised procedural guidelines pertaining to the submission, review, and reporting process utilized by the Office were published in the **Federal Register** on April 7, 1994 (59 FR 16660). The guidelines provide for a discretionary hearing as part of the review.

DATES: The hearing will be held on March 23, 1998, commencing at 9:00 a.m. Persons desiring to present oral testimony at the hearing must submit a request in writing, along with a written statement or brief desiring the information to be presented or position to be taken.

ADDRESSES: The hearing will be held at the Department of Labor, 200 Constitution Ave., N.W., Room C–5515 1A and 1B, in Washington, D.C. Written statements or briefs and requests to present oral testimony may be mailed or hand delivered to the U.S. National Administrative Office (NAO), Department of Labor, 200 Constitution Avenue, N.W., Room C–4327, Washington, D.C. 20210. Requests to present oral testimony and written statements or briefs must be received by the NAO no later than close of business, March 13, 1998.

FOR FURTHER INFORMATION CONTACT: Irasema T. Garza, Secretary, U.S. National Administrative Office, Department of Labor, 200 Constitution Avenue, N.W., Room C–4327, Washington, D.C. 20210. Telephone: (202) 501–6653 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Nature and Conduct of Hearing

As set out in the notice published in the **Federal Register** on February 4, 1998, the objective of the NAO's review of the submission is to gather information to better understand and publicly report on the Government of Mexico's promotion of, compliance with, and effective enforcement of, its labor law through appropriate government action, among them its laws relating to freedom of association and the right to bargain collectively as well as its labor laws relating to the prevention of occupational injuries and illnesses in violation of the NAALC article 3(1). The review will also address the composition of the labor tribunal in this case in view of its compliance with Article 5(4) of the NAALC which commits the Parties to ensuring that tribunals that conduct review proceedings are impartial and independent and do not have any substantial interest in the outcome of the matter.

The hearing will be conducted by the Secretary of the NAO or the Secretary's designee. It will be open to the public. All proceedings will be conducted in English, with simultaneous translation in English and Spanish provided. The public files for the submission, including written statements, briefs, and requests to present oral testimony, will be made a part of the appropriate hearing record. The public files will also be available for inspection at the NAO prior to the hearing.

The hearing will be transcribed. A transcript of the proceeding will be made available for inspection, as provided for in Section E of the procedural guidelines, or may be purchased from the reporting company.

Disabled persons should contact the Secretary of the NAO no later than March 17, 1998 if special accommodations are needed.

II. Written Statements or Briefs and Requests to Present Oral Testimony

Written statements or briefs shall provide a description of the information to be presented or position taken and shall be legibly typed or printed. Requests to present oral testimony shall include the name, address, and telephone number of the witness, the organization represented, if any, and any other information pertinent to the request. Five copies of a statement or brief and a single copy of a request to present oral testimony shall be submitted to the NAO at the time of filing.

No request to present oral testimony will be considered unless accompanied by a written statement or brief. A request to present oral testimony may be denied if the written statement or brief suggests that the information sought to be provided is unrelated to the review of the submission or for other appropriate reasons. The NAO will notify each requester of the disposition of the request to present oral testimony.

In presenting testimony, the witness should summarize the written statement or brief, may supplement the written statement or brief with relevant information, and should be prepared to answer questions from the Secretary of the NAO or the Secretary's designee. Oral testimony will ordinarily be limited to a ten minute presentation, not including the time for questions. Persons desiring more than ten minutes for their presentation should so state in the request, setting out reasons why additional time is necessary.

The requirements relating to the submission of written statements or briefs and requests to present oral testimony may be waived by the Secretary of the NAO for reasons of equity and public interest.

Signed at Washington, D.C. on February 13, 1998.

Irasema T. Garza,

Secretary, U.S. National Administrative Office.

[FR Doc. 98–4371 Filed 2–19–98; 8:45 am]

BILLING CODE 4510–28–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and

fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Withdrawn General Wage Determination Decision

This is to advise all interested parties that the Department of Labor is withdrawing from the date of this notice, General Wage Determination No. PA980068 dated February 13, 1998.

Agencies with construction projects pending, to which this wage decision would have been applicable, should utilize Wage Decision No PA980057 dated February 13, 1998. Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (1)) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' are listed by Volume and States:

Volume III:

Mississippi
MS980059 (Feb. 20, 1998)
MS980060 (Feb. 20, 1998)

Volume V:

Arkansas
AR980047 (Feb. 20, 1998)

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis—Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I:

New Jersey
NJ980002 (Feb. 13, 1998)
NJ980003 (Feb. 13, 1998)
NJ980004 (Feb. 13, 1998)
NJ980005 (Feb. 13, 1998)
NJ980007 (Feb. 13, 1998)

Volume II:

Pennsylvania
PA980057 (Feb. 13, 1998)

Volume III:

Alabama
AL980034 (Feb. 13, 1998)
Florida
FL980009 (Feb. 13, 1998)
FL980017 (Feb. 13, 1998)
FL980032 (Feb. 13, 1998)
FL980045 (Feb. 13, 1998)
FL980096 (Feb. 13, 1998)
Georgia
GA970032 (Feb. 13, 1998)
GA980053 (Feb. 13, 1998)
GA980065 (Feb. 13, 1998)
GA980073 (Feb. 13, 1998)
Kentucky
KY980025 (Feb. 13, 1998)
KY980027 (Feb. 13, 1998)
North Carolina
NC980050 (Feb. 13, 1998)
South Carolina
SC980036 (Feb. 13, 1998)

Volume IV:

Illinois
IL980001 (Feb. 13, 1998)
IL980002 (Feb. 13, 1998)
IL980003 (Feb. 13, 1998)
IL980004 (Feb. 13, 1998)
IL980006 (Feb. 13, 1998)
IL980007 (Feb. 13, 1998)
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IL980010 (Feb. 13, 1998)
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IL980067 (Feb. 13, 1998)
IL980070 (Feb. 13, 1998)
Michigan
MI980003 (Feb. 13, 1998)
MI980004 (Feb. 13, 1998)
MI980017 (Feb. 13, 1998)
MI980023 (Feb. 13, 1998)
MI980034 (Feb. 13, 1998)
MI980036 (Feb. 13, 1998)
MI980039 (Feb. 13, 1998)
MI980040 (Feb. 13, 1998)
MI980064 (Feb. 13, 1998)
MI980075 (Feb. 13, 1998)
Minnesota
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MN980027 (Feb. 13, 1998)
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MN980039 (Feb. 13, 1998)
MN980058 (Feb. 13, 1998)
MN980059 (Feb. 13, 1998)
MN980061 (Feb. 13, 1998)
Ohio
OH980001 (Feb. 13, 1998)
OH980002 (Feb. 13, 1998)
OH980003 (Feb. 13, 1998)
OH980012 (Feb. 13, 1998)
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OH980018 (Feb. 13, 1998)
OH980026 (Feb. 13, 1998)
OH980027 (Feb. 13, 1998)
OH980028 (Feb. 13, 1998)
OH980029 (Feb. 13, 1998)
OH980032 (Feb. 13, 1998)
OH980035 (Feb. 13, 1998)

Volume V:

Iowa
IA980002 (Feb. 13, 1998)
IA980006 (Feb. 13, 1998)
Kansas
KS980006 (Feb. 13, 1998)
KS980007 (Feb. 13, 1998)
KS980008 (Feb. 13, 1998)
KS980011 (Feb. 13, 1998)
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KS980018 (Feb. 13, 1998)
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KS980028 (Feb. 13, 1998)
KS980035 (Feb. 13, 1998)
Louisiana
LA980005 (Feb. 13, 1998)
LA980009 (Feb. 13, 1998)
LA980018 (Feb. 13, 1998)

Volume VI:

Colorado
CO980006 (Feb. 13, 1998)
CO980008 (Feb. 13, 1998)
CO980009 (Feb. 13, 1998)
CO980016 (Feb. 13, 1998)
CO980018 (Feb. 13, 1998)
CO980025 (Feb. 13, 1998)
North Dakota
ND980001 (Feb. 13, 1998)
ND980003 (Feb. 13, 1998)
ND980004 (Feb. 13, 1998)
ND980005 (Feb. 13, 1998)
Washington
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WY980004 (Feb. 13, 1998)

Volume VII:

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

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Signed at Washington, D.C., this 13th day of February 1998.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 98–4202 Filed 2–19–98; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

The ''Significant and Substantial'' Phrase in Sections 104(d) and (e) of the Federal Mine Safety and Health Act of 1977; Interpretative Bulletin

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Notice, request for comments.

SUMMARY: MSHA is announcing a public comment period concerning the Interpretative Bulletin providing notice of the Secretary's interpretation of the statutory phrase ''significant and substantial'' appearing in sections 104(d) and (e) of the Federal Mine Safety and Health Act of 1977 (Mine Act). The Interpretative Bulletin was published in the **Federal Register** on February 5, 1998 (63 FR 6012). The Agency solicits public comment concerning the implementation and impact of the Secretary's interpretation of the ''significant and substantial'' phrase.

DATES: Comments must be submitted on or before April 21, 1998.

ADDRESSES: A copy of the Interpretative Bulletin may be obtained from the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203.

Comments on the Interpretative Bulletin may be transmitted by electronic mail, fax, or mail, or dropped off in person at any MSHA office. Comments by electronic mail must be clearly identified as such and sent to this e-mail address: comments@msha.gov. Comments by fax must be clearly identified as such and sent to: MSHA, Office of Standards, Regulations, and Variances, 703–235–5551. Send mail comments to: MSHA, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203–1984.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 703–235–1910.

SUPPLEMENTARY INFORMATION: The purpose of the Interpretative Bulletin is to provide notice of the Secretary's interpretation of the statutory phrase ''significant and substantial'' appearing in sections 104(d) and (e) of the Mine Act. The Secretary's Interpretative Bulletin noted that ''a violation must be found to be 'significant and substantial' as long as it is shown to present a hazard that is more than remote or speculative.'' The Interpretative Bulletin

sets out a statement of purpose, and the Secretary's disagreement with the Federal Mine Safety and Health Review Commission's interpretation of the phrase ''significant and substantial.'' The document provides a basis for the Secretary's interpretation based on the plain language of the Mine Act and its legislative history, and the underlying purpose and enforcement scheme of the Mine Act.

The ''significant and substantial'' designation is an important part of the Mine Act's scheme for promoting miner safety and health because a ''significant and substantial'' finding forms the basis for possible withdrawal of miners under Section 104(d) of the Mine Act when combined with an ''unwarrantable failure'' finding and the basis for a possible withdrawal of miners under Section 104(e) when a pattern of ''significant and substantial'' violations is established. The Secretary's decision to publish the Interpretative Bulletin was a result of concern that, in certain cases, violations that present real hazards to miner safety and health are not being determined to be ''significant and substantial.'' In *Hobet,* miners were exposed to dust being generated by a high wall drill at a mine which in the past, had been placed on a reduced dust standard due to high levels of silica. Studies by the National Institute for Occupational Safety and Health and x-ray surveillance efforts at surface coal mines have demonstrated that such exposures result in serious and sometimes fatal lung disease. In another instance, it was determined that the failure to follow the mine evacuation plan and withdraw miners outby during a belt fire was not ''significant and substantial'' (S&S) because the fire was quickly extinguished. In a recently decided case, the administrative law judge found that stuck rollers on a conveyor did not constitute an S&S violation, even though there were accumulations of coal on rollers and belt structures, rollers had been worn flat by rubbing, and rollers were warm to the touch. However, because the Secretary did not establish the exact amount of material in the accumulations the violation was found to be non S&S. In the Secretary's view, such violations clearly involve hazards that demand serious attention by mine operators because they present real threats to miner safety and health. Challenges to the S&S determinations made by inspectors on citations such as these have led to the Secretary's conclusion that the Commission's interpretation creates uncertainty about hazards to miners' safety and health and, more importantly, misleads miners and mine operators to underestimate the risk of injury, illness or death.

As the Secretary indicated in the Interpretative Bulletin, the Secretary's interpretation is that a violation is ''significant and substantial'' if it presents a hazard that is more than remote or speculative in nature—that is, if it presents a hazard that has a *realistic possibility of occurring.* The Secretary believes that applying the ''significant and substantial'' designation to such violations will result in a realistic application of the ''significant and substantial'' clause and will serve to focus enforcement efforts on those violations that pose a real threat to miner safety and health. The Secretary's interpretation does not treat as ''significant and substantial'' all violations that are non-technical in nature.

MSHA believes that the Interpretative Bulletin will have a consequential impact on the mining community. MSHA is interested in receiving comments from the mining public on the implementation, application, and effect of the Secretary's interpretation on the mining public. MSHA is especially interested in comments from miners, mine operators, and other mine industry groups that may be affected by the Secretary's interpretation. The Agency's solicitation of such public comment does not indicate that the Secretary intends to or is required to engage in notice-and-comment rulemaking with respect to her interpretation of the ''significant and substantial'' phrase.

Dated: February 17, 1998.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 98–4451 Filed 2–19–98; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–97–17]

Agency Information Collection Activities; Announcement of OMB Approval

AGENCY: Occupational Safety and Health Administration.

ACTION: Notice.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is announcing that a collection of information regarding occupational injuries and illnesses has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This document announces the OMB approval number and expiration date.

FOR FURTHER INFORMATION CONTACT: Joseph J. DuBois, Office of Statistics, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3507, 200 Constitution Avenue, NW, Washington, D.C. 20210, telephone (202) 219–6463.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 11, 1997 (62 FR 31848–31849), the Agency announced its intent to request an extension of approval for the OSHA Data Collection System. This data collection will request occupational injury and illness data and employment and hours worked data from selected employers in the following Standard Industrial Classifications (SICs):

20–39 Manufacturing
0783 Ornamental Shrub and Tree Services
4210 Trucking & Courier Services, Ex. air
4220 Public Warehousing and Storage
4230 Trucking Terminal Facilities
4490 Water Transportation Services
4510 Air Transportation, Scheduled
4580 Airports, Flying Fields, & Services
4783 Packing and Crating
4953 Refuse Systems
5010 Motor Vehicles, Parts, and Supplies
5050 Metals and Minerals, Exc. Petroleum
5093 Scrap and Waste Materials
5140 Groceries and Related Products
5180 Beer, Wine, and Distilled Beverages
5210 Lumber and Other Building Materials
8050 Nursing and Personal Care Facilities

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), OMB has renewed its approval for the information collection and assigned OMB control number 1218–0209. The approval expires 12/31/1998. Under 5 CFR 1320.5(b), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Dated February 13, 1998.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 98–4370 Filed 2–19–98; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Information Security Oversight Office; National Industrial Security Program Policy Advisory Committee: Notice of Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2) and implementing regulation 41 CFR 101.6, announcement is made for the following committee meeting:

Name of Committee: National Industrial Security Program Policy Advisory Committee (NISPPAC).

Date of Meeting: March 24, 1998.

Time of Meeting: 9:00 a.m. to 11:00 a.m.

Place of Meeting: National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room 105, Washington, DC 20408.

Purpose: To discuss National Industrial Security Program policy matters.

This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security Oversight Office (ISOO) no later than March 19, 1998. ISOO will provide additional instructions for gaining access to the location of the meeting.

For Further Information Contact: Steven Garfinkel, Director, Information Security Oversight Office, National Archives Building, 700 Pennsylvania Avenue, NW, Room 100, Washington, DC 20408, telephone (202) 219–5250.

Dated: February 12, 1998.

Gerald W. George,

Director, Policy and Communications Staff.

[FR Doc. 98–4326 Filed 2–19–98; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA has submitted the following final rule information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public. It was published as a proposed rule on March 13, 1997. No comments relating to the information collection were received.

DATES: Comments will be accepted until March 23, 1998.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. James L. Baylen (703) 518–6411, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6433, E-mail: jbaylen@ncua.gov.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, James L. Baylen, (703) 518–6411.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: New collection.

Form Number: New collection.

Type of Review: Final rule—proposed collection.

Title: 12 CFR Parts 701.26(b), 701.27, 740.3(c) and Part 712 Credit Union Service Organization Rule.

Description: This rule updates, clarifies, and streamlines existing rules concerning credit union service organizations (CUSO), a common means of outside provision of services to federal credit union members. The intended effect is to reduce regulatory burden, maintain safety and soundness, and ensure the continuity and growth of services to federal credit unions and their members.

Respondents: All credit unions.

Estimated No. of Respondents/ Recordkeepers: 482.

Estimated Burden Hours Per Response: 4.47 hours.

Frequency of Response: Other. Information disclosures required are made on an on-going basis.

Estimated Total Annual Burden Hours: 1,631.

Estimated Total Annual Cost: N/A.

By the National Credit Union Administration Board on February 13, 1998.

Becky Baker,

Secretary of the Board.

[FR Doc. 98–4289 Filed 2–19–98; 8:45 am]

BILLING CODE 7535–01–U

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Bioengineering and Environmental Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Bioengineering and Environmental Systems #1189.

Date and Time: March 12, 1998; 8:30 am–5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 530, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: George B. Vermont, Program Director, Biochemical Engineering, Division of Bioengineering and Environmental Systems, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1318.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate POWRE proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial date, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–4349 Filed 2–19–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Bioengineering and Environmental Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Bioengineering and Environmental Systems (No. 1189).

Date and Time: March 11, 1998; 8:00 a.m.–6:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 370, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: H. Frederick Bowman, Program Director, Biomedical Engineering and Research to Aid Persons with Disabilities, Division of Bioengineering and Environmental Systems, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1318.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–4350 Filed 2–19–98; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Electrical and Communications Systems; Notice of Meetings

This notice is being published in accord with the Federal Advisory Committee Act (Pub. L. 92–463, as amended). During the period March 1 through March 31, 1998, the Special Emphasis Panel will be holding panel meetings to review and evaluate research proposals. The dates, contact person, and types of proposals are as follows:

Special Emphasis Panel in Electrical and Communications Systems (1196).

1. *Date:* March 9, 1998, Room 680.

Contact: Dr. Rajinder Khosla and Dr. Usha Varshney, Program Directors, Physical Foundations of Enabling Technologies (PFET), Division of Electrical and Communications Systems, National Science Foundation, 4201 Wilson Blvd., Room 675, Arlington, VA 22230. Telephone: (703) 306–1339.

Type of Proposal: Physical Foundations of Enabling Technologies (PFET).

2. *Date:* March 12 & 13, 1998, Room 1295.

Contact: Dr. Rajinder Khosla, Program Director, Physical Foundations of Enabling Technologies (PFET), Division of Electrical and Communications Systems, National Science Foundation, 4201 Wilson Blvd., Room 675, Arlington, VA 22230. Telephone: (703) 306–1339.

Type of Proposal: Physical Foundations of Enabling Technologies (PFET).

3. *Date:* March 12 & 13, 1998, Room 1120 & 680.

Contact: Dr. Usha Varshney, Program Director, Physical Foundations of Enabling Technologies (PFET), Division of Electrical and Communications Systems, National Science Foundation, 4201 Wilson Blvd., Room 675, Arlington, VA 22230. Telephone: (703) 306–1339.

Type of Proposal: Physical Foundations of Enabling Technologies (PFET).

4. *Date:* March 23 & 24, 1998, Room 680, 390, & 770.

Contact: Dr. Saifur Rahman, Program Director, Knowledge Modeling and Computational Intelligence (KMCI), Division of Electrical and Communications Systems, National Science Foundation, 4201 Wilson Blvd., Room 675, Arlington, VA 22230. Telephone: (703) 306–1339.

Type of Proposal: Knowledge Modeling and Computational Intelligence (KMCI).

Times: 8:00 a.m. to 5:00 p.m. each day.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meetings: Closed.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate PFET & KMCI proposals submitted to the Division as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 USC 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 17, 1998.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 98–4348 Filed 2–19–98; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–250 and 50–251]

Florida Power and Light Company, Turkey Point Unit 3 and Unit 4; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations to Florida Power and Light Company (the licensee), holder of Facility Operating Licenses Nos. DPR–31 and DPR–41 for operation of Turkey Point Units 3 and 4, respectively.

Environmental Assessment

Identification of Proposed Action

The proposed action is in accordance with the licensee's application dated December 12, 1996, for exemption from certain requirements of Appendix R, ''Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979,'' for Turkey Point Units 3 and 4. Specifically, the licensee requests an exemption from the requirements of Appendix R, Subsection III.G.2.a, for raceway fire barriers in outdoor fire zones, excluding the Open Turbine Building.

The Need for the Proposed Action

The Thermo-Lag fire barriers installed at Turkey Point Units 3 and 4 were found to have a rating of 25-minutes, which does not meet the requirements specified in Subsection III.G.2.a. The proposed exemptions are needed because compliance with the regulation would result in significant additional costs.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the proposed action involves features located entirely within the restricted area as defined in 10 CFR part 20.

The proposed action will not result in an increase in the probability or consequences of accidents or result in a change in occupational or offsite dose. Therefore, there are no radiological impacts associated with the proposed action.

The proposed action will not result in a change in nonradiological plant effluents and will have no other nonradiological environmental impact.

Accordingly, the Commission concludes that there are no environmental impacts associated with this action.

Alternative to the Proposed Action

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 did not involve the use of any resources not previously considered in the Final Environmental Statements related to operation of Turkey Point Units 3 and 4, dated July 1972.

Agencies and Persons Consulted

In accordance with its stated policy, on February 11, 1998 the NRC staff consulted with the Florida State official, Mr. William Passetti of the State Office of Radiation Control, 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 December 12, 1996, as

supplemented on July 31 and October 31, 1997, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Florida International University, University Park, Miami, Florida 33199.

Dated at Rockville, Maryland, this 11th day of February, 1998.

For the Nuclear Regulatory Commission.

Frederick J. Hebdon,

Director, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–4323 Filed 2–19–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Licensing Support System

Advisory Review Panel

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of location for public meeting.

SUMMARY: As announced earlier (63 FR 6968), the Licensing Support System Advisory Review Panel (LSSARP) will hold its next meeting on February 24 and 25, 1998, in Las Vegas, Nevada. No location for the meeting was given at that time. It is now being announced that the meeting will be held in the Great Basin Room (A106) of the U.S. Department of Energy's office at 232 Energy Way, North Las Vegas, Nevada. The meeting will be open to the public pursuant to the Federal Advisory Committee Act (Pub. L. 94–463, 86 Stat. 770–776).

AGENDA: The meeting will be held from 8:30 a.m. to 4:30 p.m. on Tuesday, February 24, and from 8:30 a.m. to 10 a.m., as needed, on Wednesday, February 25, 1998. The purpose of the meeting is to discuss amendments proposed by the Nuclear Regulatory Commission (NRC) to its regulations concerning the design and operation of the Licensing Support System (LSS). The proposed amendments were published in the **Federal Register** on November 13, 1997 (62 FR 60789). The time period for comments on the proposed amendments expires on March 30, 1998.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission (NRC) established the LSSARP in 1989 to provide advice and recommendations to the NRC and to the Department of Energy (DOE) concerning the design, development and operation of an electronic information management system, known as the Licensing Support System (LSS), for the storage and retrieval of information relevant to the Commission's future licensing proceeding for a geologic repository for the disposal of high-level radioactive waste. Membership on the panel consists of representatives of the State of Nevada, Nye County Nevada, a coalition of local counties of Nevada and California adjoining Nye County, the National Congress of American Indians, the Nevada Nuclear Waste Task Force, the nuclear industry, DOE, NRC and other agencies of the Federal Government which have experience with large electronic information management systems.

FOR FURTHER INFORMATION CONTACT: John C. Hoyle, Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555: telephone 301–415–1969.

PUBLIC PARTICIPATION: Interested persons may make oral presentations to the Panel or file written statements. Requests for oral presentations should be made to the contact person listed above as far in advance as practicable so that appropriate arrangements can be made.

Dated: February 13, 1998.

John C. Hoyle,

Secretary.

[FR Doc. 98–4221 Filed 2–19–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Meeting Notice

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on March 2–4, 1998, in Conference Room T–2B3, 11545 Rockville Pike, Rockville, Maryland. The date of this meeting was previously published in the **Federal Register** on Thursday, November 20, 1997 (62 FR 62079).

Monday, March 2, 1998

8:30 A.M.–8:45 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting.

8:45 A.M.–10:15 A.M.: Draft Commission Paper on Modified Approach for Fire Protection Rulemaking (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding a modified approach to fire protection rulemaking. The Nuclear Energy Institute and other industry representatives may provide their views, as appropriate.

10:30 A.M.–12:00 Noon: Final Rule for Requirements for Shipping Packages Used to Transport Vitrified High-Level Waste (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the proposed final rule for requirements for shipping packages used to transport vitrified high-level waste.

1:00 P.M.–2:30 P.M.: Risk Ranking Approach for Motor-Operated Valves (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding risk ranking approach for motor-operated valves.

2:45 P.M.–4:15 P.M.: SECY–98–001, Mechanism for Addressing Generic Safety Issues (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding SECY–98–001.

4:15 P.M.–6:30 P.M.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters considered during this meeting.

Tuesday, March 3, 1998

8:30 A.M.–8:35 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting.

8:35 A.M.–10:00 A.M.: Elevation of CDF to a Fundamental Safety Goal and Possible Revision to the Safety Goal Policy Statement (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding staff actions related to elevation of the CDF to a fundamental safety goal and modifying the Safety Goal Policy.

10:15 A.M.–12:15 P.M.: Proposed Final SRP Sections and Regulatory Guides for Risk-Informed, Performance-Based Regulation and Related Matters (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and industry regarding proposed final Standard Review Plan sections and Regulatory Guides for risk-informed, performance-based regulations including applications for technical specifications, graded quality assurance, and inservice testing.

1:15 P.M.–1:45 P.M.: Report of the Subcommittee on Reliability and Probabilistic Risk Assessment (Open)—

The Committee will hear a report by the Chairman of the Reliability and Probabilistic Risk Assessment Subcommittee regarding matters considered during the February 19–20, 1998 meeting.

1:45 P.M.–7:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting.

Wednesday, March 4, 1998

8:30 A.M.–8:35 A.M.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding conduct of the meeting.

8:35 A.M.–10:00 A.M.: Proposed Improvements to the Senior Management Meeting Process (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding proposed improvements to the Senior Management Meeting process.

10:15 A.M.–10:30 A.M.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss responses from the NRC Executive Director for Operations (EDO) to comments and recommendations included in recent ACRS reports and letters.

10:30 A.M.–11:15 A.M.: Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will hear a report of the Planning and Procedures Subcommittee on matters related to the conduct of ACRS business agenda for the planning, meeting, and organizational and personnel matters relating to the ACRS.

[**Note:** A portion of this session may be closed to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of this Advisory Committee, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

11:15 A.M.–12:00 Noon: Future ACRS Activities (Open)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the full Committee during future meetings.

1:00 P.M.–5:00 P.M.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters considered during this meeting.

5:00 P.M.–5:30 P.M.: Miscellaneous (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 4, 1997 (62 FR 46782). In accordance with these procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry, electronic recordings will be permitted only during the open portions of the meeting, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify Dr. Medhat M. El-Zeftawy, Acting Chief of the Nuclear Reactors Branch, at least five days before the meeting, if possible, so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by contacting the Acting Chief of the Nuclear Reactors Branch prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Acting Chief of the Nuclear Reactors Branch if such rescheduling would result in major inconvenience.

In accordance with subsection 10(d) Public Law 92–463, I have determined that it is necessary to close portions of this meeting noted above to discuss matters that relate solely to the internal personnel rules and practices of this Advisory Committee per 5 U.S.C. 552b(c)(2), and to discuss information the release of which would constitute a clearly unwarranted invasion of personal privacy per 5 U.S.C. 552b(c)(6).

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting Dr. Medhat M. El-Zeftawy, Acting Chief of the Nuclear Reactors Branch (telephone 301/415–6889), between 7:30 A.M. and 4:15 P.M. EST.

ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or reviewing on the internet at http://www.nrc.gov/ACRSACNW.

Dated: February 13, 1998.

John C. Hoyle,

Acting Advisory Committee Management Officer.

[FR Doc. 98–4220 Filed 2–19–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–245, 50–336, 50–423, 50–213]

Northeast Utilities; Millstone Nuclear Power Station, Units 1, 2, and 3, Haddam Neck Plant; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a director's decision with regard to a Petition dated March 3, 1997, filed by Mr. Albert A. Cizek, hereinafter referred to as ''Petitioner.'' The Petition pertains to the Millstone Nuclear Power Station, Units 1, 2, and 3, and the Haddam Neck Plant.

The Petitioner requested that the NRC:

1. Within 30 calendar days of receiving a total of three license violations from the U.S. Nuclear Regulatory Commission [NRC] during any [3-year] period, irrespective of the violation level, the operating license of the facility shall be suspended for a period of not less than 90 days and not more than 180 days.

2. Within 30 calendar days of receiving a total of three violations of 10 CFR Part 50, including all applicable appendices, from the [NRC] during any [3-year] period, irrespective of the violation level, the operating license of the facility shall be suspended for a period of not less than 90 days and not more than 180 days.

3. Within 30 calendar days of receiving a total of three violations of the UFSAR [Updated Final Safety Analysis Report] from the [NRC] during any [3-year] period, irrespective of the violation level, the operating license of the facility shall be suspended for a period of not less than 90 days and not more than 180 days.

4. Within 30 calendar days of receiving any harassment, intimidation and discrimination (''HI&D'') finding by the U.S. Nuclear Regulatory Commission, the U.S. Department of Labor, or any [S]tate or [F]ederal court of competent jurisdiction, the operating license of the facility shall be suspended for a period of not less than 90 days and not more than 180 days.

5. If, within [5] years of a license suspension based on paragraphs 1 through 4 above, the licensee receives a total of three license violations from the [NRC], irrespective of the violation level; receives a total of three violations of 10 CFR Part 50, including all applicable appendices, from the [NRC], irrespective of violation level;

receives a total of three violations of the UFSAR from the [NRC], irrespective of violation level; or receives any HI&D finding by the [NRC], the U.S. Department of Labor, or any [S]tate or [F]ederal court of competent jurisdiction, the operating license of that facility shall be permanently revoked within 90 calendar days.

6. In the event that the license of a facility is revoked pursuant to paragraph 5, no operation of that facility for the purpose of generating electric power shall be permitted during the pendency of any administrative or judicial processes or appeals related to such revocation.

7. In the event that the license of a facility is suspended or revoked under paragraphs [1] through [5], the [NRC] shall designate an appropriate licensee to maintain the facility in shutdown mode for the duration of the suspension or until such time as a new licensee is found to operate the facility. [Footnote omitted] NU [Northeast Utilities] shall be responsible for all expenses related to the operation of the facility during such shutdown. NU shall be required to post a bond in the amount of $500,000,000 ([5] hundred million) as reasonable assurance that it can fulfill this requirement.

The Petitioner further requested that these license conditions be imposed on the operating licenses of Millstone Units 1, 2, and 3 before Commission approval to restart any of those plants, and further requested that these license conditions be imposed on the operating license of Haddam Neck before any decommissioning of that plant.

The Director of the Office of Nuclear Reactor Regulation has denied the Petition. The reasons for this denial are explained in the ''Director's Decision Pursuant to 10 CFR 2.206'' (DD–98–01), the complete text of which follows this notice and is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, at the local public document rooms located at the Learning Resources Center, Three Rivers Community-Technical College, New London Turnpike, Norwich, Connecticut, and at the Waterford Library, ATTN: Vince Juliano, 49 Rope Ferry Road, Waterford, Connecticut, for Millstone Units 1, 2, and 3; and at the Russell Library, 123 Broad Street, Middletown, Connecticut, for the Haddam Neck Plant.

A copy of the director's decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided for by this regulation, the decision will constitute the final action of the Commission 25 days after the date of issuance unless the Commission, on its own motion, institutes a review of the decision in that time.

Dated at Rockville, Maryland, this 11th day of February 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

DD–98–01

Director's Decision Pursuant To 10 CFR 2.206

I. Introduction

On March 3, 1997, Ernest C. Hadley, Esq., filed with the U.S. Nuclear Regulatory Commission (NRC or Commission) a Petition pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206), on behalf of Mr. Albert A. Cizek, hereinafter, referred to as Petitioner. This submittal will hereinafter be referred to as the Petition. The Petition was filed with the Executive Director for Operations of the NRC. The Petition was referred to the Director of the Office of Nuclear Reactor Regulations for preparation of a response.

The Petitioner requested that the NRC impose the following license conditions on the operating licenses of Millstone Nuclear Power Station, Units 1, 2, and 3, and the Haddam Neck Plant held by Northeast Nuclear Energy Company (NNECO or Licensee):

1. Within 30 calendar days of receiving a total of three license violations from the U.S. Nuclear Regulatory Commission [NRC] during any [3-year] period, irrespective of the violation level, the operating license of the facility shall be suspended for a period of not less than 90 days and not more than 180 days.

2. Within 30 calendar days of receiving a total of three violations of 10 [CFR] Part 50, including all applicable appendices, from the [NRC] during any [3-year] period, irrespective of the violation level, the operating license of the facility shall be suspended for a period of not less than 90 days and not more than 180 days.

3. Within 30 calendar days of receiving a total of three violations of the UFSAR [Updated Final Safety Analysis Report] from the [NRC] during any [3-year] period, irrespective of the violation level, the operating license of the facility shall be suspended for a period of not less than 90 days and not more than 180 days.

4. Within 30 calendar days of receiving any harassment, intimidation and discrimination (''HI&D'') finding by the [NRC], the U.S. Department of Labor, or any [S]tate or [F]ederal court of competent jurisdiction, the operating license of the facility shall be suspended for a period of not less than 90 days and not more than 180 days.

5. If, within [5] years of a license suspension based on paragraphs 1 through 4 above, the licensee receives a total of three license violations from the [NRC], irrespective of the violation level; receives a total of three violations of 10 [CFR] Part 50, including all applicable appendices, from the [NRC], irrespective of the violation level; receives a total of three violations of the UFSAR from the [NRC], irrespective of violation level; or receives any HI&D finding by the [NRC], the U.S. Department of Labor, or any [S]tate or [F]ederal court of competent jurisdiction, the operating license of that facility shall be permanently revoked within 90 calendar days.

6. In the event that the license of a facility is revoked pursuant to paragraph 5, no operation of that facility for the purpose of generating electric power shall be permitted during the pendency of any administrative or judicial processes or appeals related to such revocation.

7. In the event that the license of a facility is suspended or revoked under paragraphs [1] through [5], the [NRC] shall designate an appropriate licensee to maintain the facility in shutdown mode for the duration of the suspension or until such time as a new licensee is found to operate the facility. [Footnote omitted] NU [Northeast Utilities] shall be responsible for all expenses related to the operation of the facility during such shutdown. NU shall be required to post a bond in the amount of $500,000,000 ([5] hundred million) as reasonable assurance that it can fulfill this requirement.

The Petitioner further requested that these license conditions be imposed on the operating licenses of Millstone Units 1, 2, and 3 before Commission approval to restart any of those plants, and further requested that these license conditions be imposed on the operating license of Haddam Neck before any decommissioning of that plant.

Additionally, the Petitioner requested that public hearings on the Petition be scheduled in the immediate vicinity of the Millstone and Haddam Neck reactors for the presentation of further evidence in support of the Petition. The Petitioner specifically requested that these public hearings be held and that a decision on this Petition be issued before restart or decommissioning of any of these units.

The Petitioner sought the above license conditions on the basis of the following contentions:

1. NU has knowingly, willingly and recklessly operated Millstone Unit 1, Unit 2, Unit 3 at Waterford, [Connecticut], and its Connecticut Yankee Nuclear Power Plant [i.e., Haddam Neck Plant] at Haddam Neck, [Connecticut], in violation of their respective operating licenses, the regulations of the NRC, and their respective UFSARs for a prolonged period of time, which unnecessarily but significantly compromised public health and safety by eroding the required defense in depth philosophy.

2. NU has knowingly, willingly and intentionally harassed, intimidated and discriminated against its employees who raise safety concerns in violation of United States statutes and NRC regulations for a prolonged period of time, which unnecessarily but significantly compromised

public health and safety by eroding the required defense in depth philosophy.

3. In the absence of express license conditions, there is no reasonable assurance that NU will cease and desist from engaging in these activities in the future.

A letter acknowledging receipt of the Petition was sent to the Petitioner on April 8, 1997. In that letter, the NRC staff informed the Petitioner that the NRC staff had decided not to hold a public hearing as requested by the Petitioner. Instead, the NRC staff requested that the Petitioner promptly supply, in writing, any additional information relevant to the Petition. In letters of April 16 and July 19, 1997, the Petitioner reiterated his request for an informal public hearing. In a letter dated August 7, 1997, the NRC staff responded to the Petitioner's letters of April 16 and July 19, 1997, and provided its detailed basis for concluding that an informal public hearing as requested by the Petitioner was not warranted. The NRC staff also noted that the Petitioner had a public forum to raise his concerns through the regularly scheduled public meetings held in the vicinity of the Millstone site. The Petitioner did not provide the staff with any additional evidence in support of the Petition.

II. Discussion

The NRC staff has reviewed the Petition and has not found any information regarding either the Millstone or the Haddam Neck facilities of which it was not already aware prior to receipt of the Petition. As discussed below, these facilities have been the subject of close NRC scrutiny for several years.

Millstone Facility

With regard to the Millstone units, the NRC staff has been concerned for the last several years about the number and duration of violations at the Millstone site in the broad programmatic areas of design and licensing bases, testing, and radiological controls. Programmatic concerns in these areas, along with concerns in other areas, were major contributors to the decline in performance at the Millstone site. In the cover letter to the most recent systematic assessment of licensee performance (SALP) report of August 26, 1994, the NRC staff stated that it had noted several performance weaknesses, common to all three Millstone units. Among these were continuing problems with procedure quality and implementation, the informality in several maintenance and engineering programs (contributing to instances of poor performance), and the failure to resolve several longstanding problems at the site. In addition to these programmatic problems, the Licensee has had significant problems in dealing with employee concerns involving safety issues at the site.

On November 4, 1995, the Licensee shut down Millstone Unit 1 for a scheduled refueling outage. The NRC sent a letter to the Licensee on December 13, 1995, requiring the Licensee, before restarting Millstone Unit 1, to inform NRC, pursuant to Section 182a of the Atomic Energy Act of 1954, as amended (the Act), and 10 CFR 50.54(f), of the actions taken to ensure that, in the future, the Licensee would operate that facility according to the terms and conditions of the unit's operating license, the Commission's regulations, and the unit's Final Safety Analysis Report (FSAR).

In January 1996, NRC designated the three Millstone units as Category 2 on the NRC's Watch List. Plants on the Watch List in this category have weaknesses that warrant increased NRC attention until the licensees demonstrate improved performance for an extended period of time.

On February 20, 1996, the Licensee shut down Millstone Unit 2 when it declared both trains of the high-pressure safety-injection (HPSI) system inoperable because of a design issue. There was a potential that the HPSI throttle valves could become plugged with debris when taking suction from the sump during the recirculation mode.

On March 30, 1996, the Licensee shut down Millstone Unit 3 after finding that containment isolation valves for the auxiliary feedwater turbine-driven pump were inoperable because the valves did not meet NRC requirements. In response to a Licensee root cause analysis of inaccuracies in the Millstone Unit 1 FSAR, identifying the potential for similar configuration control problems at Millstone Units 2 and 3 and the existing design configuration issues identified at these units, NRC sent 10 CFR 50.54(f) letters to the Licensee on March 7 and April 4, 1996. These letters required that the Licensee inform the NRC of the corrective actions taken regarding design configuration issues at Millstone Units 2 and 3 before the restart of each unit.

In June 1996, the NRC designated the three units at Millstone as Category 3 on the NRC's Watch List. Plants in this category have significant weaknesses that warrant maintaining them in a shutdown condition until the licensee can demonstrate to NRC that it has taken adequate corrective actions to ensure substantial improvement. This category also requires Commission approval before operations can be resumed.

On August 14, 1996, the NRC issued a confirmatory order directing the Licensee to contract with a third party to implement an independent corrective action verification program (ICAVP) to confirm the adequacy of its efforts to reestablish the design basis and configuration controls for each of the three Millstone units. The ICAVP is intended to provide additional assurance, before a unit restart, that the Licensee has identified and corrected existing problems in the design and configuration control processes for that unit.

On April 16, 1997, the NRC sent another 10 CFR 50.54(f) letter, which superseded the earlier 10 CFR 50.54(f) letters and consolidated its requests for information and periodic updates. The following information was requested: (1) significant items that needed to be accomplished before restart; (2) items that are to be deferred until after restart; (3) NU's process and rationale for deferring items; and (4) actions to be taken by NU to ensure that future operation will be conducted in accordance with the terms and conditions of the operating licenses, the Commission's regulations, and the FSARs. In a letter dated May 29, 1997, the Licensee submitted the initial information requested. Additional information and updates will be submitted in accordance with the time intervals specified in the 10 CFR 50.54(f) letter.

During eight NRC inspections conducted between October 1995 and August 1996, more than 60 apparent violations of NRC requirements were found at the Millstone site. These apparent violations were discussed at a public predecisional enforcement conference held at the Millstone site on December 5, 1996. During the meeting, the Licensee stated that management had failed to give clear direction and oversight, performance standards were low, management expectations were weak, and station priorities were inappropriate. A notice of violation and proposed imposition of civil penalties in the amount of $2,100,000 was issued to the Licensee on December 10, 1997. This is the largest civil penalty ever proposed by the NRC. In the enforcement action, the NRC staff identified violations relating to inadequate engineering, inadequate corrective actions, technical specifications violations, and quality assurance violations.

Additionally, the Licensee has had a chronic problem of not dealing effectively with employee concerns at

the Millstone site. On December 12, 1995, the NRC set up a review group to conduct an independent evaluation of the history of the Licensee's handling of employee concerns related to licensed activities at the Millstone facility. The review group determined that, in general, an unhealthy work environment, which did not tolerate dissenting views and did not welcome or promote questioning attitudes, has existed at the Millstone facility for the last several years. To address this problem, the NRC issued an order on October 24, 1996, directing NU to devise and implement a comprehensive plan for handling safety concerns raised by Millstone employees and to ensure an environment free from retaliation or discrimination. In addition, the order required NU to have an independent third party oversee its employee concerns program. The third-party is responsible for providing periodic reports to NU and NRC detailing its findings and recommendations. The third-party findings and the NU responses to them will be assessed by the NRC staff for any restart issues.

The conduct of NRC regulatory oversight at the Millstone site is based on the recognition that the Licensee bears primary responsibility to demonstrate that corrective actions have been effectively implemented. Thus, before the NRC staff can recommend that the Commission approve the restart of any Millstone unit, the Licensee must determine that a unit is in conformance with applicable NRC regulations, its license conditions, and its FSAR, and that applicable licensing commitments have been met. The Licensee's conformance with NRC regulations, license conditions, and licensing commitments is fundamental to NRC's confidence in the safety of licensed activities. In short, the Licensee has the primary responsibility for the safe operation of its facilities.

In a June 20, 1996, letter to NRC, the Licensee described its Configuration Management Plan (CMP), which is its principal program to provide reasonable assurance that weaknesses at the Millstone units have been effectively corrected. The CMP includes efforts to understand and correct the licensing and design-bases issues that led NRC to send the 10 CFR 50.54(f) letters and order actions to prevent recurrence of those issues. The Licensee stated that the objective of the CMP was to document and meet the licensing and design-bases requirements of each unit and to ensure that adequate programs and processes are in place to maintain control of these requirements. The Licensee's CMP must either correct each FSAR deficiency or evaluate it to ensure that the change to the facility does not involve any unreviewed safety question or change to the facility TSs. NU has documented a large number of deficiencies, which vary in scope and safety significance for each unit. These lists contain significant deficiencies that must be corrected before restart and others that the Licensee is planning to correct after restart. In its continuing reviews of the deficiency lists, the NRC staff will determine whether the Licensee has appropriately scheduled safety-significant items for completion before restart and whether those items that the Licensee will defer until after restart are appropriate for each unit. The results of these efforts will be documented in NRC inspection reports.

The NRC's regulatory oversight of the Licensee's corrective actions requires extensive planning and program integration. To focus more regulatory attention on all of the restart issues related to the Millstone units, NRC has established a Special Projects Office (SPO) within the Office of Nuclear Reactor Regulation to oversee these activities. The SPO has developed a comprehensive and multifaceted oversight program to verify the adequacy of NU's corrective actions, programs, and processes. The breadth and significance of the problems identified at the Millstone site require this program. The SPO has developed a Restart Assessment Plan (assessment plan) for each of the Millstone units, which includes (1) the appropriate aspects of NRC Inspection Manual, Manual Chapter (MC) 0350, ''Staff Guidelines for Restart Approval''; (2) oversight of NU's ICAVP; and (3) oversight of NU's corrective actions relating to employee concerns involving safety issues. The activities associated with the assessment plan are in addition to the normal inspection and licensing activities being carried out at the Millstone site.

MC 0350 establishes the guidelines for approving the restart of a nuclear power plant after a shutdown resulting from a significant event, a complex hardware problem, or serious management deficiencies. The primary objective of the guidelines in MC 0350 is to ensure that NRC's restart review efforts are appropriate for the individual circumstances, are reviewed and approved by the appropriate NRC management levels, and provide objective measures of restart readiness.

The assessment plan for each unit includes those issues listed in MC 0350 that the NRC staff has identified as relevant to the shutdown of the unit. Each assessment plan also includes additional issues determined to be applicable to the specific situation. The assessment plans include all actions the NRC expects NU to take before the NRC staff recommends to the Commission that a unit be permitted to restart. Accordingly, the staff will use the assessment plan for each Millstone unit to track and monitor all significant actions necessary to support a decision on restart approval of the unit.

The assessment plan for each Millstone unit includes the requirement to review the NU Operational Readiness Plan, the deficiency lists associated with the assessment plan, including restart and deferred items, the corrective action program, work planning and controls, the procedures upgrade program, the nuclear oversight function (quality assurance), outstanding enforcement items, and a Significant Issues List (SIL), which includes issues identified by both NU and NRC as issues requiring resolution before restart. NRC MC 93802, ''Operational Safety Team Inspection'' (OSTI), provides the framework for a team inspection to be performed during the later stages of the restart process. The inspection will be structured to focus on the pertinent issues at each of the Millstone units.

Within the SPO, a Millstone Restart Assessment Panel (RAP) has been formed in accordance with MC 0350. The RAP meets to assess the Licensee's performance and its progress in completing the designated restart activities. The RAP is composed of the Director, SPO (chairman); the Deputy Directors of Licensing, Inspections, and Independent Corrective Action Verification Program Oversight; the project managers for the three Millstone units; the Inspection Branch Chief; the senior resident inspectors for the three Millstone units; and the appointed Division of Reactor Safety representative. The RAP holds periodic meetings with the Licensee to discuss the Licensee's corrective actions and schedules of each Millstone unit. Notices of the meetings with the licensee are issued and the meetings are open to the public. Additionally, NRC holds frequent meetings with the public near the Millstone facility that include a summary of the latest meeting with the Licensee, updates on NRC activities, and questions and comments from the public.

The purpose of the ICAVP, as stated in the confirmatory order, is to confirm that the plant's physical and functional characteristics are in conformance with its licensing and design bases. The ICAVP audit required by NRC is expected to provide independent verification, beyond NU's quality

assurance and management oversight, that the Licensee has identified and satisfactorily resolved existing nonconformances with the design and licensing bases; documented and utilized the licensing and design bases to resolve nonconformances; and established programs, processes, and procedures for effective configuration management in the future. NU has started programs to identify and understand the root causes of the licensing and design-bases issues that led to NRC issuance of the 10 CFR 50.54(f) letters to NU and to implement corrective actions to ensure that NU maintains the design configuration and that each unit is in conformance with its licensing basis. NU has indicated that the scope of its corrective programs will include those systems that it has categorized as either Group 1 (safety-related and risk-significant) or Group 2 (safety-related or risk-significant). The ICAVP audit must provide insights into the effectiveness of NU's programs so that the results can be reasonably extrapolated to the structures, systems, and components that were not reviewed in the audit.

The NRC staff has developed a comprehensive and multifaceted oversight process to provide a high level of confidence that the Licensee has implemented required corrective actions and that all of the issues on the SILs have been resolved. The independent third-party evaluations required by NRC will be used to enhance NRC confidence that the Licensee's corrective action programs have been effectively implemented at each unit.

NRC activities (including oversight of the ICAVP) to ensure that effective corrective actions are being taken by the Licensee will provide additional assurance that the Licensee's corrective action programs have been effectively implemented. These activities will include in-process reviews of the ICAVP contractor's activities, reviews of the ICAVP results, and additional independent reviews of compliance with the design and licensing bases of selected systems. The State of Connecticut's Nuclear Energy Advisory Council has provided input to the NRC staff for selecting the systems that will be reviewed by the ICAVP contractor and has been invited to observe the NRC staff's ICAVP inspections.

When the restart review process has identified, corrected, and reviewed relevant issues regarding each Millstone unit, a restart authorization process will be initiated for that unit. Upon receipt of an NRC staff recommendation and a briefing on any ongoing investigations, the Commission will meet to assess the recommendation and vote on whether to allow the restart of the unit. The same process will be followed for the remaining units.

It is important to note that the Licensee and NRC are continuing to identify problems at the Millstone site, as documented in inspection reports issued after this Petition was filed. These findings indicate that the corrective actions required to restart the Millstone units have not yet been fully implemented. The NRC staff will not recommend that the Commission allow the restart of a Millstone unit until the NRC staff has determined, in accordance with the assessment plan, that the necessary corrective actions have been effectively implemented for the unit. Following any positive Commission vote for restart, the unit will remain on NRC's watchlist, in Category 2, and will continue to be subject to a high level of NRC oversight. The unit will remain as a Category 2 watchlist plant until the NRC determines that the Licensee's performance warrants a normal level of NRC oversight.

Haddam Neck Facility

The Licensee shut down the Haddam Neck facility on July 22, 1996, as required by the facility's TSs, because of concerns that service water piping for the air recirculation fans in the containment may exceed design loads during certain accident scenarios. The Licensee determined that these concerns and other hardware and programmatic problems identified before and during the forced outage should be resolved before restarting the plant. Thus, the Licensee decided to begin Refueling Outage 19 on August 17, 1996. On October 9, 1996, the owners of the Haddam Neck Plant stated that a permanent shutdown of the plant was being considered by the Board of Trustees as a result of an economic analysis of operations, expenses, and the cost of replacement power. Subsequently, all fuel assemblies were removed from the reactor and placed in the spent fuel pool.

From November 21, 1995, to November 22, 1996, NRC conducted numerous inspections at the Haddam Neck Plant to review several facets of plant performance. These inspections included a special team inspection by NRC headquarters staff focused on engineering performance; a special augmented inspection team (AIT) inspection of a reactor vessel nitrogen intrusion event in late August and early September 1996, which lowered the reactor vessel water level; a special radiation protection inspection of a significant contamination event in November 1996; an emergency preparedness inspection to observe the Licensee's response during an emergency exercise held in August 1996; and several resident inspections. Numerous violations, as well as several significant regulatory concerns, were identified during these inspections. Most of the violations were discussed at a transcribed public predecisional enforcement conference at the Millstone training building in Waterford, Connecticut, on December 4, 1996. That conference was open to the public and focused on the broader programmatic deficiencies underlying the violations that contributed to the problems at Haddam Neck. A notice of violation and proposed imposition of civil penalties in the amount of $650,000 was issued on May 12, 1997, and was subsequently paid by the Licensee.

By letter dated December 5, 1996, the Licensee certified to the NRC, pursuant to 10 CFR 50.82(a)(1)(i) and 10 CFR 50.82(a)(1)(ii), that it had decided to permanently cease operations at the Haddam Neck Plant and had permanently removed the fuel from the reactor. The Licensee further noted that a post-shutdown decommissioning activities report (PSDAR) and a site-specific decommissioning cost estimate would be submitted in accordance with 10 CFR 50.82, ''Termination of License.'' Therefore, the NRC's restart process oversight described for the three Millstone units is not applicable to the Haddam Neck Plant. However, the NRC staff has taken pertinent actions at the Haddam Neck Plant.

A confirmatory action letter (CAL) was issued to the Licensee on March 4, 1997, concerning radiological-control problems at the Haddam Neck Plant to ensure that the limited activities at the site will be conducted in a safe manner and in accordance with regulatory requirements. The CAL confirms the Licensee's commitment to not perform any radiological work, except that required to maintain the plant in a safe configuration until the corrective actions identified in the CAL have been implemented.[1]

As with the Millstone site, it is important to note that the Licensee and NRC continue to identify problems at the Haddam Neck Plant, as documented in inspection reports issued after this

[1] In a November 17, 1997, letter, the NRC staff confirmed certain modifications of the Licensee's commitments on the conduct of radiological work at the Haddam Neck Plant. The modification allows the Licensee to remove an 8-foot section of piping associated with the reactor coolant system to allow vendors to determine the best method for eventual decontamination of the entire reactor coolant system.

Petition was filed. These findings indicate that the corrective actions required to be completed before conducting significant decommissioning activities have not yet been fully implemented. The NRC staff will continue to closely monitor the Licensee's activities until the staff has determined that the necessary corrective actions have been effectively implemented for the unit.

III. NRC Response to Requested Actions

The Petitioner requested that a mechanistic enforcement approach be used at the Millstone and Haddam Neck plants to preclude recurrence of the problems.

The NRC's enforcement policy, which has been revised many times since the March 9, 1982, policy was first issued, continues to recognize that the regulation of nuclear activities does not lend itself to a mechanistic treatment. The NRC staff's extensive experience shows that judgment and discretion must be exercised in determining the severity levels of the violations and the appropriate enforcement sanctions.

The latest staff assessment of the NRC's enforcement policy was completed in 1997 (NUREG–1622 [2]). This assessment also contained a discussion of a suggestion from the public [3] recommending that the enforcement policy be modified to eliminate what was viewed as subjective enforcement based on performance issues. In particular, the commenter recommended that the NRC staff consistently impose a civil penalty every time a licensee fails to meet a requirement, regardless of a licensee's performance or ability to meet requirements in other areas. The NRC staff's assessment concluded, in part, that ''the staff does not believe that the enforcement policy should be reduced to a formula for rigid application. Few cases are entirely straightforward, and the NRC must always apply judgment in determining whether to give credit for the licensee's actions.'' The Petitioner requested that mechanistic enforcement-related license conditions be added to the Millstone and Haddam Neck licenses. As noted above, the NRC staff has long experience in the enforcement of its requirements. That experience shows that judgment and discretion based on the facts at hand are key elements in any enforcement decision. A fair and reasonable enforcement decision cannot be made without an understanding of the nature of the violations involved and the context in which the violations occurred. The Petitioner's approach calls for specific and severe sanctions based on unknown future events of unknown significance occurring in an unknown context. Such an approach is unreasonable and could very well be found as arbitrary and capricious and thus legally unsound. It is not an approach that the NRC staff would apply in any case and so it would not be applied in the case of the Millstone and Haddam Neck units as requested by the Petitioner.

As noted in the Discussion section above, the NRC staff is aware of the significant performance problems at the Licensee's facilities. These performance problems have led the NRC staff to increase its oversight activities at these facilities. The Millstone plants will not be allowed to restart until the NRC staff is satisfied that sufficient corrective action has taken place and until Commission approval is granted. After restart, the plants will continue to be subject to a high level of NRC oversight until the NRC determines that the Licensee's performance warrants a normal level of NRC oversight. The decommissioning of the Haddam Neck Plant will not be allowed to proceed until the NRC staff determines that the applicable performance problems noted there have been corrected. The Licensee has also made significant management changes at each of these facilities. In the NRC staff's judgment, the scope of actions taken by the Licensee and the NRC regarding these facilities is extensive.

Furthermore, the NRC staff has had significant experience in overseeing licensees that have either been ordered to or have volunteered to shut down their facilities because of performance problems. For example, in NRC's Region I alone, the Pilgrim, Peach Bottom, Nine Mile Point, Calvert Cliffs, FitzPatrick, and Indian Point Unit 3 plants have been shut down while significant problems were corrected. Despite their significant problems, these plants have been able to perform corrective actions that have significantly improved the performance of these facilities. On the basis of the special circumstances involved with overseeing the restart of plants shut down for performance problems, the NRC staff developed MC 0350 (for more detail about this document, see Discussion section). Thus, the NRC staff has a considerable amount of experience overseeing facilities shut down because of significant enforcement problems; the NRC staff has seen numerous examples of licensees that have successfully improved their performance to a level acceptable for restart and continued operation; and, the NRC staff has a tested procedure in place to safely oversee the restart of such facilities.

Regarding the Haddam Neck Plant, the risks to the public from a permanently shutdown facility are significantly less than those from an operating power plant. Additionally, as noted in the preceding discussion, the NRC staff is closely observing the Licensee's actions until confidence in the Licensee is restored.

IV. Conclusion

In summary, a mechanistic enforcement approach will not be applied by the NRC staff in this matter. Such an approach is neither necessary nor appropriate to assure regulatory compliance and safe conduct of activities at the Millstone and Haddam Neck facilities. Extensive efforts have been and are being taken by the Licensee to assure that future operation of the Millstone units and decommissioning of the Haddam Neck Plant are accomplished safely. The NRC staff has in place an extensive oversight program to assure that the Licensee meets its objectives. The NRC staff also has extensive experience with other facilities in assessing major corrective action programs providing assurance that its oversight of the Licensee's corrective action efforts will be sound and will assure that the Commission receives a sound NRC staff recommendation before the Commission itself determines whether restart of the Millstone units is warranted. After restart, the plants will continue to be subject to a high level of NRC oversight until the NRC determines that the Licensee's performance warrants a normal level of NRC oversight. Accordingly, the Petitioner's request for specific enforcement-related license conditions at the Millstone and Haddam Neck facilities is denied.

As provided for in 10 CFR 2.206(c), a copy of this decision will be filed with the Secretary of the Commission for the Commission's review. This director's decision will constitute the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes review of the decision in that time.

Dated at Rockville, Maryland, this 11th day of February 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 98–4325 Filed 2–19–98; 8:45 am]

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[2] As of the date of this Director's Decision, this NUREG has not been issued. It is expected to be issued shortly.

[3] September 9, 1997, letter from David A. Lochbaum of the Union of Concerned Scientists.

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–282, 50–306 and 72–10]

Northern States Power Company, Prairie Island Nuclear Plant and Prairie Island Independent Spent Fuel Storage Installation; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a Petition dated August 26, 1997, filed by the Prairie Island Coalition (Petitioner) under Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206). The Petitioner requests that the NRC (1) suspend Northern States Power Company's (the licensee's) Materials License No. SNM–2506 for cause under Section 50.100 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.100) until all material issues regarding the maintenance, unloading, and decommissioning processes and procedures, as described in the Petition and in the Petition filed on May 28, 1997, by the Prairie Island Indian Community, have been adequately addressed and resolved, and until the maintenance and unloading processes and procedures in question are safely demonstrated under the scrutiny of independent third-party review of the TN–40 cask seal maintenance and unloading procedure; (2) determine that the licensee violated 10 CFR 72.122(f) by using a cask design that requires periodic seal maintenance and emergency seal replacement that must be performed in the plant storage pool. The Petitioner asserts that these casks cannot be placed back into the pool to perform these functions due to unresolved problems with fuel degradation during storage, flash steam, thermal shock, and the resulting potential for radiation dispersion; (3) determine that the licensee violated 10 CFR 72.122(h) by using a cask that must be placed into the pool for necessary maintenance and/or unloading procedures. The Petitioner asserts that such placement of the cask into the pool will prematurely degrade the fuel and pose operational safety problems with respect to its ultimate and necessary removal from dry cask storage; (4) determine that the licensee violated 10 CFR 72.122(l) by loading casks and storing them before the licensee had developed and implemented procedures adequate to safely unload and decommission the TN–40 casks; (5) determine that the licensee violated 10 CFR 72.130 by using the TN–40 cask and failing to make provisions capable of accomplishing the removal of radioactive waste and contaminated materials at the time the independent spent fuel storage installation (ISFSI) is permanently decommissioned; (6) determine that the licensee violated 10 CFR 72.11 by failing to provide and include complete and accurate material information regarding maintenance and unloading of TN–40 casks in the application for the Prairie Island ISFSI and in subsequent submittals regarding cask maintenance and unloading issues; (7) determine that the licensee violated 10 CFR 72.12 by deliberately and knowingly submitting incomplete and inaccurate material information regarding maintenance and unloading of TN–40 casks in the application for the Prairie Island ISFSI and in subsequent submittals regarding cask maintenance and unloading issues; (8) require that the licensee pay a substantial penalty for each cask loaded in violation of NRC regulations; (9) administer such other sanctions for the alleged violations of NRC regulations as the NRC deems necessary and appropriate; (10) provide Petitioner the opportunity to participate in a public review of maintenance, unloading, and decommissioning processes and procedures in question and an opportunity to comment on draft findings after investigation by the NRC; (11) order modification of the licensee's Technical Specifications for the Prairie Island ISFSI to ensure a demonstrated ability to, in fact, safely maintain, unload, and decommission TN–40 casks; and (12) review the licensee's processes and procedures for maintenance, unloading, and decommissioning, and if the licensee does not possess capability to unload casks, order the licensee to build a ''hot shop'' for air unloading of casks and transfer of the fuel.

The Director of the Office of Nuclear Reactor Regulation has determined that the Petition should be denied for the reasons stated in the ''Director's Decision Under 10 CFR 2.206'' (DD–98–02), the complete text of which follows this notice. The decision and documents cited in the decision are available for public inspection and copying in the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, D.C., and at the local public document room in the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota.

A copy of this decision has been filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206(c). As provided therein, this decision will become the final action of the Commission 25 days after issuance unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 11th day of February 1998.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Acting Director, Office of Nuclear Reactor Regulation.

[DD–98–02]

Director's Decision Under 10 CFR 2.206

I. Introduction

On August 26, 1997, the Prairie Island Coalition filed a Petition pursuant to Section 2.206 of Title 10 of the *Code of Federal Regulations* (10 CFR 2.206) requesting that the U.S. Nuclear Regulatory Commission (NRC) take action to accomplish the following:

1. Suspend Northern States Power Company's (the licensee's) Materials License No. SNM–2506 for cause under Section 50.100 of Title 10 of the *Code of Federal Regulations* (10 CFR 50.100) until all material issues regarding the maintenance, unloading, and decommissioning processes and procedures, as described in the Petition and in an earlier Petition filed on May 28, 1997, by the Prairie Island Indian Community, have been adequately addressed and resolved, and until the maintenance and unloading processes and procedures in question are safely demonstrated under the scrutiny of independent third-party review of the TN–40 cask seal maintenance and unloading procedure;

2. Determine that the licensee violated 10 CFR 72.122(f) by using a cask design that requires periodic seal maintenance and emergency seal replacement that must be performed in the plant storage pool. The Petitioner asserts that these casks cannot be placed back into the pool to perform these functions due to unresolved problems with fuel degradation during storage, flash steam, thermal shock, and the resulting potential for radiation dispersion;

3. Determine that the licensee violated 10 CFR 72.122(h) by using a cask that must be placed into the pool for necessary maintenance and/or unloading procedures. The Petitioner asserts that such placement of the cask into the pool will prematurely degrade the fuel and pose operational safety problems with respect to its ultimate and necessary removal from dry-cask storage;

4. Determine that the licensee violated 10 CFR 72.122(l) by loading casks and storing them before developing and preparing procedures adequate to safely

unload and decommission the TN–40 casks;

5. Determine that the licensee violated 10 CFR 72.130 by using the TN–40 cask and failing to make provisions capable of accomplishing the removal of radioactive waste and contaminated materials at the time the independent spent fuel storage installation (ISFSI) is permanently decommissioned;

6. Determine that the licensee violated 10 CFR 72.11 by failing to provide and include complete and accurate material information regarding maintenance and unloading of TN–40 casks in the application for the Prairie Island ISFSI and in subsequent submittals regarding cask maintenance and unloading issues;

7. Determine that the licensee violated 10 CFR 72.12 by deliberately and knowingly submitting incomplete and inaccurate material information regarding maintenance and unloading of TN–40 casks in the application for the Prairie Island ISFSI and in subsequent submittals regarding cask maintenance and unloading issues;

8. Require that the licensee pay a substantial penalty for each cask loaded in violation of NRC regulations;

9. Administer such other sanctions for the alleged violations of NRC regulations as the NRC deems necessary and appropriate;

10. Provide Petitioner the opportunity to participate in a public review of maintenance, unloading, and decommissioning processes and procedures in question and an opportunity to comment on draft findings after investigation by the NRC;

11. Order modification of the licensee's Technical Specifications for the Prairie Island ISFSI to ensure a demonstrated ability to in fact safely maintain, unload, and decommission TN–40 casks; and

12. Review the licensee's processes and procedures for maintenance, unloading, and decommissioning, and if the licensee does not possess capability to unload casks, order the licensee to build a ''hot shop'' for air unloading of casks and transfer of the fuel.

The Petition has been referred to me pursuant to 10 CFR 2.206. The NRC letter dated October 2, 1997, to George Crocker, on behalf of the Petitioner, acknowledged receipt of the Petition and reported the NRC staff's determination that the Petition did not require immediate action to be taken by the NRC. The letter of October 2, 1997, also explained that the NRC staff would address the requests for formal rulemaking proceedings as detailed in Items 13, 14, and 15 of the Petition, in accordance with 10 CFR 2.802, ''Petition for Rulemaking.'' A notice of receipt was published in the **Federal Register** on October 10, 1997 (62 FR 53031).

On the basis of the NRC staff's evaluation of the issues and for the reasons given below, the Petitioner's requests as detailed in Items 1 through 12 of the Petition are denied.

II. Background

On October 19, 1993, the NRC issued Materials License No. SNM–2506 to allow the licensee to store spent nuclear fuel in TN–40 dry-storage casks, designed by Transnuclear Incorporated, at the ISFSI located at the Prairie Island Nuclear Plant. The NRC issued Technical Specifications (TS) defining operating limits, surveillance requirements, design features, and administrative controls as Appendix A to Materials License No. SNM–2506. No spent nuclear fuel was allowed to be loaded into a storage cask at Prairie Island until several preoperational license conditions were satisfied. Among the preoperational license conditions were a required training exercise (dry-run) of the loading, handling, and unloading activities for the TN–40 casks and the implementation of written procedures describing the actions to be taken during operational, off-normal, and emergency conditions associated with the Prairie Island ISFSI.

A report dated April 20, 1995, submitted by the licensee to the NRC pursuant to 10 CFR 72.82(e), gave the results of the preoperational tests that the licensee was required to perform before loading spent fuel into a TN–40 cask.[1] On May 12, 1995, following the completion of the staff's reviews and inspections that found that the licensee had satisfied the conditions of the license, the licensee began loading spent fuel assemblies into a TN–40 cask. The licensee subsequently placed the cask, and casks loaded since that time, onto the storage pad within the Prairie Island ISFSI.

The NRC staff's determination that the licensee was in compliance with applicable regulations and license conditions was the basis for the NRC staff's decision to approve the ISFSI at Prairie Island and to allow the actual loading of TN–40 casks at that facility. The Petitioner has requested that, in light of the information in the Petition, the NRC staff reconsider its findings and suspend Materials License No. SNM–2506. The regulations cited by the Petitioner as those that establish technical requirements not being satisfied by the licensee for the ISFSI at Prairie Island are:

- 72.122(f) *Testing and maintenance of systems and components.* Systems and components that are important to safety must be designed to permit inspection, maintenance, and testing.
- 72.122(h) *Confinement barriers and systems.* (1) The spent fuel cladding must be protected during storage against degradation that leads to gross ruptures or the fuel must be otherwise confined such that degradation of the fuel during storage will not pose operational safety problems with respect to its removal from storage. This may be accomplished by canning of consolidated fuel rods or unconsolidated assemblies or other means as appropriate.
- 72.122(l) *Retrievability.* Storage systems must be designed to allow ready retrieval of spent fuel or high-level radioactive waste for further processing or disposal.
- 72.130 *Criteria for decommissioning.* The ISFSI or MRS (monitored retrievable storage [installation]) must be designed for decommissioning. Provisions must be made to facilitate decontamination of structures and equipment, minimize the quantity of radioactive wastes and contaminated equipment, and facilitate the removal of radioactive wastes and contaminated materials at the time the ISFSI or MRS is permanently decommissioned.

The regulations in 10 CFR Part 72 require that the design of the storage system and the procedures implemented by specific licensees support the unloading activity, whether it is being performed to allow further processing or disposal of the spent fuel, such as may be necessary to support decommissioning of the ISFSI; as part of planned maintenance activities; or as part of the response to an unplanned event or condition. The unloading of a cask, for any reason, should be performed in a manner that prevents gross rupture of the fuel cladding, which could result in operational safety problems. Although unloading procedures need not contain detailed guidance on removing damaged fuel, they should contain precautions in case fuel cladding has unexpectedly degraded during storage so that additional measures can be taken to address increased radiological hazards during the unloading process.

NRC regulations, facility licenses, and NRC-approved quality assurance

[1] On May 11, 1995, the NRC granted a schedular exemption to the provision of 10 CFR 72.82(e) that requires licensees to submit the preoperational test results at least 30 days before receipt of spent fuel into the ISFSI. The basis for the exemption was the fact that the NRC staff had reviewed cask fabrication records, observed portions of the preoperational test activities, and completed its review of the report submitted on April 20, 1995.

programs require licensees to establish and maintain a formal process for preparing and issuing procedures and changes thereto. NRC assessments of licensee procedures are generally conducted within the NRC's inspection program. The major procedures pertaining to dry-cask-storage activities at Prairie Island, including the procedure for unloading a cask, were reviewed by the NRC staff during a special inspection conducted from January 24 through May 11, 1995, to oversee the preoperational activities discussed above. In addition to reviewing the licensee's facility and procedures, as previously noted, the NRC inspectors observed preoperational testing that the licensee was required to perform before loading casks with spent fuel assemblies. The inspection findings are documented in NRC Inspection Report 50–282/95002; 50–306/95002; 72–10/95002(DRP), dated June 30, 1995.

The NRC inspectors noted several instances in which the procedures for dry-cask-storage activities that the licensee had in place at the beginning of the inspection, including the procedures for loading and unloading of TN–40 casks, did not ensure compliance with the requirements of the license. Although the licensee corrected these procedural deficiencies during the course of the inspection, the staff issued a Notice of Violation to the licensee for failing to satisfy Criterion V of Appendix B to 10 CFR Part 50, which, for activities affecting quality, requires the preparation of and adherence to procedures appropriate to the circumstances. In addition, the inspectors found weaknesses in the licensee's initial performance in overseeing the activities of the cask vendor and in overall planning for dry-cask-storage activities. On the basis of the licensing reviews and inspection findings, documented in Inspection Report 50–282/95002; 50–306/95002; 72–10/95002(DRP), the NRC staff concluded that as of May 1995, the licensee had corrected these deficiencies and was ready to safely load, and if necessary unload, spent nuclear fuel in TN–40 casks.

In July 1995, the NRC staff issued an action plan for dry-cask storage to manage the resolution of a variety of technical and process issues that were noted during the licensing reviews and inspections completed for the first several ISFSI facilities, including the ISFSI at Prairie Island. An item related to the loading and unloading of dry-storage casks was added to the action plan, in part to ensure that the importance of the unloading procedures was emphasized to licensees and that technical issues related to unloading problems were resolved. Addition of an item pertaining to unloading was deemed prudent because the staff observed that some of the licensees' unloading procedures failed to consider contingencies and assumptions related to possible fuel degradation, gas-sampling techniques, cask design issues, radiation protection requirements, and the thermal-hydraulic behavior of a cask during the process of cooling and filling it with water from the spent fuel pool.

To fulfill the goals of its dry-cask-storage action plan, the NRC staff has emphasized the importance of unloading procedures and shared observations with licensees using or considering dry-cask storage. The staff revised inspection procedures and licensing review guidance to specifically instruct NRC inspectors to review unloading procedures developed by licensees and to identify those issues that warrant particular attention. Application of the revised guidance ensures that recent and future reviews will address the adequacy of unloading procedures developed by licensees. To address those ISFSIs that began operation before NRC improved its guidance on review and inspection, the staff audited or inspected those licensee programs for which the inspection record did not document whether the unloading procedures adequately addressed the major issues in the action plan. Regarding Prairie Island, the staff reviewed the available information and determined that the assessment of the unloading procedure performed as part of the inspection documented in NRC Inspection Report 50–282/95002; 50–306/95002; 72–10/95002(DRP) adequately addressed the concerns in the NRC action plan, and that additional reviews or inspections therefore were not necessary.

In a Petition dated June 5, 1995, Prairie Island Coalition requested that, among other things, the NRC review—and take whatever administrative actions were necessary concerning—the licensee's plans to unload a TN–40 cask if the spent fuel pool lacked sufficient space to accommodate the spent fuel assemblies from a cask. The NRC staff issued *Northern States Power Company* (Prairie Island Nuclear Generating Plant, Units 1 and 2), DD–96–21, 44 NRC 297, on November 27, 1996, denying the Petitioner's request. The denial was based, in part, on the staff's finding that if a cask must be unloaded, it is unlikely that the need to unload it would represent a time-urgent activity and the licensee would be able to develop and execute a plan to maintain the safe storage of the spent fuel assemblies. The NRC staff determined that even if such an unlikely event occurred and the licensee needed to implement corrective actions to maintain safe storage conditions, options would be available to the licensee. These options include returning a cask to the auxiliary building, returning a cask to the spent fuel pool without actually removing the spent fuel, and removing non-fuel-bearing components from the spent fuel pool to allow the removal of fuel assemblies from a cask. *Id.*, 44 NRC at 309.

The Petitioner has incorporated by reference a Petition dated May 28, 1997, filed by the Prairie Island Indian Community, which, among other things, asked the NRC to suspend Materials License No. SNM–2506 on the premise that the licensee has failed to establish adequate procedures for safely unloading the TN–40 dry-storage containers. The Prairie Island Indian Community also requested that an independent third-party review of the TN–40 unloading procedure be conducted, that they be given an opportunity to participate fully in the reviewing of the unloading procedure for the TN–40 cask, that the NRC hold hearings and allow them to participate fully in these and in any other procedures initiated in response to their Petition, and that the TS for the Prairie Island ISFSI be revised to incorporate mandatory unloading procedure requirements. The NRC issued *Northern States Power Company* (Prairie Island Nuclear Plant and Prairie Island Independent Spent Fuel Storage Installation), DD–97–18, on August 29, 1997, denying the requests made by the Prairie Island Indian Community. Although the staff acknowledged the potential difficulties in retrieving fuel from dry-storage casks if significant fuel degradation has occurred, the NRC staff concluded that licensees need not be required to incorporate specific guidance into the normal unloading procedure to address this unlikely situation. This conclusion was based on the staff's findings that (1) the licensee's procedure could support the normal unloading of spent fuel assemblies from TN–40 casks at Prairie Island, (2) the licensee's unloading procedure contained the necessary measurements and precautions to detect if fuel had degraded during storage, and (3) the licensee could reasonably be expected to develop procedures to safely unload damaged fuel assemblies in the unlikely event that fuel did degrade during storage.

III. Discussion

The Petitioner requests actions by the NRC based on the contention that the unloading procedure developed by the licensee is inadequate and, therefore, the licensee has violated various NRC regulations related to having the ability to test and maintain systems and components, protecting the spent fuel cladding from degradation, designing storage systems to allow ready retrieval of spent fuel for further processing or disposal, and designing ISFSIs to facilitate decommissioning activities. In addition, the Petitioner alleges that the licensee violated NRC regulations pertaining to the submittal of complete and accurate information regarding maintenance and unloading issues associated with the TN–40 cask.

Item 1. Suspend SNM–2506

On the basis of the contention that the licensee's unloading procedure is inadequate, and, therefore, that the licensee is in violation of NRC regulations such as 10 CFR 72.122 and 10 CFR 72.130, the Petitioner requests that Materials License No. SNM–2506 be suspended for cause, in accordance with 10 CFR 50.100, until such time as the significant issues in the unloading process have been resolved and the unloading process has been demonstrated under the scrutiny of an independent third-party review.[2]

As previously stated, the NRC staff has reviewed the licensee's procedure for unloading a TN–40 cask at Prairie Island. The review, including verification that the licensee's unloading procedure was revised to address deficiencies found by the NRC inspectors, is documented in NRC Inspection Report 50–282/95002; 50–306/95002; 72–10/95002(DRP). Reasonable confidence that the licensee could, if necessary, safely unload a TN–40 cask is supported by the findings from the NRC inspection. The findings of subsequent evaluations performed by the NRC staff as part of the activities associated with the dry-cask-storage action plan and the review of the Petition filed by the Prairie Island Indian Community confirmed the adequacy of the licensee's procedure for unloading a cask. The licensee is required to maintain the adequacy of the unloading procedure through programs required by NRC regulations, facility licenses, and NRC-approved quality assurance programs. Additional bases for the staff's findings regarding the cited regulatory requirements are discussed in the sections that follow. The NRC staff has determined that the findings discussed in the subsequent sections of this decision adequately address the Petitioner's claims regarding the licensee's compliance with the regulatory requirements pertaining to retrievability of spent fuel, maintenance of ISFSI systems, and decommissioning. The Petitioner's request to suspend Materials License No. SNM–2506 is, therefore, denied.

Regarding a third-party review, the NRC staff's concern about the quality of licensees' unloading procedures led NRC to include the issue in the dry-cask-storage action plan. The action plan served as a framework for identifying and resolving various technical and administrative issues related to the use of dry-storage casks. The previously-mentioned actions taken by the NRC staff and licensees adequately resolved the issues pertaining to cask unloading procedures. In the specific case of the unloading procedure at Prairie Island, the licensee revised the procedure to address the problems raised by the staff during its inspection. On the basis of the actions it has already taken, the NRC staff does not believe that requiring additional demonstration of the procedures or review of the licensee's procedures by an independent third party is warranted.

Item 2. Determine That the Licensee Violated 10 CFR 72.122(f)

The Petitioner requests that the NRC determine that the licensee violated 10 CFR 72.122(f) by using a cask design that may require periodic seal maintenance or seal replacement that would necessitate returning the cask to the spent fuel pool. The Petitioner asserts that these casks cannot be placed back into the pool for the licensee to perform these functions, due to unresolved problems with fuel degradation during storage, flash steam, thermal shock, and the resulting potential for radiation dispersion. The Petitioner states that such a condition is in violation of the requirements that systems and components that are important to safety must be designed to permit inspection, maintenance, and testing.

The fact that the TN–40 cask design uses metallic seals to maintain the helium atmosphere within the cask was thoroughly reviewed during the licensing of the Prairie Island ISFSI as well as during staff reviews of similar casks designed by Transnuclear Inc., such as the TN–24 cask, which has been certified as an acceptable cask for use under the general licensing provisions of Subpart K of 10 CFR Part 72, and the TN–32 cask, which has had an associated topical report approved by the NRC staff for referencing in site-specific licensing applications. The seal design and related pressure-monitoring system were found to provide the necessary confidence that the inert atmosphere would be maintained and thereby prevent degradation of the fuel cladding during storage.

If it were necessary to repair or replace the metallic seals, the licensee would use the unloading procedure or a similar procedure to control the return of a TN–40 cask to the spent fuel pool. As will be discussed in more detail in the following section, the staff has determined that the licensee's unloading procedure is adequate. As documented in NRC Inspection Report 50–282/95002; 50–306/95002; 72–10/95002(DRP), the NRC staff did not require demonstration of seal replacement activities but did find that those activities performed during the dry-run exercises were adequate to demonstrate that such an activity could, if necessary, be accomplished. Given the staff's finding that the licensee's procedure for returning a cask to the spent fuel pool and subsequently unloading the fuel would not cause operational safety problems and the fact that the same procedure or a similar procedure would be used to support the repair or replacement of a TN–40 cask's metallic seals, the NRC concludes that the licensee has not violated 10 CFR 72.122(f) as alleged by the Petitioner.

Item 3. Determine That the Licensee Violated 10 CFR 72.122(h)

The Petitioner requests that the NRC determine that the licensee violated 10 CFR 72.122(h) by using a cask that must be placed into the spent fuel pool to perform necessary maintenance and unloading procedures. The Petitioner asserts that such placement of the cask into the pool will prematurely degrade the fuel and pose operational safety problems with respect to its ultimate and necessary removal from dry-cask storage. The Petitioner states that such a condition is in violation of the requirements that spent fuel cladding either be protected against degradation that leads to gross ruptures or otherwise confined so that fuel degradation during storage will not pose operational safety problems with respect to its removal from storage.

[2] The Petitioners request that Materials License No. SNM–2506 be suspended for cause in accordance with 10 CFR 50.100. Provisions for the modification, revocation, or suspension of the licenses for ISFSI facilities are contained in 10 CFR 72.60. The possible reasons for suspending licenses for ISFSIs in accordance with 10 CFR 72.60 are similar to the corresponding reasons for suspending licenses for production and utilization facilities in accordance with 10 CFR 50.100.

The staff has found that the TN–40 cask can adequately maintain the inert atmosphere within the cask to prevent fuel degradation and provides for sufficient indication of the loss of the inert atmosphere using the pressure-monitoring system. Maintaining the inert atmosphere and other design requirements established for the TN–40 casks is sufficient to protect the fuel cladding during storage. In the event that the pressure-monitoring system indicates that the helium atmosphere is not being maintained within a TN–40 cask, the TS for the Prairie Island ISFSI require that the cask be returned to the spent fuel pool for replacing or repairing the seals.

The Petitioner asserts that the return of the cask to the spent fuel pool will prematurely degrade fuel and poses operational safety problems. In support of this assertion, the Petitioner enclosed, as Exhibit A to the Petition, a letter from Dr. Gail Marcus of the NRC staff, dated February 25, 1997, which responded to an inquiry made to the NRC staff by Mr. George Crocker of the Prairie Island Coalition. In the letter, Dr. Marcus makes the following statements:

(1) As part of its assessments of licensees' procedures for unloading dry storage casks, the NRC staff considers the dry-run exercises performed to verify key aspects of unloading procedures, as well as licensees' actual experience in the loading and unloading of transportation casks, loading of storage casks, handling of spent fuel assemblies under various conditions, and performing various activities associated with reactor facilities. In the absence of actual experience in unloading spent fuel from a cask following a long period of storage, a general understanding of technical capabilities and related experiences enables the NRC staff to assess the adequacy of a licensee's procedures for unloading dry storage casks.

(2) Although the limited unloading experiences with storage casks have not involved the temperature differences between fuel and coolant that may occur if a cask was unloaded after a period of storage, engineering evaluations and experiences with transportation casks have shown that ''thermal shocking'' is unlikely to cause operational safety problems.

(3) Although licensees would be able to develop means to retrieve degraded fuel assemblies from a dry storage cask, the accumulated occupational dose to perform this activity may be increased from the previously mentioned estimates. Fuel reactivity for criticality considerations could increase only under very idealistic and highly unlikely disintegration patterns in the fuel. Upon detection that fuel disintegration had occurred, special measures would be developed and implemented to assure an adequate safety margin is maintained during unloading.

The statement regarding ''thermal shock'' is based on the fact that the licensee's unloading procedure contains precautions to slowly introduce water to the TN–40 cask and thereby minimize the thermal shock to the fuel assemblies. As explained in DD–97–18, at pp. 13–14, the NRC staff does not believe that the process of refilling a cask with water and returning it to the spent fuel pool will cause fuel degradation or operational safety problems. In DD–97–18, the staff stated:

The Petitioners expressed concerns regarding the reaction of the cask and stored fuel assemblies to the introduction of spent fuel pool water during the execution of the unloading procedure. The unloading procedure includes the partial immersion of the TN–40 cask into the spent fuel pool, connection of hoses to the vent and drain connections, and the slow introduction of spent fuel pool water to the cask cavity and stored fuel assemblies. The procedure instructs personnel to continuously monitor the temperature and pressure instrumentation installed on the vent connection and to stop pumping water if the pressure exceeds 10 psig or the temperature exceeds 240 °F. In the staff's judgment, the cooling process imposed by these limitations on temperatures and pressures at the vent port of the cask will adequately ensure that the cooling of the cask and spent fuel is gradual and, thereby, prevent safety problems that could hypothetically result from damage to the cask or the fuel assemblies because of stresses induced by a poorly controlled addition of cooling water from the spent fuel pool.

The Petitioner also cites a letter dated April 15, 1997, from Susan Frant Shankman of the NRC staff to Sierra Nuclear Corporation, which emphasizes that NRC regulations require that inert atmospheres be maintained within dry-storage casks in order to prevent fuel degradation during storage. The Petitioner states that the pressure-monitoring system is included in the design because the loss of helium from TN–40 casks is an anticipated event and that neither fuel degradation that may result from a loss of the helium nor the method by which the licensee would replace a damaged seal has been addressed. As previously mentioned, the NRC staff has found that the design of the TN–40 casks, including its combination of metallic seals and a pressure-monitoring system, is adequate to maintain a helium atmosphere within the cask. The helium atmosphere, in turn, has been found, when combined with other restrictions in the license for the Prairie Island ISFSI, to adequately protect against degradation of the spent fuel cladding.

Given its finding that (1) fuel integrity will be maintained during normal storage by the inert atmosphere and (2) the return of a cask to the spent fuel pool for unloading or seal maintenance would not result in fuel degradation that would result in operational safety problems, the NRC staff has not identified a violation of 10 CFR 72.122(h) at the Prairie Island ISFSI, as is claimed by the Petitioner.

Item 4. Determine That the Licensee Violated 10 CFR 72.122(l)

The Petitioner requests that the NRC determine that the licensee violated 10 CFR 72.122(l) by loading casks and storing them before the licensee had developed and implemented procedures adequate to safely unload and decommission the TN–40 casks.

The staff's basis for determining that the licensee has not violated the requirements of 72.122(l) for the reasons cited by the Prairie Island Indian Community was discussed in DD–97–18. As discussed in DD–97–18, normal unloading procedures do not need to incorporate contingency actions for failed fuel, provided that precautions exist to check for fuel degradation before breaching the confinement boundaries of a cask. In the unlikely event that fuel degradation has occurred during storage, the licensee would need to address the retrieval of failed fuel and implement necessary precautions related to the radioactive and fissile materials within the cask.

In support of its claim regarding potential problems in unloading a TN–40 cask, the Petitioner enclosed, as Exhibit B to the Petition, a letter from the NRC staff which asked the licensee questions about a proposed amendment to the operating license for the Prairie Island Nuclear Generating Plant.[3] The proposed and subsequently issued amendment pertained to the TS associated with the operability of the

[3] The Petitioner also claims that an NRC memorandum dated April 16, 1997, that addressed a request from an NRC regional office for clarification of terms associated with dry-cask storage, is deficient in that it does not address possible problems that may be encountered during unloading of a dry-storage cask or all of the possible reasons for returning a dry-storage cask to the spent fuel pool. In that memorandum, the staff stated:

The two basic reasons to return a cask to the spent fuel pool and unload the spent fuel assemblies are either to (1) retrieve the fuel assemblies for further processing or disposal or (2) respond to an event or condition that has potentially degraded the design requirements established for the cask.

The Petitioner claims that the memorandum failed to address two reasons to return a cask to the spent fuel pool; maintenance of the metallic seals and decommissioning of the ISFSI. These are, however, only specific examples of the general reasons given above to unload a cask. Seal maintenance is performed to respond to or prevent a condition that potentially degrades the design requirements associated with maintaining the inert atmosphere; decommissioning of the ISFSI would obviously require retrieving or transporting the fuel assemblies for further processing or disposal.

reactor facility's spent fuel pool special ventilation system during movement of fuel assemblies within the spent fuel pool enclosure. During its review of the proposed amendment, the NRC staff requested that the licensee submit additional information about the use of the ventilation system during the possible unloading of dry-storage casks. This request for additional information, dated July 10, 1997, is the letter cited by the Petitioner. In its response of July 29, 1997, to the staff's request for additional information, the licensee explained the relationship of the ventilation system to dry-cask activities and clarified details of the procedure for unloading a TN–40 cask. The NRC was satisfied with the licensee's response to the questions which explained that the spent fuel pool special ventilation system is not operable during the filling and venting of a cask during the unloading procedure and that cracking of spent fuel rods is not expected as a result of introducing water to the cask during the unloading procedure. Those aspects of the proposed revision to the Prairie Island TS that potentially related to dry-cask activities were subsequently approved by the NRC staff in Amendment No. 130 to Facility Operating License No. DPR–42 and Amendment No. 122 to Facility Operating License No. DPR–60.

In support of its claim regarding potential problems with removing fuel assemblies from TN–40 casks, the Petitioner enclosed, as Exhibits C and D to the Petition, letters from personnel at the Idaho National Engineering Laboratory (INEL) regarding problems with removing fuel canisters from a TN–24P cask during testing at INEL. The TN–24P cask is similar in design to the TN–40 cask used at Prairie Island. The problems were addressed in the rulemaking that added Transnuclear Inc.'s TN–24 cask to the list of NRC-certified casks. The subject comment on the proposed rulemaking pertaining to the TN–24 cask and the NRC staff's response as published in the **Federal Register** (58 FR 51762) are provided below:

2. Comment. One commenter stated that the TN–24 cask is seriously flawed. Test and operation at Idaho showed the TN–24 storage sleeves to be subject to warpage after only a few years of storage. A fuel assembly became stuck in the TN–24 cask while trying to remove it. It could not be removed and it was forced back into the cask.

Response. The NRC discussed this issue with personnel at INEL who worked on the tests of the TN–24 cask and other casks. These individuals said that a canister of consolidated fuel, not a fuel assembly, got stuck in the TN–24 cask. The canister was larger than a fuel assembly and, unlike a fuel assembly, it had many screws and nuts protruding from it. The storage sleeves in the TN–24 Basket did not warp. The individuals suspect that one of the screws or nuts got caught on an interlocking plate in the basket of the TN–24 cask. The Certificate of Compliance does not allow the storage of consolidated fuel in canisters. Additionally, the basket of the TN–24 tested at INEL is slightly different from the one which Transnuclear plans to use in its certified cask.

The license issued for the Prairie Island ISFSI also prohibits the storage of consolidated fuel assemblies and, therefore, the problems with unloading experienced during the testing at INEL are not expected to occur when the licensee unloads its TN–40 casks.

The Petitioner asserts that additional evidence that dry-storage casks cannot be unloaded is provided by the experiences of the licensee for the ISFSI at the Palisades Nuclear Plant. As discussed in detail in NRC Inspection Report 50–255/96201(NRR) dated September 4, 1997, the NRC staff has found that the Palisades dry-cask unloading procedure, along with supporting operating, maintenance, radiation protection, and administrative procedures, contains adequate directions for the safe unloading of VSC–24 storage casks.[4]

Much of the argument pertaining to the inadequacy of the licensee's unloading procedure that is presented by the Petitioner centers on the lack of an actual example of the unloading of a dry-storage cask at a commercial reactor facility. As discussed in DD–97–18, the NRC staff's judgment that there is reasonable assurance that the TN–40 casks can be safely unloaded comes from a variety of experiences related to the use and storage of radioactive materials. Among these experiences are the dry-run exercises that were performed to verify key aspects of unloading procedures for the TN–40 cask; related research sponsored by the commercial nuclear industry, the U.S. Department of Energy, and the NRC; actual loading and unloading of transportation casks; loading of storage casks; handling of spent fuel assemblies under various conditions; and performing relevant maintenance and engineering activities associated with reactor facilities.

[4] The NRC staff has also found that the subject cask can safely be used for storing spent fuel despite the licensee's announced plans for unloading the cask after it discovered (from radiographs for a weld in a VSC–24 multi-assembly sealed basket) indications of possible defects. The licensee subsequently announced that it was deferring the unloading of the cask pending the availability of a cask that supports both storage and transport functions.

The NRC staff has reviewed the information submitted by the Petitioner and has determined that the licensee could, if necessary, unload a TN–40 cask and has not, therefore, identified a violation of 10 CFR 72.122(l).

Item 5. Determine That the Licensee Violated 10 CFR 72.130

The Petitioner requests that the NRC determine that the licensee violated 10 CFR 72.130 by using the TN–40 cask and failing to make provisions to successfully accomplish the removal of radioactive waste and contaminated materials at the time the independent spent fuel storage installation (ISFSI) is permanently decommissioned. The basis for this assertion is that TN–40 casks cannot be safely unloaded. As discussed in previous sections and as discussed in DD–96–21, the NRC staff has found that spent nuclear fuel can be safely unloaded from the TN–40 casks, whether such unloading is necessary in response to an event or in support of decommissioning the ISFSI.

In order to support the decommissioning of the Prairie Island ISFSI, the licensee may need to transfer the spent fuel stored in TN–40 casks to another cask for transfer of the fuel assemblies to another location for storage or disposal. In order to transfer the spent fuel assemblies, the licensee will need to either return the casks to the spent fuel pool or use a yet-to-be-approved system that transfers fuel assemblies under dry conditions. In the event that the spent fuel pool is used to transfer fuel assemblies, the unloading procedure or a similar procedure would control the return of the fuel from the ISFSI to the spent fuel pool. Given that the staff has determined that the unloading procedure is adequate to control the unloading of fuel assemblies from a TN–40 cask to the spent fuel pool, the staff has no reason to (1) find that its use as part of the decommissioning of the ISFSI facility raises unique questions regarding compliance with 10 CFR 72.130 or (2) otherwise change the conclusion it reached during the licensing of the ISFSI at Prairie Island regarding the viability of decommissioning the facility.

Item 6. Determine That the Licensee Violated 10 CFR 72.11

The Petitioner requests that the NRC determine that the licensee violated 10 CFR 72.11 by failing to provide and include complete and accurate material information regarding maintenance and unloading of TN–40 casks in the application for the Prairie Island ISFSI and in subsequent submittals on the

subject of cask maintenance and unloading. In support of this contention, the Petitioner references the letter from G. Marcus dated February 25, 1997, (Exhibit A to the Petition), which explained the NRC action plan for dry-cask storage and its item related to oversimplified descriptions of the process for unloading fuel from casks as the reverse of loading casks. In that letter to Mr. Crocker of the Prairie Island Coalition, Dr. Marcus states:

> Some SARs do state that unloading is basically the reverse of loading and this statement, in a general sense, is true, However, such statements may tend to over-simplify matters because they do not reflect that the unloading process introduces different conditions and complications compared to the loading process. In the NRC action plan for dry cask storage and related statements made by the NRC staff, including those by Mr. Kugler, the staff was emphasizing that licensees need to identify the conditions and complications that are associated with the unloading process and ensure that unloading procedures address those concerns. The unloading procedure for the dry storage casks at Prairie Island was inspected by the NRC staff and, following minor revisions, was found to provide adequate guidance to control the unloading process. A copy of NRC Inspection Report 50–282/95002; 50–306/95002; 72–10/95002 is provided as Enclosure 2.

The petitioner asserts that upon receipt of information related to unloading issues, the licensee has not taken steps to correct its unloading problem and has refused to address these continuing problems.

As stated in DD–97–18, in response to a similar request made by the Prairie Island Indian Community, the safety analysis report (SAR) for the Prairie Island ISFSI and other docketed correspondence do state that a TN–40 cask would be unloaded using a procedure that is basically the reverse of the procedure used to load the cask. Although this statement, in a general sense, is true, the NRC staff has expressed its concerns that such statements may oversimplify the description of the unloading activity. For this reason, the NRC staff added an item related to unloading procedures to its dry-cask-storage action plan to ensure that actual unloading procedures did not reflect such an oversimplified representation. Additional inspections, revised staff guidance, and communications with the nuclear industry were conducted under the staff's action plan related to this issue. The staff inspected the unloading procedures at Prairie Island and found that they provided adequate guidance to control the unloading process.

The staff's review of the information originally submitted by the licensee shows that the information pertaining to cask unloading was complete and accurate given the staff's expectations and the information provided by other licensees in applications submitted in the same time period. It should be noted that material submitted by the licensee for the ISFSI at Prairie Island includes copies of the loading and unloading procedures and those procedures have been available for public review. Regarding the information given to the NRC pertaining to maintenance of the TN–40 casks, which the Petitioner also claims was incomplete and inaccurate, the NRC staff acknowledged in its safety evaluation report that maintenance activities were discussed only briefly in the submittals supporting the ISFSI at Prairie Island. The level of information submitted, however, was generally consistent with the level of information in other applications of that same time period and was sufficient to meet the staff's expectations for the review process. The NRC staff has not identified a violation of 10 CFR 72.11 pertaining to the information provided by the licensee as is claimed by the Petitioner.

Item 7. Determine That the Licensee Violated 10 CFR 72.12

The Petitioner requests that the NRC determine that the licensee violated 10 CFR 72.12 by deliberately and knowingly submitting incomplete and inaccurate material information regarding maintenance and unloading of TN–40 casks in the application for the Prairie Island ISFSI and in subsequent submittals on cask maintenance and unloading issues. The Petitioner states that the licensee has continually insisted that it can unload TN–40 casks and that the licensee has referenced inapplicable studies to support its position.

As mentioned in the response to the preceding item, the staff believes that the information submitted by the licensee is consistent with the information in other applications of that same time period and was sufficient to meet the staff's expectations for the review process. Given that the NRC staff has found that the licensee could, if necessary, unload a cask, the staff does not agree this statement when made by the licensee was deliberately incomplete or inaccurate information in any material respect. The NRC staff has not identified a violation of 10 CFR 72.12 pertaining to the information provided by the licensee as is claimed by the Petitioner.

Item 8. Require That the Licensee Pay a Substantial Penalty

The Petitioner requests that the NRC require the licensee to pay a substantial penalty for each cask loaded in violation of NRC regulations. Given that the staff has not identified violations of NRC regulations as alleged by the Petitioner, the staff has no basis to issue a notice of violation and proposed civil penalty.

Item 9. Administer Other Sanctions Deemed Necessary and Appropriate

The Petitioner requests that the NRC administer such other sanctions for the alleged violations of NRC regulations as the NRC deems necessary and appropriate. Given that the staff has not identified violations of NRC regulations as alleged by the Petitioner, there is no basis for sanctions against the licensee.

Item 10. Provide Petitioner the Opportunity to Review Procedures

The Petitioner requests that it be given the opportunity to participate in a public review of maintenance, unloading, and decommissioning processes and procedures in question and an opportunity to comment on draft findings after investigation by the NRC.

Regarding the unloading procedure, the licensee has provided the NRC with the unloading procedure, including Revision 2, dated November 8, 1996, for placement into the public record, and the Petitioner has been supplied with a copy of the procedure. Accordingly, the Petitioner has had the opportunity to review a recent revision of the unloading procedure and may continue to review other documents in the public domain. As previously discussed in this decision, the NRC staff has performed various technical reviews and inspections related to the issues raised by the Petitioner. These reviews and inspections have provided the bases of the NRC staff's findings that the licensee has complied with the applicable regulatory requirements. Given that no violations or previously unidentified regulatory issues have been raised by the Petitioner, the NRC staff sees no reason to undertake additional reviews of the maintenance, unloading, and decommissioning processes and procedures or to initiate public hearings.

Regarding the Petitioner's request for an opportunity to comment on draft findings after the requested NRC ''investigation,'' the request is rendered moot by the NRC staff's determination that additional reviews or ''investigations'' are unnecessary. In addition, the NRC staff does not, as a matter of general policy, release draft or

predecisional information to its licensees or to the public for review and comment.

Item 11. Order Modification of the Licensee's ISFSI Technical Specifications

The Petitioner requests that the NRC issue an order to modify the TS for the Prairie Island ISFSI to ensure a demonstrated ability to, in fact, safely maintain, unload, and decommission TN–40 casks.

Although the TS for the Prairie Island ISFSI require that TN–40 casks be unloaded if certain events or conditions defined in the TS are satisfied, the TS do not include specific requirements for the unloading process. Likewise the TS do not detail maintenance or decommissioning procedures or processes. The content of the TS for the Prairie Island ISFSI is typical in this respect since neither 10 CFR 72.44 nor the associated regulatory guidance documents specify that technical specifications should include special requirements for these procedures.[5] Instead, the functional and operating limits, limiting conditions, administrative controls, and other requirements included in the TS for the Prairie Island ISFSI are intended to maintain the cask and stored spent fuel assemblies within the limits established for safe operation during storage within the ISFSI and activities such as loading and unloading of the casks. For example, TS 2.3 limits the allowable lifting heights during movement of the cask from the ISFSI and TS 3/4.2 requires a measurement of the boron concentration of the water in the spent fuel pool before water is introduced to the cask during the unloading process.

As the staff explained in DD–97–18, the absence of specific requirements in the TS to control the unloading process does not diminish the importance that the NRC staff places on this activity. Likewise, specific requirements for performing routine maintenance activities and possible activities during decommissioning, although important, are not prescribed in the TS. The TS do, however, contain requirements for monitoring the integrity of the metallic seals and actions to be taken in the event that the pressure-monitoring system indicates a potential loss of the inert atmosphere within the cask. The NRC staff believes that other regulatory requirements offer an equivalent level of protection to the Petitioner's request to include specific requirements in the TS to control the maintenance and unloading of TN–40 casks and the eventual decommissioning of the ISFSI. The administrative controls in the TS for the Prairie Island ISFSI require that the associated procedures be prepared, reviewed, and maintained in accordance with the requirements of the Prairie Island Nuclear Generating Plant facility operating licenses and associated TS. In addition, under existing NRC requirements, the licensee must adequately implement procedures to control loading, maintaining, and unloading of dry-storage casks (see 10 CFR 72.122, 10 CFR 72.150, and 10 CFR 72.152). For example, as indicated in the NRC inspection documented in Inspection Report 50–282/95002; 50–306/95002; 72–10/95002(DRP), and the resulting notice of violation to the licensee, NRC's requirements in Criterion V of Appendix B to 10 CFR Part 50 already require the incorporation of appropriate steps and precautions into the original procedure developed to control unloading of a TN–40 cask. Thus, as demonstrated by the example, no changes to the TS or the SAR are needed to ensure that enforceable requirements for operating controls and limits are in place to address the unloading of a cask.

Given that the unloading procedure or a similar procedure can be used during maintenance activities for the repair or replacement of seals or during the decommissioning of the Prairie Island ISFSI, no changes to the TS or the SAR are needed to ensure that enforceable requirements for operating controls and limits are in place to address the unloading of the cask for these specific purposes.

Item 12. If Necessary, Order the Licensee to Build a Facility for Dry Transfer of Spent Fuel Assemblies

The Petitioner requests that the NRC review the licensee's processes and procedures for maintenance, unloading, and decommissioning, and if the licensee does not possess a capability to unload casks, order the licensee to build a ''hot shop'' for air unloading of casks and transfer of the fuel. Given that the staff has performed the level of reviews and inspections it feels are warranted and has found that the licensee could safely unload a TN–40 cask using the spent fuel pool, it is not necessary to order the licensee to build a facility to support the transfer of fuel assemblies under dry conditions.[6]

[5] Recent NRC staff guidance pertaining to the appropriate content of technical specifications is provided in NUREG–1536, ''Standard Review Plan for Dry Cask Storage Systems,'' published in January 1997. Similar guidance is provided by NRC Regulatory Guide 3.61, ''Standard Format and Content for a Topical Safety Analysis Report for a Spent Fuel Dry Storage Cask,'' issued in February 1989, and NRC Regulatory Guide 3.48, ''Standard Format and Content for the Safety Analysis Report for an Independent Spent Fuel Storage Installation (Dry Storage),'' issued in October 1981.

IV. Conclusion

For the reasons described above, the NRC has determined that no adequate basis exists for granting the Petitioner's request for suspension of Northern States Power Company's license for dry-cask storage of spent nuclear fuel at Prairie Island or for taking the other actions requested by the Petitioner.

A copy of this decision will be filed with the Secretary of the Commission for the Commission to review in accordance with 10 CFR 2.206(c).

As provided by this regulation, this decision will constitute the final action of the Commission 25 days after issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Rockville, Maryland, this 11th day of February 1998.

For the Nuclear Regulatory Commission.

Samuel J. Collins,

Director.

[FR Doc. 98–4324 Filed 2–19–98; 8:45 am]

BILLING CODE 7690–01–P

[6] However, as noted in response to Item 5, the licensee may elect to transfer fuel assemblies under dry conditions if a dry-transfer system is developed and receives appropriate NRC approval.

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IA–1700/803–130]

Moreland Management Company; Notice of Application

February 12, 1998.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption under the Investment Advisers Act of 1940 (''Advisers Act'').

Applicant: Moreland Management Company.

Relevant Advisers Act Sections: Exemption requested under section 202(a)(11)(F) from section 202(a)(11).

Summary of Application: Applicant requests an order declaring it to be a person not within the intent of section 202(a)(11), which defines the term ''investment adviser.''

Filing Dates: The application was filed on December 19, 1997 and amended on January 29, 1998.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a

copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 9, 1998, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, Moreland Management Company, Suite 550 at Cambridge Court, 28601 Chagrin Boulevard, Cleveland, Ohio 44122–4531.

FOR FURTHER INFORMATION CONTACT: Catherine M. Saadeh, Staff Attorney, at (202) 942–0650, Jennifer S. Choi, Special Counsel, at (202) 942–0725 (Division of Investment Management, Task Force on Investment Adviser Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant was organized as an Ohio corporation in 1987 by LJR Trust (the ''Trust''), which owns all of applicant's outstanding stock. The Trust exists for the benefit of Mr. Leonard C. Horvitz and his descendants (the ''Horvitz Family'').

2. Applicant was formed to serve as the ''family office'' for the Horvitz Family. In addition to the Trust, applicant's other clients consist of (i) The immediate members of Mr. Horvitz's family and (ii) the trusts, foundations, partnerships, and other entities created by them, or by the Trust, to serve as vehicles for investments.

3. Applicant provides asset allocation, record-keeping, investment due diligence, federal and state tax advice, coordination of professional relationships with accountants and attorneys, and other services to the Trust and applicant's other clients. Applicant currently has 14 employees. Applicant is paid for its services by the Trust and applicant's other clients.

Applicant's Legal Analysis

1. Section 202(a)(11) of the Advisers Act defines the term ''investment adviser'' to mean ''any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities * * *.'' Section 202(a)(11)(F) of the Advisers Act authorizes the SEC to exclude from the definition of ''investment adviser'' persons that are not within the intent of section 202(a)(11).

2. Section 203(a) of the Advisers Act requires investment advisers to register with the SEC. Section 203(b) of the Advisers Act provides exemptions from this registration requirement.

3. Applicant asserts that it does not appear to qualify for any of the exemptions provided by section 203(b). Applicant states that it is not prohibited from registering with the SEC under section 203A of the Advisers Act because its principal office and place of business is located in Ohio.[1] Applicant requests that the SEC declare it to be a person not within the intent of section 202(a)(11).

4. Applicant asserts that there is no public interest in requiring it to be registered under the Advisers Act. Applicant states that it is a private organization that was formed to be the ''family office'' for the Horvitz Family. Applicant represents that all of its clients have a close relationship with the Horvitz Family in that they are all either immediate members of Mr. Horvitz's family or are entities created by and for the Horvitz Family. Applicant states that it has no public clients in the sense of retail investors, and that it has no plans, now or in the future, to solicit clients from the retail public. Applicant asserts that serving as the ''family office'' for the Horvitz Family will be its exclusive mission.

5. Applicant states that it does not hold itself out to the public as an investment adviser. Applicant states that only its name, which doe not itself have any suggestive connotations, is listed in the Cleveland-area telephone book and on the index of residents located in the lobby of its building. Applicant represents that it does not engage in any advertising, attend investment management-related conferences as a vendor, or conduct any marketing activities.

6. Applicant states that its investment advisory activities constitute a very small portion of its overall activities. Applicant represents that of its 14 employees, only three have any involvement in applicant's investment advisory activities. Applicant states that these three employees estimate that investment advisory activities make up less than 25 percent of their responsibilities. Applicant states that its principal activities are not investment advisory in nature, and that the largest portion of its activities involve providing services that do not involve investment advice of any kind.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4256 Filed 2–19–98; 8:45 am]

BILLING CODE 8010–01–M

[1] Ohio does not currently regulate investment advisers.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39661; International Series Release No. 1117; File No. 600–30]

Self-Regulatory Organizations; Emerging Markets Clearing Corporation; Order Granting Temporary Registration as a Clearing Agency

February 13, 1998.

On May 30, 1997, the Emerging Markets Clearing Corporation (''EMCC'') filed with the Securities and Exchange Commission (''Commission'') an application on Form CA–1 [1] for registration as a clearing agency pursuant to Sections 17A and 19 of the Securities Exchange Act of 1934 (''Exchange Act'') [2] and Rule 17Ab2–1 thereunder.[3] Notice of EMCC's application was published in the **Federal Register** on July 10, 1997.[4] Eight comment letters were received in response to the notice of filing of the EMCC application.[5] This order grants FMCC registration as a clearing agency for a period not to exceed eighteen months and exempts EMCC from certain provisions of the Exchange Act.

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I. Description

A. EMCC Organization
B. Eligible Securities

[1] On June 2, 1997, June 17, 1997, August 7, 1997, October 14, 1997, October 21, 1997, and October 28, 1997, EMCC filed amendments to its application. Copies of the application are available for inspection and copying at the Commission's Public Reference Room.

[2] 15 U.S.C. 78q–1 and 78s.

[3] 17 CFR 240.17Ab2–1.

[4] Securities Exchange Act Release No. 38810 (July 1, 1997), 62 FR 37093 (''EMCC Notice'').

[5] Letters from Jonathan Kord Lagemann, attorney for Asialuck Limited (July 15, 1997); JP Morgan (July 30, 1997); Emerging Markets Traders Association (August 8, 1997); UBS Limited (August 7, 1997); Euro Brokers Maxcor Inc. (undated); EMCC European Operations Committee (August 8, 1997); Salomon Brothers Inc. (August 8, 1997); and Merrill Lynch, Pierce, Fenner & Smith Incorporated (August 6, 1997).

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I. Description of EMCC

A. EMCC Organization

EMCC is a corporation organized under the laws of the State of New York. EMCC was formed by the Emerging Markets Traders Association (''EMTA'')[6] and the International Securities Clearing Corporation (''ISCC'')[7] in response to an industry initiative to reduce risk in the clearance and settlement of emerging markets debt instruments. Currently, the International Securities Markets Association (''ISMA''),[8] the National Securities Clearing Corporation (''NSCC''),[9] and EMTA are the owners of EMCC.[10]

B. Eligible Securities

EMCC has been established as a clearing agency to facilitate the clearance and settlement of transactions in U.S. dollar-denominated Brady bonds at Cedel and Euroclear (collectively referred to as ''depositories'').[11] Currently, Brady bonds[12] are settled through the facilities of Cedel Bank, Société anonyme (''Cedel'') and the Euroclear system, which is operated by the Brussels Office of Morgan Guaranty Trust Company of New York (''Euroclear'').[13] In the future, EMCC may expand its clearance and settlement services to include other emerging markets debt instruments.[14]

C. Clearance Services

Dealers and interdealer brokers (''broker'') will submit transaction data relating to trades to be settled at EMCC to a locked-in trade source which will match such data using its own criteria. Initially, the locked-in trade sources designated by EMCC are Match-EM and TRAX.[15] Upon completion of the matching process, each locked-in trade source will submit transaction data to EMCC.[16]

EMCC will receive data from the locked-in trade sources three times each business day: (1) Between 8:00 a.m. and 8:30 a.m. eastern time (''ET'') (''early morning transmission''); (2) between 11:00 a.m. and 11:30 a.m. ET (''midmorning transmission''); and (3) between 9:00 p.m. and 9:30 p.m. ET (''evening transmission''). At approximately 10:30 a.m. ET and 11:30 p.m. ET, EMCC will send to its members and to the locked-in trade sources a report of data that was rejected because it did not meet EMCC's or the depositories' operational parameters.[17] Any correction or cancellation of data must be done through the locked-in trade sources.[18]

EMCC will report to each member on its ''accepted trade report'' data on all trades: (a) That are matched by the locked-in trade sources; (b) that are received by EMCC by the early morning transmission two days after trade date (''T+2''); (c) that are eligible for processing by EMCC (*i.e.*, U.S. dollar denominated Brandy bonds); and (d) that are not rejected by EMCC based on the operational parameters. EMCC will interpose itself as the counterparty and guarantor on a trade-for-trade basis with respect to the trades it reports on its accepted trade report unless EMCC notifies or has made information available to its members that trades

[6] EMTA is a trade association organized in 1990 as a New York not-for-profit corporation by financial institutions to promote the development of trading markets in emerging market instruments. At the end of 1996, EMTA had 154 members, which were mainly broker-dealers and banks. EMTA owns 100% of the outstanding voting securities of EMTA Black, Inc. EMTA Black, Inc. in turn owns 100% of the outstanding voting securities of each of Clear-EM, Inc.; match-EM, Inc.; and Net-EM, Inc. Match-EM, Inc. is the owner of Match-EM, which is an electronic post-trade confirmation and matching system for Brady bonds and sovereign loans operated by GE Information Services, Inc. (''GE''). Match-EM also enables EMTA to disseminate daily market volume and price data. Match-EM began operations in May 1995.

[7] ISCC is the wholly owned subsidiary of the National Securities Clearing Corporation and is registered as a clearing agency under the Exchange Act. Securities Exchange Act Release No. 26812 (May 12, 1989), 54 FR 21691 (order approving temporary registration of ISCC as a clearing agency). ISCC continues to operate under its temporary registration. Securities Exchange Act Release No. 38703 (May 30, 1997), 62 FR 31183.

[8] ISMA is an industry association composed of broker-dealer firms. ISMA has approximately 820 members in 48 countries. ISMA is organized under the laws of Switzerland and is registered in the United Kingdom (''U.K.'') as a designated investment exchange. ISMA owns TRAX, a trade matching and reporting system started in 1989. ISMA's wholly-owned subsidiary, International Securities Market Association Limited (''ISMA Ltd.''), operates TRAX. U.K. broker-dealers can use TRAX to fulfill their U.K. reporting requirements.

[9] NSCC is a clearing agency registered under Section 17A of the Exchange Act. Securities Exchange Act Release No. 20221 (September 23, 1983), 48 FR 45167 (order approving full registration of NSCC as a clearing agency). NSCC is owned by the New York Stock Exchange, Inc., the American Stock Exchange, Inc., and the National Association of Securities Dealers, Inc.

[10] EMTA owns 300 shares (37.5% of the outstanding shares), NSCC owns 300 shares (37.5% of the outstanding shares), and ISMA owns 200 shares (25% of the outstanding shares). No later than June 30, 1998, EMCC intends to issue shares to persons that have contributed to the EMCC development fund and to finance EMCC's initial operations in such amounts and at such times as determined by EMCC. EMCC will file a proposed rule change prior to any such issuances.

[11] Initially, only Brady bonds will be eligible for processing at EMCC. As defined in EMCC's rules, Brady bonds are: (i) any bond or note issued in connection with the restructuring of indebtedness by a sovereign or an agency or entity thereof under the auspices of the Brady plan or under any similar restructuring or financing plan whether or not collateralized and including bonds or notes issued in exchange thereof or (ii) any warrant or similar right originally issued attached to a Brady bond. The term does not include securities offered by a sovereign debtor to investors through normal underwriting syndication channels.

[12] Pursuant to a plan developed by then U.S. Treasury Secretary Nicholas Brady, certain countries have issued collateralized debt securities (*i.e.*, Brady bonds) in exchange for outstanding bank loans as part of an internationally supported sovereign debt restructuring. Typically, the collateral would be U.S. Treasury securities. More recently, some issues of Brady bonds have been issued without collateral.

[13] For a description of Cedel, *see* Securities Exchange Act Release No. 38328 (February 24, 1997), 62 FR 9225 (order approving application for limited exemption from registration as a clearing agency). For a description of Euroclear, *see* Securities Exchange Act Release No. 38589 (May 9, 1997) 62 FR 26833 (notice of filing of application for exemption from registration as a clearing agency).

[14] EMCC will file proposed rule changes with the Commission prior to expanding the categories of securities eligible for processing at EMCC.

[15] *See supra* notes 6 and 8.

[16] TRAX will only submit data to EMCC on matched trades that members have designated as EMCC trades. Match-EM will submit data to EMCC on all trades submitted to it. EMCC will segregate out for processing all data on trades between two EMCC members. However, if an EMCC member maintains two accounts with Match-EM, EMCC will only process trades in the EMCC designated account.

[17] Such parameters include complete information and valid characters. In addition, EMCC has established a maximum delivery size of $20 million.

[18] Any cancellation or correction must be received by EMCC no later than the early morning transmission two business days after trade date (''T+2'').

listed on the accepted trade report are not assumed and guaranteed because EMCC has ceased to act for the original counterparty.[19] EMCC's guarantee will be effective with respect to: (a) Trades reported on the evening accepted trade report at the later of midnight ET or one half hour after the issuance of the preliminary margin report[20] and (b) trades reported on the morning accepted trade report at the later of 1:00 p.m. ET or two and one-half hours after issuance of the final margin report.[21]

Matched trades that are eligible for processing and that are received on T+2 in the midmorning transmission will be listed on a settlement instructions only report (''SIO report''). For trades listed on this report, EMCC will provide settlement instructions on behalf of its members to the depositories but will not novate or guarantee the trade. EMCC will not accept transaction data sent after the midmorning transmission on T+2.

Upon standing instructions of a member, EMCC will also include on the SIO report uncompared transaction on T+2. If EMCC receives by the early morning transmission on T+2 updated data from Match-EM indicating that an uncompared trade has been cancelled or compared, EMCC will not include data on the trade on the SIO report. If submitted in time, these trades will be reported on the accepted trade report. If not, they will be processed by the depositories, but will not be guaranteed by EMCC.

Accepted trade reports will be made available to members at approximately 10:30 a.m. ET and 11:30 p.m. ET. The morning report will contain data on matched trades received in the early morning transmission. The evening report will contain data on matched trades received in the midmorning and evening transmissions. The SIO report will be issued at approximately 12:00 p.m. ET. At approximately 12:30 p.m. on T+2, EMCC will send settlement instructions to the depositories based on trade data contained in the accepted trade reports and in the SIO reports.

D. Settlement Services

EMCC is a member of both Euroclear and Cedel. For trades listed on the accepted trade report, EMCC will transmit settlement instructions to the appropriate depository on behalf of members with EMCC as the counterparty to each side of the trade. EMCC will send instructions to the depository at 12:30 p.m. on T+2 for settlement the next day (''T+3''). The settlements will be made on a delivery against payment/receive against payment basis through EMCC's account at each depository.[22]

In accordance with the depositories' rules, settlement will occur only if the receiver has sufficient cash or line of credit to pay for the delivery and the deliverer has sufficient securities to make full delivery.[23] The depositories will notify EMCC and its members each day at midnight ET of the status of trades indicating which have settled and which were scheduled to settlement but are still pending. EMCC will not provide settling trade reports or fail reports to its members.

If a member fails to accept delivery of securities from EMCC because it has insufficient funds, EMCC will send a fail compensation instruction to the appropriate depository. The next day (presuming that the member is not insolvent), the depository will debit the account of the member that had insufficient funds and credit its counterparty's account an amount of money based on the depository's overnight borrowing interest rate multiplied by the amount of funds which were not paid.

With respect to transactions reflected on a member's SIO report, EMCC will send instructions on the afternoon of T+2 to the depository on behalf of that member for T+3 settlement. EMCC will not monitor the settlement of these transactions.

E. Buy-ins/Sell-outs

EMCC's rules permit a member to buy-in or a sell-out of Brady bonds in the event that a transaction has not been completed by five days after settlement date (''SD+5'').[24] EMCC may also initiate a buy-in or sell-out if it determines that such action is necessary to protect EMCC, its members, its creditors, or its investors; to safeguard securities or funds in EMCC's custody or control; or to promote the prompt and accurate clearance and settlement of securities transactions.

While a member may request a buy-in or sell-out for deliver and receive obligations for warrants, EMCC will only complete the buy-in or sell-out of warrants at the requesting member's expense in the event that EMCC ceases to act for the member's counterparty. In addition, if EMCC ceases to act for the defaulting member after the pre-advice notice has been submitted but before the execution of the buy-in or sell-out, EMCC will only proceed with the buy-in or sell-out after confirming with the requesting firm that it wants to proceed at its expense.

F. Release of Clearing Data

Pursuant to EMCC's rules, EMCC may release its members' transaction data to EMTA in accordance with a written agreement between EMCC and EMTA. Such data may be used only for the purpose of promoting market transparency on a noncommercial basis. On June 9, 1997, EMCC and EMTA entered into a letter agreement that provides for the public dissemination of information relating to the aggregate and per trade transaction volumes and prices of trades processed by EMCC.

II. Comment Letters

The Commission received eight comment letters in response to the

[19] EMCC does not interpose itself as the counterparty and guarantor for transactions reported on the settlement instructions only report.

[20] *See Infra* Section III.D.1.a for a description of the preliminary margin report.

[21] *See infra* Section III.D.1.a for a description of the final margin report.

[22] Unless otherwise specified, EMCC assumes that bonds will be delivered with attached warrants.

[23] Both Cedel and Euroclear employ mechanisms that can look beyond the initial counterparties' obligations. Cedel has a ''chaining'' program which scans open transactions until all cash and securities resulting from same day settlements are reemployed to settle further transactions for same day value. Therefore, for back-to-back transfers for equivalent funds, customers may not need to pay because proceeds from sales are used to settle purchases.

Euroclear's chaining program operates somewhat differently. In scanning open transactions, the Euroclear program will only look to the next settlement. For example, if a member does not have sufficient funds to receive securities, Euroclear will ascertain whether that member has a corresponding securities deliver obligation to another member. In such case, Euroclear will complete both transactions if the counterparty to the deliver obligation has sufficient funds to pay for the securities. But if the counterparty to the securities deliver obligation did not have sufficient funds to settle the transaction, Euroclear, unlike Cedel, would not look to subsequent settlements for funds and securities. Accordingly, where EMCC as the counterparty to EMCC member trades has insufficient funds to accept deliveries, Euroclear's system will only look to EMCC's member to determine if sufficient funds exist. In order to permit Euroclear to ''look through'' EMCC for settlement and deliveries, EMCC will maintain a line of credit of at least $50 million at Euroclear. EMCC's line of credit will permit Euroclear to review not only the available funds of EMCC's member but also such member's subsequent counterparty, if any.

[24] A buy-in or sell-out may be initiated by submitting a ''pre-advice'' notice to EMCC. Upon receipt of the pre-advice notice, EMCC will transmit the notice to the member with the fail obligation. If the instruments or money covered by the pre-advice notice are not received within two business days after the date of the pre-advice notice, then the member that requested the buy-in or sell-out must deliver to EMCC a buy-in or sell-out notice between two to five business days after issuance of the pre-advice notice in order to proceed with the buy-in or sell-out. Upon receipt of the buy-in or sell-out notice, EMCC will transmit a buy-in or sell-out notice to the member with the fail obligation. Execution of the buy-in or sell-out will take place through an agent selected by EMCC on the fifth business day following the issuance of the buy-in or sell-out notice.

notice of filing of EMCC's application.[25] Seven were in favor of granting EMCC's application for registration. These commenters stated that EMCC would be effective in reducing the risks, particularly counterparty risk, involved in settling Brady bonds. In addition, many of these commenters thought that EMCC would provide a cost-effective means of settling Brady bond trades.

The one commenter that opposed EMCC's application stated that EMTA has failed to respond to a New York Stock Exchange subpoena and that such conduct was inconsistent with the conduct expected of a registered clearing agency. EMCC responded to this commenter by stating that EMTA had in fact responded to the subpoena and that EMTA's actions were irrelevant to EMCC's application because EMTA's involvement is limited to an ownership interest in EMCC pursuant to which it may elect only one director out of the 21 directors on EMCC's board.

III. Discussion

A. Statutory Standards

Section 17A of the Exchange Act directs the Commission, having due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and the maintenance of fair competition, to use its authority to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of securities transactions.[26] Registration of clearing agencies is a key element of the statutory objectives set forth in Section 17A.[27] Before granting registration to a clearing agency, Section 17A(b)(3) of the Exchange Act requires that the Commission make a number of determinations with respect to, among other things, a clearing agency's organization, rules, and ability to provide safe and accurate clearance and settlement.[28] Additionally, the Division of Market Regulation has published the standards it applies in evaluating applications for clearing agency registration.[29]

Section 17A(b)(1) provides that the Commission:

> May conditionally or unconditionally exempt any clearing agency or security or any class of clearing agencies or securities from any provisions of [Section 17A] or the rules or regulations thereunder, if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of [Section 17A], including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds.[30]

As a result, in granting exemptions from portions of Section 17A, the Commission requires substantial compliance with Section 17A and the rules and regulations thereunder based on a review of the standards.[31]

B. Participant Standards

1. Eligible Categories of Members

Section 17A(b)(3)(B) of the Exchange Act enumerates certain categories of persons that a clearing agency's rules must authorize as potentially eligible for access to clearing agency membership and services.[32] As discussed in the Standards Release, a clearing agency may also accept specific categories of persons other than those enumerated but must be cognizant of the impact that any additional category of members may have on the clearing agency and must take steps to address any such risk. While entities falling into the specified categories are eligible for membership, applicants must also satisfy the other criteria established by EMCC and discussed later in this release.

A partnership, corporation, limited liability company, or other organization, entity, or individual will be qualified to become a member of EMCC if it satisfies at least one of the following qualifications: (a) It is a broker or dealer registered under the Exchange Act; (b) it is a broker or deraler registered or regulated under the laws of another jurisdiction;[33] (c) it is a bank or trust company, including a trust company having limited power, which is a member of the Federal Reserve System or is supervised and examined by state or federal authorities in the U.S. having supervision over banks; (d) it is a bank or trust company, which is supervised and examined by the banking regulator in another jurisdiction; or (e) if it does not qualify under (a) through (d) but is the successor or assign of any member and has demonstrated to the board of directors that its business and capabilities are such that it could use EMCC's services without undue risk to EMCC, then such successor or assign may become a member for the limited purpose of winding up its business with EMCC in an orderly manner.

After the issuance of shares to persons which have contributed to the development fund for the organization and initial operation of EMCC,[34] all applicants that EMCC accepts for membership will be required to be either a shareholder of EMCC or an affiliate or subsidiary of a shareholder of EMCC. EMCC may deny an application to become a member or to use one or more services of EMCC upon a determination by EMCC that EMCC does not have adequate personnel, space, data processing capacity, or other operational capability at such time to perform its services for the applicant or member without impairing the ability of EMCC to provide services for its existing members, to assure the prompt, accurate, and orderly processing and settlement of securities transactions, or to otherwise carry out its functions. However, any such applications which are denied will be approved as promptly as the capabilities of EMCC permit. Further Section 17A(b)(3)(F) of the Exchange Act requires that the rules of a clearing agency should not be designed to discriminate in the admission of members.

2. Examination of Applicants

The Standards Release notes that a registered clearing agency is empowered by the Exchange Act to examine and verify the qualifications of an applicant in accordance with the procedures

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[25] *Supra* note 5.

[26] 15 U.S.C. 78q–1. For legislative history concerning Section 17A, *see, e.g.*, Report of Senate Comm. on Housing and Urban Affairs, Securities Acts Amendments of 1975: Report to Accompany S. 249, S. Rep. No. 75, 94th Cong., 1st Sess. 4 (1975); Conference Comm. Report to Accompany S. 249, Joint Explanatory Statement of Comm. of Conference, H.R. Rep. No. 229, 94th Cong., 1st Sess., 102 (1975).

[27] ''Clearing agency'' is defined in Section 3(a)(23) of the Exchange Act. 15 U.S.C. 78c(a)(23).

[28] 15 U.S.C. 78q–1(b)(3). *See also* Section 19 of the Exchange Act, 15 U.S.C. 78s, and Rule 19b–4, 17 CFR 240.19b–4, setting forth procedural requirements for registration and continuing Commission oversight of clearing agencies and other self-regulatory organizations.

[29] Securities Exchange Act Release No. 16900 (June 17, 1980), 45 FR 41920 (''Standards Release''). *See also*, Securities Exchange Act Release No. 20221 (September 23, 1983), 48 FR 45167 (omnibus order granting registration as clearing agencies to The Depository Trust Company, Stock Clearing Corporation of Philadelphia, Midwest Securities Trust Company, The Options Clearing Corporation, Midwest Clearing Corporation, Pacific Securities Depository, National Securities Clearing Corporation, and Philadelphia Depository Trust Company).

[30] 15 U.S.C. 78q–1(b)(1)

[31] The Commission has granted temporary registrations that included exemptions from specific statutory requirements of Sections 17A. In granting these temporary registrations, the subject clearing agencies were expected to become registered on a permanent basis. *See, e.g.*, Securities Exchange Act Release No. 25740 (May 24, 1988), 53 FR 19839 (order approving Government Securities Clearing Corporation's temporary registration as a clearing agency with a temporary exemption from compliance with Section 17A(b)(3)(C)).

[32] The classes are registered brokers or dealers, registered clearing agencies, registered investment companies, banks, and insurance companies.

[33] Initially, only broker-dealers that are organized under the laws of the U.K. will be eligible for admission. EMCC will file a proposed rule change setting forth membership criteria prior to admission of other categories of non-U.S. broker-dealers.

[34] *See supra* note 10.

established by the rules of the clearing agency. However, the Standards Release also states that such authority could be used only subject to a clearing agency's responsibility not to discriminate in the admission of participants and not to impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act.

Each applicant for admission to EMCC must provide a copy of its financial statements for the two most recent fiscal years certified by the applicant's independent certified public accountants. To the extent that such audited financial statements are not prepared in accordance with U.S. generally accepted accounting principles (''GAAP''), the applicant must provide EMCC with a discussion of the material variations of such accounting principles from U.S. GAAP.

A U.S. broker-dealer applicant must provide copies of its Form X–17A–5 FOCUS Reports or Form G–405 FOGS Reports for the last two years and any supplemental reports required to be filed with the Commission pursuant to Exchange Act Rule 17a–11 [35] or 17 CFR 405.3. If the applicant is a U.K. broker-dealer subject to regulation by the Securities and Futures Authority (''SFA'') or any successor organization, it must provide EMCC with its SFA monthly reports and returns for the prior 24 months and if necessary and feasible, financial statements prepared in accordance with U.S. GAAP.

A bank applicant must provide all quarterly financial statements covered by the last audited financial statement plus all subsequent quarterly financial statements. A U.S. bank applicant also must provide copies of its three most recent Consolidated Reports of Condition and Income (''Call Reports'') and information as to its capital levels and ratios. A non-U.S. bank applicant also must provide all material regulatory filings made with its primary regulator in its home country over the prior two years.

If required by EMCC, an applicant must provide a certificate of the chief executive or chief financial officer of the applicant that no material adverse changes have occurred in the financial condition of the applicant since the date of the most recent financial statements or reports filed with EMCC; that the applicant has not guaranteed the obligations of any other person; and that the applicant is not subject to any other contingent liabilities except as set forth in such financial statements, reports, or the certificate.

[35] 17 CFR 240.17a–11.

All applicants must fill out a questionnaire that elicits information on any liabilities of the applicant, the types of business conducted by the applicant, and the applicant's operational capabilities. All applicants must provide to EMCC an opinion of outside counsel as to the member's organization, the validity and enforceability of the member's agreement, and the need for regulatory approvals. In addition, the opinion of non-U.S. applicants must also opine as to jurisdictional and conflict-of-law issues. A non-U.S. applicant must represent that it is in good standing with its home country's financial regulatory authority.

3. Membership Standards

Section 17A(b)(4)(B) of the Exchange Act contemplates that a registered clearing agency have financial responsibility, operational capability, experience, and competency standards that are used to accept, deny, or condition participation of any participant or any category of participants, but that these criteria may not be used to unfairly discriminate among participants. The Standards Release states that a clearing agency may discriminate among persons in the admission to or the use of the clearing agency if such discrimination is based on standards of financial responsibility, operational capability, experience, and competence.

EMCC's board or the membership and risk committee of the board may approve an application to become a member upon a determination that such applicant meets the applicable admission criteria. The applicant must have adequate personnel, physical facilities, books and records, accounting systems, and internal procedures to enable it to satisfactorily handle transactions and communicate with EMCC, to fulfill anticipated commitments to and meet the operational requirements of EMCC with necessary promptness and accuracy, and to conform to any condition and requirement that EMCC reasonably deems necessary for its protection or that of its members.

The applicant must have an established business history of a minimum of three years or personnel with sufficient operational background and experience to ensure, in the judgment of the board, the ability of the firm to conduct its business. The applicant must agree to make and have sufficient financial ability to make all anticipated payments required to be made to EMCC. The applicant must be in compliance with the capital requirements imposed by its designated examining authority or appropriate regulatory agency, any other self-regulatory organizations, and any other regulatory authority or self-regulatory authority to which it is subject by statute, regulation, or agreement. The applicant cannot be subject to a statutory disqualification as defined in Section 3(a)(39) of the Exchange Act [36] or similar order. EMCC may deny an application if it has reasonable grounds to believe that the applicant or any associated person meets a disqualification criteria specified in EMCC's rules.[37]

If the applicant is a U.S. broker or dealer, its aggregate indebtedness/excess net capital ratio must be less than 950%, or its excess net capital/aggregate debit items ratio must be in excess of 5.25% and its excess net capital must equal at least $100 million. If the applicant is a U.K. broker or dealer, its financial resources must be at least 120% of its financial resources requirement and its excess financial resources must equal at least $100 million. However, a broker or dealer applicant may have excess regulatory capital of at least $50 million if the membership and risk committee of EMCC's board of directors makes a written finding that other credit factors of the applicant compensate for the lower financial resources.[38]

In addition, if the applicant is a bank, it must have net worth as of the end of the quarter prior to the effective date of its membership determined in accordance with U.S. GAAP of at least $500 million. However, an applicant bank may be accepted if it has a net worth of at least $200 million if the membership and risk committee of EMCC's board of directors makes a written finding that other credit factors of the applicant compensate for the lower net worth.[39]

[36] 15 U.S.C. 78c(a)(39).

[37] For example, disqualification criteria will include closer than normal surveillance by the applicant's designated examining authority or appropriate regulatory agency, violations of the federal securities laws, convictions of any criminal offense involving securities transactions, or any injunction against engaging in securities transactions. In addition, if the applicant has been enjoined from engaging in securities related business or has been expelled from a self-regulatory organization, EMCC must deny the application.

[38] EMCC will consider any ratings assigned by a nationally recognized statistical rating organization, any significant adverse off-balance sheet items, and the applicant's significant business lines as compared to its internal risk management controls and short term funding arrangements.

[39] In making such determination, EMCC will consider the applicant's return on average assets, capital to total assets ratio, nonperforming assets to total assets ratio, and liquid assets to total assets ratio. EMCC will also consider the ratings assigned to the applicant by a nationally recognized

Continued

If a U.S. broker applicant is applying to become a broker member, it must have excess net capital of at least $10 million and must agree to submit trading data to EMCC in such instruments as requested by EMCC. EMCC will determine the broker's potential margin calls, and the broker must demonstrate an ability to meet such margin calls and any loss allocation assessments. The broker can demonstrate this ability by agreeing to submit to EMCC only transactions with EMCC members on both sides and by demonstrating a low error rate.[40]

During the first six months of EMCC's operations, EMCC will permit a broker to become an EMCC member which cannot demonstrate its ability to meet potential margin calls if it meets an alternate criterion. Such applicant must maintain a clearing relationship with an EMCC member which is not a broker. Pursuant to the clearing relationship, the clearing firm must take the place of the broker on T+1 for all trades that do not have EMCC members on both sides. The broker will have a fixed clearing fund deposit in lieu of the required margin deposit. However, EMCC will calculate each day for such broker a preliminary and final required fund deposit excluding any positions that resulted from a systems failure of a counterparty resulting in a failure to submit trade data. If the required fund deposit exceeds the broker's fixed deposit, EMCC will not guarantee any transactions to the broker until its required fund deposit is equal to or lower than its fixed deposit.[41] However, EMCC will guarantee completion of the broker's trades to the original EMCC counterparties pursuant to the loss allocation rules relating to a broker's default.[42] In addition, if the broker's required fund deposit exceeds its fixed deposit, the broker will not be subject to assessment for loss allocations[43] and the broker will be charged a market rate of interest on the difference between its required fund deposit and its fixed deposit. EMCC will notify all dealer members whenever a broker's required fund deposit exceeds its fixed deposit.

The foregoing financial responsibility standards are minimum requirements, and EMCC's board may impose higher standards based upon the level of the anticipated positions and obligations of an applicant, the anticipated risk associated with the volume and types of transactions an applicant proposes to process through EMCC, and the overall financial condition of an applicant. If an applicant does not itself satisfy its capital requirements, the board may include for such purposes the capital of an affiliate of the applicant if the affiliate has delivered to EMCC a guaranty, satisfactory in form and substance to the board, of the obligations of the applicant to EMCC.

4. Membership Agreement

Each applicant to become a member of EMCC will be required to sign a membership agreement pursuant to which the member's books and records must at all times be open to inspection by EMCC and the member must furnish EMCC with any information with respect to the member's business and transactions as EMCC may require. However, upon ceasing to be a member, EMCC cannot inspect a member's books and records or require information relating to transactions that occurred after the time the member ceased to be a member.

Membership in EMCC and use of EMCC's services are governed by the laws of the state of New York. Each member must agree to submit to the jurisdiction of the courts of the state of New York and the U.S. District Court for the Southern District of New York and to appoint a person acceptable to EMCC as its agent to receive on its behalf service of process. Each member must also agree that any judgment obtained in an action or proceeding may be enforced in the courts of any jurisdiction where the member or any of its property may be found, and the member must irrevocably submit to the jurisdiction of each such court with respect to any such action or proceeding. To the fullest extent permitted by law, each member must waive all immunity whether on the basis of sovereignty or otherwise from jurisdiction, attachment both before and after judgment, and execution to which it might otherwise be entitled in any action or proceeding in any county or jurisdiction relating in any way to the agreement or to any transaction.

The membership agreement also provides EMCC with an additional source of information for risk control purposes. Upon the request of and at no charge to EMCC, members must provide research that they provide to any of their customers relating to EMCC eligible instruments and events or conditions which might affect the price of EMCC eligible instruments.

5. Compliance With the Statutory Membership Requirements

The Commission notes that EMCC's rules do not provide for the admission of certain of the statutory categories of members (*e.g.*, registered investment companies).[44] The Commission believes that EMCC's provision for limited categories of members is appropriate at least during EMCC's initial phases of operations. The Commission also notes that during the comment period, EMCC did not receive any comments from anyone in the category of entities not covered by EMCC's rules. Therefore, the Commission is granting EMCC a temporary exemption from Section 17A(b)(3)(B) of the Exchange Act with respect to this requirement.

EMCC's rules also make certain categories of entities eligible for EMCC services that are not within the statutory categories (*i.e.*, non-U.S. banks and U.K. broker-dealers).[45] As discussed in the Standards Release, clearing agencies may admit additional categories of members provided that the goals of safety and soundness are met. The Commission believes that the admission criteria EMCC has established for non-U.S. banks and U.K. broker-dealers are consistent with the goals of safety and soundness. As discussed above, EMCC will obtain legal opinions from foreign members to assure that EMCC will be able to enforce its rules and member's agreement. In addition, EMCC will obtain information from the participant regarding its regulatory status in its home country and will obtain copies of all regulatory filings made in its home

statistical rating organization, any significant off-balance sheet items, and the applicant's risk management controls.

[40] If a broker has a margin obligation because one of its counterparties fails to submit data on a trade prior to 8:00 a.m. ET on T+1, the nonsubmitting counterparty must compensate the broker for the cost of financing the payment obligation and may be subject to fine by EMCC.

[41] The broker could lower its required fund deposit by depositing additional funds with EMCC. If it does not deposit additional funds, its required fund deposit will exceed its fixed deposit until at least the end of the next month (because its required fund deposit its based on the highest margin calculation during the current month and the prior month).

[42] Because EMCC is not guaranteeing trades to the broker, if a dealer counterparty becomes insolvent, the broker is responsible for completing the trade to its counterparty on the other side. As a result, the nondefaulting EMCC dealer member does not receive the benefit of EMCC's guarantee of brokered trades. In such a situation, if the broker is then unable to complete the trade, EMCC will then guarantee the broker's trade to its EMCC member counterparty. However, the trade is treated as a direct trade between the broker and its counterparty. Thus, under the loss allocation rules, the dealer would be allocated a greater portion of its loss than if the broker had not exceeded its fixed deposit requirement.

[43] Because EMCC is not guaranteeing trades to the broker, there would be no loss from direct trades entered into with the broker.

[44] *Supra* note 32.

[45] EMCC's admission criteria for non-U.S. entities initially will apply only to non-U.S. banks and U.K. broker-dealers.

country. Thus, the Commission believes that EMCC's current procedures for acceptance of non-U.S. participants are consistent with the goals of the Exchange Act.

C. Fair Representation

Section 17A(b)(3)(C) of the Exchange Act requires that the rules of a clearing agency provide for fair representation of the clearing agency's shareholders or members and participants in the selection of the clearing agency's directors and administration of the clearing agency's affairs. This section contemplates that users of a clearing agency have a significant voice in the direction of the affairs of the clearing agency.

1. Governance Procedures

EMCC's board has a total of 21 directors, divided into four classes. The first three classes consist of five directors each (''participant directors'').[46] The fourth class has six directors, consisting of one director selected by EMTA, one director selected by ISMA, two directors selected by NSCC, and two directors selected by EMCC. The term of office of the participant directors is three years with the term of one class of directors expiring each year.[47] Participant directors may not serve for more than six consecutive years. The term of the fourth class is one year.

A nominating committee selected by the board will select individuals to serve as participant directors. Members may also nominate individuals to serve as participant directors by filing with EMCC's Secretary at least 30 days prior to the date of the annual meeting a petition signed by the lesser of five percent of the participants of ten participants. If any member files a petition for participant director, EMCC's Secretary will mail ballots to all members. Members will then be provided the opportunity to vote for participant directors.[48]

Because members are given an opportunity both to nominate board members and to vote in any contested election, members should have a meaningful voice in the governance of EMCC. Therefore, the Commission believes that EMCC's election procedures provide fair representation to its members.

2. Provision of Information to Participants

The Standard Release states that participants should have sufficient information concerning a clearing agency's affairs to participate meaningfully in its administration. Clearing agencies should furnish participants with audited annual financial statements, an annual report on internal accounting control prepared by an independent public accountant, and notices of any proposed rule changes.

The Standards Release states that the annual financial statements should be provided to participants within 60 days following the close of the clearing agency's fiscal year and should be prepared in accordance with generally accepted accounting principles. The Standards Release also states that the report on internal accounting control should be furnished to all participants promptly after it becomes available and no later than 60 days after the period covered by the report.[49] The Standards Release also states that a notice of a proposed rule change should be provided to participants prior to or as soon as possible after filing with the Commission and should provide a description of the rule change, its purpose, and its effect. After review of EMCC's rules and procedures, the Commission finds that such rules and procedures are consistent with EMCC's obligations to provide information to its participants.

D. Safety and Soundness Considerations

Sections 17A(b)(3)(A) and (F) of the Exchange Act require that a clearing agency be organized and its rules be designed to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible and to safeguard securities and funds in its custody or control or for which it is responsible.[50] In the Standards Release, the Division enumerated certain requirements that should be met to comply with this standard.

1. Clearing Fund

The Standards Release states that a clearing agency should have a clearing fund which is based on a formula applicable to all users and is composed of cash or highly liquid securities. The rules of a clearing agency should limit the investments that can be made with the cash portion of its clearing fund to government securities or other safe and liquid investments. The clearing fund should only be used to protect participants and the clearing agency from defaults of participants and from clearing agency losses not resulting from day to day expenses and not covered by insurance or other resources of the clearing agency. While the Standards Release states that a clearing agency could use temporary applications of the clearing fund in limited amounts to meet unexpected and unusual requirements for funds, the regular or substantial use of a clearing fund for operational purposes would be inappropriate.[51]

a. Clearing Fund Formula

EMCC will maintain and will manage a clearing fund for the purpose of limiting or eliminating EMCC's exposure to loss in the event a member fails to perform its obligations to EMCC. Each member will be obligated to make deposits to EMCC's clearing fund. EMCC will set the initial required clearing fund deposit for each member based on the expected nature and level of the member's activity. A member's required margin deposit will be equal to the largest single final daily margin amount computed, as described below, for that member for the month during which such margin calculation is being performed and for the previous calendar month. The minimum required clearing fund deposit for each member will be U.S. $1,000,000.

Every day, EMCC will calculate margin in the morning and in the evening but will only collect margin based on the morning calculation.[52] EMCC will generally calculate the margin amount as follows: (mark-to-

[46] A member along with any of its affiliates which are members may only have one representative sitting on the board.

[47] The term of the initial directors in class one will expire in 1998, the term of the initial directors in class two will expire in 1999, and the term of the initial directors in class three will expire in 2000.

[48] Members will have three votes for each $1.00 of average clearing fund deposits during the twelve month period ending on the last day of the second month prior to the date of determination and two votes for each $1.00 of the average monthly fee payable or paid by the member to EMCC during the same twelve month period.

[49] The Standards Release also states that the report on internal accounting control should be based on a study and an evaluation which was made for the purpose of reporting on the clearing agency's overall system of internal accounting control and should disclose any material weaknesses discovered and any corrective action taken or proposed to be taken. The Commission expects EMCC to prepare its reports in accordance with these principles.

[50] 15 U.S.C. 78q–1(b)(3)(A) and (F).

[51] The Standards Release also states that there may be legitimate purposes for which a clearing fund may be used for a longer period of time so long as (a) the funds are properly protected, (b) the funds are used to facilitate the process of clearance and settlement, and (c) the participants and the Commission approve such use during the registration proceedings.

[52] EMCC refers to the amount that each member must contribute to the clearing fund as its margin requirement.

market amount + volatility amount) × event risk factor.[53]

The mark-to-market amount will be based on all trades due to settle on or after that day and all fails, unless EMCC has received notice from the depository that such trade or fail has settled.[54] The mark-to-market amount will be based on the difference between the market price and the contract value of the trade. If the net mark-to-market is a credit, the firm will have a zero mark-to-market charge.

The volatility amount for the evening calculation will be based on all trades due to settle on or after that day and all fails, unless EMCC has received notice from the depository that such trade or fail has settled.[55] The volatility amount for the morning calculation will be based on all trades due to settle on or after the current day and all fails calculated as of the prior day whether or not EMCC has received notice of the settlement of such trades or fails. Thus, the morning volatility amount will include trades that have already settled that day while the evening volatility amount will only include trades that have not settled.[56] In order to calculate the volatility amount, each security will be placed into one of four liquidity categories based on the average bid/offer spread. The liquidity category into which a security is placed will determine the volatility formula to be applied to that security.[57] The sum of the volatility amounts for each security will be the clearing member's volatility amount.[58]

The event risk factor, which is designed to give EMCC an additional cushion against events in countries not covered by two standard deviations, will initially be set at 1.25. EMCC may adjust the event risk factor for an individual member or for all members without prior notice to the member(s). EMCC also will increase margin requirements by use of a global holiday risk factor to take into account days on which U.S. banks are closed but securities markets are open.

The preliminary margin amount will be calculated each evening and will be reported to members at approximately 11:30 p.m. on a preliminary margin report. The report will show the member's current deposit, preliminary margin amount, and preliminary amount due, if any. However, members are not required to make any payment to EMCC based on the preliminary margin report.

The final margin amount will be calculated each morning and will be reported to members at approximately 10:30 a.m. on a final margin report. The final margin report will indicate each member's current deposit, final margin amount, and final amount due, if any. A member will be required to pay any obligation with respect to its margin obligation reflected on the final margin report no later than the later of 11:30 a.m. ET or one hour after the final margin report is made available. Margin deficits of less than $100,000 will not have to be paid by members. Payment must be made through the U.S. Fedwire system.

EMCC also has the authority to collect amounts over and above the daily margin requirement in order to obtain adequate assurances of the financial responsibility or operational capability of a member. EMCC has created a policy statement on procedures to follow in determining whether additional clearing fund deposits are needed.[59] EMCC also may collect additional margin if a member has been placed on surveillance status.[60]

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[53] EMCC has provided the results of a stress test in which the proposed formula was applied using three months of data on EMCC eligible transactions obtained from Match-EM. The test assumed for each member that the market in which such member had its highest concentration of positions experienced an abnormal negative market move (*i.e.*, the ''stressed market''). All securities positions for that member in other countries were run under the baseline assumptions of no unusual market movements. The tests assumed first a 10 standard deviation market drop in the stressed market and second a 4 standard deviation market gain in the stressed market. The test assumed that bonds on the opposite sides of the stressed market had correlations of 80% while bonds on the same side of the stressed market had 100% correlation.

Under this test, EMCC had no exposure 73.64% of the time. EMCC had exposure between $1 and $1 million 9.18% of the time. EMCC had exposure of greater than $10 million 1.7% of the time. The highest exposures were four occurrences of an exposure of approximately $15 million and one exposure of approximately $50 million. EMCC has represented that it will continue to conduct periodic stress testing on a quarterly basis. Results of the stress tests will be reviewed with the membership and risk committee of EMCC's board of directors, and EMCC will reconsider the event risk factor if warranted by the results of the stress tests. The Commission directs EMCC to make the results available to Commission staff periodically. For example, EMCC is currently conducting stress testing based on data from trading during the week of October 27, 1997, a volatile period for the Brady bond markets. EMCC has stated that it will provide the Commission with the results of this testing.

[54] EMCC will receive notice at midnight ET (or 6:00 a.m. in Brussels and Luxembourg) from Euroclear and Cedel of all trades that have settled. At that time, Euroclear and Cedel have already completed most of their settlements of that day (*i.e.*, the notice issued at midnight ET on Friday morning will indicate trades that will settle Friday at the depository). Thus, when EMCC calculates the margin in the morning and the evening, it will have received notice of which trades have settled or failed for the day.

[55] *Supra* note 54.

[56] By including transactions in the morning volatility calculation whether or not they have settled, EMCC insures that data on three days of pending trades (*i.e.*, the number of days that EMCC is guaranteeing) is included. At the time of the morning volatility calculation, the trades entered into three days before will have settled, but EMCC will not have received data for the trades entered into on the current day. Thus, by including data for trades settling that day, EMCC will be using three days of data. EMCC will use fails as of the prior day because fails as of the current day would include trades due to settle that day (*i.e.*, these trades would be double counted as trades due to settle that day and fail trades). With respect to the evening volatility calculation, EMCC will have received data on trades entered into on that day and therefore will have data on three days of pending trades on which to base its calculation.

[57] The four liquidity classes and their bid/offer spreads are as follows: L1—⅜ of a point or less; L2—¾ of a point or less; L3—2 points or less; L4—greater than 2 points or no trading activity for a certain period of days.

[58] For each L4 security, the volatility amount is the value of the position ×30%. For L1, L2, and L3 securities of each issuer, EMCC will take the larger of the following formula with: (a) the member's long positions in lines 1 and 2 and short positions in lines 3 and 4; and (b) the member's short positions in lines 1 and 2 and long positions in lines 3 and 4.

1. (value of long or short L1+L2)×2 Std plus
2. (value of long or short L3)×4 Std plus
3. (value of long or short L1+L2)×2 Std × CC plus
4. (value of long or short L3)×1 Std × CC

Std is equal to a one standard deviation move over a five day holding period based on the higher of a calculation using price data for one year and three months. CC is the smallest correlation coefficient between any security of that issuer in which the member has short position and any security of that issuer in which the member has a long position. The correlation coefficient will be based on one year's pricing data and will be updated daily.

EMCC may adjust the fixed percentage applied to L4 securities or the number of standard deviations applied to L1, L2, and L3 securities without prior notice in order to increase the volatility calculations when warranted by circumstances. These adjustments may be made on a country by country basis or a bond by bond basis either for all members or for members unduly concentrated.

[59] Each day, EMCC will calculate a net country position and a net geographical position for each member. The net country position will be the sum of the settlement values of the member's positions in L1, L2, and L3 securities plus the sum of the absolute settlement values of the member's net position in L4 securities of each country. The net geographical position will be the sum of the net country positions in Latin America, Eastern Europe, Asia, and Africa. An undue concentration will be deemed to exist for a bank when its net country position exceeds 20% of net worth or its net geographical position exceeds 30% of net worth. An undue concentration will be deemed to exist for a broker-dealer when its net country position exceeds 50% of excess regulatory capital or its net geographical position exceeds 80% of excess regulatory capital. Under such circumstances, EMCC will contact the member to request information on the nature and magnitude of non-Brady bond exposure and on any hedging positions. After analyzing a member's responses, EMCC may request additional clearing fund deposits if it determines an additional deposit is necessary.

[60] EMCC will put a member on surveillance status if any of the following factors are present: (a) the member fails to meet any financial standard for admission or continuance as a member; (b) the member's capital position falls below the standards for admission; (c) the member experiences an inability to meet its money or securities settlement obligations to EMCC; (d) EMCC's board determines that a significant reorganization, change in control, or management of the member is likely to impair

The Commission preliminarily believes that EMCC's method of calculating clearing fund requirements is consistent with its obligations to safeguard securities and funds. The Commission will to review the results form EMCC's future stress tests. Prior to any grant of permanent registration as a clearing agency, the Commission will reevaluate EMCC's clearing fund formula.

b. Margin Composition and Investment

Members will be required to pay margin in cash, U.S. Treasury securities, or letters of credit from banks that have been approved by EMCC. If letters of credit are used as margin, no more than 70% of a member's requirement may be satisfied with letters of credit, and as a minimum, the greater of $100,000 or 10% of the member's margin requirement (up to a maximum of $1,000,000) must be in cash. Furthermore, no more than 20% of EMCC's total clearing fund may be letters of credit from any one issuer. If letters of credit are not used, the greater of $100,000 or 5% of the member's margin requirement (up to a maximum of $1,000,000) must be in cash. A haircut of 5% will be applied to letters of credit and treasury securities.

Pursuant to EMCC's rules, EMCC may invest any cash deposited as margin in securities issued or guaranteed as to principal or interest by the U.S. or agencies or instrumentalities of the U.S. (''government securities''), repurchase agreements related to such securities, or otherwise pursuant to the investment policy adopted by EMCC. As part of its application, EMCC has filed a copy of its investment policy.[61] EMCC's investment policy provides that EMCC clearing fund cash may be invested only in government securities with terms of one year or less or in overnight repurchase agreements with government securities as underlying collateral. The repurchase agreements must conform to certain standards set forth in the investment policy regarding custody and market value of the collateral and eligible counterparty. If not invested, cash funds will be deposited by EMCC in its name in a depository institution selected by EMCC. EMCC will retain all investment income from cash deposits.

The Commission believes that EMCC's investment policy and required margin composition are consistent with EMCC's obligations under the Exchange Act as explained in the Standards Release because they require that EMCC's clearing fund is composed of liquid securities and that the cash portion of the clearing fund is invested appropriately.

c. Loss Allocation

EMCC will establish an overnight exposure cap for each member. This cap will be set at the lesser of: (a) 5% of excess net capital for U.S. broker-dealers, 5% of excess financial resources for U.K. broker-dealers, and 1% of shareholders' equity for banks; or (b) $20 million. If a member's preliminary margin calculation is in excess of its overnight exposure cap, the member will be subject to fines. The loss allocation method applied to trades of an insolvent member will be dependent open whether a defaulting member has exceeded its overnight exposure cap.

When a failed member is not a broker, EMCC will classify trades as brokered or direct.[62] If there was an overnight exposure cap violation, EMCC will further classify such trades as trades received by EMCC before the violation (''old trades'') or trades received by EMCC after the violation (''new trades''). Any collateral of the defaulting member will be divided between direct trades and brokered trades in proportion to the amount of losses attributable to old trades in each category. If there is insufficient collateral to cover all of the losses attributable to old trades: (a) Losses attributable to brokered transactions that are old trades will be allocated pro rata among all members based upon each member's average final daily margin amount for the prior 30 calendar days; [63] and (b) losses attributable to direct transactions that are old trades will be allocated among all the original counterparties in proportion to the amount of losses created by each member's transactions.

After the losses from old trades have been satisfied, EMCC will determine if any clearing fund collateral of the defaulting member remains. EMCC will net new trades to obtain a net loss per security issue. Any remaining clearing fund of the defaulting member will be applied to the smallest loss, then the next remaining smallest loss until there is no remaining clearing fund of the defaulting member. Next, EMCC will take the smallest remaining losses up to an amount that equals the amount of the defaulting member's overnight exposure cap (''under the cap losses'') and will allocate the under the cap losses as follows: (a) Losses attributable to direct transactions will be allocated back to the original counterparties in an amount equal to the losses attributable to each member's trades; and (b) losses attributable to brokered transactions will be allocated pro rata among all EMCC members based upon each member's final daily margin amount calculated with respect to the prior 30 calendar days. Any remaining losses attributable to new trades will be allocated as follows: (a) Losses attributable to direct transactions will be allocated back to the original counterparties in an amount equal to the losses attributable to each member's trades; and (b) losses attributable to brokered transactions will be allocated first to the broker members that were counterparties to the trades to the extent of the loss attributable to each trade up to a maximum allocation of $3 million per broker and then pro rata among members that were counterparties to brokers that reach their maximum allocation and that were on the opposite side of the market in the same security issues creating a loss with the same settlement dates and approximately the same prices.

Different loss allocation rules will apply when the defaulting member is a broker. In such cases, any collateral of the defaulting member will be applied first to losses resulting from old trades. If there are remaining losses from old trades, such losses will be allocated among all the original counterparties in proportion to the amount of loss created by each member's transactions. EMCC then will net new trades to obtain a net loss per security issue. Any remaining clearing fund of the defaulting member will be applied to the smallest loss, then

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the member's ability to meet its money or securities settlement obligations to EMCC; or (e) the member has been placed on surveillance status by another self-regulatory organization or comparable regulatory organization. EMCC also will have the discretion to put a member on surveillance status if any of the following factors are present: (a) it experiences a significant operational problem; (b) the member's positions are significantly disproportionate to its usual activity in light of current industry conditions; (c) EMCC receives notification from the member's designated examining authority or appropriate regulatory agency or comparable regulatory organization of a pending investigation or administrative action that could call into question the member's ability to meet its obligations to EMCC; or (d) the member experiences any condition that could materially affect its financial or operational capability so as to potentially increase EMCC's exposure to loss or liability.

[61] If EMCC amends its investment policy, it will file a proposed rule change with the Commission.

[62] If the failed member's counterparty was an interdealer broker, but the interdealer broker's counterparty on the other side was not an EMCC member, EMCC will consider the trade to be a direct trade between the insolvent and the interdealer broker. In other words, ''brokered trades'' are trades where the interdealer broker is an EMCC member and EMCC members are on both sides.

[63] A member that is assessed pursuant to this provision may limit its assessment to its current margin requirement if it chooses to terminate its membership.

the next remaining smallest loss until there is no remaining clearing fund. Any remaining loss after application of clearing fund will be allocated to the counterparties to the transactions giving rise to such loss to the extent of the loss attributable to such transactions.

d. Use of Clearing Fund

EMCC's rules provide that the use of clearing fund deposits is limited to: (a) Satisfaction of losses or liabilities of EMCC arising from the failure of a member to satisfy an obligation to EMCC, or (b) providing EMCC with a source of collateral: (i) To finance the temporary receipt by EMCC of EMCC eligible instruments that cannot be redelivered to a member due to the inability of the member to pay for the receipt but only if such inability constitutes the failure by the member to meet its securities settlement obligations to EMCC; (ii) to finance only on an intraday basis the receipt of EMCC eligible instruments that will be redelivered to another member at a depository, provided that no more than 10% of the total clearing fund may be used for this purpose and that eligible letters of credit will be used to the maximum extent practicable prior to the use of treasury securities, and that cash will not be used; [64] and (iii) to temporarily finance the amount of any loss or liability allocated to a member prior to such time as such member's actual clearing fund is applied to the loss. If EMCC pledges any part of the clearing fund deposits for more than 60 days as a source of temporary financing, EMCC will by the 74th day consider such amount to be a loss and will allocate such loss in accordance with the loss allocation rules.

The Commission believes that EMCC's uses of clearing fund to satisfy losses or to finance settlements related to the failure of a member is consistent with the Exchange Act and the Standards Release. As a general rule, the Commission believes that procedures permitting the routine use of clearing fund assets to finance on a daily basis the receipt of instruments in the normal settlement process is not consistent with the Exchange Act or the guidelines set forth in the Standards Release. However, the Commission believes that the limitations EMCC has established on its use of assets for the routine, daily financing of security receipts (*i.e.*, intraday financing, 10% limitation, and use of letters of credit first to the extent possible) and the limited purpose for which EMCC intends to use the clearing fund collateral (*i.e.*, to collateralize a line of credit at Euroclear to permit ''chaining'' [65]), are reasonably designed and should not cause undue risk to EMCC. The intraday financing procedures will allow EMCC to collateralize its line of credit at Euroclear, which is needed to allow EMCC to conduct its business effectively and efficiently, while still providing adequate protection to the assets of its clearing fund. Therefore, the Commission is granting EMCC a temporary exemption from Sections 17A(b)(3)(A) and 17A(b)(3)(F) of the Exchange Act to permit EMCC to use a portion of its clearing fund as described in (ii) above until the earlier of one year after EMCC has commenced operations or the date on which EMCC begins its netting service.[66]

2. Standard of Care

The Division stated in the Standards Release that the rules of a clearing agency should provide that it is liable to a participant for failure to deliver the participant's securities resulting from: (1) The negligence or misconduct of the clearing agency, the clearing agency's subcustodian or agent, or any of their respective employees; (2) the placement on fully-paid participant securities of a lien or charge of any kind in favor of the clearing agency, the clearing agency's subcustodian or agent, or any person claiming through any one or more of them; (3) larceny; (4) mysterious disappearance; or (5) any other cause for which the clearing agency has assumed responsibility. Subsequent to issuance of the Standards Release, the Commission has stated that clearing agencies should perform their functions under a high standard of care and that at a minimum custody functions should be performed under an ordinary negligence standard.[67] The Commission has also stated that custody functions include all functions related to transaction processing and the safekeeping of customer funds and securities.[68]

The member's agreement between EMCC and each member provides that EMCC is not subject to any liability under the agreement, including any liability with respect to EMCC's failure to provide any services under the agreement or EMCC's rules, except for losses resulting from EMCC's gross negligence, criminal act, or willful misconduct in connection with its duties. However, with respect to the safeguarding of securities or funds within its custody or control, the member's agreement provides that EMCC is not be subject to any liability for any act or omission in connection with the safeguarding of securities or funds within its custody or control except for losses, costs, or expenses resulting from EMCC's negligence, criminal act, or willful misconduct. The agreement further provides that EMCC will not be liable for any consequential or special damages which may result from EMCC's failure to perform its obligations under the agreement.

The Commission believes that EMCC's standard of care is consistent with the Exchange Act and prior Commission positions. However, the Commission preliminarily believes that a clearing agency should accept some responsibility for damages that are foreseeable and related to securities settlement (*e.g.*, damages resulting from a buy-in or sell-out conducted as a result of EMCC's negligence in delivering or not delivering funds or securities). At this time, the Commission is temporarily registering EMCC as a clearing agency but intends to review this issue further.

3. Operational Capacity

Pursuant to a service agreement, ISCC has agreed to perform services for EMCC with respect to EMCC's clearing agency activities. ISCC will furnish the services for a fee designed to cover ISCC's costs. ISCC will provide EMCC with technical services in the following areas: data processing, operations, planning and development, communications, and research and development. Currently, ISCC provides limited clearing agency services and has seven employees whose duties are generally limited to operational functions.

Pursuant to its service agreement, ISCC may use outside parties to fulfill its commitments to EMCC. Many of ISCC's functions will be performed by NSCC. Specifically, NSCC through ISCC will provide EMCC with management and administrative services in the following areas: financial, personnel, corporate communications, marketing, regulatory or compliance, and legal. The Securities Industry Automation

[64] This provision will automatically expire the earlier of the first anniversary of EMCC's commencement of operations or the date on which EMCC begins its netting service.

[65] *See supra* note 23.

[66] When EMCC institutes netting, the need for repeated use of the clearing fund to facilitate chaining will be greatly reduced.

[67] Securities Exchange Act Release Nos. 26154 (October 3, 1988), 53 FR 39556 (registration order of The Intermarket Clearing Corporation [''ICC'']); 26450 (January 12, 1989), 54 FR 2010 (registration order of the Delta Government Options Corp. [''DGOC'']); 26812 (May 12, 1989), 54 FR 21691 (registration order of ISCC); and 27611 (January 12, 1990), 55 FR 1890 (second registration order of DGOC).

[68] *See, e.g.*, ICC registration order, *supra* note 67.

Corporation (''SIAC''),[69] through ISCC and NSCC, also will provide EMCC with clerical and data processing services. In addition, ISCC will rely on International Depository & Clearing, L.L.C. (''IDC'') [70] for product development, marketing and sales, and planning functions.

As discussed above, EMCC has no independent capacity to match trades. Instead, it will rely on Match-EM and TRAX for such services. EMCC has verified that its board of directors has authorized the selection of Match-EM and TRAX after review of information describing these entities' operations and capacity testing.[71] Furthermore, EMCC has represented that Match-EM and TRAX have procedures in place relating to capacity planning and systems testing, and that EMCC will receive and will furnish to the Commission documentation relating to such areas.

While EMCC's operational structure will be unusual for a clearing agency, the Commission believes that its structure and operational arrangements will provide an adequate level of service. The Commission notes in particular that EMCC's core functions, such as its managerial functions, will not be performed by an unregistered entity. The Commission will monitor EMCC's operation during the term of its temporary registration and will review its structure and outsourcing arrangements prior to granting permanent registration.

4. Audit Committee and Internal Audit Department

The Standards Release states that each clearing agency should have an audit committee composed of nonmanagement directors. A nonmanagement director is a director who is not associated with the clearing agency other than in a user capacity or with any entity which furnishes securities processing services to the clearing agency. The audit committee should have responsibility for reviewing the work performed by the clearing agency's independent public accountant.

EMCC's bylaws provide that the board of directors may appoint an audit committee consisting of three or more directors other than directors that are members of Class IV (*i.e.*, directors elected by EMTA, ISMA, or NSCC), or are officers of EMCC. The audit committee has responsibility for reviewing with the independent certified public accountant the scope of its auditing procedures and the financial statements of EMCC to be certified by the accountant.

The Standards Release also states that a clearing agency should have an internal audit department which is adequately staffed with qualified personnel. The internal audit committee should report periodically to the audit committee. NSCC's internal audit department will perform EMCC's internal auditing functions. The audit department reports directly to EMCC's audit committee. Accordingly, with regard to internal audits, the Commission believes that EMCC fulfills the Exchange Act's requirements.

5. Securities, Funds, and Data Controls

The Standards Release provides that a clearing agency should have, among other things, off-site storage of back-up data, written procedures detailing steps involved in handling funds and securities, and emergency mechanisms for establishing and maintaining communications with participants and other entities. In addition, clearing agencies should have adequate insurance coverage.

EMCC has represented that through its facilities manager, SIAC, it has access to two computer sites in different locations, both of which are capable of being operated independently and are capable of handling total member activity. Data received will be automatically written to both sites. EMCC has provided a detailed written statement of security measures that will be used to prevent unauthorized access to EMCC's processing facilities. EMCC maintains blanket bond insurance and all risk insurance.

The Standards Release emphasizes that a clearing agency should assure the integrity and accuracy of its automatic data processing operations. More recently, the Commission has issued automation review guidelines for clearing agencies that provide a more specific outline of clearing agencies' obligations with respect to such things as capacity planning, contingency planning, data security, telecommunications, systems development, and internal/external audit.[72] EMCC has acknowledged that it has obligations with respect to capacity planning and systems testing under these guidelines and has represented that it will fulfill its responsibilities with respect to these obligations.[73]

The Commission has also been monitoring efforts within the industry to prepare computer systems for the Year 2000 date change.[74] EMCC has represented that it is Year 2000 compliant and will take appropriate actions to ensure that the parties with which it conducts business (*e.g.*, vendors, and members) will be Year 2000 compliant on a timely basis.[75] Based on the foregoing, the Commission believes that EMCC has adequate controls with respect to securities, funds, and data processing.

E. Capacity To Enforce Rules

Section 17A(b)(3)(A) of the Exchange Act provides that a clearing agency must be organized and have the capacity to enforce (subject to any rule or order of the Commission pursuant to Section 17(d) or 19(g)(2) of the Exchange Act) compliance by its participants with the rules of the clearing agency. Sections 17A(b)(3)(G) and (H) require that the rules of a clearing agency provide that its participants shall be appropriately disciplined for violations of any provision of those rules and provide fair procedures for disciplining participants, denying participation in the clearing agency to any person, prohibiting or limiting access to the clearing agency's services, and reviewing summary suspensions.

1. Participant Monitoring

EMCC's Rule 13 authorizes EMCC to examine the financial responsibility and operational capability of any member or applicant to become a member. Pursuant to Rule 13, EMCC may require a member to furnish EMCC with adequate assurances of its financial responsibility and operational capability, including additional reporting by a member of its financial or operational condition; increased clearing fund deposits; and other assurances as may be required by EMCC.

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[69] SIAC is owned by the New York Stock Exchange and the American Stock Exchange.

[70] IDC is a company equally owned by NSCC and The Depository Trust Company, both registered clearing agencies. However, IDC is not a regulated entity.

[71] Copies of the materials that EMCC's board of directors relied on were filed with the Commission as part of EMCC's application.

[72] Securities Exchange Act Release Nos. 27445 (November 16, 1989), 54 FR 48703 and 29185 (May 9, 1991), 56 FR 22490; and Memorandum from Division of Market Regulation to all registered clearing agencies regarding Development of an Automation Review Policy Statement For Clearing Agencies (April 25, 1994). Available for copying and inspection in the Commission's Public Reference Room.

[73] As discussed above in Section III.D.3., EMCC has represented to the Commission that March-EM and TRAX will provide to EMCC information in these areas and that EMCC will provide the information to the Commission.

[74] *See Report to the Congress on the Readiness of the United States Securities Industry and Public Companies To Meet the Information Processing Challenges of the Year 2000*, U.S. Securities and Exchange Commission (June 1997).

[75] Letter from EMCC (October 8, 1997).

EMCC also has general continuance standards that require a member to promptly inform EMCC in the event that it is no longer in compliance with any of the relevant standards for membership or has had any materially adverse change. The board may require additional financial reporting if a member no longer meets the standards for admission to membership; if it has violated any rule to EMCC; if it fails to satisfy in a timely manner any obligation to EMCC; if there is a material change in control or financial condition of such member; or if the board determines that it is necessary or advisable to protect EMCC, its other members, or its creditors or investors; to safeguard securities and funds in the custody or control of EMCC; or to promote the prompt and accurate processing, clearance, or settlement of securities transactions. The board must also make a determination as to whether the member should be placed on surveillance status consistent with its rules.[76]

2. Ceasing to Act

Section 17A(b)(5)(C) of the Exchange Act provides that a clearing agency may summarily suspend and close the accounts of a participant that is expelled or suspended from any self-regulatory organization; that is in default of any delivery of funds or securities to the clearing agency; or that is in such financial or operational difficulty that the clearing agency determines and so notifies the appropriate regulatory agency for such participant that such suspension and closing of accounts are necessary for the protection of the clearing agency, its participants, creditors, or investors.

Upon providing notice to a member, EMCC may at any time cease to act for such member if the board of directors determines that adequate cause exists to do so.[77] EMCC may cease to act either with regard to a particular transaction or with regard to transactions generally. EMCC will promptly notify all members when it ceases to act for a member. A member for which EMCC has ceased to act may request a hearing to review EMCC's decision.

If certain factors are present, EMCC will treat a member as insolvent.[78] EMCC will notify all members of the treatment of the member as insolvent. Upon a determination of insolvency, EMCC will immediately cease to act for such member. EMCC will delete all trades of that member to which EMCC's guaranty has not attached except trades that the board determines will promote an orderly market. EMCC will then close out the guaranteed trades and the trades that the board has determined to accept. EMCC will close out by buying in or selling out securities deliverable by or to the insolvent. The close out procedure will be completed by EMCC as promptly as practicable after EMCC has given notice of the treatment of the member as insolvent.

3. Hearing Procedures

Section 17A(b)(5) of the Exchange Act provides that in any proceeding to determine whether a participant should be denied participation, prohibited or limited with respect to access to the clearing agency's services, or disciplined, the clearing agency must notify the participant of the specific ground of the denial of services of the charges brought against the member. The clearing agency must provide the member with an opportunity to be heard on the grounds of the denial or to defend against any charges. The clearing agency must keep a record of the proceeding.

A member may request a hearing by filing with EMCC a written request setting forth the contested action of EMCC. Within seven business days after filing the request or three business days in the case of summary action, the objecting member must provide EMCC with a detailed written statement setting forth the contested action and the basis for objection. EMCC will notify the member in writing of the date and place of the hearing at least five business days prior to the hearing.

The hearing will be before a panel drawn from participant directors on the membership committee unless the contested action was taken by the membership committee. In such a case, the panel will be drawn from participant directors on the executive committee. The committee will select the members of the panel. The objecting members will have an opportunity to be heard and may be represented by counsel. The panel will make a decision within ten business days after conclusion of the hearing. Although the panel's decision is considered final, the board may overturn any decision adverse to the member.

The Commission believes that EMCC has the capacity to enforce its rules. EMCC has criteria to determine when its has cause to cease to act for a member or when it must treat a member as insolvent. A member for which EMCC has ceased to act or for which EMCC has limited its access to EMCC services may request a hearing pursuant to EMCC's rules. The hearing procedures are consistent with the guidelines discussed in the Standards Release. Therefore, the Commission believes that EMCC's rules in this are consistent with the Exchange Act.

F. Dues, Fees, and Charges

Sections 17A(b)(3)(D) and (E) of the Exchange Act require that the rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants and prohibits a clearing agency from imposing or fixing prices for services rendered by its participants. EMCC's proposed fee schedule is generally usage based. EMCC does not impose any schedule of prices or fix rates or other fees for services rendered by its customers. Accordingly, the Commission is satisfied that the method by which EMCC provides for the equitable allocation of reasonable dues, fees, and other charges among its customers and its prohibitions regarding the fixing of prices of its customers substantially satisfies the Exchange Act requirements.

IV. Conclusion

The Commission finds that EMCC's application for registration as a clearing agency meets the standards and requirements deemed appropriate except as otherwise discussed in this order for which EMCC has received temporary exemptions.

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[76] *See, supra* note 60.

[77] Such cause may exist if one or more factors are found, including: the member has failed to perform any of its obligations or has failed to make any required payment to EMCC; the member is no longer in compliance with the admissions standards or continuance standards; the board has reasonable grounds to believe the member has been responsible for any fraudulent or dishonest conduct or breach of fiduciary duty or has made any material misstatement to EMCC in connection with its application to be a member of any EMCC service; the board has reasonable grounds to believe the member is in financial or operation difficulty; the member is in breach of any requirement imposed by an appropriate regulatory agency, self-regulatory organization, or any regulatory body; the member is not paying its debts as they become due or is otherwise involved in a bankruptcy proceeding; the member is dissolved or ceases to carry on its business; the member contests the validity of any agreement with EMCC; the member fails to perform its contracts with EMCC; or the board has reasonable grounds to believe that ceasing to act is necessary either for the protection of EMCC or for any of the other members or to facilitate the orderly and continuous performance of EMCC's services. EMCC Rule 15, Section 1.

[78] Such circumstances include: the member provides notice to EMCC that it is insolvent; the board or any regulatory body determines that the member is insolvent; a court order is entered adjudging the member to be insolvent; the member files or consents to the filing of a petition seeking bankruptcy relief, the member makes a general assignment to its creditors; the member is dissolved; or a resolution is passed by the member that it be wound up, liquidated, or dissolved. EMCC Rule 17, Section 1.

The Commission has granted EMCC partial exemptions from Section 17A(b)(3)(B) of the Exchange Act to permit EMCC to limit the eligible categories of members and from Sections 17A(b)(3)(A) and 17A(b)(3)(F) of the Exchange Act to permit EMCC to use a portion of its clearing fund to collateralize a line of credit at Euroclear subject to the limitations discussed above. The Commission finds that granting the above exemptions is consistent with the public interest, the protection of investors, and the purposes of Section 17A, including the prompt and accurate clearance and settlement of securities transactions as well as the safeguarding of securities and funds. The Commission reserves the right to modify, by order (including such orders as the Commission may issue under Section 19(b) of the Exchange Act in connection with changes to EMCC's rules), the terms, scope, or conditions of the exemptions from the Exchange Act, if it determines such modification is appropriate for the protection of investors or in the public interest.

It is therefore ordered, pursuant to Section 19(a)(1) of the Exchange Act, that the applications for registration as a clearing agency filed by EMCC (File No. 600–30) be and hereby is approved until August 20, 1999 and that EMCC be granted the exemptions described above subject to the terms, exemptions, and other qualification contained in this order.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4255 Filed 2–19–98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39464; File No. SR–Amex–97–44]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Institutional Index Option Position Limits

February 11, 1998.

I. Introduction

On November 4, 1997, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities and Exchange Act of 1934 (''Exchange Act'' or ''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to increase both position and exercise limits, as well as the firm facilitation exemption, for its Institutional Index Options (''XII'').

The proposed rule change was published for comment in the **Federal Register** on November 17, 1997.[3] No comments were received on the proposal. This order approves the proposal, as amended.

II. Description

A. Increase XII Position and Exercise Limits

The Amex is proposing to increase XII position and exercise limits to 100,000 contracts on the same side of the market. Existing Exchange rules provide for XII position and exercise[4] limits of 45,000 contracts on the same side of the market of which no more than 25,000 contracts may be used for purposes of realizing any differential in price between XII and the securities underlying XII. In July of 1992, the Exchange increased position and exercise limits for XII to their current levels.[5] Since that time, options on XII continue to be traded primarily by institutional and professional investors and member firms, each often needing to hedge large asset quantities.

The Exchange believes that increasing the position and exercise limits for XII options to 100,000 contracts will allow increased institutional use of XII and allow it to be more competitive with alternative products. In addition, the Exchange believes that an increase in XII position and exercise limits will benefit not only the beneficiaries of assets managed by various institutions, but also the marketplace in general through increased liquidity.

These proposed changes are intended to result in little or no attendant risk to the marketplace as XII is composed of seventy-five of the most widely-held stocks in institutional portfolios that have a market value of more than one hundred million in investment funds.[6] Thus the component issues are extremely liquid and the overall index less volatile than individual stocks. Lastly, XII options are European-style and therefore can only be exercised at expiration.

To enhance its ability to monitor unhedged positions, the Amex will add a reporting requirement (new Commentary .03 to Exchange Rule 904(C) for accounts having a position in excess of 45,000 a.m.-settled, European-style XII option contracts on the same-side of the market. Specifically, new Commentary .03 to Exchange Rule 904C states that if a member or member organization, other than an Exchange Specialist or Registered Options Trader, maintains a position in excess of 45,000 a.m.-settled, European-style XII option contracts on the same-side of the market on behalf of its own account or for the account of a customer, it must report information as to whether those positions are hedged and provide documentation as to how such contracts are hedged, in the manner and form required by the Exchange. In addition, to address the Commission's concerns with respect to the ability of the Exchange to monitor customer accounts that maintain large unhedged positions, the Amex will add a margin and clearing firm requirement. Pursuant to new Commentary .04 to Exchange Rule 904C, whenever the Exchange determines that additional margin is warranted in light of the risks associated with an under-hedged option position in excess of 45,000 contracts, the Exchange may impose additional margin upon the account maintaining such under-hedged position, or assess capital charges upon the clearing firm carrying the account to the extent of any margin deficiency resulting from the higher margin requirement.

B. Increase XII Firm Facilitation Exemption

The Exchange is proposing to increase the XII firm facilitation exemption[7] from 100,000 contracts to 400,000 contracts in order to accommodate the needs of investors as well as market participants. The Exchange believes that this increase should not substantially increase concerns regarding the potential for manipulation and other trading abuses.[8] Furthermore, the Exchange believes that proposed rule change will further enhance the potential depth and liquidity of the options market as well as the underlying

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4

[3] Exchange Act Release No. 39313 (November 7, 1997), 62 FR 61418 (November 17, 1997).

[4] The exercise limit for XII, which is equal to XII's position limit, is determined under Exchange Rules 905C and 905.

[5] *See* Exchange Act Release No. 31330 (Oct. 16, 1992) 57 FR 30516 (Oct. 23, 1992).

[6] To qualify for inclusion in XII, stocks must be held by a minimum of 200 of the reporting institutions filing Section 13(f) reports and must have traded at least 7 million shares in each of the two preceding calendar quarters.

[7] The Amex defines a facilitation order as an order which is only executed in whole or in part, in a cross transaction with an order for a public customer of the member organization. *See* Amex Rule 950 (e)(iv).

[8] The Exchange notes that the XII firm facilitation exemption is in addition to the standard limit and other exemptions under Exchange rules, commentaries and policies.

markets by providing Exchange members greater flexibility in executing large customer orders, which the Exchange's existing safeguards applicable to current facilitation exemptions continue to serve to minimize any potential disruption or manipulation concerns.

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5).[9] Specifically, the Commission believes that the proposed increase in the XII position and exercise limits, as well as the firm facilitation exemption, will enhance the depth and liquidity of the market for both members and investors. Accordingly, the Commission believes that these changes are consistent with, and further the objectives of, Section 6(b)(5)[10] of the Act in that they would remove impediments to and perfect the mechanism of a free and open market in a manner consistent with the protection of investors and the public interest.[11]

A. Increase XII Position and Exercise Limits

Since the inception of standardized options trading, the options exchanges have had rules imposing limits on the aggregate number of options contracts that a member or customer could hold or exercise. These rules are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position. In particular, position and exercise limits are designed to minimize the potential for mini-manipulation [12] and for corners or squeezes of the underlying market. In addition, they serve to reduce the possibility for disruption of the options market itself, especially in illiquid options classes.

The Commission has been careful to balance two competing concerns when considering an SRO's position and exercise limits. First, the Commission has recognized that the limits must be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security. At the same time, the Commission has realized that limits must not be established at levels that are so low as to discourage participation in the options market by institutions and other investors with substantial hedging needs or to prevent specialists and market makers from adequately meeting their obligations to maintain a fair and orderly market.[13]

The Commission believes that the proposed increase in XII position and exercise limits to 100,000 contracts will expand the depth and liquidity of the XII market without significantly increasing concerns regarding intermarket manipulations or disruptions of the options or the underlying securities.[14] As previously noted by the Commission, markets with active and deep trading interest, as well as with broad public ownership, are more difficult to manipulate or disrupt than less active and deep markets with smaller public floats. In this regard, the XII market is composed of seventy-five of the most widely-held stocks in institutional portfolios that have a market value of more than one hundred million in investment funds.

Moreover, the Amex has adopted important safeguards that will allow it to monitor large unhedged positions (those in excess of 45,000 contracts) in order to identify instances of potential risk [15] and to assess additional margin or capital charges against the clearing firm, if necessary.[16]

Accordingly, given the size and breadth of the XII, along with the new XII reporting requirement set forth in Commentary .03 to Exchange Rule 904C and the new margin and clearing firm requirements set forth in Commentary .04 to Exchange Rule 904C, the Commission believes that increasing the XII position and exercise limits to 100,000 contracts should not increase any manipulative concerns. Finally, the Exchange's surveillance program will continue to detect and deter trading abuses arising from the increased position and exercise limits.[17]

B. Increase XII Firm Facilitation Exemption

The Commission believes that the proposed increase of the XII firm facilitation exemption from 100,000 contracts to 400,000 contracts will accommodate the needs of investors as well as market participants without substantially increasing concerns regarding the potential for manipulation and other trading abuses.[18] The Commission also believes that the proposed rule change will further enhance the potential depth and liquidity of the options market as well as the underlying market by providing Exchange members greater flexibility in executing large customer orders.[19]

The Amex's existing safeguards that apply to the current facilitation exemption will continue to serve to minimize any potential disruption or manipulation concerns. First, the facilitation firm must receive approval from the Exchange prior to executing facilitating trades. Second, a facilitation firm must, within five business days after the execution of a facilitation exemption order, hedge all exempt options positions that have not previously been liquidated, and furnish to the Exchange documentation reflecting the resulting hedged

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78f(b)(5).

[11] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. § 78c(f).

[12] Mini-manipulation is an attempt to influence, over a relatively small range, the price movement in a stock to benefit a previously established derivatives position.

[13] *See* H.R. Rep. No. IFC–3, 96th Cong., 1st Sess. at 189–91 (Comm. Print 1978) (''Options Study'').

[14] *See* Amex Rule 904C(a).

[15] Under new Commentary .03 to Exchange Rule 904C, each member or member organization, other than an Exchange Specialist or Registered Options Trader, that maintains a position in excess of 45,000 A.M.-settled, European-style XII option contracts on the same side of the market on behalf of its own account or for the account of a customer will report information as to whether those positions are hedged and provide documentation as to how such contracts are hedged, in the manner and form required by the Exchange.

[16] Under new Commentary .04 Exchange Rule 904C, whenever the Exchange determines that additional margin is warranted in light of the risks associated with an under-hedged XII option position in excess of 45,000 contracts, the Exchange may impose additional margin upon the account maintaining such under-hedged position, or assess capital charges upon the clearing firm carrying the account to the extent of any margin deficiency resulting from the higher margin requirement.

[17] The Exchange has represented that it intends to implement increased surveillance and reporting procedures to ensure a thorough understanding of the uses and risks of the underlying strategies supported by the increased position limits. The Exchange also has represented that it intends to provide reports regarding position limits to the Commission's Division of Market Regulation on a periodic basis and at appropriate thresholds of activity.

[18] The Commission notes that the XII firm facilitation exemption is in addition to the Standard limit and other exemptions under Exchange rules, commentaries and policies.

[19] When initially approving the firm facilitation exemption for XII options, the Commission stated that providing member organizations with an exemption for the purpose of facilitating large customer orders would better serve the needs of the investing public. At that time, the Commission also noted that safeguards were built into the exemption to minimize any potential disruption or manipulation concerns. The Commission currently believes that these same benefits and assurances are also applicable with respect to the increased firm facilitation exemption. *See* Exchange Act Release No. 31330 (October 16, 1992), 57 FR 48408 (October 23, 1992).

positions.[20] Third, the facilitation exemption member is required to provide the Exchange with any information or document requested concerning the exempted options positions and the positions hedging them. Fourth, a facilitation exemption member is not permitted to use the facilitation exemption for the purpose of engaging in index arbitrage. Fifth, neither the member's nor the customer's order may be contingent upon ''all or none'' or ''fill or kill'' instructions and the orders may not be executed until the XII specialist has announced the orders to the entire crowd and crowd members have been given a reasonable time to participate in the trade. Finally, once liquidated or reduced, the member organization may not increase the exempted option positions without receiving approval from the Exchange again. The Commission believes that these requirements will help to ensure that the facilitation exemption will not have an undue market impact on the options or on any underlying stock positions.

In summary, the Commission continues to believe that the safeguards built into the facilitation exemptive process will serve to minimize the potential for disruption and manipulation concerns, while at the same time benefiting market participants by allowing member firms greater flexibility to facilitate large customer orders. The Commission also believes that the Amex has adequate surveillance procedures to surveil for compliance with the rule's requirements. Based on these reasons, the Commission believes that it is appropriate to increase the XII firm facilitation exemption to 400,000 contracts.

IV. Conclusion

Based on the above, the Commission believes that the proposed rule change will serve to provide market participants with greater flexibility without significantly increasing concerns regarding intermarket manipulations or disruptions of either the options market or the underlying stock market.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (SR–Amex97–44) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[22]

Margaret H. McFarland,

Deputy Secretary.

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[20] In meeting this requirement, the facilitation firm must liquidate and establish its customer's and its own options and stock positions or their equivalent in an orderly fashion, and not in a manner calculated to cause unreasonable price fluctuations or unwarranted price changes.

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39657; International Series Release No. 1116; File No. SR–DTC–97–22]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of a Proposed Rule Change Relating to Establishing an Omnibus Account at the Canadian Depository for Securities

February 12, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 30, 1997, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–DTC–97–22) as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to establish a DTC omnibus account at the Canadian Depository for Securities (''CDS'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by DTC.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Currently, DTC maintains a link with CDS that allows a CDS participant to establish an account at DTC or use CDS's omnibus account at DTC. The link permits CDS's participants to process book-entry transactions with other DTC participant. In addition, the link permits CDS and its participants to use DTC's custody, clearance, and settlement services for transactions involving securities eligible in both systems. However, the current link limits book-entry deliveries from a CDS participant to a DTC counterparty by requiring that the securities be physically held at DTC. As a result, a CDS participant is unable to deliver securities in its CDS account by book-entry movement.[3]

Occasionally, a CDS participant attempting to settle a trade with a DTC counterparty has sufficient inventory in its account at CDS to settle a transaction but does not have sufficient inventory in its DTC account. When this occurs, the CDS participant must physically withdraw the securities fro CDS to make a physical deposit a DTC.[4] The costs and risks associated with withdrawing and physically transporting certificates for purpose of redepositing them at DTC, which involves reregistration and forwarding of certificates to the U.S., can be significant. In addition, due to overlapping processing deadlines between CDS withdrawals and DTC deposits, a CDS participant may not be able to obtain same-day credit at DTC so that it can avoid a failure to deliver. As a result, a participant may incur certain expenses associated with its failure to deliver. Similarly, CDS participants face the same difficulties when on occasion they need to physically withdraw Canadian securities from DTC in order to redeposit them at CDS for reasons other than trade settlement (*e.g.*, to repatriate their holdings of Canadian securities for inventory management purposes).

Under the proposed rule change, DTC will establish an omnibus account at CDS thereby creating a two-way interface between CDS and DTC. As a

[3] CDS participants sometimes represent U.S. investors or U.S. intermediaries who are in turn also adversely affected.

[4] As of October 1, 1997, new deposit procedures provide CDS participants same-day credit at DTC for securities deposited through DTC's deposit facilities in CDS offices in Vancouver, Toronto, Montreal, and Calgary. CDS, on behalf of DTC, arranges for the reregistration of Canadian securities into the name of Cede & Co. prior to sending them to DTC.

result of the proposed rule change, a CDS participant will be able to settle a cross-border transaction with a DTC counterparty by making a book-entry delivery from its participant account at CDS to the DTC omnibus account at CDS.[5] The CDS participant would identify which DTC participant account should be credited with the position. This transaction would then result in an immediate credit to the receiving DTC participant account on DTC's books. The receiving DTC participant could then redeliver on a free or versus payment basis within DTC. Thus, there would be no need for the physical transporting of certificates to DTC. The securities would remain at CDS unless withdrawn by DTC. DTC and CDS would conduct automated daily reconciliation to ensure balanced books. In addition, to minimize any subsequent physical movement of securities, DTC and CDS would engage in weekly netting. The netting would reduce on an omnibus basis the number of securities in the same issue held by each depository on behalf of the other.

CDS would provide subcustody services as income collection, maturity presentments, and reorganization processing on securities held in DTC's omnibus account at CDS in accordance with CDS procedures (as DTC currently provides for securities held by DTC on behalf of CDS). Whether DTC is holding its underlying inventory in Canada or in the U.S., DTC services to participants will be the same as currently provided.

DTC believes that the primary benefits of opening an omnibus account at CDS are: (i) The elimination of failed transactions on the trade settlement date that result from delays in the current process; (ii) the elimination of most physical movements of Canadian securities between CDS, DTC, and Canadian transfer agents, and the costs and risks associated with such movements; and (iii) the reduction of costs to DTC and CDS participants related to (i) and (ii). DTC believes that the realization of these benefits is consistent with DTC's objectives of providing efficient book-entry clearance and settlement facilities and reducing risk to DTC participants by immobilizing certificates.

DTC believes that the proposed rule change is consistent with the requirements of Section 17A(b)(3)(F) of the Act[6] and the rules and regulations thereunder applicable to DTC because the proposed enhancements will reduce risks and associated costs to DTC and CDS participants by streamlining the processing of crossborder securities transactions between U.S. and Canadian entities.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC perceives no adverse impact on competition by reason of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The proposed rule change was developed through discussions with several participants. Written comments from DTC participants or others have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five 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 ninety 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 DTC 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, including whether the proposed rule change is consistent with the Act. 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 in the Commission's Public Reference Room, 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 DTC. All submissions should refer to the file number SR–DTC–97–22 and should be submitted by March 13, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4251 Filed 2–19–98; 8:45 am]

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[5] International Depository & Clearing LLC, a subsidiary that DTC owns jointly with National Securities Clearing Corporation, is coordinating DTC's development of the proposed enhancement.

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39658; File No. SR–DTC–97–14]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving a Proposed Rule Change Relating to Revisions to the Procedures for Running Call Lotteries on Issues of Book Entry Only Securities

February 12, 1998.

On July 14, 1997, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–DTC–97–14) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on December 8, 1997.[2] The Commission received no comment letters in response to the filing. For the reasons discussed below, the Commission is approving the proposed rule change.

I. Description

The proposed rule change amends DTC's procedures for running call lotteries for book-entry only (''BEO'') issues of securities.[3] Prior to the rule

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 39373 (November 28, 1997), 62 FR 64612.

[3] For a discussion of DTC's call lottery process, refer to Securities Exchange Act Release Nos. 21523 (November 27, 1984), 49 FR 47352 [File No. SR–DTC–84–09] (filing and immediate effectiveness of proposed rule change); 30552 (April 2, 1992), 57 FR 12352 [File No. SR–DTC–90–02] (order temporarily approving a proposed rule change by the DTC relating to the establishment of a procedure to recall certain deliveries which have created short positions as a result of call lotteries); 35034 (November 30, 1994), 59 FR 63396 [File Nos. SR–DTC–94–08 and SR–DTC–94–09] (order granting temporary approval of proposed rule changes to establish procedures to recall certain deliveries which have created short positions as a result of call lotteries and rejected deposits); and 36651 (December 28, 1995), 61 FR 429 [File No. SR–DTC–95–21] (order granting accelerated permanent approval of a proposed rule change concerning short position reclamation procedures).

change, DTC's call lottery process allocated partially called securities [4] among participants having positions in the called securities based on the participants' positions on the call publication date.[5] Under the amendment, for BEO issues of securities DTC will run lotteries using its participants' positions as of the close of business on the day DTC announces the lottery instead of the call publication date.[6] The proposed rule change does not set forth any other amendments to DTC's call lottery procedures.

DTC has stated its belief that changing procedures solely for BEO securities will contribute to a reduction in short positions without causing any adverse impact to the parties concerned. The concept of a publication date appears to be far less relevant to BEO securities than to other securities. Generally issuers of these securities do not publish partial call notices but rather inform only the holder of record (which is DTC for BEO issues) which then notifies its participants. Although the issuer may inform DTC of a publication date, DTC believes this is done only for purposes of DTC's lottery, and the date has no other real significance. DTC generally processes calls of BEO issues within twenty-four hours of the call being announced by DTC.

II. Discussion

Section 17A(b)(3)(F) [7] of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions. The Commission believes that DTC's proposed rule change is consistent with DTC's obligations under the Act because the new procedures should help reduce the number of short positions created by call lotteries. In particular, the rule change will eliminate short positions that occur when a participant sells its shares between the call publication date and the date DTC announces the lottery. As a result, DTC participants will avoid the expenses associated with experiencing short positions, including DTC's daily charge of 130% of the market value of each security for which the participant has a short position at DTC.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–DTC–97–14) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4254 Filed 2–19–98; 8:45 am]

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[4] The terms of certain issues allows the issuer to call for part or all of the outstanding securities for redemption at certain times during the issue's life. This type of issue is referred to as a callable security. Callable securities are either preferred stock or bonds which the issuer is permitted or required to redeem before the stated maturity. Generally when an issuer calls a security, the issuer's trustee publishes notice that the issue has been called or in the case of registered securities, mails notice to the registered holders.

[5] The call publication date is the date on which the issuer gives notice of the redemption.

[6] A copy of DTC's proposed call lottery procedures is attached as Exhibit A to DTC's proposed rule change, which is available for inspection and copying at the Commission's Public Reference room or through DTC.

[7] 15 U.S.C. 78q–1(b)(3)(F).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39664; File No. SR–NASD–98–07]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Extension of Time to Answer Arbitration Complaints

February 13, 1998.

Pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 2, 1998,[2] 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 NASD. The Association has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (e)(6) of Rule 19b–4 under the Act [3] which renders the proposal effective upon receipt of this filing by the Commission.[4] 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

NASD Regulation is proposing to amend Rule 10314 of the NASD's Code of Arbitration Procedure (''Code'') to recognize and conform to current practice and to reduce the administrative burden on NASD Regulation staff. Below is the text of the proposed rule change. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

10314. Initiation of Proceedings

Except as otherwise provided herein, an arbitration proceeding under this Code shall be instituted as follows:

(a) Unchanged.

(b) Answer-Defenses, Counterclaims, and/or Cross-Claims

(1) Within twenty (20) business *45 calendar* days from receipt of the Statement of Claim, Respondent(s) shall serve each party with an executed Submission Agreement and a copy of the Respondent's Answer. Respondent's executed Submission Agreement and Answer shall also be filed with the Director of Arbitration with sufficient additional copies for the arbitrator(s) along with any deposit required under the schedule of fees. The Answer shall specify all available defenses and relevant facts thereto that will be relied upon at the hearing and may set forth any related Counterclaim the Respondent(s) may have against the Claimant, any Cross-Claim the Respondents(s) may have against any other named Respondents(s) and any Third-Party Claim against any other party or person based upon any existing dispute, claim, or controversy subject to arbitration under this Code.

(2)(A)—(B) Unchanged.

(c) A Respondent, Responding Claimant, Cross-Claimant, Cross-Respondent, or Third-Party Respondent who fails to file an [a] *A*nswer within [twenty (20) business] *45 calendar* days from receipt of service of a Claim, unless the time to answer has been

[1] 15 U.S.C. 78s(b)(3)(A).

[2] The NASD filed a technical amendment on February 11, 1998 to change the operative date of the proposed rule filing from March 1, 1998 to March 16, 1998. *See* letter from Jean I. Feeney, Assistant General Counsel, NASD Regulation, to Katherine A. England, Assistant Director, Market Regulation, Commission, dated February 6, 1998.

[3] 17 CFR 240.19b–4(e)(6).

[4] The Association has represented that this proposed rule change: (1) Will not significantly affect the protection of investors or the public interest; (ii) will not impose any significant burden on competition, and (iii) will not become operative for 30 days after the date of this filing, unless otherwise accelerated by the Commission. The Association also has provided at least five business days notice to the Commission of its intent to file this proposed rule change, as required by Rule 19b–4(e)(6) under the Act. *Id.*

extended pursuant to subparagraph (5) below, may, in the discretion of the arbitrators, be barred from presenting any matter, arguments, or defenses at the hearing.

(3)—(4) Unchanged.

(5) The time period to file any pleading, whether such be denominated as a Claim, Answer, Counterclaim, Cross-Claim, Reply, or Third-Party Pleading, may be extended for such further period as may be granted by the Director of Arbitration *or with the consent of the initial claimant. Extensions of the time period to file an Answer are disfavored and will not be granted by the Director except in extraordinary circumstances.*

(c)—(d) Unchanged.

* * * * *

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 Association 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 test of these statements may be examined at the places specified in Item IV below. The Association has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose of Rule Change

NASD Regulation is proposing to amend Rule 10314 of the Code to recognize and conform to current practice and to reduce the administrative burden on NASD Regulation staff. Currently, Rule 10314 requires respondents to answer an arbitration claim within twenty business days of receiving it. NASD Regulation's Office of Dispute Resolution (''Office'') routinely grants requests for extension of the time to answer for two weeks. Requests for extension generally arise because respondents need additional time to develop a complete answer to the claim. Complete answers are encouraged. In fact, under Rule 10314(b)(2)(A), to party who pleads only a general denial as an answer may, upon objection by a party, be barred by the arbitrators from presenting any facts of defenses at the hearing. In addition, under Rule 10314(b)(2)(B), a party who fails to specify all available defenses and relevant facts in the answer may, upon objection by a party, be barred by arbitrators from presenting such facts or defenses at the hearing.

The practice of granting extensions of time to answer, burdens the staff with processing requests and responses, and it undermines the certainty of the deadlines specified in the Rule. The NASD believes the Code should reflect the current reality that most claims are not answered within the 20 business day period that currently is specified.

Accordingly, the NASD has determined that Rule 10314 of the Code should be amended to extend the time to answer a claim to 45 calendar days and to eliminate routine extensions.[5] Under the proposed amendment, extensions are disfavored and will be granted only in extraordinary circumstances or with the consent of the initial claimant. The term ''extraordinary circumstances'' is not defined; however, the NASD intends that the circumstances that would qualify for an extension would be limited to unusual and unforeseeable personal or professional conflicts that would make filing on time extremely difficult or burdensome. Extending the time period to 45 calendar days provides approximately the same amount of time to answer as is currently the case, since 20 business days equal 28 calendar days, and a two-week routine extension (14 calendar days) would bring the total to 42 calendar days.

The Securities Industry Conference on Arbitration (''SICA'')[6] considered the proposed rule change at its October 16, 1997 meeting, but declined to adopt it as part of the Uniform Code of Arbitration. The other self-regulatory organization (''SRO'') members of SICA noted that, because of the small number of claims they process, they do not experience significant burdens related to administering extensions of time to answer. SICA members also believe that the proposed change would not reduce the number of extension requests and that it may result in additional delays. Notwithstanding their reluctance to adopt the proposed change, the members of SICA understood NASD Regulation's position that the proposed amendment will eliminate the administrative costs associated with granting extension in the time to answer claims. Accordingly, SICA recommended that NASD Regulation adopt the change on a pilot basis. The NASD has determined to adopt the rule without a sunset provision, but the NASD will monitor the impact of the proposed rule change.

2. Statutory Basis of Rule Change

NASD Regulation believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[7] which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general , to protect investors and the public interest. The NASD believes that the proposed rule change protects the public interest by making the time period within which to answer uniform for all parties, whether or not they are knowledgeable enough to seek an extension of time, and by eliminating further extensions of time, absent extraordinary circumstances, in order to make the arbitration process move more expeditiously.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Association 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

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed rule change has been filed by the Association as a ''non-controversial'' rule change under Rule 19b–4(e)(6) under the Act.[8] Consequently, because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become

[5] The proposed rule change will not apply to simplified arbitration claims filed under Rule 10302 of the Code. Answers to claims involving less than $10,000 will continue to be due within 20 days of receipt of the Statement of Claim.

[6] SICA is a group composed of representatives of the self-regulatory organizations that provide dispute resolution forums, public investors, and the securities industry. Staff of the SEC attend as non-voting invitees. SICA was established with the encouragement of the SEC to develop uniform rules for securities arbitration (the ''Uniform Code of Arbitration'') and to provide a forum for the various dispute resolution forums and users of those forums to communicate about issues relating to securities industry dispute resolution SICA member forums are encouraged to adopt the provisions of the SICA Uniform Code of Arbitration, but are not required to do so.

[7] 15 U.S.C. 78*o*–3(b)(6).

[8] 17 CFR 240.19b–4(e)(6).

operative until March 16, 1998, more than 30 days from February 2, 1998, the date on which it was filed, and the NASD provided the Commission with written notice of its intent to file the proposed rule change at least five days prior to the filing date, it has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(e)(6) thereunder.

At any time within 60 days of this filing, the Commission may summarily abrogate this proposal if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. 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 in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above (SR–NASD–98–07) and should be submitted by March 13, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4342 Filed 2–19–98; 8:45 am]

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[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39656; File No. SR–NSCC–97–18]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Modifying the Interpretation of the Release of Clearing Data

February 12, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 23, 1997, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies NSCC's interpretation concerning the release of clearing data to regulatory and self-regulatory organizations to permit NSCC to pass through customer municipal securities transaction data required by the Municipal Securities Rulemaking Board (''MSRB'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The MSRB's rules require brokers, dealers, and municipal securities dealers (collectively, ''dealers'') to report interdealer municipal securities transaction data to the MSRB. In connection with this requirement, NSCC currently provides the MSRB with interdealer municipal securities transaction data based on trades submitted to NSCC by dealers for automated comparison. The MSRB uses the data to maintain a surveillance database and to make public reports on price and volume of frequently traded issues.

The MSRB has amended its rules to require dealers also to report customer (*i.e.*, institutional and retail) municipal securities transaction data to the MSRB for transactions effected after January 1, 1998. In connection with this requirement, the MSRB has asked NSCC to act as a conduit to enable dealers that are NSCC participants to use existing telecommunications links between NSCC and the MSRB to pass through the required customer municipal securities transaction data.

NSCC's interpretation concerning the release of clearing data to regulatory and self-regulatory organizations is set forth in Addendum H to NSCC's rules and procedures. Addendum H limits the release of municipal securities clearing data to regulatory and self-regulatory organizations that have demonstrated the necessity for obtaining the data in furtherance of their regulatory purpose.

The proposed rule change modifies Addendum H to permit NSCC to facilitate the provision of interdealer and customer municipal securities transaction data to the MSRB.[3] NSCC believes that the provision of this data is consistent with NSCC's interpretation as it serves the MSRB's regulatory purposes, namely to provide transparency in the municipal securities market and to assist compliance by participants with the MSRB's rules.

NSCC believes the proposed rule change is consistent with Section 17A(b)(3)(F)[4] of the Act because provision of interdealer and customer municipal securities transaction data to the MSRB will help foster cooperation and coordination with persons engaged in the clearance and settlement of security transactions and in general will help protect investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impact or impose a burden on competition.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] NSCC does not intend to edit, to validate, or otherwise to alter the information to be received from dealers and transmitted to the MSRB.

[4] 15 U.S.C. 78q–1(b)(3)(F).

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change constitutes an interpretation with respect to the meaning, administration, or enforcement of an existing rule of NSCC, it has become effective pursuant to Section 19(b)(3)(A)(i) of the Act[5] and Rule 19b–4(e)(1) thereunder.[6] At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. 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 in 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 NSCC. All submissions should refer to the File No. SR–NSCC–97–18 and should be submitted by March 13, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4253 Filed 2–19–98; 8:45 am]

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[5] 15 U.S.C. 78s(b)(3)(A)(i).

[6] 17 CFR 240.19b–4(e)(1).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39663; File No. SR–NSCC–97–16]

Self–Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NSCC's Annuity Processing Service Fees and Charges

February 13, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 22, 1997, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change revises NSCC's annuity processing service (''APS'') membership fee schedule for users establishing multiple membership accounts.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organzation's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Some users of NSCC's APS establish multiple APS memberships for themselves in order to comply with insurance regulations. Under NSCC's current fee schedule, APS users are charged $335 per month for each membership account that the user establishes. NSCC believes that the per account charge for additional accounts is greater than the incremental cost to NSCC associated with establishing them.

The purpose of the rule change is to adopt a graduated fee schedule for multiple APS membership accounts for users with common ownership schemes or with operational support services agreements. Pursuant to this fee schedule, two to five related memberships are $550 per month, and six or more related memberships are $750 per month. The revised fee schedule became effective January 1, 1998.

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[3] and the rules and regulations thereunder because it provides for the equitable allocation of dues, fees, and other charges among NSCC's participants that use NSCC's APS service.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impose any burden on competition this is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments on the proposed rule change were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[4] of the Act and pursuant to Rule 19b–4(e)(2)[5] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by NSCC. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by NSCC.

[3] 15 U.S.C. 78q–1.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(e)(2).

investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No SR–NSCC–97–16 and should be submitted by March 13, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4343 Filed 2–19–98; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39654; File No. SR–OCC–97–18]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees and Charges

February 12, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 13, 1997, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends OCC's fee structure to provide for an interim discounted fee schedule for new products.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

OCC proposes to introduce an interim discounted fee schedule for new products for the purpose of encouraging their trading and clearance. These new introductory discounted fees are at the same rates as the recently approved discounted fees for the Dow Jones Industrial Average Index options contracts.[3] OCC's proposed schedule offers an introductory clearing fee of $0.00 per contract per side for the first month the new product is traded, $0.025 per contract per side for the second month, $0.05 per contract per side for the third month, and normal OCC rates thereafter.

OCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act[4] and the rules and regulations thereunder because it provides for the equitable allocation of dues, fees, and other charges among OCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No comments on the proposed rule change were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[5] of the Act and pursuant to Rule 19b–4(e)(2)[6] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by OCC. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. 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 in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR–OCC–97–18 and should be submitted by March 13, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4252 Filed 2–19–98; 8:45 am]

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[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by OCC.

[3] Securities Exchange Act Release No. 39231 (October 10, 1997), 62 FR 54669 [File No. SR–OCC–97–16].

[4] 15 U.S.C. 78q–1.

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(e)(2).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39662; File No. SR–OCC–97–15]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Relating to Contrary Exercise Intentions

February 13, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on September 16, 1997, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments from interested persons on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change will require all OCC members to adhere to exchange rules regarding contrary exercise intentions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory basis for, the Proposed Rule Change

Pursuant to a request made by OCC's participant exchanges, OCC proposes to adopt a rule to require clearing members to comply with the uniform exchange rules relating to contrary exercise advices. Under OCC's by-laws, an ''exchange'' is defined as ''a national securities exchange or a national securities association which has qualified for participation in the Corporation pursuant to the provisions of Article VII of the by-laws.'' [3]

The rules of all OCC participant exchanges require exchange members to advise their exchange if the member has determined to act contrary to OCC's exercise-by-exception (''ex-by-ex'') processing procedures for listed equity options. [4] The exchanges require that ''contrary exercise advices'' be submitted by 4:30 p.m. Central Standard Time on the business day before expiration Saturday. OCC clearing members are permitted to submit such advices using OCC's clearing member on-line interface system, C/MACS. OCC understands that the exchanges use contrary exercise advice information as part of their surveillance programs to assess whether the decision to act contrary to OCC's ex-by-ex processing procedures was made on news released after the uniform cutoff time.

Because not all OCC clearing members are members of a participant exchange and therefore are not subject to the rules of any participant exchange, OCC's participant exchanges have asked OCC to adopt a rule that would require those clearing members to submit contrary exercise advices in accordance with the procedures specified in the exchange rules. Participant exchanges believe that requiring these clearing members to submit contrary advice information will ensure that there is a ''level playing field'' among OCC's clearing members with respect to the exercise of expiring options and will enhance the exchanges' market surveillance programs by creating a mechanism for identifying additional instances in which participants in their markets may have unjustly benefitted by acting on late breaking news.

Accordingly, OCC proposes to adopt a rule requiring all clearing members to follow the exchanges procedures relating to contrary exercise advices to ensure uniform application. The proposed rule will also provide that failure to follow the exchanges procedures could subject a clearing member to discipline by the exchanges listing the option which was exercised or was not exercised in contravention of the provisions of OCC's Rule 805. OCC believes that each exchange is the appropriate organization to determine whether its rule relating to contrary exercise advices has been violated and what disciplinary sanctions, if any, should be imposed as a result thereof.

The proposed rule change is consistent with Section 17A of the Act [5] and the rules and regulations thereunder because it furthers the public interest and protection of investors by imposing a requirement that will foster the maintenance of fair competition among OCC's clearing members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments on the proposed rule change were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer periods (i) as the Commission may designate up to ninety 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, including whether the proposed rule change is consistent with the Act. 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

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by OCC.

[3] OCC's by-laws, Article 1, Section 1.

[4] OCC's ex-by-ex processing procedures have been developed solely for the administrative convenience of OCC's clearing members. Ex-by-ex procedures presume that a clearing member desires to exercise all options that are in-the-money by a specified threshold. Accordingly, all options subject to ex-by-ex processing are identified as being in-the-money, at-the-money, or out-of-the-money in a report provided to clearing members. That report reflects that the clearing member instructs OCC to exercise all options that are in-the-money by the stated threshold amount. However, the clearing member is able to issue contrary instructions directing OCC to act otherwise.

[5] 15 U.S.C. 78q–1.

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, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR–OCC–97–15 and should be submitted by March 13, 1998.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–4341 Filed 2–19–98; 8:45 am]

BILLING CODE 8010–01–M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities; Submissions for OMB Review

This notice lists information collection packages that have been sent to the Office of Management and Budget (OMB) for clearance, in compliance with Pub. L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995.

1. Disability Report—0960–0141. The information collected on Form SSA–3368–BK is needed for the determination of disability by the State Disability Determination Services (DDS). This version of the form will be used in those Social Security Administration (SSA) offices and State DDS offices that are piloting SSA's Reengineered Disability System. The information will be used to develop medical evidence and to assess the alleged disability. The respondents are applicants for disability benefits.

Number of Respondents: 36,500.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 18,250 hours.

2. Request for Earnings and Benefit Estimate Statement—0960–0466. Form SSA–7004 is used by members of the public to request information about their Social Security earnings records and to get an estimate of their potential benefits. SSA provides information, in response to the request, from the individual's personal Social Security record. The respondents are Social Security numberholders who have covered earnings on record.

Number of Respondents: 3,350,000.

Frequency of Response: 1.

Average Burden Per Response: 5 minutes.

Estimated Average Burden: 279,167 hours.

Written comments and recommendations regarding the information collection(s) should be directed within 30 days to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses: (OMB) Office of Management and Budget, OIRA, Attn: Laura Oliven, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, D.C. 20503. (SSA) Social Security Administration, DCFAM, Attn: Nicholas E. Tagliareni, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

To receive a copy of any of the forms or clearance packages, call the SSA Reports Clearance Officer on (410) 965–4125 or write to him at the address listed above.

Dated: February 12, 1998.

Nicholas E. Tagliareni,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 98–4159 Filed 2–19–98; 8:45 am]

BILLING CODE 4190–29–P

STATE JUSTICE INSTITUTE

Sunshine Act Meeting; Notice of Public Meeting

Date and Time: Friday, February 27, 1998—9:00 a.m.–5:00 p.m.

Place: State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314.

Matters To Be Considered: FY 1998 grant requests, internal Institute business matters.

Portions Open To The Public: All matters other than those noted as closed below.

Portions Closed To The Public: Internal personnel matters and Board of Directors' committee meetings.

Contact Person For More Information: David I. Tevelin, Executive Director, State Justice Institute, 1650 King Street, Suite 600, Alexandria, VA 22314, (703) 684–6100.

David I. Tevelin,

Executive Director.

[FR Doc. 98–4398 Filed 2–17–98; 4:12 pm]

BILLING CODE 6820–SC–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Advisory Committee for Trade Policy and Negotiations

AGENCY: Office of the United States Trade Representative.

ACTION: Notice that the March 26, 1998, meeting of the Advisory Committee for Trade Policy and Negotiations will be held from 10:00 a.m. to 2:00 p.m. The meeting will be closed to the public from 10:00 a.m. to 1:30 p.m. and open to the public from 1:30 p.m. to 2:00 p.m.

SUMMARY: The Advisory Committee for Trade Policy and Negotiations will hold a meeting on March 26, 1998 from 10:00 a.m. to 2:00 p.m. The meeting will be closed to the public from 10:00 a.m. to 1:30 p.m. The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code, I have determined that this meeting will be concerned with matters the disclosure of which would seriously comprise the development by the United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. The meeting will be open to the public and press from 1:30 p.m. to 2:00 p.m. when trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

DATES: The meeting is scheduled for March 26, 1998, unless otherwise notified.

ADDRESSES: The meeting will be held at the Mayflower Hotel in the Chinese Room, located at 1127 Connecticut Avenue, NW, Washington, D.C., unless otherwise notified.

FOR FURTHER INFORMATION CONTACT: Bill Daley, Office of the United States Trade Representative, (202) 395–6120.

Charlene Barshefsky,

United States Trade Representative.

[FR Doc. 98–4322 Filed 2–19–98; 8:45 am]

BILLING CODE 3190–01–M

[6] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Burlington International Airport, South Burlington, Vermont

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a Passenger Facility Charge at Burlington International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before March 23, 1998.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airport Division, 12 New England Executive Park, Burlington, Massachusetts 01803.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. John J. Hamilton, Airport Director for Burlington International Airport at the following address: Burlington International Airport, 1200 Airport Drive, #1, South Burlington, Vermont 05403.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of Burlington under § 158.23 of part 158 of the Federal Aviation Regulations.

FOR FURTHER INFORMATION CONTACT: Priscilla A. Scott, PFC Program Manager, Federal Aviation Administration, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803, (781) 238–7614. The application may be reviewed in person at 16 New England Executive Park, Burlington, Massachusetts.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a Passenger Facility Charge (PFC) at Burlington International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 5, 1998, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of Burlington was substantially complete within the requirements of § 158.25 of part 158 of the Federal Aviation Regulations. The FAA will approve or disapprove the application, in while or in part, no later than May 19, 1998.

The following is a brief overview of the impose and use application.

PFC Project #: 98–02–C–00–BTV.

Level of the proposed PFC: $3.00.

Charge effective date: April 1, 1997.

Estimated charge expiration date: March 1, 2006.

Estimated total net PFC revenue: $10,916,233.

Brief description of use projects: Expand Terminal Landside, South Commuter Ramp Expansion.

Brief description of impose and use project: Professional PFC Services.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: On demand Air Taxi/Commercial Operators (ATCO).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Burlington International Airport, 1200 Airport Drive, #1, South Burlington, Vermont 05403.

Issued in Burlington, Massachusetts, on February 12, 1998.

Vincent A. Scarano,

Manager, Airports Division, New England Region.

[FR Doc. 98–4312 Filed 2–19–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Research and Development Programs Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will describe and discuss specific research and development projects. Further, the notice requests suggestions for topics to be presented by the agency.

DATES AND TIMES: The National Highway Traffic Safety Administration will hold a public meeting devoted primarily to presentations of specific research and development projects on March 17, 1998, beginning at 1:30 p.m. and ending at approximately 5:00 p.m. The deadline for interested parties to suggest agenda topics is 4:15 p.m. on February 27, 1998. Questions may be submitted in advance regarding the agency's research and development projects. They must be submitted in writing by March 3, 1998, to the address given below. If sufficient time is available, questions received after the March 3 date will be answered at the meeting in the discussion period. The individual, group, or company asking a question does not have to be present for the question to be answered. A consolidated list of answers to questions submitted by March 3 will be available at the meeting and will be mailed to requesters after the meeting.

ADDRESSES: The meeting will be held at the Clarion Inn, Detroit Metro Airport, 9191 Wickham Road, Romulus, MI 48174. Suggestions for specific R&D topics as described below and questions for the March 17, 1998, meeting relating to the agency's research and development programs should be submitted to the Office of the Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, Room 6206, 400 Seventh St., S.W., Washington, DC 20590. The fax number is (202) 366–5930.

SUPPLEMENTARY INFORMATION: NHTSA intends to provide detailed presentations about its research and development programs in a series of public meetings. The series started in April 1993. The purpose is to make available more complete and timely information regarding the agency's research and development programs. This twentieth meeting in the series will be held on March 17, 1998.

NHTSA requests suggestions from interested parties on the specific agenda topics to be presented. NHTSA will base its decisions about the agenda, in part, on the suggestions it receives by close of business at 4:15 p.m. on February 27, 1998. Before the meeting, it will publish a notice with an agenda listing the research and development topics to be discussed. The agenda can also be obtained by calling or faxing the information numbers listed elsewhere in this notice or from NHTSA's Web site under Announcements/Public Meetings at URL http://www.nhtsa.dot.gov/nhtsa/announce/meetings/. NHTSA asks that the suggestions be limited to six, in

priority order, so that the presentations at the March 17 R&D meeting can be most useful to the audience. Specific R&D topics are listed below. Many of these topics have been discussed at previous meetings. Suggestions for agenda topics are not restricted to this listing, and interested parties are invited to suggest other R&D topics of specific interest to their organizations. Additionally, if any interested parties would like to make a presentation regarding technical issues concerning any of NHTSA's research programs, information concerning the proposed topic and speaker should be submitted in writing by close of business February 27, 1998.

Specific R&D topics are:
- Fiscal Year 1998 R&D Research Efforts,
- International Harmonized Research Activities (IHRA),
- On-line tracking system for NHTSA's research projects, and
- Crash Injury Research and Engineering Network (CIREN).

Specific Crashworthiness R&D topics are:
- Automatic lifesaving system—improved triage, transport, and treatment decisionmaking for automatic collision notification technologies,
- Status of advanced air bag research,
- Demonstration of CD ROM for child restraint/vehicle compatibility,
- Preparation of new dummies for assessment of advanced air bag technology,
- Status of research on restraint systems for rollover protection,
- Improved frontal crash protection (program status, problem identification, offset testing),
- Advanced glazing research,
- Vehicle aggressivity and fleet compatibility,
- Upgrade side crash protection,
- Upgrade seat and occupant restraint systems,
- Child safety research (ISOFIX),
- Child restraint/air bag interaction (CRABI) dummy testing,
- Truck crashworthiness/occupant protection,
- National Transportation Biomechanics Research Center (NTBRC),
- Head and neck injury research,
- Lower extremity injury research,
- Thorax injury research,
- Human injury simulation and analysis,
- Refinements to the Hybrid III dummy, and
- Advanced frontal test dummy.

Specific Crash Avoidance R&D topics are:
- National Advanced Driving Simulator (NADS),
- Intelligent vehicle initiative,
- Cellular phone use in vehicles,
- Status and plans for anti-lock brake system (ABS) research and testing,
- Human factors guidelines for crash avoidance warning devices,
- Drowsy driver monitoring,
- Driver workload assessment,
- Rearend collision avoidance system guidelines,
- Road departure collision avoidance system guidelines,
- Intersection collision avoidance system guidelines,
- Lane change/merge collision avoidance system guidelines.

National Center for Statistics and Analysis (NCSA) topic is:
- Special crash investigation studies of air bag cases.

Separately, questions regarding research projects that have been submitted in writing not later than close of business on March 31, 1998, will be answered. A transcript of the meeting, copies of materials handed out at the meeting, and copies of the suggestions offered by commenters will be available for public inspection at NHTSA's Technical Information Services, Room 5108, 400 Seventh St., S.W., Washington, DC 20590. Copies of the transcript will then be available at 10 cents a page, upon request to NHTSA's Technical Information Services. The Technical Information Services section is open to the public from 9:30 a.m. to 4:00 p.m. The transcript will also be available on NHTSA's Web site under Announcements/Public Meetings at URL http://www.nhtsa.dot.gov/nhtsa/announce/meetings/.

NHTSA will provide technical aids to participants as necessary, during the Research and Development Programs Meeting. Thus, any person desiring the assistance of ''auxiliary aids'' (e.g., sign-language interpreter, telecommunication devices for deaf persons (TTDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device), please contact Rita Gibbons on (202) 366–4862 or by telefax on (202) 366–5930 by close of business March 5, 1998.

FOR FURTHER INFORMATION CONTACT: Rita Gibbons, Staff Assistant, Office of Research and Development, 400 Seventh Street, S.W., Washington, DC 20590. Telephone: (202) 366–4862. Fax number: (202) 366–5930.

Issued: February 13, 1998.

Raymond P. Owings,

Associate Administrator for Research and Development.

[FR Doc. 98–4353 Filed 2–19–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–97–3194; Notice 1]

Cosco, Inc.; Receipt of Application for Decision of Inconsequential Noncompliance

Cosco, Incorporated of Columbus, Indiana, has determined that several models of the Touriva convertible child restraint system fail to comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 213, ''Child Restraint Systems,'' (49 CFR 571.213) and has filed an appropriate report pursuant to 49 CFR Part 573, ''Defects and Noncompliance Reports.'' Cosco has also petitioned to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—''Motor Vehicle Safety'' on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of a petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

FMVSS No. 213, Paragraph S5.7 requires that each material used in a child restraint system shall conform to the requirements of S4 of FMVSS No. 302, ''Flammability of Interior Materials.'' This requires that any material that does not adhere to other material(s) at every point of contact shall meet the burn rate requirements of S4.3 when tested separately. Materials are to be tested as a composite only if the material adheres to other material(s) at every point of contact.

After testing by the National Highway Traffic Safety Administration (NHTSA) and notification to Cosco, the company confirmed through its own investigation that it manufactured and distributed 148,098 Touriva convertible child restraint systems between April 1994 and June 1996, of which 82,176 have covers that incorporate an additional polyester fiberfill pillow which may not meet the flammability requirements of FMVSS Nos. 213 and 302. The Cosco child restraints affected and the dates of production are as follows: Touriva Overhead Shield Accu-Just (Model 02–025; 3/95 to 6/96); Touriva Luxury

Overhead Shield AccuJust (Model 02–045; 2/95 to 6/96); Touriva Overhead Shield (Model 02–034; 4/94 to 6/96); Touriva Overhead Shield Accu-Just (Model 02–054; 4/94 to 6/96); Touriva 5 point (Model 02–564; 3/95 to 6/96); Touriva Overhead Shield (Model 02–055; 1/95 to 6/96); Touriva Luxury Overhead Shield (Model 02–065; 3/95 to 6/96); Olympian Overhead Shield (Model 02–257; 6/96); Touriva 5 point (Model 02–597; 6/96); Touriva Safe T-Shield (Model 02–096; 4/96 to 6/96); and Touriva Overhead Shield Accu-Just (Model 02–064; 1/95 to 6/96). All of the models listed are convertible child restraints incorporating the same shell design and a pillow in the head contact area, but the different models are a combination of restraint types, cover designs, and options. In each of the affected models, a polyester fiberfill is utilized to form the pillow in the head area of the cover, and it is this polyester fiberfill material which exceeded the 4 inches per minute burn rate when tested in accordance with S5 of FMVSS No. 302. In its investigation, Cosco found burn rates ranging from 17.3 inches per minute to 39.5 inches per minute in six tests conducted on two different samples of the polyester fiberfill in question. In addition, Cosco determined that the noncompliant fiberfill material had been provided by one of the two vendors responsible for supplying the material to Cosco, but that not all fiberfill from this particular supplier was non-complying. However, as Cosco is unable to limit the extent to which the Touriva child restraints in question were manufactured with non-complying fiberfill with greater certainty, the 82,176 units referenced above represent all Touriva models manufactured using fiberfill from the supplier of the non-compliant material.

Cosco supports its application for inconsequential noncompliance with the following:

The non-complying polyester fiberfill is incorporated into a pillow located in the child restraint near the top of the pad in a vertical orientation. Cosco contends that this configuration minimizes the likelihood of ignition from cigarettes, which are specifically listed in FMVSS Standard No. 302 as a primary ignition source of concern, or any other similar ignition source.

The amount of potentially non-complying polyester fiberfill incorporated in the pillow is 0.0951 pounds, or approximately one percent of the total weight of the child restraint. This relatively small amount of non-complying polyester fiberfill is fully encased by materials which comply with the FMVSS No. 302 flammability requirements to include the fabric covering the surface of the pad, the polyurethane foam in the pad, the fabric backing of the pad, and the polypropylene shell itself. The only way the non-complying fiberfill would be exposed to a source of ignition that has not already consumed the child restraint is if the cover of the pillow is torn, exposing the fiberfill, and an ignition source then finds its way to this exposed fiberfill. Cosco contends that the probability of such a sequence of events occurring is virtually nonexistent, and that the corresponding potential of the non-complying polyester fiberfill in the pillow contributing to an injury or death even less likely.

Cosco has not received reports indicating the burning of a cover of one of the suspect models, or any other child restraint cover. All occupant protection studies reviewed by Cosco indicate an almost infinitesimal risk of injury or death by vehicle fires in collisions.

Interested persons are invited to submit written data, views, and arguments on the application of Cosco described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. It is requested, but not required, that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 23, 1998.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: February 13, 1998.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 98–4354 Filed 2–19–98; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Ex Parte No. 290 (Sub No. 4)]

Railroad Cost Recovery Procedures—Productivity Adjustment

AGENCY: Surface Transportation Board.

ACTION: Proposed adoption of a Railroad Cost Recovery Procedures productivity adjustment.

SUMMARY: The Surface Transportation Board proposes to adopt 1.096 (9.6%) as the measure of average growth in railroad productivity for the 1992–1996 (5-year) period. The current value of 5.0% was developed for the 1991 to 1995 period.

DATES: Comments are due by March 9, 1998.

EFFECTIVE DATE: The proposed productivity adjustment is effective 30 days after the date of service.

ADDRESSES: Send comments (an original and 10 copies) referring to STB Ex Parte No. 290 (Sub-No. 4) to: Office of the Secretary, Case Control Branch, 1925 K Street, NW, Washington, DC 20423–0001. Parties should submit all pleading and attachments on a 3.5-inch diskette in WordPerfect 6.0 or 6.1 compatible format.

FOR FURTHER INFORMATION CONTACT: H. Jeff Warren, (202) 565–1549. TDD for the hearing impaired: (202) 565–1695.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision write to, call, or pick up in person from: DC NEWS & DATA, INC., Suite 210, 1925 K Street, NW, Washington, DC 20423–0001, telephone (202) 289–4357. [Assistance for the hearing impaired is available through TDD services (202) 565–1695.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Pursuant to 5 U.S.C. 605(b), we conclude that our action will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Decided: February 9, 1998.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 98–4358 Filed 2–19–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33549]

Pioneer Industrial Railway Co.—Lease and Operation Exemption—Peoria, Peoria Heights & Western Railroad

Pioneer Industrial Railway Co. (PRY), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to

lease from Peoria, Peoria Heights & Western Railroad (PPHW)[1] and to operate approximately 8.29 miles of rail line (line) in Peoria, Peoria County, IL, extending from approximately milepost 1.71 (E.P.S. 80+15, connecting with the Peoria & Pekin Union Railway Company) to approximately milepost 10.00 (E.P.S. 516+21, Pioneer Industrial Park Track).[2]

The parties report that they intend to consummate the transaction on or about February 17, 1998. The earliest the transaction can be consummated is February 16, 1998, the effective date of the exemption (7 days after the exemption was filed).

This transaction is related to STB Finance Docket No. 33550, *Pioneer Railcorp—Continuance in Control Exemption—Pioneer Industrial Railway Co.*, wherein Pioneer Railcorp has concurrently filed a verified notice to continue in control of PRY upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33549, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John D. Heffner, Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20036.

Decided: February 11, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–4339 Filed 2–19–98; 8:45 am]

BILLING CODE 4915–00–P

[1] PPHW is jointly controlled by the City of Peoria, IL, and the Village of Peoria Heights, IL.

[2] Peoria & Pekin Union Railway Company, the current lessee and operator of the line, has reportedly asked PPHW to find a new operator for the line.

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33550]

Pioneer Railcorp—Continuance in Control Exemption—Pioneer Industrial Railway Co.

Pioneer Railcorp (Pioneer), a noncarrier holding company, has filed a notice of exemption to continue in control of Pioneer Industrial Railway Co. (PRY), upon PRY's becoming a carrier. Pioneer owns all of the outstanding stock of PRY.

The transaction is scheduled to be consummated on February 17, 1998.

This transaction is related to STB Finance Docket No. 33549, *Pioneer Industrial Railway Co.—Lease and Operation Exemption—Peoria, Peoria Heights & Western Railroad*, wherein PRY seeks to lease and operate 23.4 miles of rail line from Peoria, Peoria Heights & Western Railroad.

Pioneer owns and controls twelve existing Class III shortline rail carriers: West Michigan Railroad Co., operating in Michigan; Fort Smith Railroad Co., operating in Arkansas; Alabama Railroad Co., operating in Alabama; Mississippi Central Railroad Co., operating in Mississippi and Tennessee; Alabama & Florida Railway Co., Inc., operating in Alabama; Decatur Junction Railway Co., operating in Illinois; Vandalia Railroad Company, operating in Illinois; Minnesota Central Railroad Co., operating in Minnesota; Keokuk Junction Railway, operating in Iowa and Illinois; Wabash & Western Railway Co., d/b/a Michigan Southern Railroad, operating in Michigan and Indiana; Rochelle Railroad Co., operating in Illinois; and Shawnee Terminal Railway Company, operating in Illinois.

Pioneer states that: (i) The railroads will not connect with each other or any railroad in their corporate family; (ii) the acquisition of control is not part of a series of anticipated transactions that would connect the eleven railroads with each other or any railroad in their corporate family; and (iii) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Because this transaction involves Class III rail carriers only, the Board, under the statute, may not impose labor protective conditions for this transaction.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33550, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on John D. Heffner, Esq., Rea, Cross & Auchincloss, 1920 N Street, N.W., Suite 420, Washington, DC 20036.

Decided: February 11, 1998.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 98–4340 Filed 2–19–98; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 98–14]

Customs Accreditation of Columbia Inspection Incorporated as an Accredited Laboratory

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of Accreditation of Columbia Inspection, Inc. as a Commercial Accredited Laboratory.

SUMMARY: Columbia Inspection, Inc., of Portland, Oregon, has applied to U.S. Customs for an extension of accreditation to perform petroleum analysis methods under § 151.13 of the Customs Regulations (19 CFR 151.13) to their Portland, Oregon, Fife, Washington, and Martinez, California facilities. Customs has determined that the Portland, Oregon and the Martinez, California offices meet all of the requirements for accreditation as a Commercial Laboratory to perform (1) API Gravity, (2) Sediment, (3) Distillation, (4) Reid Vapor Pressure, (5) Saybolt Universal Viscosity, (6) Sediment by Extraction, (7) Percent by Weight of Sulfur and (8) Percent by Weight of Lead. Further, Customs has determined that the Fife, Washington office meets all requirements for accreditation as a Commercial

Laboratory to perform (1) API Gravity, (2) Sediment, (3) Distillation, (4) Saybolt Universal Viscosity, (5) Sediment by Extraction and (6) Percent by Weight of Sulfur. Therefore, in accordance with § 151.13(f) of the Customs Regulations, Columbia Inspection, Inc., is granted accreditation to perform the analysis methods listed above.

LOCATION: Columbia Inspection, Inc. accredited sites are located at: 7133 North Lombard Street, Portland, Oregon 97203; 613 Escobar Street, Martinez, California 94553; 4901 East 20th Street, Fife, Washington 98424.

EFFECTIVE DATE: February 4, 1998.

FOR FURTHER INFORMATION CONTACT: Michael J. Parker, Science Officer, Laboratories and Scientific Services, U.S. Customs Service, 1300 Pennsylvania Avenue, NW, Room 5.5–B, Washington, D.C. 20229 at (202) 927–1060.

Dated: February 5, 1998.

Marcelino Borges,

Acting Director, Laboratories and Scientific Services.

[FR Doc. 98–4261 Filed 2–19–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Correction—Atlas Assurance Company of America

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 8 to the Treasury Department Circular 570; 1997 Revision, published July 1, 1997, at 62 FR 35548.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874-7102.

SUPPLEMENTARY INFORMATION: The name of ATLAS ASSURANCE COMPANY OF AMERICA had an error in the notice published on January 21, 1998 at 63 FR 3184. The name is hereby corrected to read ATLAS ASSURANCE COMPANY OF AMERICA. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570 1997 Revision, at page 35553 to reflect this change.

The Circular may be viewed and downloaded through the Internet (http://fms.treas.gov/c570.html) or through our computerized public bulletin board system (FMS Inside Line) at (202) 874–6887. A hard copy may be purchased from the Government Printing Office (GPO). Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number; 048000-00509–8.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6A11, Hyattsville, MD 20782.

Dated: February 10, 1998.

Charles F. Schwan III,

Director,

Funds Management Division,

Financial Management Service.

[FR Doc. 98–4319 Filed 2–19–98; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable On Federal Bonds: Termination—Great Lakes American Reinsurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 9 to the Treasury Department Circular 570; 1997 Revision, published July 1, 1997, at 62 FR 35548.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–7102.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Certificate of Authority issued by the Treasury to GREAT LAKES AMERICAN REINSURANCE COMPANY, of New York, New York, under the United States Code, Title 31, Sections 9304–9308, to qualify as an acceptable reinsuring company on Federal bonds is hereby terminated.

The Company was last listed as an acceptable reinsuring company on Federal bonds at 62 FR 35581, July 1, 1997.

With respect to any bonds currently in force with GREAT LAKES AMERICAN REINSURANCE COMPANY, bond-approving officers should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding. In addition, bonds that are continuous in nature should not be renewed.

The Treasury Department Circular 570 may be viewed and downloaded through the Internet (http://www.fms.treas.gov/c570.html) or through our computerized public bulletin board system (FMS Inside Line) at (202) 874–6887. A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the circular from GPO, use the following stock number: 048–000–00509–8.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6A11, Hyattsville, MD 20782.

Dated: February 10, 1998.

Charles F. Schwan III,

Director, Funds Management Division, Financial Management Service.

[FR Doc. 98–4318 Filed 2–19–98; 8:45 am]

BILLING CODE 4810–35–M

Corrections

Federal Register

Vol. 63, No. 34

Friday, February 20, 1998

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF LABOR

Mine Safety and Health Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

RIN 1219–AA82

Mine Shift Atmospheric Conditions; Respirable Dust Sample

Correction

In notice document 97–33934, beginning on page 68372, in the issue of Wednesday, December 31, 1997 (republished at 63 FR 5664), make the following corrections:

1. On page 68388, in the second column, in the first line, ''(x=g1.438/m^3)'' should read ''(x=g•1.438/m^3)''.

2. On page 68391, in the first column, in the first full paragraph, in the seventh line, ''σ_σ'' should read ''σ_δ''.

3. On page 68393, in the first column, in the last line, ''$a_0=2(CV^2_{pump}+CV^2+_{sampler}+CV^2_{spatial})$'' should read ''$a_0=2(CV^2_{pump}+CV^2_{sampler}+CV^2_{spatial})$''.

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Coal Mine Respirable Dust Standard Noncompliance Determinations

Correction

In notice document 97–33937, beginning on page 68395, in the issue of Wednesday, December 31, 1997 (republished at 63 FR 5687), make the following corrections:

1. On page 68408, in the first column, in the 23rd line from the bottom, ''(μ^i)'' should read ''(μ_i)''.

2. On page 68408, in the first column, in the 11th line from the bottom, ''s'' should read ''σ''.

3. On page 68413, in the first column, in the 19th line from the bottom, ''E(μ)'' should read ''E{μ}''.

4. On page 68413, in the first column, in the 11th line from the bottom, ''E(μ)'' should read ''E{μ}''.

5. On page 68416, in the first column, in the first full paragraph, in the second line from the bottom, ''(3513α°)'' should read ''(3513•α°)''.

BILLING CODE 1505-01-D

federal register

Friday
February 20, 1998

Part II

Federal Communications Commission

Semiannual Report of Payment Accepted From Non-Federal Sources Under 31 U.S.C. 1353 for the Period Beginning April 1, 1997, Ending September 30, 1997; Notice

FEDERAL COMMUNICATIONS COMMISSION

Semiannual Report of Payment Accepted From Non-Federal Sources Under 31 U.S.C. 1353—for the Period Beginning April 1, 1997, Ending September 30, 1997

Summary Report

Reimbursement/In-kind Payments in Excess of $250

Total Number of Sponsored Events: 162.

Total Number of Sponsoring Organizations: 114.

Total Number of Different Commissioners/Employees Attending: 128.

Total Amount of Reimbursement Received

	Check	In-kind
In excess of $250	$47,130.75	$216,464.59
Under $250 (Detail not included)	951.30	1,949.34
Total	48,082.05	218,413.93

1. *Agency:* Federal Communications Commission.
2. *Employee:* Thomas W. Phillips.
Government Position: Electronics Engineer, Office of Engineering & Technology.
3. *Event:* 2nd EMC Laboratory Accreditation Workshop.
4. *Sponsor of Event:* ACIL.
5. *Sponsor Address:* Attn: Dana Marshall, 1629 K Street, N.W., Suite 400, Washington, D.C. 20006.
6. *Location of Event:* Chicago, Illinois.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/09/97.
9. *Travel Dates:* 04/08–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$124.00	.....
2. Hotel Room	.....	$119.00
3. Meals	.....	42.00
4. Grd. Transportation	20.00	.....
5. Telephone	3.47	.....
	147.47	161.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Thomas A. Boasberg.
Government Position: Senior Legal Advisor, International Bureau.
3. *Event:* X Executive Forum.
4. *Sponsor of Event:* AHCIET.
5. *Sponsor Address:* Attn: Sr. D. Mariano Klinge-Loy, Guzmon el Bueno, 133, Edificio Britannio (7 Planta), 28003 Madrid—Espana.
6. *Location of Event:* San Juan, Puerto Rico.
7. *Employee's Role: Speaker.*
8. *Dates of Event:* 12/02–03/96.
9. *Travel Dates:* 12/01–03/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1073.00
2. Hotel Room	.....	290.00
3. Meals	.....	.....
4. Fax & Telephone	$66.75	.....
5. Grd. Transportation	131.20	.....
	198.05	1363.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* James R. Keegan.
Government Position: Associate Chief for Networks, Office of Engineering & Technology.
3. *Event:* Cost Allocations & Business Process Re-Engineering for the Telecoms Industry Conference.
4. *Sponsor of Event:* AIC Conferences.
5. *Sponsor Address:* Attn: Christian Ernst Suarey, Nueva De Lyon 96, Of. 405, Providentia, Santiago, Chile.
6. *Location of Event:* Santiago, Chile.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 11/25–28/96.
9. *Travel Dates:* 11/23–12/01/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1249.00
2. Hotel Room	.....	*324.00
3. Meals	.....	.....
4. Taxi	$104.80	.....
	104.80	1573.00
(b) Non-Fed Source: Same as No. 4.		

*Lodging Amount Includes Meals per Travel Orders.

1. *Agency:* Federal Communications Commission.
2. *Employee*: John B. Muleta.
Government Position: Chief, Enforcement Division, Common Carrier Bureau.
3. *Event:* Directory Assistance and Operator Services Conference.
4. *Sponsor of Event:* AIC Conferences.
5. *Sponsor Address:* Attn: Ms. Jill Banaszewski, 60 Broad Street, 19th Floor, New York, NY 10004.
6. *Location of Event:* Chicago, Illinois.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/24–25/97.
9. *Travel Dates:* 03/23–24/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$638.00
2. Hotel Room	.....	145.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	783.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Jeffrey C. Anspacher.
Government Position: Economist, International Bureau.
3. *Event:* Interconnection & Number Portability.
4. *Sponsor of Event:* AIC Conferences.
5. *Sponsor Address:* Attn: Niclas Ingemarson.
6. *Location of Event:* Stockholm, Sweden.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/22–23/97.
9. *Travel Dates:* 04/20–26/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1520.00
2. Hotel Room	.....	592.75
3. Meals	.....	25.00
4. Grd. Transportation	.....	.....
	.....	2137.75
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.

2. *Employee*: Kerry Murray.
Government Position: Senior Legal Advisor, International Bureau.
3. *Event:* International Telecommunications Traffic Issues.
4. *Sponsor of Event:* AIC Conferences.
5. *Sponsor Address:* Attn: Leonie Molesworth, 2nd Floor, 100 Hatton Garden, London, EC1 N8NX.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/25–26/97.
9. *Travel Dates:* 06/23–07/03/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$946.18
2. Hotel Room	.....	470.50
3. Meals	.....	158.77
4. Grd. Transportation	.....	.....
	.....	1575.45
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Troy F. Tanner.
Government Position: Chief, Policy & Facilities Branch, International Bureau.
3. *Event:* Accounting Rates, International Simple Resale & Callback Conference.
4. *Sponsor of Event:* AIC Conferences.
5. *Sponsor Address:* Attn: Ms. Audrey Van Houten, 12 Prince Edward Road, #03–01 Podium A, Bestway Building, Singapore 079212.
6. *Location of Event:* Singapore.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/29–30/97.
9. *Travel Dates:* 09/26–30/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1437.00
2. Hotel Room	.....	519.00
3. Meals	.....	40.00
4. Grd. Transportation	.....	.....
	.....	1996.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Regina M. Keeney
Government Position: Chief, Common Carrier Bureau.
3. *Event:* AirTouch Symposium.
4. *Sponsor of Event:* AirTouch Communications.
5. *Sponsor Address:* Attn: Mr. Brian Kidney San Francisco, One California, California 28th Floor, San Francisco, CA 94111.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 10/15–17/96.
9. *Travel Dates:* 10/15–17/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	*$768.16
2. Hotel Room	.....	.....
3. Meals	.....	201.95
4. Grd. Transportation	.....	
5. Telephone	.....	12.35
(b) Non-Fed Source: Same as No. 4.	.....	982.42

*Price includes lodging.

1. *Agency:* Federal Communications Commission.
2. *Employee:* Keith Larson.
Government Position: Assistant Chief, Engineering, Mass Media Bureau.
3. *Event:* ABA Annual Convention.
4. *Sponsor of Event:* Alaska Broadcasters Association—ABA.
5. *Sponsor Address:* Attn: Ms. Nancy Johnson, P.O. Box 102424, Anchorage, AK 99510.
6. *Location of Event:* Anchorage, Alaska.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 9/25–26/97.
9. *Travel Dates:* 09/25–10/2/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1261.00
2. Hotel Room	.....	882.00
3. Meal	.....	
4. Grd. Transportation	.....	.....
	.....	2143.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Kent Nilsson.
Government Position: Deputy Chief, Network Services Division, Common Carrier Bureau.
3. *Event:* ATA 1996 Annual Meeting.
4. *Sponsor of Event:* Alaska Telephone Association—ATA.
5. *Sponsor Address:* Attn: Mr. James Rowe, 4341 B Street, Suite 304, Anchorage, AK 99503.
6. *Location of Event:* Dutch Harbor, Alaska.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/20–22/96.
9. *Travel Dates:* 5/20–24/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$2487.00
2. Hotel Room	.....	*237.72
3. Meals	.....	.....
4. Supplies	$12.00	.....
5. Grd. Transportation	51.60	.....
	63.60	2724.72
(b) Non-Fed Source: Same as No. 4.		

*Meals included in lodging amount.

1. *Agency:* Federal Communications Commission.
2. *Employee:* Julius Genachowski.
Government Position: Counsel to Chairman, Reed E. Hundt.
3. *Event:* ALTV/NATPE Convention.
4. *Sponsor of Event:* ALTV/NATPE.
5. *Sponsor Address:* Attn: David Donovan, 320 19th Street, N.W., Suite 300, Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 01/11–16/97.
9. *Travel Dates:* 01/12–14/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$299.00	.....
2. Hotel Room	.....	$250.47
3. Meals	115.50	3.29
4. Grd. Transportation	16.50	.....
5. Telephone	.....	14.64
	431.00	268.40

	(c) Type & amount of payment	
	Check	In kind
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Susan Ness.
Government Position: Commissioner.
3. *Event:* ALTV/NATPE Convention.
4. *Sponsor of Event:* ALTV/NATPE.
5. *Sponsor Address:* Attn: David Donovan, 1320 19th Street, N.W., Suite 300, Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 01/11–16/97.
9. *Travel Dates:* 01/12–14/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$630.00
2. Hotel Room	.....	274.00
3. Meals	$95.00	.....
4. Grd. Transportation	86.00	.....
	181.00	904.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Saul Shapiro.
Government Position: Assistant Chief, Technology Mass Media Bureau.
3. *Event:* ALTV/NATPE Convention.
4. *Sponsor of Event:* ALTV/NATPE.
5. *Sponsor Address:* Attn: David Donovan, 320 19th Street, N.W., Suite 300, Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 01/11–16/97.
9. *Travel Dates:* 01/11–15/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$474.00
2. Hotel Room	.....	264.00
3. Meals	.....	.....
4. Grd. Transportation	$24.50	.....
	24.50	738.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Robert M. Pepper.
Government Position: Chief, Office of Plans & Policy.
3. *Event:* ABA Annual Seminar.
4. *Sponsor of Event:* American Bar Association—ABA.
5. *Sponsor Address:* Attn: Ms. Jennifer Manner, 750 North Lake Shore Drive, Chicago, IL 60611.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 08/01–05/97.
9. *Travel Dates:* 08/02–05/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$404.00
2. Hotel Room	.....	228.00
3. Meals	.....	105.00
4. Grd. Transportation	.....	.....
	.....	737.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Melanie A. Godschall.
Government Position: Attorney, Mass Media Bureau.
3. *Event:* National AWRT Convention.
4. *Sponsor of Event:* American Women in Radio & Television.
5. *Sponsor Address:* Attn: Ms. Chancey Blackburn, 1650 Tysons Boulevard, Suite 200, McLean, VA 22102.
6. *Location of Event:* Dallas, Texas.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 06/13/97.
9. *Travel Dates:* 06/13/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$500.00
2. Hotel Room	.....	38.00
3. Meals	.....	.....
4. Taxi	.....	.....
	.....	538.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Larry G. Weikert.
Government Position: Industry Analyst, Wireless Telecommunications Bureau.
3. *Event:* Annual Hamfest.
4. *Sponsor of Event:* Anchorage Amateur Radio Board Club—AARBC.
5. *Sponsor Address:* Attn: Roger Hansen, 2628 Turnagain Pkwy, Anchorage, AK 99517.
6. *Location of Event:* Anchorage, Alaska.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/21–22/96.
9. *Travel Dates:* 09/19–25/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$650.00
2. Hotel Room	.....	256.62
3. Meals	.....	36.95
4. Mileage & Parking	$67.82	.....
	67.82	943.57
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Kevin Werbach.
Government Position: Attorney, Office of Plans & Policy.
3. *Event:* AOP's Second Meeting & Conference.
4. *Sponsor of Event:* Association of Online Professionals—AOP.
5. *Sponsor Address:* Attn: Mr. David P. McClure, 6096 Franconia Road, Suite D, Alexandria, VA 22310.
6. *Location of Event:* San Diego, California.
7. *Employee's Role:* Keynote Speaker.
8. *Dates of Event:* 09/12/97.
9. *Travel Dates:* 09/11–15/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$404.00
2. Hotel Room	.....	336.00
3. Meals	.....	171.00
4. Grd. Transportation	.....	.....
	67.82	911.00
(b) Non Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Stephen L. Markendorff.
Government Position: Chief, Broadband Branch,Wireless Telecommunications Bureau.
3. *Event:* Annual Meeting.
4. *Sponsor of Event:* AT&T Wireless Services.
5. *Sponsor Address:* Attn: Mr. William Covington, 5000 Carillon Point, Kirkland, WA 98033–7397.
6. *Location of Event:* Denver, Colorado.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 06/07/96.
9. *Travel Dates:* 06/06–07/96.
10.

	(c) Type & amount of Payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1,215.00
2. Hotel Room	.....	164.00
3. Meals	$51.00	.....
4. Telephone	3.00	.....
	54.00	1,379.82
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Stephen L. Markendorff.
Government Position: Chief, Broadband Branch, Wireless Telecommunications Bureau.
3. *Event:* Touch the Future: A Forum on Wireless & Your Community.
4. *Sponsor of Event:* AT&T Wireless Services.
5. *Sponsor Address:* Attn: Ms. Mary Ann Noyer, 15 East Midland Avenue, Paramus, NJ 07652–2936.
6. *Location of Event:* Boston, Massachusetts.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 06/18/96.
9. *Travel Dates:* 06/17–18/96.
10.

	(c) Type & amount of Payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$546.00
2. Hotel Room	.....	115.00
3. Meals	$47.50	.....
4. Telephone	.....	.....
	47.50	661.00
(b) Non-Fed Source; Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Suzanne K. Toller.
Government Position: Legal Advisor to Commissioner, Rachelle B. Chong.
3. *Event*: Annual Meeting.
4. *Sponsor of Event:* AT&T Wireless Services.
5. *Sponsor Address:* Attn: Ms. Cathleen A. Massey, Fourth Floor, 1150 Connecticut Avenue, N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/11–13/97.
9. *Travel Dates:* 06/09–11/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$714.00
2. Hotel Room	.....	286.38
3. Meals	.....	105.00
4. Grd. Transportation	.....	.....
	.....	1105.38
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Shaun A. Maher.
Government Position: Attorney Advisor, Wireless Telecommunications Bureau.
3. *Event:* Annual Meeting.
4. *Sponsor of Event:* AT&T Wireless Services.
5. *Sponsor Address:* Attn: Mr. William Covington, 5000 Carillon Point, Kirkland, WA 98033.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/11–13/97.
9. *Travel Dates:* 06/11–12/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$714.00
2. Hotel Room	.....	258.00
3. Meals	.....	105.00
4. Grd. Transportation	.....	.....
	.....	1077.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Stephen L. Markendorff.
Government Position: Deputy Chief, Commercial Wireless Division, Wireless Telecommunications Bureau.
3. *Event:* Annual Meeting.
4. *Sponsor of Event:* AT&T Wireless Services.
5. *Sponsor Address:* Attn: Mr. William Covington, 5000 Carillon Point, Kirkland, WA 98033.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 06/11–13/97.
9. *Travel Dates:* 06/10–13/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$648.00
2. Hotel Room	.....	387.00
3. Meals	.....	147.00
4. Grd. Transportation	$9.00	100.00
	9.00	1282.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* David Ellen.
Government Position: Special Council, Policy Division, Common Carrier Bureau.
3. *Event:* In World Forum.
4. *Sponsor of Event:* Bell Atlantic.
5. *Sponsor Address:* Attn: Mr. Joseph J. Mulieri, 1133 20th Street, N.W., Suite 810, Washington, D.C. 20036.
6. *Location of Event:* Orlando, Florida.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/24–27/97.
9. *Travel Dates:* 03/25–26/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$481.09
2. Hotel Room	.....	186.48
3. Meals	$51.00	.....
4. Grd. Transportation	24.00	39.27
	75.00	706.84
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Michael R. Nelson.
Government Position: Director of Technology, Office of Plans & Policy.
3. *Event:* ISCP Applications Forum.
4. *Sponsor of Event:* Bellcore.
5. *Sponsor Address:* Attn: Mr. Robert E. Ziemba, Jr., 444 Hoes Lane, Room 4F228, Piscatawy, NJ 08854.
6. *Location of Event:* Phoenix, Arizona.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/23/97.
9. *Travel Dates:* 09/22–24/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$228.00
2. Hotel Room	.....	130.00
3. Meals	.....	66.50
4. Grd. Transportation	.....	.....
	.....	424.50
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Jon C. Garcia.
Government Position: Director of Strategic Analysis, Office of Plans & Policy.
3. *Event:* Annual Strategic Decisions Conference.
4. *Sponsor of Event:* Sanford C. Bernstein & Co., Inc.
5. *Sponsor Address:* Attn: Mr. Tod A. Jacobs, 767 Fifth Avenue, New York, NY 10153–0185.
6. *Location of Event:* New York, New York.
7. *Employee's Role:* Discussant.
8. *Dates of Event:* 06/04–06/97.
9. *Travel Dates:* 06/04–05/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$118.00
2. Hotel Room	.....	153.00
3. Meals	.....	35.00
4. Grd. Transportation	.....	.....
	.....	306.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Richard M. Smith.
Government Position: Chief, Office of Engineering & Technology.
3. *Event:* Caribbean Telecommunications Reform.
4. *Sponsor of Event:* Bins Company.
5. *Sponsor Address:*
Attn: Mr. David Lomax, 1306 Clayborne House Court, McLean, VA 22101.
6. *Location of Event:* St. Lucia.
7. *Employee's Role:* Consultant.
8. *Dates of Event:* 06/03–06/97.
9. *Travel Dates*: 06/02–07/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$693.95	
2. Hotel Room	.....	$330.40
3. Meals	.....	134.00
4. Grd. Transportation	158.40	.....
	852.35	464.40
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Robert M. Pepper.
Government Position: Chief, Office of Plans & Policy.
3. *Event:* Internet World Wide Web & BBS Internet Conference.
4. *Sponsor of Event:* Boardwatch Magazine.
5. *Sponsor Address:* Attn: Mr. Brian Noto, 8500 W. Bowles Avenue, Suite 210, Littleton, CO 80123.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 08/20–23/97.
9. *Travel Dates:* 08/17–21/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1469.50
2. Hotel Room	.....	342.00
3. Meals	.....	199.50
4. Grd. Transportation	.....	.....
	.....	2011.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Susan Ness.
Government Position: Commissioner.
3. *Event:* BFCM's 37th Annual Conference.
4. *Sponsor of Event:* Broadcast Cable Financial Management Association—BCFM.
5. *Sponsor Address:* Attn: Mr. Howard L. Schrott, 950 North Meridian Street, 12th Floor, Indianapolis, IN 46204.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Keynote Speaker.
8. *Dates of Event:* 05/21–24/97.
9. *Travel Dates:* 05/22–24/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1805.00
2. Hotel Room	.....	326.00
3. Meals	.....	84.00
4. Grd. Transportation	$52.00	.....
5. Telephone	8.20	.....
	60.20	2215.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Troy F. Tanner.
Government Position: Chief, Policy & Facilities Branch, International Bureau.
3. *Event:* Cable & Wireless College.
4. *Sponsor of Event:* Cable & Wireless Inc.
5. *Sponsor Address:* Attn: Mr. Paul W. Kenefick, 8219 Leesburg Pike, Vienna, VA 22182.
6. *Location of Event:* Coventry, United Kingdom.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/07–08/97.
9. *Travel Dates:* 04/06–09/97

10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1440.00
2. Hotel Room	.....	229.06
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	1669.00
(b) Non-Fed Source: Same as No. 4		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
3. *Event:* CBA 50th ''Solid Gold'' Convention.
4. *Sponsor of Event:* California Broadcasters Association—CBA.
5. *Sponsor Address:* Attn: Mr. Stan Statham, 915 L Street, Suite 1150, Sacramento, CA 95814.
6. *Location of Event:* Monterey, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/26–28/97.
9. *Travel Dates:* 07/25–29/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$751.00	.....
2. Hotel Room	.....	$158.00
3. Meals	104.50	.....
4. Grd. Transportation	$52.00	.....
	907.50	158.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Jackie E. Chorney.
Government Position: Legal Advisor to the Chairman Reed E. Hundt.
3. *Event:* Western Show.
4. *Sponsor of Event:* California Cable, Television Association—CCTA.
5. *Sponsor Address:* Attn: Toni Irwin, 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
6. *Location of Event:* Anaheim, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 12/11–13/96.
9. *Travel Dates:* 12/10–13/96.

10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$248.00	.....
2. Hotel Room	.....	$169.06
3. Meals	114.00	19.38
4. Grd. Transportation	.....	.....
	362.00	188.44
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* James Coltharp.
Government Position: Special Advisor to Commissioner James H. Quello.
3. *Event:* Western Show.
4. *Sponsor of Event:* California Cable Television Association—CCTA.
5. *Sponsor Address:* Attn: Toni Irwin, 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
6. *Location of Event:* Anaheim, California.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 12/11–13/96.
9. *Travel Dates:* 12/08–12/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1718.00
2. Hotel Room	.....	84.53
3. Meals	$66.50	.....
4. Taxi	34.10	.....
	100.60	1802.53
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Patrick J. Donovan.
Government Position: Deputy Chief, Competitive Pricing Division, Common Carrier Bureau.
3. *Event:* Western Show.
4. *Sponsor of Event:* California Cable Television Association—CCTA.
5. *Sponsor Address:* Attn: Toni Irwin, 4341 Piedmont Avenue, P.O. Box 11080 Oakland, CA 94611.
6. *Location of Event:* Anaham, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 12/11–13/96.
9. *Travel Dates:* 12/11–13/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$199.00	.....
2. Hotel Room	.....	$169.06
3. Meals	85.50	.....
4. Taxi	90.00	90.00
	374.50	259.06
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Susan Ness.
Government Position: Commissioner.
3. *Event:* Western Show.
4. *Sponsor of Event:* California Cable Television Association—CCTA.
5. *Sponsor Address:* Attn: Toni Irwin, 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
6. *Location of Event:* Anaheim, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 12/11–13/96.
9. *Travel Dates:* 12/10–11/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$247.00	.....
2. Hotel Room	.....	$84.00
3. Meals	66.50	.....
4. Taxi	.....	.....
	313.50	84.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Suzanne K. Toller.
Government Position: Legal Advisor to Commissioner, Rachelle B. Chong.
3. *Event:* Western Show.
4. *Sponsor of Event:* California Cable Television Association—CCTA.
5. *Sponsor Address:* Attn: Toni Irwin, 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
6. *Location of Event:* Anaheim California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 12/11–13/96.
9. *Travel Dates:* 2/10–15/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		

	(c) Type & amount of payment	
	Check	In kind
1. Roundtrip Transportation	$199.00	
2. Hotel Room		$401.25
3. Meals	133.00	
4. Grd. Transportation	74.80	
	406.80	401.25
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* John P. Wong.
Government Position: Chief, Engineering & Technical Services Division, Cable Services Bureau.
3. *Event:* Western Show.
4. *Sponsor of Event:* California Cable Television Association—CCTA.
5. *Sponsor Address:* Attn: Toni Irwin, 4341 Piedmont Avenue, P.O. Box 11080, Oakland, CA 94611.
6. *Location of Event:* Anaheim, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 12/11–13/96.
9. *Travel Dates:* 12/10–13/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		$1747.00
2. Hotel Room		665.88
3. Meals	$142.50	
4. Taxi	43.56	
	186.06	2412.88
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Kelly Cameron.
Government Position: Senior Attorney Advisor, International Bureau.
3. *Event:* International Telecommunications Conference.
4. *Sponsor of Event:* Canadian Institute.
5. *Sponsor Address:* Attn: Ms. Anne V. Fleming, 1329 Bay Street, Toronto, Ontario M5R 2C4, Canada.
6. *Location of Event:* Toronto, Canada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/19/97.
9. *Travel Dates:* 06/18–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$308.20	
2. Hotel Room		$116.06
3. Meals		
4. Taxi		
	308.20	116.06
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* John Giusti.
Government Position: Attorney Advisor, International Bureau.
3. *Event:* CANTO 13th Annual Conference & Trade Exhibition.
4. *Sponsor of Event:* Caribbean Association of National Telecommunications Organizations—CANTO.
5. *Sponsor Address:* Attn: Mr. Carl M. Lewis, #67 Picton Street, Newton, Port of Spain, Trinidad, W.I.
6. *Location of Event:* Caracao, Netherlands Antilles.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/25–29/97.
9. *Travel Dates:* 05/23–27/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		$769.00
2. Hotel Room		
3. Meals		
4. Grd. Transportation		
		769.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Julius P. Knapp.
Government Position: Chief, Authorization & Evaluation Division, Office of Engineering & Technology.
3. *Event:* International Electrotechnical Regulatory Compliance Symposium.
4. *Sponsor of Event:* China Shanghai Bureau Technical Supervision, China Guangzhou Electrical Safety Testing Bureau & Hong Kong Electronics Industry Association.
5. *Sponsor Address:* Attn: Mr. Raymond Wong, Inchape Testing Service, Hong Kong Ltd., 2/F., Garment Center, 576 Castle Peak Road, Kowloon, Hong Kong.
6. *Location of Event:* Shanghai & Gungzhou China & Hong Kong.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/10–16/95.
9. *Travel Dates:* 06/09–17/95.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		$3875.00
2. Hotel Room		969.81
3. Meals	$413.25	533.00
4. Mileage & Taxi	14.00	
	427.25	5377.81
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* A. Richard Metzger.
Government Position: Deputy Chief, Common Carrier Bureau.
3. *Event:* Tenth National & First Andean.
4. *Sponsor of Event:* Colombian Telecommunications Research Center—CINTEL.
5. *Sponsor Address:* Av. 9 No. 118–85, Santa Fe de Bogota, Columbia.
6. *Location of Event:* Cartagena, Columbia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/10–12/95.
9. *Travel Dates:* 05/09–13/95.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$787.95	
2. Hotel Room		
3. Meals		
4. Grd. Transportation		
	787.95	
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Troy F. Tanner
Government Position: Chief, Policy & Facilities Branch International Bureau.
3. *Event:* International Simple Resale Conference.
4. *Sponsor of Event:* CommEd Limited.

5. *Sponsor Address:* Attn: Ms. Julie Shephard, Communications House, 137 Dulwich Road, London SE24 0NG.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 10/14–15/96.
9. *Travel Dates:* 10/13–15/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$956.86
2. Hotel Room	.....	616.21
3. Meals	$232.50	.....
4. Taxi	.....	.....
	232.50	1573.07
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Rachelle B. Chong.
Government Position: Commissioner.
3. *Event:* CNMI's Admission to the North American Numbering Plan.
4. *Sponsor of Event:* Commonwealth of the Northern Mariana Islands—CNMI.
5. *Sponsor Address:* Attn: Mr. David Ecret, Caller Box 10007, Saipan, MP 96950.
6. *Location of Event:* Saipan.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/01/97.
9. *Travel Dates:* 06/28–07/03/97.
10.

	(c) Type & amount of payment	
	(c) Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$3630.00
2. Hotel Room	.....	432.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	4062.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Daniel Gonzalez.
Government Position: Legal Advisor to Commissioner Rachelle B. Chong.
3. *Event:* CNMI's Admission to the North American Numbering Plan.
4. *Sponsor of Event:* Commonwealth of the Northern Mariana Islands—CNMI.
5. *Sponsor Address:* Attn: Mr. David Ecret, Caller Box 10007, Saipan, MP 96950.
6. *Location of Event:* Saipan.
7. *Employee's Role:* Attendee.
8. *Dates of Event:* 07/01/97.
9. *Travel Dates:* 06/28–07/03/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$3630.00	.....
2. Hotel Room	.....	$432.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	4062.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
3. *Event:* CBA Convention.
4. *Sponsor of Event:* Community Broadcasters Association—CBA.
5. *Sponsor Address:* Attn: Mr. Sherwin Grossman, 1520 Northwest 79th Avenue, Miami, FL 33126.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 10/25–27/96.
9. *Travel Dates:* 10/24–26/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$237.00	.....
2. Hotel Room	.....	$148.00
3. Meals	85.00	.....
4. Taxi	66.40	.....
	388.40	148.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Jon C. Garcia.
Government Position: Director of Strategic Analysis, Office of Plans & Policy.
3. *Event:* Current Issues In Wireless Communications Breakfast Seminar.
4. *Sponsor of Event:* Kelley Drye & Warren.
5. *Sponsor Address:* Attn: Ms. Judith St. Ledger-Roty, 1200 19th Street, N.W., Suite 500, Washington, D.C. 20036.
6. *Location of Event:* New York, New York.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/25/97.
9. *Travel Dates:* 02/24–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$118.00
2. Hotel Room	.....	153.00
3. Meals	.....	42.00
4. Grd. Transportation	.....	.....
	.....	$313.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Reed E. Hundt.
Government Position: Chairman.
3. *Event:* 1997 Platforms for Communication Forum.
4. *Sponsor of Event:* EDventure Holdings Inc.
5. *Sponsor Address:* Attn: Ms. Daphne Kis, Forum Director, 104 Fifth Avenue, New York, NY 10011.
6. *Location of Event:* Tucson, Arizona.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/23–26/97.
9. *Travel Dates:* 03/23–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	.....
2. Hotel Room	.....	$517.26
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	517.26
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Blair S. Levin.
Government Position: Chief of Staff to Chairman, Reed E. Hundt.
3. *Event:* 1997 Platforms for Communication Forum.
4. *Sponsor of Event:* EDventure Holdings Inc.
5. *Sponsor Address:* Attn: Ms. Daphne Kis, Forum Director, 104 Fifth Avenue, New York, NY 10011.
6. *Location of Event:* Tucson, Arizona.

7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/23–26/97.
9. *Travel Dates:* 03/23–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	.....
2. Hotel Room	.....	$517.26
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	517.26
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Julius Genachowski.
Government Position: Counsel to Chairman Reed E. Hundt.
3. *Event:* 1997 Winter Consumer Electronics Show.
4. *Sponsor of Event:* Electronics Industries Association—EIA/Consumer Electronics Manufacturers Association—CEMA.
5. *Sponsor Address:* Attn: Mr. Doug Johnson, 2500 Wilson Boulevard, Arlington, VA 22201–3834.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 01/09–12/97.
9. *Travel Dates:* 01/09–14/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$104.00	.....
2. Hotel Room	.....	$618.84
3. Meals	104.50	32.00
4. Grd. Transportation	56.00	.....
5. Telephone	.....	25.32
	264.50	676.16
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* William H. Johnson.
Government Position: Deputy Chief, Cable Services Bureau.
3. *Event:* 1997 Winter Consumer Electronics Show.
4. *Sponsor of Event:* Electronics Industries Association—EIA/Consumer Electronics Manufacturers Association—CEMA.
5. *Sponsor Address:* Attn: Mr. Joe Peck 2500 Wilson Boulevard, Arlington, VA 22201–3834.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 01/09–12/97.
9. *Travel Dates:* 01/09–12/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$563.00
2. Hotel Room	.....	585.00
3. Meals	$133.00	.....
4. Taxi	.....	.....
	133.00	1148.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Blair S. Levin.
Government Position: Chief of Staff for Chairman Reed E. Hundt.
3. *Event:* 1997 Winter Consumer Electronics Show.
4. *Sponsor of Event:* Electronics Industries Association—EIA Consumer Electronics Manufacturers Association—CEMA.
5. *Sponsor Address:* Attn: Mr. Joe Peck, 2500 Wilson Boulevard, Arlington, VA 22201–3834.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 01/09–12/97.
9. *Travel Dates:* 01/08–11/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$303.00	.....
2. Hotel Room	.....	618.84
3. Meals	61.00	76.00
4. Grd. Transportation	51.00	.....
	415.00	694.84
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: John P. Wong.
Government Position: Chief, Engineering & Technical Services Division, Cable Services Bureau.
3. *Event:* 1997 Winter Consumer Electronics Show.
4. *Sponsor of Event:* Electronics Industries Association—EIA Consumer Electronics Manufacturers Association—CEMA.
5. *Sponsor Address:* Attn: Mr. Gary Shapiro, 2500 Wilson Boulevard, Arlington, VA 22201–3834.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 01/09–12/97.
9. *Travel Dates:* 01/09–12/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$546.82
2. Hotel Room	.....	195.00
3. Meals	$133.00	.....
4. Grd. Transportation	43.56	.....
	176.56	741.82
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Leslie A. Wall.
Government Position: Chief, Customer Service Branch.
3. *Event:* EMC Zurich '97.
4. *Sponsor of Event:* EMC Zurich.
5. *Sponsor Address:* Attn: Prof. Peter E. Leuthold, ETH Zentrum—IKT, 8092 Zurich, Switzerland.
6. *Location of Event:* Zurich, Switzerland.
7. *Employee's Role:* Keynote Speaker.
8. *Dates of Event:* 02/18–20/97.
9. *Travel Dates:* 07/15–21/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	.....
2. Hotel Room	.....	$950.00
3. Meals	.....	96.25
4. Grd. Transportation	.....	.....
	.....	1046.25
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Joanne F. Wall.
Government Position: Attorney Advisor, International Bureau.
3. *Event:* Competition in Network Conference.

4. *Sponsor of Event:* Europaisches Institut Fur Internationale Wirtschaftsbeziehungen EIIW.
5. *Sponsor Address:* Attn: Cornelius Graack, August-Bebel-Str. 89, D–14482 Potsdam, Germany.
6. *Location of Event:* Berlin, Germany.
7. *Employee's Role:* Moderator.
8. *Dates of Event:* 11/21–23/96.
9. *Travel Dates:* 11/20–25/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1075.00
2. Hotel Room	.....	600.00
3. Meals	.....	21.48
4. Grd. Transportation	.....	.....
	.....	1696.48
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Brett Haan.
Government Position: Telecommunications Specialist, International Bureau.
3. *Event:* Regulatory Authority Meeting.
4. *Sponsor of Event:* Expert Group.
5. *Sponsor Address:* Attn: Klaus Oertel, Vebacom GmbH, Postfach 301007, D–40410 Dusseldorf.
6. *Location of Event:* Bonn, Germany.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 01/07–08/97.
9. *Travel Dates:* 01/06–10/97.
10.

	(c) Type and amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$3965.31
2. Hotel Room	.....	150.00
3. Meals	.....	.....
4. Telephone	.....	2.50
	.....	4117.81
(b) Non-Fred Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Rachelle B. Chong.
Government Position: Commissioner.
3. *Event:* FCBA Annual Seminar.
4. *Sponsor of Event:* Federal Communications Bar Association—FCBA.
5. *Sponsor Address:* Attn: Ms. Paula G. Friedman, 1722 Eye Street, N.W., Suite 300, Washington, D.C. 20036–3705.
6. *Location of Event:* Kingsmill Resort, Williamsburg, Virginia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/09–11/97.
9. *Travel Dates:* 05/09–11/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$51.15	.....
2. Hotel Room	.....	$194.00
3. Meals	.....	85.00
4. Grd. Transportation	.....	.....
	51.15	279.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Peter F. Cowhey.
Government Position: Chief, International Bureau.
3. *Event:* FCBA Annual Seminar.
4. *Sponsor of Event:* Federal Communications Bar Association—FCBA.
5. *Sponsor Address:* Attn: Ms. Paula G. Friedman, 1722 Eye Street, N.W., Suite 300, Washington, D.C. 20036–3705.
6. *Location of Event:* Kingsmill Resort, Williamsburg, Virginia.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 05/09–11/97.
9. *Travel Dates:* 05/09–11/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation.		
2. Hotel Room	.....	$364.00
3. Meals	.....	68.00
4. Grd. Transportation	.....	.....
	.....	432.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* William E. Kennard.
Government Position: General Counsel, Office of General Counsel.
3. *Event:* FCBA Annual Seminar.
4. *Sponsor of Event:* Federal Communications Bar Association—FCBA.
5. *Sponsor Address:* Attn: Ms. Paula G. Friedman, 1722 Eye Street, N.W., Suite 300, Washington, D.C. 20036–3705.
6. *Location of Event:* Kingsmill Resort, Williamsburg, Virginia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/09–11/97.
9. *Travel Dates:* 05/09–11/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	.....
2. Hotel Room	.....	$264.00
3. Meals	.....	85.00
4. Grd. Transportation	.....	.....
	.....	349.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Gerald P. Vaughan.
Government Position: Deputy Chief, Wireless Telecommunications Bureau.
3. *Event:* FITEL Workshop.
4. *Sponsor of Event:* FITEL/OSIPTEL.
5. *Sponsor Address:* Attn: Mr. Jose Escaffi Kahatt, Av. Camino Real s/n., Torre ''El Pilar'' Officina 1302, Lima 27—Peru.
6. *Location of Event:* Lima, Peru.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 05/27/96.
9. *Travel Dates:* 05/25–29/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1026.00
2. Hotel Room	.....	648.00
3. Meals	.....	382.50
4. Grd. Transportation	.....	.....
	.....	2056.50
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Renee Licht.
Government Position: Deputy Chief, Mass Media Bureau.

3. *Event:* 62nd Annual FAB Convention.
4. *Sponsor of Event:* Florida Association of Broadcasters—FAB.
5. *Sponsor Address:* Attn: C. Patrick Roberts, 101 East College, Tallahassee, FL 32301.
6. *Location of Event:* Boca Raton, Florida.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/25–27/97.
9. *Travel Dates:* 06/25–29/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$199.00	.....
2. Hotel Room	.....	$150.00
3. Meals	105.00	.....
4. Grd. Transportation	58.20	.....
	362.20	150.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Meredith J. Jones.
Government Position: Chief, Cable Services Bureau.
Event: FCTA Annual Convention.
4. *Sponsor of Event:* Florida Cable Telecommunications Association—FCTA.
5. *Sponsor Address:* Attn: Ms. Laura L. Wilson, 310 North Monroe Street, Tallahassee, FL 32301.
6. *Location of Event:* Palm Beach, Florida.
7. *Employee's Role:* Panelist.
8. *Date of Event:* 07/15/97.
9. *Travel Dates:* 07/14–15/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$164.00
2. Hotel Room	.....	126.50
3. Meals	.....	57.00
4. Grd. Transportation	$32.00	.....
5. Telephone	21.59	.....
.....	53.59	347.50
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Gerald P. Vaughan.
Government Position: Deputy Chief, Wireless Telecommunications Bureau.
Event: 1996 Frederick & Warinner Annual Seminar.
4. *Sponsor of Event:* Frederick & Warinner.
5. *Sponsor Address:* Attn: Ms. Mary Anne Cummings, 10901 W. 84th Terrace, Suite 101, Lenexa, KS 66214–1631.
6. *Location of Event:* San Antonio, Texas.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 12/05–06/96.
9. *Travel Dates:* 12/05–07/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$887.50
2. Hotel Room	.....	182.00
3. Meals	$60.00	.....
4. Grd. Transportation 35.20	.....	
.....	95.20	1069.50
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Thomas V. Wasilewski.
Government Position: Telecommunications Specialist, International Bureau.
3. *Event:* Handelsblatt Congress, ''Telecom market Europe''.
4. *Sponsor of Event:* Handelsblatt, Veranstaltungen.
5. *Sponsor Address:* Attn: Ralf Teschner, c/o EUROFORUM Deutschland Gmbll Postfach 23 02 65, 40088 Dusseldorf.
6. *Location of Event:* Bonn, Germany.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/21–22/96.
9. *Travel Dates:* 05/19–24/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$898.55	.....
2. Hotel Room	.....	$125.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	898.55	125.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Andrew C. Barrett.
Government Position: Commissioner.
3. *Event:* 1996 Radio Y Musica Convention.
4. *Sponsor of Event:* Hispanic Radio Industry.
5. *Sponsor Address:* Attn: Gene Bryan, 6408 Bergenline Ave., Suite 2, West New York, NJ 07093.
6. *Location of Event:* Los Angeles, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 02/03/96.
9. *Travel Dates:* 02/02–05/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$239.00
2. Hotel Room	.....	222.30
3. Meals	$123.50	28.82
4. Grd. Transportation	30.00	.....
5. Telephone	.....	50.71
	153.50	540.83
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Katherine C. Power.
Government Position: Attorney Advisor, Wireless Telecommunications Bureau.
3. *Event:* ICM's Conference on Integrated Customer Care.
4. *Sponsor of Event:* ICM Conferences, Inc.
5. *Sponsor Address:* Attn: Mr. Chip Heflin, 303 East Wacker Drive, 3 Illinois Center, Chicago, IL 60601.
6. *Location of Event:* San Diego, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 02/12–13/97.
9. *Travel Dates:* 02/12–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$397.00
2. Hotel Room	.....	439.80
3. Meals	.....	.....
4. Taxi	.....	.....
	.....	836.80
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Joseph P. Weber.
Government Position: Attorney, Wireless Telecommunications Bureau.
3. *Event:* Fixed Wireless Conference.
4. *Sponsor of Event:* ICM Conferences, Inc.
5. *Sponsor Address:* Attn: Ms. Kimberlee Mulherin, 303 East Wacker Drive, Twentieth Floor, Chicago, IL 60601.
6. *Location of Event:* Chicago, Illinois.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/23–24/97.
9. *Travel Dates:* 07/18–23/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$163.00
2. Hotel Room	.....	296.00
3. Meals.		
4. Grd. Transportation	.....	.....
	.....	459.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Pat DeGraba.
Government Position: Chief Economist, Common Carrier Bureau.
3. *Event:* Illinois Telecommunications Association's Convention.
4. *Sponsor of Event:* Illinois Telecommunications Association.
5. *Sponsor Address:* Attn: Mr. Jack Tharp, P. O. Box 730, 300 E. Moore Street, Suite 306, Springfield, IL 62705.
6. *Location of Event:* Pleasant Run Resort, St. Charles, Illinois.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/09/97.
9. *Travel Dates:* 06/08–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$114.00	.....
2. Hotel Room	.....	$116.55
3. Meals	31.50	.....
4. Grd. Transportation	21.70	52.00
	167.20	168.55
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Lauren J. Belvin.
Government Position: Senior Legal Advisor to Commissioner James H. Quello.
3. *Event:* INTV/NATPE Convention.
4. *Sponsor of Event:* Association of Independent Television/National Association of Television Program Executives—INTV/NATPE.
5. *Sponsor Address:* 1320 Nineteenth Street, N.W., Suite 300, Washington, D.C. 20036.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 01/20–25/96.
9. *Travel Dates:* 01/20–23/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$365.00
2. Hotel Room	.....	207.00
3. Meals	$133.00	.....
4. Grd. Transportation	.....	.....
	133.00	572.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: William W. Sharkey.
Government Position: Economist, Common Carrier Bureau.
3. *Event:* Third International Conference in Applied Public Economics.
4. *Sponsor of Event:* Institut D'Economic Industrielle—IDEI.
5. *Sponsor Address:* Attn: F. Gasmi, Universite des Sciences, Sodales de Toulouse, Place Anatole France, 31042 Toulouse cedax.
6. *Location of Event:* Toulouse, France.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/07–11/97.
9. *Travel Dates:* 6/06–11/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1380.00
2. Hotel Room	.....	375.00
3. Meals	.....	20.00
4. Grd. Transportation	.....	.....
	.....	1775.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Scott B. Harris.
Government Position: Chief, International Bureau.
3. *Event:* Satellite Telecommunications Summit, 1995.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Bridgit FitzGerald, Glen House, 200/208 Tottenham Court Road, London W1P 9LA.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/27–28/95.
9. *Travel Dates:* 06/25–27/95.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$910.95	.....
2. Hotel Room	.....	$189.00
3. Meals	202.50	5.04
4. Taxi, Parking & Mileage	139.12	.....
5. Telephone	48.47	.....
	1301.04	194.04
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Michael L. Katz.
Government Position: Chief Economist, Office of Plans & Policy.
3. *Event:* Global Telecoms '95.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* 6th Floor, 29 Bressenden Place, London SW1E 5DR.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/11–13/95.
9. *Travel Dates:* 9/09–13/95.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$1049.55	.....

	(c) Type & amount of payment	
	Check	In kind
2. Hotel Room	.....	$459.00
3. Meals	.....	80.00
4. Taxi	.....	.....
	1049.55	539.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Blair S. Levin.
Government Position: Chief of Staff to Chairman, Reed E. Hundt.
3. *Event:* Customer Satisfaction Conference.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Mr. Hugh Roberts, 6th Floor, 29 Bressenden Place, London SW1E 5DR.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 12/04–08/95.
9. *Travel Dates:* 12/04–06/95.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$554.95	.....
2. Hotel Room	.....	$130.00
3. Meals	.....	132.00
4. Grd. Transportation	.....	.....
	554.95	262.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Saul Shapiro.
Government Position: Assistant Bureau Chief for Technology Policy, Mass Media Bureau.
3. *Event:* Intelligent Set-top Box Conference.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Mr. Eric Jager, 708 Third Avenue, 4th Floor, New York, NY 10017–4103.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/28–29/96.
9. *Travel Dates:* 03/28–30/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$198.00
2. Hotel Room	.....	198.00
3. Meals	.....	76.00
4. Grd. Transportation	.....	.....
	.....	472.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Peter F. Cowhey.
Government Position: Senior Counselor, International Bureau.
3. *Event:* Interconnection Asia '96.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Tariq Zaidi, 20/F Siu On Centre, 188 Lockhart Road, Wanchai, Hong Kong.
6. *Location of Event:* Hong Kong.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/16–17/96.
9. *Travel Dates:* 09/11–19/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1547.95
2. Hotel Room	.....	407.22
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	1955.17
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Jason Karp.
Government Position: Attorney-Advisor, Common Carrier Bureau.
3. *Event:* Number Portability.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Ms. Sharon Gregory, 6th Floor, 29 Bressenden Place, London SW1E 5DR.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/25–26/96.
9. *Travel Dates:* 09/24–27/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$548.55	.....
2. Hotel Room	.....	$357.83
3. Meals	302.25	.....
4. Taxi & Telephone	91.19	.....
	941.99	357.83
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Donald K. Stockdale.
Government Position: Deputy Chief, Policy & Planning Division, Common Carrier Bureau.
3. *Event:* Telecom Alliances.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Ms. Laura S. Cranham, 6th Floor, 29 Bressenden Place, London SW1E 5DR.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 10/21–23/96.
9. *Travel Dates:* 10/19–21/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	.....
2. Hotel Room	.....	$349.62
3. Meals	$232.50	43.70
4. Grd. Transportation	30.81	.....
	263.31	393.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Susan L. O'Connell.
Government Position: Attorney Advisor, International Bureau.
3. *Event:* Competing with Incumbent Operators.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Ms. Sharon Gregory, 6th Floor, 29 Bressenden Place, London SW1E 5DR.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 01/29–31/97.
9. *Travel Dates:* 01/26–31/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit		
1. Roundtrip Transportation		$268.00
2. Hotel Room		295.00
3. Meals		120.00
4. Grd. Transportation		
		683.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Richard B. Engelman.
Government Position: Chief, Standards Development Branch, Office of Engineering & Technology.
3. *Event:* Telecoms Conference.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Bridgit Napleton, 6th Floor, 29 Bressenden Place, London SW1E 5DR.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 02/03–05/97.
9. *Travel Dates:* 02/01–04/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit		
1. Roundtrip Transportation	.....	$1339.33
2. Hotel Room	.....	531.40
3. Meals	.....	110.00
4. Grd. Transportation	.....	.....
	.....	1980.73
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Elliot Maxwell.
Government Position: Deputy Chief, Office of Plans & Policy.
3. *Event:* Billing & Pricing Internet Services: International Forum.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Leigh Gilmore, 29 Bressenden Place, 6th Floor, London SW1E 5DR.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/19–21/97.
9. *Travel Dates:* 05/18–20/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1569.95
2. Hotel Room	.....	542.57
3. Meals	.....	135.00
4. Grd. Transportation	.....	.....
	.....	2247.52
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Robert M. Pepper.
Government Position: Chief, Office of Plans & Policy.
3. *Event:* Telecoms the Internet III.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Izi Muraben, 6th Floor, 29 Bressenden Place, London SW1E 5DR.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/09–13/97.
9. *Travel Dates:* 06/08–15/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit		
1. Roundtrip Transportation		$303.73
2. Hotel Room		327.12
3. Meals	$16.10	98.30
4. Grd. Transportation	45.23	
5. Exchange Fee & Telephone:	7.89	36.10
	69.22	765.25
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Kerry Murray.
Government Position: Senior Legal Advisor, International Bureau.
3. *Event:* Interconnection Asia '97.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Sinead Leng, 20/F Siu On Centre, 188 Lockhart Road, Wanchai, Hong Kong.
6. *Location of Event:* Singapore.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/21–24/97.
9. *Travel Dates:* 04/18–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit		
1. Roundtrip Transportation	.....	$1563.00
2. Hotel Room	.....	.....
3. Meals	.....	100.00
4. Grd. Transportation	.....	.....
	.....	1663.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee: Robert M. Pepper.*
Government Position: Chief, Office of Plans & Policy.
3. *Event:* Asian Telecoms @ Internet II.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Ms. Diane Ann C. Pe, Conference Manager, 20/F Siu On Center, 188 Lockhart Road, Wanchai, Hong Kong.
6. *Location of Event:* Hong Kong.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/03–05/97.
9. *Travel Dates:* 05/31–6/03/97.
10.

	(c) Type & amount of payment	
	Check	In Kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1038.41
2. Hotel Room	.....	1715.67
3. Meals	.....	300.00
4. Grd. Transportation	.....	.....
	.....	3054.08
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Kevin Werbach.
Government Position: Attorney, Office of Plans & Policy.
3. *Event:* Telecoms the Internet III.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Izi Muraben, 6th Floor, 29 Bressenden Place, London SW1E 5DR.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/09–13/97.
9. *Travel Dates:* 06/08–11/97.
10.

	(c) Type & amount of payment	
	Check	In Kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1560.05
2. Hotel Room	.....	467.91
3. Meals	.....	150.00
4. Grd. Transportation	.....	.....
	.....	$2177.96
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Joslyn Read.
Government Position: Assistant Chief, Satellite & Radiocommunications Division, International Bureau.
3. *Event:* Global Mobile Personal Communications by Satellite.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Ms. Rosalind Slee, 6th Floor, 29 Bressenden Place, London SW1E 5DR.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/24–27/97.
9. *Travel Dates:* 06/23–28/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1450.81
2. Hotel Room	.....	630.00
3. Meals	.....	363.17
4. Grd. Transportation	.....	.....
	.....	$2443.98
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Robert M. Pepper.
Government Position: Chief, Office of Plans & Policy.
3. *Event: Second Annual Set-Top Box Conference.*
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Mr. Eric Jager, 708 Third Avenue, 4th Floor, New York, NY 10017–4103.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/14–15/97.
9. *Travel Dates:* 07/14–15/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$404.00
2. Hotel Room	.....	114.00
3. Meals	.....	74.00
4. Grd. Transportation	.....	.....
	.....	592.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Troy Tanner.
Government Position: Chief, Policy & Facilities Branch, International Bureau.
3. *Event:* Telecom Conference.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Mr. Nathalie Johnson, 440 Boul. Rene-Levesque Quest, Bureau 206, Montreal QC H2z 1V7.
6. *Location of Event:* Montreal, Canada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/03–05/97.
9. *Travel Dates:* 09/04/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$1128.59
2. Hotel Room	.....	.....
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	1128.59
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Karen Gulick.
Government Position: Assistant Chief, Wireless Telecommunications Bureau.
3. *Event:* Wired-Wireless Convergence Conference.
4. *Sponsor of Event:* Institute for International Research—IIR.
5. *Sponsor Address:* Attn: Mr. Glenn Waldorf, 708 Third Avenue, 4th Floor, New York, NY 10017–4103.
6. *Location of Event:* Chicago, Illinois.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/17–19/97.
9. *Travel Dates:* 09/16–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$405.00
2. Hotel Room	.....	350.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	755.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Sandi Taxali.
Government Position: Policy Advisor, Wireless Telecommunications Bureau.
3. *Event:* China Cellular & Wireless Summit '97.
4. *Sponsor of Event:* International Business Communications—IBC.
5. *Sponsor Address:* Attn: Ms. Traci DeCocq, 225 Turnpike Road, Southboro, MA 01772–1749.
6. *Location of Event:* New York City, New York.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 02/24–26/97.
9. *Travel Dates:* 02/23–24/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$231.00
2. Hotel Room	.....	180.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	411.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Carol E. Mattey.
Government Position: Deputy Chief, Policy Division, Common Carrier Bureau.
3. *Event:* Intelligent Networks Conference.
4. *Sponsor of Event:* International Business Communications—IBC.
5. *Sponsor Address:* Attn: Stacy A. Melillo, 25 Turnpike Road, Southboro, MA 01772–1749.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Speaker.

8. *Dates of Event:* 03/05–07/97.
9. *Travel Dates:* 03/05–07/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$375.00
2. Hotel Room	.....	$230.00
3. Meals	$105.00	.....
4. Grd. Transportation	128.00	.....
5. Telephone	.75	.....
	233.75	605.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: William A. Luther.
Government Position: Chief, Radiocommunication Policy Branch, International Bureau.
3. *Event:* Conferences on Spectrum Pricing and Spectrum Auctions & Spectrum Management.
4. *Sponsor of Event:* International Business Communications—IBC.
5. *Sponsor Address:* Attn: Mr. Gavin Whitechurch, 57–61 Mortimer Street, London, England.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/09–06/11/97.
9. *Travel Dates:* 06/07–12/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1015.59
2. Hotel Room	.....	728.70
3. Meals	.....	93.43
4. Grd. Transportation	183.74	.....
	183.74	1837.72
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Howard C. Davenport. Government Position: Chief, Enforcement Division, Wireless Telecommunications Bureau.
3. *Event:* IBC's Premier Summit Meeting.
4. *Sponsor of Event:* International Business Communications—IBC.
5. *Sponsor Address:* Attn: Ms. Stephanie E. Starr, 25 Turnpike Road, Southborough, MA 01772–1749.
6. *Location of Event:* West Hollywood, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/31–08/01/97.
9. *Travel Dates:* 07/31–08/03/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$376.00
2. Hotel Room	.....	$291.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	667.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Rosalind K. Allen. Government Position: Deputy Chief, Wireless Telecommunications Bureau.
3. *Event:* Competitive Strategies for Wireless Communications Conference.
4. *Sponsor of Event:* International Communications Group.
5. *Sponsor Address:* Attn: Mr. Stanley M. Gorinson, 5555 Preserve Drive, Greenwood Village, CO 80121.
6. *Location of Event:* Denver, Colorado.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/21–22/97.
9. *Travel Dates:* 05/20–21/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$542.00
2. Hotel Room	.....	78.00
3. Meals	.....	51.00
4. Grd. Transportation	.....	.....
	.....	671.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Beverly G. Baker.
Government Position: Chief, Compliance & Information Bureau.
3. *Event:* Competitive Strategies for Wireless Communications Conference.
4. *Sponsor of Event:* International Communications Group.
5. *Sponsor Address:* Attn: Mr. Stanley M. Gorinson, 5555 Preserve Drive, Greenwood Village, CO 80121.
6. *Location of Event:* Denver, Colorado.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/21–22/97.
9. *Travel Dates:* 05/21–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$627.00
2. Hotel Room	.....	149.58
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	776.58
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Lawrence Spiwak.
Government Position: Attorney, Office of General Counsel.
3. *Event:* Utilities & Wireless Telecommunications Alliances Conference.
4. *Sponsor of Event:* International Communications Group.
5. *Sponsor Address:* Attn: Mr. Martin Stern, Preston Gates Ellis & Rouvelas Meeds LLP, 1735 New York Avenue, N.W., Suite 500, Washington, D.C. 20006–5209.
6. *Location of Event:* Denver, Colorado.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/23/97.
9. *Travel Dates:* 05/22–23/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$264.50
2. Hotel Room	.....	150.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	414.50
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* John T. Nakahata.
Government Position: Senior Legal Advisor to Chairman Reed E. Hundt.

3. *Event:* IIC Telecommunications Forum.
4. *Sponsor of Event:* International Institute of Communications—IIC.
5. *Sponsor Address:* Attn: Ms. Emma Jackets, Tavistock House South, Tavistock Square, London WC1H 9LF.
6. *Location of Event:* London, England.
7. *Employee's Role:* Discussant.
8. *Dates of Event:* 01/20–21/97.
9. *Travel Dates:* 01/18–21/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$616.75	.....
2. Hotel Room	.....	.....
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	616.75	.....
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Elliot Maxwell.
Government Position: Deputy Chief, Office of Plans & Policy.
3. *Event:* IIC Telecommunications Forum.
4. *Sponsor of Event:* International Institute of Communications—IIC.
5. *Sponsor Address:* Attn: Ms. Rachel Coldeboeuf, Tavistock House South, Tavistock Square, London WC1H, 9LF.
6. *Location of Event:* Tokyo, Japan.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/21–22/97.
9. *Travel Dates:* 04/21–22/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$2788.00
2. Hotel Room	.....	.....
3. Meals	.....	50.00
4. Grd. Transportation	.....	.....
	.....	2838.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Todd F. Silbergeld.
Government Position: Legal Advisor to Commissioner, Andrew C. Barrett.
3. *Event:* New Frontiers in Utilities-Based Telecommunications.
4. *Sponsor of Event:* International Communications for Management—ICM.
5. *Sponsor Address:* Attn: Alexandra B. Early, 3 Illinois Center, 303 East Wacker Drive, Chicago, IL 60601.
6. *Location of Event:* Atlanta, Georgia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 02/14–15/96.
9. *Travel Dates:* 02/14–15/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit		
1. Roundtrip Transportation		$373.00
2. Hotel Room	.....	159.00
3. Meals	$42.48	.....
4. Grd. Transportation	102.30	.....
	144.78	532.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Sandra K. Danner.
Government Position: Chief, Legal Branch, Wireless Telecommunications Bureau.
3. *Event:* Trade Mission Meeting, on Frequency & Interference Issues.
4. *Sponsor of Event:* International Mobile Telecommunications Association—IMTA.
5. *Sponsor Address:* Attn: Mr. Alan R. Shark, 1150 18th Street, N.W., Suite 250, Washington, D.C. 20036.
6. *Location of Event:* Sao Paulo, Brazil.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/22–26/96.
9. *Travel Dates:* 07/22–27/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1762.00
2. Hotel Room	$685.70	.....
3. Meals	.....	651.00
4. Telephone	20.00	.....
5. Supplies	82.15	45.00
	787.85	2458.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Joseph V. Farrell.
Government Position: Chief Economist, Office of Plans & Policy.
3. *Event:* Internet Telephony Conference.
4. *Sponsor of Event:* International Quality & Productivity Center.
5. *Sponsor Address:* Attn: Mr. Steve Eck, 208 South LaSalle Street, Suite 1240, Chicago, IL 60604.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Keynote Speaker.
8. *Dates of Event:* 02/19–20/97.
9. *Travel Dates:* 02/14–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$404.00
2. Hotel Room	.....	.....
3. Meals	.....	70.00
4. Grd. Transportation	.....	84.00
	.....	558.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* John B. Muleta.
Government Position: Chief, Enforcement Division, Common Carrier Bureau.
3. *Event:* Directory Services & Enhanced Services, 1997 Executive Summit.
4. *Sponsor of Event:* International Quality & Productivity Centre—IQPC.
5. *Sponsor Address:* Attn: Ms. Juliane Jung, 1st Floor, West Wing, Chancery House, 54–64 Chancery Lane, London WC2A 1QU.
6. *Location of Event:* Chicago, Illinois.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/15–17/97.
9. *Travel Dates:* 07/14–15/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$508.00
2. Hotel Room	.....	150.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	658.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Beverly G. Baker.
Government Position: Chief, Compliance & Information Bureau.
3. *Event:* International Wireless Communications Exposition.
4. *Sponsor of Event:* Intertec Publishing.
5. *Sponsor Address:* Attn: Ms. Jane Van Velson, IWCE Speaker Manager, Intertec Publications, 6300 S. Syracuse Way, Suite 650, Englewood, CO 80111.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/22–24/97.
9. *Travel Dates:* 04/22–24/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$702.00
2. Hotel Room	.....	278.64
3. Meals	.....	56.08
4. Grd. Transportation	$76.00	.....
5. Telephone	.....	17.42
	76.00	1054.14
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Riley Hollingsworth.
Government Position: Deputy Associate Chief, Office of Operations-Gettysburg Wireless Telecommunications Bureau.
3. *Event:* International Wireless Communications Exposition.
4. *Sponsor of Event:* Intertec Publishing.
5. *Sponsor Address:* Attn: Ms. Jane Van Velson, IWCE Speaker Manager, Intertec Publications, 6300 S. Syracuse Way, Suite 650, Englewood, CO 80111.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/22–24/97.
9. *Travel Dates:* 04/22–24/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$411.00
2. Hotel Room	.....	244.08
3. Meals	$76.00	.....
4. Grd. Transportation	.....	.....
	76.00	655.08
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Ira R. Keltz.
Government Position: Electronics Engineer, Wireless Telecommunications Bureau.
3. *Event:* International Wireless Communications Exposition.
4. *Sponsor of Event:* Intertec Publishing.
5. *Sponsor Address:* Attn: Ms. Jane Van Velson, IWCE Speaker Manager, Intertec Publications, 6300 S. Syracuse Way, Suite 650, Englewood, CO 80111.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/22–24/97.
9. *Travel Dates:* 04/22–24/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$410.00
2. Hotel Room	.....	226.00
3. Meals	$76.00	.....
4. Grd. Transportation	.....	.....
	76.00	636.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Jake Jennings.
Government Position: Telecommunications Policy Analyst, Common Carrier Bureau.
3. *Event:* Seminar on Interconnection Costing & Pricing for PT.TELKOM of Indonesia Communications Exposition.
4. *Sponsor of Event:* ITA of New Jersey.
5. *Sponsor Address:* Attn: Shawky El-Toukhy, Ph.D., 11 Betsy Ross Drive, Freehold, NJ 07728.
6. *Location of Event:* Piscataway, New Jersey.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/01/97.
9. *Travel Dates:* 04/01/97.
10.

	(c) Type & Amount of Payment	
	Check	In Kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$327.00
2. Hotel Room	.....	.....
3. Meals	.....	7.00
4. Grd. Transportation	$15.00	.....
	15.00	334.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Jon C. Garcia.
Government Position: Director of Strategic Analysis, Office of Plans & Policy.
3. *Event:* Lunch Meeting.
4. *Sponsor of Event:* Janney Montgomery Scott.
5. *Sponsor Address:* Attn: Ms. Anna-Maria Kovacs, First Vice President, 60 State Street, Boston, MA 02109.
6. *Location of Event:* Boston, Massachusetts.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/02/97.
9. *Travel Dates:* 06/02/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
11. Roundtrip Transportation	.....	$566.50
2. Hotel Room	.....	.....
3. Meals	.....	40.00
4. Grd. Transportation	.....	.....
	.....	606.50
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Kathleen B. Levitz.
Government Position: Deputy Chief, Common Carrier Bureau.
3. *Event:* KMB 17th Invitational Conference.
4. *Sponsor of Event:* KMB Associates.
5. *Sponsor Address:* Attn: Mike Beilis, 437 3rd Avenue North, Tierra Verde, FL 33715.
6. *Location of Event:* St. Petersburg, Florida.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 05/01–04/96.
9. *Travel Dates:* 05/02–03/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$206.00
2. Hotel Room	.....	168.00
3. Meals	.....	52.00
4. Taxi	$15.00	.....
	15.00	426.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: James W. Olson.
Government Position: Chief, Competition Division, General Counsel Bureau.
3. *Event:* KMB 17th Invitational Conference.
4. *Sponsor of Event:* KMB Associates.
5. *Sponsor Address:* Attn: Mike Beilis, 437 3rd Avenue North, Tierra Verde, FL 33715.
6. *Location of Event:* St. Petersburg, Florida.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/01–04/96.
9. *Travel Dates:* 05/01–04/96.
10.

	Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$204.00
2. Hotel Room	.....	215.00
3. Meals	45.50	.....
4. Taxi, Fax & Telephone	50.56	.....
	96.06	426.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: James W. Olson.
Government Position: Chief, Competition Division, General Counsel Bureau.
3. *Event:* KMB 18th Invitational Conference.
4. *Sponsor of Event:* KMB Associates.
5. *Sponsor Address:* Attn: Mike Beilis, 437 3rd Avenue North, Tierra Verde, FL 33715.
6. *Location of Event:* St. Petersburg, Florida.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 10/28–31/96.
9. *Travel Dates:* 10/28–31/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$156.00
2. Hotel Room	.....	405.00
3. Meals	.....	.....
4. Taxi & Telephone	$29.56	.....
	29.00	561.11
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Robert M. Pepper.
Government Position: Chief, Office of Plans & Policy.
3. *Event:* 19th KMB Conference.
4. *Sponsor of Event:* KMB Associates.
5. *Sponsor Address:* Attn: Mike Beilis, 3882 Belle Vista Drive, E., St. Pete Beach, FL 33706.
6. *Location of Event:* St. Petersburg, Florida.
7. *Employee's Role:* Guest Speaker.
8. *Dates of Event:* 04/07–09/97.
9. *Travel Dates:* 04/08–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$253.94
2. Hotel Room	.....	256.40
3. Meals	.....	66.50
4. Grd. Transportation	.....	.....
	.....	576.84
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Meredith J. Jones.
Government Position: Chief, Cable Services Bureau.
3. *Event:* 9th KISDI International Conference.
4. *Sponsor of Event:* Korea Information, Society Development Institute—KISDI.
5. *Sponsor Address:* Attn: Daeho Kim, 1–33 Juam-Dong, Kwachun, Kyunggi-Do, Korea, 427–070.
6. *Location of Event:* Seoul, Korea.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/14–20/97.
9. *Travel Dates:* 06/14–21/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$845.95	.....
2. Hotel Room	.....	726.45
3. Meals	.....	630.00
4. Grd. Transportation	65.44	.....
5. Telephone	207.31	.....
	1118.70	1356.45
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Thomas A. Boasberg.
Government Position: Legal Advisor to Chairman, Reed E. Hundt.
3. *Event:* International Telcom Competition Conference.
4. *Sponsor of Event:* Law Seminars International–LSI.
5. *Sponsor Address:* Attn: Ms. H. Kate Johnson, 810 3rd Avenue, Suite 140–1, Seattle, WA 98104.
6. *Location of Event:* Seattle, Washington.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 07/24–25/97.
9. *Travel Dates:* 07/23–29/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$577.00
2. Hotel Room	.....	464.70
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	1041.70
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission
2. *Employee:* Peter F. Cowhey.
Government Position: Chief, International Bureau.
3. *Event:* International Telcom Competition Conference.
4. *Sponsor of Event:* Law Seminars International–LSI.
5. *Sponsor Address:* Attn: Ms. H. Kate Johnson, 810 3rd Avenue, Suite 140–1, Seattle, WA 98104.
6. *Location of Event:* Seattle, Washington.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 07/24–25/97.
9. *Travel Dates:* 07/23–27/97.

10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$464.00
2. Hotel Room	.....	.....
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	464.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Elbert L. Robertson.
Government Position: Attorney, Office of General Counsel.
3. *Event:* Third Annual Telcom/Media Conference.
4. *Sponsor of Event:* Lehman Brothers.
5. *Sponsor Address:* Attn: Ms. Kim N. Wallance, 800 Connecticut Avenue, N.W., Washington, D.C. 20036.
6. *Location of Event:* New York, New York.
7. *Employee's Role:* Attendant.
8. *Dates of Event:* 05/08–09/97.
9. *Travel Dates:* 05/08–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$182.00
2. Hotel Room	.....	250.02
3. Meals	.....	20,00
4. Grd. Transportation	.....	.....
	.....	452.02
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Jonathan D. Levy.
Government Position: Economist, Office of Plans & Policy.
3. *Event:* Andina Link.
4. *Sponsor of Event:* Link Events.
5. *Sponsor Address:* Attn: Mr. Robert L. Vogelsang, 1909 Avenue G, Rosenberg, TX 77471.
6. *Location of Event:* Cartegena, Columbia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 08/20–22/97.
9. *Travel Dates:* 08/18–22/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1084.95
2. Hotel Room	.....	512.00
3. Meals	.....	301.50
4. Grd. Transportation	.....	.....
	.....	1898.45
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Kelly Cameron.
Government Position: Senior Attorney Advisor International Bureau.
3. *Event*: Symposium on the 21st Century's Global Information Society.
4. *Sponsor of Event*: Masyarakat, Telekomunikasi, Indonesia—MASTEL.
5. *Sponsor Address*: Attn: Mr. Sukarno Abdulrachman, d/a PTLACaS, Sentra Mulia LL 12, JL H.R. Rasuna Said Kav., X—5 / 8, Jakarta 12840—Indonesia.
6. *Location of Event*: Jakarta, Indonesia.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 06/11–13/97.
9. *Travel Dates*: 06/06–14/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$2435.50	.....
2. Hotel Room	.....	$270.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	2435.50	270.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Jon C. Garcia.
Government Position: Director of Strategic Analysis, Office of Plans & Policy.
3. *Event:* Annual Worldwide Telecommunications Conference.
4. *Sponsor of Event*: McKinsey & Company.
5. *Sponsor Address*: Attn: Mr. Rance Hesketh.
6. *Location of Event*: Berlin, Germany.
7. *Employee's Role: Speaker.*
8. *Dates of Event*: 06/09–11/97.
9. *Travel Dates*: 06/08–11/97.

10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$4546.05
2. Hotel Room	.....	336.00
3. Meals	.....	100.00
4. Grd. Transportation	.....	.....
	.....	4982.05
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Susan Ness.
Government Position: Commissioner.
3. *Event:* 1997 Great Lakes Broadcasting Conference & Expo.
4. *Sponsor of Event:* Michigan Association of Broadcasters—MAB.
5. *Sponsor Address:* Attn: Chris Suever, 819 North Washington Avenue, Lansing, MI 48906.
6. *Location of Event*: Lansing, Michigan.
7. *Employee's Role:* Keynote Speaker.
8. *Dates of Event:* 02/25/97.
9. *Travel Dates:* 02/24–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$332.00	.....
2. Hotel Room	.....	$77.00
3. Meals	45.00	.....
4. Grd. Transportation	.....	.....
	377.00	77.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Anita L. Wallgren.
Government Position: Legal Advisor to Commissioner Susan Ness.
3. *Event:* 1997 Great Lakes, Broadcasting Conference, & Expo.
4. *Sponsor of Event:* Michigan Association of Broadcasters—MAB.
5. *Sponsor Address:* Attn: Chris Suever, 819 North Washington Avenue, Lansing, MI 48906.
6. *Location of Event:* Lansing, Michigan.
7. *Employee's Role:* Attendee.
8. *Dates of Event:* 02/25/97.
9. *Travel Dates:* 02/24–25/97.

10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$332.00	
2. Hotel Room		$77.00
3. Meals		45.00
4. Grd. Transportation		
	377.00	77.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
3. *Event:* Annual Meeting & Management Retreat.
4. *Sponsor of Event:* Michigan Association of Broadcasters—MAB.
5. *Sponsor Address:* Attn: Chris Suever, 819 North Washington Avenue, Lansing, MI 48906.
6. *Location of Event:* Traverse City, Michigan.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/25–27/97.
9. *Travel Dates:* 07/25–29/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$384.00	
2. Hotel Room		$196.00
3. Meals	59.50	
4. Grd. Transportation	32.40	
	475.90	196.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
3. *Event:* 1997 Annual Convention.
4. *Sponsor of Event:* Missouri Broadcasters Association—MBA.
5. *Sponsor Address:* Attn: Mr. Donald J. Hicks, 1803 Sun Valley Drive, Jefferson City, MO 65109.
6. *Location of Event:* Lake Ozark, Missouri.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 06/12–14/97.
9. *Travel Dates:* 06/12–15/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		$279.00
2. Hotel Room		162.00
3. Meals	$105.00	
4. Grd. Transportation	52.40	
	157.40	441.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
3. *Event:* MAB Annual Convention.
4. *Sponsor of Event:* Mississippi Association of Broadcasters—MAB.
5. *Sponsor Address:* Attn: Jackie Lett, 15 Northtown Drive, Suite A, Jackson, MS 65109.
6. *Location of Event:* Biloxi, Mississippi.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 07/10–11/97.
9. *Travel Dates:* 07/10–11/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$396.00	
2. Hotel Room		$216.00
3. Meals	119.00	
4. Grd. Transportation	47.00	
	562.00	216.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Richard M. Smith.
Government Position: Chief, Office of Engineering & Technology.
3. *Event:* 20th Montreux International Television Symposium.
4. *Sponsor of Event:* Montreux International Television Symposium.
5. *Sponsor Address:* Attn: Ms. Renee Crawford, P.O. Box 1451, Rue du Theatre 5, CH—1820 Montreux, Switzerland.
6. *Location of Event:* Montreux, Switzerland.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/12–17/97.
9. *Travel Dates:* 06/11–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		
2. Hotel Room		$2464.02
3. Meals		625.00
4. Grd. Transportation		
		3089.02
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: John B. Muleta.
Government Position: Chief, Enforcement Division, Common Carrier Bureau.
3. *Event:* TeleCard World '97 Conference.
4. *Sponsor of Event:* MultiMedia Publishing Corp.
5. *Sponsor Address:* Attn: Ms. Stella M. Ireton, P.O. Box 42375, Houston, TX 77242.
6. *Location of Event:* Orlando, Florida.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 02/26–28/97.
9. *Travel Dates:* 02/26–27/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		$366.00
2. Hotel Room		128.00
3. Meals		
4. Grd. Transportation		
		494.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Troy F. Tanner.
Government Position: Chief, Policy & Facilities Branch International Bureau.
3. *Event:* Telecom Reseller Opportunities Conference.
4. *Sponsor of Event:* MultiMedia Publishing Corp.
5. *Sponsor Address:* Attn: Ms. Pamela Blomquist, P.O. Box 42375, Houston, TX 77242.
6. *Location of Event:* Orlando, Florida.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 02/26–28/97.

9. *Travel Dates:* 02/26–27/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$162.00
2. Hotel Room	.....	143.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	385.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Adam Krinsky.
Government Position: Attorney Advisor, International Bureau.
3. *Event:* Telecom Opportunities '97 Conference & Exposition
4. *Sponsor of Event:* MultiMedia Publishing Corp.
5. *Sponsor Address:* Attn: Mr. Eric Stebel, P.O. Box 42375, Houston, TX 77242.
6. *Location of Event:* New York.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/24–26/97.
9. *Travel Dates:* 09/24–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$213.00
2. Hotel Room	.....	79.00
3. Meals	.....	18.00
4. Grd. Transportation	.....	.....
	.....	310.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Beverly G. Baker.
Government Position: Chief, Compliance & Information Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/05–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$344.00	.....
2. Hotel Room	.....	$73.44
3. Meals	.....	3.43
4. Grd. Transportation	64.23	.....
	408.23	76.87
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Linda B. Blair.
Government Position: Chief, Audio Services Division, Mass Media Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/06–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$234.00	.....
2. Hotel Room	.....	220.32
3. Meals	171.00	.....
4. Grd. Transportation	57.00	.....
	462.00	220.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Rachelle B. Chong.
Government Position: Commisssioner.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/07–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$117.00	.....
2. Hotel Room	.....	220.32
3. Meals	121.00	39.84
4. Grd. Transportation	25.00	.....
5. Telephone	.....	62.33
	263.00	322.49
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Jacqueline E. Chorney.
Government Position: Senior Legal Advisor to Chairman Reed E. Hundt.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/07–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$234.00	.....
2. Hotel Room	.....	$146.88
3. Meals	95.00	.....
4. Grd. Transportation	81.00	.....
5. Telephone	.....	2.00
	410.00	148.88
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Robert F. Cleveland.
Government Position: Physical Scientist, Office of Engineering & Technology.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/08–13/97.

10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$234.00	.....
2. Hotel Room	.....	$220.32
3. Meals	104.50	.....
4. Grd. Transportation	49.00	.....
	387.50	220.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Julius Genachowski.
Government Position: Counsel to Chairman Reed E. Hundt.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/06–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$237.00	.....
2. Hotel Room	.....	$220.32
3. Meals	133.00	28.08
4. Grd. Transportation	138.00	.....
5. Telephone	.....	84.24
6. Other Charges	.....	42.00
	508.00	374.64
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Jack W. Gravely.
Government Position: Director, Office of Workplace Diversity.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/04–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$300.00	.....
2. Hotel Room	85.12	$220.32
3. Meals	209.00	20.18
4. Grd. Transportation	82.80	.....
5. Telephone	.....	18.76
	676.92	259.26
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Reed E. Hundt.
Government Position: Chairman.
3. *Event:* NAB '97
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Featured Speaker.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/07–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$251.00	.....
2. Hotel Room	.....	$146.88
3. Meals	87.00	58.30
4. Grd. Transportation	40.00	.....
5. Telephone & Fax	.....	124.06
	378.00	329.24
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Charles W. Kelley.
Government Position: Chief, Enforcement Division Mass Media Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/05–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$237.00	.....
2. Hotel Room	.....	$367.20
3. Meals	209.00	.....
4. Grd. Transportation	53.00	.....
	499.00	367.20
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* William E. Kennard.
Government Position: General Counsel, Office of General Counsel.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/05–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$231.00	.....
2. Hotel Room	.....	$220.32
3. Meals	57.00	.....
4. Grd. Transportation	48.00	.....
5. Telephone	11.00	.....
	347.00	220.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Barbara A. Kreisman.
Government Position: Chief, Video Services Division, Mass Media Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, DC 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.

8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/08–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$234.00	
2. Hotel Room		$146.88
3. Meals	95.00	
4. Grd. Transportation	90.00	
	419.00	146.88
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Keith Larson.
Government Position: Assistant Chief for Engineering, Mass Media Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/07–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$240.00	
2. Hotel Room		$220.32
3. Meals	133.00	
4. Grd. Transportation	16.67	
5. Telephone	51.61	
	441.28	220.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Renee Licht.
Government Position: Deputy, Chief, Mass Media Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/06–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$231.00	
2. Hotel Room		$220.32
3. Meals	133.00	
4. Grd. Transportation	56.72	
	420.72	220.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Frank M. Lucia.
Government position: Director, Emergency Communications, Compliance & Information Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/05–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$333.00	
2. Hotel Room		$367.20
3. Meals	209.50	
4. Grd. Transportation		
5. Telephone		2.00
	542.50	369.20
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Marsha J. Macbride.
Government Position: Legal Advisor to Commissioner James H. Quello.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/06–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$240.00	
2. Hotel Room		$220.32
3. Meals	133.00	
4. Grd. Transportation	87.00	
	460.00	220.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Jane E. Mago.
Government Position: Senior Legal Advisor to Commissioner Rachelle B. Chong.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/07–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$351.00	
2. Hotel Room		$220.32
3. Meals	121.00	
4. Grd. Transportation	71.30	
5. Telephone		7.23
	543.30	227.55
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Susan Ness.
Government Position: Commissioner.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.

7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/07–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$507.00	
2. Hotel Room		$146.88
3. Meals	95.00	
4. Grd. Transportation	59.00	
	661.00	146.88
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* James H. Quello.
Government position: Commissioner.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. Employee's Role: Speaker.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/05–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$234.00	
2. Hotel Room		$995.00
3. Meals	173.00	
4. Grd. Transportation	56.00	
5. Telephone	73.93	
	536.93	995.00
(b) Non-Fed Source Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. Employee: Robert H. Ratcliffe.
Government position: Senior Legal Advisor, Mass Media Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/03–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$312.00	
2. Hotel Room		$293.76
3. Meals	209.00	
4. Grd. Transportation	127.60	
	648.60	293.76
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Gretchen Rubin.
Government position: Special Advisor, Mass Media Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/07–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$234.00	
2. Hotel Room		$183.60
3. Meals	133.00	
4. Grd. Transportation	61.00	
5. Telephone	24.41	
	452.41	183.60
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Saul T. Shapiro.
Government position: Assistant Chief, Mass Media Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/07–11/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$400.00	
2. Hotel Room		$293.76
3. Meals	171.00	
4. Grd. Transportation	151.50	
	722.50	293.76
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* David R. Siddall.
Government Position: Legal Advisor to Commissioner Susan Ness.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/07–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$616.00	
2. Hotel Room		$220.32
3. Meals	133.00	
4. Grd. Transportation	61.60	
	810.60	220.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Richard M. Smith.
Government Position: Chief, Office of Engineering & Technology.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, NW., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.

9. *Travel Dates:* 04/05–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$388.82	
2. Hotel Room		$367.20
3. Meals		23.20
4. Grd. Transportation	72.40	
5. Fax		20.00
	461.22	410.40
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/05–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$237.00	
2. Hotel Room		$293.76
3. Meals	171.00	
4. Grd. Transportation	62.40	
	470.40	293.76
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Anita L. Wallgren.
Government Position: Legal Advisor to Commissioner Susan Ness.
3. *Event:* NAB '97.
4. *Sponsor of Event:* National Association of Broadcasters—NAB.
5. *Sponsor Address:* Attn: Ms. Karen Fullum, 1771 N Street, N.W., Washington, D.C. 20036–2891.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 04/07–10/97.
9. *Travel Dates:* 04/06–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$402.00	
2. Hotel Room		$220.32
3. Meals	133.00	
4. Grd. Transportation	103.00	
5. Telephone		1.00
	638.00	221.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Laurence D. Atlas.
Government position: Associate Bureau Chief, Common Carrier Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/16–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation		$633.96
2. Hotel Room		368.30
3. Meals	$105.00	
4. Grd. Transportation	36.00	
	141.00	1002.26
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Rudolfo M. Baca.
Government position: Legal Advisor to Commissioner James H. Quello.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:*
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation		$520.00
2. Hotel Room		552.45
3. Meals	$125.00	15.00
4. Grd. Transportation		80.00
5. Telephone & Fax		31.68
	125.00	1199.13
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Thomas A. Boasberg.
Government Position: Legal Advisor to Chairman Reed E. Hundt.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/14–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$360.00	
2. Hotel Room		$368.30
3. Meals	105.00	
4. Grd. Transportation	56.00	
5. Telephone		12.00
	521.00	380.30
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Rick Chessen.
Government Position: Assistant Chief for Policy & Rules Division, Cable Services Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.

5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. Location of Event: New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$634.20
2. Hotel Room	.....	736.60
3. Meals	$157.50	.....
4. Grd. Transportation	68.45	.....
	225.95	1370.80
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Rachelle B. Chong.
Government Position: Commissioner.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–17/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$733.71
2. Hotel Room	.....	368.30
3. Meals	$105.00	29.36
4. Grd. Transportation	15.00	.....
5. Telephone	.....	3.75
	120.00	1135.12
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Lawrence R. Clance.
Government position: Assistant Chief, Bureau for Law Compliance & Information Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–24/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$514.00
2. Hotel Room	.....	736.60
3. Meals	$127.00	27.44
4. Grd. Transportation	85.74	.....
5. Telephone	.....	4.00
	212.74	1282.04
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* James R. Coltharp.
Government Position: Special Counsel to Commissioner James H. Quello.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:*
Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$809.00
2. Hotel Room	.....	552.45
3. Meals	$127.00	114.33
4. Grd. Transportation	73.50	80.00
5. Telephone	.....	33.74
6. Laundry	.....	34.65
	200.50	1624.17
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Julius Genachowski.
Government Position: Counsel to Chairman Reed E. Hundt.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/17–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$396.00	.....
2. Hotel Room	.....	$368.30
3. Meals	105.00	.....
4. Grd. Transportation	62.50	.....
5. Telephone	.....	23.11
	563.50	391.41
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Daniel Gonzalez.
Government Position: Legal Advisor to Commissioner Rachelle B. Chong.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$844.86
2. Hotel Room	.....	552.45
3. Meals	$147.00	.....
4. Grd. Transportation	46.00	.....
5. Telephone	.....	2.25
	193.00	1399.56
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Reed E. Hundt.
Government Position: Chairman.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/17–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$338.91	.....
2. Hotel Room	.....	184.15
3. Meals	32.00	.....
4. Grd. Transportation	.....	.....
	370.91	184.15
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Meryl S. Icove.
Government Position: Legal Advisor, Cable Services Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$725.15
2. Hotel Room	.....	736.60
3. Meals	$157.50	.....
4. Grd. Transportation	52.00	.....
	209.50	1461.75
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* William H. Johnson.
Government Position: Deputy Chief, Cable Services Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/16–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$520.00
2. Hotel Room	.....	552.45
3. Meals	$147.00	.....
4. Grd. Transportation	25.00	.....
	172.00	1072.45
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Meredith J. Jones.
Government Position: Chief, Cable Services Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/16–20/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$520.00
2. Hotel Room	.....	736.60
3. Meals	$189.00	.....
4. Grd. Transportation	15.00	.....
	204.00	1256.60
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Regina M. Keeney.
Government Position: Chief, Common Carrier Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/17–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$598.81
2. Hotel Room	.....	184.15
3. Meals	$63.00	.....
4. Grd. Transportation	43.00	.....
	106.00	782.96
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* William E. Kennard.
Government Position: General Counsel, Office of General Counsel.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/17–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$823.20
2. Hotel Room	.....	368.30
3. Meals	.....	.....
4. Grd. Transportation	$16.50	.....
5. Telephone & Fax	.....	26.00
	16.50	1217.50

	(c) Type & amount of payment	
	Check	In kind
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* John E. Logan.
Government Position: Deputy Chief,Cable Services Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/17–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$598.81
2. Hotel Room	.....	184.15
3. Meals	$63.00	.....
4. Grd. Transportation	33.30	.....
	96.30	782.96
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* JoAnn Lucanik.
Government Position: Chief, Policy & Rules Division, Cable Services Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$633.95
2. Hotel Room	.....	736.60
3. Meals	$147.00	.....
4. Grd. Transportation	35.50	.....
	182.50	1370.55
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Marsha J. Macbride.
Government Position: Legal Advisor to Commissioner James H. Quello.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/16–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$520.00
2. Hotel Room	.....	552.45
3. Meals	.....	62.35
4. Grd. Transportation	71.00	.....
5. Telephone	.....	36.19
	$71.00	1170.99
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* A.R. Metzger, Jr.
Government Position: Deputy Bureau Chief, Common Carrrier Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/17–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$598.81
2. Hotel Room	.....	184.15
3. Meals	63.00	.....
4. Grd. Transportation	.....	.....
	$63.00	782.96
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* John T. Nakahata.
Government Position: Acting Chief, Competition Division, Office of General Counsel.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/17–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$671.71
2. Hotel Room	.....	184.15
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	855.86
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Susan Ness.
Government Position: Commissioner.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–17/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$655.00	
2. Hotel Room	.....	$368.30
3. Meals	105.00	63.97
4. Grd. Transportation	72.00	80.00
5. Telephone	.....	4.50
	832.00	516.77
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Thomas Power.
Government Position: Assistant Chief, Policy & Rules Division, Cable Services Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$633.95
2. Hotel Room	.....	368.30
3. Meals	$115.50	
4. Grd. Transportation	.....	.....
	115.50	1002.25
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* James H. Quello.
Government Position: Commissioner.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/17–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$520.00
2. Hotel Room	.....	370.08
3. Meals	$52.00	48.38
4. Grd. Transportation	44.00	80.00
5. Telephone	.....	63.35
6. Other Charges	.....	22.85
	96.00	1104.66
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Richard M. Smith.
Government Position: Chief, Office of Engineering & Technology.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–20/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$950.00
2. Hotel Room	.....	920.75
3. Meals	.....	84.84
4. Grd. Transportation	$72.40	.....
5. Telephone & Fax	.....	26.75
	72.40	1982.34
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Suzanne K. Toller.
Government Position: Legal Advisor to Commissioner Rachelle B. Chong.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/15–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$868.60
2. Hotel Room	.....	736.60
3. Meals	$189.00	1.59
4. Grd. Transportation	20.60	.....
5. Telephone	.....	23.97
	209.60	1630.76
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Anita L. Wallgren.
Government Position: Legal Advisor to Commissioner Susan Ness.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.
5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, D.C. 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/16–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$360.00	.....
2. Hotel Room	.....	$552.45
3. Meals	147.00	30.16
4. Grd. Transportation	35.00	80.00
5. Telephone	.....	15.75
	542.00	678.36
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* John P. Wong.
Government Position: Chief, Engineering & Technical Services Division, Cable Services Bureau.
3. *Event:* NCTA 46th Annual Convention & International Exposition.
4. *Sponsor of Event:* National Cable Television Association—NCTA.

5. *Sponsor Address:* Attn: Ms. Gina Thomerson, 1724 Massachusetts Ave., N.W., Washington, DC 20036.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/16–19/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$520.00
2. Hotel Room	.....	552.45
3. Meals	$147.00	.....
4. Grd. Transportation	40.68	.....
	187.68	1072.45
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Roger P. Anderson.
Government Position: Electronics Engineer, Compliance & Information Bureau.
3. *Event:* NMEA Great Lakes Regional Meeting.
4. *Sponsor of Event:* National Marine Electronics Association—NMEA.
5. *Sponsor Address:* Attn: Mr. Greg Hoffman, P.O. Box 5313, North Muskegan, MI 49445.
6. *Location of Event:* Rosemont, Illinois.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/16/97.
9. *Travel Dates:* 05/16–17/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$226.00
2. Hotel Room	.....	23.84
3. Meals	.....	22.00
4. Grd. Transportation	.....	.....
	.....	271.84
(b) Non-Fed Source: Same as No. 4.		

1. *Agency*: Federal Communications Commission.
2. *Employee*: George R. Dillon.
Government Position: Engineering Advisor, Compliance & Information Bureau.
3. *Event:* 1997 NMEA Annual Convention.
4. *Sponsor of Event*: National Marine Electronics Association—NMEA.
5. *Sponsor Address*: Attn: Ms. Cindy Ensley, P.O. Box 3435, New Bern, NC 28564–3435.
6. *Location of Event*: Las Vegas, Nevada.
7. *Employee's Role*: Panelist.
8. *Dates of Event*: 09/28–30/97.
9. *Travel Dates*: 09/27–30/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$234.00
. Hotel Room	.....	327.00
3. Meals	.....	88.12
4. Grd. Transportation	.....	.....
	.....	649.12
(b) Non-Fed Source: Same as No. 4.		

1. *Agency*: Federal Communications Commission.
2. *Employee*: James W. Olson.
Government Position: Chief, Competition Division, Office of General Counsel.
3. *Event:* 13th Annual Private & Wireless Show.
4. *Sponsor of Event*: National Satellite Publishing Inc.—NSPI.
5. *Sponsor Address*: Attn: Ms. Renee Jowhari, 1909 Avenue G, Rosenberg, TX 77471–1489.
6. *Location of Event*: Miami, Florida.
7. *Employee's Role*: Panelist.
8. *Dates of Event*: 10/31/95.
9. *Travel Dates*: 10/30–11/01/95.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$226.00
2. Hotel Room	.....	216.00
3. Meals	85.50	.....
4. Taxi	66.00	.....
	151.50	442.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency*: Federal Communications Commission.
2. *Employee*: Robert L. Baker.
Government Position: Senior Attorney, Mass Media Bureau.
3. *Event*: NEBA Conference.
4. Sponsor of Event: New England Broadcasting Association—NEBA.
5. *Sponsor Address*: Attn: Ron Nayland, 20 Park Plaza Suite 914, Boston, MA 02116.
6. *Location of Event*: Boston, Massachusetts.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 03/07/96.
9. *Travel Dates*: 03/05–06/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$306.00
2. Hotel Room	.....	79.00
3. Meals	.....	57.00
4. Grd. Transportation	.....	62.00
	.....	504.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency*: Federal Communications Commission.
2. *Employee*: James H. Quello.
Government Position: Commissioner.
3. *Event*: NJBA Annual Convention.
4. *Sponsor of Event*: New Jersey Broadcasters Association—NJBA.
5. *Sponsor Address*: Attn: Mr. Philip H. Roberts, 348 Applegarth Road, Cranbury, NJ 08512.
6. *Location of Event*: Atlantic City, New Jersey.
7. *Employee's Role*: Speaker.
8. *Dates of Event*: 06/07–10/97.
9. *Travel Dates*: 06/07–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$327.00	.....
2. Hotel Room	.....	$283.02
3. Meals	93.00	40.00
4. Grd. Transportation	.....	85.00
	505.00	323.02
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Robert H. Ratcliffe.
Government Position: Senior Legal Advisor, Mass Media Bureau.
3. *Event:* NJBA Annual Convention.
4. *Sponsor of Event:* New Jersey Broadcasters Association—NJBA.
5. *Sponsor Address:* Attn: Mr. Philip H. Roberts, 348 Applegarth Road, Cranbury, NJ 08512.
6. *Location of Event:* Atlantic City, New Jersey.

7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/09–10/97.
9. *Travel Dates:* 06/09–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$64.00	
2. Hotel Room		$114.00
3. Meals	57.00	
4. Grd. Transportation	5.00	
	126.00	114.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
3. *Event:* NJBA Annual Convention.
4. *Sponsor of Event:* New Jersey Broadcasters Association—NJBA.
5. *Sponsor Address:* Attn: Mr. Philip H. Roberts, 348 Applegarth Road, Cranbury, NJ 08512.
6. *Location of Event:* Atlantic City, New Jersey.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/09–10/97.
9. Travel Dates: 06/09–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$64.00	
2. Hotel Room		$114.00
3. Meals	57.00	
4. Grd. Transportation	17.40	
	138.40	114.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
3. *Event:* NYSBA 36th Executive Conference.
4. *Sponsor of Event:* New York State Broadcasters Association—NYSBA.
5. *Sponsor Address:* Attn: Mr. Joseph A. Reilly, 115A Great Oaks Boulevard, Albany, NY 12203–5954.
6. *Location of Event:* Lake George, New York.

7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/29–07/01/97.
9. *Travel Dates:* 06/29–07/01/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$384.00	
2. Hotel Room		$162.00
3. Meals	95.00	
4. Grd. Transportation	14.00	
	493.00	162.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Donald H. Gips.
Government Position: Chief, International Bureau.
3. *Event:* Annual General Meeting.
4. *Sponsor of Event:* North American National Broadcasters Association—NANBA.
5. *Sponsor Address:* Attn: Ms. Eleni Mokas, P. O. Box 500, Station A, Toronto, Ontario, Canada M5W 1E6.
6. *Location of Event:* Mexico City, Mexico.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 01/23–24/97.
9. *Travel Dates:* 01/22–29/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$544.32	
2. Hotel Room		$152.13
3. Meals	112.00	
4. Grd. Transportation	48.27	
	704.59	152.13
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission
2. *Employee:* Bruce Romano.
Government Position: Deputy Chief, Policy & Rules Division, Mass Media Bureau.
3. *Event:* NDBA Annual Convention.
4. *Sponsor of Event:* North Dakota Broadcasters Association.
5. *Sponsor Address:* Attn: Ms. LeAnn M. Harner, P.O. Box 3178, Bismarck, ND 58502–3178.
6. *Location of Event:* Fargo, ND.

7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/13–14/96.
9. *Travel Dates:* 09/12–15/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		$545.00
2. Hotel Room		*382.50
3. Meals		
4. Grd. Transportation		
		$927.50
(b) Non-Fed Source: Same as No. 4.		

*Meals included in lodging amount.

1. *Agency:* Federal Communications Commission.
2. *Employee:* Blair S. Levin.
Government Position: Chief of Staff to Chairman Reed E. Hundt.
3. *Event:* Deregulation Seminar.
4. *Sponsor of Event:* Northern Telecom—NORTEL.
5. *Sponsor Address:* Attn: Raymond L. Strassburger, 801 Pennsylvania Avenue, NW., Suite 700, Washington, D.C. 20004, Raleigh, NC 27612.
6. *Location of Event:* Beijing, China.
7. *Employee's Role:* Participant.
8. *Dates of Event:* 11/14/96.
9. *Travel Dates:* 11/11–17/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		$4653.95
2. Hotel Room		
3. Meals		
4. Grd. Transportation		
		4653.95
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Barbara A. Kreisman.
Government Position: Chief, Video Services Division, Mass Media Bureau.
3. *Event:* OAB Convention.
4. *Sponsor of Event:* Ohio Association of Broadcasters—OAB.
5. *Sponsor Address:* Attn: Dale V. Bring, 88 East Broad Street, Suite 1780, Columbus, OH 43215.
6. *Location of Event:* Columbus, Ohio.
7. *Employee's Role:* Speaker.

8. *Dates of Event:* 11/20/96.
9. *Travel Dates:* 11/20/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$510.00
2. Hotel Room	.....	.....
3. Meals	$22.50	
4. Taxi	83.50	.....
	106.00	510.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* James R. Coltharp.
Government Position: Special Counsel to Commissioner James H. Quello.
3. *Event:* OCTA Annual Meeting.
4. *Sponsor of Event:* Ohio Cable Telecommunications Association—OCTA.
5. *Sponsor Address:* Attn: Ms. Carol Caruso, 50 West Broad Street, Suite 1118, Columbus, OH 43215–5906
6. *Location of Event:* Columbus, Ohio.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/14–15/97.
9. *Travel Dates:* 04/14–15/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$530.00
2. Hotel Room	.....	142.37
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
		672.37
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Roy J. Stewart.
Government Position: Chief, Mass Media Bureau.
3. *Event:* OAB Winter Convention.
4. *Sponsor of Event:* Oklahoma Association of Broadcasters—OAB.
5. *Sponsor Address:* Attn: Mr. Carl C. Smith, 6520 N. Western, Suite 104, Oklahoma City, OK 73116.
6. *Location of Event:* Tulsa, Oklahoma.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 02/14/97.
9. *Travel Dates:* 02/13–14/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$261.00	.....
2. Hotel Room	.....	$55.00
3. Meals	45.00	.....
4. Grd. Transportation	31.00	.....
	337.00	55.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Daniel Gonzalez.
Government Position: Legal Advisor to Commissioner Rachelle B. Chong.
3. *Event:* OPASTCO 34th Annual Winter Convention.
4. *Sponsor of Event:* Organization for the Promotion & Advancement of Small Telecommunications Companies—OPASTCO, Alaska Telephone Association—ATA.
5. *Sponsor Address:* Attn: Ms. Suzanne Bagshaw, 21 Dupont Circle, N.W., Suite 700, Washington, D.C. 20036.
6. *Location of Event:* Kauai, Hawaii.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 01/18–22/97.
9. *Travel Dates:* 01/18–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$774.50
2. Hotel Room	.....	668.79
3. Meals	$233.75	.....
4. Taxi	92.00	.....
	325.75	1443.29
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Lewrence J. Spiwak.
Government Position: Attorney, Office of General Counsel.
3. *Event:* 1st Annual Conference, Residential Gateways: The Why, The When & the How.
4. *Sponsor of Event:* Parks Associates.
5. *Sponsor Address:* Attn: Deby Girven, 5310 Harvest Hill Road, Suite 235, Lock Box 162, Dallas, TX 75230–5805.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/01–02/97.
9. *Travel Dates:* 04/30–50/03/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$447.00
2. Hotel Room	.....	447.00
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	894.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Kevin Werbach.
Government Position: Attorney, Office of Plans & Policy.
3. *Event:* Spring '97 Von Conference.
4. *Sponsor of Event:* Pulver. com.
5. *Sponsor Address:* Attn: Mr. Jeff Pulver, 2 Brook Bridge Rd., Great Neck, NY 11021.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/01–03/97.
9. *Travel Dates:* 03/31–04/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$820.00
2. Hotel Room	.....	752.40
3. Meals	.....	189.00
4. Grd. Transportation	.....	87.00
5. Telephone	.....	2.22
	.....	1850.62
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Kevin Werbach.
Government Position: Attorney, Office of Plans & Policy.
3. *Event:* Fall '97 Von Conference.
4. *Sponsor of Event:* Pulver.com.
5. *Sponsor Address:* Attn: Mr. Jeff Pulver, 2 Brook Bridge Rd., Great Neck, NY 11021.
6. *Location of Event:* Boston, Massachusetts.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/22–25/97.

9. *Travel Dates:* 09/24–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$566.50
2. Hotel Room	.....	131.64
3. Meals	.....	52.50
4. Grd. Transportation	.....	.....
	.....	750.64
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Meredith J. Jones.
Government Position: Chief, Cable Services Bureau.
3. *Event:* SBCA Trade Show.
4. *Sponsor of Event:* Satellite Broadcasting & Communications Association—SBCA.
5. *Sponsor Address:* Attn: Mr. Andrew Paul, 225 Reinekers Lane, Suite 600, Alexandria, VA 22314.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/25–27/97.
9. *Travel Dates:* 03/26–28/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$951.26
2. Hotel Room	.....	248.00
3. Meals	.....	95.00
4. Grd. Transportation	$33.50	.....
5. Telephone	82.64	.....
	116.14	1294.26
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* John Stern.
Government Position: Senior Legal Advisor International Bureau.
3. *Event:* SBCA Trade Show.
4. *Sponsor of Event:* Satellite Broadcasting & Communications Association—SBCA.
5. *Sponsor Address:* Attn: Ms. Melissa Hudspeth, 225 Reinekers Lane, Suite 600, Alexandria, VA 22314.
6. *Location of Event:* Las Vegas, Nevada.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/25–27/97.
9. *Travel Dates:* 03/25–30/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$689.68
2. Hotel Room	.....	267.84
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	957.52
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Rosalee Chiara.
Government Position: Chief, Satellite Policy Branch International Bureau.
3. *Event:* SBCA Convention & Trade Show.
4. *Sponsor of Event:* Satellite Broadcasting & Communications Association—SBCA.
5. *Sponsor Address:* Attn: Mr. Andrew Paul, 225 Reinekers Lane, Suite 600, Alexandria, VA 22314.
6. *Location of Event:* Nashville, Tennessee.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/24–26/97.
9. *Travel Dates:* 07/23–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$453.91
2. Hotel Room	.....	289.60
3. Meals	.....	106.00
4. Grd. Transportation	.....	.....
	.....	849.51
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Meredith J. Jones.
Government Position: Chief, Cable Services Bureau.
3. *Event:* SBCA Convention & Trade Show.
4. *Sponsor of Event:* Satellite Broadcasting & Communications Association—SBCA.
5. *Sponsor Address:* Attn: Mr. Andrew Paul, 225 Reinekers Lane, Suite 600, Alexandria, VA 22314.
6. *Location of Event:* Nashville, Tennessee.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/24–26/97.
9. *Travel Dates:* 07/24–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$395.50
2. Hotel Room	.....	180.00
3. Meals	$48.50	.....
4. Grd. Transportation	103.52	.....
	152.02	575.50
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Jonathan D. Levy.
Government Position: Senior Economist Office of Plans & Policy.
3. *Event:* SBCA Convention & Trade Show.
4. *Sponsor of Event:* Satellite Broadcasting & Communications Association—SBCA.
5. *Sponsor Address:* Attn: Mr. Andrew Paul, 225 Reinekers Lane, Suite 600, Alexandria, VA 22314.
6. *Location of Event:* Nashville, Tennessee.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/24–26/97.
9. *Travel Dates:* 07/23–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$402.00
2. Hotel Room	.....	164.00
3. Meals	.....	95.00
4. Grd. Transportation	.....	.....
	.....	661.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Stephen Markendorff.
Government Position: Chief, Broadband Branch Wireless Telecommunications Bureau.
3. *Event:* Wireless Buildout Conference.
4. *Sponsor of Event:* Shorecliff Communications International.

5. *Sponsor Address:* Attn: Ms. Renee Stecker, 34127 Pacific Coast Highway, Suite C, Dana Point, CA 92629.
6. *Location of Event:* San Diego, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 08/20–22/96.
9. *Travel Dates:* 08/21–23/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1514.00
2. Hotel Room	.....	400.00
3. Meals	$61.00	24.00
4. Grd. Transportation	60.00	.....
	121.00	1938.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Stephen Markendorff.
Government Position: Chief, Broadband Branch Wireless Telecommunications Bureau.
3. *Event:* Wireless Buildout Conference.
4. *Sponsor of Event:* Shorecliff Communications International.
5. *Sponsor Address:* Attn: Ms. Susan S. Pepe, 34127 Pacific Coast Highway, Suite C, Dana Point, CA 92629.
6. *Location of Event:* San Antonio, Texas.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/30–10/01/96.
9. *Travel Dates:* 09/28–10/02/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$357.00
2. Hotel Room	.....	680.00
3. Meals	$135.00	.....
4. Grd. Transportation	30.00	.....
5. Telephone	3.00	.....
	168.00	1037.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Stephen Markendorff, *Government Position*: Chief, Broadband Branch, Wireless Telecommunications Bureau.
3. *Event:* Wireless Buildout Conference.
4. *Sponsor of Event:* Shorecliff Communications International.
5. *Sponsor Address:* Attn: Ms. Renee Stecker, 34700 Pacific Coast Highway, Suite 200, Capistrano Beach, CA 92624.
6. *Location of Event:* Atlanta, Georgia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/05–06/97.
9. *Travel Dates:* 05/04–06/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$582.00
2. Hotel Room	.....	238.00
3. Meals	$95.00	.....
4. Grd. Transportation	2.65	.....
5. Telephone	10.00	.....
	107.65	820.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Stephen Markendorff, *Government Position*: Chief, Broadband Branch, Wireless Telecommunications Bureau.
3. *Event:* Wireless Buildout Conference.
4. *Sponsor of Event:* Shorecliff Communications International.
5. *Sponsor Address:* Attn: Ms. Renee Stecker, 34700 Pacific Coast Highway, Suite 200, Capistrano Beach, CA 92624.
6. *Location of Event:* Newark, New Jersey.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/19–20/97.
9. *Travel Dates:* 05/19–20/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$299.00
2. Hotel Room	.....	184.95
3. Meals	$41.00	24.37
4. Grd. Transportation	15.25	.....
5. Telephone	5.00	.....
	61.25	508.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* A. Richard Metzger.
Government Position: Deputy Chief, Common Carrier Bureau.
3. *Event:* Practical Strategies For The Negotiation of UK & European Interconnection Charges.
4. *Sponsor of Event:* SMI Limited.
5. *Sponsor Address:* Attn: Ms. Katharine Gillespie, Number One, New Concordia Wharf Mill Street, London SE1 2BB.
6. *Location of Event:* London, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 10/14–15/96.
9. *Travel Dates:* 10/12–15/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$598.65	.....
2. Hotel Room	.....	.....
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	598.65	.....
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* William E. Kennard.
Government Position: General Counsel, Office of General Counsel.
3. *Event:* SEARUC Conference.
4. *Sponsor of Event:* Southeastern Association of Regulatory Utility Commissioners—SEARUC.
5. *Sponsor Address:* Attn: Ms. Linda Breathitt, P.O. Box 615, Frankfort, KY 40602.
6. *Location of Event:* Lexington, Kentucky.
7. *Employee's Role:* Keynote Speaker.
8. *Dates of Event:* 06/02/97.
9. *Travel Dates:* 06/02/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$554.00
2. Hotel Room	.....	.....
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	554.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission
2. *Employee:* Robert A. Calaff
Government Position: Senior Legal Advisor International Bureau.
3. *Event:* AUTEL VI Congress
4. *Sponsor of Event:* Spanish Association of Business Users Telecommunications (AUTEL).
5. *Sponsor Address:* Attn: Mr. Miguel Angel, Eced Avda. de San Luis. 148, 28033 Madrid.
6. *Location of Event:* Madrid, Spain.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/09–10/97.
9. *Travel Dates:* 04/07–10/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$1502.49
2. Hotel Room	.....	242.17
3. Meals	.....	17.81
4. Grd. Transportation	.....	.....
5. Telephone	.....	1.87
	.....	1764.34
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Jeffrey Steinberg.
Government Position: Attorney, Wireless Telecommunications Bureau.
3. *Event:* Public Information Meeting.
4. *Sponsor of Event:* Sprint Spectrum L.P.
5. *Sponsor Address:* Attn: Mr. Larry Woods, 9 Barnes Industrial Road, Wallingford, CT 06492.
6. *Location of Event:* Windsor, Connecticut.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 10/29/96.
9. *Travel Dates:* 10/29–30/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$494.00
2. Hotel Room	$102.95	.....
3. Meals	1.76	26.00
4. Grd Transportation	3.73	20.00
5. Telephone	3.60	.....
	112.04	540.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Diane J. Cornell.
Government Position: Chief, Telecommunications Division International Bureau.
3. *Event:* Mergers & Acquisitions in Telcom & Cable Conference.
4. *Sponsor of Event:* Strategic Research Institute.
5. *Sponsor Address:* Attn: Mr. Rafael Lopez, 500 Fifth Avenue, 11th Floor, New York, NY 10110–0192.
6. *Location of Event:* New York City, New York.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/23–25/97.
9. *Travel Dates:* 07/25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$378.00
2. Hotel Room	.....	.....
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	378.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Reed E. Hundt.
Government Position: Chairman.
3. *Event:* ''III International Seminar on New Technologies & Telecommunications SEMINT 95''.
4. *Sponsor of Event:* Telepar & Abinee (Brazilian Telecom Organizations/ Assns.).
5. *Sponsor Address:* Attn: Laudallo Veiga Filho, Rua Indcio Lustosa, 1174, 80510–000 Curiliba, Parana, Brazil.
6. *Location of Event:* Foz De Iguacu, Brazil.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 11/06–09/95.
9. *Travel Dates:* 11/05–12/95.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$398.14
2. Hotel Room	.....	296.00
3. Meals	$215.00	.....
4. Taxi & Telephone	.....	.....
	215.00	694.14
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Brad Wimmer.
Government Position: Chief Economist, Common Carrier Bureau.
3. *Event:* 63rd Annual Convention.
4. *Sponsor of Event:* Tennessee Telecommunications Association.
5. *Sponsor Address:* Attn: Mr. C. Steve Parrott, Mid-Atlantic Operations, 14111 Capital Boulevard, Wake Forest, NC 27587–5900.
6. *Location of Event:* Nashville, Tennessee.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/02–05/97.
9. *Travel Dates:* 09/04–05/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$518.00
2. Hotel Room	.....	99.00
3. Meals	.....	8.00
4. Grd. Transportation	.....	.....
	.....	625.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Lisa Gelb.
Government Position: Attorney, Common Carrier Bureau.
3. *Event:* 37th Annual Trade Show & Convention.
4. *Sponsor of Event:* Texas Cable & Telecommunications Association.
5. *Sponsor Address:* Attn: W. D. Arnold, P.O. Box 13518, Austin, TX 78711.
6. *Location of Event:* San Antonio, Texas.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 02/19–21/97.
9. *Travel Dates:* 02/19–20/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$205.00	.....
2. Hotel Room	.....	$140.00

	(c) Type & amount of payment	
	Check	In kind
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	205.00	140.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Frank M. Lucia.
Government Position: Director Emergency Communications Compliance & Information Bureau
3. *Event:* 37th Annual Trade Show & Convention.
4. *Sponsor of Event:* Texas Cable & Telecommunications Association.
5. *Sponsor Address:* Attn: W. D. Arnold, P.O. Box 13518, Austin, TX 78711.
6. *Location of Event:* San Antonio, Texas.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 02/19–21/97.
9. *Travel Dates:* 02/19–20/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$205.00	
2. Hotel Room	.....	$35.00
3. Meals.		
4. Grd. Transportation	.....	.....
	205.00	35.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Thomas Power.
Government Position: Assistant Chief, Policy & Rules Division, Cable Services Bureau.
3. *Event:* 37th Annual Trade Show & Convention.
4. *Sponsor of Event:* Texas Cable & Telecommunications Association.
5. *Sponsor Address:* Attn: W. D. Arnold, P.O. Box 13518, Austin, TX 78711.
6. *Location of Event:* San Antonio, Texas.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 02/19–21/97.
9. *Travel Dates:* 02/19–23/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$379.21
2. Hotel Room	.....	278.30
3. Meals.		
4. Grd. Transportation	.....	.....
	.....	657.51
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Michael R. Nelson.
Government Position: Telcommunications Analyst Office of Plans & Policy.
3. *Event:* Annual Meeting.
4. *Sponsor of Event:* United Nations Educational, Scientific & Cultural Organization—UNESCO.
5. *Sponsor Address:* Attn: Mr. Philippe Queau 7, Place de Fontenoy 75352 Paris 07 SP France.
6. *Location of Event:* Monte Carlo, Principality of Monaco.
7. *Employee's Role:* Keynote Speaker.
8. *Dates of Event:* 03/07–12/97.
9. *Travel Dates:* 03/06–12/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1046.00
2. Hotel Room	.....	592.29
3. Meals	.....	304.36
4. Grd. Transportation	.....	110.39
5. Telephone	.....	11.87
	.....	2064.91
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* William W. Sharkey.
Government Position: Economist Common Carrier Bureau.
3. *Event:* Third International Conference in Applied Public Economics.
4. *Sponsor of Event: University of Western Brittany.*
5. *Sponsor Address:* Attn: F. Gasmi, 12 Rue de Kergoat: BP 816, 29285 Brest, Cedex France.
6. *Location of Event:* Brest, France.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/12–13/97.
9. *Travel Dates:* 06/12–15/97.
10.

	(c) Type & amount of payment	
	Check	In Kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$800.00
2. Hotel Room	.....	225.00
3. Meals	.....	45.00
4. Grd. Transportation	.....	24.00
	.....	1094.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Robert F. Cleveland.
Government Position: Physical Scientist Office of Engineering & Technology.
3. *Event:* 12th MCM COST 244.
4. *Sponsor of Event:* University of Zagreb, Faculty of Electrical Engineering & Computing.
5. *Sponsor Address:* Attn: Prof. Dr. Zlatko Koren, Dept. for Radiocommunications & Microwaves, Unska 3, HR–10000 Zagreb CROATIA.
6. *Location of Event:* Zagreb, Croatia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 10/05–06/96.
9. *Travel Dates:* 02–07/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1600.00
2. Hotel Room	.....	480.00
3. Meals	.....	220.00
4. Grd. Transportation	.....	.....
	.....	2300.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Scott B. Harris.
Government Position: Chief, International Bureau.
3. *Event:* The First Annual, Unterberg Harris Space & Satellite Communications Conference.
4. *Sponsor of Event:* Unterberg Harris.
5. *Sponsor Address:* Attn: Mr. Robert B. Kaimowitz, Swiss Bank Tower, 10 East 50th Street, New York, NY 10022.
6. *Location of Event:* New York City, New York.

7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/28/96.
9. *Travel Dates:* 03/28/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$116.00	
2. Hotel Room		
3. Meals		
4. Taxi, Parking & Mileage	63.00	
	179.00	
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Lawrence J. Spiwak.
Government Position: Attorney, Office of General Counsel.
3. *Event:* Global Telecommunications Opportunities Conference.
4. *Sponsor of Event:* UTC.
5. *Sponsor Address:* Attn: Ms. Christine S. Benz, 1140 Connecticut Avenue, N.W., Suite 1140, Washington, D.C. 20036.
6. *Location of Event:* Manchester, England.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 04/23–24/97.
9. *Travel Dates:* 04/21–26/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		$1379.55
2. Hotel Room		700.00
3. Meals		
4. Grd. Transportation		
		2079.55
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Daniel Phythyon.
Government Position: Chief, Wireless Telecommunications Bureau.
3. *Event:* UTC Annual Conference.
4. *Sponsor of Event:* UTC.
5. *Sponsor Address:* Attn: Coleman J. Kane, 1140 Connecticut Avenue, N. W., Suite 1140, Washington, D.C. 20036.
6. *Location of Event:* Portland, Oregon.
7. *Employee's Role:* Guest Speaker.
8. *Dates of Event:* 06/22–26/97.
9. *Travel Dates:* 06/24–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		$1609.00
2. Hotel Room		175.00
3. Meals	$57.00	
4. Grd. Transportation	39.50	50.00
5. Telephone	9.77	
	106.27	1834.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Lawrence J. Spiwak.
Government Position: Attorney, Office of General Counsel.
3. *Event:* UTC Annual Conference.
4. *Sponsor of Event:* UTC.
5. *Sponsor Address:* Attn: Ms. Christine S. Benz, 1140 Connecticut Avenue, N.W., Suite 1140, Washington, D.C. 20036.
6. *Location of Event:* Portland, Oregon.
7. *Employee's Role:* Guest Speaker.
8. *Dates of Event:* 06/21–25/97.
9. *Travel Dates:* 06/21–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation		$750.50
2. Hotel Room		303.00
3. Meals		
4. Registration Fees		490.00
		1543.50
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Charles W. Kelley.
Government Position: Chief, Enforcement Division Wireless Telecommunications Bureau.
3. *Event:* VAB Convention.
4. *Sponsor of Event:* Vermont Association of Broadcasters—VAB.
5. *Sponsor Address:* Attn: Mr. Al Noyes, 15 West Patterson Street, Barre, VT 05641.
6. *Location of Event:* Fairlee, Vermont.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/17–19/96.
9. *Travel Dates:* 05/17–19/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$576.00	
2. Hotel Room		$80.00
3. Meals	65.00	
4. Parking	36.00	
5. Car Rental & Gas	82.00	
	759.00	80.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Melissa Newman.
Government Position: Legal Counsel to Bureau Chief, Common Carrier Bureau.
3. *Event:* 1996 SCC/VTIA Telecommunications Summit.
4. *Sponsor of Event:* Virginia Telecommunications Industry Association—VTIA.
5. *Sponsor Address:* Attn: Mr. Ralph L. Frye, 11 South 12th Street, Suite 310, Richmond, VA 23219.
6. *Location of Event:* Irvington, Virginia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 10/30–11/01/96.
9. *Travel Dates:* 10/30–31/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$124.00	
2. Hotel Room		$235.00
3. Meals	20.50	28.00
4. Grd. Transportation		
	144.50	263.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Timothy A. Peterson.
Government Position: Legal Counsel to Bureau Chief, Common Carrier Bureau.
3. *Event:* VTIA Convention & RUS Engineering Symposium.
4. *Sponsor of Event:* Virginia Telecommunications Industry Association—VTIA.

5. *Sponsor Address:* Attn: Mr. Ralph L. Frye, 11 South 12th Street, Suite 310, Richmond, VA 23219.
6. *Location of Event:* New Orleans, Louisiana.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/16–19/97.
9. *Travel Dates:* 03/17–18/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$630.00
2. Hotel Room	.....	80.70
3. Meals	$63.00	.....
4. Grd. Transportation	10.00	.....
	73.00	710.70
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Mary Beth E. Richards. *Government Position*: Deputy Chief, Common Carrier Bureau.
3. *Event:* VTIA 1997 Annual Meeting.
4. *Sponsor of Event:* Virginia Telecommunications Industry Association—VTIA.
5. *Sponsor Address:* Attn: Mr. Ralph L. Frye, 11 South 12th Street, Suite 310, Richmond, VA 23219.
6. *Location of Event:* Hot Springs, Virginia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/14–16/97.
9. *Travel Dates:* 05/15–16/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	$138.00	.....
2. Hotel Room	.....	$258.12
3. Meals	.....	.....
4. Grd. Transportation	4.00	.....
	142.26	258.12
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Thomas C. Spavins. *Government Position*: Assistant for Special Projects, Office of General Counsel.
3. *Event:* Incorporating Cost & Non-cost Data Analysis for Inconnect Pricing Conference.
4. *Sponsor of Event:* Vision in Business Ltd.
5. *Sponsor Address:* Attn: Ms. Anne Olsen, 41 Whitcomb Street, London WC2H 7BT.
6. *Location of Event:* Brussels, Belgium.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 03/05–07/97.
9. *Travel Dates:* 03/03–09/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of benefit:		
1. Roundtrip Transportation	.....	$441.18
2. Hotel Room	.....	535.53
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	976.71
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Doron Fertig. *Government Position:* Economist, Office of General Counsel.
3. *Event:* 4th International Forum.
4. *Sponsor of Event:* Vision in Business Ltd.
5. *Sponsor Address:* Attn: Ms. Anne Olsen, 41 Whitcomb Street, London WC2H 7BT.
6. *Location of Event:* Brussels, Belgium.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/24–25/97.
9. *Travel Dates:* 09/22–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$1267.20
2. Hotel Room	.....	285.12
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	1552.32
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee*: Anna M. Gomez. *Government Position:* Deputy Chief, Network Services Division, Common Carrier Bureau.
3. *Event:* WVTA 46th Annual Convention.
4. *Sponsor of Event:* West Virginia Telecommunications Association—WVTA.
5. *Sponsor Address:* Attn: Ms. Gladys Stephenson, P.O. Box 248, St. Marys, WV 26170.
6. *Location of Event:* Wheeling, West Virginia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 09/15–17/97.
9. *Travel Dates:* 09/15–16/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	.....
2. Hotel Room	.....	$93.74
3. Meals	.....	52.00
4. Grd. Transportation	.....	.....
	.....	145.74
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Charles Dzeidzic. *Government Position:* Assistant Chief, Video Services Division, Mass Media Bureau.
3. *Event:* 10th Annual Convention & Exhibition.
4. *Sponsor of Event:* Wireless Cable Association International Inc.—WCAI.
5. *Sponsor Address:* Attn: Mr. Andrew Kreig, 1140 Connecticut Avenue, N.W., Suite 810, Washington, D.C. 20036.
6. *Location of Event:* Anaheim, California.
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 06/23–25/97.
9. *Travel Dates:* 06/21–25/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$895.00
2. Hotel Room	.....	431.25
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	1326.25
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Meredith J. Jones.

Government Position: Chief, Cable Services Bureau.
3. *Event:* 10th Annual Convention & Exhibition.
4. *Sponsor of Event:* Wireless Cable Association International, Inc.,—WCAI.
5. *Sponsor Address:* Attn: Mr. Andrew Kreig, 1140 Connecticut Avenue, N.W., Suite 810, Washington, D.C. 20036.
6. *Location of Event:* Anaheim, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 06/23–25/97.
9. *Travel Dates:* 06/21–23/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	$187.00	.....
2. Hotel Room	171.35	.....
3. Meals	.....	$105.00
4. Grd. Transportation	104.00	.....
5. Telephone	9.40	.....
	471.75	105.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* David R. Siddall.
Government Position: Legal Advisor to Commissioner Susan Ness.
3. *Event:* 10th Annual Convention & Exhibition.
4. *Sponsor of Event:* Wireless Cable Association International Inc—WCAI.
5. *Sponsor Address:* Attn: Mr. Andrew Kreig, 1140 Connecticut Avenue, N.W. Suite 810 Washington, D.C. 20036.
6. *Location of Event:* Anaheim, California
7. *Employee's Role:* Panelist.
8. *Dates of Event:* 06/23–25/97.
9. *Travel Dates:* 06/22–23/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$858.00
2. Hotel Room	.....	125.00
3. Meals	.....	68.00
4. Grd. Transportation	.....	53.00
	.....	1104.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Michael J. Marcus.
Government Position: Associate Chief Technology, Office of Engineering & Technology.
3. *Event:* WCA Meeting.
4. *Sponsor of Event:* Wireless Communications Alliance—WCA.
5. *Sponsor Address:* Attn: Mr. Robert J. Roy, 1639 Lewiston Drive, Sunnyvale, CA 94087.
6. *Location of Event:* Santa Clara, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 05/20/97.
9. *Travel Dates:* 05/19–21/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$400.00
2. Hotel Room	.....	180.00
3. Meals	.....	126.00
4. Grd. Transportation	$27.40	.....
5. Rental Car	.....	120.00
	27.40	826.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Michael R. Nelson.
Government Position: Telecommunications Analyst, Office of Plans & Policy.
3. *Event:* Annual Meeting.
4. *Sponsor of Event:* World Economic Forum.
5. *Sponsor Address:* Attn: Mr. Thomas Scherer, 53 chemin des Hauts-Crets, CH 1223 Cologny/Geneva.
6. *Location of Event:* Davos, Switzerland.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 01/30–02/04/97.
9. *Travel Dates:* 01/29–02/06/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	.....
2. Hotel Room	.....	$480.00
3. Meals	.....	270.00
4. Taxi	.....	.....
	.....	750.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Mindel DeLaTorre.
Government Position: Deputy Chief, Telecommunications Division, International Bureau.
3. *Event:* 2nd Annual Brazil Telecom Summit.
4. *Sponsor of Event:* World Research Group.
5. *Sponsor Address:* Attn: Rachel Weissbard, 12 East 49th Street, 17th Floor, New York, NY 10017.
6. *Location of Event:* Miami, Florida.
7. *Employee's Role:* Chairperson.
8. *Dates of Event:* 10/17–18/96.
9. *Travel Dates:* 10/16–18/96.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$644.00
2. Hotel Room	.....	298.00
3. Meals	$95.00	.....
4. Grd. Transportation	32.10	.....
	127.10	942.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Meredith J. Jones.
Government Position: Chief, Cable Services Bureau.
3. *Event:* The Bandwidth Solutions Summit '97 Conference.
4. *Sponsor of Event:* World Research Group.
5. *Sponsor Address:* Attn: Andrew Wolf, 12 East 49th Street, 17th Floor, New York, NY 10017.
6. *Location of Event:* San Francisco, California.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 01/28–29/97.
9. *Travel Dates:* 01/25–29/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$343.00
2. Hotel Room	.....	410.00
3. Meals	$73.50	.....
4. Grd. Transportation	123.00	.....
	196.50	753.00
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Kevin Werbach.
Government Position: Attorney, Office of Plans & Policy.
3. *Event:* Internet Telephony Summit Conference.
4. *Sponsor of Event:* World Research Group.
5. *Sponsor Address:* Attn: Ms. Judith Robinson, 1120 Avenue of the Americas, 7th Floor, New York, NY 10036.
6. *Location of Event:* New York, New York.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/14/97.
9. *Travel Dates:* 07/13–14/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$118.00
2. Hotel Room	.....	153.00
3. Meals	.....	52.50
4. Grd. Transportation	.....	.....
	.....	323.50
(b) Non-Fed Source: Same as No. 4.		

1. *Agency:* Federal Communications Commission.
2. *Employee:* Thomas Koutsky.
Government Position: Senior Attorney, Office of General Counsel.
Event: 2nd Annual Conference on Developing Competitive Telecom Services.
4. *Sponsor of Event:* World Research Group.
5. *Sponsor Address:* Attn: Ms. Judith Robinson, 1120 Avenue of the Americas, 7th Floor, New York, NY 10036.
6. *Location of Event:* Atlanta, Georgia.
7. *Employee's Role:* Speaker.
8. *Dates of Event:* 07/28–30/97.
9. *Travel Dates:* 07/28–29/97.
10.

	(c) Type & amount of payment	
	Check	In kind
(a) Nature of Benefit:		
1. Roundtrip Transportation	.....	$491.00
2. Hotel Room	.....	145.77
3. Meals	.....	.....
4. Grd. Transportation	.....	.....
	.....	636.77
(b) Non-Fed Source: Same as No. 4.		

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–3925 Filed 2–19–98; 8:45 am]

BILLING CODE 6712–01–P

Friday
February 20, 1998

Part III

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4235–N–43]

Federal Property Suitable as Facilities To Assist the Homeless

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

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available or use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register,** the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: AIR FORCE: Ms. Barbara Jenkins, Air Force Real Estate Agency, Area-MI, Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; COE: Mr. Bob Swieconek, Army Corps of Engineers, Management & Disposal Division, Pulaski Building, Room 4224, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000; (202) 761–1749; DOT: Mr. Philip Rockmaker, Acting Principal, Space Management, SVC–140, Transportation Administrative Service Center Department of Transportation, 400 7th Street, SW, Room 2310, Washington, DC20590; (202) 366–4246; ENERGY: Ms. Marsha Penhaker, Department of Energy, Facilities Planning and Acquisition Branch, FM–20, Room 6H–058, Washington, DC 20585; (202) 586–0426; GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–2059; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Code 241A, 200 Stovall Street, Alexander, VA 22332–2300; (703) 325–7342; (These are not toll-free numbers).

Dated: February 12, 1998.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM, FEDERAL REGISTER REPORT FOR 02/20/98

Suitable/Available Properties

Buildings (by State)

California

Bldg. 604
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010237
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 605
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010238
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 612
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010239
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 611
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010240
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 613
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010241

Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 614
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010242
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 615
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010243
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 616
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010244
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 617
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010245
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 618
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010246
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab.

Colorado

Residence
Cherry Creek Lake Project
3311 Parker Road
Aurora Co: Arapahoe CO 80112–
Landholding Agency: COE
Property Number: 319720001
Status: Excess
Comment: 1,000 sq. ft. house and 900 sq. ft. garage, needs rehab, off-site use only.

Storage Shed
Cherry Creek Lake Project
3311 Parker Road
Aurora Co: Arapahoe CO 80112–
Landholding Agency: COE
Property Number: 319720002
Status: Excess
Comment: 600 sq. ft. w/dirt floor, off-site use only.

District of Columbia

Dalecarlia Reservoir
Bldgs. 5900, 5902, 5904, 5906, 5908, 5910
Washington Aqueduct
Washington, DC 20016–
Landholding Agency: COE
Property Number: 319610004
Status: Excess
Comment: Brick/frame residences in poor condition w/2 floors and basement, presence of asbestos, on National Historic Register, off-site use only.

Georgia

Phil Landrum Federal Bldg.
35 W. Church Street
Jasper Co: Pickens GA 30143–
Landholding Agency: GSA
Property Number: 549810008
Status: Surplus
Comment: 9533 sq. ft., 2-story, no elevators/no handicapped ramps, steps need repair, most recent use—postal service with parking lot
GSA Number: 4–G–GA–854.

Idaho

Bldg. 2201
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189520005
Status: Underutilized
Comment: 6804 sq. ft., 1 story wood frame, most recent use—temporary garage for base fire dept. vehicles, presence of lead paint and asbestos shingles.

Iowa

Tract 141
Melos, Stanley, Camp Dodge
Johnston Co: Poke IA 50131–
Landholding Agency: COE
Property Number: 319610005
Status: Excess
Comment: 1104 sq. ft., most recent use—storage, needs rehab, possible asbestos, off-site use only.

Kentucky

Green River Lock & Dam #3
Rochester Co: Butler KY 42273–
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Landholding Agency: COE
Property Number: 319010022
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Kentucky River Lock and Dam 3
Pleasureville Co: Henry KY 40057–
Location: SR 421 North from Frankfort, KY. to highway 561, right on 561 approximately 3 miles to site.
Landholding Agency: COE
Property Number: 319010060
Status: Unutilized
Comment: 897 sq. ft.; 2 story wood frame; structural deficiencies.

Bldg. 1
Kentucky River Lock and Dam
Carrolton Co: Carroll KY 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR # 227 to Highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 319011628
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Bldg. 2
Kentucky River Lock and Dam
Carrolton Co: Carroll KY 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR # 227 to highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 319011629
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Utility Bldg, Nolin River Lake
Moutardier Recreation Site Co: Edmonson KY
Landholding Agency: COE
Property Number: 319320002
Status: Unutilized
Comment: 541 sq. ft., concrete block, off-site use only.

Missouri

Tract 113—House
Smithville Lake
Smithville Co: Clay MO 64089–
Landholding Agency: COE
Property Number: 319540002
Status: Excess
Comment: 1200 sq. ft. residence, presence of lead base paint, off-site use only.

Riverlands Ofc. Bldg.
Melvin Price Locks & Dam
Access Road
Location: West Alton Co: St. Charles MO 63386–
Landholding Agency: COE
Property Number: 319730001
Status: Excess
Comment: 5000 sq. ft., steel, most recent use—office, flood damaged, off-site use only.

Montana

Facility #1
Havre Training Site Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189530047
Status: Excess
Comment: 6843 sq. ft., 1 story brick frame, good condition, most recent use—technical training site.

Bldg. 110
Forsyth Training Site Co: Rosebud MT
Landholding Agency: Air Force
Property Number: 189610001
Status: Unutilized
Comment: 6843 sq. ft., needs repair, on top of bluff, most recent use—offices.

Bldg. 112
Forsyth Training Site Co: Rosebud MT
Landholding Agency: Air Force
Property Number: 18961002
Status: Unutilized
Comment: 586 sq. ft., most recent use—cold storage.

Nebraska

Bldg. 20
Offutt Communications Annex 4
Silver Creek Co: Nance NE 68663–
Landholding Agency: Air Force
Property Number: 189610004
Status: Unutilized
Comment: 4714 sq. ft., most recent use—dormitory needs major repair.

Natl Weather Svc Forecast Ofc
Rt. 2
Alliance Co: Box Butte NE
Landholding Agency: GSA
Property Number: 549740021
Status: Excess
Comment: 1500 sq. ft., presence of asbestos, most recent use—office

GSA Number: 7–C–NE–0524

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Landholding Agency: COE
Property Number: 319120018
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only.

Oklahoma

Water Treatment Plant
Belle Starr, Eufaula Lake
Eufaula Co: McIntosh OK 74432–
Landholding Agency: COE
Property Number: 319630001
Status: Excess
Comment: 16′x16′, metal, off-site use only.

Water Treatment Plant
Gentry Creek, Eufaula Lake
Eufaula Co: McIntosh OK 74432–
Landholding Agency: COE
Property Number: 319630002
Status: Excess
Comment: 12′x16′, metal, off-site use only.

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242–
Landholding Agency: COE
Property Number: 319210008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only.

One Unit/Residence
Conemaugh River Lake, RD #1, Box 702
Saltburg Co: Indiana PA 15681–
Landholding Agency: COE
Property Number: 319430011
Status: Unutilized
Comment: 2642 sq. ft., 1-story, 1-unit of duplex, fair condition, access restricitons.

Dwelling
Lock & Dam 6, Allegheny River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 319620008
Status: Unutilized
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes.

Dwelling
Lock & Dam 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Landholding Agency: COE
Property Number: 319710009
Status: Unutilized
Comment: 1664 sq. ft., 2-story brick residence, needs repair, off-site use only.

Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 319740002
Status: Excess
Comment: 2030 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 319740003
Status: Excess
Comment: 3045 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #3
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 319740004
Status: Excess
Comment: 1847 sq. ft., most recent use—office, good condition, off-site use only.

Govt Dwelling
East Branch Lake
Wilcox Co: Elk PA 15870–9709
Landholding Agency: COE
Property Number: 319740005
Status: Underutilized
Comment: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only.

Dwelling #1
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 319740006
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Landholding Agency: COE
Property Number: 319740007
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #1
Woodcock Creek Lake
Saegertown Co: Crawford PA 16433–0629
Landholding Agency: COE
Property Number: 319740008
Status: Excess
Comment: 2106 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Lock & Dam 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 319740009
Status: Excess
Comment: 2652 sq. ft., most recent use—residential, good condition, off-site use only.

Rhode Island

Bldg. A33
Navy Hospital Gate 5
Newport RI 02841–
Landholding Agency: Navy
Property Number: 779810083
Status: Underutilized
Comment: 1512 sq. ft., detached 5 stall garage, needs repair, presence of asbestos, off-site use only.

South Dakota

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrical storage.

Tennessee

Cheatham Lock & Dam
Tract D, Lock Road
Nashville Co: Davidson TN 37207–
Landholding Agency: COE
Property Number: 319520003
Status: Unutilized
Comment: 1100 sq. ft. dwelling w/storage bldgs on 7 acres, needs major rehab, contamination issues, approx. 1 acre in fldwy, modif. to struct. subj. to approval of St. Hist. Presv. Ofc.

Virginia

Peters Ridge Site
Gathright Dam
Covington VA
Landholding Agency: COE
Property Number: 319430013
Status: Excess
Comment: 64 sq. ft., metal bldg.

Metal Bldg.
John H. Kerr Dam & Reservoir Co: Boydton VA
Landholding Agency: COE
Property Number: 319620009
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only.

West Virginia

German Ridge Radio Transmitter
Huntington Co: Wayne WV 25701–
Landholding Agency: COE
Property Number: 319610002
Status: Unutilized
Comment: 187 sq. ft. cinder block bldg. on .55 acre in remote area, most recent use—radio equipment room.

Wisconsin

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 319011524
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 319011525
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna Co: Outagamie WI 54131–
Landholding Agency: COE
Property Number: 319011527
Status: Unutilized

Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 319011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown Co: Outagamie WI 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Landholding Agency: COE
Property Number: 319011533
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence Co: Brown WI 54130–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway ''D'') and River Street.
Landholding Agency: COE
Property Number: 319011535
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute Co: Outagamie WI 54140–
Landholding Agency: COE
Property Number: 319011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Land (by State)

Arkansas

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010071
Status: Unutilized
Comment: 77.6 acres.

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010072
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010073
Status: Unutilized
Comment: 50.46 acres.

Parcel 04
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010074
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010075
Status: Unutilized
Comment: 187.30 acres.

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010076
Status: Unutilized
Comment: 13.0 acres.

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010077
Status: Unutilized
Comment: 0.27 acres.

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010078
Status: Unutilized
Comment: 14.6 acres.

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010079
Status: Unutilized
Comment: 6.60 acres.

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010080
Status: Unutilized
Comment: 4.5 acres.

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010081
Status: Unutilized
Comment: 19.50 acres.

Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Landholding Agency: COE
Property Number: 319010083
Status: Unutilized
Comment: 46 acres.

Colorado

Otis Lane
Chatfield Lake Project
Littleton Co: Jefferson CO 80123–
Landholding Agency: COE
Property Number: 319540001
Status: Excess
Comment: 25 ft. wide (5000 sq. ft.), subject to easements.

Kansas

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Landholding Agency: COE
Property Number: 319010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Kentucky

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: Adjoining the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010025
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2609–10 and 2710–2
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010026
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010027
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010028
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 6½ miles west of Cadiz.
Landholding Agency: COE
Property Number: 319010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utlities.

Tract 2702
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 1 mile in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky, and Tennessee
Canton Co: Trigg KY 42212–

Location: Trigg Co. adjourning the city of Canton, KY. on the waters of Hopson Creek.
Landholding Agency: COE
Property Number: 319010032
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky, and Tennessee
Canton Co: Trigg KY 42212–
Location: 3½ miles in a southerly direction from Canton, KY.
Landholding Agency: COE
Property Number: 319010033
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg, KY 42212–
Location: 5 miles south of Canton, KY.
Landholding Agency: COE
Property Number: 319010034
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg, KY 42212–
Location: 4½ miles south of Canton, KY.
Landholding Agency: COE
Property Number: 319010035
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg, KY 42212–
Location: 6½ miles south of Canton, KY.
Landholding Agency: COE
Property Number: 319010036
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: On the north side of the Illinois Central Railroad.
Landholding Agency: COE
Property Number: 319010042
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: Approximately 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010044
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42038–
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY
Landholding Agency: COE
Property Number: 319010045
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010046
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon, KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010047
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 5½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010048
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010049
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 7 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 9 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010051
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Landholding Agency: COE
Property Number: 319010052
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa.
Landholding Agency: COE
Property Number: 319010053
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319010054
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tract 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Landholding Agency: COE
Property Number: 319010055
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 6½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010056
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tract 500–2
Barkley Lake, Kentucky and Tennessee
Kuttawa Co: Lyon KY 42055–
Location: Situated on the waters of Poplar Creek, approximately 1 mile southwest of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319010057
Status: Excess
Comment: 3.58 acres; hillside ridgeland and wooded; no utilties.

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: Village of Linton, KY state highway 1254.
Landholding Agency: COE
Property Number: 319010058
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: 1 mile northwest of Linton, KY.
Landholding Agency: COE
Property Number: 319010059
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319011621
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319011622

Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Landholding Agency: COE
Property Number: 319011623
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319011624
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY
Landholding Agency: COE
Property Number: 319011625
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 319011626
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 319011627
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract B–Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130002
Status: Unutilized
Comment: 10 acres, most recent use—recreational, possible periodic flooding.

Tract A—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130003
Status: Unutilized
Comment: 8 acres, most recent use—recreational, possible periodic flooding.

Tract C—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130005
Status: Unutilized
Comment: 4 acres, most recent use—recreational, possible periodic flooding.

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Landholding Agency: COE
Property Number: 319140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Portion of Lock & Dam No. 1
Kentucky River
Carrolton Co: Carroll KY 41008–0305
Landholding Agency: COE
Property Number: 319320003
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access monitored.

Portion of Lock & Dam No. 2
Kentucky River
Lockport Co: Henry KY 40036–9999
Landholding Agency: COE
Property Number: 319320004
Status: Underutilized
Comment: approx. 13.14 acres (sloping), access monitored.

Louisiana

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Landholding Agency: COE
Property Number: 319011009
Status: Unutilized
Comment: 11 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Location: 35 miles Northeast of Shreveport, LA.
Landholding Agency: COE
Property Number: 319011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Maine

Irish Ridge NEXRAD Site
Loring AFB
Fort Fairfield Co: Aroostook ME 04742–
Landholding Agency: Air Force
Property Number: 189640017
Status: Unutilized
Comment: 3.491 acres in fee simple.

GWEN Site (Patten)
Loring AFB
Stacyville Co: Herseytown ME 04742–
Landholding Agency: GSA
Property Number: 189640018
Status: Excess
Comment: 23.55 acres w/226 sq. ft. relay station.
GSA Number: 1–D–ME–630.

Minnesota

Parcel D
Pine River
Cross Lake Co: Crow Wing MN 56442–
Location: 3 miles from city of Cross Lake, between highways 6 and 371.
Landholding Agency: COE
Property Number: 319011038
Status: Excess
Comment: 17 acres; no utilities.

Tract 92
Sandy Lake
McGregor Co: Aitkins MN 55760–
Location: 4 miles west of highway 65, 15 miles from city of McGregor.
Landholding Agency: COE
Property Number: 319011040
Status: Excess
Comment: 4 acres; no utilities.

Tract 98
Leech Lake
Benedict Co: Hubbard MN 56641–
Location: 1 mile from city of Federal Dam, MN.
Landholding Agency: COE
Property Number: 319011041
Status: Excess
Comment: 7.3 acres; no utilities.

Mississippi

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expired 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Sections 16, 17, 18 T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 319011022
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4

Grenada Lake
Section 2 and 3, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Grenada Lake
Section 7, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Grenada Lake
Section 9, T24N, R6E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 319011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 319011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38390–10903
Landholding Agency: COE
Property Number: 319011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 319011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada MS 28901–0903
Landholding Agency: COE
Property Number: 319011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada MS 28902–0903
Landholding Agency: COE
Property Number: 319011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Grenada Lake
Section 9, T22N, R7E
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Missouri

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Location: Triangular shaped parcel soutwest of access road ''B'', part of Bledsoe Ferry Park Tract 150.
Landholding Agency: COE
Property Number: 319030014
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Montana

6.43 acres
Forsyth Training Site Co: Rosebud MT
Landholding Agency: Air Force
Property Number: 189610003
Status: Unutilized
Comment: 6.43 acres, most recent use—tech. oper. site for radar bombing range.

Ohio

Hannibal Locks and Dam
Ohio River
P.O. Box 8
Hannibal Co: Monroe OH 43931–0008
Location: Adjacent to the new Martinsville Bridge.
Landholding Agency: COE
Property Number: 319010015
Status: Underutilized
Comment: 22 acres; river bank.

Oklahoma

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 319010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Landholding Agency: COE
Property Number: 319010018
Status: Excess
Comment: 2.58 acreas; steep and densely wooded.

Tracts 610, 611, 612
Shenang River Lake
Sharpsville Co: Mercer PA 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, Left on R518, right on Mercer Avenue.
Landholding Agency: COE
Property Number: 319011001
Status: Excess
Comment: 24.09 acres; subject to flowage easement.

Tracts L24, L26
Crooked Creek Lake Co: Armstrong PA 03051–
Location: Left bank—55 miles downstream of dam.
Landholding Agency: COE
Property Number: 319011011
Status: Unutilized
Comment: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226–
Landholding Agency: COE
Property Number: 319430012
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights.

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles west of Dover, TN.
Landholding Agency: COE
Property Number: 319010927
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3½ miles south of village of Tabaccoport.
Landholding Agency: COE
Property Number: 319010928
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Location: ½ mile downstream from Cheatham Dam
Landholding Agency: COE
Property Number: 319010929
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Resorvior
Murfreesboro Co: Rutherford TN 37130–
Location: West of Buckeye Bottom Road
Landholding Agency: COE
Property Number: 319010930

Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Resorvior
Murfreesboro Co: Rutherford TN 37130–
Location: Old Jefferson Pike
Landholding Agency: COE
Property Number: 319010931
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Resorvior
Murfreesboro Co: Rutherford TN 37130–
Location: Acrosas Fall Creek near Fall Creek camping area.
Landholding Agency: COE
Property Number: 319010932
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tract 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Crow Creek
Gainesbor Co: Jackson TN 38562–
Location: TN Highway 56
Landholding Agency: COE
Property Number: 319010933
Status: Excess
Comment: 11 acres; subject to existing easements.

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: East of Lamar Road
Landholding Agency: COE
Property Number: 319010934
Status: Excess
Comment: 15.31 acres; subject to existing easements.

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: South of Old Jefferson Pike
Landholding Agency: COE
Property Number: 319010935
Status: Excess
Comment: 12 acres; subject to existing easements.

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 319010936
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tract 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050–
Location: 1½ miles East of Cumberland City.
Landholding Agency: COE
Property Number: 319010937
Status: Excess
Comment: 96 acres; subject to existing easements.

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050–
Location: 4 miles east of Cumberland City.
Landholding Agency: COE
Property Number: 319010938
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2 miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 319010939
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tract 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2½ miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 319010940
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028–
Location: 4½ miles SW. of Bumpus Mills.
Landholding Agency: COE
Property Number: 319010941
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149
Landholding Agency: COE
Property Number: 319010943
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 6949
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 1½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 319010944
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3 miles south of Village of Tobaccoport.
Landholding Agency: COE
Property Number: 319011173
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074–
Landholding Agency: COE
Property Number: 319130007
Status: Underutilized
Comment: 92 acres (38 acres in floodway), most recent use—recreation.

Tract A–102
Dale Hollow Lake & Dam project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140006
Status: Underutilized
Comment: 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140007
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Tracts A–20, A–21
Dale Hollow Lake & Dam Project
Red Oak Ridge, State Hwy No. 53
Celina Co: Clay TN 38551––
Landholding Agency: COE
Property Number: 319140008
Status: Underutilized
Comment: 821 acres, most recent use—recreation, subject to existing easements.

Tract D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38576–
Landholding Agency: COE
Property Number: 319140010
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Suitable/Unavailable Properties

Buildings (by State)

Alaska

Bldgs. 001A&B
Spruce Cape Loran Station
Kodiak Co: Kodiak Is. Bor. AK 99615–
Landholding Agency: DOT
Property Number: 879720001
Status: Excess
Comment: 12492 sq. ft. steel frame, most recent use—barracks and shops, needs extensive repairs, in Tsunami evacuation area.

Arizona

Facility # 4250
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510043
Status: Excess
Comment: 7800 sq. ft., prefab steel frame, 2 story, good condition, off-site removal only, most recent use—dormitory.

Facility # 4252
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510044
Status: Excess
Comment: 144 sq. ft., metal frame, 1 story, good condition, off-site removal only, most recent use—storage.

California

Hawes Site (KHGM)
March AFB
Hinckley Co: San Bernardino CA 92402–
Landholding Agency: Air Force
Property Number: 189010084
Status: Unutilized
Comment: 9290 sq. ft., 2 story concrete, most recent use-radio relay station, possible

asbestos, land belongs to Bureau of Land Management, potential utilities.

Santa Fe Flood Control Basin
Irwindale Co: Los Angeles CA 91706–
Landholding Agency: COE
Property Number: 319011298
Status: Unutilized
Comment: 1400 sq. ft.; 1 story stucco; needs rehab; terminte damage; secured area with alternate access.

Colorado

Bldg. 8026
U.S. Air Force Academy
Colorado Springs Co: El Paso 80814–2400
Landholding Agency: Air Force
Property Number: 189730009
Status: Underutilized
Comment: heat plant, 4-story.

Bldg. 9023
U.S. Air Force Academy
Colorado Springs Co: El Paso CA 80814–2400
Landholding Agency: Air Force
Property Number: 189730010
Status: Underutilized
Comment: 4112 sq. ft., most recent use—preschool.

Bldg. 9027
U.S. Air Force Academy
Colorado Springs Co: El Paso CA 80814–2400
Landholding Agency: Air Force
Property Number: 189730011
Status: Underutilized
Comment: 4112 sq. ft., most recent use—child care center.

Florida

Facility No. 0001
Cocoa Beach Comm. Annex No. 2
Cocoa Beach Co: Brevard FL 32931–
Landholding Agency: Air Force
Property Number: 189610010
Status: Unutilized
Comment: telephone switchgear bldg., 474 sq. ft., possible asbestos.

Facility No. 00901
Cocoa Beach Comm. Annex No. 1
Cocoa Beach Co: Brevard FL 32931–
Landholding Agency: Air Force
Property Number: 189610011
Status: Unutilized
Comment: 1100 sq. ft., telephone switch bldg., possible asbestos.

Bldg. CN7
Ortona Lock Reservation, Okeechobee Waterway
Ortona Co: Glades FL 33471–
Location: Located off Highway 78 approximately 7 miles west of intersection with Highway 27.
Landholding Agency: COE
Property Number: 319010012
Status: Unutilized
Comment: 1468 sq. ft.; one floor wood frame; most recent use—residence; secured with alternate access.

Bldg. CN8
Ortona Lock Reservation, Okeechobee Waterway
Ortona Co: Glades FL 33471–
Location: Located off Highway 78 approximately 7 miles west of intersection with Highway 27.
Landholding Agency: COE
Property Number: 319010013
Status: Unutilized
Comment: 1468 sq. ft.; one floor wood frame; most recent use—residence; secured with alternate access.

Idaho

Bldg. 516
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 86348–
Landholding Agency: Air Force
Property Number: 189520004
Status: Excess
Comment: 4928 sq. ft., 1 story wood frame, presence of lead paint and asbestos, most recent use—offices.

Illinois

Bldg. 7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010001
Status: Unutilized
Comment: 900 sq. ft.; 1 floor wood frame; most recent use—residence.

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010002
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010003
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 4
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010004
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 3
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010005
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame.

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010006
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010007
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Iowa

Bldg. 00627
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310001
Status: Unutilized
Comment: 1932 sq. ft., 1-story concrete block bldg., most recent use—storage, pigeon infested, contamination investigation in progress.

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310002
Status: Unutilized
Comment: 1113 sq. ft., 1-story concrete block bldg., contamination clean-up in process.

Kansas

Bldg. 2703, Forbes Field Co: Topeka KS
Landholding Agency: Air Force
Property Number: 189720042
Status: Unutilized
Comment: 192,000 sq. ft. warehouse, needs major repairs.

Maine

Mount Desert Rock Light
U.S. Coast Guard
Southwest Harbor Co: Hancock ME 04679–
Landholding Agency: DOT
Property Number: 879240023
Status: Unutilized
Comment: 1600 sq. ft., 2-story wood frame dwelling, needs rehab, limited utilities, limited access, property is subject to severe storms.

Little River Light
U.S. Coast Guard
Cutler Co: Washington ME
Landholding Agency: DOT
Property Number: 879240026
Status: Unutilized
Comment: 1100 sq. ft., 2-story wood frame dwelling, well is contaminated, limited utilities.

Burnt Island Light
U.S. Coast Guard
Southport Co: Lincoln ME 04576–
Landholding Agency: DOT
Property Number: 879240027
Status: Unutilized
Comment: 750 sq. ft., 2-story wood frame dwelling.

Massachusetts

Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 879240024
Status: Unutilized
Comment: 1000 sq. ft., 2-story brick dwelling, large wave action with severe ocean storms.

Assistant Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 879240025
Status: Unutilized
Comment: 1100 sq. ft., 2-story wood frame dwelling, large wave action with severe ocean storms.

Michigan

Bldg. 50
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010790
Status: Excess
Comment: 6171 sq. ft.; 1 story; concrete block; potential utilities; possible asbestos; most recent use—Fire Department vehicle parking building.

Bldg. 14
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010833
Status: Excess
Comment: 6751 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—gymnasium.

Bldg. 16
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010834
Status: Excess
Comment: 3000 sq. ft.; 1 floor concrete block; most recent use—commissary facility.

Bldg. 15
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010864
Status: Excess
Comment: 538 sq. ft.; 1 floor; concrete/wood structure; potential utilities; most recent use—gymnasium facility.

Montana

Bldg. 00007
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330066
Status: Unutilized
Comment: 992 sq. ft., 1-story metal, most recent use—auto/hobby shop.

Bldg. 00008
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330067
Status: Unutilized
Comment: 2640 sq. ft., 1-story metal, most recent use—vehicle parking.

Bldg. 00016
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330068
Status: Unutilized
Comment: 3604 sq. ft., 1-story cinder block, most recent use—storage.

Bldg. 00023
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330069
Status: Unutilized
Comment: 3315 sq. ft., 1-story wood, most recent use—fire station.

Bldg. 00024
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330070
Status: Unutilized
Comment: 5016 sq. ft., 1-story cinder block, most recent use—dormitory.

Bldg. 00027
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330071
Status: Unutilized
Comment: 14280 sq. ft., 1-story cinder block, most recent use—recreation center and commissary store.

Bldg. 00029
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330072
Status: Unutilized
Comment: 63 sq. ft., 1-story metal.

Bldg. 00031
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330073
Status: Unutilized
Comment: 3130 sq. ft., 1-story cinder block, most recent use—maintenance shop and admin.

Bldg. 00032
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330074
Status: Unutilized
Comment: 64 sq. ft., metal, most recent use—storage.

Bldg. 00035
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330075
Status: Unutilized
Comment: 2252 sq. ft., 4-story metal, most recent use—storage.

Bldg. 00039
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330076
Status: Unutilized
Comment: 21824 sq. ft., 1-story masonry, most recent use—storage.

Bldg. 00040
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330077
Status: Unutilized
Comment: 874 sq. ft., 1-story masonry, most recent use—storage.

Bldg. 00041
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330078
Status: Unutilized
Comment: 108 sq. ft., 1-story masonry.

Bldg. 00042
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330079
Status: Unutilized
Comment: 760 sq. ft., 1-story masonry, most recent use—warehouse.

Bldg. 00044
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330080
Status: Unutilized
Comment: 3298 sq. ft., 1-story metal, most recent use—wood hobby shop.

Malmstrom Communications Annex (Transmitter), 39 78th St., N.
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510023
Status: Excess
Comment: 1966 sq. ft., 1 story masonry block bldg. on 22 acres, limited utilities, roof needs replacement
GSA Number: 7–D–MT–4240.

Nebraska

Bldg. 64
Offutt AFB
Silver Creek Co: Nance NE 68113–
Landholding Agency: Air Force
Property Number: 189720040
Status: Unutilized
Comment: 4000 sq. ft., most recent use—admin., nees major rehab, possible asbestos/lead base paint.

New Hampshire

Bldg. 127
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320057
Status: Excess
Comment: 698 sq. ft., 1-story, concrete and metal frame, possible asbestos, access restrictions, most recent use—storage.

New York

U.S. Army Reserve Center
Elizabethtown Reserve Center
Corner of Water and and Cross Streets
Elizabethtown Co: Esses NY 12932–
Landholding Agency: GSA
Property Number: 219540016
Status: Excess
Comment: 4316 sq. ft. reserve center/1315 sq. ft. motor repair shop, 1 story each, concrete block/brick frame
GSA Number: 1–D–NY–861.

Ohio

Bldg—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Landholding Agency: COE
Property Number: 319640001
Status: Unutilized
Comment: 1420 sq. ft., 2-story brick w/garage and basement, most recent use—residential, secured w/alternate access.

Pennsylvania

Tract 302B
Grays Landing Lock & Dam Project
Old Glassworks Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430017
Status: Unutilized
Comment: 502 sq. ft., 2-story, needs repair, most recent use—beauty shop/residence, if used for habitation must be flood proofed or removed off-site.

Tract 353
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE

Property Number: 319430019
Status: Unutilized
Comment: 812 sq. ft., 2-story, log structure, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 402
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430020
Status: Unutilized
Comment: 728 sq. ft., 2-story, needs repairs, most recent use—residential/parsonage, if used for habitation must be flood proofed or removed off-site.

Tract 403A
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430021
Status: Unutilized
Comment: 620 sq. ft., 2-story, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 403B
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430022
Status: Unutilized
Comment: 1600 sq. ft., 2-story, brick structure, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 403C
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430023
Status: Unutilized
Comment: 672 sq. ft., 2-story carriage house/stable barn type structure, needs repair, most recent use—storage/garage, if used for habitation must be flood proofed or removed.

Tract 434
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430024
Status: Unutilized
Comment: 1059 sq. ft., 2-story, wood frame, 2 apt. units, historic property, if used for habitation must be flood proofed or removed off-site.

Tract No. 224
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319440001
Status: Unutilized
Comment: 1040 sq. ft., 2 story bldg., needs repair, historic struct., flowage easement, if habitation is desired property will be required to be flood proofed or removed off site.

Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 319640002
Status: Unutilized
Comment: 1421 sq. ft., 2-story, brick w/basement, most recent use—residential.

Texas

Brownsville Urban System (Grantee)
700 South Iowa Avenue
Brownsville Co: Cameron TX 78520–
Landholding Agency: DOT
Property Number: 879010003
Status: Unutilized
Comment: 3500 sq. ft., 1 story concrete block, (2nd floor of Admin. Bldg.) on 10750 sq. ft. land, contains underground diesel fuel tanks.

Virginia

Housing
Rt. 637—Gwynnville Road
Gwynn Island Co: Mathews VA 23066–
Landholding Agency: DOT
Property Number: 879120082
Status: Unutilized
Comment: 929 sq. ft., one story residence
GSA Number: 4–U–DE–461

Wisconsin

Former Lockmaster's Dwelling
DePere Lock
100 James Street
DePere Co: Brown WI 54115–
Landholding Agency: COE
Property Number: 319011526
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access

Land (by State)

California

Norton Com. Facility Annex
Norton AFB
Sixth and Central Streets
Highland Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010194
Status: Excess
Comment: 30.3 acres; most recent use—recreational area; portion subject to easements.

Lake Sonoma, Tract 1607
Geyserville CA
Landholding Agency: GSA
Property Number: 549740020
Status: Excess
Comment: 139 acres, most recent use—recreation
GSA Number: 9–D–CA–1504.

Excess Land at Eureka Housing
Eureka Co: Humboldt CA 95501–
Landholding Agency: DOT
Property Number: 879540001
Status: Unutilized
Comment: .5 acres, encroachment by adjoining land owners, easement

Florida

Woodland Tract
Elgin AFB, AF Enlisted Widows' Home
Ft. Walton Beach Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540020
Status: Unutilized
Comment: 3.43 acres, easement.

Georgia

Land—St. Simons Boathouse
St. Simons Island Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 879540003
Status: Unutilized
Comment: .08 acres, most recent use—pier and dockage for Coast Guard boats.

Illinois

Lake Shelbyville
Shelbyville Co: Shelby & Moultr IL 62565–9804
Landholding Agency: COE
Property Number: 319240004
Status: Unutilized
Comment: 5 parcels of land equalling 0.70 acres, improved w/4 small equipment storage bldgs. and a small access road, easement restrictions.

Kentucky

Carr Fork Lake
5 miles SE of Hindman, Ky., Hwy. 60
Hindman Co: Knott KY
Landholding Agency: COE
Property Number: 319240003
Status: Unutilized
Comment: 2.81 acres, most recent use—drainage area for bank stabilization for adjacent cemetary.

Nebraska

Land/Offutt Comm. Annex No. 4
Silver Creek Co: Nance NE 68663–
Landholding Agency: Air Force
Property Number: 189720041
Status: Unutilized
Comment: 354 acres, most recent use—radio transmitter site, wetlands, isolated area.

North Dakota

Tracts V–1971B, V–1971
Garrison Dam/Lake Sakakawea Co: McKenzie ND
Landholding Agency: COE
Property Number: 319620006
Status: Unutilized
Comment: approx. 4.49 acres, most recent use—cattle ranching operation, rough broken ground—Badlands.

Lot 3/0.16 acre
Snake Creek Cabin Site/Tract C272A Co: Mclean ND
Landholding Agency: COE
Property Number: 319720003
Status: Unutilized
Comment: 0.16 of an acre, most recent use—private recreation (cottage site), floodplain.

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk PA
Location: Free camping area on the right bank off entrance roadway.
Landholding Agency: COE
Property Number: 319011012
Status: Underutilized
Comment: 1 acre; most recent use—free campground.

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Landholding Agency: COE
Property Number: 319210009
Status: Unutilized
Comment: 0.58 acres, most recent use—baseball field.

Texas

Parcel #222
Lake Texoma Co: Grayson TX
Location: C. Meyerheim survey A–829 J. Hamilton survey A–529
Landholding Agency: COE
Property Number: 319010421
Status: Excess
Comment: 52.80 acres; most recent use—recreation.

Suitable/To Be Excessed

Buildings (by State)

Massachusetts

Cuttyhunk Boathouse
South Shore of Cuttyhunk Pond
Gosnold Co: Dukes MA 02713–
Landholding Agency: DOT
Property Number: 879310001
Status: Unutilized
Comment: 2700 sq. ft., wood frame, one story, needs rehab, limited utilities, off-site use only.

Nauset Beach Light
Nauset Beach Co: Barnstable MA
Landholding Agency: DOT
Property Number: 879420001
Status: Unutilized
Comment: 48 foot tower, cylindrical cast iron, most recent use—aid to navigation.

Plymouth Light Co: Plymouth MA
Landholding Agency: DOT
Property Number: 879420003
Status: Unutilized
Comment: 250 sq. ft. tower, and 2096 sq. ft. dwelling, wood frame, most recent use—aid to navigation/housing.

Light Tower, Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 879430005
Status: Excess
Comment: 66 ft. tower, 14′9″ diameter, brick structure, scheduled to be vacated 9/94.

Keepers Dwelling
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 879430006
Status: Excess
Comment: 1160 sq. ft., 2-story wood frame, attached to light tower, scheduled to be vacated 9/94.

Duplex Housing Unit
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 879430007
Status: Excess
Comment: 2 living units, 930 sq. ft. each, 1-story each, located on eroding ocean bluff, scheduled to be vacated 9/94.

Nahant Towers
Nahant Co: Essex MA
Landholding Agency: DOT
Property Number: 879530001
Status: Unutilized
Comment: 196 sq. ft., 8-story observation tower.

New York

Bldg. 1
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530048
Status: Excess
Comment: 4955 sq. ft., 2 story concrete block, needs rehab, most recent use—administration.

Bldg. 2
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530049
Status: Excess
Comment: 1476 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop.

Bldg. 6
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530050
Status: Excess
Comment: 2466 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop.

Bldg. 11
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530051
Status: Excess
Comment: 1750 sq. ft., 1 story wood frame, needs rehab, most recent use—storage.

Bldg. 8
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530052
Status: Excess
Comment: 1812 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop communications.

Bldg. 14
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530053
Status: Excess
Comment: 156 sq. ft., 1 story wood frame, most recent use—vehicle fuel station.

Bldg. 30
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530054
Status: Excess
Comment: 3649 sq. ft., 1 story, needs rehab, most recent use—assembly hall.

Bldg. 31
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530055
Status: Excess
Comment: 8252 sq. ft., 1 story concrete block, most recent use—storage.

Bldg. 32
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530056
Status: Excess
Comment: 1627 sq. ft., 1 story concrete block, most recent use—storage.

Oregon

Yaquina Head Lighthouse
860 Lighthouse Drive
Newport Co: Lincoln OR 97365–
Landholding Agency: DOT
Property Number: 879430003
Status: Underutilized
Comment: 300 sq. ft. tower and needs repair, 4.52 acres lighthouse area, historic property.

Land (by State)

Georgia

Lake Sidney Lanier Co: Forsyth GA 30130–
Location: Located on Two Mile Creek adj. to State Route 369
Landholding Agency: COE
Property Number: 319440010
Status: Unutilized
Comment: 0.25 acres, endangered plant species.

Lake Sidney Lanier-3 parcels
Gainesville Co: Hall GA 30503–
Location: Between Gainesville H.S. and State Route 53 By-Pass
Landholding Agency: COE
Property Number: 319440011
Status: Unutilized
Comment: 3 parcels totalling 5.17 acres, most recent use—buffer zone, endangered plant species.

Indiana

Brookville Lake—Land
Liberty Co: Union IN 47353–
Landholding Agency: COE
Property Number: 319440009
Status: Unutilized
Comment: 6.91 acres, limited utilities.

Kansas

Parcel #1
Fall River Lake
Section 26 Co: Greenwood KS
Landholding Agency: COE
Property Number: 319010065
Status: Unutilized
Comment: 126.69 acres; most recent use—recreation and leased cottage sites.

Parcel No. 2, El Dorado Lake
Approx. 1 mi. east of the town of El Dorado Co: Butler KS
Landholding Agency: COE
Property Number: 319210005
Status: Unutilized
Comment: 11 acres, part of a relocated railroad bed, rural area.

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester MA 01540–0155
Location: Portion of tracts B–200, B–248, B–251, B–204, B–247, B–200 and B–256
Landholding Agency: COE
Property Number: 319010016
Status: Excess
Comment: 1.45 acres.

Michigan

U.S. Coast Guard—Air Station
Traverse City Co: Grand Traverse MI 49684–
Landholding Agency: DOT
Property Number: 879120099
Status: Underutilized

Comment: 21.7 acres, most recent use—helo landings.

Minnesota

Tract #3
Lac Qui Parle Flood Control Project
County Rd. 13
Watson Co: Lac Qui Parle MN 56295–
Landholding Agency: COE
Property Number: 319340006
Status: Unutilized
Comment: approximately 2.9 acres, fallow land.

Tract #34
Lac Qui Parle Flood Control Project
Marsh Lake
Watson Co: Lac Qui Parle MN 56295–
Landholding Agency: COE
Property Number: 319340007
Status: Unutilized
Comment: approximately 8 acres, fallow land.

New York

14.90 Acres
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530057
Status: Excess
Comment: Fenced in compound, most recent use—Air Natl. Guard Communication & Electronics Group.

Tennessee

Tract D–456
Cheatham Lock and Dam
Ashland Co: Cheatham TN 37015–
Location: Right downstream bank of Sycamore Creek
Landholding Agency: COE
Property Number: 319010942
Status: Excess
Comment: 8.93 acres; subject to existing easements.

Texas

Corpus Christi Ship Channel
Corpus Christi Co: Neuces TX
Location: East side of Carbon Plant Road, approx. 14 miles NW of downtown Corpus Christi
Landholding Agency: COE
Property Number: 319240001
Status: Unutilized
Comment: 4.4 acres, most recent use—farm land.

Unsuitable Properties

Buildings (by State)

Alabama

Bldg. 426, Maxwell AFB
Montgomery Co: Montgomery AL 36114–3112
Landholding Agency: Air Force
Property Number: 189720027
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Dwelling A
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120001
Status: Excess
Reason: Floodway.

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120002
Status: Excess
Reason: Floodway.

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120003
Status: Excess
Reason: Floodway.

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120004
Status: Excess
Reason: Floodway.

Shop Building
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120005
Status: Excess
Reason: Floodway.

Alaska

Bldg. 203
Tin City Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010296
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 165
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010298
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 150
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010299
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 130
Sparrenvohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010300
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 306
King Salmon Airport
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010301
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 11–230
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010303
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 63–320
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010307
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 63–325
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010308
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 103
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010309
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 110
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010310
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 112
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010311
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 113
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010312
Status: Unutilized

Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 114
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010313
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 115
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010314
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 118
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010315
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1018
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010317
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1025
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010318
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1055
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010319
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 107
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010320
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 115
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010321
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 113
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010322
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 150
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010323
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 152
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010324
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 301
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010325
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1001
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010326
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1003
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010327
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1055
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010328
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1056
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010329
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 103
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010330
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 104
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010331
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 105
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010332
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 110
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010333
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 114
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010334
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 202
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010335
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 204

Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010336
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 205
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010337
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1001
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010338
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1015
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010339
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 50
Cold Bay Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010433
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road.
Comment: Isolated and remote; Arctic environment.

Bldg. 1548, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420001
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1568, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420002
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1570, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420003
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1700, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420004
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1832, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420005
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1842, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420006
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1844, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420007
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Bldg. 1853, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189440011
Status: Unutilized
Reason: Secured Area; Floodway.

Bldg. 142
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 189520013
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 110
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 189520014
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 646
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 189520015
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2541
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 189520016
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1770
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 189520017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520024
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520025
Status: Unutilized
Reason: Extensive deterioration; Not accessible by road.

Bldg. 12
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520026
Status: Unutilized
Reason: Extensive deterioration; Not accessible by road.

Bldg. 1
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520027
Status: Unutilized
Reason: Extensive deterioration; Not accessible by road.

Bldg. 2
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520028
Status: Unutilized
Reason: Extensive deterioration; Not accessible by road.

Bldg. 3
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520029
Status: Unutilized
Reason: Extensive deterioration; Not accessible by road.

Bldg. 3024
Tatalina Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 3045
Tatalina Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 18
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 23
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530004

Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1015
Kotzebue Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530006
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530007
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 3
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530008
Status: Unutilized
Reason: Secured Area; Extensive Deterioration.

Bldg. 4100
Cape Romanzof Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530009
Status: Unutilized
Reason: Secured Area; Extnsive deterioration.

Bldg. 200
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530010
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2166
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530011
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5500
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530012
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 8
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530013
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 75
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530014
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 86
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530015
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 3060
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530016
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 11–330
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530017
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area; Extensive deterioriation.

Bldg. 21–870
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530019
Status: Unutilized
Reason: Secured Area.

Bldg. 31–342
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 32–126
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530023
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area; Extensive deterioration.

Bldg. 21–737
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189540001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 52–651
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189740004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 132
Tin City Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 189810003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldgs. 1001, 211
Murphy Dome AF Station
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 189810004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 28
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210126
Status: Excess
Within airport runway clear zone; Secured Area.

Bldg. 24
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210127
Status: Excess
Reason: Within airport runway clear zone; Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 19
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210128
Status: Excess
Reason: Within airport runway clear zone; Secured Area; Other
Comment: Extensive deterioration.

Bldg. 94
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210129
Status: Excess
Reason: Secured Area; Other
Comment: Extensive deterioration.

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210132
Status: Excess
Reason: Secured Area; Within airport runway clear zone.
GSA Number: U–ALAS–655A.

Bldg. A512
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210133
Status: Excess
Reason: Secured Area; Within airport runway clear zone; Within 2000 ft. of flammable or explosive material

Bldg. R1, Holiday Beach
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310014
Status: Unutilized
Reason: Secured Area.

Bldg. S–3
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014

Landholding Agency: DOT
Property Number: 879310015
Status: Unutilized
Reason: Secured Area.

Bldg. S–16
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310016
Status: Unutilized
Reason: Secured Area.

Bldg. 82
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310017
Status: Unutilized
Reason: Secured Area.

Bldg. 86
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310018
Status: Unutilized
Reason: Secured Area.

Bldg. 98
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310019
Status: Unutilized
Reason: Secured Area.

Bldg. 524A
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310020
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 624
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310021
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Housing Ketchikan (Naushon UPH)
3615 Baranof Avenue
Ketchikan Co: Ketchikan AK 99801–
Landholding Agency: DOT
Property Number: 879320005
Status: Unutilized
Reason: Extensive deterioration.

Old Petersburg Moorings
Cannery Wharf
Petersburg AK 99833–
Landholding Agency: DOT
Property Number: 879330002
Status: Unutilized
Reason: Extensive deterioration.

Building 408–B
USCG Support Center Kodiak
Kodiak Co: Kodiak Is. Bor. AK 99619–
Landholding Agency: DOT
Property Number: 879640001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 456
Coast Guard—ISC Kodiak
Kodiak Co: Kodiak Borough AK 99615–
Landholding Agency: DOT
Property Number: 879710002
Status: Excess
Reason: Within airport runway clear zone; Secured Area; Extensive deterioration.

Bldg. 524A
USCG ISC Kodiak
Kodiak Co: Kodiak Is. Bor. AK 99619–
Landholding Agency: DOT
Property Number: 879710004
Status: Excess
Reason: Floodway; Secured Area.

Bldg. R13, USCG ISC Kodiak
Holiday Beach
Kodiak Co: Kodiak Is. Bor. AK 99619–
Landholding Agency: DOT
Property Number: 879720003
Status: Excess
Reason: Secured Area.

Bldg. 172, USCG ISC Kodiak
Kyman's Peninsula
Kodiak Co: Kodiak Is. Bor. AK 99619–
Landholding Agency: DOT
Property Number: 879720004
Status: Excess
Reason: Secured Area.

Bldg. 160, USCG ISC Kodiak
Comsta/Buskin Lake
Kodiak Co: Kodiak Is Bor AK 99619–
Landholding Agency: DOT
Property Number: 879720005
Status: Excess
Reason: Secured Area; Extensive deterioration.

Arizona

Facility 90002
Holbrook Radar Site
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340049
Status: Unutilized
Reason: Within airport runway clear zone.

Facility #41
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ
Landholding Agency: Air Force
Property Number: 189710002
Status: Unutilized
Reason: Secured Area.

California

Bldg. 707 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010193
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 575 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010195
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 502 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010196
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 23 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010197
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 100
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010233
Status: Unutilized
Reason: Secured Area.

Bldg. 101
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010234
Status: Underutilized
Reason: Secured Area.

Bldg. 116
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010235
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010236
Status: Unutilized
Reason: Secured Area.

Bldg. 201
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010546
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010547
Status: Unutilized
Reason: Secured Area.

Bldg. 203
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010548
Status: Unutilized
Reason: Secured Area.

Bldg. 204
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–

Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010549
Status: Unutilized
Reason: Secured Area.

Bldg. 1823
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189130360
Status: Excess
Reason: Secured Area; within 2000 ft. of flammable or explosive material.

Bldg. 10312
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210026
Status: Unutilized
Reason: Secured Area.

Bldg. 10503
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210028
Status: Unutilized
Reason: Secured Area.

Bldg. 16104, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., Pt Sal Rd.; Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189230020
Status: Underutilized
Reason: Secured Area.

Bldg. 5428, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310015
Status: Unutilized
Reason: Secured Area.

Bldg. 6407, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310024
Status: Unutilized
Reason: Secured Area.

Bldg. 7304, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310030
Status: Unutilized
Reason: Secured Area.

Bldg. 8215
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330016
Status: Unutilized
Reason: Secured Area.

Bldg. 1988
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340003
Status: Unutilized
Reason: Other; Secured Area
Comment: Electrical Power Generator Bldg.

Bldg. 1324
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340006
Status: Unutilized
Reason: Secured Area.

Bldg. 1341
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340007
Status: Unutilized
Reason: Secured Area.

Bldg. 1955
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340008
Status: Unutilized
Reason: Secured Area.

Bldg. 5007
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340009
Status: Unutilized
Reason: Secured Area.

Bldg. 6008
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340014
Status: Unutilized
Reason: Secured Area.

Bldg. 6443
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340020
Status: Unutilized
Reason: Secured Area.

Bldg. 7306
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340022
Status: Unutilized
Reason: Secured Area.

Bldg. 16164
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340028
Status: Unutilized
Reason: Secured Area.

Bldg. 6521
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189410004
Status: Unutilized
Reason: Secured Area.

Bldg. 1203
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440001
Status: Unutilized
Reason: Secured Area.

Bldg. 6438
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189510020
Status: Unutilized
Reason: Secured Area.

Bldg. 908
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189520018
Status: Excess
Reason: Other
Comment: Detached Latrine.

Bldg. 13004
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189520022
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 422
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530029
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 431
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530030
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 470
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530031
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 480
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530032
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 6011

Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530035
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 6606
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530037
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 7307
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530039
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10717
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530041
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10722
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530043
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13213
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530044
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13215
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530045
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 893
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 189620028
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9350
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 189620030
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13003
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 189620031
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13222
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 189620032
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 815
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 189630040
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1850
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 189630041
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1853
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 189630042
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1856
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 189630043
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1865
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 189630044
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1874
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437
Landholding Agency: Air Force
Property Number: 189630045
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1875
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630046
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1877
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630047
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1879
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630048
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1885
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630049
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1898
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630050
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 06440
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630051
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 06445
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630052
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13016
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630054
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 21160
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630055
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 00350
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189630058
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 06437
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710014
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10715
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710016
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13522
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710018
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13607
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 21300
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 23206
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189710021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 00530
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720007
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 00835
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720008
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 00879
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720009
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1028
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720010
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 01630
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720011
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 01797
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720012
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 01830
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720013
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 01852
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720014
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 06449
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720015
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10003
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720016
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10252
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 11345
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13219
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13600
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 14019
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 14026
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 16162
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189720024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 00866
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189730001

Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 22300
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189730002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 01310
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189740005
Status: Unutilized
Reason: Secured Area.

Bldg. 08412
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189740006
Status: Unutilized
Reason: Secured Area.

Bldg. 11153
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189740007
Status: Unutilized
Reason: Secured Area.

Bldg. 11154
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189740008
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 15001
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189740009
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 16158
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189740010
Status: Unutilized
Reason: Secured Area: Extensive deterioration.

10 Bldg.
USCG Station Humboldt Bay
Samoa Co: Humboldt CA 95564–9999
Landholding Agency: DOT
Property Number: 879440027
Status: Excess
Reason: Extensive deterioration
Comment: Land to be relinquished to BLM (Public Domain Land).

Colorado

Bldg. 00910
''Blue Barn''—Falcon Air Force Base
Falcon Co: El Paso CO 80912–
Landholding Agency: Air Force
Property Number: 189530046
Status: Underutilized
Reason: Secured Area.

Bldg. 1007
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 189730003
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1008
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 189730004
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 9214
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 189730012
Status: Underutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 9214
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 189730012
Status: Underutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 7067
USAF Academy
Colorado Springs Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 189810005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8222
USAF Academy
Colorado Springs Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 189810006
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9200
USAF Academy
Colorado Springs Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 189810007
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Alemeda Facility
350 S. Santa Fe Drive
Denver Co: Denver CO 80223–
Landholding Agency: DOT
Property Number: 879010014
Status: Unutilized
Reason: Other environmental
Comment: contamination.

Connecticut

Bldg. 10053
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldg. 13
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 10
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 5
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 4
Bradley International Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 189640005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Hezekiah S. Ramsdell Farm
West Thompson Lake
North Grosvenordale Co: Windham CT 06255–9801
Landholding Agency: COE
Property Number: 319740001
Status: Unutilized
Reason: Floodway; Extensive deterioration.

Falkner Island Light
U.S. Coast Guard
Guilford Co: New Haven CT 06512–
Landholding Agency: DOT
Property Number: 879240031
Status: Unutilized
Reason: Floodway.

Florida

Bldg. 1179
Patrick Air Force Base
1179 School Avenue Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189240030
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 575
Patrick Air Force Base Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320004
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Within airport runway clear zone Other
Comment: Extensive Deterioration.

Facility 90523
Cape Canaveral AFS
Cape Canaveral AFS Co: Brevard FL
Landholding Agency: Air Force

Property Number: 189330001
Status: Underutilized
Comment: Secured Area.

Bldg. 921
Patrick Air Force Base
1179 School Avenue Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189430002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2613
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2625
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2639
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430006
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2642
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430007
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

23 Family Housing
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33824–
Location: Include Bldgs: 448, 451 thru 470, 472 and 474
Landholding Agency: Air Force
Property Number: 189520006
Status: Excess
Reason: Within airport runway clear zone.

Bldg. 240
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 189520007
Status: Excess
Reason: Extensive deterioration.

Bldg. 243
Eglin Air Force Base
Eglin AFB Co: Oskaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 510
Eglin Air Force Base
Eglin AFB Co: Oskaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 521
Eglin Air Force Base
Eglin AFB Co: Oskaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 872
Eglin Air Force Base
Eglin AFB Co: Oskaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 30004
Eglin Air Force Base
Eglin AFB Co: Oskaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540006
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 12513
Eglin Air Force Base
Eglin AFB Co: Oskaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540007
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Facility 36901
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189640006
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Facility 8816
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189640007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 12734, Eglin AFB
Eglin AFB Co: Oskaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189640011
Status: Unutilized
Reason: Secured Area.

Bldg. 12708, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189640012
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 307
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189710022
Status: Unutilized
Reason: Secured Area.

Bldg. 315
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189710023
Status: Unutilized
Reason: Secured Area.

Bldg. 317
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189710024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 318
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189710025
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 324
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189710026
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Facility No. 1114
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710027
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Facility No. 1345
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710028
Status: Unutilized
Reason: Secured Area.

Facility No. 1346
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710029
Status: Unutilized
Reason: Secured Area.

Facility No. 1348
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710030
Status: Unutilized
Reason: Secured Area.

Facility No. 7805
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710031
Status: Unutilized
Reason: Secured Area.

Facility No. 7850
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710032
Status: Unutilized
Reason: Secured Area.

Facility No. 10831
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710033
Status: Unutilized

Reason: Secured Area.

Facility No. 15500
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710034
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Facility No. 39764
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710035
Status: Unutilized
Reason: Secured Area.

Facility No. 70580
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710036
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Facility No. 70662
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710037
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Facility No. 72920
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189710038
Status: Unutilized
Reason: Secured Area.

Bldg. 897, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189710044
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 895, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189710045
Status: Unutilized
Reason: Extensive deterioration.

Facility No. 90520
Cape Canaveral AS
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189720038
Status: Underutilized
Reason: Secured Area.

Bldg. 312, Patrick AFB
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189720039
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10686
Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189740001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10563
Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189740002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10352
Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 189740003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Fac. No. 09010
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189810008
Status: Unutilized
Reason: Secured Area.

Fac. No. 15832
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189810009
Status: Unutilized
Reason: Secured Area.

Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 879210008
Status: Unutilized
Reason: Secured Area; Floodway.

Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 879230001
Status: Unutilized
Reason: Floodway; Secured Area.

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 879410004
Status: Unutilized
Reason: Floodway.

9988 Keepers Quarters A
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440009
Status: Underutilized
Reason: Secured Area; Floodway.

9989 Keepers Quarters B
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440010
Status: Underutilized
Reason: Secured Area; Floodway.

9990 Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440011
Status: Underutilized
Reason: Secured Area; Floodway.

9991 Plant Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440012
Status: Underutilized
Reason: Secured Area; Floodway.

9992 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440013
Status: Underutilized
Reason: Secured Area; Floodway.

9993 Admin. Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440014
Status: Underutilized
Reason: Secured Area; Floodway.

9994 Water Pump Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440015
Status: Underutilized
Reason: Secured Area; Floodway.

Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440016
Status: Underutilized
Reason: Secured Area; Floodway.

9999 Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440017
Status: Underutilized
Reason: Secured Area; Floodway.

3 Bldgs. and Land
Peanut Island Station
Riveria Beach Co: Palm Beach FL 33419–0909
Landholding Agency: DOT
Property Number: 879510009
Status: Underutilized
Reason: Secured Area; Floodway.

Cape St. George Lighthouse Co: Franklin FL 32328–
Landholding Agency: DOT
Property Number: 879640002
Status: Unutilized
Reason: Extensive deterioration.

Georgia

Coast Guard Station
St. Simons Island Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 879540002
Status: Unutilized
Reason: Extensive deterioration.

Idaho

Bldg. 1012
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 923
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force

Property Number: 189030005
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 604
Mountain Home Air Force Base
Pine Street
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 229
Mountain Home Air Force Base
1st Avenue and A Street
Mt. Home AFB Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189040857
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; within airport runway clear zone.

Bldg. 4403
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83647–
Landholding Agency: Air Force
Property Number: 189520008
Status: Unutilized
Reason: Extensive deterioration.

Illinois

Calumet Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 879310005
Status: Excess
Reason: Secured Area.

Indiana

Brookville Lake—Bldg.
Browsville Rd. in Union
Liberty Co: Union IN 47353–
Landholding Agency: COE
Property Number: 319440004
Status: Excess
Reason: Extensive deterioration.

Iowa

Bldg. 00671
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310009
Status: Unutilized
Reason: Other
Comment: Fuel pump station.

Bldg. 00736
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310010
Status: Unutilized
Reason: Other
Comment: Pump station.

House, Tract 100
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530002
Status: Excess
Comment: Extensive deterioration.

Play House, Tract 100
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530003
Status: Excess
Comment: Extensive deterioration.

House, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530004
Status: Excess
Comment: Extensive deterioration.

Shed, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530005
Status: Excess
Comment: Extensive deterioration.

Garage, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530006
Status: Excess
Comment: Extensive deterioration.

Machine Shed, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530007
Status: Excess
Comment: Extensive deterioration.

Barn, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530008
Status: Excess
Comment: Extensive deterioration.

2-Car Garage, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530009
Status: Excess
Comment: Extensive deterioration.

Barn, Tract 128
Camp Dodge
Johnston Co: Polk IA 50131
Landholding Agency: COE
Property Number: 319530010
Status: Excess
Reason: Extensive deterioration.

Shed, Tract 128
Camp Dodge
Johnston Co: Polk IA 50131
Landholding Agency: COE
Property Number: 319530011
Status: Excess
Reason: Extensive deterioration.

House, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131
Landholding Agency: COE
Property Number: 319530012
Status: Excess
Reason: Extensive deterioration.

Play House, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131
Landholding Agency: COE
Property Number: 319530013
Status: Excess
Reason: Extensive deterioration.

Kennel, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131
Landholding Agency: COE
Property Number: 319530014
Status: Excess
Reason: Extensive deterioration.

Corn Crib, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131
Landholding Agency: COE
Property Number: 319530015
Status: Excess
Reason: Extensive deterioration.

Barn W, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131
Landholding Agency: COE
Property Number: 319530016
Status: Excess
Reason: Extensive deterioration.

Barn E, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131
Landholding Agency: COE
Property Number: 319530017
Status: Excess
Reason: Extensive deterioration.

Shed, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131
Landholding Agency: COE
Property Number: 319530018
Status: Excess
Reason: Extensive deterioration.

House, Tract 130
Camp Dodge
Johnston Co: Polk IA 50131
Landholding Agency: COE
Property Number: 319530019
Status: Excess
Reason: Extensive deterioration.

Out House, Tract 130
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530020
Status: Excess
Reason: Extensive deterioration.

Chicken House, Tract 130
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530021
Status: Excess
Reason: Extensive deterioration.

Shed, Tract 130
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530022
Status: Excess
Reason: Extensive deterioration.

Barn, Tract 135
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530023
Status: Excess
Reason: Extensive deterioration.

Smokehouse, Tract 135
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE

Property Number: 319530024
Status: Excess
Reason: Extensive deterioration.

Shed, Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530025
Status: Excess
Reason: Extensive deterioration.

Shed-White, Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530026
Status: Excess
Reason: Extensive deterioration.

Leanto, Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319530027
Status: Excess
Reason: Extensive deterioration.

Tract 116, Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 319630006
Status: Unutilized
Reason: Extensive deterioration.

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll KY 41008–
Landholding Agency: COE
Property Number: 219040416
Status: Unutilized
Reason: Other
Comment: Spring House.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 219040417
Status: Unutilized
Reason: Other
Comment: Coal Storage.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 219040418
Status: Unutilized
Reason: Other
Comment: Storage.

Barn
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 219040419
Status: Underutilized
Reason: Other
Comment: 110 year old barn with crumbled foundation.

Latrine
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 319040009
Status: Unutilized
Reason: Other
Comment: Detached Latrine.

6-Room Dwelling
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120010
Status: Unutilized
Reason: Floodway.

2-Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120011
Status: Unutilized
Reason: Floodway.

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120012
Status: Unutilized
Reason: Floodway.

2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Landholding Agency: COE
Property Number: 319120013
Status: Unutilized
Reason: Floodway.

Barn Structure
Hardingsburg Dr.
Owensboro Co: Daviess KY 42303–
Landholding Agency: DOT
Property Number: 879710001
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Louisiana

Bldg. 3477
Barksdale Air Force Base
Davis Avenue
Barksdale AFB Co: Bossier LA 71110–5000
Landholding Agency: Air Force
Property Number: 189140015
Status: Unutilized
Reason: Secured Area.

Maine

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240005
Status: Unutilized
Reason: Floodway.

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240006
Status: Unutilized
Reason: Floodway.

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240007
Status: Unutilized
Reason: Floodway.

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240008
Status: Unutilized
Reason: Floodway.

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sayadahoc ME 04530–
Landholding Agency: DOT
Property Number: 879240032
Status: Unutilized
Reason: Floodway.

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 879240035
Status: Unutilized
Reason: Extensive deterioration.

Fort Popham Light
Phippsburg Co: Sagadahoc ME 04562–
Landholding Agency: DOT
Property Number: 8797320024
Status: Unutilized
Reason: Extensive deterioration.

Nash Island Light
U.S. Coast Guard
Addison Co: Washington ME 04606–
Landholding Agency: DOT
Property Number: 879420005
Status: Unutilized
Reason: Other Comment: Inaccessible.

Bldg.—South Portland Base
U.S. Coast Guard
S. Portland Co: Cumberland ME 04106–
Landholding Agency: DOT
Property Number 879420006
Status: Unutilized
Reason: Secured Area.

Garage—Boothbay Harbor Stat.
Boothbay Harbor Co: Lincoln ME 04538–
Landholding Agency: DOT
Property Number: 879430001
Status: Unutilized
Reason: Secured Area.

Maryland

Bldg. 3542
Andrews AFB
Andrews AFB MD 20652–25177
Landholding Agency: Air Force
Property Number: 189810010
Status: Unutilized
Reason: Secured Area.

Bldg. 3543
Andrews AFB
Andrews AFB MD 20652–25177
Landholding Agency: Air Force
Property Number: 189810011
Status: Unutilized
Reason: Secured Area.

Bldgs. 38–39, 41, 43–46, 56
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number 879540005

Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 53
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 879540006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 6
U.S. Coast Guard Yard, 2401 Hawkins Point Rd.
Baltimore MD 21226–1797
Landholding Agency: DOT
Property Number: 879620001
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 59
U.S. Coast Guard Yard, 2401 Hawkins Point Rd.
Baltimore MD 21226–1797
Landholding Agency: DOT
Property Number: 879620002
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Massachusetts

Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203–
Landholding Agency: DOT
Property Number: 879240001
Status: Underutilized
Reason: Secured Area.

Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 879240029
Status: Unutilized
Reason: Floodway; Secured Area.

Storage Shed
Highland Light
N. Truro Co: Barnstable MA 02652–
DeSoto Johnson KS66018–
Landholding Agency: DOT
Property Number: 879430004
Status: Unutilized
Reason: Extensive deterioration.

Michigan

Bldg. 1005
Selfridge Air National Guard Base
1005 C. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010526
Status: Unutilized
Reason: Secured Area.

Bldg. 1012
Selfridge Air National Guard Base
1012 A. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010527
Status: Unutilized
Reason: Secured Area.

Bldg. 1041
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010528
Status: Unutilized
Reason: Secured Area.

Bldg. 1412
Selfridge Air National Guard Base
1412 Castle Avenue
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010529
Status: Unutilized
Reason: Secured Area.

Bldg. 1434
Selfridge Air National Guard Base
1434 Castle Avenue
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010530
Status: Unutilized
Reason: Secured Area.

Bldg. 1688
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location:
Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010531
Status: Unutilized
Reason: Secured Area.

Bldg. 1689
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010532
Status: Unutilized
Reason: Secured Area.

Bldg. 5670
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010533
Status: Unutilized
Reason: Secured Area.

Bldg. 71
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010810
Status: Excess
Reason: Other
Comment: sewage treatment and disposal facility.

Bldg. 99 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010831
Status: Excess
Reason: Other
Comment: water well.

Bldg. 100 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010832
Status: Excess
Reason: Other
Comment: water well.

Bldg. 118
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010875
Status: Excess
Reason: Other
Comment: Gasoline Station.

Bldg. 120
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010876
Status: Excess
Reason: Other
Comment: Gasoline Station.

Bldg. 166
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010877
Status: Excess
Reason: Other
Comment: Pump lift station.

Bldg. 168
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010878
Status: Excess
Reason: Other
Comment: Gasoline station.

Bldg. 69
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010889
Status: Excess
Reason: Other
Comment: Sewer pump facility.

Bldg. 2
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010890
Status: Excess
Reason: Other
Comment: Water pump station.

Facility 20
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 21
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 30
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 98
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force

Property Number: 189630004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 103
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 116
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 129
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 152
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630008
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 156
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630009
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 181
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630010
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 509
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630011
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 562
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630012
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 573
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630013
Status: Unutilized
Reason: Secured Area.

Facility 801
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630014
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 827
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630015
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 832
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 833
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630017
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1005
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630018
Status: Unutilized
Reason: Secured Area.

Facility 1012
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630019
Status: Unutilized
Reason: Secured Area.

Facility 1017
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630020
Status: Unutilized
Reason: Secured Area.

Facility 1025
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630021
Status: Unutilized
Reason: Secured Area.

Facility 1031
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630022
Status: Unutilized
Reason: Secured Area.

Facility 1041
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630023
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1445
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630024
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1514
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630025
Status: Unutilized
Reason: Secured Area.

Facility 1575
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630026
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1576
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630027
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1578
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630028
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 2580
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630029
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1582
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630030
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1583
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630031
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1584
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630032
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 1585

Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189630033
Status: Unutilized
Reason: Secured Area.

Facilities 246, 248, 252–254
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189710039
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

7 Facilities
Selfridge Air National Guard
#240, 242, 244, 245, 247, 250, 251
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189710040
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facilities 237, 238
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189710041
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

5 Facilities
Selfridge Air National Guard
#228, 230, 232, 234, 236
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189710042
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility 114
Selfridge Air National Guard
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 189710043
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 402, U.S. Air Station
Traverse City Co: Grand Traverse MI 49684–3586
Landholding Agency: DOT
Property Number: 879220001
Status: Unutilized
Reason: Extensive deterioration.

Quarters B
U.S. Coast Guard
Marquette MI 49855–
Landholding Agency: DOT
Property Number: 879740001
Status: Unutilized
Reason: Secured Area.

Mississippi

Natchez Moorings
82 L.E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 879340002
Status: Unutilized
Reason: Extensive deterioration.

Missouri

Tract 2222
Stockton Project
Aldrich Co: Polk MO 65601–
Landholding Agency: COE
Property Number: 319510001
Status: Excess
Reason: Extensive deterioration.

Barn, Longview Lake
Kansas City Co: Jackson MO 64134–
Landholding Agency: COE
Property Number: 319620001
Status: Excess
Reason: Extensive deterioration.

Montana

Bldg. 529
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510011
Status: Underutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1189, Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540013
Status: Underutilized
Reason: Secured Area.

Bldg. 1308, Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540014
Status: Underutilized
Reason: Secured Area.

Bldg. 547
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189620025
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 23
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 189720030
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 24
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 189720031
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 35
Great Falls ANG Station
Great Falls Co: Cascade MT 59404–
Landholding Agency: Air Force
Property Number: 189720033
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1090
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189720035
Status: Excess
Reason: Secured Area.

Bldg. 1091
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189720036
Status: Excess
Reason: Secured Area.

Bldg. 360
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189720037
Status: Excess
Reason: Secured Area.

Bldg. 3070
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189740011
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 230
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189810012
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1065
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189810013
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1305
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189810014
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 42
Great Falls IAP
Great Falls Co: Cascade MT 59404–5570
Landholding Agency: Air Force
Property Number: 189810015
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Nebraska

Offutt Communications Annex—#3
Offutt Air Force Base
Scribner Co: Dodge NE 68031–
Landholding Agency: Air Force
Property Number: 189210006
Status: Unutilized
Reason: Other
Comment: Former sewage lagoon.

Bldg. 637
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 189230021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 639
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 189230022

Status: Unutilized
Reason: Extensive deterioration.

Bldg. 31
Offutt Air Force Base
Sac Boulevard
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240007
Status: Unutilized
Reason: Secured Area.

Bldg. 311
Offutt Air Force Base
Nelson Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240008
Status: Unutilized
Reason: Secured Area.

Bldg. 401
Offutt Air Force Base
Custer Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240009
Status: Unutilized
Reason: Secured Area.

Bldg. 416
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240010
Status: Unutilized
Reason: Secured Area.

Bldg. 417
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240011
Status: Unutilized
Reason: Secured Area.

Bldg. 545
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240012
Status: Unutilized
Reason: Secured Area.

Bldg. 21
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320058
Status: Excess
Reason: Other
Comment: Generator.

Bldg. 4, Hastings Family Hsg.
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320059
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 500
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320060
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 502
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320061
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 504
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320062
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 506
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320063
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 507
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320064
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 509
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320065
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 511
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320066
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 512
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320067
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 515
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320068
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 517
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320069
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 519
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320070
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 521
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320071
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 523
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320072
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 525
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320073
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 526
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320074
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 529
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320075
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 531
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320076
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 533
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–

Landholding Agency: Air Force
Property Number: 189320077
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 534
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320078
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 536
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320079
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 538
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320080
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 541
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320081
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 542
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320082
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 544
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320083
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 546
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320084
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 549
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320085
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 550
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320086
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 552
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320087
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 553
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320088
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 555
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320089
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 557
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320090
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 558
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320091
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 560
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320092
Status: Excess
Reason: Other
Comment: Contamination.

27 Detached Garages
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320093
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 17
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320094
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 16
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320095
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 18
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320096
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 6
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320097
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 547
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320098
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 604
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320099
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 686
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189510021
Status: Unutilized
Reason: Secured Area.

Bldg. 439
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189510022
Status: Unutilized
Reason: Secured Area.

Bldg. 606
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 189720028
Status: Underutilized
Reason: Floodway; Secured Area.

Bldg. 675

NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 189720029
Status: Unutilized
Reason: Floodway; Secured Area.

New Hampshire

Bldg. 101
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 102
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 104
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 116
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189540016
Status: Unutilized
Reason: Extensive deterioration.

New Jersey

Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 879240009
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Chapel Hill Front Range Light Tower
Middletown Co: Monmouth NJ 07748–
Landholding Agency: DOT
Property Number: 879440002
Status: Unutilized
Reason: Other
Comment: Skeletal tower.

Bldg. 103
U.S. Coast Guard Station Sandy Hook
Middleton Co: Monmouth NJ 07737–
Landholding Agency: DOT
Property Number: 879610002
Status: Unutilized
Reason: Secured Area.

New Mexico

Bldg. 831
833 CSG/DEER
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189130333
Status: Unutilized
Reason: Secured Area.

Bldg. 21
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240032
Status: Unutilized
Reason: Secured Area.

Bldg. 80
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240033
Status: Unutilized
Reason: Secured Area.

Bldg. 98
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240034
Status: Unutilized
Reason: Secured Area.

Bldg. 324
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240035
Status: Unutilized
Reason: Secured Area.

Bldg. 598
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240036
Status: Unutilized
Reason: Secured Area.

Bldg. 801
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240037
Status: Unutilized
Reason: Secured Area.

Bldg. 802
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240038
Status: Unutilized
Reason: Secured Area.

Bldg. 1095
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240039
Status: Unutilized
Reason: Secured Area.

Bldg. 1096
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240040
Status: Unutilized
Reason: Secured Area.

Facility 321
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240041
Status: Unutilized
Reason: Secured Area.

Facility 75115
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240042
Status: Unutilized
Reason: Secured Area.

Bldg. 874
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189320041
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 1258
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189342042
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 134
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430014
Status: Unutilized
Reason: Secured Area.

Bldg. 640
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430015
Status: Unutilized
Reason: Secured Area.

Bldg. 703
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430016
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 813
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430017
Status: Unutilized
Reason: Secured Area.

Bldg. 821
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430018
Status: Unutilized
Reason: Secured Area.

Bldg. 829
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430019
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 867
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430020
Status: Unutilized
Reason: Secured Area.

Bldg. 884
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430021
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 886
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430022
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 908
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430023
Status: Unutilized
Reason: Secured Area.

Bldg. 599
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189510001
Status: Unutilized
Reason: Secured Area.

Bldg. 600
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189510002
Status: Unutilized
Reason: Secured Area.

Bldg. 599
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189610007
Status: Unutilized
Reason: Secured Area.

Bldg. 600
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189610008
Status: Unutilized
Reason: Secured Area.

Bldg. 995
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189610009
Status: Unutilized
Reason: Secured Area.

Bldg. 1257
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189740012
Status: Unutilized
Reason: Secured Area.

Bldg. 332
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189740013
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 205
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189740014
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

New York

Bldg. 626 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14303–5000
Landholding Agency: Air Force
Property Number: 189010075
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 272
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189140022
Status: Excess
Reason: Secured Area.

Bldg. 888
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189140023
Status: Excess
Reason: Secured Area.

Facility 814, Griffiss AFB
NE of Weapons Storage Area
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230001
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Facility 808, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230002
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Facility 807, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230003
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Facility 126
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240020
Status: Unutilized
Reason: Secured Area.

Facility 127
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240021
Status: Unutilized
Reason: Secured Area.

Facility 135
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240022
Status: Unutilized
Reason: Secured Area.

Facility 137
Griffiss Air Force Base
Otis Street
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240023
Status: Unutilized
Reason: Secured Area.

Facility 138
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240024
Status: Unutilized
Reason: Secured Area.

Facility 173
Griffiss Air Force Base
Selfridge Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240025
Status: Unutilized
Reason: Secured Area.

Facility 261
Griffiss Air Force Base
McDill Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240026
Status: Unutilized
Reason: Secured Area.

Facility 308
Griffiss Air Force Base
205 Chanute Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240027
Status: Unutilized
Reason: Secured Area.

Facility 1200
Griffiss Air Force Base
Donaldson Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240028
Status: Unutilized
Reason: Secured Area.

Facility 841
Griffiss Air Force Base
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189330097
Status: Unutilized
Reason: Secured Area.

Bldg. 740
Niagara Falls Air Force Reserve
Niagara Falls Co: Niagara NY 14304–5001
Landholding Agency: Air Force
Property Number: 189720026
Status: Unutilized
Reason: Within airport runway clear zone; Floodway; Secured Area.

Bldg. 629
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 189730006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 604
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 189810016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 606
Hancock Field

Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 189810017
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 615
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 189810018
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 629
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 189810019
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 630
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 189810020
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 635
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 189810021
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 640
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 189810022
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 733
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 189810023
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 514
Niagara Falls ARS
Niagara Falls Co: Niagara NY 14304–5001
Landholding Agency: Air Force
Property Number: 189810024
Status: Unutilized
Reason: Floodway; Secured Area; Extensive deterioration.

Warehouse
Whitney Lake Project
Whitney Point Co: Broome NY 13862–0706
Landholding Agency: COE
Property Number: 31930007
Status: Unutilized
Reason: Extensive deterioration.

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 879230005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240020
Status: Unutilized
Reason: Secured Area.

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240021
Status: Unutilized
Reason: Secured Area; Other Comment: Extensive deterioration.

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240022
Status: Unutilized
Reason: Secured Area; Other Comment: Extensive deterioration.

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 879310003
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879320025
Status: Unutilized
Reason: Secured Area.

Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879410003
Status: Unutilized
Reason: Secured Area.

Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879420004
Status: Unutilized
Reason: Secured Area.

Bldg. 8
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879530009
Status: Unutilized
Reason: Secured Area.

Bldg. 7
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879530010
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 222
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 879620003
Status: Unutilized
Reason: Secured Area.

Bldg. 223
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 879620004
Status: Unutilized
Reason: Secured Area.

Bldg. 205
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 879620005
Status: Unutilized
Reason: Secured Area.

Bldg. 9
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879630027
Status: Excess
Reason: Secured Area.

Bldg. 10
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879630028
Status: Excess
Reason: Secured Area.

Bldg. 206, Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879630029
Status: Excess
Reason: Secured Area.

North Carolina

Bldg. 4230—Youth Center
Cannon Ave.
Goldsboro Co: Wayne NC 27531–5005
Landholding Agency: Air Force
Property Number: 189120233
Status: Underutilized
Reason: Secured Area.

Bldg. 607, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330041
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 910, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 912, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 914, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 633, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–
Landholding Agency: Air Force
Property Number: 189540019
Status: Unutilized

Reason: Secured Area; Extensive deterioration.

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 89240018
Status: Unutilized
Reason: Secured Area.

Group Cape Hatteras
Bowling Alley
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879240019
Status: Unutilized
Reason: Secured Area.

Bldg. 21, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co.: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320010
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 22, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320011
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 25, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320012
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 27, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320013
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 32, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320014
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 67, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320016
Status: Unutilized
Reason: Secured Area.

Bldg. 69, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320017
Status: Unutilized
Reason: Secured Area.

Bldg. 71, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320018
Status: Unutilized
Reason: Secured Area.

Bldg. 73, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320019
Status: Unutilized
Reason: Secured Area.

Bldg. 54
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340004
Status: Unutilized
Reason: Secured Area.

Bldg. 83
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340005
Status: Unutilized
Reason: Secured Area.

Water Tanks
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340006
Status: Unutilized
Reason: Secured Area.

USCG Gentian (WLB 290)
Fort Macon State Park
Atlantic Beach Co: Carteret NC 27601–
Landholding Agency: DOT
Property Number: 879420007
Status: Unutilized
Reason: Secured Area.

Unit #71
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530011
Status: Unutilized
Reason: Floodway.

Unit #72
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530012
Status: Unutilized
Reason: Floodway.

Unit #73
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530013
Status: Unutilized
Reason: Floodway.

Unit #74
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530014
Status: Underutilized
Reason: Floodway.

Unit #75
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530015
Status: Underutilized
Reason: Floodway.

Unit #63
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530016
Status: Underutilized
Reason: Floodway.

Unit #64
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530017
Status: Underutilized
Reason: Floodway.

Unit #76
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530018
Status: Underutilized
Reason: Floodway.

Unit #68
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530019
Status: Underutilized
Reason: Floodway.

Unit #69
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530020
Status: Underutilized
Reason: Floodway.

Unit #70
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530021
Status: Underutilized
Reason: Floodway.

Unit #77
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530022
Status: Underutilized
Reason: Floodway.

Unit #78
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530023
Status: Underutilized
Reason: Floodway.

Bldg. 45
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630020
Status: Unutilized
Reason: Secured Area.

Bldg. 47
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630021
Status: Unutilized
Reason: Secured Area.

Bldg. 53
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006

Landholding Agency: DOT
Property Number: 879630022
Status: Unutilized
Reason: Secured Area.

Bldg. 57
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630023
Status: Unutilized
Reason: Secured Area.

Bldg. 59
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630024
Status: Unutilized
Reason: Secured Area.

Bldg. 92
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879630025
Status: Unutilized
Reason: Secured Area.

Bldg. 94, Coast Guard
Elizabeth City Co: Pasquotank NC 27909–
Landholding Agency: DOT
Property Number: 879640004
Status: Unutilized
Reason: Secured Area.

North Dakota

Bldg. 422
Minot Air Force Base
Minot Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 189010724
Status: Underutilized
Reason: Secured Area.

Bldg. 50
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310107
Status: Excess
Reason: Other
Comment: garbage incinerator.

Bldg. 119
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320034
Status: Unutilized
Reason: Secured Area.

Bldg. 526
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320038
Status: Unutilized
Reason: Secured Area.

Bldg. 895
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320039
Status: Unutilized
Reason: Secured Area.

Ohio

Lab
Ohio River Division Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 319510002
Status: Unutilized
Reason: Secured Area.

Storage Facility
Ohio River Division Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 319510003
Status: Unutilized
Reason: Secured Area.

Office Building
Ohio River Division Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 319510004
Status: Unutilized
Reason: Secured Area.

Oregon

Mooring/Boathouse
Station Chetco River
Brookings Co: Curry OR 97415–
Landholding Agency: DOT
Property Number: 879630026
Status: Excess
Reason: Floodway.

Puerto Rico

NAFA Warehouse
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 879310011
Status: Unutilized
Reason: Secured Area.

Storage Equipment Bldg.
U.S. Coast Guard Air Station Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 879330001
Status: Unutilized
Reason: Secured Area.

Bldg. 115
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510001
Status: Unutilized
Reason: Secured Area.

Bldg. 117
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510002
Status: Unutilized
Reason: Secured Area.

Bldg. 118
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510003
Status: Unutilized
Reason: Secured Area.

Bldg. 119
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510004
Status: Unutilized
Reason: Secured Area.

Bldg. 120
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510005
Status: Unutilized
Reason: Secured Area.

Bldg. 122
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510006
Status: Unutilized
Reason: Secured Area.

Bldg. 128
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510007
Status: Unutilized
Reason: Secured Area.

Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510008
Status: Unutilized
Reason: Secured Area.

Rhode Island

Station Point Judith Pier
Narranganset Co: Washington RI 02882–
Landholding Agency: DOT
Property Number: 879310002
Status: Unutilized
Reason: Extensive deterioration.

South Dakota

Bldg. 200, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320048
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 201, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320049
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 203, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320050
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 204, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320051
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 205, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320052
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 206, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force

Property Number: 189320053
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 00605
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320054
Status: Underutilized
Reason: Secured Area.

Bldg. 88470
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340033
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 7506
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340037
Status: Unutilized
Reason: Secured Area.

Bldg. 1111, Ellsworth AFB
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189610005
Status: Unutilized
Reason: Secured Area.

Bldg. 111
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189730007
Status: Unutilized
Reason: Secured Area.

Bldg. 7530
Ellsworth AFB
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189810025
Status: Unutilized
Reason: Secured Area.

Tennessee

Bldg. 204
Cordell Hull Lake and Dam Project
Defeated Creek Recreation Area
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 319011499
Status: Unutilized
Reason: Floodway.

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 135
Landholding Agency: COE
Property Number: 319011503
Status: Underutilized
Reason: Floodway.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Obey River Park, State Hwy 42
Livingston Co: Clay TN 28251–
Landholding Agency: COE
Property Number: 319140011
Status: Excess
Reason: Other
Comment: water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 319140012
Status: Excess
Reason: Other
Comment: water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 319140013
Status: Excess
Reason: Other
Comment: water treatment plant.

Texas

Bldg. 00153
Reese Air Force Base
Lubbock Co: Lubbock TX 79489–5000
Landholding Agency: Air Force
Property Number: 189540017
Status: Unutilized
Reason: Secured Area

Bldg. 03130
Reese Air Force Base
Lubbock Co: Lubbock TX 79489–5000
Landholding Agency: Air Force
Property Number: 189540018
Status: Unutilized
Reason: Secured Area.

Old Exchange Bldg.
U.S. Coast Guard
Galveston Co: Galveston TX 77553–3001
Landholding Agency: DOT
Property Number: 879310012
Status: Unutilized
Reason: Secured Area.

WPB Building
Station Port Isabel
Coast Guard Station
South Padre Island Co: Cameron TX 78597–6497
Landholding Agency: DOT
Property Number: 879530002
Status: Unutilized
Reason: Floodway.

Aton Shops Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530003
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

WPB Storage Shed
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530004
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Flammable Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530005
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Battery Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530006
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Boat House
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530007
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Small Boat Pier
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530008
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 108
Fort Crockett/43rd St. Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 879630008
Status: Unutilized
Reason: Extensive deterioration.

Utah

Bldg. 789
Hill Air Force Base
(See County) Co: Davis UT 84056–
Landholding Agency: Air Force
Property Number: 189040859
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Vermont

Facility 100
Burlington IAP
Burlington Co: Chittenden VT 05403–5872
Landholding Agency: Air Force
Property Number: 189730008
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401–5226
Landholding Agency: DOT
Property Number: 879220003
Status: Excess
Reason: Floodway.

Virginia

Bldg. 417
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 189710003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 418
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 189710004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. C13
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy

Property Number: 779810054
Status: Excess
Reason: Extensive deterioration.

Bldg. 1503
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810055
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1502
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810056
Status: Excess
Reason: Extensive deterioration.

Bldg. C6
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810057
Status: Excess
Reason: Extensive deterioration.

Bldg. 1438
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810058
Status: Excess
Reason: Extensive deterioration.

Bldg. C8
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810059
Status: Excess
Reason: Extensive deterioration.

Bldg. 1437
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810060
Status: Excess
Reason: Extensive deterioration.

Bldg. I
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810061
Status: Excess
Reason: Extensive deterioration.

Bldg. 1408
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810062
Status: Excess
Reason: Extensive deterioration.

Bldg. J
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810063
Status: Excess
Reason: Extensive deterioration.

Bldg. 1441
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810064
Status: Excess
Reason: Extensive deterioration.

Bldg. K
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810065
Status: Excess
Reason: Extensive deterioration.

Bldg. G9
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810066
Status: Excess
Reason: Extensive deterioration.

Bldg. L
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810067
Status: Excess
Reason: Extensive deterioration.

Bldg. G10
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810068
Status: Excess
Reason: Extensive deterioration.

Bldg. O
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810069
Status: Excess
Reason: Extensive deterioration.

Bldg. 1410
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810070
Status: Excess
Reason: Extensive deterioration.

Bldg. P
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810071
Status: Excess
Reason: Extensive deterioration.

Bldg. G13
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810072
Status: Excess
Reason: Extensive deterioration.

Bldg. 02
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810073
Status: Excess
Reason: Extensive deterioration.

Bldg. G17
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810074
Status: Excess
Reason: Extensive deterioration.

Bldg. Q
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810075
Status: Excess
Reason: Extensive deterioration.

Bldg. G14
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810076
Status: Excess
Reason: Extensive deterioration.

Bldg. R
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810077
Status: Excess
Reason: Extensive deterioration.

Bldg. G15
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810078
Status: Excess
Reason: Extensive deterioration.

Bldg. S
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810079
Status: Excess
Reason: Extensive deterioration.

Bldg. 1409
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810080
Status: Excess
Reason: Extensive deterioration.

Bldg. T
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810081
Status: Excess
Reason: Extensive deterioration.

Bldg. 1411
Naval Weapons Station
Yorktown Co: York VA 23691–
Landholding Agency: Navy
Property Number: 779810082
Status: Excess
Reason: Extensive deterioration.

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property Number: 879230004
Status: Excess
Reason: Secured Area.

Admin. Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 879240014
Status: Unutilized
Reason: Secured Area.

Little Creek Station
Navamphib Base, West Annex, U.S. Coast Guard
Norfolk Co: Princess Anne VA 23520–
Landholding Agency: DOT
Property Number: 879310004
Status: Unutilized
Reason: Secured Area.

Operations Bldg.

U.S. Coast Guard Group Hampton Roads
Portsmouth VA 23703–
Landholding Agency: DOT
Property Number: 879710003
Status: Unutilized
Reason: Secured Area.

Washington

Bldg. 100, Geiger Heights
Grove and Hallet Streets
Fairchild AFB Co: Spokane WA 99204–
Landholding Agency: Air Force
Property Number: 189210004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2000
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310058
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Facility 2450
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310065
Status: Unutilized
Reason: Secured Area; within 2000 ft. of flammable or explosive material.

Bldg. 1, Waste Annex
West of Craig Road Co: Spokane WA 99022–
Landholding Agency: Air Force
Property Number: 189320043
Status: Unutilized
Reason: Secured Area.

Pistol Range Bldg.
USCG Port Angeles
Port Angeles Co: Clallam WA 98362–0159
Landholding Agency: DOT
Property Number: 879630030
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area; Extensive deterioration.

Wisconsin

Rawley Point Light
Two Rivers Co: Manitowoc WI
Landholding Agency: DOT
Property Number: 879540004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Wyoming

Bldg. 31
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010198
Status: Unutilized
Reason: Secured Area.

Bldg. 34
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010199
Status: Unutilized
Reason: Secured Area.

Bldg. 37
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010200
Status: Unutilized
Reason: Secured Area.

Bldg. 284
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010201
Status: Unutilized
Reason: Secured Area.

Bldg. 385
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010202
Status: Unutilized
Reason: Secured Area.

Bldg. 2780
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240005
Status: Unutilized
Reason: Secured Area.

Bldg. 2781
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240006
Status: Unutilized
Reason: Secured Area.

Bldg. 386
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189620021
Status: Unutilized
Reason: Secured Area.

Bldg. 831
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189620022
Status: Unutilized
Reason: Secured Area.

Bldg. 832
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189620023
Status: Unutilized
Reason: Secured Area.

Bldg. 833
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189620024
Status: Unutilized
Reason: Secured Area.

Bldg. 920
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189640016
Status: Unutilized
Reason: Secured Area.

Bldgs. 2565–2571
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldgs. 2564, 2572
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
2982–2986, 2989, 2991, 2994–2995
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

6 Bldgs.
F.E. Warren AFB
2768, 2772, 2773, 2993, 2980, 2988
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

8 Bldgs.
F.E. Warren AFB
2784, 2762–2764, 2769, 2775, 2777, 2981
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

8 Bldgs.
F.E. Warren AFB
2785–2786, 2770–2771, 2774, 2776, 2990, 2992
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189720006
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Land (by State)

Alaska

Campion Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010430
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road
Comment: isolated and remote area; Arctic environment.

Lake Louise Recreation
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010431
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road
Comment: Isolated and remote area; Arctic coast.

Nikolski Radio Relay Site
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010432

Status: Unutilized
Reason: Other; Isolated area; Not accessible by road
Comment: Isolated and remote area; Arctic coast.

Russian Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 879440025
Status: Excess
Reason: Floodway.

Sargent Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 879440026
Status: Excess
Reason: Floodway.

Land—Sanak Island
106+ acres
Sanak Island Co: Sanak Harbor AK
Landholding Agency: DOT
Property Number: 879640003
Status: Unutilized
Reason: Other
Comment: Inaccessible.

Florida

Land
MacDill Air Force Base
6601 S. Manhattan Avenue
Tampa Co: Hillsborough FL 33608–
Landholding Agency: Air Force
Property Number: 189030003
Status: Excess
Reason: Floodway.

Land—approx. 220 acres
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440018
Status: Underutilized
Reason: Secured Area; Floodway.

Kentucky

Tract 4626
Barkley, Lake, Kentucky and Tennessee
Donaldson Creek Launching Area
Cadiz Co: Trigg KY 42211–
Location: 14 miles from US Highway 68.
Landholding Agency: COE
Property Number: 319010030
Status: Underutilized
Reason: Floodway.

Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US HWY. 27 to Blue John Road
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 319010038
Status: Underutilized
Reason: Floodway.

Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY HWY. 80 to Route 769
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 319010039
Status: Underutilized
Reason: Floodway.

Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon KY 42038–
Location: US Highway 62 to state highway 93.
Landholding Agency: COE
Property Number: 319010043
Status: Excess
Reason: Floodway.

Red River Lake Project
Stanton Co: Powell KY 40380–
Location: Exit Mr. Parkway at the Stanton and Slade Interchange, then take SR Hand 15 north to SR 613.
Landholding Agency: COE
Property Number: 319011684
Status: Unutilized
Reason: Floodway.

Barren River Lock & Dam No. 1
Richardsville Co: Warren KY 42270–
Landholding Agency: COE
Property Number: 319120008
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy. 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120009
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 4
Woodbury Co: Butler KY 42288–
Location: Off State Hwy. 403, which is off State Hwy 231
Landholding Agency: COE
Property Number: 319120014
Status: Underutilized
Reason: Floodway.

Green River Lock & Dam No. 5
Readville Co: Butler KY 42275–
Location: Off State Highway 185
Landholding Agency: COE
Property Number: 319120015
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 6
Brownsville Co: Edmonson KY 42210–
Location: Off State Highway 259
Landholding Agency: COE
Property Number: 319120016
Status: Underutilized
Reason: Floodway.

Vacant land west of locksite
Greenup Locks and Dam
5121 New Dam Road
Rural Co: Greenup KY 41144–
Landholding Agency: COE
Property Number: 319120017
Status: Unutilized
Reason: Floodway.

Tract 6404, Cave Run Lake
U.S. Hwy 460
Index Co: Morgan KY
Landholding Agency: COE
Property Number: 319240005
Status: Underutilized
Reason: Floodway.

Tract 6803, Cave Run Lake
State Road 1161
Pomp Co: Morgan KY
Landholding Agency: COE
Property Number: 319240006
Status: Underutilized
Reason: Floodway.

Maryland

Land
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 189010263
Status: Unutilized
Reason: Secured Area.

Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 319240007
Status: Underutilized
Reason: Floodway.

Michigan

Middle Marker Facility
Yipsilanti Co: Washtenaw MI 48198–
Location: 549 ft. north of intersection of Coolidge and Bradley Ave. on East side of street
Landholding Agency: DOT
Property Number: 879120006
Status: Unutilized
Reason: Within airport runway clear zone.

Minnesota

Parcel G
Pine River
Cross Lake Co: Crow Wing MN 56442–
Location: 3 miles from city of Cross Lake between highways 6 and 371.
Landholding Agency: COE
Property Number: 319011037
Status: Excess
Reason: Other
Comment: highway right of way.

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011018
Status: Underutilized
Reason: Within airport runway clear zone.

Missouri

Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden Co: Dunklin MO
Landholding Agency: COE
Property Number: 319130001
Status: Unutilized
Reason: Floodway.

New Mexico

Facility 75100
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240043
Status: Unutilized
Reason: Secured Area.

North Dakota

0.23 acres
Minot Middle Marker Annex Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 189810001
Status: Unutilized
Reason: Within airport runway clear zone.
Tracts 1 & 2
Garrison Dam

Lake Sakakawea
Williston Co: Williams ND 58801–
Landholding Agency: COE
Property Number: 319410015
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Floodway.

Ohio

Mosquito Creek Lake
Everett Hull Road Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 319440007
Status: Underutilized
Reason: Floodway.

Mosquito Creek Lake
Housel-Craft Rd., Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 319440008
Status: Underutilized
Reason: Floodway.

36 Site Campground
German Church Campground
Berlin Center Co: Portage OH 44410–9707
Landholding Agency: COE
Property Number: 319810001
Status: Unutilized
Reason: Floodway.

Pennsylvania

Lock and Dam #7
Monongahela River
Greensboro Co: Greene PA
Location: Left hand side of entrance roadway to project.
Landholding Agency: COE
Property Number: 319011564
Status: Unutilized
Reason: Floodway.

Mercer Recreation Area
Shenango Lake
Transfer Co: Mercer PA 16154–
Landholding Agency: COE
Property Number: 319810002
Status: Unutilized
Reason: Floodway.

South Dakota

Badlands Bomb Range
60 miles southeast of Rapid City, SD
1½ miles south of Highway 44 Co: Shannon SD
Landholding Agency: Air Force
Property Number: 189210003
Status: Unutilized
Reason: Secured Area.

Tennessee

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro Co: Jackson TN 38562–
Location: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Landholding Agency: COE
Property Number: 219040413
Status: Underutilized
Reason: Floodway.

Cheatham Lock and Dam
Highway 12
Ashland City Co: Cheatham TN 37015–
Location: Tracts E–513, E–512–1 and E–512–2
Landholding Agency: COE
Property Number: 219040415
Status: Underutilized
Reason: Floodway.

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Steward TN 37058–
Location: U.S. Highway 79/TN Highway 761
Landholding Agency: COE
Property Number 319011478
Status: Underutilized
Reason: Floodway.

Tracts 3102, 3105, and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011479
Status: Excess
Reason: Floodway.

Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 52
Landholding Agency: COE
Property Number: 319011480
Status: Unutilized
Reason: Floodway.

Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011481
Status: Unutilized
Reason: Floodway.

Tracts 608, 609, 611 and 612
Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011482
Status: Underutilized
Reason: Floodway.

Tract 920
Indian Creek Camping Area
Cordell Hull Lake and Dam Project
Granville Co: Smith TN 38564–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011483
Status: Underutilized
Reason: Floodway.

Tracts 1710, 1716 and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Whites Bend Road
Landholding Agency: COE
Property Number: 319011484
Status: Underutilized
Reason: Floodway.

Tract 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011485
Status: Underutilized
Reason: Floodway.

Tract 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011486
Status: Unutilized
Reason: Floodway.

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011487
Status: Unutilized
Reason: Floodway.

Tracts 2200 and 2201
Gainesboro Airport
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011488
Status: Underutilized
Reason: Within airport runway clear zone Floodway.

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011489
Status: Unutilized
Reason: Floodway.

Tract 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011490
Status: Unutilized
Reason: Floodway.

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project
Trace Creek
Gainesboro Co: Jackson TN 38562–
Location: Brooks Ferry Road
Landholding Agency: COE
Property Number: 319011491
Status: Unutilized
Reason: Floodway.

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011492
Status: Unutilized
Reason: Floodway.

Tract 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson TN 37214–
Location: Interstate 40 to S. Mount Juliet Road.
Landholding Agency: COE
Property Number: 319011493
Status: Underutilized
Reason: Floodway.

Tract 1811

West Fork Launching Area
Smyrna Co: Rutherford TN 37167–
Location: Florence road near Enon Springs Road
Landholding Agency: COE
Property Number: 319011494
Status: Underutilized
Reason: Floodway.

Tract 1504
J. Percy Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167–
Location: Lamon Road
Landholding Agency: COE
Property Number: 319011495
Status: Underutilized
Reason: Floodway.

Tract 1500
J. Percy Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167–
Location: Jones Mill Road
Landholding Agency: COE
Property Number: 319011496
Status: Underutilized
Reason: Floodway.

Tracts 245, 257, and 256
J. Percy Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson TN 37214–
Location: 2.2 miles south of Interstate 40 near Saunders Ferry Pike.
Landholding Agency: COE
Property Number: 319011497
Status: Underutilized
Reason: Floodway.

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 319011498
Status: Unutilized
Reason: Floodway.

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainesboro Co: Jackson TN 38562–
Location: Sugar Creek Road
Landholding Agency: COE
Property Number: 319011500
Status: Unutilized
Reason: Floodway.

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Granville—Alvin Yourk Road
Granville Co: Jackson TN 38564–
Landholding Agency: COE
Property Number: 319011501
Status: Unutilized
Reason: Floodway.

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011502
Status: Unutilized
Reason: Floodway.

Tract 104 et. al.
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith TN 37030–
Location: Highway 70 N
Landholding Agency: COE
Property Number: 319011504
Status: Underutilized
Reason: Floodway.

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087–
Location: Vivrett Creek Launching Area, Alvin Sperry Road
Landholding Agency: COE
Property Number: 319120007
Status: Underutilized
Reason: Floodway.

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138–
Landholding Agency: COE
Property Number: 319130008
Status: Underutilized
Reason: Floodway.

Texas

Tracts 104, 105–1, 105–2 & 118
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010397
Status: Underutilized
Reason: Floodway.

Part of Tract 201–3
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010398
Status: Underutilized
Reason: Floodway.

Part of Tract 323
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010399
Status: Underutilized
Reason: Floodway.

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 319010401
Status: Unutilized
Reason: Floodway.

Tract 706
Granger Lake
Route 1, box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 319010402
Status: Unutilized
Reason: Floodway.

Utah

10.24 acres
Southern Utah Communication Site
Salt Lake UT
Landholding Agency: Air Force
Property Number: 189810002
Status: Unutilized
Reason: Other
Comment: inaccessible.

Washington

Fairchild AFB
SE corner of base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010137
Status: Unutilized
Reason: Secured Area.

Fairchild AFB
Fairchild AFB Co: Spokane WA 99011–
Location: NW corner of base
Landholding Agency: Air Force
Property Number: 189010138
Status: Unutilized
Reason: Secured Area.

West Virginia

Morgantown Lock and Dam
Box 3 RD #2
Morgantown Co: Monongahelia WV 26505–
Landholding Agency: COE
Property Number: 319011530
Status: Unutilized
Reason: Floodway.

London Lock and Dam
Route 60 East
Rural Co: Kanawha WV 25126–
Location: 20 miles east of Charleston, W. Virginia.
Landholding Agency: COE
Property Number: 319011690
Status: Unutilized
Reason: Other
Comment: .03 acres; very narrow strip of land located too close to busy highway.

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BILLING CODE 4210–29–M

Friday
February 20, 1998

Part IV

Department of Commerce

National Telecommunications and Information Administration

15 CFR Chapter XXIII

Improvement of Technical Management of Internet Names and Addresses; Proposed Rule

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

15 CFR Chapter XXIII

[Docket No. 980212036–8036–01]

RIN 0660–AA11

Improvement of Technical Management of Internet Names and Addresses

AGENCY: National Telecommunications and Information Administration (NTIA), Commerce.

ACTION: Proposed rule; request for public comment.

SUMMARY: This document sets forth ways to improve technical management of the Internet Domain Name System (DNS). Specifically, it describes the process by which the Federal government will transfer management of the Internet DNS to a private not-for-profit corporation. The document also proposes to open up to competition the administration of top level domains and the registration of domain names.

DATES: Comments must be received by March 23, 1998.

ADDRESSES: Comments may be mailed to Karen Rose, Office of International Affairs, National Telecommunications and Information Administration (NTIA), Room 4701, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230 or sent via electronic mail to dns@ntia.doc.gov. Messages to that address will receive a reply in acknowledgment. Comments submitted in electronic form should be in ASCII, WordPerfect (please specify version), or Microsoft Word (please specify version) format. Comments received will be posted on the NTIA website at http://www.ntia.doc.gov. Detailed information about electronic filing is available on the NTIA website, *http://www.ntia.doc.gov/domainname/domainname130.htm*. Paper submissions should include three paper copies and a version on diskette in the formats specified above.

FOR FURTHER INFORMATION CONTACT: Karen Rose, NTIA, (202) 482–0365.

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 1512; 47 U.S.C. 902(b)(2)(H); 47 U.S.C. 902 (b)(2)(I); 47 U.S.C. 902(b)(2)(M); 47 U.S.C. 904(c)(1).

I. Introduction

On July 1, 1997, The President directed the Secretary of Commerce to privatize, increase competition in, and promote international participation in the domain name system. Domain names are the familiar and easy-to-remember names for Internet computers (*e.g.* ''www.ecommerce.gov''). They map to unique Internet Protocol (IP) numbers (*e.g.*, 98.37.241.30) that serve as routing addresses on the Internet. The domain name system (DNS) translates Internet names into the IP numbers needed for transmission of information across the network. On July 2, 1997, the Department of Commerce issued a Request for Comments (RFC) on DNS administration (62 FR 35896). This proposed rule, shaped by over 430 comments received in response to the RFC, provides notice and seeks public comment on a proposal to transfer control of Internet domain names from government to a private, nonprofit corporation.

II. Background

Today's Internet is an outgrowth of U.S. government investments in packet-switching technology and communications networks carried out under agreements with the Defense Advanced Research Projects Agency (DARPA), the National Science Foundation (NSF) and other U.S. research agencies. The government encouraged bottom-up development of networking technologies through work at NSF, which established the NSFNET as a network for research and education. The NSFNET fostered a wide range of applications, and in 1992 the U.S. Congress gave the National Science Foundation statutory authority to commercialize the NSFNET, which formed the basis for today's Internet.

As a legacy, major components of the domain name system are still performed by or subject to agreements with agencies of the U.S. government.

A. Assignment of Numerical Addresses to Internet Users

Every Internet computer has a unique IP number. The Internet Assigned Numbers Authority (IANA), headed by Dr. Jon Postel of the Information Sciences Institute (ISI) at the University of Southern California, coordinates this system by allocating blocks of numerical addresses to regional IP registries (ARIN in North America, RIPE in Europe, and APNIC in the Asia/Pacific region), under contract with DARPA. In turn, larger Internet service providers apply to the regional IP registries for blocks of IP addresses. The recipients of those address blocks then reassign addresses to smaller Internet service providers and to end users.

B. Management of the System of Registering Names for Internet Users

The domain name space is constructed as a hierarchy. It is divided into top-level domains (TLDs), with each TLD then divided into second-level domains (SLDs), and so on. More than 200 national, or country-code, TLDs (ccTLDs) are administered by their corresponding governments or by private entities with the appropriate national government's acquiescence. A small set of generic top-level domains (gTLDs) do not carry any national identifier, but denote the intended function of that portion of the domain space. For example, .com was established for commercial users, .org for not-for-profit organizations, and .net for network service providers. The registration and propagation of these key gTLDs are performed by Network Solutions, Inc. (NSI), a Virginia-based company, under a five-year cooperative agreement with NSF. This agreement includes an optional ramp-down period that expires on September 30, 1998.

C. Operation of the Root Server System

The root server system contains authoritative databases listing the TLDs so that an Internet message can be routed to its destination. Currently, NSI operates the ''A'' root server, which maintains the authoritative root database and replicates changes to the other root servers on a daily basis. Different organizations, including NSI, operate the other 12 root servers. In total, the U.S. government plays a direct role in the operation of half of the world's root servers. Universal connectivity on the Internet cannot be guaranteed without a set of authoritative and consistent roots.

D. Protocol Assignment

The Internet protocol suite, as defined by the Internet Engineering Task Force (IETF), contains many technical parameters, including protocol numbers, port numbers, autonomous system numbers, management information base object identifiers and others. The common use of these protocols by the Internet community requires that the particular values used in these fields be assigned uniquely. Currently, IANA, under contract with DARPA, makes these assignments and maintains a registry of the assigned values.

III. The Need For Change

From its origins as a U.S.-based research vehicle, the Internet is rapidly becoming an international medium for commerce, education and communication. The traditional means

of organizing its technical functions need to evolve as well. The pressures for change are coming from many different quarters:

- There is widespread dissatisfaction about the absence of competition in domain name registration.
- Mechanisms for resolving conflict between trademark holders and domain name holders are expensive and cumbersome.
- Without changes, a proliferation of lawsuits could lead to chaos as tribunals around the world apply the antitrust law and intellectual property law of their jurisdictions to the Internet.
- Many commercial interests, staking their future on the successful growth of the Internet, are calling for a more formal and robust management structure.
- An increasing percentage of Internet users reside outside of the U.S., and those stakeholders want a larger voice in Internet coordination.
- As Internet names increasingly have commercial value, the decision to add new top-level domains cannot continue to be made on an ad hoc basis by entities or individuals that are not formally accountable to the Internet community.
- As the Internet becomes commercial, it becomes inappropriate for U.S. research agencies (NSF and DARPA) to participate in and fund these functions.

IV. The Future Role of the U.S. Government in the DNS

On July 1, 1997, as part of the Clinton Administration's Framework for Global Electronic Commerce, the President directed the Secretary of Commerce to privatize, increase competition in, and promote international participation in the domain name system.

Accordingly, on July 2, 1997, the Department of Commerce issued a Request for Comments (RFC) on DNS administration, on behalf of an inter-agency working group previously formed to explore the appropriate future role of the U.S. government in the DNS. The RFC solicited public input on issues relating to the overall framework of the DNS system, the creation of new top-level domains, policies for registrars, and trademark issues. During the comment period, over 430 comments were received, amounting to some 1500 pages.[1]

This discussion draft, shaped by the public input described above, provides notice and seeks public comment on a proposal to improve the technical management of Internet names and addresses. It does not propose a monolithic structure for Internet governance. We doubt that the Internet should be governed by one plan or one body or even by a series of plans and bodies. Rather, we seek to create mechanisms to solve a few, primarily technical (albeit critical) questions about administration of Internet names and numbers.

We expect that this proposal will likely spark a lively debate, requiring thoughtful analysis, and appropriate revisions. Nonetheless, we are hopeful that reasonable consensus can be found and that, after appropriate modifications, implementation can begin in April, 1998. Recognizing that no solution will win universal support, the U.S. government seeks as much consensus as possible before acting.

V. Principles for a New System

Our consultations have revealed substantial differences among Internet stakeholders on how the domain name system should evolve. Since the Internet is changing so rapidly, no one entity or individual can claim to know what is best for the Internet. We certainly do not believe that our views are uniquely prescient. Nevertheless, shared principles have emerged from our discussions with Internet stakeholders.

A. Stability

The U.S. government should end its role in the Internet number and name address systems in a responsible manner. This means, above all else, ensuring the stability of the Internet. The Internet functions well today, but its current technical management is probably not viable over the long term. We should not wait for it to break down before acting. Yet, we should not move so quickly, or depart so radically from the existing structures, that we disrupt the functioning of the Internet. The introduction of a new system should not disrupt current operations, or create competing root systems.

B. Competition

The Internet succeeds in great measure because it is a decentralized system that encourages innovation and maximizes individual freedom. Where possible, market mechanisms that support competition and consumer choice should drive the technical management of the Internet because they will promote innovation, preserve diversity, and enhance user choice and satisfaction.

C. Private, Bottom-Up Coordination

Certain technical management functions require coordination. In these cases, responsible, private-sector action is preferable to government control. A private coordinating process is likely to be more flexible than government and to move rapidly enough to meet the changing needs of the Internet and of Internet users. The private process should, as far as possible, reflect the bottom-up governance that has characterized development of the Internet to date.

D. Representation

Technical management of the Internet should reflect the diversity of its users and their needs. Mechanisms should be established to ensure international input in decision making.

In keeping with these principles, we divide the name and number functions into two groups, those that can be moved to a competitive system and those that should be coordinated. We then suggest the creation of a representative, not-for-profit corporation to manage the coordinated functions according to widely accepted objective criteria. We then suggest the steps necessary to move to competitive markets in those areas that can be market driven. Finally, we suggest a transition plan to ensure that these changes occur in an orderly fashion that preserves the stability of the Internet.

VI. The Proposal

A. The Coordinated Functions

Management of number addresses is best done on a coordinated basis. As technology evolves, changes may be needed in the number allocation system. These changes should also be undertaken in a coordinated fashion.

Similarly, coordination of the root server network is necessary if the whole system is to work smoothly. While day-to-day operational tasks, such as the actual operation and maintenance of the Internet root servers, can be contracted out, overall policy guidance and control of the TLDs and the Internet root server system should be vested in a single organization that is representative of Internet users.

Finally, coordinated maintenance and dissemination of the protocol parameters for Internet addressing will best preserve the stability and interconnectivity of the Internet.

We propose the creation of a private, not-for-profit corporation (the new corporation) to manage the coordinated functions in a stable and open institutional framework. The new corporation should operate as a private

[1] The RFC and comments received are available on the Internet at the following address: <http://www.ntia.doc.gov>.

entity for the benefit of the Internet as a whole. The new corporation would have the following authority:

1. To set policy for and direct the allocation of number blocks to regional number registries for the assignment of Internet addresses;

2. To oversee the operation of an authoritative root server system;

3. To oversee policy for determining, based on objective criteria clearly established in the new organization's charter, the circumstances under which new top-level domains are added to the root system; and

4. To coordinate the development of other technical protocol parameters as needed to maintain universal connectivity on the Internet.

The U.S. government would gradually transfer existing IANA functions, the root system and the appropriate databases to this new not-for-profit corporation. This transition would commence as soon as possible, with operational responsibility moved to the new entity by September 30, 1998. The U.S. government would participate in policy oversight to assure stability until the new corporation is established and stable, phasing out as soon as possible and in no event later than September 30, 2000. The U.S. Department of Commerce will coordinate the U.S. government policy role. In proposing these dates, we are trying to balance concerns about a premature U.S. government exit that turns the domain name system over to a new and untested entity against the concern that the U.S. government will never relinquish its current management role.

The new corporation will be funded by domain name registries and regional IP registries. Initially, current IANA staff will move to this new organization to provide continuity and expertise throughout the period of time it takes to establish the new corporation. The new corporation should hire a chief executive officer with a background in the corporate sector to bring a more rigorous management to the organization than was possible or necessary when the Internet was primarily a research medium. As these functions are now performed in the United States, the new corporation will be headquartered in the United States, and incorporated under U.S. law as a not-for-profit corporation. It will, however, have and report to a board of directors from around the world.

It is probably impossible to establish and maintain a perfectly representative board for this new organization. The Internet community is already extraordinarily diverse and likely to become more so over time. Nonetheless, the organization and its board must derive legitimacy from the participation of key stakeholders. Since the organization will be concerned mainly with numbers, names and protocols, its board should represent membership organizations in each of these areas, as well as the direct interests of Internet users.

The board of directors for the new corporation should be balanced to equitably represent the interests of IP number registries, domain name registries, domain name registrars, the technical community, and Internet users (commercial, not-for-profit, and individuals). Officials of governments or intergovernmental organizations should not serve on the board of the new corporation. Seats on the initial board might be allocated as follows:

- Three directors from a membership association of regional number registries, representing three different regions of the world. Today this would mean one each from ARIN, APNIC and RIPE. As additional regional number registries are added, board members could be designated on a rotating basis or elected by a membership organization made up of regional registries. ARIN, RIPE and APNIC are open membership organizations that represent entities with large blocks of numbers. They have the greatest stake in and knowledge of the number address system. They are also representative internationally.
- Two members designated by the Internet Architecture Board (IAB), an international membership board that represents the technical community of the Internet.
- Two members designated by a membership association (to be created) representing domain name registries and registrars.

Seven members designated by a membership association (to be created) representing Internet users. At least one of those board seats could be designated for an individual or entity engaged in non-commercial, not-for-profit use of the Internet, and one for individual end users. The remaining seats could be filled by commercial users, including trademark holders.

- The CEO of the new corporation would serve on the board of directors.

The new corporation's processes should be fair, open and pro-competitive, protecting against capture by a narrow group of stakeholders. Its decision-making processes should be sound and transparent; the bases for its decisions should be recorded and made publicly available. Super-majority or even consensus requirements may be useful to protect against capture by a self-interested faction. The new corporation's charter should provide a mechanism whereby its governing body will evolve to reflect changes in the constituency of Internet stakeholders. The new corporation should establish an open process for the presentation of petitions to expand board representation.

In performing the functions listed above, the new corporation will act much like a standard-setting body. To the extent that the new corporation operates in an open and pro-competitive manner, its actions will withstand antitrust scrutiny. Its standards should be reasonably based on, and no broader than necessary to promote its legitimate coordinating objectives. Under U.S. law, a standard-setting body can face antitrust liability if it is dominated by an economically interested entity, or if standards are set in secret by a few leading competitors. But appropriate processes and structure will minimize the possibility that the body's actions will be, or will appear to a court to be, anti-competitive.

B. The Competitive Functions

The system for registering second-level domain names and the management of the TLD registries should become competitive and market-driven.

In this connection, we distinguish between registries and registrars. A ''registry,'' as we use the term, is responsible for maintaining a TLD's zone files, which contain the name of each SLD in that TLD and each SLD's corresponding IP number. Under the current structure of the Internet, a given TLD can have no more than one registry. A ''registrar'' acts as an interface between domain-name holders and the registry, providing registration and value-added services. It submits to the registry zone file information and other data (including contact information) for each of its customers in a single TLD. Currently, NSI acts as both the exclusive registry and as the exclusive registrar for .com, .net, .org, and .edu.

Both registry and registrar functions could be operated on a competitive basis. Just as NSI acts as the registry for .com, .net, and .org, other companies could manage registries with different TLDs such as .vend or .store. Registrars could provide the service of obtaining domain names for customers in any gTLD. Companies that design Web sites for customers might, for example, provide registration as an adjunct to other services. Other companies may perform this function as a stand-alone business.

There appears to be strong consensus that, at least at this time, domain name

registration—the registrar function—should be competitive. There is disagreement, however, over the wisdom of promoting competition at the registry level.

Some have made a strong case for establishing a market-driven registry system. Competition among registries would allow registrants to choose among TLDs rather than face a single option. Competing TLDs would seek to heighten their efficiency, lower their prices, and provide additional value-added services. Investments in registries could be recouped through branding and marketing. The efficiency, convenience, and service levels associated with the assignment of names could ultimately differ from one TLD registry to another. Without these types of market pressures, they argue, registries will have very little incentive to innovate.

Others feel strongly, however, that if multiple registries are to exist, they should be undertaken on a not-for-profit basis. They argue that lack of portability among registries (that is, the fact that users cannot change registries without adjusting at least part of their domain name string) could create lock-in problems and harm consumers. For example, a registry could induce users to register in a top-level domain by charging very low prices initially and then raise prices dramatically, knowing that name holders will be reluctant to risk established business by moving to a different top-level domain.

We concede that switching costs and lock-in could produce the scenario described above. On the other hand, we believe that market mechanisms may well discourage this type of behavior. On balance, we believe that consumers will benefit from competition among market oriented registries, and we thus support limited experimentation with competing registries during the transition to private sector administration of the domain name system.

C. The Creation of New gTLDs

Internet stakeholders disagree about who should decide when a new top-level domain can be added and how that decision should be made. Some believe that anyone should be allowed to create a top-level domain registry. They argue that the market will decide which will succeed and which will not. Others believe that such a system would be too chaotic and would dramatically increase customer confusion. They argue that it would be far more complex technically, because the root server system would have to point to a large number of top-level domains that were changing with great frequency. They also point out that it would be much more difficult for trademark holders to protect their trademarks if they had to police a large number of top-level domains.

All these arguments have merit, but they all depend on facts that only further experience will reveal. At least in the short run, a prudent concern for the stability of the system requires that expansion of gTLDs proceed at a deliberate and controlled pace to allow for evaluation of the impact of the new gTLDs and well-reasoned evolution of the domain space. The number of new top-level domains should be large enough to create competition among registries and to enable the new corporation to evaluate the functioning, in the new environment, of the root server system and the software systems that enable shared registration. At the same time, it should not be so large as to destabilize the Internet.

We believe that during the transition to private management of the DNS, the addition of up to five new registries would be consistent with these goals. At the outset, we propose that each new registry be limited to a single top-level domain. During this period, the new corporation should evaluate the effects that the addition of new gTLDs have on the operation of the Internet, on users, and on trademark holders. After this transition, the new corporation will be in a better position to decide whether or when the introduction of additional gTLDs is desirable.

Individual companies and consortia alike may seek to operate specific generic top-level domains. Competition will take place on two levels. First, there will be competition among different generic top-level domains. Second, registrars will compete to register clients into these generic top-level domains. By contrast, existing national registries will continue to administer country-code top-level domains if these national government seek to assert those rights. Changes in the registration process for these domains are up to the registries administering them and their respective national governments.

Some have called for the creation of a more descriptive system of top-level domains based on industrial classifications or some other easy to understand schema. They suggest that having multiple top-level domains is already confusing and that the addition of new generic TLDs will make it more difficult for users to find the companies they are seeking.

Market driven systems result in innovation and greater consumer choice and satisfaction in the long run. We expect that in the future, directory services of various sorts will make it easy for users to find the sites they seek regardless of the number of top-level domains. Attempts to impose too much central order risk stifling a medium like the Internet that is decentralized by nature and thrives on freedom and innovation.

D. The Trademark Dilemma

It is important to keep in mind that trademark/domain name disputes arise very rarely on the Internet today. NSI, for example, has registered millions of domain names, only a tiny fraction of which have been challenged by a trademark owner. But where a trademark is unlawfully used as a domain name, consumers may be misled about the source of the product or service offered on the Internet, and trademark owners may not be able to protect their rights without very expensive litigation.

For cyberspace to function as an effective commercial market, businesses must have confidence that their trademarks can be protected. On the other hand, management of the Internet must respond to the needs of the Internet community as a whole, and not trademark owners exclusively. The balance we strike is to provide trademark holders with the same rights they have in the physical world, to ensure transparency, to guarantee a dispute resolution mechanism with resort to a court system, and to add new top-level domains carefully during the transition to private sector coordination of the domain name system.

There are certain steps that could be taken in the application process that would not be difficult for an applicant, but that would make the trademark owner's job easier. For instance, gTLD registrants could supply basic information—including the applicant's name and sufficient contact information to be able to locate the applicant or its representative. To deter the pirating of domain names, the registry could also require applicants to certify that it knows of no entity with superior rights in the domain name it seeks to register.

The job of policing trademarks could be considerably easier if domain name databases were readily searchable through a common interface to determine what names are registered, who holds those domain names, and how to contact a domain name holder. Many trademark holders find the current registration search tool, who is, too limited in its functioning to be effective for this purpose. A more robust and flexible search tool, which features multiple field or string searching and retrieves similar names, could be

employed or developed to meet the needs of trademark holders. The databases also could be kept up to date by a requirement that domain name registrants maintain up-to-date contact information.

Mechanisms that allow for on-line dispute resolution could provide an inexpensive and efficient alternative to litigation for resolving disputes between trademark owners and domain name registrants. A swift dispute resolution process could provide for the temporary suspension of a domain name registration if an adversely affected trademark holder objects within a short time, e.g. 30 days, of the initial registration. We seek comment on whether registries should be required to resolve disputes within a specified period of time after an opposition is filed, and if so, how long that period should be.

Trademark holders have expressed concern that domain name registrants in faraway places may be able to infringe their rights with no convenient jurisdiction available in which the trademark owner could file suit to protect those rights. At the time of registration, registrants could agree that, in the event of a trademark dispute involving the name registered, jurisdiction would lie where the registry is domiciled, where the registry database in maintained, or where the ''A'' root server is maintained. We seek comment on this proposal, as well as suggestions for how such jurisdictional provisions could be implemented.

Trademark holders have also called for the creation of some mechanism for ''clearing'' trademarks, especially famous marks, across a range of gTLDs. Such mechanisms could reduce trademark conflict associated with the addition of new gTLDs. Again, we seek comment on this proposal, and suggested mechanisms for trademark clearance processes.

We stop short of proposals that could significantly limit the flexibility of the Internet, such as waiting periods or not allowing any new top-level domains.

We also do not propose to establish a monolithic trademark dispute resolution process at this time, because it is unclear what system would work best. Even trademark holders we have consulted are divided on this question. Therefore, we propose that each name registry must establish minimum dispute resolution and other procedures related to trademark considerations. Those minimum procedures are spelled out in Appendix 2. Beyond those minimums, registries would be permitted to establish additional trademark protection and trademark dispute resolution mechanisms.

We also propose that shortly after their introduction into the root, a study be undertaken on the effects of adding new gTLDs and related dispute resolution procedures on trademark and intellectual property right holders. This study should be conducted under the auspices of a body that is internationally recognized in the area of dispute resolution procedures, with input from trademark and domain name holders and registries. The findings of this study should be submitted to the board of the new corporation and considered when it makes decisions on the creation and introduction of new gTLDs. Information on the strengths and weaknesses of different dispute resolution procedures should also give the new corporation guidance for deciding whether the established minimum criteria for dispute resolution should be amended or maintained. Such a study could also provide valuable input with respect to trademark harmonization generally.

U.S. trademark law imposes no general duty on a registrar to investigate the propriety of any given registration.[2] Under existing law, a trademark holder can properly file a lawsuit against a domain name holder that is infringing or diluting the trademark holder's mark. But the law provides no basis for holding that a registrar's mere registration of a domain name, at the behest of an applicant with which it has an arm's-length relationship, should expose it to liability.[3] Infringers, rather than registrars, registries, and technical management bodies, should be liable for trademark infringement. Until case law is fully settled, however, registries can expect to incur legal expenses in connection with trademark disputes as a cost of doing business. These costs should not be borne by the new not-for-profit corporation, and therefore registries should be required to indemnify the new corporation for costs incurred in connection with trademark disputes. The evolution of litigation will be one of the factors to be studied by the group tasked to review Internet trademark issues as the new structure evolves.

E. The Intellectual Infrastructure Fund

In 1995, NSF authorized NSI to assess new domain name registrants a $50 fee per year for the first two years, 30 percent of which was to be deposited in a fund for the preservation and enhancement of the intellectual infrastructure of the Internet (the ''Intellectual Infrastructure Fund'').

In excess of $46 Million has been collected to date. In 1997, Congress authorized the crediting of $23 Million of the funds collected to the Research and Related Activities Appropriation of the National Science Foundation to support the development of the Next Generation Internet. The establishment of the Intellectual Infrastructure Fund currently is the subject of litigation in the U.S. District Court for the District of Columbia.

As the U.S. government is seeking to end its role in the domain name system, we believe the provision in the cooperative agreement regarding allocation of a portion of the registration fee to the Internet Intellectual Infrastructure Fund should terminate on April 1, 1998, the beginning of the ramp-down period of the cooperative agreement.

VII. The Transition

A number of steps must be taken to create the system envisioned in this paper.

1. The new not-for-profit organization must be established and its board chosen.

2. The membership associations representing (1) registries and registrars, and (2) Internet users, must be formed.

3. An agreement must be reached between the U.S. government and the current IANA on the transfer of IANA functions to the new organization.

4. NSI and the U.S. government must reach agreement on the terms and conditions of NSI's evolution into one competitor among many in the registrar and registry marketplaces. A level playing field for competition must be established.

5. The new corporation must establish processes for determining whether an organization meets the transition period criteria for prospective registries and registrars.

6. A process must be laid out for making the management of the root server system more robust and secure, and, for transitioning that management from U.S. government auspices to those of the new corporation.

A. The NSI Agreement

The U.S. government will ramp down the NSI cooperative agreement and phase it out by the end of September 1998. The ramp down agreement with NSI should reflect the following terms and conditions designed to promote competition in the domain name space.

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[2] See generally *MDT Corp.* v. *New York Stock Exchange, 858 F. Supp. 1028 (C.D. Calif. 1994).*

[3] See *Lockheed Martin Corp.* v. *Network Solutions, Inc.*, 1997 WL 721899 (C.D. Calif. 11/17/97); *Panavision International* v. *Toeppen*, 1996 U.S. Dist. LEXIS 20744, 41 U.S.P.Q.2d 1310 (C.D. Calif. 1996).

1. NSI will effectively separate and maintain a clear division between its current registry business and its current registrar business. NSI will continue to operate .com, .net and .org but on a fully shared-registry basis; it will shift operation of .edu to a not-for-profit entity. The registry will treat all registrars on a nondiscriminatory basis and will price registry services according to an agreed upon formula for a period of time.

2. As part of the transition to a fully shared-registry system, NSI will develop (or license) and implement the technical capability to share the registration of its top-level domains with any registrar so that any registrar can register domain names there in as soon as possible, by a date certain to be agreed upon.

3. NSI will give the U.S. government a copy and documentation of all the data, software, and appropriate licenses to other intellectual property generated under the cooperative agreement, for use by the new corporation for the benefit of the Internet.

4. NSI will turn over control of the ''A'' root server and the management of the root server system when instructed to do so by the U.S. government.

5. NSI will agree to meet the requirements for registries and registrars set out in Appendix 1.

B. Competitive Registries, Registrars, and the Addition of New gTLDs

Over the past few years, several groups have expressed a desire to enter the registry or registrar business. Ideally, the U.S. government would stay its hand, deferring the creation of a specific plan to introduce competition into the domain name system until such time as the new corporation has been organized and given an opportunity to study the questions that such proposals raise. Should the transition plan outlined below, or some other proposal, fail to achieve substantial consensus, that course may well need to be taken.

Realistically, however, the new corporation cannot be established overnight. Before operating procedures can be established, a board of directors and a CEO must be selected. Under a best case scenario, it is unlikely that the new corporation can be fully operational before September 30, 1998. It is our view, based on widespread public input, that competition should be introduced into the DNS system more quickly.

We therefore set out below a proposal to introduce competition into the domain name system during the transition from the existing U.S. government authority to a fully functioning coordinating body. This proposal is designed only for the transition period. Once the new corporation is formed, it will assume authority over the terms and conditions for the admission of new top-level domains.

Registries and New gTLDs

This proposal calls for the creation of up to five new registries, each of which would be initially permitted to operate one new gTLD. As discussed above, that number is large enough to provide valuable information about the effects of adding new gTLDs and introducing competition at the registry level, but not so large as to threaten the stability of the Internet during this transition period. In order to designate the new registries and gTLDs, IANA must establish equitable, objective criteria and processes for selecting among a large number of individuals and entities that want to provide registry services. Unsuccessful applicants will be disappointed.

We have examined a number of options for recognizing the development work already underway in the private sector. For example, some argue for the provision of a ''pioneer preference'' or other grand fathering mechanism to limit the pool of would-be registrants to those who, in response to previous IANA requests, have already invested in developing registry businesses. While this has significant appeal and we do not rule it out, it is not an easy matter to determine who should be in that pool. IANA would be exposed to considerable liability for such determinations, and required to defend against charges that it acted in an arbitrary or inequitable manner. We welcome suggestions as to whether the pool of applicants should be limited, and if so, on what basis.

We propose, that during the transition, the first five entities (whether from a limited or unlimited pool) to meet the technical, managerial, and site requirements described in Appendix 1 will be allowed to establish a domain name registry. The IANA will engage neutral accounting and technical consultancy firms to evaluate a proposed registry under these criteria and certify an applicant as qualified. These registries may either select, in order of their qualification, from a list of available gTLDs or propose another gTLD to IANA. (We welcome suggestions on the gTLDs that should be immediately available and would propose a list based on that input, as well as any market data currently available that indicates consumer interest in particular gTLDs.)

The registry will be permitted to provide and charge for value-added services, over and above the basic services provided to registrars. At least at this time, the registry must, however, operate on a shared registry basis, treating all registrars on a nondiscriminatory basis, with respect to pricing, access and rules. Each TLD's registry should be equally accessible to any qualified registrar, so that registrants may choose their registrars competitively on the basis of price and service. The registry will also have to agree to modify its technical capabilities based on protocol changes that occur in Internet technology so that interoperability can be preserved. At some point in the future, the new organization may consider the desirability of allowing the introduction of non-shared registries.

Registrars

Any entity will be permitted to provide registrar services as long as it meets the basic technical, managerial, and site requirements as described in Appendix 1 of this paper. Registrars will be allowed to register clients into any top-level domain for which the client satisfies the eligibility rules, if any.

C. The Root Server System

IANA and the U.S. government, in cooperation with NSI, the IAB, and other relevant organizations will undertake a review of the root server system to recommend means to increase the security and professional management of the system. The recommendations of the study should be implemented as part of the transition process to the new corporation.

D. The .us Domain

At present, the IANA administers .us as a locality based hierarchy in which second-level domain space is allocated to states and US territories.[4] This name space is further subdivided into localities. General registration under localities is performed on an exclusive basis by private firms that have requested delegation from IANA. The .us name space has typically been used by branches of state and local governments, although some commercial names have been assigned. Where registration for a locality has not been delegated, the IANA itself serves as the registrar.

Some in the Internet community have suggested that the pressure for unique identifiers in the .com gTLD could be relieved if commercial use of the .us space was encouraged. Commercial

[4] Management principles for the .us domain space are set forth in Internet RFC 1480, (http://www.isi.edu/in-notes/rfc1480.txt)

users and trademark holders, however, find the current locality-based system too cumbersome and complicated for commercial use. Expanded use of the .us TLD could alleviate some of the pressure for new generic TLDs and reduce conflicts between American companies and others vying for the same domain name.

Clearly, there is much opportunity for enhancing the .us domain space, and the .us domain could be expanded in many ways without displacing the current geopolitical structure. Over the next few months, the U.S. government will work with the private sector and state and local governments to determine how best to make the .us domain more attractive to commercial users. It may also be appropriate to move the gTLDs traditionally reserved for U.S. government use (i.e. .gov and .mil), into a reformulated .us ccTLD.

The U.S. government will further explore and seek public input on these issues through a separate Request for Comment on the evolution of the .us name space. However, we welcome any preliminary comments at this time.

E. The Process

The U.S. government recognizes that its unique role in the Internet domain name system should end as soon as is practical. We also recognize an obligation to end this involvement in a responsible manner that preserves the stability of the Internet. We cannot cede authority to any particular commercial interest or any specific coalition of interest groups. We also have a responsibility to oppose any efforts to fragment the Internet, as this would destroy one of the key factors—interoperability—that has made the Internet so successful.

Our goal is to seek as strong a consensus as possible so that a new, open, and accountable system can emerge that is legitimate in the eyes of all Internet stakeholders. It is in this spirit that we present this paper for discussion.

VIII. Other Information

Executive Order 12866

This proposal has been determined not to be significant under section 3(f) of Executive Order 12866.

Executive Order 12612

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

Regulatory Flexibility Act

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy, the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

We believe that the overall effect of the proposal will be highly beneficial. No negative effects are envisioned at this time. In fact, businesses will enjoy a reduction in the cost of registering domain names as a result of this proposal. In 1995, the National Science Foundation authorized a registration fee of $50 per year for the first two years, 30 percent of which was to be deposited in a fund for the preservation and enhancement of the intellectual infrastructure of the Internet (the ''Intellectual Infrastructure Fund''). The proposal seeks to terminate the agreement to earmark a portion of the registration fee to the Intellectual Infrastructure Fund. We also believe that a competitive registration system will lead to reduced fees in registering domain names.

The proposal is pro-competitive because it transfers the current system of domain name registration to a market-driven registry system. Moreover, as the Internet becomes more important to commerce, particularly small businesses, it is crucial that a more formal and robust management structure be implemented. As the commercial value of Internet names increases, decisions regarding the addition of new top-level domains should be formal, certain, and accountable to the Internet community. For example, presently, mechanisms for resolving disputes between trademark holders and domain name holders are expensive and cumbersome. The proposal requires each name registry to establish an inexpensive and efficient dispute resolution system as well as other procedures related to trademark consideration.

The U.S. government would gradually transfer existing Internet Assigned Numbers Authority (IANA) functions, the root system and the appropriate databases to a new not-for-profit corporation by September 30, 1998. The U.S. government would, however, participate in policy oversight to assure stability until the new corporation is established and stable, phasing out completely no later than September 30, 2000. Accordingly, the transition period would afford the U.S. government an opportunity to determine if the structure of the new corporation negatively impacts small entities. Moreover, the corporation would be headquartered in the U.S. and incorporated under U.S. law. Accordingly, the corporation would be subject to antitrust scrutiny if dominated by economically interested entities, or if its standards are established by a few leading competitors.

As a result, no initial regulatory flexibility analysis has been prepared.

Paperwork Reduction Act

This rule does not contain information collection requirements subject to the provisions of the Paperwork Reduction Act.

Kathy Smith,

Acting Deputy Assistant Secretary for Communications and Information.

Appendix 1—Recommended Registry and Registrar Requirements

In order to ensure the stability of the Internet's domain name system, protect consumers, and preserve the intellectual property rights of trademark owners, all registries of generic top-level domain names must meet the set of technical, managerial, and site requirements outlined below. Only prospective registries that meet these criteria will be allowed by IANA to register their gTLD in the ''A'' server. If, after it begins operations, a registry no longer meets these requirements, IANA may transfer management of the domain names under that registry's gTLD to another organization.

Independent testing, reviewing, and inspection called for in the requirements for registries should be done by appropriate certifying organizations or testing laboratories rather than IANA itself, although IANA will define the requirements and the procedures for tests and audits.

These requirements apply only to generic TLDs. They will apply to both existing gTLDs (e.g., .com, .edu., .net, .org) and new gTLDs. Although they are not required to, we expect many ccTLD registries and registrars may wish to assure their customers that they meet these requirements or similar ones.

Registries will be separate from registrars and have only registrars as their customers. If a registry wishes to act both as registry and registrar for the same TLD, it must do so through separate subsidiaries. Appropriate accounting and confidentiality safeguards shall be used to ensure that the registry subsidiary's business is not utilized in any manner to benefit the registrar subsidiary to the detriment of any other registrar.

Each top-level domain (TLD) database will be maintained by only one registry and, at least initially, each new registry can host only one TLD.

Registry Requirements

1. An independently-tested, functioning Database and Communications System that:

a. Allows multiple competing registrars to have secure access (with encryption and authentication) to the database on an equal (first-come, first-served) basis.

b. Is both robust (24 hours per day, 365 days per year) and scalable (i.e., capable of handling high volumes of entries and inquiries).

c. Has multiple high-throughput (i.e., at least T1) connections to the Internet via at least two separate Internet Service Providers.

d. Includes a daily data backup and archiving system.

e. Incorporates a record management system that maintains copies of all transactions, correspondence, and communications with registrars for at least the length of a registration contract.

f. Features a searchable, on-line database meeting the requirements of Appendix 2.

g. Provides free access to the software and customer interface that a registrar would need to register new second-level domain names.

h. An adequate number (perhaps two or three) of globally-positioned zone-file servers connected to the Internet for each TLD.

2. Independently-reviewed Management Policies, Procedures, and Personnel including:

a. Alternate (i.e., non-litigation) dispute resolution providing a timely and inexpensive forum for trademark-related complaints. (These procedures should be consistent with applicable national laws and compatible with any available judicial or administrative remedies.)

b. A plan to ensure that the registry's obligations to its customers will be fulfilled in the event that the registry goes out of business. This plan must indicate how the registry would ensure that domain name holders will continue to have use of their domain name and that operation of the Internet will not be adversely affected.

c. Procedures for assuring and maintaining the expertise and experience of technical staff.

d. Commonly-accepted procedures for information systems security to prevent malicious hackers and others from disrupting operations of the registry.

3. Independently inspected Physical Sites that feature:

a. A backup power system including a multi-day power source.

b. A high level of security due to twenty-four-hour guards and appropriate physical safeguards against intruders.

c. A remotely-located, fully redundant and staffed twin facility with ''hot switchover'' capability in the event of a main facility failure caused by either a natural disaster (e.g., earthquake or tornado) or an accidental (fire, burst pipe) or deliberate (arson, bomb) man-made event. (This might be provided at, or jointly supported with, another registry, which would encourage compatibility of hardware and commonality of interfaces.)

Registrar Requirements

Registries will set standards for registrars with which they wish to do business. The following are the minimal qualifications that IANA should mandate that each registry impose and test or inspect before allowing a registrar to access its database(s). Any additional requirements imposed by registries on registrars must be approved by IANA and should not affect the stability of the Internet or substantially reduce competition in the registrar business. Registries may refuse to accept registrations from registrars that fail to meet these requirements and may remove domain names from the registries if at a later time the registrar which registered them no longer meets the requirements for registrars.

1. A functioning Database and Communications System that supports:

a. Secure access (with encryption and authentication) to the registry.

b. Robust and scalable operations capable of handling moderate volumes.

c. Multiple connections to the Internet via at least two Internet Service Providers.

d. A daily data backup and archival system.

e. A record management system that maintains copies of all transactions, correspondence, and communications with all registries for at least the length of a registration contract.

2. Management Policies, Procedures, and Personnel including:

a. A plan to ensure that the registrar's obligations to its customers and to the registries will be fulfilled in the event that the registrar goes out of business. This plan must indicate how the registrar would ensure that domain name holders will continue to have use of their domain name and that operation of the Internet will not be adversely affected.

b. Commonly-accepted procedures for information systems security to prevent malicious hackers and others from disrupting operations.

3. Independently inspected Physical Sites that features:

a. A backup power system.

b. A high level of security due to twenty-four-hour guards and appropriate physical safeguards against intruders.

c. Remotely-stored backup files to permit recreation of customer records.

Appendix 2—Minimum Dispute Resolution and Other Procedures Related to Trademarks

1. Minimum Application Requirements.

a. Sufficient owner and contact information (e.g., names, mail address for service of process, e-mail address, telephone and fax numbers, etc.) to enable an interested party to contact either the owner/applicant or its designated representative; and a

b. Certification statement by the applicant that:

—It is entitled to register the domain name for which it is applying and knows of no entity with superior rights in the domain name; and

—It intends to use the domain name.

2. Searchable Database Requirements.

a. Utilizing a simple, easy-to-use, standardized search interface that features multiple field or string searching and the retrieval of similar names, the following information must be included in all registry databases, and available to anyone with access to the Internet:

—Up-to-date ownership and contact information;

—Up-to-date and historical chain of title information for the domain name;

—A mail address for service of process;

—The date of the domain name registration; and

—The date an objection to registration of the domain name was filed.

3. Updated Ownership, Contact and Use Information.

a. At any time there is a change in ownership, the domain name owner must submit the following information:

—Up-to-date contact and ownership information; and

—A description of how the owner is using the domain name, or, if the domain name is not in use, a statement to that effect.

4. Alternative Dispute Resolution of Domain Name Conflicts.

a. There must be a readily available and convenient dispute resolution process that requires no involvement by registrars.

b. Registries/Registrars will abide by the decisions resulting from an agreed upon dispute resolution process or by the decision of a court of competent jurisdiction.

If an objection to registration is raised within 30 days after registration of the domain name, a brief period of suspension during the pendency of the dispute will be provided by the registries.

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