8–13–99
Vol. 64 No. 156
Pages 44101–44396

Federal Register

Friday
August 13, 1999

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Presidential Documents

Title 3—

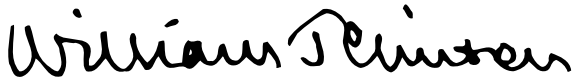
The President

Notice of August 10, 1999

Continuation of Emergency Regarding Export Control Regulations

On August 19, 1994, consistent with the authority provided me under the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), I issued Executive Order 12924. In that order, I declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 *et seq.*). Because the Export Administration Act has not been renewed by the Congress, the national emergency declared on August 19, 1994, must continue in effect beyond August 19, 1999. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency declared in Executive Order 12924.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
August 10, 1999.

[FR Doc. 99–21180
Filed 8–12–99; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

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

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

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 905

[No. 99–42]

RIN 3069–AA81

Availability of Unpublished Information

AGENCY: Federal Housing Finance Board.

ACTION: Interim final rule with request for comments.

SUMMARY: The Federal Housing Finance Board (Finance Board) is adding a new part to its regulations governing the availability of unpublished information. The rule describes the procedures a person or entity must follow when requesting unpublished Finance Board information either by document or by testimony of current or former Finance Board employees or agents and the practices and procedures the Finance Board will use in responding to such requests.

DATES: The interim final rule will become effective on August 13, 1999. The Finance Board will accept comments on the interim final rule in writing on or before Ocotber 12, 1999.

ADDRESSES: Send comments to Elaine L. Baker, Secretary to the Board, by electronic mail at *bakere@fhfb.gov,* or by regular mail at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Janice A. Kaye, Attorney-Advisor, Office of General Counsel, by telephone at 202/408–2505, by electronic mail at *kayej@fhfb.gov,* or by regular mail at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

SUPPLEMENTARY INFORMATION:

I. Background

The Finance Board, an independent agency in the Executive branch of the United States government, *see* 12 U.S.C. 1422a(a)(2), recently has received requests from attorneys representing private parties for access to information or documents acquired by Finance Board employees in their official capacity or in the course of performing official duties. The attorneys plan to use the information in connection with litigation in which neither the Finance Board nor the United States is a party. This type of information, referred to herein as ''unpublished information,'' generally is not subject to release under the Freedom of Information Act (FOIA). *See* 5 U.S.C. 552. Because the Finance Board previously has not received requests for unpublished information, it has not established procedures for the efficient processing of such requests. In order to control the process and the use and disclosure of its unpublished information, the Finance Board has determined to adopt procedures that must be followed by persons or entities requesting unpublished Finance Board information, and practices and procedures the Finance Board will use in responding to such requests.

The so-called federal ''housekeeping statute'' authorizes an agency to issue regulations governing the conduct of agency employees and the custody, use, and preservation of agency records, papers, and property. *See* 5 U.S.C. 301. Pursuant to this authority, many federal agencies have issued regulations governing the circumstances and manner in which a current or former agency employee or agent, regulated entity, or other person or entity in possession of unpublished agency information must respond to demands for testimony or the production of documents. *See, e.g.*, 12 CFR 1710.31–40 (Office of Federal Housing Enterprise Oversight); 12 CFR 510.5 (Office of Thrift Supervision). In addition, section 2B of the Federal Home Loan Bank Act (Bank Act) empowers the Finance Board to supervise the Federal Home Loan Banks (FHLBanks) and promulgate and enforce such regulations as are necessary to carry out the provisions of the Bank Act. *See* 12 U.S.C. 1422b(a)(1). Therefore, pursuant to the authority provided by section 2B of the Bank Act and the housekeeping statute, the Finance Board is adding a new part 905 to its regulations governing the availability of unpublished Finance Board information by document or by testimony of current or former Finance Board employees or agents. This new rule will ensure that requests for unpublished information include everything the Finance Board needs to make an objective decision regarding use and disclosure of the requested information. The rule also will enable the Finance Board to fairly and effectively consider and respond to such requests.

II. Analysis of the Interim Final Rule

The interim final rule adds a new part 905 to the Finance Board's regulations to be codified in Title 12 of the Code of Federal Regulations. A more detailed description of the provisions of part 905 follows.

A. Purposes and Scope

Section 905.2 sets out the purposes and scope of part 905, which governs the availability of unpublished Finance Board information either by document or by testimony of current or former Finance Board employees or agents. Under part 905, the term ''unpublished information'' means: (1) information and documents created or obtained by the Finance Board in connection with the performance of official duties, whether the information or documents are in the possession of the Finance Board, a current or former Finance Board employee or agent, a FHLBank, the Office of Finance, or the Financing Corporation (*i.e.*, a supervised entity), a FHLBank member, or some other person, entity, or government agency; and (2) information and documents created or obtained by, or information in the memory of, a current or former Finance Board employee or agent, which was acquired in the person's official capacity or in the course of performing official duties. Unpublished information does not include information or records the Finance Board must disclose under the FOIA, Privacy Act, or the Finance Board's implementing regulations. *See* 5 U.S.C. 552 and 552a; 12 CFR parts 904 and 909.). It also does not include information or documents that were previously published or disclosed or are customarily furnished to the public in the course of the performance of official duties such as the annual report the

Finance Board submits to Congress pursuant to section 2B(d) of the Bank Act (12 U.S.C. 1422b(d)), press releases, Finance Board forms, and materials published in the **Federal Register**. The Finance Board expects that unpublished information will include confidential information that is privileged.

The rule covers former as well as current employees to allow the Finance Board to control the release of unpublished information a former employee possesses or information a former employee recalls regarding matters that remain confidential. It is not intended to restrict a former employee but rather to permit the Finance Board an opportunity to consult with the former employee and parties wishing to use the employee's testimony in advance of testimony being given in order to protect the confidentiality of unpublished information by prohibiting or limiting testimony as appropriate. Since the rule prohibits the release only of unpublished information the former employee acquired in an official capacity or in the course of performing official duties, it does not bar a former employee from appearing on general matters or otherwise employing his or her knowledge or expertise as, for example, an expert witness.

The purposes of the rule are to provide an orderly mechanism for expeditiously processing requests for unpublished information. The rule will conserve the time of employees for official duties and ensure that the Finance Board can deploy its resources in the most efficient manner while preserving the Finance Board's need to maintain the confidentiality of certain information. The rule also is intended to allow the Finance Board to remain impartial among private litigants. The rule does not, and may not be relied upon to create any substantive or procedural right or benefit enforceable against the Finance Board.

The Finance Board expects the majority of requests for unpublished information to arise in the course of a legal proceeding, such as an administrative, civil, or criminal proceeding, including a grand jury or discovery proceeding, in which neither the Finance Board nor the United States is a party. However, because requests also arise in a non-litigation context, the scope of the interim final rule is broad—it applies to *any* request for or disclosure of unpublished information by document or testimony. The rule is not intended to and will not apply to requests for unpublished information in connection with a legal proceeding in which the Finance Board or the United States is a party or requests for information or records the Finance Board must disclose under the FOIA or the Privacy Act. *See* 5 U.S.C. 552 and 552a. The interim final rule does not affect the rights and procedures governing access to records under the FOIA or the Privacy Act, which the Finance Board will continue to process under part 904 or 909 of the Finance Board's regulations, respectively. *See* 12 CFR parts 904 and 909. However, the interim final rule may permit the Finance Board to disclose documents that are exempt from disclosure under the FOIA.

B. Prohibition on Unauthorized Use and Disclosure of Unpublished Information

The Finance Board considers all unpublished information to be confidential. Thus, use or disclosure of unpublished information without the express authorization of the Finance Board is prohibited. Section 905.3 of the interim final rule makes clear that unpublished information in the possession or control of any person, supervised entity, FHLBank member, government agency, or other entity remains the property of the Finance Board. No person or entity may use or disclose unpublished information, even information lawfully in their possession or control, without Finance Board authorization. A person or entity that uses or discloses unpublished information without authorization may be subject to criminal penalties. *See* 18 U.S.C. 641. In addition, current Finance Board, FHLBank, or Office of Finance employees may be subject to administrative or disciplinary proceedings. *See, e.g.*, 12 U.S.C. 1422b(a)(2) and (b)(1).

C. Requests for Unpublished Information

Section 905.4 sets forth the procedure for making requests for unpublished information. The Finance Board only will consider complete written requests that include a detailed description of the basis for the request. Every request must demonstrate that the requested information is highly relevant to the purpose for which it is sought and is not available from any other source. The requester also must show that the need for the information clearly outweighs the need to maintain its confidentiality and the burden on the Finance Board to produce it. If a requester seeks a response in less than 60 days, the request must explain why it was not submitted earlier and why it should be expedited. At its discretion, the Finance Board may seek additional information from the requester, parties to the matter at issue, or other sources of information.

In addition to the basic requirements discussed above, a request for the production of documents must adequately describe the record or records sought by type and date. A request for the testimony of current or former Finance Board employees or agents also must set forth the intended use of the testimony, a summary of the scope of the testimony requested, and a showing that no document or the testimony of other non-Finance Board persons, including retained experts, could be provided and used in lieu of the testimony. In order to limit the time an employee or agent spends providing authorized testimony, the rule requires a requester to notify all other parties to the matter at issue of the request for testimony and permits another party to join in the request or submit its own request if the scope of the testimony sought is different.

If a request is made in connection with a legal proceeding, the requester must include detailed information about the legal proceeding. The Finance Board generally will not consider a request arising out of a legal proceeding unless the legal proceeding is already filed.

D. Consideration of Requests

Section 905.5(a) makes clear that a decision concerning the availability of unpublished information is at the sole discretion of the Finance Board. Absent exigent or unusual circumstances, the Finance Board will determine whether to grant a request for unpublished information in whole or in part within 60 days of receipt. The factors the Finance Board may consider in making a determination include, but are not limited to, the following:

- Whether and how the requested information is relevant to the purpose for which it is sought.
- Whether information reasonably suited to the requester's needs other than the requested information is available from another source.
- Whether the requested information is privileged.
- If the request is in connection with a legal proceeding, whether the proceeding has been filed.
- The burden placed on the Finance Board to respond to the request.
- Whether production of the information would be contrary to the public interest.
- Whether the need for the information clearly outweighs the need to maintain the confidentiality of the information.

The Finance Board may respond to a request by authorizing a person or entity in lawful possession or control of unpublished information to disclose the

information to a requester pursuant to an appropriate confidentiality order. This is intended to allow the person or entity in possession or control to assert its own claim of privilege or to argue that the information is not relevant or otherwise protected from disclosure.

The Finance Board generally will notify a FHLBank, FHLBank member, the Office of Finance, or Financing Corporation that it is the subject of a request. The Finance Board will not provide notice if it determines, in its sole discretion, that the notice would advantage or prejudice any of the parties to the matter at issue.

E. Duty of Persons and Entities With Access to Unpublished Information

Under section 905.6(a), a person or entity must immediately notify the Finance Board's Office of General Counsel of any request or legal process seeking the use or disclosure of unpublished information. Unless the Finance Board has authorized in writing disclosure of the requested information, the person or entity must decline to disclose the information. Section 905.6(b) requires a current or former Finance Board employee or agent or a supervised entity that must respond to a subpoena, order, or other legal process, to decline to disclose the requested information, citing this part as authority. The rule permits a non-Finance Board person or entity to disclose unpublished information only after the requester has sought the information from the Finance Board under this part and a Federal court in a judicial proceeding in which the Finance Board or the Department of Justice has had the opportunity to appear, has ordered disclosure.

If disclosure is not authorized, the Finance Board will provide a copy of part 905 to the requester and advise the requester or the court or other body that issued the legal process, that the Finance Board has prohibited disclosure. The Finance Board or the Department of Justice may intervene in the matter at issue, attempt to have the compulsory process withdrawn, or register other appropriate objections.

F. Available Information

Sections 905.7 and 905.8 prescribe limits on the scope of permissible document disclosure or testimony and the manner in which documents or testimony authorized for disclosure will be made available. The scope of permissible document disclosure or testimony is limited to that set forth in the written authorization granted by the Finance Board. The Finance Board may act to ensure that the scope of information provided is consistent with the written authorization, for instance, by reviewing copies of the documents provided to the requester or a transcript of deposition testimony. Upon request, the Finance Board will provide certified or authenticated copies of documents authorized to be disclosed. A party that wants to question a witness beyond the authorized scope must submit a request for expanded authorization to the Finance Board. The Finance Board will attempt to render decisions on such requests in an expedited manner. The Finance Board generally will not authorize a current employee or agent to provide expert or opinion testimony for a private party.

When the Finance Board has authorized testimony, it generally will make the witness available only through written interrogatories or deposition. Absent unusual circumstances, authorized deposition testimony will take place at the Finance Board's offices at a time convenient for the employee. All costs associated with the appearance must be borne by the requester, including provision of a copy of the transcript of the deposition at the request of the Office of General Counsel. The Finance Board will not authorize trial or hearing testimony unless the requester shows that properly developed deposition testimony could not be used or would not be adequate at the trial or hearing. If the authorized testimony is in connection with a legal proceeding, the requester must cause a subpoena to be served on the employee in accordance with applicable rules of procedure, with a copy by registered or certified mail to the Office of General Counsel.

The Finance Board's authorization to provide unpublished information may include restrictions on the use and disclosure of the information. With regard to testimony, the Finance Board may condition its authorization on an agreement of the parties to appropriate limitations, such as an agreement to keep the transcript of a deposition under seal or to make the transcript available only to the parties, the court or other body, or the jury. The Finance Board may condition a decision to disclose unpublished information by document on entry of a protective order satisfactory to the Finance Board, by the court or other body presiding in a legal proceeding or, in non-adversarial matters, on a written agreement of confidentiality that limits access of third parties to the unpublished information. In a legal proceeding in which a protective order already has been entered, the Finance Board may condition a decision to disclose unpublished information upon the inclusion of additional or amended provisions in the protective order. Upon request or on its own initiative, the Finance Board may authorize use of a deposition transcript or the disclosed documents in another legal proceeding or non-adversarial matter.

If the documents or testimony are disclosed in connection with a legal proceeding, the requester is responsible for promptly notifying all other parties to the legal proceeding of the disclosure, and, after entry of a protective order, providing copies of the documents or testimony to the other parties that are signatories and subject to the protective order. At the conclusion of the legal proceeding, the requester must retrieve the documents or testimony from the court or other body's file as soon as they are no longer required and certify to the Finance Board that every party covered by the protective order has destroyed the unpublished information.

G. Fees

Section 905.9 of the interim final rule concerns the assessment and collection of fees. The Finance Board generally will assess a fee for the actual costs of searching, copying, authenticating, or certifying unpublished information it authorizes for use or disclosure. The Finance Board will assess fees in the same manner it assesses fees for providing FOIA services under 12 CFR 904.9. The Office of Resource Management is responsible for billing and collecting the fees. The Finance Board generally will bill the requester upon completion of the production but, in certain instances, may require a requester to remit payment prior to providing the requested information. A requester promptly must pay the assessed fees by delivering a check or money order made payable to the ''Federal Housing Finance Board'' to the Office of Resource Management, located at the Federal Housing Finance Board's offices at 1777 F Street, N.W., Washington, D.C. 20006.

A requester also is responsible for paying witness fees and mileage computed in accordance with 28 U.S.C. 1821 upon completion of a testimonial appearance. If the witness is a current Finance Board employee or agent or a former employee or agent still in the employ of the United States, the requester promptly must remit the witness fees to the Office of Resource Management. If the witness is a former employee or agent that is not currently employed by the federal government, the requester promptly must remit the witness fees directly to the witness.

III. Notice and Public Participation

The Finance Board is promulgating this procedural rule as an interim final rule in order to fairly and effectively handle pending and anticipated requests for unpublished information. However, because this type of rulemaking generally requires notice and receipt of public comment, the Finance Board will accept written comments on the interim final rule on or before October 12, 1999.

IV. Effective Date

For the reasons stated in part III above, the Finance Board for good cause finds that the interim final rule should become effective on August 13, 1999. *See* 5 U.S.C. 553(d)(3).

V. Regulatory Flexibility Act

The Finance Board is adopting part 905 in the form of an interim final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility Act do not apply. *See* 5 U.S.C. 601(2) and 603(a).

VI. Paperwork Reduction Act

The interim final rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. *See* 44 U.S.C. 3501 *et seq.* Consequently, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects in 12 CFR Part 905

Confidential business information, Federal home loan banks, Freedom of information, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Finance Board hereby adds 12 CFR part 905 to read as follows:

PART 905—AVAILABILITY OF UNPUBLISHED INFORMATION

Sec.

905.1 Definitions.
905.2 Purposes and scope.
905.3 Prohibition on unauthorized use and disclosure of unpublished information.
905.4 Requests for unpublished information by document or testimony.
905.5 Consideration of requests.
905.6 Persons and entities with access to unpublished information.
905.7 Availability of unpublished information by testimony.
905.8 Availability of unpublished information by document.
905.9 Fees.

Authority: 5 U.S.C. 301; 12 U.S.C. 1422b(a)(1).

§ 905.1 Definitions.

For purposes of this part:

(a) *Finance Board* means the agency established as the Federal Housing Finance Board.

(b) *Legal proceeding* means any administrative, civil, or criminal proceeding, including a grand jury or discovery proceeding, in which neither the Finance Board nor the United States is a party.

(c) *Unpublished information* means information and documents created or obtained by the Finance Board in connection with the performance of official duties, whether the information or documents are in the possession of the Finance Board, a current or former Finance Board employee or agent, a supervised entity, a Federal Home Loan Bank member, government agency, or some other person or entity; and information and documents created or obtained by, or in the memory of, a current or former Finance Board employee or agent, that was acquired in the person's official capacity or in the course of performing official duties. It does not include information or documents the Finance Board must disclose under the Freedom of Information Act (5 U.S.C. 552), Privacy Act (5 U.S.C. 552a), or the Finance Board's implementing regulations (12 CFR parts 904 and 909, respectively). It also does not include information or documents that were previously published or disclosed or are customarily furnished to the public in the course of the performance of official duties such as the annual report the Finance Board submits to Congress pursuant to section 2B(d) of the Federal Home Loan Bank Act (12 U.S.C. 1422b(d)), press releases, Finance Board forms, and materials published in the **Federal Register**.

(d) *Supervised entity* means a Federal Home Loan Bank, the Office of Finance, and the Financing Corporation.

§ 905.2 Purpose and scope.

(a) *Purpose.* The purposes of this part are to:

(1) Maintain the confidentiality and control the dissemination of unpublished information;

(2) Conserve the time of employees for official duties and ensure that Finance Board resources are used in the most efficient manner;

(3) Maintain the Finance Board's impartiality among private litigants; and

(4) Establish an orderly mechanism for the Finance Board to process expeditiously and respond appropriately to requests for unpublished information.

(b) *Scope.* (1) This part applies to a request for and use and disclosure of unpublished information, including a request for unpublished information by document or testimony arising out of a legal proceeding in which neither the Finance Board nor the United States is a party. It does not apply to a request for unpublished information in a legal proceeding in which the Finance Board or the United States is a party or a request for information or records the Finance Board must disclose under the Freedom of Information Act, Privacy Act, or the Finance Board's implementing regulations.

(2) This part does not, and may not be relied upon to create any substantive or procedural right or benefit enforceable against the Finance Board.

§ 905.3 Prohibition on unauthorized use and disclosure of unpublished information.

(a) *In general.* Possession or control by any person, supervised entity, Federal Home Loan Bank member, government agency, or other entity of unpublished information does not constitute a waiver by the Finance Board of any privilege or its right to control, supervise, or impose limitations on, the subsequent use and disclosure of the information.

(b) *Current and former employees and agents.* Except as authorized by this part or otherwise by the Finance Board, no current or former Finance Board employee or agent may disclose or permit the disclosure in any manner of any unpublished information to anyone other than a Finance Board employee or agent for use in the performance of official duties.

(c) *Other persons or entities possessing unpublished information.* (1) Except as authorized in writing by the Finance Board, no person, supervised entity, Federal Home Loan Bank member, government agency, or other entity in possession or control of unpublished information may disclose or permit the use or disclosure of such information in any manner or for any purpose.

(2) All unpublished information made available under this part remains the property of the Finance Board and may not be used or disclosed for any purpose other than that authorized under this part without the prior written permission of the Finance Board.

(3) Reports of examination, supervisory correspondence, and other unpublished information lawfully in the possession of a supervised entity, Federal Home Loan Bank member, or government agency remains the property of the Finance Board and may not be used or disclosed for any purpose other than that authorized under this part without the prior written permission of the Finance Board.

(4) Any person or entity that discloses or uses unpublished information except as expressly authorized under this part may be subject to the penalties provided in 18 U.S.C. 641 and other applicable laws. A current Finance Board, Federal Home Loan Bank, or Office of Finance employee also may be subject to administrative or disciplinary proceedings.

(d) *Exception for supervised entities and Federal Home Loan Bank members.* When necessary or appropriate for business purposes, a supervised entity, Federal Home Loan Bank member, or any director, officer, employee, or agent thereof, may disclose unpublished information, including information contained in, or related to, supervisory correspondence or reports of examination, to a person or entity officially connected with the supervised entity or Federal Home Loan Bank member as officer, director, employee, attorney, agent, auditor, or independent auditor. A supervised entity, Federal Home Loan Bank member, or a director, officer, employee, or agent thereof, also may disclose unpublished information to a consultant under this paragraph if the consultant is under a written contract to provide services to the supervised entity or Federal Home Loan Bank member and the consultant has agreed in writing:

(1) To abide by the prohibition on the disclosure of unpublished information contained in this section; and

(2) That it will not to use the unpublished information for any purposes other than those stated in its contract to provide services to the supervised entity or Federal Home Loan Bank member.

(e) *Government agencies.* The Finance Board may make reports of examination, supervisory correspondence, and other unpublished information available to another federal agency or a state agency for use where necessary in the performance of the agency's official duties. As used in this paragraph, the term agency does not include a grand jury.

§ 905.4 Requests for unpublished information by document or testimony.

(a) *Form of requests.* A request for unpublished information must be submitted to the Finance Board in writing and include a detailed description of the basis for the request. At a minimum, the request must demonstrate that:

(1) The requested information is highly relevant to the purpose for which it is sought;

(2) The requested information is not available from any other source;

(3) The need for the information clearly outweighs the need to maintain its confidentiality; and

(4) The need for the information clearly outweighs the burden on the Finance Board to produce it.

(b) *Requests for documents.* If the request is for unpublished information by document, the request must include the elements in paragraph (a) of this section and also must adequately describe the record or records sought by type and date.

(c) *Requests for testimony.* (1) If the request is for unpublished information by testimony, the request must include the elements in paragraph (a) of this section and also must set forth the intended use of the testimony, a summary of the scope of the testimony requested, and a showing that no document or the testimony of other non-Finance Board persons, including retained experts, could be provided and used in lieu of the testimony.

(2) Upon submitting a request to the Finance Board for unpublished information by testimony, the requester must notify all other parties to the matter at issue of the request.

(3) After receipt of a request for unpublished information by testimony but before the requested testimony occurs, a party to the matter at issue who did not join in the request and who wishes to question the witness beyond the scope of the testimony sought by the request, must timely submit its own request for unpublished information pursuant to this part.

(d) *Requests in connection with legal proceedings.* If the request for unpublished information arises out of a legal proceeding, the Finance Board generally will require that the legal proceeding already be filed before it will consider the request. In addition to the elements in paragraph (a) of this section, requests in connection with legal proceedings must include the caption and docket number of the case; the forum; the name, address, phone number, and electronic mail address, if available, of counsel to all other parties to the legal proceeding; the requester's interest in the case; a summary of the issues in litigation; and the reasons for the request, including the relevance of the unpublished information and how the requested information will contribute substantially to the resolution of one or more specifically identified issues in the legal proceeding.

(e) *Expedited requests.* If a requester seeks a response in less than 60 days, the request must explain why the request was not submitted earlier and why the Finance Board should expedite the request.

(f) *Where to submit requests.* Send requests for unpublished information to the Office of General Counsel, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

(g) *Additional information.* (1) *From the requester.* The Office of General Counsel may consult with the requester to refine and limit the scope of the request to make compliance less burdensome or to obtain information necessary to make an informed determination on the request. A requester's failure to cooperate in good faith with the Office of General Counsel may serve as the basis for a determination not to grant the request.

(2) *From others.* The Office of General Counsel may inquire into the facts and circumstances underlying a request for unpublished information and rely on sources of information other than the requester, including other parties to the matter at issue.

§ 905.5 Consideration of requests.

(a) *Discretion.* Each decision concerning the availability of unpublished information is at the sole discretion of the Finance Board based on a weighing of all appropriate factors. The decision is a final agency action that exhausts administrative remedies for disclosure of the information.

(b) *Time to respond.* The Finance Board generally will respond in writing to a request for unpublished information within 60 days of receipt absent exigent or unusual circumstances and dependent upon the scope and completeness of the request.

(c) *Factors the Finance Board may consider.* The factors the Finance Board may consider in making a determination regarding the availability of unpublished information include:

(1) Whether and how the requested information is relevant to the purpose for which it is sought;

(2) Whether information reasonably suited to the requester's needs other than the requested information is available from another source;

(3) Whether the requested information is privileged;

(4) If the request is in connection with a legal proceeding, whether the proceeding has been filed;

(5) The burden placed on the Finance Board to respond to the request;

(6) Whether production of the information would be contrary to the public interest; and

(7) Whether the need for the information clearly outweighs the need to maintain the confidentiality of the information.

(d) *Disclosure of unpublished information by others.* When a person or

entity other than the Finance Board has a claim of privilege regarding unpublished information and the information is in the possession or control of that person or entity, the Finance Board, at its sole discretion, may respond to a request for the information by authorizing the person or entity to disclose the information to the requester pursuant to an appropriate confidentiality order. Finance Board authorization to disclose information under this paragraph does not preclude the person or entity in possession of the unpublished information from asserting its own privilege, arguing that the information is not relevant, or asserting any other argument to protect the information from disclosure.

(e) *Notice to supervised entities and Federal Home Loan Bank members.* The Finance Board generally will notify a supervised entity or Federal Home Loan Bank member that it is the subject of a request, unless the Finance Board, in its sole discretion, determines that to do so would advantage or prejudice any of the parties to the matter at issue.

§ 905.6 Persons and entities with access to unpublished information.

(a) *Notice to Finance Board.* Any person, including a current or former Finance Board employee or agent, or any entity, including a supervised entity, Federal Home Loan Bank member, or government agency that receives a request for, or is served with a subpoena, order, or other legal process to disclose unpublished information by document or testimony, must immediately notify the Office of General Counsel.

(b) *Response of person or entity served with request.* Unless the Finance Board has authorized in writing disclosure of the requested information:

(1) A current or former Finance Board employee or agent or a supervised entity that must respond to a subpoena, order, or other legal process, must decline to disclose the requested information, citing this part as authority.

(2) A non-Finance Board person or entity may not disclose unpublished information unless:

(i) The requester has sought the information from the Finance Board under this part; and (ii) After the Finance Board or the Department of Justice has had the opportunity to appear and oppose disclosure, a Federal court has ordered the person or entity to disclose the information.

(c) *Finance Board response.* If the Finance Board does not authorize in writing disclosure of the requested information, the Finance Board will provide a copy of this part to the person or entity at whose instance the process was issued and advise that person or entity or the court or other body that the Finance Board has prohibited disclosure of the information under this part. The Finance Board or the Department of Justice may intervene in the matter at issue, attempt to have the compulsory process withdrawn, or register other appropriate objections.

§ 905.7 Availability of unpublished information by testimony.

(a) *Scope.* (1) The scope of permissible testimony is limited to that set forth in the written authorization granted by the Finance Board. The Finance Board may act to ensure that the scope of testimony provided is consistent with the written authorization.

(2) A party to the matter at issue that did not join in a request for unpublished information who wishes to question a witness beyond the authorized scope must request expanded authorization under this part. The Finance Board will attempt to render decisions on such requests in an expedited manner.

(3) The Finance Board generally will not authorize a current employee or agent to provide expert or opinion testimony for a private party.

(b) *Manner in which testimony is given.* (1) The Finance Board ordinarily will make the authorized testimony of a former or current employee or agent available only through written interrogatories or deposition. The Finance Board will not authorize testimony at a trial or hearing unless the requester shows that properly developed deposition testimony could not be used or would be inadequate at the trial or hearing.

(2) If the Finance Board has authorized testimony in connection with a legal proceeding, the requester must cause a subpoena to be served on the employee in accordance with applicable rules of procedure, with a copy by registered or certified mail to the Office of General Counsel.

(3) If the authorized testimony is through deposition, the deposition ordinarily will take place at the Finance Board's offices at a time that will avoid substantial interference with the performance of the employee's official duties.

(4) The requester is responsible for all costs associated with an employee's appearance, including provision of a copy of a transcript of the deposition at the request of the Office of General Counsel. The person whose deposition was transcribed does not waive his or her right to review the transcript and note errors.

(c) *Restrictions on use and disclosure.* The Finance Board may condition its authorization of deposition testimony on an agreement of the parties to appropriate limitations, such as an agreement to keep the transcript of the testimony under seal or to make the transcript available only to the parties, the court or other body, or the jury. Upon request made pursuant to this part or on its own initiative, the Finance Board may authorize use of a deposition transcript in another legal proceeding or non-adversarial matter.

(d) *Responsibility of litigants.* If the testimony is disclosed in connection with a legal proceeding, the requester is responsible for:

(1) Promptly notifying all other parties to the legal proceeding of the disclosure, and, after entry of a protective order, providing copies of the testimony to the other parties who are signatories and subject to the protective order; and

(2) At the conclusion of the legal proceeding, retrieving the testimony from the court or other body's file as soon as it is no longer required and certifying to the Finance Board that every party covered by the protective order has destroyed the unpublished information.

§ 905.8 Availability of unpublished information by document.

(a) *Scope.* The scope of permissible document disclosure is limited to that set forth in the written authorization granted by the Finance Board. The Finance Board may act to ensure that the scope of documents provided is consistent with the written authorization.

(b) *Restrictions on use and disclosure.* The Finance Board may condition a decision to disclose unpublished information by document on entry of a protective order satisfactory to the Finance Board by the court or other body presiding in a legal proceeding or, in non-adversarial matters, on a written agreement of confidentiality that limits access of third parties to the unpublished information. In a legal proceeding in which a protective order already has been entered, the Finance Board may condition a decision to disclose unpublished information upon inclusion of additional or amended provisions in the protective order. Upon request made pursuant to this part or on its own initiative, the Finance Board may authorize use of the documents in another legal proceeding or non-adversarial matter.

(c) *Responsibility of litigants.* If the documents are disclosed in connection

with a legal proceeding, the requester is responsible for:

(1) Promptly notifying all other parties to the legal proceeding of the disclosure, and, after entry of a protective order, providing copies of the documents to the other parties that are signatories and subject to the protective order; and

(2) At the conclusion of the legal proceeding, retrieving the documents from the court or other body's file as soon as they are no longer required and certifying to the Finance Board that every party covered by the protective order has destroyed the unpublished information.

(d) *Certification or authentication.* If the Finance Board has authorized disclosure of unpublished information by document, it will provide certified or authenticated copies of the document upon request.

§ 905.9 Fees.

(a) *Fees for records search, copying, and certification.* Unless waived or reduced, a requester must pay a fee to the Finance Board for the costs of searching, copying, authenticating, or certifying unpublished information in accordance with 12 CFR 904.9. The Office of Resource Management generally will bill a requester upon completion of the production, but, in certain instances, may require a requester to remit payment prior to providing the requested information. To pay fees assessed under this section, a requester must deliver to the Office of Resource Management, located at the Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006, a check or money order made payable to the ''Federal Housing Finance Board.''

(b) *Witness fees and mileage.* (1) *Current Finance Board or federal employees.* If the Finance Board authorizes disclosure of unpublished information by testimony of a current Finance Board employee or agent or a former Finance Board employee or agent who is still in the employ of the United States, upon completion of the testimonial appearance the requester must remit promptly to the Office of Resource Management payment for witness fees and mileage computed in accordance with 28 U.S.C. 1821.

(2) *Former employees or agents.* If the Finance Board authorizes disclosure of unpublished information by testimony of a former Finance Board employee or agent who is not currently employed by the United States, upon completion of the testimonial appearance the requester must remit promptly to the witness any witness fees or mileage due in accordance with 28 U.S.C. 1821.

Dated: August 6, 1999.

By the Board of Directors of the Federal Housing Finance Board.

Bruce A. Morrison,

Chairperson.

[FR Doc. 99–21060 Filed 8–12–99; 8:45 am]

BILLING CODE 6725–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

Liquidation of Collateral And Sale of Commercial Loans

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: With this rule, SBA amends its regulation regarding the liquidation and sale of loans. As part of a government-wide initiative, federal credit agencies are being directed by the Office of Management and Budget (OMB) to sell their loan portfolios. Initially, SBA intends to sell its portfolio of direct and purchased loans made under the authorities of the 7(a) and 501, 502, 503, and 504 programs. This will include both secured and unsecured loans in performing and non-performing status. The loans will be sold to qualified bidders by means of competitive procedures at publicly advertised sales. Bidder qualifications will be set for each sale in accordance with the terms and conditions of each sale. SBA also intends to sell its disaster home loans and disaster business loans, but will publish separate regulations regarding these sales.

DATES: This rule is effective August 13, 1999.

FOR FURTHER INFORMATION CONTACT: Richard Blewett, 202–205–4202.

SUPPLEMENTARY INFORMATION: SBA promulgates, without change, a rule which it proposed on June 29, 1999 (64 FR 34745). SBA received no comments to the proposed rule.

13 CFR 120.540 sets forth SBA's policy for the liquidation of collateral and the sale of commercial loans. SBA amends and expands this rule to include the sale of direct and purchased loans in asset sales. Pub. L. 104–134, the ''Debt Collection Improvement Act of 1996,'' enacted on April 26, 1996, provides that, ''the head of an executive * * * agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 and using competitive procedures, any non-tax debt owed to the United States that is delinquent for more than 90 days.'' 31 U.S.C. 3711(i)(1).

The Small Business Act, 15 U.S.C. 634(b)(2), provides in pertinent part that ''(The Administrator) may sell at public or private sale * * * in (her) discretion any evidence of debt * * * personal property, or security * * *'' It further provides, in 15 U.S.C. 634(b)(7) that the Administrator may ''take any and all actions * * * when [she] determines such actions are necessary or desirable in * * * liquidating or otherwise dealing with or realizing on loans * * *''

Pursuant to this statutory authority, SBA is establishing an Asset Sales Program to sell portions of its direct and participation loan portfolios. Under the new regulation, SBA may sell its direct and participation loans in bulk through competitive procedures at publicly advertised sales.

Compliance With Executive Orders 12612, 12988, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

SBA certifies that this final rule is not a significant rule within the meaning of Executive Order 12866, since it is not likely to have an annual economic effect of $100 million or more, result in a major increase in costs or prices, or have a significant adverse effect on competition or the U.S. economy.

SBA certifies that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

SBA certifies that this final rule does not impose any additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C., chapter 35.

For purposes of Executive Order 12612, SBA certifies that this final rule has no federalism implications warranting preparation of a Federalism Assessment. For purposes of Executive Order 12988, SBA certifies that this final rule is drafted, to the extent practicable, to accord with the standards set forth in paragraph 2 of that Order.

List of Subjects in 13 CFR Part 120

Loan programs—business.

For the reasons stated in the preamble, the Small Business Administration amends 13 CFR part 120 as follows:

PART 120—BUSINESS LOANS

1. The authority citation for part 120 continues to read as follows:

Authority: 15 U.S.C. 634 (b)(6) and 636(a) and (h).

2. In § 120.540, revise the section heading, add paragraph (b)(4), and revise paragraph (d) to read as follows:

§ 120.540 What are SBA's policies concerning the liquidation of collateral and the sale of business loans?

* * * * *

(b) * * *

(4) Sell direct and purchased 7(a) and 501, 502, 503 and 504 loans in asset sales. SBA will offer these loans for sale to qualified bidders by means of competitive procedures at publicly advertised sales. Bidder qualifications will be set for each sale in accordance with the terms and conditions of each sale.

* * * * *

(d) *Recoveries and security interests shared.* SBA and the Lender will share pro rata (in accordance with their respective interests in a loan) all loan payments or recoveries, including proceeds from asset sales, all reasonable expenses (including advances for the care, preservation, and maintenance of collateral securing the loan and the payment of senior lienholders), and any security interest or guarantee (excluding SBA's guarantee) which the Lender or SBA may hold or receive in connection with a loan.

* * * * *

Dated: August 10, 1999.

Aida Alvarez,

Administrator.

[FR Doc. 99–21062 Filed 8–12–99; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–275–AD; Amendment 39–11251; AD 99–17–02]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 777 series airplanes, that requires repetitive inspections of the safety spring wear plate doublers attached to the auxiliary power unit (APU) firewall, measurement of wear of the doublers, and follow-on actions, if necessary. For certain airplanes, this amendment also requires a one-time inspection to detect improper clearance between the safety spring wear plate doubler and the APU firewall, and corrective action, if necessary. This amendment also provides for optional terminating action for the repetitive inspections. This amendment is prompted by reports indicating that excessive wear was found on the safety spring wear plate doublers on the APU firewall of Boeing Model 777 series airplanes. The actions specified by this AD are intended to detect and correct wear of the safety spring wear plate doublers on the APU firewall, which could result in a hole in the APU firewall, and consequent decreased fire protection capability.

DATES: Effective September 17, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 17, 1999.

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

FOR FURTHER INFORMATION CONTACT: Ed Hormel, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2681; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 777 series airplanes was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on April 8, 1999 (64 FR 17130). That action proposed to require repetitive inspections of the safety spring wear plate doublers attached to the auxiliary power unit (APU) firewall, measurement of wear of the doublers, and follow-on actions, if necessary. For certain airplanes, that action also proposed to require a one-time inspection to detect improper clearance between the safety spring wear plate doubler and the APU firewall, and corrective action, if necessary. That action also provided for optional terminating action for the repetitive inspections.

Comments

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

Support for the Proposal

One commenter supports the proposed rule.

Request for Extension of the Compliance Time

One commenter requests that the compliance time for the actions specified by paragraphs (a), (b), and (c) of the proposed AD be extended. The commenter states that it operates 34 airplanes affected by the proposed rule, including airplanes that have accumulated as many as 15,000 total flight hours. The commenter states that it has begun accomplishing the terminating action, and thus far, none of the removed wear plates show wear levels approaching penetration. Although the commenter supports the decision to mandate Boeing Alert Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999, it feels that the inspection compliance times specified in paragraphs (a), (b), and (c) of the proposal are unnecessarily conservative.

The FAA does not concur with the commenter's request to extend the compliance time. In developing an appropriate compliance time for this action, the FAA considered the safety implications, parts availability, and normal maintenance schedules for timely accomplishment of the modification. In consideration of these items, as well as the variability in the reported wear rate of the safety spring wear plate doublers attached to the APU firewall, the FAA has determined that the compliance times specified in paragraphs (a), (b), and (c) of the AD will not place an undue hardship on the majority of affected operators, and an acceptable level of safety can be maintained. No change to the final rule is necessary.

Explanation of Changes Made to the Applicability

The final rule has been revised to correct the applicability of the AD. In the preamble to the supplemental NPRM, the FAA discussed the difference between the effectivity listing of the alert service bulletin and the applicability of the AD. The supplemental NPRM stated that Model 777 series airplanes after line number 156 have stainless steel wear plate doublers installed prior to delivery. Since the issuance of the supplemental NPRM, the FAA has determined that there are four airplanes having line numbers less than 157 (line numbers 94, 102, 104, and 120) that had the stainless

steel wear plate doublers installed prior to delivery. The alert service bulletin identifies airplanes having line numbers 94, 102, 104, 120, and 157 through 183 inclusive, as Group 3 airplanes. None of these airplanes would be subject to the unsafe condition described above; therefore, the applicability of the final rule has been revised to include only Groups 1 and 2 airplanes, as listed in the alert service bulletin. The four affected airplanes were not included in the cost impact in the proposed rule; therefore, no change is required to the cost impact.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 152 airplanes of the affected design in the worldwide fleet. The FAA estimates that 35 airplanes of U.S. registry will be affected by this AD.

It will take approximately 2 work hours per airplane to accomplish the required inspection to detect wear of the safety spring wear plate doublers, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this inspection required by this AD on U.S. operators is estimated to be $4,200, or $120 per airplane, per inspection cycle.

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

Should an operator be required to accomplish the temporary repair, it will take approximately 2 work hours per airplane to accomplish the repair, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the temporary repair is estimated to be $120 per airplane.

Should an operator be required to accomplish the inspection to detect improper clearance between the safety spring wear plate doubler and the APU firewall, it will take approximately 1 work hour per airplane to accomplish the inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of this inspection is estimated to be $60 per airplane.

Should an operator be required or elect to accomplish the replacement of the wear plate doublers, it will take approximately 3 work hours per airplane to accomplish the replacement, at an average labor rate of $60 per work hour. Required parts, if acquired from the manufacturer, will cost approximately $193 per airplane. Based on these figures, the cost impact of replacement of the wear plate doublers is estimated to be $373 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–17–02 Boeing: Amendment 39–11251. Docket 98–NM–275–AD.

Applicability: Model 777 series airplanes listed as Groups 1 and 2 airplanes in Boeing Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct wear of the safety spring wear plate doublers on the auxiliary power unit (APU) firewall, which could result in a hole in the APU firewall, and consequent decreased fire protection capability, accomplish the following:

Initial Inspection

(a) Perform a visual inspection of the two safety spring wear plate doublers on the APU firewall, and measure any wear of the doublers, in accordance with Boeing Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999, at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable.

(1) For airplanes that have accumulated 6,000 total flight hours or less as of the effective date of this AD: Inspect and measure prior to the accumulation of 6,300 total flight hours.

(2) For airplanes that have accumulated more than 6,000 but less than 10,000 total flight hours as of the effective date of this AD: Inspect and measure within 30 days after the effective date of this AD.

(3) For airplanes that have accumulated 10,000 total flight hours or more as of the effective date of this AD: Inspect and measure within 10 days after the effective date of this AD.

Note 2: Inspections, repairs, and modifications accomplished prior to the effective date of this AD in accordance with Boeing Alert Service Bulletin 777–53A0018, dated June 29, 1998, are considered acceptable for compliance with this AD, provided that the actions required by paragraph (f) of this AD, as applicable, are accomplished in accordance with Boeing Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999.

Repetitive Inspections

(b) If, during the inspection required by paragraph (a) of this AD, the wear on each doubler measures less than 0.045 inch, repeat the inspection and measurement required by paragraph (a) of this AD thereafter at intervals not to exceed 60 days, in accordance with Boeing Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999; until paragraph (g) of this AD has been accomplished.

(c) If, during the inspection required by paragraph (a) of this AD, the wear on either doubler measures greater than or equal to 0.045 inch, but does not penetrate into or through the APU firewall: Repeat the inspection and measurement required by paragraph (a) of this AD thereafter at intervals not to exceed 30 days, in accordance with Boeing Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999; until paragraph (g) of this AD has been accomplished.

Corrective Actions

(d) If, during the inspection required by paragraph (a) of this AD, any wear penetrates through either doubler and into or through the APU firewall: Within 20 days after detection of the wear, accomplish either paragraph (d)(1) or (d)(2) of this AD in accordance with Boeing Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999.

(1) Install a temporary stainless steel patch on both doublers, and within 4,000 flight cycles after installation of the temporary patch, accomplish the requirements of paragraph (e) of this AD.

(2) Accomplish the requirements of paragraph (e) of this AD.

(e) For airplanes on which wear is detected that penetrates through either doubler and into or through the APU firewall: Accomplish the requirements of paragraphs (e)(1) and (e)(2) of this AD at the time specified in paragraph (d) of this AD, as applicable.

(1) Repair the damage to the APU firewall in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) Replace both existing wear plate doublers of the APU firewall with new stainless steel wear plate doublers in accordance with Boeing Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999. Such replacement constitutes terminating action for the repetitive inspection requirements of paragraphs (b) and (c) of this AD.

One-Time Inspection

(f) For airplanes having L/N 001 through 037 inclusive that have been modified prior to the effective date of this AD in accordance with Boeing Alert Service Bulletin 777–53A0018, dated June 29, 1998: Within 4 years after the effective date of this AD, perform a one-time visual inspection to detect improper clearance between the safety spring wear plate doublers and the APU firewall, in accordance with Boeing Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999.

(1) If the doublers are not in contact with the chemically milled pocket of the APU firewall, no further action is required by this paragraph.

(2) If the doublers are in contact with the chemically milled pocket of the APU firewall, prior to further flight, install shims between the safety spring wear plate doublers and the APU firewall, in accordance with Part 6 of the Accomplishment Instructions of the service bulletin.

Optional Terminating Action

(g) Replacement of the existing wear plate doublers of the APU firewall with new stainless steel wear plate doublers, in accordance with Boeing Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999, constitutes terminating action for the repetitive inspection requirements of paragraphs (b) and (c) of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Incorporation by Reference

(j) Except as provided by paragraph (e)(1) of this AD, the actions shall be done in accordance with Boeing Service Bulletin 777–53A0018, Revision 1, dated February 11, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(k) This amendment becomes effective on September 17, 1999.

Issued in Renton, Washington, on August 4, 1999.

D. L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–20501 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–20–AD; Amendment 39–11250; AD 99–17–01]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to certain Pilatus Aircraft Ltd. (Pilatus) Models PC–12 and PC–12/45 airplanes. This AD requires replacing all flap drive shafts with flap drive shafts of improved design, installing additional gaskets on the power drive unit, and modifying the attachment and supporting hardware. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by this AD are intended to prevent the flap drive shafts from corroding to the point where the flexible shafts in the flap drive system rupture, which could result in the inability to utilize the flap system with reduced airplane control.

DATES: Effective October 1, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 1, 1999.

ADDRESSES: Service information that applies to this AD may be obtained from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 610 33 51. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–20–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Pilatus Models PC–12 and PC–12/45 airplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 14, 1999 (64 FR 31756). The NPRM proposed to require replacing all flap drive shafts with flap drive shafts of improved design, installing additional gaskets on the power drive unit, and modifying the attachment and supporting hardware. Accomplishment of the proposed action as specified in the NPRM would be required in accordance with Pilatus Service Bulletin No. 27–003, dated March 8, 1999.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Compliance Time of This AD

The unsafe condition specified by this AD is caused by corrosion. Corrosion can occur regardless of whether the aircraft is being operated. For example, corrosion could develop on one of the affected airplanes at a certain time; then, if allowed to go undetected, the corrosion could develop into a more serious problem even if the airplane is in storage. Therefore, to assure that the unsafe condition specified in this AD does not go undetected for a long period of time, the compliance is presented in calendar time instead of hours time-in-service (TIS).

Cost Impact

The FAA estimates that 69 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 19 workhours per airplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts will be provided by the manufacturer to the owners/operators of the affected aircraft free-of-charge. Based on these figures, the total cost impact of this AD on US operators is estimated to be $78,660, or $1,140 per airplane.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99–17–01 Pilatus Aircraft Ltd.: Amendment 39–11250; Docket No. 99–CE–20–AD.

Applicability: Models PC–12 and PC–12/45 airplanes, manufacturer serial number (MSN) 101 through 239, certificated in any category.

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

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

To prevent the flap drive shafts from corroding to the point where the flexible shafts in the flap drive system rupture, which could result in the inability to utilize the flap system with reduced airplane control, accomplish the following:

(a) Within the next 4 calendar months after the effective date of this AD, accomplish the following in accordance with the Accomplishment Instructions section of Pilatus Service Bulletin No. 27–003, dated March 8, 1999:

(1) Replace all flap drive shafts with flap drive shafts of improved design (part numbers as specified in paragraphs (b)(1) and (b)(2) of this AD);

(2) Install additional gaskets on the power drive unit; and

(3) Modify the attachment and supporting hardware.

(b) As of the effective date of this AD, no person may install, on any affected airplane, a flap drive shaft assembly that is not of the following part numbers (or FAA-approved equivalent part numbers):

(1) Part number 945.02.02.201: Flap Drive Shaft 953D100–5 (Inboard); and

(2) Part-number 945.02.02.202: Flap Drive Shaft 953D100–7 (Outboard).

Note 2: The FAA recommends that the owner/operator of the affected airplanes insert Pilatus Temporary Revision No. 27–07, dated January 8, 1999, into the PC12 Maintenance Manual at the same time this AD is accomplished to assure that the maintenance procedures for the improved design parts are current.

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

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 3: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to Pilatus Service Bulletin No: 27–003, dated March 8, 1999, should be directed to Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 610 33 51. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

(f) The replacements, installations, and modification required by this AD shall be done in accordance with Pilatus Service Bulletin No: 27–003, dated March 8, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Note 4: The subject of this AD is addressed in Swiss AD HB 99–241, dated May 8, 1999.

(g) This amendment becomes effective on October 1, 1999.

Issued in Kansas City, Missouri, on August 3, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–20568 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AAL–6]

Revision of Class D Airspace; Lake Hood, Elmendorf AFB, and Merrill Field, AK Revision of Class E Airspace; Elmendorf AFB and Merrill Field, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class D airspace at Lake Hood, AK, Elmendorf Air Force Base (AFB), AK, and Merrill Field, AK, as well as the Class E airspace (designated as surface areas) at Elmendorf AFB, AK, and Merrill Field, AK. The revision of the Anchorage, Alaska, Terminal Airspace Area segment boundaries affecting Lake Hood, AK, Elmendorf AFB, AK, and Merrill Field, AK, made this action necessary. With the exception of the internal boundary between Merrill Field, AK, and Lake Hood, AK, airspace areas, the adoption of this rule will result in the alignment of Class D airspace to coincide with the revised Anchorage Terminal Airspace segment boundaries, eliminating chart clutter and confusion between segment, Class D boundaries, and Class E boundaries. The adoption of this rule will also align the Elmendorf AFB, AK, and Merrill Field, AK, Class E airspace areas (designated as surface areas) with the Class D boundaries.

EFFECTIVE DATE: 0901 UTC, November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Robert Durand, Operations Branch, AAL–531, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; email: Bob.Durand@faa.gov. Internet address: http://www.alaska.faa.gov/at.

SUPPLEMENTARY INFORMATION:

History

On October 1, 1997, the FAA published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (62 FR 190) to revise the Anchorage, Alaska, Terminal Area (Docket No. 29029, Notice No. 97–14). In this rulemaking, the segment boundaries for the Merrill, Lake Hood, and Elmendorf AFB segments were revised. On March 29, 1999, the FAA published the final rule in the **Federal Register** (62 FR 14971) for the Anchorage, Alaska, Terminal Area, revising boundaries and descriptions for each segment with the effective date as June 17, 1999.

On April 20, 1999 a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class D and Class E airspace in the Anchorage, Alaska, Terminal Area was published in the **Federal Register** (64 FR 19310). The proposal was necessary to match the Class D and Class E airspace boundaries to the changes in segment boundaries in the Anchorage, Alaska, Terminal Area published in airspace docket 29029.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No public comments to the proposal were received, however, the coordinates for West High School, Ship Creek, and Point Noname were published with errors. The corrected coordinates for West High School are 61°12′01″N., 149°55′00″W.; Ship Creek are 61°13′26″N., 149°53′37″W.; and Point Noname are 61°15′36″N., 149°55′39″W. Additionally, the Class D internal boundary between Lake Hood, AK, and Merrill Field, AK, was modified at the request of Merrill Field and Anchorage Airport Traffic Control Towers (ATCT) to return to the pre-existing boundaries for the following reasons: (1) increase lateral separation between Merrill Field's West High and Chester Creek arrival and departure routes; (2) increased lateral separation between Merrill Field traffic and Lake Hood traffic; (3) operational advantage to both Lake Hood ATCT and Merrill Field ATCT whereas aircraft traversing from Point MacKenzie Visual Check Point to the West High School Visual Check Point would not be spilling over into Lake Hood Class D airspace, requiring additional Lake Hood ATCT to Merrill Field ATCT coordination and communication; and (4) operational advantage to both Lake Hood ATCT and Merrill Field ATCT whereas aircraft, avoiding direct overflight of West High School, flying south of and around the school (current operational standard) would not be spilling over into Lake Hood Class D airspace.

The boundary change between Lake Hood and Merrill Field Class D airspaces is an internal boundary modification and does not affect the external Class D boundaries. The Lake Hood Class D airspace description will now read ''* * * within a line beginning at Point Mackenzie, thence direct to the Mouth of Fish Creek, thence direct to the Northern Lights Boulevard (Blvd) railroad bridge, thence direct to the intersection of Tudor Road and the New Seward Highway, * * *'' The Merrill Field Class D and Class E airspace descriptions will now read ''* * * west along Tudor Road to the New Seward Highway, thence direct to the Northern Lights Blvd railroad bridge, thence direct to the Mouth of Fish Creek, thence direct to Point MacKenzie, * * *'' The coordinates for Northern Lights Blvd railroad bridge and Mouth of Fish Creek have been added: Northern Lights Blvd railroad bridge (lat. 61°11′43″N., long 149°55′48″W.) and Mouth of Fish Creek (lat. 61°12′21″N., long. 149°55′59″W.).

The Federal Aviation Administration has determined that these changes are editorial in nature and will not increase the scope of this rule. Except for the non-substantive change just discussed, the rule is adopted as written.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class D airspace areas are published in paragraph 5000 and the Class E

airspace designated as surface areas are published in paragraph 6002 in FAA Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1 (63 FR 50139; September 21, 1998). The Class D and Class E airspace designations listed in this document will be revised and published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 revises Class D and Class E airspace in the Anchorage, Alaska, Terminal Area. With the exception of the internal boundary between Merrill Field, AK, and Lake Hood, AK, airspace areas, the intended effect of this action is to align the Class D airspace boundaries at Lake Hood, Elmendorf AFB, and Merrill Field, AK, to match the revised Anchorage, Alaska, Terminal Area segment boundaries and align the Class E airspace areas at Elmendorf AFB, AK, and Merrill Field, AK, to match the Class D boundaries.

The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore —(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, 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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, *Airspace Designations and Reporting Points,* dated September 10, 1998, and effective September 16, 1998, is amended as follows:

Paragraph 5000 Class D Airspace

* * * * *

AAL AK D Anchorage, Elmendorf AFB, AK [Revised]

Anchorage, Elmendorf AFB, AK
(Lat. 61°15′11″ N., long. 149°47′38″ W.)
Point Noname
(Lat. 61°15′36″ N., long. 149°55′39″ W.)
Ship Creek
(Lat. 61°13′26″ N., long. 149°53′37″ W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a line beginning at Point Noname; thence via the north bank of the Knik Arm to the intersection of the 4.7-mile radius of Elmendorf AFB; thence clockwise along the 4.7-mile arc of Elmendorf AFB to long. 149°46′44″ W., thence south along long. 149°46′44″ W. to lat. 61°19′10″ N., thence to lat. 61°17′58″ N. long. 149°44′08″ W., thence to lat. 61°17′30″ N. long. 149°43′08″ W., thence south along long. 149°43′08″ W. to the Glenn Highway, thence south and west along the Glenn Highway to Muldoon Road, thence direct to the Mouth of Ship Creek, thence direct to the point of beginning; excluding that airspace within the Anchorage International Airport, AK, Class C airspace. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

AAL AK D Anchorage, Lake Hood, AK [Revised]

Anchorage, Lake Hood, AK
(Lat. 61°10′48″ N., long. 149°58′19″ W.)
Anchorage Air Traffic Control Tower
(Lat. 61°10′36″ N., long. 149°58′59″ W.)
Point MacKenzie
(Lat. 61°14′14″ N., long. 149°59′12″ W.)
Northern Lights Blvd Railroad Bridge
(Lat. 61°11′43″ N., long 149°55′48″ W.)
Mouth of Fish Creek
(Lat. 61°12′21″ N., long. 149°55′59″ W.).

That airspace extending upward from the surface to and including 2,500 feet MSL within a line beginning at Point Mackenzie, thence direct to the Mouth of Fish Creek, thence direct to the Northern Lights Blvd railroad bridge, thence direct to the intersection of Tudor Road and the New Seward Highway, thence south along the New Seward Highway to the 090° bearing from the Anchorage Air Traffic Control Tower, thence west direct to the Anchorage Air Traffic Control Tower, thence north along the 350° bearing from the Anchorage Air Traffic Control Tower to the north bank of Knik Arm, thence via the north bank of Knik Arm to the point of beginning; excluding that airspace within the Anchorage International Airport, AK, Class C airspace.

* * * * *

AAL AK D Anchorage, Merrill Field, AK [Revised]

Anchorage, Merrill Field, AK
(Lat. 61°12′52″ N., long. 149°50′46″ W.)
Point Noname
(Lat. 61°15′36″ N., long. 149°55′39″ W.)
Point MacKenzie
(Lat. 61°14′14″ N., long. 149° 59′12″W.)
Ship Creek
(Lat. 61°13′26″ N., long. 149°53′37″W.)
Northern Lights Blvd Railroad Bridge
(Lat. 61°11′43″ N., long 149°55′48″W.)
Nouth of Fish Creek
(Lat. 61°12′21″N., long. 149°55′59″W.).

That airspace extending upward from the surface to and including 2,500 feet MSL within a line beginning at Point Noname, thence direct to the Mouth of Ship Creek, thence direct to the intersection of the Glenn Highway and Muldoon Road, thence south along Muldoon Road to Tudor Road, thence west along Tudor Road to the New Seward Highway, thence direct to the Mouth of Fish Creek, thence direct to the Northern Lights Blvd railroad bridge, thence direct to Point MacKenzie, thence via the north bank of Knik Arm to the point of beginning; excluding that airspace within the Anchorage International Airport, AK, Class C airspace. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 Class E airspace designated as surface areas

* * * * *

AAL AK E2 Anchorage, Elmendorf AFB, AK [Revised]

Anchorage, Elmendorf AFB, AK
(Lat. 61°15′11″N., long. 149°47′38″W.)
Point Noname
(Lat. 61°15′36″ N., long. 149°55′39″W.)
Ship Creek
(Lat. 61°13′26″ N., long. 149° 53′37″W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within a line beginning at Point Noname; thence via the north bank of the Knik Arm to the intersection of the 4.7-mile radius of Elmendorf AFB; thence clockwise along the 4.7-mile arc of Elmendorf AFB to long. 149°46′44″ W., thence south along long. 149°46′44″ W. to lat. 61°19′10″ N., thence to lat. 61°17′58″ N. long. 149°44′08″ W., thence to lat. 61°17′30″ N. long. 149°43′08″ W., thence south along long. 149°43′08″ W. to the Glenn Highway, thence south and west along the Glenn Highway to Muldoon Road, thence direct to the Mouth of Ship Creek, thence direct to the point of beginning; excluding that airspace within the Anchorage International Airport, AK, Class C airspace. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective

date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

AAL AK E2 Anchorage, Merrill Field, AK [Revised]

Anchorage, Merrill Field, AK (Lat. 61°12′52″ N., long. 149°50′46″ W.)
Point Noname
(Lat. 61°15′36″ N., long. 149°55′39″ W.)
Point MacKenzie
(Lat. 61°14′14″ N., long. 149°59′12″ W.)
Ship Creek
(Lat. 61°13′26″ N., long. 149°53′37″ W.)
Northern Lights Blvd railroad Bridge
(Lat. 61°11′43″ N., long 149°55′48″ W.)
Mouth of Fish Creek
(Lat. 61°12′21″ N., long. 149°55′59″ W.).

That airspace extending upward from the surface to and including 2,500 feet MSL within a line beginning at Point Noname, thence direct to the Mouth of Ship Creek, thence direct to the intersection of the Glenn Highway and Muldoon Road, thence south along Muldoon Road to Tudor Road, thence west along Tudor Road to the New Seward Highway, thence direct to the Mouth of Fish Creek, thence direct to the Northern Lights Blvd railroad bridge, thence direct to Point MacKenzie, thence via the north bank of Knik Arm to the point of beginning; excluding that airspace within the Anchorage International Airport, AK, Class C airspace. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Anchorage, AK, on August 6, 1999.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 99–21039 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AEA–06]

Establishment of Class E Airspace: Ossining, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet Above Ground Level (AGL) at Ossining, NY. The development of a Standard Instrument Approach Procedure (SIAP), 014 helicopter Point in Space approach, based on the Global Positioning System (GPS) for the General Electric Company, Ossining, NY requires the establishment of controlled airspace extending upward from 700 feet Above Ground Level (AGL) to accommodate the SIAP.

EFFECTIVE DATE: 0901 UTC, Sept. 7, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On June 9, 1999, a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace at Ossining, NY was published in the **Federal Register** (64 FR 30928). A GPS helicopter Point in Space, Standard Instrument Approach Procedure (SIAP) has been developed for the General Electric Helipad, Ossining, NY. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP.

The notice proposed to establish controlled airspace extending upward from 700 feet AGL to contain IFR operations in controlled airspace during portions of the terminal operation and while transitioning between the enroute and terminal environments.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet AGL are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes Class E airspace at Ossining, NY extending upward from 700 feet AGL for aircraft executing the GPS helicopter Point in Space SIAP to the General Electric helipad.

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 will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

* * * * *

AEA NY E5 Ossining, NY [New]

General Electric Company Heliport, NY
(Lat. 41°11′16.38″ N. x long. 73°52′05.81″ W.)

That airspace extending upward from 700 feet above the surface within a 6-mile radius of General Electric Heliport.

* * * * *

Issued in Jamaica, New York, on August 7, 1999.

Franklin D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 99–21020 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASO–9]

Amendment of Class E Airspace; Roosevelt Roads NS (Ofstie Field), PR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies Class E airspace at Roosevelt Roads NS (Ofstie Field), PR. A Global Positioning System (GPS) Runway (RWY) 9 Standard Instrument Approach Procedure (SIAP) has been developed for Antonio Rivera Rodriquez Airport. As a result, additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at Antonio Rivera Rodriquez Airport. The operating status of the airport will change from Visual Flight Rules (VFR) to include IFR operations concurrent with the publication of the SIAP.

EFFECTIVE DATE: 0901 UTC, November 4, 1999.

FOR FURTHER INFORMATION CONTACT: Nancy B. Shelton, Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 305–5627.

SUPPLEMENTARY INFORMATION:

History

On June 30, 1999, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending Class E airspace at Roosevelt Roads NS (Ofstie Field), PR (64 FR 35100). This action provides adequate Class E airspace for IFR operations at the Antonio Rivera Rodriquez Airport. Designations for Class E airspace extending upward from 700 feet or more above the surface are published in paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR part 71.1. The Class E designation listed in this document will be published subsequently in the Order.

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

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends Class E airspace at Roosevelt Roads NS (Ofstie Field), PR, for the Antonio Rivera Rodriquez Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation, as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule 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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward from 700 feet or More above the Surface of the Earth.

* * * * *

ASO PR E5 Roosevelt Roads NS (Ofstie Field), PR [Revised]

Roosevelt Roads NS (Ofstie Field), PR
(Lat. 18°14′53″ N, long. 65°37′59″ W)
Antonio Rivera Rodriquez Airport, PR
(Lat. 18°08′07″ N, long. 65°29′30″ W)

That airspace extending upward from 700 feet or more above the surface of the earth within a 12-mile radius of Roosevelt Roads NS (Ofstie Field) Airport and within a 6.5-mile radius of Antonio Rivera Rodriquez Airport, excluding that portion within the San Juan, PR, Class E airspace area and that portion within Restricted Area R–7104.

* * * * *

Issued in College Park, Georgia, on August 3, 1999.

Nancy B. Shelton,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 99–21034 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29683; Amdt. No. 1944]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and effective use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW, Washington, DC 20591; 2. The FAA Regional Office of the region in which the affected airport is located; or 3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from: 1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW, Washington, DC 20591; or 2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

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. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on August 6, 1999.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . Effective September 9, 1999

Jacksonville, FL, Cecil Field, GPS RWY 9R, Orig
Jacksonville, FL, Cecil Field, GPS RWY 18L, Orig
Jacksonville, FL, Cecil Field, GPS RWY 27L, Orig
Jacksonville, FL, Cecil Field, GPS RWY 36R, Orig
Emporia, KS, Emporia Muni, GPS RWY 1, Orig
Corpus Christi, TX, Corpus Christi Intl, NDB RWY 13, Amdt 25
Corpus Christi, TX, Corpus Christi Intl, VOR OR TACAN RWY 17, Amdt 27
Corpus Christi, TX, Corpus Christi Intl, LOC RWY 31, Amdt 6
Corpus Christi, TX, Corpus Christi Intl, ILS RWY 13, Amdt 26
Corpus Christi, TX, Corpus Christi Intl, ILS RWY 35, Amdt 11
Corpus Christi, TX, Corpus Christi Intl, GPS RWY 13, Orig
Corpus Christi, TX, Corpus Christi Intl, GPS RWY 17, Orig
Corpus Christi, TX, Corpus Christi Intl, GPS RWY 31, Orig
Corpus Christi, TX, Corpus Christi Intl, GPS RWY 35, Orig
Falfurrias, TX, Brooks County, NDB RWY 35, Amdt 1
Falfurrias, TX, Brooks County, GPS RWY 17, Orig
Falfurrias, TX, Brooks County, GPS RWY 35, Orig
Hebbronville, TX, Jim Hogg County, NDB RWY 13, Amdt 3
Hebbronville, TX, Jim Hogg County, GPS RWY 13, Amdt 1
Kingsville, TX, Kleberg County, NDB RWY 13, Amdt 5
Kingsville, TX, Kleberg County, GPS RWY 13, Orig
Robstown, TX, Nueces County, VOR/DME–A, Amdt 3
Robstown, TX, Nueces County, GPS RWY 13, Orig

Sinton, TX, San Patricio County, VOR/DME RWY 14, Amdt 1
Sinton, TX, San Patricio County, VOR RWY 32, Amdt 8
Sinton, TX, San Patricio County, GPS RWY 14, Orig
Sinton, TX, San Patricio County, GPS RWY 32, Orig

. . . *Effective October 7, 1999*

Gainesville, FL, Gainesville Regional, RADAR–1, Orig
Leesburg, FL, Leesburg Regional, GPS RWY 13, Amdt 1
Leesburg, FL, Leesburg Regional, GPS RWY 31, Amdt 1
Punta Gorda, FL, Charlotte County, GPS RWY 3, Orig
Punta Gorda, FL, Charlotte County, GPS RWY 15, Orig
Punta Gorda, FL, Charlotte County, GPS RWY 21, Orig
Punta Gorda, FL, Charlotte County, GPS RWY 33, Orig
Punta Gorda, FL, Charlotte County, VOR/DME RNAV or GPS RWY 27, Orig, CANCELLED
Baltimore, MD, Baltimore-Washington Intl, GPS RWY 4, Orig
Baltimore, MD, Baltimore-Washington Intl, GPS RWY 15L, Orig
Baltimore, MD, Baltimore-Washington Intl, GPS RWY 22, Orig
Duluth, MN, Duluth Intl, VOR OR TACAN OR GPS RWY 3, Amdt 19
Duluth, MN, Duluth Intl, VOR/DME OR TACAN RWY 21, Amdt 14
Duluth, MN, Duluth Intl, ILS RWY 9, Amdt 19
Duluth, MN, Duluth Intl, ILS RWY 27, Amdt 8
Duluth, MN, Duluth Intl, RADAR–1, Amdt 20
Perryville, MO, Perryville Muni, GPS RWY 2, Orig
Perryville, MO, Perryville Muni, GPS RWY 20, Orig
Seward, NE, Seward Municipal, GPS RWY 16, Orig
Seward, NE, Seward Municipal, GPS RWY 34, Orig
Solon Springs, WI, Solon Springs Muni, NDB OR GPS RWY 19, Amdt 2

. . . *Effective November 4, 1999*

Red Bluff, CA, Red Bluff Muni, GPS RWY 15, Orig
Red Bluff, CA, Red Bluff Muni, GPS RWY 33, Orig
Miami, FL, Opa Locka, VOR/DME RNAV RWY 9L, Orig, CANCELLED
Miami, FL, Opa Locka, VOR/DME RNAV RWY 27R, Orig, CANCELLED
Monroe, LA, Monroe Regional, VOR/DME RWY 4, Amdt 1
Monroe, LA, Monroe Regional, VOR RWY 22, Amdt 4
Monroe, LA, Monroe Regional, ILS RWY 4, Amdt 21
Monroe, LA, Monroe Regional, GPS RWY 4, Orig
Monroe, LA, Monroe Regional, GPS RWY 22, Orig
Fairfield, IL, Fairfield Muni, NDB RWY 9, Amdt 3
Fairfield, IL, Fairfield Muni, GPS RWY 9, Orig
French Lick, IN, French Lick Muni, GPS RWY 8, Orig
French Lick, IN, French Lick Muni, GPS RWY 26, Orig
Logansport, IN, Logansport Muni, GPS RWY 9, Orig
Logansport, IN, Logansport Muni, GPS RWY 27, Orig
Clarinda, IA, Schenck Field, NDB–A, Amdt 5
Clarinda, IA, Schenck Field, GPS RWY 2, Orig
Clarinda, IA, Schenck Field, GPS RWY 20, Orig
Jackson, MN, Jackson Muni, NDB OR GPS RWY 13, Amdt 9
Jackson, MN, Jackson Muni, GPS RWY 31, Amdt 1
Macon, MO, Macon-Fower Meml, VOR RWY 2, Amdt 1
Macon, MO, Macon-Fower Meml, VOR/DME OR GPS RWY 20, Amdt 1
Macon, MO, Macon-Fower Meml, GPS RWY 2, Orig
Albuquerque, NM, Albuquerque/Double Eagle II, GPS RWY 22, Orig
London, OH, Madison County, NDB RWY 9, Amdt 8
London, OH, Madison County, GPS RWY 9, Amdt 1
London, OH, Madison County, GPS RWY 27, Orig
Guthrie, OK, Guthrie Muni, GPS RWY 16, Orig
McAlester, OK, McAlester Regional, GPS RWY 1, Orig
McAlester, OK, McAlester Regional, GPS RWY 19, Orig
Oklahoma City, OK, Wiley Post, GPS RWY 17L, Orig
Oklahoma City, OK, Wiley Post, GPS RWY 35R, Orig
Columbia-Mt. Pleasant, TN, Maury County, GPS RWY 24, Orig
Millington, TN, Millington Muni, GPS RWY 4, Orig
Portland, TN, Portland Muni, GPS RWY 19, Orig
Llano, TX, Llano Muni, GPS RWY 17, Amdt 1
Llano, TX, Llano Muni, GPS RWY 35, Amdt 1
San Antonio, TX, San Antonio Intl, GPS RWY 21, Orig
Cable, WI, Cable Union, VOR/DME OR GPS–A, Amdt 5, CANCELLED
Cable, WI, Cable Union, NDB OR GPS–B, Amdt 10
Cable, WI, Cable Union, VOR/DME RNAV OR GPS RWY 34, Amdt 4, CANCELLED
Cable, WI, Cable Union, GPS RWY 34, Orig
Hayward, WI, Sawyer County, VOR/DME OR GPS RWY 2, Amdt 1, CANCELLED
Hayward, WI, Sawyer County, VOR RWY 20, Amdt 6, CANCELLED
Hayward, WI, Sawyer County, NDB RWY 20, Amdt 13
Hayward, WI, Sawyer County, GPS RWY 2, Orig
Hayward, WI, Sawyer County, GPS RWY 20, Orig
Logan, WV, Logan County, GPS RWY 6, Orig
Logan, WV, Logan County, GPS RWY 24, Orig

[FR Doc. 99–21031 Filed 8–12–99; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29684; Amdt. No. 1945]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; 2. The FAA Regional Office of the region in which affected airport is located; or 3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from: 1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or 2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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. It, therefore—(1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment 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 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on August 6, 1999.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25, LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . *Effective Upon Publication*

NFDC TRANSMITTAL LETTER

FDC Date	State	City	Airport	FDC No.	SIAP
06/09/99	NJ	Caldwell	Essex County	FDC 9/3961	NDB OR GPS–A AMDT 5.
06/09/99	NJ	Caldwell	Essex County	FDC 9/3962	LOC RWY 22 AMDT 1A.
07/23/99	CA	Oakdale	Oakdale	FDC 9/5344	VOR RWY 10 AMDT 5B.
07/23/99	WA	Seattle	Boeing Field/king County	FDC 9/5346	ILS RWY 13R AMDT 27.
07/26/99	LA	Patterson	Harry P. Williams Memorial	FDC 9/5438	LOC/DME RWY 24, AMDT 3.

NFDC TRANSMITTAL LETTER—Continued

FDC Date	State	City	Airport	FDC No.	SIAP
07/26/99	MO	Rolla/Vichy	Rolla National	FDC 9/5433	VOR/DME OR GPS RWY 4, AMDT 2A.
07/26/99	MO	Rolla/Vichy	Rolla National	FDC 9/5434	VOR RWY 22, AMDT 7A.
07/26/99	MO	Rolla/Vichy	Rolla National	FDC 9/5435	VOR/DME RNAV OR GPS RWY 22, AMDT 2A.
07/28/99	NY	Syracuse	Syracuse Hancock Intl	FDC 9/5482	VOR RWY 14 AMDT 22A.
07/28/99	NY	Syracuse	Syracuse Hancock Intl	FDC 9/5483	VOR OR TACAN RWY 32 ORIG–B.
07/28/99	NY	Syracuse	Syracuse Hancock Intl	FDC 9/5484	GPS RWY 32 ORIG–A.
07/28/99	NY	Syracuse	Syracuse Hancock Intl	FDC 9/5485	GPS RWY 14 ORIG–A.
07/29/99	FL	Miami	Kendall-Tamiami Executive	FDC 9/5508	ILS RWY 9R AMDT 8.
07/30/99	CT	Groton	Groton-New London	FDC 9/5524	VOR OR GPS RWY 23 AMDT 9.
07/30/99	ME	Bangor	Bangor Intl	FDC 9/5541	ILS RWY 15 AMDT 5 (CAT I, II, III).
07/30/99	NE	Omaha	Eplley Airfield	FDC 9/5540	ILS RWY 18, AMDT 6A.
08/03/99	FL	Miami	Miami Intl	FDC 9/5534	NDB OR GPS RWY 27L, AMDT 18B.
08/02/99	VA	Chesapeake	Chesapeake Muni	FDC 9/5593	VOR/DME RWY 23 AMDT 2B.

[FR Doc 99–21032 Filed 8–12–99; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 96F–0415]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Petroleum Wax

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 poly(alkylmethacrylate) as a processing aid in the manufacture of petroleum wax. This action is in response to a petition filed by Nalco/Exxon Energy Chemicals.

DATES: This regulation is effective August 13, 1999; written objections and requests for a hearing by September 13, 1999. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in § 172.886(c)(2) (21 CFR 172.886(c)(2)), effective August 13, 1999.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Aydin Örstan, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3076.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 14, 1996 (61 FR 58417), FDA announced that a food additive petition (FAP 7A4524) had been filed by Nalco/Exxon Energy Chemicals, L. P., c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 172.886 *Petroleum wax* to provide for the safe use of poly(alkylmethacrylate) as a processing aid in the manufacture of petroleum wax.

Based on the data in the petition and other relevant material, the agency has determined that: (1) Poly(alkylmethacrylate) closely resembles and functions as poly(alkylacrylate), which is currently listed in § 172.886(c)(2) for use as a processing aid in the manufacture of petroleum wax; (2) poly(alkylmethacrylate) is a high molecular weight polymer whose absorption across the gastrointestinal membrane would be minimal; and (3) the estimated daily intake of the monomeric impurity alkylmethacrylates from the proposed use, 0.1 milligram (mg)/person/day (d), is well below the acceptable daily intake of 30 mg/person/d established for alkylmethacrylates by the agency. Furthermore, the agency has determined that two methods incorporated by reference in § 172.886(c)(2) for the analysis of poly(alkylacrylate) entitled ''Method for Determining Weight-Average and Number-Average Molecular Weight and for Determining Alkylacrylate Monomer Content of Poly(alkylacrylate) used as Processing Aid in Manufacture of Petroleum Wax'' and ''Method for Determining Residual Level of Poly(alkylacrylate) in Petroleum Wax,'' are applicable to the analysis of poly(alkylmethacrylate). Based on this information, FDA concludes that the proposed food use of poly(alkylmethacrylate) as a processing aid in the manufacture of petroleum wax is safe, the additive will achieve its intended technical effect, and therefore, 21 CFR part 172 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.

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may at any time on or before September 13, 1999, 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 172

Food additives, Incorporation by reference, Reporting and recordkeeping requirements.

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 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: 21 U.S.C. 321, 341, 342, 348, 371, 379e.

2. Section 172.886 is amended by revising paragraph (c)(2) to read as follows:

§ 172.886 Petroleum wax.

* * * * *

(c) * * *

(2) Poly(alkylacrylate) (CAS Reg. No. 27029–57–8), made from long chain (C_{16}–C_{22}) alcohols and acrylic acid, or poly(alkylmethacrylate) (CAS Reg. No. 179529–36–3), made from long chain (C_{18}–C_{22}) methacrylate esters, having:

(i) A number average molecular weight between 40,000 and 100,000;

(ii) A weight average molecular weight (MW_w) to number average molecular weight (MW_n) ratio (MW_w/MW_n) of not less than 3; and

(iii) Unreacted alkylacrylate or alkylmethacrylate monomer content not in excess of 14 percent, as determined by a method entitled ''Method for Determining Weight-Average and Number-Average Molecular Weight and for Determining Alkylacrylate Monomer Content of Poly(alkylacrylate) used as Processing Aid in Manufacture of Petroleum Wax,'' which is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Office of Premarket Approval (HFS–200), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, or may be examined at the Center for Food Safety and Applied Nutrition's Library, Food and Drug Administration, 200 C St. SW., Washington, DC, or at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC. Petroleum wax shall contain not more than 1,050 parts per million of poly(alkylacrylate) or poly(alkylmethacrylate) residues as determined by a method entitled ''Method for Determining Residual Level of Poly(alkylacrylate) in Petroleum Wax,'' which is incorporated by reference. Copies are available from the addresses cited in this paragraph.

* * * * *

Dated: August 5, 1999.

Janice F. Oliver,

Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–20889 Filed 8–12–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 173

[Docket No. 98F–0014]

Secondary Direct Food Additives Permitted in Food for Human Consumption

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 acidified solutions of sodium chlorite as an antimicrobial agent in processing water and ice intended for use in contact with seafood. This action is in response to a petition filed by Bio-Cide International, Inc.

DATES: The regulation is effective August 13, 1999; written objections and requests for a hearing by September 13, 1999. The Director of the Office of the **Federal Register** approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of certain publications in § 173.325(e) (21 CFR 173.325(e)), effective August 13, 1999.

ADDRESSES: Written objections may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Robert L. Martin, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204–0001, 202–418–3074.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of January 26, 1998 (63 FR 3749), FDA announced that a food additive petition (FAP 8A4568) had been filed by Bio-Cide International, Inc., c/o Keller and Heckman LLP, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in 21 CFR part 173 to provide for the safe use of acidified sodium chlorite solutions in processing water and ice intended for use in contact with seafood. In its evaluation of the petition, the agency has concluded that the microbial population of the water and ice is reduced, as long as a residual level of available acidified solution of sodium chlorite is maintained.

Under the Antimicrobial Regulation Technical Corrections Act of 1998 (ARTCA) (Public Law 105–324), the use of an acidified solution of sodium chlorite used as an antimicrobial agent in water and ice that are used to rinse, wash, thaw, transport, or store seafood is subject to regulation by FDA as a food additive. Such solutions are to be used ''in water that comes in contact with the food in the preparing, packing, or holding of the food for commercial purposes,'' and therefore, such use is exempt from the definition of the term ''pesticide chemical'' (21 U.S.C. 321(q)(1)(B)(i)). Moreover, as stated in the ''Legal and Policy Interpretation of the Jurisdiction Under the Federal Food, Drug, and Cosmetic Act of the Food and Drug Administration and the Environmental Protection Agency Over the Use of Certain Antimicrobial Substances'' (63 FR 54532 at 54541, October 9, 1998), FDA discussed, in the context of its jurisdiction over antimicrobial substances, what constitutes ''processing'' of seafood, which interpretation is unchanged by ARTCA. FDA stated that fish that is harvested is ''processed.'' Consequently, activities done postharvest to seafood, such as handling, storing, preparing, heading, eviscerating, shucking, or holding, would be activities done to ''processed food,'' not raw agricultural

commodities. Therefore, under ARTCA, fish processing operations and commercial fishing vessels would not be considered a ''field'' or a ''treatment facility where raw agricultural commodities are the only food treated'' (21 U.S.C. 321(q)(1)(B)(i)), and thus, an antimicrobial applied to water to which seafood is added at such locations would not be subject to regulation as a ''pesticide chemical,'' but instead would be subject to regulation as a ''food additive'' under the Federal Food, Drug, and Cosmetic Act (the act).

Although the use of an acidified solution of sodium chlorite as an antimicrobial agent in water and ice that are used to rinse, wash, thaw, transport, or store seafood is regulated under section 409 of the act (21 U.S.C. 348) as a food additive, this intended use may nevertheless be subject to regulation as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Therefore, manufacturers intending to market acidified solutions of sodium chlorite for such use should contact the Environmental Protection Agency to determine whether this use requires a pesticide registration under FIFRA.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed use of the additive to reduce the microbial contamination of water and ice that are used to rinse, wash, thaw, transport, or store seafood is safe, will achieve its intended technical effect, and therefore, that the regulation in § 173.325 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 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.

In the notice of filing, FDA gave interested parties an opportunity to submit comments on the petitioner's environmental assessment. FDA received no comments in response to that notice.

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.

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

Any person who will be adversely affected by this regulation may, at any time on or before September 13, 1999, 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 the brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 173

Food additives, Incorporation by reference.

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 173 is amended as follows:

PART 173—SECONDARY DIRECT FOOD ADDITIVES PERMITTED IN FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 173 continues to read as follows:

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

2. Section 173.325 is amended by redesignating paragraph (d) as paragraph (e), and by adding new paragraph (d) to read as follows:

§ 173.325 Acidified sodium chlorite solutions.

* * * * *

(d) The additive is used as an antimicrobial agent in water and ice that are used to rinse, wash, thaw, transport, or store seafood in accordance with current industry standards of good manufacturing practice. The additive is produced by mixing an aqueous solution of sodium chlorite with any GRAS acid to achieve a pH in the range of 2.5 to 2.9 and diluting this solution with water to achieve an actual use concentration of 40 to 50 parts per million (ppm) sodium chlorite. Any seafood that is intended to be consumed raw shall be subjected to a potable water rinse prior to consumption.

* * * * *

Dated: August 5, 1999.

Janice F. Oliver,

Deputy Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–20890 Filed 8–12–99; 8:45 am]

BILLING CODE 4160–01–F

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Reinstatement of Exchange Visitors Who Fail To Maintain Valid Program Status

AGENCY: United States Information Agency.

ACTION: Interim Final Rule with request for comments.

SUMMARY: This is an Interim Final Rule with request for comments being made by the United States Information Agency (hereinafter ''the Agency''). The rule will amend the Agency's Exchange Visitor Program regulations regarding reinstatement of J–1 exchange visitors to valid program status. This Interim Final Rule supersedes the Agency's Statement of Policy which was published in the **Federal Register** on April 24, 1997.

EFFECTIVE DATE: This Interim Final Rule is effective on August 13, 1999. Comments regarding this rulemaking will be accepted until September 13, 1999.

ADDRESSES: United States Information Agency, Office of the General Counsel, 301 Fourth Street, SW, Room 700, Washington, DC 20547–0001.

FOR FURTHER INFORMATION CONTACT: Lorie J. Nierenberg, Office of the General Counsel, United States Informaiton Agency, 301 Fourth Street, SW, Washington, DC 20547; telephone (202) 619–6084.

SUPPLEMENTARY INFORMATION: While it is not the responsibility of the sponor to ensure that the exchange visitor timely departs the U.S., the Exchange Visitor Program regulations do require that a sponsor monitor its participating exchange visitors [22 CFR 514.10(e)]. Among other things, the sponsor must ensure that the activity in which the exchange visitor is engaged is consistent with the category and activity listed on the exchange visitor's Form IAP–66 [22 CFR 514.10(e)(1)]. The sponsor must also monitor the progress and welfare of the exchange visitor to the extent appropriate for the category [22 CFR 514.10(e)(2)]. Finally, the sponsor must require the exchange visitor to keep the sponsor apprised of his or her address and telephone number, and maintain such information [22 CFR 514.10(e)(3)].

The Agency believes that the monitoring requirements set forth in the existing Exchange Visitor Program regulations illuminate the sponsor's general obligation to monitor the exchange visitor's Form IAP–66 to ensure that such form accurately reflects the activities and the program dates of the exchange visitor and that the exchange visitor is advised of the limitations on his or her activities and authorized stay in the United States (Existing regulations also explicitly require the sponsor to notify the Agency in writing when the exchange visitor has withdrawn from or completed a program thirty or more days prior to the ending date on his or her Form IAP–66 or when the exchange visitor has been terminated from his or her program [22 CFR 514.13(c)].)

One of the purposes of the Fulbright-Hays Act is to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchanges. When Congress enacted that Act, it amended the Immigration and Nationality Act by adding a new nonimmigrant visa category—the J visa—to be used solely for educational and cultural exchanges. Exchange visitors who come to the United States on the J visa come here as participants in exchange programs designated by the Director of the Agency. While the Agency has a programmatic role with respect to designating and monitoring programs in which exchange visitors will participate while in the United States on the J visa, it does not administer or enforce the provisions of the Immigration and Nationality Act, as amended. Administration and enforcement of that Act is solely under the jurisdiction of the Immigration and Naturalization Service (''the Service''). Oversight of the exchange visitor's program status is administered by the Agency, but the terms and conditions of the exchange visitor's nonimmigrant status are administered by the Service. Thus, responsible officers and exchange visitors must be aware that failure to maintain valid J–1 program status may at the same time be a failure to maintain valid immigration status, which may result in serious adverse consequences for an exchange visitor by operation of immigration law. Where there has been a failure to maintain valid immigration status, the Agency's reinstatement to valid program status does not serve as a reinstatement to valid immigration status.

Similarly, there may be instances where an exchange visitor may fail to maintain both valid nonimmigrant status and valid program status. For example, the Agency has been advised that a soon to be promulgated Service regulation will establish that a J–1 exchange visitor will be deemed to have failed to maintain valid nonimmigrant status and valid J–1 program status if the exchange visitor fails to pay the fee mandated by Public Law 104–208 (the ''CIPRIS'' fee). At the same time, failure to pay the fee would preclude reinstatement to valid J–1 program status under this interim final rule; i.e., reinstatement to valid program status could not be made until the fee is paid.

The Agency acknowledges that most program participants do not knowingly or wilfully engage in practices that would jeopardize their status in the United States. However, the Agency is aware that on occasion, whether through circumstances beyond the control of the exchange visitor or through administrative oversight, inadvertence, or neglect on the part of a Responsible Officer or an exchange visitor, or both, the exchange visitor may fail to maintain valid program status.

The Agency believes that the above principles apply to the subject of this rulemaking: Reinstatement to valid program status. Valid program status, in turn, relates directly to the concept of ''duration of participation in an exchange visitor program.'' With one exception, the Exchange Visitor Program regulations establish a duration of participation for each specific program category. [Exchange visitors in the ''college and university student'' category have no fixed duration of participation as long as they meet certain requirements. See 22 CFR 514.23(h)]. Those limits to duration of participation were not set forth in the Mutual Educational and Cultural Exchange Act of 1961 (the Fulbright-Hays Act) that established the Exchange Visitor Program and created the J visa as part of the Immigration and Naturalization Act. Nevertheless, the vision of the authors of that legislation was that scholars, professors, trainees, and the other caregories of exchange visitors mentioned in the Act would come to the United States, accomplish the objective for which they came, and then return to their home country to share their new knowledge and skills with their countrymen. That vision would be frustrated and undermined if there were no finite limit on the period of time in which exchange visitors could remain in the United States. Moreover, the Agency believes that greatly extended periods of stay here tend to cause a closer identification with the United States and tend to work against the exchange visitor's eventual return home and completion of the desired ''exchange.''

Thus, the Exchange Visitor Program regulations impose limits on the duration of participation that vary from category to category in recognition of the fact that some categories require longer stays than others. (In some cases, the language in the sponsor's designation letter provides for less than the maximum duration of stay for program participation for that particular category.) When the Agency fails to require strict adherence to the established durations of participation, for example, by tolerating or enabling the exchange visitor to fail to maintain valid program status or otherwise remain in the United States beyond the expiration of thirty days after the end date of the exchange visitor's Form IAP–66, the Agency believes that it is departing from the intent of the Fulbright-Hays Act and the immigration laws of the United States. Moreover, remaining in the United States more than thirty days beyond the end date on the exchange visitor's Form IAP–66 will pace the exchange visitor in jeopardy of violating laws and regulations enforced by the Service.

The Agency recognizes that some exchange visitors commit minor or technical infractions of the Exchange Visitor Program regulations through sheer inadvertence or excusable neglect. The Agency is of the view that these minor or technical regulations do not constitute a failure to maintain valid J–1 program status. Under this Interim Final Rule, such minor or technical infractions may be corrected by the responsible Officer and an application for reinstatement need not be submitted to the Agency. The Responsible Officer's correction of a minor or technical infraction returns the exchange visitor

to the *status quo ante*, i.e., it is as if the minor or technical infraction never occurred.

The Interim Final Rule provides examples of minor or technical infractions. Nevertheless, it is impossible to foresee and list all possible such infractions. Thus, the Interim Final Rule establishes several criteria to guide the Responsible Officer in determining whether the infraction is a minor or technical one. If there is any question in the mind of the Responsible Officer as to whether the infraction is a minor or a substantive one, the Interim Final Rule requires that the Responsible Officer apply to the Agency for reinstatement on behalf of the exchange visitor.

The Exchange Visitor Program regulations, which appear at 22 CFR Part 514, do not include a regulation or reinstatement to valid program status. On April 24, 1997, the Agency published a Statement of Policy on reinstatement which was to be followed until a formal rulemaking was promulgated. 62 FR 19925. The Interim Rule supersedes and replaces the April 24, 1997 Statement of Policy. The Interim Rule establishes two categories with respect to reinstatement for failure to maintain valid program status: (1) those cases wherein a substantive violation of the regulations has occurred and which require application to the Agency for reinstatement; and, (2) those cases in which reinstatement will not be granted under any circumstances. For those cases identified in item 1 above, exchange visitors must provide evidence that they have at all times continued, or maintained an intent to continue, their program objective.

(1) *Substantive violations or infractions of the regulations.* The Interim Final Rule lists two violations which the Agency considers to be substantive violations or infractions of the regulations. If the Responsible Officer determines that the violation does not fit within one of the two listed violations, then the violation is either a technical violation which can be addressed by the Responsible Officer on his or her own initiative, or it is one of the violations for which reinstatement cannot be obtained.

While this Interim Rule on reinstatement for substantive violations fairly tracks the April 24, 1997 Statement of Policy, two additional exceptions follow. The Interim Final Rule requires the Responsible Officer, on behalf of the exchange visitor, to carry the burden of persuasion by demonstrating that the exchange visitor failed to maintain valid program status for less than 120 calendar days beyond the end date on the Form IAP–66, was pursuing or maintained an intent to pursue his or her original program objective, and (1) that the violation of status resulted from circumstances beyond the control of the exchange visitor or from administrative oversight, inadvertence, or neglect on the part of the Responsible Officer or the exchange visitor *or* (2) that the failure to receive reinstatement to valid program status would result in an unusual hardship to the exchange visitor. The Agency considers an unusual hardship to be a hardship that would not normally be expected to result from a failure to obtain reinstatement. For example, if an exchange visitor fails to maintain valid program status and, if denied reinstatement, must pay for a return airline ticket to his or her home country, the level of hardship would not be considered unusual. By contrast, if an exchange visitor doctoral candidate is in the final semester of a seven-year degree program and fails to maintain valid program status, the Agency would consider it an unusual hardship to be denied the opportunity to complete the final semester and obtain the doctoral degree. (This rulemaking changes the April 25, 1997 Statement of Policy. The latter required that in all cases both tests be met and, in addition, required a showing of unwarranted hardship, as opposed to unusual hardship.)

In addition, if the failure to maintain valid program status was equal to or more than 120 calendar days duration, then the Responsible Officer, on behalf of the exchange visitor, must demonstrate to the Agency that *both* tests are met, i.e., (1) that the violation of status resulted from circumstances beyond the control of the exchange visitor or from administrative delay or oversight, inadvertence, or neglect on the part of the Responsible Officer or the exchange visitor, *and* (2) that the failure to receive reinstatement to program status would result in unusual hardship to the exchange visitor.

Pursuant to this Interim Final Rule, where there has been a substantive violation or infraction of the regulations, the agency will consider reinstating to valid program status a J–1 exchange visitor who makes a request for reinstatement through his or her Responsible Officer. In such cases, the Responsible Officer is to direct a letter to the Exchange Visitor Program Services office containing a declaration from the Responsible Officer together with information demonstrating that the exchange visitor is pursuing or has at all time maintained an intent to pursue the original exchange program activity for which the exchange visitor was admitted to the United States, along with documentary evidence supporting the declaration. The declaration should also explain (1) why and how the violation of program status resulted from circumstances beyond the control of the Responsible Officer or the exchange visitor or from administrative delay or oversight inadvertence, or neglect on the part of the Responsible Office or the exchange visitor, or (2) why and how failure to receive reinstatement to valid program status would result in unusual hardship to the exchange visitor. (As stated above, *both* test must be met if the exchange visitor failed to maintain valid program status for 120 or more calendar days.) The Agency expects the Responsible Officer to make reasonable inquiries to verify that the information supporting the application for reinstatement is true, particularly with respect to the declaration that the exchange visitor is pursuing or was at all times intending to pursue the original exchange program activity for which the exchange visitor was admitted to the United States.

The request for reinstatement also is to include copies of all of the exchange visitor's Forms IAP–66 issued to date and a new completed Form IAP–66, indicating in Block 3 the date for which reinstatement is sought (namely, the new program end date). The new Form IAP–66 submitted to the Agency is to include all copies, including the green copy for the exchange visitor. The Form IAP–66 is to be prepared in the same manner as is done for an Extension of Program (§ 514.43), Transfer of Program (§ 514.42), or Change of Category (§ 514.41). In addition to marking ''Extend an ongoing program,'' ''Transfer to a different program,'' or ''Begin a new program'' in the ''Purpose'' box located in the Form's upper right hand corner, also mark ''Reinstatement Request'' in the ''Purpose'' box. If the older ''E'' series Form IAP–66 is still being used, type in the words ''Reinstatement Request'' in the ''Purpose'' box.

If the Agency determines that reinstatement is warranted, Box 6 on the new Form IAP–66 will be stamped, dated, and signed by the Agency to indicate that reinstatement has been granted. The effective date of the reinstatement will be the date on which the application for reinstatement was received by the Agency.

The Agency has consulted with the Service with respect to the date on which reinstatements are to be made effective. The Agency had considered making the reinstatement effective nunc pro tunc, i.e., effective on the date on which the exchange visitor first failed to

maintain valid program status. However, the Service has raised concerns that the agency's nunc pro tunc reinstatement provisions may be inconsistent with the Service's forthcoming F–1 (Student) regulations. In order to ensure regulatory consistency, the Agency has decided to make its reinstatement regulation mirror the Service's with respect to the date on which reinstatement is effective. The exchange community has voiced concern that the Agency's failure to make reinstatement effective nunc pro tunc will create a time gap wherein the exchange visitor might be deemed to have failed to maintain valid nonimmigrant status for a period of time, thus triggering the ''unlawful presence'' sanctions provided in the Illegal Immigration Reform And Immigrant Responsibility Act of 1996 (IIRAIRA). However, based on the Service's current interpretation of ''unlawful presence'' of nonimmigrants admitted for ''duration of status'' (D/S), the Agency remains convinced that the ''gap'' will not result in any prejudice to the exchange visitor. Should the Service alter its interpretation of ''unlawful presence,'' the Agency will revisit this issue.

The new Form IAP–66 (minus the yellow copy) will be returned to the Responsible Officer. An Agency decision denying reinstatement is not appealable.

2. *Non-reinstatable violations.* The Interim Final Rule list six violations or other conditions which preclude reinstatement. These include instances: (1) when the exchange visitor willfully fails to maintain the health and accident insurance required under 22 CFR 514.14; (2) when the exchange visitor has engaged in employment not authorized by the Exchange Visitor Program's or the Service's regulations; (3) when the exchange visitor has been suspended or terminated from the most recent exchange visitor program; (4) when the exchange visitor has failed to maintain valid program status for more than 270 days; (5) when the exchange visitor has received a favorable recommendation from the Agency on an application of waiver of section 212(e) of the Immigration and Nationality Act (the two-year home residency requirement;) or, (6) when the exchange visitor has failed to pay the fee mandated by Public Law 104–208 (the ''CIPRIS'' fee). Note: The overwhelming majority of exchange visitors fall in the ''college and university student'' category. The Agency has decided on the 270-day outer limit, not because that number has any relevance to time periods set forth in the immigration laws. Rather, 270 days is the average length of an academic year, and it is the Agency's view that the failure to maintain valid program status for the equivalent of one academic year cannot arguably be considered to have been caused by circumstances beyond the control of the exchange visitor or by administrative delay or oversight, inadvertence or neglect. Moreover, the failure to maintain valid program status for more than 270 days presumptively demonstrates a failure to maintain an interest in continuing the exchange visitor's original program objective.

Comments

The Agency invites comments on this Interim Final Rule from all interested parties, notwithstanding the fact that it is under no legal obligation to do so. The oversight and administration of the Exchange Visitor Program are deemed to be foreign affairs functions of the United States Government. The Administrative Procedure Act, 5 U.S.C. 553(a)(1) (1989) specifically exempts foreign affairs functions from the rulemaking requirements of the Act.

The Agency will accept comments for 30 days following publication of this Interim Final Rule in the **Federal Register**. A final rule will be adopted upon Agency review of all comments received. Comments should be mailed to the address listed above.

In accordance with 5 U.S.C. 605(b), the Agency certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a significant regulatory action within the meaning of section 3(f) of Executive Order 12866, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

List of Subjects in 22 CFR Part 514

Cultural exchange programs.

Dated: August 6, 1999.

Les Jin,

General Counsel.

Accordingly, 22 CFR part 514 is amended as follows:

PART 514—EXCHANGE

1. The authority citation for part 514 continues to read as follows:

Authority: 8 U.S.C. 1101(A)(15)(J), 1182, 1184, 1258; 22 U.S.C. 1431–1442, 2451–2460; Reorganization Plan No. 2 of 1977, 3 CFR Comp. P. 200; E.O. 12048 of March 27, 1978, 3 CFR, 1978 Comp. P. 168.

2. Section 514.45 is added to read as follows:

§ 514.45 Reinstatement to valid program status.

(a) *Definitions.* For purpose of this section—

You means the Responsible Officer or Alternate Responsible Officer;

Exchange visitor means the person who enters the United States on a J visa in order to participate in an exchange program designated by the Director of the United States Information Agency.

Fails or failed maintain valid program status means the status of an exchange visitor who has completed, concluded, ceased, interrupted, graduated from, or otherwise terminated the exchange visitor's participation in the exchange program, or who remains in the United States beyond the end date on the exchange visitor's current Form IAP–66.

Unauthorized employment means any employment not properly authorized by you or by the Attorney General, i.e., the Immigration and Naturalization Service, prior to commencement of employment. Unauthorized employment does not include activities that are normally approvable, as described in paragraph (c)(3) of this section.

We, our, or us means the office of Exchange Visitor Program Services of the United States Information Agency.

(b) *Who is authorized to correct minor or technical infractions of the Exchange Visitor Program regulations?* (1) If the exchange visitor committed a technical or minor infraction of the regulations, you are authorized to correct the exchange visitor's records with respect to such technical or minor infractions of the regulations in this part. Your correction of such an infraction(s) returns the exchange visitor to the status quo ante, i.e., it is as if the infraction never occurred.

(2) You may only correct the exchange visitor's record with respect to a technical or minor infraction of the regulations in this part if the exchange visitor is pursuing or intending to pursue the exchange visitor's original program objective.

(3) You may not correct the exchange visitor's records with respect to a technical or minor infraction of the regulations in this part if the exchange visitor has willfully failed to maintain insurance coverage during the period for which the record is being corrected; if the exchange visitor has engaged in unauthorized employment during that period, as defined in paragraph (a) of this section, of if the exchange visitor was involuntarily suspended or terminated from his or her program during the period.

(4) If the exchange visitor has failed to maintain valid program status because of a substantive violation of the

regulations in this part, you must apply to us for reinstatement.

(c) *What violations or infractions of the regulations in this part do we consider to be technical or minor ones, and how do you correct the record?* We consider the following to be examples of technical or minor infractions which you are authorized to correct:

(1) Failure to extend the Form IAP–66 in a timely manner (i.e., prior to the end date on the current Form IAP–66) due to inadvertence or neglect on your part or on the part of the exchange visitor.

(2) Failure on the part of the exchange visitor to conclude a transfer of program prior to the end date on the current Form IAP–66 due to administrative delay or oversight, inadvertence or neglect on your part or on the part of the exchange visitor;

(3) Failure to receive your prior approval and/or an amended Form IAP–66 before accepting an honorarium or other type of payment for engaging in a normally approvable and appropriate activity. Example, a lecture, consultation, or other activity appropriate to the category which is provided by a professor, research scholar, short-term scholar or specialist without prior approval or an amended Form IAP–66 issued prior to the occurrence of the activity.

(4) You correct the record *status quo ante* by issuing a Form IAP–66 or by writing an authorization letter to reflect the continuity in the program or the permission to engage in the activity that a timely issued document would have reflected.

(i) Forms IAP–66 should be:

(A) Issued to show continued authorized stay without interruption;

(B) Marked in the ''purpose'' box with the appropriate purpose (i.e., extension, transfer, etc.) and with the additional notation of ''correct the record'' typed in;

(C) Dated as of the date the Form was actually executed; and,

(D) Submitted to the Agency in the same way as any other notification.

(ii) Letters or other authorization documents should be:

(A) Issued according to the regulations in this part appropriate to the category and the activity;

(B) Marked or annotated to show ''correct the record,''

(C) Dated as of the date the letter or document was actually executed; and,

(D) Attached to the exchange visitor's Form IAP–66 and/or retained in the sponsor's file as required by the regulations in this part for that particular type of letter or document.

(d) *How do you determine if an infraction, other than those examples listed above is a technical or minor infraction?* It is impossible to list every example of a technical or minor infraction. To guide you in making a determination, you are to examine the following criteria:

(1) Regardless of the reason, has the exchange visitor failed to maintain valid program status for more than 120 calendar days after the end date on the current Form IAP–66?

(2) Has the exchange visitor, by his or her actions, failed to maintain, at all relevant times, his or her original program objective?

(3) Has the exchange visitor willfully failed to comply with our insurance coverage requirements (§ 514.14)?

(4) Has the exchange visitor engaged in unauthorized employment, as that term is defined in paragraph (a) of this section?

(5) Has the exchange visitor category been involuntarily suspended or terminated from his or her program?

(6) Has an exchange visitor in the student category failed to maintain a full course of study (as defined in § 514.2) without prior consultation with you and the exchange visitor's academic advisor?

(7) Has the exchange visitor failed to pay the fee mandated by Public Law 104–208 (the ''CIPRIS'' fee)?

(8) If the answer to any of the above questions is ''yes,'' then the infraction is not a technical or minor one and you are not authorized to reinstate the exchange visitor to valid program status.

(e) *Which violations or infractions do we consider to be substantive ones requiring you to apply to us for reinstatement?* The following are substantive violations or infractions of the regulations in this part by the exchange visitor which require you to apply to us for reinstatement to valid program status:

(1) Failure to maintain valid program status for more than 120 days after the end date on the current Form IAP–66;

(2) If a student, failure to maintain a full course of study (as defined in § 514.2) without prior consultation with you and the exchange visitor's academic advisor.

(f) *Which, if any, violations of the regulations in this part or other conditions preclude reinstatement and will result in a denial if application is made?* We will not consider requests for reinstatement (nor should you) when an exchange visitor has:

(1) Knowingly or willfully failed to obtain or maintain the required health insurance (§ 514.14) at all times while in the United States;

(2) Engaged in unauthorized employment, as that term is defined in paragraph (a) of this section;

(3) Been suspended or terminated from the most recent exchange visitor program;

(4) Failed to maintain valid program status for more than 270 calendar days;

(5) Received a favorable recommendation from the Agency on an application for waiver of section 212(e) of the Immigration and Nationality Act [8 U.S.C. 1182(e)]; or,

(6) Failed to pay the fee mandated by Public Law 104–208 (the ''CIPRIS'' fee.)

(g) *What if you cannot determine which category (technical, substantive, or non-reinstatable) the violation or infraction falls within?* If you cannot determine which category the violation or condition falls within, then you must, on behalf of the exchange visitor, apply to us for reinstatement.

(h) *If you determine that the exchange visitor's violation of the regulations in this part is a substantive one, how do you apply for a reinstatement to valid program status?* (1) If you determine that the violation of the regulations in this part is a substantive one, and that the exchange visitor has failed to maintain valid program status for 120 days or less, you must apply to us for reinstatement of the exchange visitor to valid program status. Your application must include:

(i) All copies of the exchange visitor's Forms IAP–66 issued to date;

(ii) A new, completed Form IAP–66, showing in Block 3 the date of the period for which reinstatement is sought, i.e., the new program end date;

(iii) A copy of the receipt showing that the Public Law 104–208 fee has been paid; and,

(iv) A written statement (and documentary information supporting such statement):

(A) Declaring that the exchange visitor is pursuing or was at all times intending to pursue the original exchange visitor program activity for which the exchange visitor was admitted to the United States; and,

(B) Showing that the exchange visitor failed to maintain valid program status due to circumstances beyond the control of the exchange visitor, or from administrative delay or oversight, inadvertence, or excusable neglect on your part or the exchange visitor's part; or,

(C) Showing that it would be an unusual hardship to the exchange visitor if we do not grant the reinstatement to valid program status.

(2) If you determine that the violation of the regulations is a substantive one, and that the exchange visitor has failed to maintain valid program status for more than 120 days, then you must apply to us for reinstatement of the

exchange visitor to valid program status. Your application must include:

(i) Copies of all the exchange visitor's Forms IAP–66 issued to date;

(ii) A new, completed Form IAP–66, showing in Block 3 the date for which reinstatement is sought, i.e., the new program end date;

(iii) A copy of the receipt showing that the Pub. L. 104–208 fee has been paid; and,

(iv) A written statement (together with documentary evidence supporting such statement):

(A) Declaring that the exchange visitor is pursuing or was at all times intending to pursue the exchange visitor program activity for which the exchange visitor was admitted to the United States; and,

(B) Showing that the exchange visitor failed to maintain valid program status due to circumstances beyond the control of the exchange visitor, or from administrative delay or oversight, inadvertence, or excusable neglect on your part or the exchange visitor's part; and,

(C) Showing that it would be an unusual hardship to the exchange visitor if we do not grant the reinstatement to valid program status.

(i) *How will we notify you of our decision on your request for reinstatement?* (1) If we deny your request for reinstatement, we will notify you by letter.

(2) If we approve your request for reinstatement, we will notify you:

(i) By stamping Box 6 on the new Form IAP–66 to show that reinstatement was granted, effective as of the date on which the application for reinstatement was received by the Exchange Visitor Program Services office; and

(ii) By returning the new Form IAP–66 for the exchange visitor.

(j) *How long will it take us to act on your request for reinstatement?* We will act on your request for reinstatement within forty-five days from the date on which we receive the request *and* supporting documentation.

(k) *Are you required to notify us each time that you correct a record?* No special notification is necessary. Submission of the notification copy of Form IAP–66 to the Agency serves as notice that a record has been corrected. Following the regulations in this part in issuing a letter or document serves as correction in the sponsor's file for those items not normally sent to the Agency under existing notification procedures.

[FR Doc. 99–20783 Filed 8–12–99; 8:45 am]

BILLING CODE 8230–01–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

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

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in September, 1999. Interest assumptions are also published on the PBGC's web site (http://www.pbgc.gov).

EFFECTIVE DATE: September 1, 1999.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

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

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

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during September 1999.

For annuity benefits, the interest assumptions will be 6.30 percent for the first 20 years following the valuation date and 5.25 percent thereafter. The annuity interest assumptions are unchanged from those in effect for August 1999. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 5.00 percent for the period during which a benefit is in pay status, 4.25 percent during the seven-year period directly preceding the benefit's placement in pay status, and 4.00 percent during any other years preceding the benefit's placement in pay status. The lump sum interest assumptions are unchanged from those in effect for August 1999.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans with valuation dates during September 1999, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

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

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

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

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

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

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

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

2. In appendix B, a new entry is added to Table I, and Rate Set 71 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

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

TABLE I.—ANNUITY VALUATIONS

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

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*	*		*
September 1999	.0630	1–20	.0525	>20	N/A	N/A

TABLE II.—LUMP SUM VALUATIONS

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in< pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1 < y < n_1 > n_2$), interest rate i_2 shall apply from the valuation date for a period of $y < n_1 > n_2$) years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y–n_{1K–n2}$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*		*
71	09–1–99	10–1–99	5.00	4.25	4.00	4.00	7	8

Issued in Washington, DC, on this 6th day of August, 1999.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 99–20927 Filed 8–12–99; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–010]

RIN 2115–AE47

Drawbridge Operation Regulations: Shrewsbury River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: The Coast Guard is changing the drawbridge operation regulations governing the Route 36 Bridge, mile 1.8, across the Shrewsbury River at Highlands, New Jersey. This final rule requires the drawbridge need open only at a quarter before and a quarter after the hour, May 15 through October 15, 7 a.m. to 8 p.m. This change is necessary to help alleviate vehicular traffic congestion caused by frequent bridge openings. This final rule is expected to relieve traffic congestion, synchronize the opening times of the two moveable bridges on the waterway, and still meet the reasonable needs of navigation.

DATES: This final rule is effective September 13, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Regulatory History

On May 25, 1999, the Coast Guard published a notice of proposed rulemaking entitled Drawbridge Operation Regulations; Shrewsbury River, New Jersey, in the Federal Register (64 FR 28126). The Coast Guard received one letter commenting on the notice of proposed rulemaking. No public hearing was requested and none was held.

Background

The Route 36 Bridge, at mile 1.8, at Highlands, new Jersey, across the Shrewsbury River, has a vertical clearance of 35 feet at mean high water and 39 feet at mean low water.

The existing operating regulations for the Rt-36 Bridge, listed at 33 CFR 117.755(a), require the bridge to open on signal; except that, from Memorial Day through Labor Day on Saturdays, Sundays, and holidays, from 10 a.m. to 7 p.m., the draw need be opened only on the hour and half hour.

The bridge owner, the New Jersey Department of Transportation (NJDOT) asked the Coast Guard to change the operating regulations for the Route 36 Bridge to help alleviate vehicular traffic caused by bridge openings during the summer months. The Coast Guard published a notice of proposed rulemaking on May 25, 1999, which proposed that the Route 36 Bridge open on signal, except that, from May 15 through October 15, 7 a.m. to 8 p.m., the draw need open only on the hour and half hour.

The Coast Guard received one comment letter in response to the notice of proposed rulemaking suggesting that the Coast Guard synchronize the opening times for the Route 36 Bridge and the Monmouth County highway

bridge at mile 4.0, at Sea Bright, New Jersey, both across the Shrewsbury River. The synchronizing of the opening schedules at the bridges will allow vessels to transit through the bridges with minimum delay.

The bridge opening log data for the years 1995–1997 published by the Coast Guard in the notice of proposed rulemaking was incorrect. The correct opening log data is included in this final rule along with the addition of 1998 opening log data. The correct opening log data also supports the need to change the operating regulations for the Route 36 Bridge during the time period the bridge owner has requested.

The Route 36 Bridge opening data, May through October, for 1995, 1996, 1997, 1998, indicates the following number of openings: May, 186, 151, 149 and 146; June, 239, 384, 247 and 211; July, 398, 323, 302 and 327; August, 342, 488, 311 and 241; September, 280, 280, 199 and 228; October, 190, 298, 158 and 140, respectively.

The bridge owner originally requested that the Route 36 Bridge open on signal on the hour and half hour, 7 a.m. to 10 p.m., May 15 through October 15. The traffic counts indicated the hours 7 a.m. to 8 p.m. were the hours each day that most vehicles passed over the bridge. The vehicular traffic counts did not support the need to limit bridge openings during the 8 p.m. to 10 p.m. time period.

Discussion of Comments and Changes

The Coast Guard received one letter in response to the notice of proposed rulemaking. The Coast Guard has changed this final rule as a result of the comment letter received. The opening schedule published in the notice of proposed rulemaking required the Route 36 Bridge to need open only on the hour and half-hour. The Coast Guard, as a result of the comment received, has changed the opening schedule to require the Route 36 Bridge need open only at a quarter before the hour and a quarter after the hour. This change will synchronize the opening schedules for the two moveable bridges on the Shrewsbury River and will allow vessels to transit through the bridges with minimum delay.

The existing regulations refer to the Route 36 Bridge as the S36 Bridge. The reference to S36 Bridge in the regulations will be changed in this final rule to the Route 36 Bridge because it is a more recognizable description. The language requiring clearance gages for the Monmouth County Bridge listed at § 117.755(b) will be changed in this final rule to reference specifications listed under § 118.160 of this chapter. The notice of proposed rulemaking proposed to change the clearance gage requirements for the Route 36 Bridge only. This final rule will change the clearance gage requirements for both bridges.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that the bridge will open for vessel traffic two times an hour and the mariners will still be able to transit the waterway provided they schedule their transits in accordance with the operating schedule of the bridge.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations less than 50,000. Therefore, for reasons discussed in the Regulatory Evaluation section above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that, under Section 2.B.2., Figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this final rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.755 is revised to read as follows:

§ 117.755 Shrewsbury River.

(a) The Route 36 Bridge, mile 1.8, at Highlands, New Jersey, shall open on signal, except that, from May 15 through October 15, 7 a.m. to 8 p.m., the draw need open only at a quarter before the hour and a quarter after the hour. The owners of the bridge shall provide and keep in good legible condition, two clearance gauges, with figures not less than eight inches high, designed, installed and maintained according to the provisions of § 118.160 of this chapter.

(b) The draw of the Monmouth County highway bridge, mile 4.0, at Sea Bright, shall open on signal; except that, from May 15 through September 30, on Saturdays, Sundays, and holidays, from 9 a.m. to 7 p.m., the draw need open only on the hour and half hour. The draw need not be opened at any time for a sailboat, unless it is under auxiliary power or is towed by a powered vessel. The owners of the bridge shall keep in good legible condition two clearance gages, with figures not less than eight inches high, designed, installed and maintained according to the provisions of § 118.160 of this chapter.

Dated: August 2, 1999.

R. M. Larrabee,

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

[FR Doc. 99–20955 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–125]

Drawbridge Operation Regulations: Thames River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Amtrak Bridge, mile 3.0, across the Thames River in New London, Connecticut. This deviation from the regulations allows the bridge owner to require a two-hour advance notice for opening, Sunday through Thursday, 10 p.m. to 5 a.m., August 2, 1999, through September 30, 1999. This action is necessary to facilitate electrical modifications at the bridge.

DATES: This deviation is effective from August 2, 1999, through September 30, 1999.

FOR FURTHER INFORMATION CONTACT: Joe Schmied, Project Officer, First Coast Guard District, at (212) 668–7165.

SUPPLEMENTARY INFORMATION: The Amtrak Bridge, mile 3.0, across the Thames River in New London, Connecticut, has a vertical clearance of 30 feet at mean high water, and 33 feet at mean low water in the closed position. The bridge owner, National Railroad Passenger Corporation (Amtrak), requested a temporary deviation from the operating regulations to facilitate electrical modifications at the bridge. This deviation to the operating regulations allows the bridge owner to require a two-hour advance notice for bridge openings for the Amtrak Bridge, mile 3.0, across the Thames River in New London, Connecticut. This deviation will be in effect from Sunday through Thursday, 10 p.m. to 5 a.m., August 2, 1999, through September 30, 1999. Requests for bridge openings can be made by calling (860) 395–2355 or on marine radio channel 13 VHF/FM. Mariners requiring an emergency opening are advised to call Amtrak's Chief Dispatcher at (617) 345–7569. Vessels that can pass under the bridge without an opening may do so at all times during the closed periods.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: July 23, 1999.

R. M. Larrabee,

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

[FR Doc. 99–20958 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN44–02–7269a; FRL–6414–9]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: We are approving a supplemental revision to the Minnesota State Implementation Plan (SIP) for the Saint Paul particulate matter (PM) nonattainment area, located in Ramsey County, Minnesota. The Minnesota Pollution Control Agency (MPCA) submitted the supplemental SIP for the purpose of maintaining the attainment of the PM National Ambient Air Quality Standards (NAAQS) and is in response to our July 22, 1997 conditional approval (62 FR 39120), of the State's February 9, 1996 SIP revision for Red Rock Road. We are also taking action to revoke the Administrative Order for the Lafarge Corporation that we had approved into the SIP in our July 22, 1997 conditional approval. We are providing the rationale for the approval and other information in this notice.

DATES: This action is effective on October 12, 1999 without further notice, unless EPA receives relevant adverse comments by September 13, 1999. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the documents relevant to this action are available for inspection during normal business hours at the above address. (Please telephone Christos Panos at (312) 353–8328, before visiting the Region 5 office.)

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Programs Branch (AR–18J), Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328.

SUPPLEMENTARY INFORMATION:

We have organized this Supplementary Information section as follows:

A. What Action Is EPA Taking Today?
B. Why Was this SIP Revision Needed?
C. Why Can We Approve this Request?
D. What Is the Background for this Rulemaking?

A. What Action Is EPA Taking Today?

We are approving MPCA's July 22, 1998 request for a revision to the Minnesota PM SIP. Specifically, we are approving the following: (A) the Title I (non-expiring) conditions of Minnesota Air Emission Permit No. 12300353–001, issued to Lafarge Corporation—Red Rock Terminal on April 14, 1998; (B) a modeled attainment demonstration for the Red Rock Road PM nonattainment area in Ramsey County, Minnesota; and (C) a request that we withdraw from the SIP the February 2, 1996 Administrative Order for Lafarge's Red Rock Road facility.

B. Why Was This SIP Revision Needed?

In response to monitored exceedances of the 24-hour PM NAAQS between 1992 and 1995, on February 9, 1996 the State submitted a SIP revision with emission limits and/or control measures for certain facilities located in the Red Rock Road area in order to bring the area into modeled attainment. Two of these facilities were required to commit to control measures to reduce their PM emissions and the third facility was required to either quantify their PM emissions to show that they can meet the NAAQS, or commit to control measures to reduce their PM emissions. The MPCA put these requirements into Administrative Orders (dated February 2, 1996) for St. Paul Terminals, Inc., AMG Resources Corporation and Lafarge Corporation.

We agreed that the February 9, 1996 submittal would more than satisfy the nonattainment area requirements. However, the attainment demonstration submitted with the Red Rock Road SIP revision was not fully approvable because specific emission limits for

Lafarge Corporation were not known due to the installation of new control equipment at the facility. Given this, and the State's need to further analyze other sources outside of the 2 kilometer area but within 4 kilometers from the ambient monitor, we approved the SIP submittal on July 22, 1997 at 62 FR 39120, conditioned upon the receipt of an approvable attainment demonstration and revised administrative orders incorporating the required information and changes. We also stated that an additional modeling analysis would need to be submitted by the State. Additional information regarding the details of our conditional approval is available in the July 22, 1997 **Federal Register** document and our June 6, 1997 Technical Support Document (TSD).

C. Why Can We Approve This Request?

We are approving the current SIP submittal as a Direct Final **Federal Register** document because the State has met the conditions set forth in our July 22, 1997 conditional approval of a February 9, 1996 SIP revision for Ramsey County, Minnesota. As detailed in our May 26, 1999 TSD, the attainment demonstration for the Red Rock Road portion of the Ramsey County PM nonattainment area is now fully approvable. In addition, we are withdrawing, at the State's request, the Administrative Order issued to Lafarge Corporation on February 2, 1996 from the SIP and are replacing it with the Title I SIP requirements found in the April 14, 1998 operating permit issued to Lafarge Corporation.

D. What Is the Background for This Rulemaking?

A portion of the St. Paul area was designated nonattainment for PM upon enactment of the Clean Air Act Amendments of 1990. The State submitted SIP revisions intended to satisfy the PM attainment demonstration requirements of the Act in 1991, 1992, and 1993. The enforceable element of the State's submittals were administrative orders for nine facilities in the St. Paul area. The EPA took final action on February 15, 1994 at 59 FR 7218, to approve Minnesota's submittals as satisfying the applicable requirements for the St. Paul PM nonattainment area.

However, an ambient monitor located on Red Rock Road monitored five exceedances of the 24-hour PM NAAQS between 1992 and 1995. The State determined that the exceedances were attributable to shifts and increases in local source activity (such as traffic newly occurring on unpaved surfaces) which had occurred since development of the prior plan, and not to any deficiencies in the prior plan. Based upon analysis of the monitoring conditions, it was determined that three companies located in the Red Rock Road area were significant contributors to the most recent monitored exceedances. On February 9, 1996 the State submitted a SIP revision with emission limits and/or control measures for these facilities in order to bring the area into modeled attainment. Two of these facilities were required to commit to control measures to reduce their PM emissions and the third facility was required to either quantify their PM emissions to show that they can meet the NAAQS, or commit to control measures to reduce their PM emissions. The MPCA put these requirements into Administrative Orders (dated February 2, 1996) for St. Paul Terminals, Inc., AMG Resources Corporation and Lafarge Corporation.

EPA Action

In this rulemaking action, EPA approves the Title I (non-expiring) conditions of Minnesota Air Emission Permit No. 12300353–001, issued to Lafarge Corporation—Red Rock Terminal on April 14, 1998 and the modeled attainment demonstration for the Red Rock Road PM nonattainment area in Ramsey County, Minnesota. In addition, EPA withdraws from the SIP the February 2, 1996 Administrative Order for Lafarge's Red Rock Road facility. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve the State Plan should relevant adverse comments be filed. This rule will be effective October 12, 1999 without further notice unless relevant adverse comments are received by September 13, 1999. If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. The EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective October 12, 1999.

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

Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is

preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 600 et seq., generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that this action will not have a significant impact on small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the EPA from basing its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410(a)(2).

F. Unfunded Mandates

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

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

G. 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, 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 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major'' rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 12, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 22, 1999.

Jerri-Anne Garl,

Acting Regional Administrator, Region 5.

Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 42 U.S.C. 7401–7671q.

2. Section 52.1220 is amended by adding paragraph (c)(50) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(50) On July 22, 1998 the State of Minnesota submitted a supplemental SIP revision for the control of particulate matter emissions from certain sources located along Red Rock Road, within the boundaries of Ramsey County. This supplemental SIP revision is in response to EPA's July 22, 1997 conditional approval (62 FR 39120), of a February 9, 1996 SIP revision for Red Rock Road. In addition, the previously approved administrative order for Lafarge Corporation (dated February 2, 1996) is revoked.

(i) Incorporation by reference.

(A) Air Emission Permit No. 12300353–001, issued by the MPCA to Lafarge Corporation—Red Rock Terminal on April 14, 1998, Title I conditions only.

(B) Revocation of Findings and Order, dated and effective July 21, 1998, to

Findings and Order issued to Lafarge Corporation on February 2, 1996.

(ii) Additional material.

(A) Letter submitting vendor certifications of performance for the pollution control equipment at Lafarge Corporation's facility on Red Rock Road in St. Paul, Minnesota, dated May 4, 1998, from Arthur C. Granfield, Regional Environmental Manager for Lafarge Corporation, to Michael J. Sandusky, MPCA Air Quality Division Manager.

(B) Letter submitting operating ranges for the pollution control equipment at Lafarge Corporation's facility on Red Rock Road in St. Paul, Minnesota, dated July 13, 1998, from Arthur C. Granfield, Regional Environmental Manager for Lafarge Corporation, to Michael J. Sandusky, MPCA Air Quality Division Manager.

[FR Doc. 99–20547 Filed 8–12–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 207–156; FRL–6409–4]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on May 4, 1999. The revisions concern rules from the South Coast Air Quality Management District (SCAQMD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from solvent cleaning and motor vehicle refinish coating operations. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on September 13, 1999.

ADDRESSES: Copies of the revised rules and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted revised rules are available for inspection at the following locations:

Rulemaking Office (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, SW, Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812

South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, CA 91765

FOR FURTHER INFORMATION CONTACT: Andrew Steckel, Rulemaking Office, (AIR–4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1185.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: SCAQMD Rules 1151—Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations, and Rule 1171—Solvent Cleaning Operations. These rules were submitted by the California Air Resources Board (CARB) to EPA on March 10, 1998.

II. Background

On May 4, 1999 in 64 FR 23813, EPA proposed to approve the following rules into the California SIP: SCAQMD's Rule 1151—Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations and SCAQMD's Rule 1171—Solvent Cleaning Operations. Rule 1151 and 1171 were amended by SCAQMD on June 13, 1997. Both rules were submitted by CARB to EPA on March 10, 1998. These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the NPRM cited above.

EPA has evaluated the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM(s) cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 64 FR 23774 and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated July 1998, SCAQMD's Rules 1171 and 1151).

III. Response to Public Comments

A 30-day public comment period was provided in 64 FR 23774. EPA received a comment from EPI Research (EPIR) regarding Rule 1171. EPIR commented that they did not have accurate information from SCAQMD during the rule making process and that lowered VOC and/or vapor pressure limits of cleaning solvents would be difficult, if not impossible to meet, or were not commercially available. For this reason EPIR requested that EPA withhold approval of SCAQMD's Rule 1171 into the California SIP. EPA has evaluated the information submitted by California regarding Rule 1171 and determined that it fulfills the procedural requirements of 40 CFR 51, Appendix V, including the requirements of 2.1(f) public notice, (g) public hearing, and (h) compilation of public comments and responses. Furthermore, under CAA section 110(a)(2), EPA may not consider the economic or technological feasibility of the provisions of the SCAQMD rule in approval of the SIP revision. *Union Electric* v. *EPA*, 427 U.S. 246, 265–266 (1976). As noted by the Supreme Court, it is the province of the State or local authorities to determine whether or not to impose more stringent limits that may require technology forcing. EPA must assess the SIP revision on the basis of factors set forth in CAA section 110(a)(2) which include reasonable notice and public hearings in the adoption process, but does not provide for the disapproval of a rule in a SIP based upon economic or technological infeasibility. For these reasons the comments submitted do not affect the incorporation of SCAQMD's Rule 1171 into the California SIP.

IV. EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in

accordance with the requirements of the CAA.

V. Administrative Requirements

A. Executive Orders 12866 and 13045

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

The final rule is not subject to E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under E.O. 12866.

B. Regulatory Flexibility Act

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

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

C. Unfunded Mandates

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

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

D. Submission to Congress and the General Accounting Office

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. EPA 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 October 12, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: July 19, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart F—California

2. Section 52.220 is amended by adding paragraph (c) (254)(i)(D)(*2*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(254) * * *

(i) * * *

(D) * * *

(*2*) Rule 1151, adopted on July 8, 1988 and amended on June 13, 1997, and Rule 1171, adopted on August 2, 1991 and amended on June 13, 1997.

* * * * *

[FR Doc. 99–21011 Filed 8–12–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6417–8]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Davis Glocester-Smithfield Regional (GSR) Landfill site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region I announces the deletion of the Davis GSR Landfill site from the National Priorities List (NPL). The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Rhode Island have determined that the Site poses no significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: August 13, 1999.

FOR FURTHER INFORMATION CONTACT: Anna Krasko, Remedial Project Manager, U.S. EPA Region I, 1 Congress Street, Suite 1100 (HBO), Boston, MA 02114–2023, (617) 918–1232 or Matthew DeStefano, Project Manager, Rhode Island Department of Environmental Management, 235 Promenade Street, Providence, RI 02908–5767, (401) 222–2797.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Davis Glocester-Smithfield Regional (GSR) Landfill site, Glocester/Smithfield, Rhode Island.

A Notice of Intent to delete for this site was published on June 17, 1999 (64 FR 32466). The closing date for comments on the Notice of Intent to Delete was July 19, 1999. EPA received comments from Town of Glocester Town Council, response to which is provided in a Responsiveness Summary included in a public docket which is located at EPA's Region 1 Records Center in Boston, MA (phone 617–918–1440) and at E. Smithfield Public Library, 50 Esmond Street, N. Smithfield, RI (phone 401–231–5150).

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of the Hazardous Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-Financed remedial actions in the unlikely event that conditions at the site warrant such action. 40 CFR 300.425(e)(3) of the NCP states that Fund-Financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p. 351; E.O. 12580, 52 FR 2923; 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the site ''Davis (GSR) Landfill, Glocester, Rhode Island.''

Dated: July 23, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99–20706 Filed 8–12–99; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 64, No. 156
Friday, August 13, 1999

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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Domestic Licensing of Production Utilization Facilities; Risk-Informed Revisions, Option 3 (SECY–98–300)

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public workshop.

SUMMARY: The Nuclear Regulatory Commission has instructed the staff to pursue a study to explore changes to the body of the part 50 regulations, to incorporate risk-informed attributes which is Option 3 in Secy–98–300. This study will result in recommendations to the Commission on any specific regulatory changes that should be pursued, and the corresponding schedules and resource needs. The staff intends to conduct a workshop to solicit information related to these changes.

DATES: The workshop will be held on September 15, 1999.

ADDRESSES: The workshop will be held at the Doubletree Hotel, 1750 Rockville, Pike, Rockville, Maryland 20852. Telephone No. 301–468–1100.

FOR FURTHER INFORMATION CONTACT: Mary Drouin, Office of Nuclear Regulatory Research, MS: T10–E50, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, (301) 415–6675 email: mxd@nrc.gov.

SUPPLEMENTARY INFORMATION: Listed below are example topics on which discussion and feedback are sought from the public at the workshop:

1. Which regulations of 10 CFR Part 50 are candidates for risk-informed revisions; what are the bases for choosing these candidates; and what are the proposed changes to these candidate regulations?

For example:

- Requirements result in unnecessary regulatory burden
- Additional requirements needed
- Requirements not commensurate with safety significance
- Risk-significant SSCs not covered by regulation

2. Are the problems with the regulations themselves or with their implementation (e.g., regulatory guides, standard review plans, branch technical positions)?

3. Are any of the regulations inconsistent or contradictory with other regulations? If so, where and which ones?

4. Is the current set of design basis accidents appropriate, are any modifications needed? If so, what are the needed modifications?

5. Are the principles stated in RG 1.174 appropriate in developing risk-informed revisions to Part 50?

6. What level of risk should be the basis for risk-informed regulatory change?

7. What should be the risk metrics and criteria?

Reference material (available for inspection and copying for a fee at the NRC Public Document Room, 2120 L Street NW (Lower Level), Washington DC 20555–0001; a free single copy of each document, to the extent of supply, may be requested by writing to Distribution Series, Printing and Mail Services, Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001) includes:

- SECY–98–300, ''Options for Risk-Informed Revisions to 10 CFR part 50—''Domestic Licensing of Production and Utilization Facilities,'' December 23, 1998.
- ''Staff Requirements—SECY–98–300-Options for Risk-Informed Revisions to 10 CFR part 50—'Domestic Licensing of Production and Utilization Facilities','' June 8, 1999.
- RG 1.174
- 10 CFR part 50

Workshop Meeting Information:

The Commission intends to conduct a workshop to solicit information related to the risk-informed revisions to 10 CFR part 50 (Option 3). Persons other than NRC staff and NRC contractors interested in making a presentation at the workshop should notify Mary Drouin, Office of Nuclear Regulatory Research, MS: T10-E50, U.S. Nuclear Regulatory Commission, Washington DC, 20555–0001, (301) 415–6675, email: mxd@nrc.gov

Date: September 15, 1999

Agenda: Preliminary agenda is as follows (a final agenda will be available at the workshop):

7:45 am to 8:00 am Introduction, opening remarks
8:00 am to 9:15 am NRC Presentation on Risk-Informed Part 50 Study:
—Purpose
—Approach
—Status of Activities
—Plans
9:15 am to 9:30 am BREAK
9:30 am to 11:30 am Industry Presentations
11:30 am to 12:45 pm LUNCH
12:45 pm to 2:15 pm General Discussion of Issues/Topics
2:15 pm to 2:30 pm BREAK
2:30 pm to 4:15 pm General Discussion of Issues/Topics
4:15 pm to 4:45 pm Wrapup

Location: Doubletree Hotel, 1750 Rockville Pike Rockville Maryland 20852 (301) 468–1100

Registration: No registration fee for workshop; however, notification of attendance is requested so that adequate space, etc. for the workshop can be arranged. Notification of attendance should be directed to Mary Drouin, Office of Nuclear Regulatory Research, MS: T10–E50, U.S. Nuclear Regulatory Commission, Washington DC, 20555–0001, (301) 415–6675, email: mxd@nrc.gov

Dated this 3rd day of August 1999.

For the Nuclear Regulatory Commission.

Thomas L. King,

Division of Risk Analysis and Applications, Office of Nuclear Regulatory Research.

[FR Doc. 99–21052 Filed 8–12–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–54–AD]

RIN 2120–AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–12 and PC–12/45 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive

(AD) that would apply to certain Pilatus Aircraft Ltd. (Pilatus) Models PC–12 and PC–12/45 airplanes. The proposed AD would require modifying the flap inboard attachment fittings through the installation of a reinforcement angle bracket on the inside of the center web of both flap inner attachment fittings. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by the proposed AD are intended to prevent the potential of the inboard flap attachment fittings buckling while operating at full flaps with full power into a head-on wind gust, which could result in loss of control of the airplane.

DATES: Comments must be received on or before September 13, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–54–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 610 33 51. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 99–CE–54–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–54–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified the FAA that an unsafe condition may exist on certain Pilatus Models PC–12 and PC–12/45 airplanes. The FOCA of Switzerland reports that static testing shows that insufficient safety margins could occur in certain situations. Operating the airplane at full flaps (at the maximum allowable aircraft speed) with full power into a head-on wind gust could result in the inboard flap attachment fittings buckling.

This condition, if not corrected, could result in loss of control of the airplane.

Relevant Service Information

Pilatus has issued Service Bulletin No. 57–004, dated June 11, 1999, which specifies procedures for modifying the flap inboard attachment fittings through the installation of a reinforcement angle bracket on the inside of the center web of both flap inner attachment fittings.

The FOCA of Switzerland classified this service bulletin as mandatory and issued Swiss AD HB 99–353, dated July 12, 1999, in order to assure the continued airworthiness of these airplanes in Switzerland.

The FAA's Determination

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

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

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Pilatus PC–12 and PC–12/45 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require modifying the flap inboard attachment fittings through the installation of a reinforcement angle bracket on the inside of the center web of both flap inner attachment fittings. Accomplishment of the proposed action would be required in accordance with Pilatus Service Bulletin No. 57–004, dated June 11, 1999.

Cost Impact

The FAA estimates that 77 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 5 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts will be provided by the manufacturer at no cost to the owners/operators of the affected airplanes. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $23,100, or $300 per airplane.

Regulatory Impact

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory

Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pilatus Aircraft Ltd.: Docket No. 99–CE–54–AD.

Applicability: Models PC–12 and PC–12/45 airplanes, manufacturer serial number (MSN) 101 through MSN 300, certificated in any category.

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

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

To prevent the potential for the inboard flap attachment fittings buckling while operating at full flaps with full power into a head-on wind gust, which could result in loss of control of the airplane, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, modify the flap inboard attachment fittings by installing a reinforcement angle bracket on the inside of the center web of both flap inner attachment fittings (Modification Kit Number 500.50.12.199). Accomplish this modification in accordance with the Accomplishment Instructions section of Pilatus Service Bulletin No. 57–004, dated June 11, 1999.

(b) As of the effective date of this AD, no person may install on any of the affected airplanes, flap inboard attachment fittings that do not have Modification Kit Number 500.50.12.199 incorporated.

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

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(e) Questions or technical information related to Pilatus Service Bulletin No: 57–004, dated June 11, 1999, should be directed to Pilatus Aircraft Ltd., Customer Liaison Manager, CH–6371 Stans, Switzerland; telephone: +41 41 619 63 19; facsimile: +41 41 610 33 51. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in Swiss AD HB 99–353, dated July 12, 1999.

Issued in Kansas City, Missouri, on August 6, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–21017 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–14]

Proposed Establishment of Class E Airspace; St. Helena, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish a Class E airspace area at St. Helena, CA. The establishment of a Special Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) Copter 293 Point In Space approach serving St. Helena Fire Department Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain helicopters executing the Special Copter GPS 293 Point In Space approach to St. Helena Fire Department Heliport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at St. Helena Fire Department Heliport, St. Helena, CA.

DATES: Comments must be received on or before September 16, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 99–AWP–14, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261.

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

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

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket 99–AWP–14.'' The postcard will be date/time stamped and returned to the commenter. All communications

received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, CA 90261. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 by establishing a Class E airspace area at St. Helena, CA. The establishment of a Special Copter GPS 293 Point In Space approach at St. Helena Fire Department Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain helicopters executing the Special Copter GPS 293 Point In Space approach to the St. Helena Fire Department Hospital Heliport. The intended effect of this proposal is to provide adequate controlled airspace for rotorcraft executing the Special Copter GPS 293 Point In Space approach to the St. Helena Fire Department Heliport, St. Helena, CA. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

* * * * *

AWP CA E5 ST Helena, CA [New]

ST Helena Fire Department Heliport
Point In Space Coordinates
(Lat. 38°32′21″N, long. 122°29′35″W)

That airspace extending upward from 700 feet above the surface and within a 7-mile radius of a Point In Space serving the ST Helena Fire Department Heliport.

* * * * *

Issued in Los Angeles, California, on August 2, 1999.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–21027 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–15]

Proposed Establishment of Class E Airspace; Clearlake, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish a Class E airspace area at Clearlake, CA. The establishment of a Special Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) Copter 321 Point In Space approach serving Redbud Community Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain helicopters executing the Special Copter GPS 321 Point In Space approach to Redbud Community Hospital Heliport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Redbud Community Hospital Heliport, Clearlake, CA.

DATES: Comments must be received on or before September 16, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 99–AWP–15, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261.

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

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

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views,

or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AWP–15.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, CA 90261. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 by establishing a Class E airspace area at Clearlake, CA. The establishment of a Special Copter GPS 321 Point In Space approach at Redbud Community Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain helicopters executing the Special Copter GPS 321 Point In Space approach to the Redbud Community Hospital Heliport. The intended effect of this proposal is to provide adequate controlled airspace for helicopters executing the Special Copter GPS 321 Point In Space approach to the Redbud Community Hospital Heliport, Clearlake, CA. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

* * * * *

AWP CA E5 Clearlake, CA [New]

Redbud Community Hospital Heliport
Point In Space Coordinates
(Lat. 38°55′01″N, long. 122°36′42″W)

That airspace extending upward from 700 feet above the surface and within a 6-mile radius of a Point In Space serving the Redbud Community Hospital Heliport.

* * * * *

Issued in Los Angeles, California, on August 2, 1999.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–21026 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–12]

Proposed Establishment of Class E Airspace; Fort Bragg, CA

AGENCY: Federal Aviation Administration (FAA, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish a Class E airspace area at Fort Bragg, CA. The establishment of a Special Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) Copter 158 Point In Space Approach serving Mendocino Coast District Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain helicopters executing the Special Copter GPS 158 Point In Space approach to Mendocino Coast District Hospital Heliport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Mendocino Coast District Hospital Heliport, Fort Bragg, CA.

DATES: Comments must be received on or before September 16, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 99–AWP–12, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261.

The official docket may be examined in the Office of the Regional Counsel,

Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, CA 90261.

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

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with the comments self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AWP–12.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, CA 90261. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 by establishing a Class E airspace area at Fort Bragg, CA. The establishment of a Special Copter GPS 158 Point In Space approach at Mendocino Coast District Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain rotorcraft executing the Special Copter GPS 158 Point In Space approach to the Mendocino Coast District Hospital Heliport. The intended effect of this proposal is to provide adequate controlled airspace for rotorcraft executing the Special Copter GPS 158 Helicopter Point In Space approach to the Mendocino Coast District Hospital Heliport, Fort Bragg, CA. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

* * * * *

AWP CA E5 Fort Bragg, CA [New]

Medocino Coast District Hospital Heliport
Point In Space Coordinates
(Lat. 39°26′34″ N, long. 123°48′04″ W)

That airspace extending upward from 700 feet above the surface and within a 6-mile radius of the Point In Space serving the Medocino Coast District Hospital Heliport.

* * * * *

Issued in Los Angeles, California, on August 2, 1999.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–21025 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–17]

Proposed Establishment of Class E Airspace; Napa, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposed to establish a Class E airspace area at Napa, CA. The establishment of a Special Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) Copter 050 Point In Space approach serving Queen of the Valley Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward

from 700 feet or more above the surface of the earth is needed to contain helicopters executing the Special Copter GPS 050 Point In Space approach to Queen of the Valley Hospital Heliport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Queen of the Valley Hospital Heliport, Napa, CA.

DATES: Comments must be received on or before September 16, 1999.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 99–AWP–17, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261.

The official docket may be examined in the Office of the Regional Counsel, Western-Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, CA 90261

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

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AWP–17.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch 15000 Aviation Boulevard, Lawndale, CA 90261. Communications must identify the docket number of this NPRM. Persons interested in being on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 by establishing a class E airspace area at Napa, CA. The establishment of a Special Copter 050 Point in Space approach at Queen of the Valley Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain helicopters executing the Special Copter 050 Point in Space approach at Queen of the Valley Hospital Heliport. The intended effect of this proposal is to provide adequate controlled airspace for helicopters executing the Special Copter 050 Point in Space approach at Queen of the Valley Hospital Heliport, Napa, CA. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

* * * * *

AWP CA E5 Napa, CA [New]

Queen of the Valley Hospital Heliport
Point In Space Coordinates
(Lat. 38°19′31″N, long. 122°18′53″W)

That airspace extending upward from 700 feet above the surface and within a 5-mile radius of a Point In Space serving the Queen of the Valley Hospital Heliport, excluding that portion within the Santa Rafael, CA, Class E airspace area.

* * * * *

Issued in Los Angeles, California, on August 2, 1999.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–21023 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AWP–13]

Proposed Establishment of Class E Airspace; Gualala, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to establish a Class E airspace area at Gualala, CA. The establishment of a Special Global Positioning System (GPS) Standard instrument Approach Procedure (SIAP) Copter 015 Point In Space Approach serving Redwood Coast Medical Services Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet or more above the surface of the earth is needed to contain helicopters executing the Special Copter GPS 015 Point in Space approach to Redwood Coast Medical Services Hospital Heliport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Redwood Coast Medical Services Hospital heliport, Gualala, CA.

DATES: Comments must be received on or before September 16, 1999.

EFFECTIVE DATE: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Airspace Branch, AWP–520, Docket No. 99–AWP–13, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261.

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

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

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Air Traffic Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, CA 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AWP–13.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Airspace Branch, Air Traffic Division, 15000 Aviation Boulevard, Lawndale, CA 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, 15000 Aviation Boulevard, Lawndale, CA 90261. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedures.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 by establishing a Class E airspace area at Gualala, CA. The establishment of a Special Copter GPS 015 Point In Space approach at Redwood Coast Medical Services Hospital Heliport has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface is needed to contain rotocraft executing the Special Copter GPS 015 Point In Space approach to the Redwood Coast Medical Services Hospital Heliport. The intended effect of this proposal is to provide adequate controlled airspace for rotocraft executing the Special Copter GPS 015 Point In Space approach to the Redwood Coast Medical Services Hospital Heliport, Gualala, CA. Class E airspace designations are published in paragraph 6005 of FAA Order 7400.9F dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in this Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—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 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9F, Airspace Designations and Reporting Points, dated September 10, 1998, and effective September 16, 1998, is amended as follows:

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

* * * * *

AWP CA E5 Gualala, CA [New]

Redwood Coast Medical Services Hospital Heliport
Point In Space Coordinates
(Lat. 38°45′31″ N, long. 123°32′20″ W)

That airspace extending upward from 700 feet above the surface and within a 6-mile radius of the Point In Space serving the Redwood Coast Medical Services Hospital Heliport.

* * * * *

Issued in Los Angeles, California, on August 2, 1999.

John Clancy,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 99–21024 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 29624]

High Density Rule

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed interpretation; reopening of comment period.

SUMMARY: On July 2, 1999, the FAA published a Notice of proposed interpretation, which proposed to interpret the term ''operator'' as interpreted in the extra section provision of the FAA's High Density Rule to permit one airline code-share partner to operate an extra section of a regularly scheduled flight of another code-share partner. This notice announces the reopening of the comment period for an additional 30 days.

DATES: Comments must be submitted on or before September 13, 1999.

ADDRESSES: Comments regarding the notice of interpretation should be mailed, in triplicate, to Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC–10), Docket No. 29624, 800 Independence Avenue, SW, Washington, DC 20591. Comments must be marked Docket No. 29624. Comments may be examined in Room 915G weekdays between 8:30 a.m. and 5 p.m., except on Federal holidays.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this action by submitting such written data, views, or arguments, as they may desire. Comments should identify the regulatory docket and should be submitted in triplicate to the Rules Docket address specified above. Comments may also be sent electronically to the Rules Docket by using the following Internet address: 9–NPRM–CMTS@faa.gov. All comments received will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must include a preaddressed, stamped postcard marked ''Comments to Docket 29624.'' The postcard will be date stamped and mailed to the commenter.

Availability of this Notice

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: (703) 321–3339) or the Federal Register's electronic bulletin board service (telephone: (202) 512–1661). Internet users may reach the FAA's web page at http://www.faa.gov/avr/arm/nprm/.htm or the Federal Register 12s web page at http://www.access.gop.gov/su docs for access to recently published rulemaking documents.

Background

On June 28, 1999, the FAA issued a notice proposing to interpret the term ''operator'' as interpreted in the extra section provision of the FAA's High Density Rule to permit one airline code-share partner to operate an extra section of a regularly scheduled flight of another code-share partner (64 FR 35963; July 2, 1999). The purpose of this proposed interpretation is to recognize the development of code-share arrangements in the aviation industry. The FAA issued this Notice with a 10-day comment that closed on July 12, 1999.

In the Notice, the FAA did not adequately identify the circumstances that prompted the proposed interpretation. This proposed interpretation arose as a result of an April 1, 1999, letter from Delta Air Lines, Inc. (Delta) requesting that the FAA confirm Delta's interpretation of the extra section provision set forth in 14 CFR 93.123(b)(4). Specifically, Delta interpreted this provision to permit code-share partners to operate an extra section of a scheduled flight operated by a second code-share partner. A copy of Delta's letter has been included in the docket for this matter.

In the past, the FAA has consistently interpreted the term operator to be the air carrier operating the flight. However, after consideration of Delta's proposal, the FAA believes that emerging use of code-share arrangement in the aviation industry requires a reevaluation of agency interpretation. As a result, the FAA issued the Notice of proposed interpretation.

Additionally, several commenters were concerned with the short comment period that was provided in the Notice. Therefore, in order to provide full disclosure of the circumstances that gave rise to the Notice, the FAA is reopening the comment period to ensure that all interested parties have full knowledge of the basis for the proposed interpretation and an opportunity to comment. Accordingly, the FAA is reopening the comment period for this proposed interpretation for an additional 30 days.

Issued in Washington, DC on August 9, 1999.

Nicholas G. Garaufis,

Chief Counsel.

[FR Doc. 99–21028 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–079]

RIN 2115–AE47

Drawbridge Operation Regulations; Mystic River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules governing the US 1 Bridge, mile 2.8, across the Mystic River in Mystic, Connecticut. The bridge owner asked the Coast Guard to change the regulations to require a six hour advance notice for openings in the evening during the winter months because there have been no requests to open the bridge during that time period. This rulemaking is expected to relieve the bridge owner of the burden of crewing the bridge at all times while meeting the reasonable needs of navigation.

DATES: Comments must reach the Coast Guard on or before October 12, 1999.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, MA. 02110–3350, or deliver them at the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District Bridge Branch maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address 7 a.m. to 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CG01–99–079) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

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

Background

The US 1 Bridge, mile 2.8, across the Mystic River, has a vertical clearance of 4 feet at mean high water and 7 feet at mean low water.

The existing operating regulations for the bridge listed at 33 CFR 117.211(b) require it to open on signal with a maximum delay of 20 minutes; except, from May 1 through October 31 from 7:15 a.m. to 7:15 p.m., the draw need only open hourly at quarter past the hour, and from November 1 through April 30 from 7:15 p.m. to 5:15 a.m., the draw shall open on signal upon eight hours advance notice.

The owner of the bridge, the Connecticut Department of Transportation (CONNDOT), asked the Coast guard to change the regulations to require a six-hour advance notice for openings from November 1 through April 30, 8 p.m. to 4 a.m. This change is less restrictive than the existing regulations. The bridge opening log data for 1998 and 1999, November through April, indicate no requests to open the bridge during the time period 8 p.m. to 4 a.m.

Discussion of Proposal

The Coast Guard proposes to revise the operating rules, listed at 33 CFR 117.211(b)(2), which govern the US 1 Bridge, mile 2.8, cross the Mystic River. This change will require the bridge to open on signal; with a maximum delay of 20 minutes; except: (1) From May 1 through October 31 from 7:15 a.m. to 7:15 p.m., the draw need only open hourly at quarter past the hour. (2) From November 1 through April 30, from 8 p.m. to 4 a.m., the draw will open on signal if at least a six-hour advance notice is given. This proposed rule will relieve the bridge owner of the requirement to crew the bridge during the winter months at night while meeting the reasonable needs of navigation.

The Coast Guard believes this proposal is reasonable because there have been no requests to open the bridge during the winter months at night.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under station 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; Feb. 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the bridge has not had any requests to open in the evening during the winter months. Mariners will still be able to obtain bridge openings during the regulated time period provided they give six-hour notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small business, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Therefore, the Coast Guard certifies under section 5 U.S.C. 605(b), for the reasons discussed in the Regulatory Evaluation section above, that this proposed rule, it adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *set seq.*).

Federalism

The Coast Guard has analyzed this proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Section 2.B.2., Figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations has been found not to have a significant effect on the environment. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.211(b)(2) is revised to read as follows:

§ 117.211 Mystic River

* * * * *

(b) * * *

(1) * * *

(2) From November 1 through April 30, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six hours notice is given by calling the number posted at the bridge.

Dated: July 29, 1999.

R.M. Larrabee,

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

[FR Doc. 99–20953 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–085]

RIN 2115–AE47

Drawbridge Operation Regulations; Housatonic River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules governing the US 1 Bridge, mile 3.5, across the Housatonic River in Stratford, Connecticut. The bridge owner asked the Coast Guard to change the regulations to require a six hour advance notice for openings at night during the winter months because there have been few requests to open the bridge during that time period. This rulemaking is expected to relieve the bridge owner of the burden of crewing the bridge at all times while meeting the reasonable needs of navigation.

DATES: Comments must reach the Coast Guard on or before October 12, 1999.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, MA 02110–3350, or deliver them at the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District Bridge Branch maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address 7 a.m. to 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identifying this rulemaking (CGD01–99–085) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

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

Background

The US 1 Bridge, mile 3.5, across the Housatonic River, in Stratford, Connecticut, has a vertical clearance of 32 feet at mean high water and 37 feet at mean low water.

The existing operating regulations listed at 33 CFR 117.207(a) for the bridge require it to open on signal; except that, from 7 a.m. to 9 a.m., Monday through Friday and 4 p.m. to 5:45 p.m. daily, the draw need not be opened for the passage of vessels.

The owner of the bridge, the Connecticut Department of Transportation (CONNDOT) has asked the Coast Guard to change the regulations to require a six-hour advance notice for openings from 8 p.m. to 4 a.m., December 1 through March 31. The bridge opening log data for 1998 and 1999, December 1 through March 31, from 8 p.m. to 4 a.m. indicate the following number of openings: December 1, N/A, January 5, 6, February 4, 3, March 0, 3, respectively.

Discussion of Proposal

The Coast Guard proposes to revise the operating rules, listed at 33 CFR 117.207(a), which govern the US 1 Bridge, mile 3.5, across the Housatonic River. This change will require the bridge to open on signal; except that, from 7 a.m. to 9 a.m., Monday through Friday and 4 p.m. to 5:45 p.m. daily, the draw need not be opened for the passage of vessels. From December 1 through March 31, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six-hour advance notice is given. This proposal will relieve the bridge owner of the requirement to crew the bridge at night during the winter months while meeting the reasonable needs of navigation.

The Coast Guard believes this proposal is reasonable based upon the low number of opening requests at night during the winter months.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; Feb. 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the bridge has not had many requests to open in the evening during the winter months. Mariners will still be able to obtain bridge openings during the regulated time period provided they give six-hour notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are

independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Therefore, the Coast Guard certifies under section 5 U.S.C. 605(b), for the reasons discussed in the Regulatory Evaluation section above, that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Section 2.B.2., Figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.207(a) is revised to read as follows:

§ 117.207 Housatonic River

(a) The draw of the US 1 Bridge, mile 3.5, at Stratford, shall open on signal; except that, from 7 a.m. to 9 a.m., Monday through Friday, and 4 p.m. to 5:45 p.m. daily, the draw need not open for the passage of vessels. From December 1 through March 31, from 8 p.m. to 4 a.m, the draw shall open on signal if at least six hours notice is given by calling the number posted at the bridge.

* * * * *

Dated: July 29, 1999.

R.M. Larrabee,

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

[FR Doc. 99–20954 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–076]

RIN 2115–AE47

Drawbridge Operation Regulations; Hackensack River, Passaic River, NJ

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating regulations governing the Harold J. Dillard (Court Street) Bridge, at mile 16.2, at Hackensack, across the Hackensack River, the Avondale Bridge, mile 10.7, at Lyndhurst, across the Passaic River, and the Douglas O. Mead (Union Avenue) Bridge, mile 13.2, at Rutherford, across the Passaic River, in New Jersey. The brige owner has asked the Coast Guard to change the regulations for these bridges to require a four-hour advance notice for openings at all times because there have been few requests to open these bridges since 1994. This rulemaking is expected to relieve the bridge owner of the burden of crewing the bridges at all times while meeting the reasonable needs of navigation.

DATES: Comments must reach the Coast Guard on or before October 12, 1999.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, MA. 02110–3350, or deliver them at the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District Bridge Branch maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address 7 a.m. to 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01–99–076) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

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

Background

The Harold J. Dillard (Court Street) Bridge, mile 16.2, across the Hackensack River in Hackensack, New Jersey, has a vertical clearance of 3 feet at mean high water and 8 feet at mean low water. The Douglas O. Mead (Union Avenue) Bridge, mile 13.2, across the Passaic River, in Rutherford, New Jersey, has a vertical clearance of 13 feet at mean high water and 18 feet at mean low water. The Avondale Bridge, mile 10.7, across the Passaic River in Lyndhurst, New Jersey, has a vertical clearance of 7 feet at mean high water and 12 feet at mean low water.

The existing operating regulations for the Harold J. Dillard (Court Street) Bridge listed at § 117.723(g) require the

bridge to open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m., and at all times on weekends and Federal holidays, the draw shall open on signal if at least eight hours notice is given. The existing operating regulations for the Douglas O. Mead (Union Avenue) Bridge listed at § 117.739(o) require the bridge to open on signal; except that, from 4 p.m. to 8 a.m., the draw shall open if at least eight hours notice is given. The existing operating regulations for the Avondale Bridge listed at § 117.739(1) require the bridge to open on signal; except that, notice must be given before 2:30 a.m. for openings between 3 a.m. and 8:30 a.m. and before 2:30 p.m. for openings between 4:30 p.m. and 7 p.m.

The bridge owner, the County of Bergen, has asked the Coast Guard to change the regulations for these bridges to require a four-hour advance notice for openings at all times.

The bridges' log data indicates that the Harold J. Dillard (Court Street) Bridge and Douglas O. Mead (Union Avenue) Bridge have not received a request to open since 1994. The Avondale Bridge had 8 openings in 1996, 4 openings in 1997, 2 openings in 1998, and no openings thus far in 1999.

Discussion of Proposal

The Coast Guard proposes to revise the operating rules governing the Harold J. Dillard (Court Street) Bridge, listed at 33 CFR 117.723(g), for the Hackensack River and the operating rules for the Avondale and Douglas O. Mead (Union Avenue) bridges listed at 33 CFR 117.739 (l) and (o), respectively, for the Passaic River. This proposal will require all three bridges to open on signal at all times if at least four-hours notice is given. The advance notice requirements shall be posted at the bridges in accordance with 33 CFR 117.55(c) of this chapter. This proposal will relieve the bridge owner of the requirement to have personnel crew the bridges and still meet the needs of navigation.

The Coast Guard believes this proposal is reasonable based upon the low number of opening requests received since 1994.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; Feb. 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that these bridges have had few requests to open since 1994. Mariners will continue to obtain bridge openings provided they give four-hour notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Therefore, the Coast Guard certifies under section 5 U.S.C. 605(b), for the reasons discussed in the Regulatory Evaluation section above, that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Education Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposed rules does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Section 2.B.2., Figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations has been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.723(g) is revised to read as follows:

§ 117.723 Hackensack River

* * * * *

(g) The draw of the Harold J. Dillard Memorial (Court Street) Bridge, mile 16.2, at Hackensack, shall open on signal if at least four hours notice is given.

* * * * *

3. Section 117.39(l) and (o) are revised to read as follows:

§ 117.739 Passiac River

* * * * *

(l) The draw of the Avondale Bridge, mile 10.7, at Lyndhurst, shall open on signal if at least four hours notice is given.

* * * * *

(o) The draw of the Douglas O. Mead, (Union Avenue) Bridge, mile 13.2, shall open on signal if at least four hours notice is given.

* * * * *

Dated: July 29, 1999.

R.M. Larrabee,

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

[FR Doc 99–20956 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–087]

RIN 2115–AE47

Drawbridge Operation Regulations; Niantic River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules governing the

S156 Bridge, mile 0.1, across the Niantic River, at Niantic, Connecticut. The bridge owner asked the Coast Guard to change the regulations to require a six hour advance notice for openings at night during the winter months because there have been no requests to open the bridge during that time period. This rulemaking is expected to relieve the bridge owner of the burden of crewing the bridge at all times while meeting the reasonable needs of navigation.

DATES: Comments must reach the Coast Guard on or before October 12, 1999.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, MA 02110–3350, or deliver them at the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District Bridge Branch maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address 7 a.m. to 3 p.m. Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01–99–087) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

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

Background

The S156 Bridge, mile 0.1, across the Niantic River, at Niantic, Connecticut, has a vertical clearance of 9 feet at mean high water and 12 feet at mean low water.

The existing operating regulations listed at 33 CFR 117.215(b) require the bridge to open on signal; except that, from 7 a.m. to 8 a.m., and 4 p.m. to 5 p.m., Monday through Friday, except holidays, the draw shall open only for the passage of commercial vessels.

The owner of the bridge, the Connecticut Department of Transportation (CONNDOT) has asked the Coast Guard to change the regulations to require a six-hour advance notice for openings from 8 p.m. to 4 a.m., December 1 through March 31. The bridge opening log data for 1998 and 1999, December through March, 8 p.m. to 4 a.m., indicate no requests to open the bridge.

Discussion of Proposal

The Coast Guard proposes to revise the operating rules, listed at 33 CFR 117.215(b), which govern the S156 Bridge, mile 0.1, across the Niantic River. This change will require the bridge to open on signal; except that, from 7 a.m. to 8 a.m., and from 4 p.m. to 5 p.m., Monday through Friday, except holidays, the draw shall open only for the passage of commercial vessels. From December 1 through March 31, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six-hour advance notice is given. This proposal will relieve the bridge owner of the requirement to crew the bridge at night during the winter months while meeting the reasonable needs of navigation.

The Coast Guard believes this proposal is reasonable because there have been no requests to open the bridge at night during the winter months.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; Feb. 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the bridge has not had any requests to open in 1998 and 1999, December through March, from 8 p.m. to 4 a.m. Mariners will still be able to obtain bridge openings during the regulated time period provided they give six-hour notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. ''Small entities'' include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Therefore, the Coast Guard certifies under section 5 U.S.C. 605(b), for the reasons discussed in the Regulatory Evaluation section above, that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 2501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Section 2.B.2., Figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is available in

the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.215(b) is revised to read as follows:

§ 117.215 Niantic River.

* * * * *

(b) The draw of the S156 Bridge, mile 0.1, at Niantic, shall open on signal; except that, from 7 a.m. to 8 a.m., and 4 p.m. to 5 p.m., Monday through Friday, except holidays, the draw shall open only for the passage of commercial vessels. From December 1 through March 31, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six hours notice is given by calling the number posted at the bridge.

* * * * *

Dated: July 29, 1999.

R.M. Larrabee,

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

[FR Doc. 99–20957 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–086]

RIN 2115–AE47

Drawbridge Operation Regulations; Pequonnock River, CT

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the operating rules governing the Stratford Avenue Bridge, mile 0.1, across the Pequonnock River at Bridgeport, Connecticut. The bridge owner asked the Coast Guard to change the regulations to require a six hour advance notice for openings during the winter months at night because there have been few requests to open the bridge during that time period. This rulemaking is expected to relieve the bridge owner of the burden of crewing the bridge at all times while meeting the reasonable needs of navigation.

DATES: Comments must reach the Coast Guard on or before October 12, 1999.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, 408 Atlantic Avenue, Boston, MA 02110–3350, or deliver them at the same address between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District Bridge Branch maintains the public docket for this rulemaking. Comments and documents as indicated in this preamble will become part of this docket and will be available for inspection or copying at the above address 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD01–99–086) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposed rule in view of the comments.

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

Background

The Stratford Avenue Bridge, mile 0.1, across the Pequonnock River at Bridgeport, Connecticut, has a vertical clearance of 8 feet at mean high water and 14 feet at mean low water.

The existing operating regulations for the bridge listed at § 117.219(b) require it to open on signal; except that, from 6:45 a.m. to 7:15 a.m., 7:45 a.m. to 8:15 a.m., 11:45 a.m. to 1:15 p.m., and 4:30 p.m. to 6:10 p.m., the draw need not open for the passage of vessels.

The owner of the bridge, the Connecticut Department of Transportation (CONNDOT), has asked the Coast Guard to change the regulations to require a six hour notice for openings from December 1 through March 31, 8 p.m. to 4 a.m. The bridge opening log data for 1998 and 1999, December through March, indicate the following number of openings during the time period, 8 p.m. to 4 a.m.: December 0, N/A, January 0, 0, February 2, 1, March 1, 2, respectively.

Discussion of Proposal

The Coast Guard proposes to revise the operating rules, listed at 33 CFR 117.219(b), which govern the Stratford Avenue Bridge, mile 0.1, across the Pequonnock River. This change will require the bridge to open on signal; except that, from 6:45 a.m. to 7:15 a.m., 7:45 a.m. to 8:15 a.m., 11:45 a.m. to 1:15 p.m., and 4:30 p.m. to 6:10 p.m., the draw need not open for the passage of vessels. From December 1 through March 31, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six hour notice is given. This proposal will relieve the bridge owner of the requirement to crew the bridge during the winter months and meet the needs of navigation. The reference in the existing regulations to sound signals for bridge openings is being removed because it is now listed at § 117.15 of this chapter.

The Coast Guard believes this proposal is reasonable based upon the low number of opening requests at night during the winter months.

Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; Feb. 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, us unnecessary. This conclusion is based on the fact that the bridge has not had many requests to open overnight during the winter

months. Mariners will still be able to obtain bridge openings during the regulated time period provided they give six-hour notice.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). the Coast Guard considers whether this proposed rule, if adopted, will have a significant economic impact on a substantial number of small entities. *Small entities* include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Therefore, the Coast Guard certifies under section 5 U.S.C. 605(b), for the reasons discussed in the Regulatory Evaluation section above, that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity and that this proposed rule will have a significant economic impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this proposed rule will economically affect it.

Collection of Information

This proposed rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposed rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposed rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposed rule and concluded that, under Section 2.B.2., Figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES**.

List of Subjects in 33 CFR part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.219(b) is revised to read as follows:

§ 117.219 Pequonnock River

* * * * *

(b) The Stratford Avenue Bridge, mile 0.1, at Bridge port, shall open on signal; except that, from 6:45 a.m. to 7:15 a.m., 7:45 a.m. to 8:15 a.m., 11:45 a.m. to 1:15 p.m., and 4:30 p.m. to 6:10 p.m., the draw need not open for the passage of vessels. From December 1 through March 31, from 8 p.m. to 4 a.m., the draw shall open on signal if at least six hours notice is given by calling the number posted at the bridge.

* * * * *

Dated: July 29, 1999.

R.M. Larrabee,

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

[FR Doc. 99–20959 Filed 8–12–99 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN44–02–7269b; FRL–6415–1]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: We are proposing to approve a supplemental revision to the Minnesota State Implementation Plan (SIP) for the Saint Paul particulate matter (PM) nonattainment area, located in Ramsey County Minnesota. The supplemental SIP was submitted by the State for the purpose of bringing about the attainment of the PM National Ambient Air Quality Standards (NAAQS) and is in response to our July 22, 1997, conditional approval (62 FR 39120), of a February 9, 1996 SIP revision for Red Rock Road. In the final rules section of this **Federal Register**, we are conditionally approving the SIP revision as a direct final rule without prior proposal, because we view this as a noncontroversial revision amendment and anticipate no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated in relation to this rule. If we receive adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received by September 13, 1999.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Programs Branch (AR–18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final notice which is located in the Rules section of this **Federal Register**. Copies of the request and the EPA's analysis are available for inspection at the above address. (Please telephone Christos Panos at (312) 353–8328 before visiting the Region 5 Office.)

Authority: 42 U.S.C. 7401 *et seq.*

Dated: July 22, 1999.

Jerri-Anne Garl,

Acting Regional Administrator, Region 5.

[FR Doc. 99–20548 Filed 8–12–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 298

[Docket No. MARAD–98–3468]

RIN 2133–AB14

Putting Customers First in the Title XI Program

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Maritime Administration (''MARAD'') is seeking public comment

on a proposed rule which modifies certain provisions of the existing regulations which implement Title XI of the Merchant Marine Act, 1936, as amended (''Act''). This rule intends to improve administration of the Title XI program. Title XI guarantees are issued for all types of vessel construction and shipyard modernization and improvement projects, except for fishing vessels. The part of the Title XI program related to fishing vessels is administered by the National Oceanic and Atmospheric Administration of the U.S. Department of Commerce.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than September 13, 1999.

ADDRESSES: You should mention the docket number that appears at the top of this document and submit your written comments to: Docket Management, Room PL–401, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. You may call Docket Management at (202) 366–9324. Comments may also be submitted by electronic means via the Internet at http://dmses.dot.gov/submit/. You may visit the docket room to inspect and copy documents at the above address from 10 a.m. to 5 p.m., local time, Monday through Friday, except on Federal holidays. An electronic version of this document is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: You may call Mitchell D. Lax of the MARAD Office of Ship Financing, at (202) 366–5744, or you may write to him at the following address: MAR–530, Room 8122, 400 Seventh Street, S.W., Washington, D.C. 20590.

SUPPLEMETARY INFORMATION:

Comments

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments. We encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES.**

How can I be sure that my comments were received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the MARAD Chief Counsel at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth with specificity the basis for any such claim.

Will the agency consider late comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under **DATES.** To the extent possible, we will also consider comments that Docket Management receives after that date. If Docket Management receives a comment too late for us to consider it in developing a final rule, we will consider that comment as an informal suggestion for future rulemaking action.

How can I read the comments submitted by other people?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket Room are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

- Go to the Docket Management System (DMS) Web page of the Department of Transportation (http://dms.dot.gov/).
- On that page, click on ''search.''
- On the next page (http://dms.dot.gov/search/), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were ''MARAD–1999–1234,'' you would type ''1234.''
- After typing the docket number, click on ''search.''
- On the next page, which contains docket summary information for the docket you selected, click on the desire comments.
- You may download the comments.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

Title XI of the Act authorizes the Secretary of Transportation (Secretary) to guarantee debt issued for the purpose of financing or refinancing: (a) the construction, reconstruction or reconditioning of U.S.-flag vessels or eligible export vessels built in United States shipyards, and (b) the construction of advanced shipbuilding technology and modern shipbuilding technology of a general shipyard facility located in the United States. You should submit Title XI applications to MARAD acting under authority delegated by the Secretary to the Maritime Administrator. Prior to execution of a guarantee, we must, among other things, make determinations of economic soundness of the project, and your financial and operating capability. The Title XI program enables you to obtain long-term financing on terms and conditions that may otherwise not be available.

National Performance Review

In response to a 1993 recommendation from Vice President Gore's National Performance Review team, President Clinton issued Executive Order 12862, September 11, 1993, calling for a revolution within the Federal Government to change the way it does business by putting customers first and striving for a customer-driven government that matches or exceeds the best service available in the private sector. In October 1997, the National Performance Review team reported that Federal agencies, implementing the Executive Order, had launched a massive effort to improve governmental service and had made a noticeable difference.

On December 1, 1997, in a memorandum to heads of Operating Administrations and Departmental offices at the United States Department of Transportation, Secretary of Transportation Rodney E. Slater urged all Departmental offices and heads of Operating Administrations to ask their customers what is important to them in the kinds and quality of services they

want and what is their level of satisfaction with existing services. Secretary Slater emphasized that it is ''this customer feedback that will be the basis for improving, revising, adding, or deleting standards when it makes sense and, ultimately, for helping us become a more customer focused DOT.''

ANPRM

We published an advanced notice of proposed rulemaking (ANPRM) on February 17, 1998, in the **Federal Register** (63 FR 7744) and are now issuing this notice of proposed rulemaking concerning program administration and how it can be improved. The ANPRM requested that you provide us with your views about how the Title XI program is administered and how it could be improved. Specifically, we solicited comments on ten sets of questions, which can be grouped into the following general categories:

- The standard application Form MA–163, including the requirement for vessel plans and specifications.
- The requirements for information on your and/or your operator's qualifications.
- The requirements for financial information and certain financial tests.
- The requirements for information on economic soundness and the economic soundness criteria.
- The inclusion in the Title XI regulations of the provisions of Maritime Administrative Order (MAO) No. 520–1, Amendment 2.
- The documentation requirements for a closing on a commitment to guarantee obligations.

On July 30, 1998, a notice was published in the **Federal Register** advising that the Title XI application form and closing documentation had been modified. The modifications were made after consideration of your comments received in response to the ANPRM and the notice invited your further comments on the modifications. Comments on the proposals were due by the end of August, 1998. Because most of the revisions of the application form and the closing documentation are not within the scope of this rulemaking, your comments received on these issues are not discussed herein, except to the limited extent that certain of the application and documentation requirements are contained in the Title XI regulations.

The ANPRM stated that any changes to the existing regulation that we proposed would be the subject of a future notice of proposed rulemaking. Our proposed changes are the subject of this rule. The following is a summary of the comments we received by nine commenters on the ANPRM which are divided into the above-mentioned categories, with the omission of the categories concerning the application form and closing documentation, for the reason previously discussed.

Applicant and Operator Qualifications

We solicited your comments as to whether the requirements for information on the your and/or your operator's qualifications referenced in section 298.12 are unnecessary, redundant or not generally required in commercial transactions of this type. Additionally, we solicited your comments as to whether the requirements ask sufficient information to permit us to screen out inexperienced and inappropriate applicants and operators. Finally, we solicited comments on what specific changes, if any, you thought should be made to the Title XI regulations.

As a general matter, you stated that too much information is required in section 298.12 regarding the applicant's and operator's qualifications, particularly for established companies and exceeds that ordinarily requested in commercial transactions. One commenter stated that this section is largely formatted and phrased for U.S. based firms and should be rewritten to focus more broadly on the global community. The commenter suggested that national shipping or shipbuilder's associations could endorse an applicant's qualifications. Another commenter stated that listing all vessels owned and operated is unnecessary as a brief statement for each type of equipment with the number and average vessel age should suffice. The commenter also maintained that naming each officer, director, and their principal business activity for the past five years is unnecessary as operational proficiency of company personnel is addressed under the economic soundness section of the regulations.

Regarding the applicant and operator qualification requirements, one commenter stated that tough requirements should be maintained to ensure that the Title XI project fosters long term Title XI goals. Another commenter suggested that the shipowner's operating ability should be addressed only insofar as it bears on market-share viability and preserving the ship asset value.

Financial Requirements

We asked whether the financial information requested in section 298.13 is unnecessary or redundant and if it is sufficient to permit us to make valid determinations. We also solicited comments on whether the financial requirements pose impractical or excessive tests and on suggested changes to the regulations.

With regard to the financial information requirements, comments were received concerning the requirement that, in the case of an eligible export vessel application, the applicant may provide financial information in the normal accounting system you are using provided that it is an accepted accounting system in your country of origin and provided that you submit a reconciliation of the major differences between the accounting system employed and U.S. Generally Accepted Accounting Principles (GAAP). Several commenters believe that the requirement for reconciliation of financial statements with GAAP is time-consuming, burdensome, and unnecessary. One commenter stated that we should either have the ability to analyze the financial statements as prepared by the applicant or should retain an accounting firm to handle the reconciliation to GAAP. Other commenters stated that we should accept statements prepared in accordance with international accounting standards.

We received several comments on the question of whether the financial requirements in section 298.13 pose impractical or excessive tests. One commenter stated that any significant changes to the financial requirements to make them more lenient would be unfair to previous applicants who were required to meet, and would still be subject to, the existing requirements. Another commenter thought that the existing qualifying requirements were too rigid and not current with commercial practice which focuses on coverage ratios. A third commenter stated that MARAD needs to assess an applicant's market share or its balance sheet but not both.

With respect to specific requirements, one commenter believes that the requirement for the Owner as Operator to maintain an equity level of 90 percent of the equity as shown on its most recent audited financial statement should be eliminated because this requirement is excessively restrictive to the Owner; the requirement of a 2:1 debt to equity ratio as well as the working capital requirements should be sufficient to ensure debt repayment. Another commenter believes that we should be more flexible with regard to the requirement for subordination of debt considered as equity.

We received some comments concerning the need for a waiver for the

inclusion of foreign material in vessel actual cost. One commenter recommended that all exclusions of foreign components and services in Title XI financing be waived so that U.S. shipyards have the greatest opportunity to attract new foreign customers. The commenter stated that many foreign shipowners specify outfitting, propulsion, bridge electronics or accommodation items that are original equipment manufactured in foreign countries in large part because the U.S. manufacturing industry has stopped producing the items or does not meet global standards. The commenter stated that ''principles that apply to automobiles or computers may be considered so that the U.S. steel, assembly labor and overhead costs are the principal factors required for Title XI guarantees. When the U.S. share of the global shipbuilding market approaches five percent, then the existing restrictions could be reevaluated and reapplied.'' Another commenter believes that the exclusion of foreign content from actual cost is seen as arrogant in the international marketplace and adds difficulty to selling for export. The commenter states that a foreign buyer often has a distinct main engine preference because of his existing fleet and usually wants equipment he can resupply or repair locally. The commenter recommended that we scrap the foreign content waiver or revise it to conform to the Export-Import Bank's 15 percent foreign content allowance with no waiver and a higher percentage with a waiver.

Economic Soundness

We requested comments concerning the information requirements for an economic soundness determination under Section 298.14. We asked if the information required is unnecessary or redundant and if it is sufficient to permit us to make valid determinations. We also requested comments as to whether the requirements pose impracticable or excessive tests and what specific changes should be made.

Regarding the information required under section 298.14, one commenter stated that it is excessive. Another commenter said that the economic soundness criteria should be streamlined. A third commenter recommended consideration of additional economic factors such as double hull or safety or environmental requirements.

As to the criteria on which an economic soundness finding is based, several commenters suggested we should look not only at the cash flow generated by the project to determine if the borrower will have the ability to repay the Title XI debt but also at the overall financial strength of the applicant. Two commenters said that the economic soundness should be judged not only on the applicant's ability to ultimately repay the obligations but also upon the ability to successfully operate the project as a stand-alone project. Another respondent said that the applicant's demonstrated ability to repay its debts should be our primary criteria for approval and that we should place a greater emphasis on the applicant's overall credit and operational quality as opposed to the economic soundness of a project. One commenter said that the economic soundness criteria should consider the overall corporate entity rather than the specific project. Two respondents stated that the criteria should be tailored to the specific purpose of the application (vessel financing vs. shipyard modernization).

MAO 520–1, Amendment 2

We solicited as to whether the provisions of MAO 520–1, Amendment 2, should be included in the regulations. The administrative guidelines in the MAO were intended to clarify our existing policies and procedures with respect to economic considerations employed in evaluating Title XI applications.

Four commenters stated that the MAO provisions should be incorporated into the Title XI regulations to provide clarification and additional information as our requirements. Two of these commenters believe that the inclusion of the MAO will properly place emphasis on operating cash flow, with one commenter adding that historical operating experience will be emphasized as well. Another commenter stated that any changes in core policy should be determined before determining what policy belongs in the regulations.

Miscellaneous Issues

We received several comments on miscellaneous other requirements of the Title XI program. Two commenters opposed the lump sum prepayment feature of the guarantee fee, stating respectively that it is a disincentive to attracting business to U.S. shipyards and that it amounts to a prepayment penalty. One commenter stated that the performance bonding requirement and progress payment feature of construction period financing makes construction period financing prohibitive in terms of cost. Another commenter urged that we more proactively assist U.S. shipbuilders in obtaining business by expediting the Title XI review process and approving more risky projects. Finally, a commenter suggested that we consider disclosing to all applicants the range of fees charged by bond underwriters and the customary spread over the Treasury curve.

We advised in the ANPRM that, to seek further clarification of the written issues raised in response to the ANPRM, we may subsequently hold a public meeting if we believe that such a meeting would be helpful. Following a review of the detailed and specific comments received in response to the ANPRM, we have determined that such a public meeting is not necessary.

Whenever reference is made in these regulations to forms prescribed by us for applications or other filing requirements, the format of such forms in effect prior to the effective date of these regulations may be used pending revision and issuance of new forms, which must be approved by the Office of Management and Budget. To the extent necessary to reflect statutory requirements, any form submitted may be modified or supplemented to facilitate processing, but until new forms have been approved, these regulations do not require more extensive paperwork or reporting requirements than exist under the present Title XI regulations.

Discussion of Rulemaking Text

The discussion that follows notes where changes are proposed to be made to the Title XI regulations and the rationale therefor, and, where relevant, states why particular recommendations/suggestions have not been adopted.

We are proposing to amend our Obligation Guarantees regulations at 46 CFR Part 298. The proposed amendments are summarized as follows:

Section 298.2 Definitions

Section 298.2 is intended to provide convenient reference to the meaning of significant terminology used in Part 298. The definitions are based principally on statutory derivation and reflect the letter designation of the paragraphs respectively, contained in the final rule published on May 9, 1996, as amended on September 8, 1997, or as proposed to be redesignated in this rulemaking. As proposed:

Paragraph (c), ''Advanced Shipbuilding Technology'' is changed in order to include other modernization elements which are not previously listed in the definition and which contribute to a shipyard's efficiency or productivity.

Paragraph (n), ''Guarantee Fee'' is changed to delete the references to an annual fee and continuing Guarantees. The regulations now require that the guarantee fee for the entire term of the financing be paid in advance at the initial funding of the transaction, with no refund in the event the Obligations are retired early.

Paragraph (o), ''Indenture Trustee'' is changed to increase the amount of combined capital and surplus an indenture trustee must have to at least $25,000,000 as the current amount of $3,000,000 is not adequate.

Section 298.3 Applications

Paragraph (b) is amended to reflect that only two sets of documentation must be submitted to the Secretary for review.

Paragraph (d) is amended to delete the provision that, if an applicant does not claim a Freedom of Information Act (FOIA) exemption at the time an application or amendment is filed, MARAD will not oppose any subsequent request for disclosure pursuant to FOIA. Deletion of this provision reflects actual agency practice, which is to allow a request for exemption under FOIA at any time.

Paragraph (e) is amended to clarify that priority will be given for processing applications for vessels capable of serving as United States naval and military auxiliary in time of war or national emergency. In addition, the priority given to applications from general shipyard facilities that have engaged in naval vessel construction and that have pilot projects for shipyard modernization and vessel construction is being eliminated due to the fact that all the funds previously appropriated to the Department of Defense and transferred to the Department of Transportation for the Title XI program have been expended.

Section 298.11 Vessel Requirements

Paragraph (a) of this section is being amended to clarify that the vessel must be constructed in the United States.

Paragraph (b) of this section is revised to provide that the Secretary may contact the shipyard to request that it submit additional technical data, backup cost details, and other evidence if the Secretary has insufficient data.

Paragraph (c) of this section is being amended to delete the last sentence which is redundant with the last sentence of paragraph (a) of this section and to conform the regulations to our present practices which permit a U.S.-flag constructed vessel to meet the highest classification standard of a classification society other than the American Bureau of Shipping so long as the society meets the inspection standards of the United States Coast Guard.

Section 298.12 Applicant and Operator's Qualifications

MARAD concurs that too much information is requested in this section particularly with respect to the applicant's existing vessels, and certain background data, and the section has been modified to reduce the information required. With respect to the suggestion that the endorsement of industry associations be utilized by MARAD, the regulations do not preclude MARAD's consideration of such an endorsement when evaluating the applicant's and/or operator's qualifications.

A paragraph is being added to this section to reflect the MAO 520–1 provision requiring that an operator's historical performance record be considered in evaluating operating ability.

Section 298.13 Financial Requirements

MARAD is not proposing an amendment to paragraph (a)(2) of this section to eliminate the requirement for a waiver in order for foreign items to be included in Actual Cost. MARAD's interest is in promoting a shipbuilding industry including both shipyards and suppliers. Therefore, it would be inappropriate to permit wholesale use of foreign items in Title XI financings when comparable items are available from U.S. suppliers. MARAD believes such a practice would have an adverse impact on the U.S. shipbuilding industry as a whole. However, requests for waivers to include foreign items have not been unreasonably withheld by MARAD, so that the no-foreign-content-requirement without a waiver has not had a negative impact on the shipyards or shipowners. Therefore, MARAD will continue to review inclusion of foreign items on a case-by-case basis.

MARAD believes that the current inclusion in paragraph (a)(2) of the illustration of how the cost of foreign components of the hull and superstructure may be used to satisfy an applicant's equity requirements is unnecessary. Therefore, MARAD is deleting the illustration from the paragraph and the one sentence which refers to the illustration in the paragraph of the regulation.

The reference to guarantee fees in paragraph (a)(2)(iv) is being deleted as guarantee fees are eligible for inclusion in Actual Cost.

MARAD is proposing to amend paragraph (a)(4) to permit, in the case of Eligible Export Vessels, the acceptance of financial statements that are not reconciled to U.S. GAAP if a satisfactory justification is provided concerning the inability to reconcile. MARAD proposes to further amend the paragraph to eliminate the requirement for a debt amortization schedule and sources and uses statement, and to incorporate current financial definitions.

MARAD does not believe a change in financial requirements at Closing as set forth in paragraph (d) is necessary because applications are analyzed on a case-by-case basis and, where MARAD deems the existing qualifying financial requirements to be inappropriate, Section 298.13(h) authorizes the waiver of or modifications to the financial requirements if there is adequate security for the Guarantees. This authority allows MARAD to consider coverage ratios as appropriate.

MARAD believes that the 90 percent equity test in paragraph (d)(1)(ii)(B) of this section is useful and is not proposing an amendment to this paragraph. While the working capital and leverage tests are essential in analyzing the financial condition of the company, they do not necessarily identify reductions in net worth which are often an important element in determining a company's financial condition. Moreover, as the net worth amount is established only once, at the initial funding of the transaction, companies that are meeting their projected revenues and expenses should be able to continue to meet this requirement. Therefore, elimination of the 90 percent net worth requirement is not warranted.

MARAD is proposing elimination of the special financial requirements set forth in paragraph (e) due to the restrictive nature of the covenants that accompany these requirements and the fact that companies have not elected this alternative in the recent past. Therefore, in order to make clear that there is only one set of financial requirements, the word ''primary'' is being deleted from paragraph (d) and, later in the regulation, paragraphs 298.35(b), 298.35(e), and 298.35(e)(5).

MARAD is not proposing to change paragraph (g) of this section which allows the applicant to fund the 12½ percent equity requirement with subordinated debt. If MARAD allows greater flexibility with regard to the subordination requirements, the repayment of the Title XI debt portion of the transaction could be jeopardized.

Section 298.14 Economic Soundness

MARAD recognizes that much of the information requested under section 298.14 (a)(2)(iii) and (iv) was developed

for applications from companies involved in a liner service. MARAD has taken steps to simplify the regulations by reducing or eliminating requested information. Specifically, sections 46 CFR 298.14(a)(2)(iii), (iv), and (v), requesting information on expenses, have been deleted and are replaced by a new paragraph (iii) which will encompass all three parts. The new paragraph differentiates between applications for vessel financing and shipyard modernization projects.

MARAD does not propose to add a requirement to the economic soundness section concerning the applicant's financial strength because the existing requirements of Section 298.13, Financial Requirements, already require MARAD to make certain determinations concerning the financial position of the ultimate transaction credit.

In order to clarify the criteria used for economic soundness findings, MARAD proposes to include in this section the provisions of MAO 520–1 relating to economic soundness. Specifically, section (b) is being amended to include requirements concerning the ability to service debt at the time of delivery which will be based on market conditions at that time, and that primary consideration shall be given to operating cash flow. To enable MARAD to analyze cash flow, the applicant is requested to provide a five-year forecast of operating cash flow.

Section 298.15 Investigation Fee

Paragraph (b) of this section is being revised by correcting the reference to the filing fee to $5,000.

Section 298.16 Substitution of Participants

Paragraph (a) of this section is being amended to delete the last sentence which references an annual guarantee fee.

Section 298.18 Financing Advanced or Modern Shipbuilding Technology

Paragraph (a) of this section is being amended to eliminate from the initial criteria for Guarantee approval consideration of whether Guarantees will aid in the transition of a shipyard from naval to commercial shipbuilding. MARAD believes that giving weight to this factor could discourage otherwise desirable modernization projects from shipyards that have not engaged in naval vessel construction.

Section 298.19 Financing Eligible Export Vessels

Paragraph (b)(3) of this section is being modified by deleting the reference to the Export-Import Bank of the United States since the Export-Import Bank's risk assessments are reflected in the Inter-Agency Country Risk Assessment System.

Section 298.20 Term, Redemptions and Interest Rate

Paragraph (a)(2) of this section is being amended to clarify that for multiple vessels the maturity date of the Guarantees may be less than but in no event more than twenty-five years from the date of delivery from the shipyard of the last of multiple vessels but that the amount of the Guarantees shall relate to the depreciated actual cost of the multiple vessels as of the date of the Closing.

Section 298.21 Limits

This section is being amended to specify that no foreign, federal, state or local taxes, user fees, or other governmental charges shall be included in actual cost.

Section 298.22 Amortization of Obligations

The parenthetical phrase ''straight line basis'' is to be replaced with the phrase ''level principal'' to reflect current GAAP terminology.

Section 298.23 Refinancing

This section has been amended to clarify MARAD's position regarding the refinancing of debt on Advanced or Modern Shipbuilding Technology. Refinancing of non-Title XI debt on Advanced or Modern Shipbuilding Technology is not permitted.

Section 298.24 Financing Facilities and Equipment Related to Marine Operations

This section is deleted in its entirety as there is no current authority for MARAD to finance facilities and equipment related to marine operations.

Section 298.30 Nature and Content of Obligations

This section is amended to clarify that an indenture trustee is not required under MARAD's documents.

Section 298.31 Mortgage

This section has been amended to correct that a mortgage shall be filed with the United States Coast Guard's National Vessel Documentation Center.

Section 298.32 Required Provisions in Documentation

Section 298.32 (a)(1) remains unchanged. Under the current Title XI regulations, the Secretary may waive or modify the performance bond requirement, upon determining that the shipyard or manufacturer of Advanced or Modern Shipbuilding Technology has sufficient financial resources and operational capacity to complete the project. In instances where sufficient resources cannot be demonstrated, MARAD's interests as a guarantor must be fully protected. Furthermore, inasmuch as Section 298.21 of this part provides for performance bond premiums to be included as an item of actual cost and therefore financeable up to a maximum of 87½ percent, MARAD finds that the bonding requirement does not constitute an inordinate out of pocket expense.

MARAD proposes to modify Section 298.32 to delete the word ''annual'' in paragraph (b)(4) in reference to citizenship filing requirements. The citizenship requirements for the Title XI program were modified by a final rule which was published in the **Federal Register** and became effective on September 8, 1997, which no longer required the filing of annual citizenship affidavits for Title XI obligors.

Section 298.33 Escrow Fund

This section has been modified to conform to the documentation in the general provisions of the new security agreement.

Section 298.34 Construction Fund

This section has been modified to clarify the requirements regarding the construction fund and to eliminate the current redundancies in paragraphs (b) and (c) of this section regarding withdrawals and deposits, the procedure for which is described in Section 298.33 of this Part. MARAD requires that the items and amounts for which reimbursement is requested have been satisfactorily completed. To require otherwise, i.e., to issue interim payments prior to completion of work, would increase MARAD's overall project risk. MARAD must insure that adequate security exists for guarantees entered into during construction.

In response to requests by commenters to terminate the construction fund, legislation has been submitted to broaden our authority to hold bond proceeds in the escrow fund and to eliminate the need for a construction fund—see section 3 of H.R. 1557 introduced on April 26, 1999.

Section 298.35 Reserve Fund and Financial Agreement

This section has been modified in its entirety. Paragraph (c) of this section regarding financial covenants for companies meeting the special financial requirements has been deleted in its entirety pursuant to the discussion

above in section 298.13(e). The references to a Title XI company qualifying as either a section 12 or section 13 company are deleted and two sets of covenants for all Title XI companies are provided. One set of covenants will be imposed regardless of the company's financial condition (primary covenants) and the second set of covenants will only apply if the company does not meet the specific financial conditions (supplemental covenants).

Section 298.38 Partnership Agreements

MARAD proposes to modify this section to cover limited liability companies as well as partnership agreements.

Section 298.41 Remedies After Default

As all guarantee fees are to be paid up-front, it is proposed that paragraph (c)(1) of this section be deleted.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review)

This rulemaking has been reviewed under Executive Order 12866, and it has been determined that this is not a significant regulatory action. The rule is not likely to result in an annual effect on the economy of $100 million or more. Also, it has been determined to be a nonsignificant rule under the Department's Regulatory Policies and Procedures. Because the economic impact should be minimal, further regulatory evaluation is not necessary. These amendments are intended only to simplify and clarify the procedural requirements for obtaining Guarantees, principally to expedite the process for MARAD's review of applications. Its purpose is to encourage the construction of ships in U.S. shipyards both for the domestic and the export markets and to modernize and improve general shipyard facilities in the United States.

MARAD is publishing these amendments as a notice of proposed rulemaking, as necessary to carry out the Secretary's responsibilities under Title XI and to improve the efficient administration of the Title XI program.

This rulemaking document has been reviewed by the Office of Management and Budget under Executive Order 12866, ''Regulatory Planning and Review.''

Federalism

MARAD has analyzed this rulemaking in accordance with the principles and criteria contained in Executive Order 12612 and has determined that these regulations do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

MARAD certifies that this regulation will not have a significant economic impact on a substantial number of small entities because these amendments are intended only to simplify and clarify the procedural requirements for obtaining Guarantees, principally to expedite the process for MARAD's review of applications.

Environmental Assessment

MARAD has considered the environmental impact of this rulemaking and has concluded that an environmental impact statement is not required under the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This rulemaking contains reporting requirements that have previously been approved by the Office of Management and Budget (Approval No. 2133–0018). Use of the present Maritime Administration Title XI Obligation Guarantees form will be continued pending revision and issuance of new forms, which must be approved by the Office of Management and Budget.

List of Subjects in 46 CFR Part 298

Loan programs-transportation, Maritime carriers, and Mortgages.

Accordingly, the Maritime Administration proposes to amend 46 CFR part 298 as follows:

PART 298—OBLIGATION GUARANTEES

1. The authority citation for part 298 continues to read as follows:

Authority: 46 App. U.S.C. 1114 (b), 1271 *et seq*, 49 CFR 1.66.

2. Section 298.2 is amended as follows:

a. By adding at the end of paragraph (2) of the definition of ''Advanced Shipbuilding Technology'' a semi-colon and the word, ''and'' and a new paragraph (3) to read as set forth below.

b. By revising the definition of *Guarantee Fee*, to read as set forth below.

c. By amending the definition of *Indenture Trustee*, by removing the number ''$3,000,000'' and adding in its place the number ''$25,000,000''.

d. By revising paragraph (2)(iv) of the definition of *Preferred Mortgage*, to read as set forth below.

§ 298.2 Definitions.

* * * * *

Advanced shipbuilding technology * * *

(3) Other elements contributing to a shipyard's efficiency or productivity assisting it to more effectively operate in the shipbuilding industry.

* * * * *

Guarantee fee means the fee payable to the Secretary in consideration for the issuance of the Guarantee.

* * * * *

Preferred Mortgage * * *

(2) * * *

(iv) Is otherwise in compliance with the provisions of Chapter 313 of Title 46 of the U.S. Code.

* * * * *

§ 298.3 [Amended]

3. Section 298.3 is amended as follows:

a. By removing the words ''exhibit and schedule'' in the fourth sentence of paragraph (a), and adding in their place the words ''exhibits, schedules and attachments''.

b. By removing the number ''four'' in the first sentence of paragraph (b)(2) and adding in its place the number ''two''.

c. By removing the third sentence in paragraph (d).

d. By amending the first sentence of paragraph (e) by adding before the word ''naval'', the words ''United States'' and removing the third sentence of this paragraph.

§ 298.11 [Amended]

4. Section 298.11 is amended as follows:

a. By adding in the first sentence of paragraph (a), between the words ''Guarantee'' and ''is'', the phrase ''must be constructed in the United States. It shall be'' and removing the word ''is''.

b. By adding in the second sentence of paragraph (b), between the words ''Secretary'' and ''may'', the phrase ''may directly contact the shipyard and''.

c. By revising the first sentence of paragraph (c), to read as follows: ''The Vessel shall be constructed, maintained, and operated so as to meet the highest classification, certification, rating, and inspection standards for Vessels of the same age and type imposed by the American Bureau of Shipping (ABS) or another classification society that also meets the inspection standards of the United States Coast Guard with respect to the documentation of U.S.-flag vessels, or in the case of an Eligible Export Vessel, such standards as may be imposed by a member of the International Association of Classification Societies (IACS) classification societies to be ISO 9000 series registered or Quality Systems Certificate Scheme qualified IACS

members who have been recognized by the United States Coast Guard as meeting acceptable standards with such recognition including, at a minimum, that the society meets the requirements of IMO Resolution A.739(18) with appropriate certificates required at delivery, so long as the home country of the IACS member accords equal reciprocity, as determined by the Secretary, to United States classification societies.''

d. By removing the last sentence of paragraph (c).

5. Section 298.12 is revised to read as follows:

§ 298.12 Applicant and operator's qualifications.

(a) *Operator's qualifications.* No Letter Commitment shall be issued by the Secretary without a prior determination that the applicant, bareboat charterer, or other Person identified in the application as the operator of the Vessel or Advanced or Modern Shipbuilding Technology, possesses the necessary experience, ability and other qualifications to properly operate and maintain the Vessel(s) or Advanced and Modern Shipbuilding Technology which serve as security for the Guarantees, and otherwise to comply with all requirements of this part.

(b) *Identity and ownership of applicant.* In order to assess the likelihood that the project will be successful, the Secretary needs information about the applicant and the proposed project. To permit this assessment, each applicant shall provide the following information in its application for Title XI guarantees.

(1) *Incorporated companies.* If the applicant or any bareboat charterer is an incorporated company, it shall submit the following identifying information:

(i) Name of company, place and date of incorporation, and tax identification number, or if appropriate, international identification number of the company;

(ii) Address of principal place of business; and

(iii) Certified copy of certificate of incorporation and bylaws.

(2) *Partnerships, limited partnerships, limited liability companies, joint ventures, associations, unincorporated companies.* If the applicant or any bareboat charterer is a partnership, limited partnership, limited liability company, joint venture, association, or unincorporated company, it shall submit the following identifying information:

(i) Name of entity, place and date of formation, and tax identification number, or if appropriate, international identification number of entity;

(ii) Address of principal place of business; and

(iii) Certified copy of certificate of formation, partnership agreement or other documentation forming the entity.

(3) *Other entities.* For any entity that does not fit the descriptions in paragraphs (b)(1) and (b)(2) of this section, MARAD will specify the information that the entity shall submit regarding its identity and ownership.

(4) The Applicant and any bareboat charterer shall provide a brief statement of the general effect of each voting agreement, voting trust or other arrangement whereby the voting rights of any interest in the Applicant or bareboat charterer are controlled or exercised by any person who is not the holder of legal title to such interest.

(5) The Applicant and any bareboat charterer shall provide the following information regarding the entity's officers, directors, partners or members:

(i) Name and address;

(ii) Office or position; and

(iii) Nationality and interest owned (e.g. shares owned and whether voting or non-voting).

(c) *Applicants: Business and affiliations.* The applicant shall include:

(1) A brief description of the principal business activities during the past five years of applicant;

(2) A list of all business entities that directly or indirectly, through one or more intermediaries, control, are controlled by, or are under common control with the applicant. Also indicate the nature of the business transacted by each entity and the relationship between these entities. This information may be presented in the form of a chart. Indicate whether any of the affiliated entities have previously applied for or received Title XI assistance;

(3) A statement indicating whether the applicant, any predecessor or affiliated entity has been in bankruptcy or reorganization under any insolvency or reorganization proceeding and if so, give details; and

(4) A statement indicating whether the applicant or any predecessor or affiliated entity is now, or during the past five years has been, in default under any agreement or undertaking with others or with the United States of America, or is currently delinquent on any Federal debt, and if so, provide explanatory information.

(5) A list of the applicant's banking references:

(i) Principal bank(s) or lending institutions(s)—name and address

(ii) Nature of relationship

(iii) Individual references. Name(s), telephone and fax number of banking officer(s).

(d) *Management of applicant.* The applicant shall include:

(1) A brief description of the principal business activities during the past five years of each officer, director, partner or member of the applicant listed in paragraph (b)(5) of this section and if these persons (have) act(ed) as executive officers in other entities, indicate the names of these entities and whether such entities have defaulted on any U.S. Government debt, and

(2) The name and address of each organization engaged in business activities which have a direct financial relationship to those carried on or to be carried on by the applicant with which any person listed in paragraph (d)(2) of this section has any present business connection, the name of each such person and, briefly, the nature of such connection.

(e) *Applicant's property and activity.* The applicant shall provide:

(1) A brief description of the general character and location of the principal assets employed in the business of the applicant, other than vessels. Describe financial encumbrances, if any;

(2) Provide a general description of the vessels currently owned and/or operated by the applicant or its affiliates and a description of the areas of operation; and,

(3) In the case of an Eligible Shipyard which is an applicant for a guarantee for Advanced or Modern Shipbuilding Technology, a brief description of the general character (i.e., number of building ways, launch method, drydocks and size) and location (i.e., water depth, length of riverfront) of the principal properties of the applicant employed in its business. Describe financial encumbrances, if any.

(f) *Operating ability.* (1) In the case of an applicant for a vessel financing Guarantee, the applicant shall submit a detailed statement showing its ability to successfully operate the Vessel(s). If a company other than the applicant will operate the Vessel(s), then this information shall be provided for the operating company together with a copy of the operating agreement.

(2) The applicant shall submit a copy of any management agreement(s) between the applicant and any related or unrelated organization(s) which will affect the management of the Title XI vessel or shipyard.

(3) In the case of an Eligible Shipyard which is an applicant for a guarantee for Advanced or Modern Shipbuilding Technology, a detailed statement shall be submitted showing the ability of the

applicant to successfully operate the shipbuilding technology, including name, education, background of, and licenses held by, all senior supervisory personnel concerned with the physical operation of the shipbuilding technology.

(4) Where an operator has an historical performance record, this record shall be considered in evaluating the operating ability of the applicant. For newly formed entities, the performance of affiliates and/or companies associated with the principals (where the principals have a significant degree of control) shall be evaluated in determining the operating ability of the applicant. However, unless the affiliates or principals have an obligation with respect to the debt, historical performance shall not be considered in evaluating the creditworthiness of the application.

6. Section 298.13 is amended as follows:

a. By removing the sixth sentence in paragraph (a)(2)(i) and the illustration entitled ''Illustration-Cost of Foreign Components Satisfying Equity Requirements.'' in their entirety.

b. By removing the words, ''guarantee fees,'' in paragraph (a)(2)(iv).

c. By removing all references to the word, ''primary'', in paragraph (d).

d. By revising paragraph (a)(4)to read as set forth below.

e. By revising paragraphs (b)(2) through (b)(4), to read as set forth below.

f. By removing existing paragraph (e), and redesignating paragraphs (f), (g) and (h) as paragraphs (e), (f) and (g).

g. By removing ''paragraphs (d) and (e)'' in newly designated paragraph (e) and adding ''paragraph (d)'' in its place.

h. By removing ''paragraphs (a)(3), (d) and (e)'' in newly designated paragraph (f) and adding ''paragraphs (a)(3) and (d)'' in its place.

§ 298.13 Financial requirements.

* * * * *

(a) * * *

(4) Financial information. The applicant shall provide the following financial statements, footnoted to explain the basis for arriving at the figures:

(i) The most recent financial statement of the applicant, its parent and other significant participants, as applicable (year end or intermediate), and the three most recent audited statements with details of all existing debt. If the applicant is a new entity and is to be funded from or guaranteed by external source(s), it shall provide the above mentioned statements for such source(s) (for eligible export vessels, the applicant's financial statements shall be in accordance with U.S. generally accepted accounting principles (GAAP) if formed in the U.S. or reconciled to GAAP if formed in a foreign country unless a satisfactory justification is provided explaining the inability to reconcile);

(ii) A pro forma balance sheet of the applicant and guarantor (if applicable) as of the estimated date of execution of the Guarantees reflecting the assumption of the Title XI Obligations, including the current liability (for eligible export vessels, the applicant's financial statements shall be in accordance with GAAP if formed in the U.S. or reconciled to GAAP if formed in a foreign country unless a satisfactory justification is provided explaining the inability to reconcile); and,

(iii) Pro forma balance sheets of the applicant and guarantor (if applicable) for five years subsequent to the Closing.

(b) * * *

(2) *Working Capital* shall mean the excess of current assets over current liabilities, both determined in accordance with GAAP and adjusted as follows:

(i) In determining current assets there shall be deducted:

(A) Any securities, obligations or evidence of indebtedness of a Related Party or of any stockholder, director, officer or employee (or any member of his family) of the Company or of such Related Party, except advances to agents required for the normal current operation of the Company's vessels and current receivables arising out of the ordinary course of business and not outstanding for more than 60 days; and

(B) An amount equal to any excess of unterminated voyage revenue over unterminated voyage expenses.

(ii) In determining current liabilities there shall be deducted any excess of unterminated voyage expenses over unterminated voyage revenue.

(iii) In determining current liabilities there shall be added one half of all annual charter hire and other lease obligations (having a term of more than six months) due and payable within the succeeding fiscal year, other than charter hire and such other lease obligations already included and reported as a current liability on the Company's balance sheet.

(3) *Equity (net worth)* means, as of any date, the total of paid-in capital stock, paid-in surplus, earned surplus and appropriated surplus, and all other amounts that would be included in net worth in accordance with GAAP, but exclusive of:

(i) Any receivables from any stockholder, director, Officer or employee of the Company or from any Related Party (other than current receivables arising out of the ordinary course of business and not outstanding for more than 60 days) and

(ii) Any increment resulting from the reappraisal of assets.

(4) *Long Term Debt* means, as of any date, the total notes, bonds, debentures, equipment obligations and other evidence of indebtedness that would be included in long term debt in accordance with GAAP. There shall also be included any guarantee or other liability for the debt of any other Person not otherwise included on the balance sheet.

7. Section 298.14 is amended as follows:

a. By adding after the first sentence in paragraph (a) the following two sentences: ''The economic soundness and the applicant's ability to repay the Obligations shall be the primary basis for the Secretary's approval of a Letter Commitment. The collateral value of the asset for which Obligations are to be issued shall be only a secondary consideration in determining the applicant's ability to repay the Obligations.''

b. By amending paragraph (a)(2)(ii) to add the following sentence after the first sentence and before the second sentence: ''Vessel revenue projections shall include shipping/hire rates for current market conditions or market conditions expected to exist at the time of vessel delivery, taking into account seasonal or temporary fluctuations.''

c. By revising paragraph (a)(2)(iii) to read as set forth below.

d. By revising paragraph (a)(2)(iv) to read as set forth below.

e. By removing paragraph (a)(2)(v).

f. By adding to paragraph (b)(1)(i) the words ''or for'' after the word ''by''.

g. By adding new paragraphs (b)(2) and (b)(3) to read as set forth below.

§ 298.14 Economic soundness.

(a) *Economic Evaluation.* * * *

(2) *Project Feasibility.* * * *

(iii) *Expenses.* (A) For applications for vessel financing, a statement of estimated vessel expenses including the following (where applicable):

(*1*) A detailed breakdown of estimated vessel daily operating expenses, including wages, insurance, maintenance and repair, fuel, etc. and a detailed projection of anticipated costs associated with long term maintenance of the vessel(s) such as drydocking and major mid-life overhauls, with a time frame for these events over the period of the Guarantee;

(*2*) If applicable, a detailed breakdown of those expenses associated with the vessel(s) voyage, such as port fees,

agency fees and canal fees that are assessed as a result of the voyage; and

(*3*) A detailed breakdown of annual capital costs and administrative expenses, segregated as to:

(*i*) Interest on debt;

(*ii*) Principal amortization; and

(iii) Salaries and other administrative expenses (indicate basis of allocation).

(B) For applications for Advanced or Modern Shipbuilding Technology, a statement of estimated expenses related to the Advanced or Modern Shipbuilding Technology, including the following (where applicable):

(*1*) A detailed breakdown of estimated daily operating expenses for the shipyard, such as wages, including staffing, and aggregated to a straight-line, overtime and fringe benefits; utility costs; costs of stores, supplies, and equipment; maintenance and repair cost; insurance costs; and, other expenses (indicate items included); and

(*2*) A detailed breakdown of annual capital costs and administrative expenses, segregated as to: interest on debt; principal amortization; and salaries and other administrative expenses (indicate basis of allocation).

(iv) *Forecast of Operations.* Utilizing the revenues and expenses provided in paragraphs (a)(2)(ii) and (iii) of this section, the applicant shall provide a forecast of operating cash flow, as defined in paragraph (b)(3) of this section, for the Title XI project for the first full year of operations and the next four years. The cash flow statements should be footnoted to explain the assumptions used.

(b) * * *

(2) In cases where market conditions are inadequate for the applicant to service the Obligation indebtedness at the time of vessel delivery, or shipyard modernization completion, applications may be approved only if there are sufficient outside sources of cash flow to service such indebtedness.

(3) With respect to the asset for which Obligations are to be issued, the operating cash flow to Obligation debt service ratio over the term of the Guarantee shall be in excess of 1:1. Operating cash flow is defined as revenues less operating and capital expenses including taxes paid but exclusive of interest, accrued taxes, depreciation and amortization for the Title XI asset. Debt service is defined as interest plus principal.

§ 298.15 [Amended]

8. Section 298.15 is amended by removing the figure ''$1,000'' in the second sentence of paragraph (b), and adding in its place the figure ''$5,000''.

§ 298.16 [Amended]

9. Section 298.16 is amended by removing the last sentence of paragraph (a).

§ 298.18 [Amended]

10. Section 298.18 is amended by removing the words, ''will aid in the transition from naval shipbuilding to commercial ship construction for domestic and export sales'', from the second sentence of paragraph (a).

§ 298.19 [Amended]

11. Section 298.19 is amended by removing the words ''by the Export-Import Bank of the United States and country risk analyses'' from the last sentence of paragraph (b)(3).

§ 298.20 [Amended]

12. Section 298.20, paragraph (a)(2) is amended by adding after the word ''Guarantees'' and before the semi-colon, the words ''but that the amount of the Guarantees shall relate to the amount of the depreciated actual cost of the multiple Vessels as of the Closing''.

13. Section 298.21 is amended by revising paragraph (c)(7) to read as follows:

§ 298.21 Limits.

* * * * *

(c) * * *

(7) Foreign, federal, state or local taxes, user fees, or other governmental charges.

* * * * *

§ 298.22 [Amended]

14. Section 298.22 is amended by removing from the second sentence of the introductory text the parenthetical phrase ''straight line basis'' and adding in its place the phrase ''level principal''.

15. Section 298.23 is revised to read as follows:

§ 298.23 Refinancing.

The Secretary may approve guarantees with respect to Obligations to be secured by one or more Vessels or Advanced or Modern Shipbuilding Technology and issued to refinance: existing Title XI debt only for Advanced or Modern Shipbuilding Technology, and existing debt for Vessels, whether or not covered by Title XI mortgage insurance or Guarantees, so long as the existing debt has been issued for one of the purposes set forth in Sections 1104(a)(1) through (4) of the Act. Section 1104(a)(1) of the Act requires that, if the existing indebtedness was incurred more than one year after the delivery or redelivery of the related Vessel or Advanced or Modern Shipbuilding Technology, the proceeds of such Obligations shall be applied to the construction, reconstruction or reconditioning of other Vessels or Advanced or Modern Shipbuilding Technology. The Secretary may permit the refinancing of existing debt but only if any security lien on the Vessel(s) or Advanced or Modern Shipbuilding Technology is discharged immediately prior to the placing of any Mortgage thereon by the Secretary. The applicant shall satisfy all the eligibility requirements set forth in subpart B of this part, including economic soundness, as may be necessary.

§ 298.24 [Removed and Reserved]

16. Section 298.24 is removed and reserved.

§ 298.30 [Amended]

17. Section 298.30 is amended by adding in the first sentence after the word ''Trustee'', before the period, the words ''if any''.

18. Section 298.31 is amended by revising paragraph (a)(5) to read as follows:

§ 298.31 Mortgage.

(a) * * *

(5) The Mortgage shall be filed with the United States Coast Guard's National Vessel Documentation Center, or with the proper foreign authorities with respect to an Eligible Export Vessel, and with respect to assets of a General Shipyard Facility a Mortgage and security interest shall be filed with the proper authorities within the appropriate state and shall be delivered to the Secretary after being recorded.

* * * * *

§ 298.32 [Amended]

19. Section 298.32, is amended by removing the word ''annual'' in the first sentence of paragraph (b)(4).

20. Section 298.33 is revised to read as follows:

§ 298.33 Escrow fund.

(a) *Escrow Fund Deposits.* At the time of the sale of the Obligations, the Obligor shall deposit with the Secretary in an escrow fund (the ''Escrow Fund'') all of the proceeds of that sale unless the Obligor is entitled to withdraw funds under paragraph (b) of this section. The Obligor shall also deposit into the Escrow Fund on the Closing date an amount equal to six months interest at the rate borne by the Obligations, unless the Secretary shall find the existence of adequate consideration or accept other consideration in lieu of the interest deposit.

(b) *Escrow Fund Withdrawals.* (1) The Secretary shall, within a reasonable time after written request from the Obligor,

disburse from the Escrow Fund directly to the Indenture Trustee, any Paying Agent for such Obligations, or any other Person entitled thereto, any amount which the Obligor is obligated to pay, or to the Obligor for any amounts it has paid, on account of the items and amounts or any other items approved by the Secretary, *provided that*, the Secretary is satisfied with the accuracy and completeness of the information contained in the following submissions:

(i) A responsible officer of the Obligor shall deliver an officer's certificate, in form and substance satisfactory to the Secretary, stating that:

(A) There is neither a default under the construction contract nor the Security Agreement;

(B) There have been no occurrences which have or would adversely and materially affect the condition of the Vessel, its hull or any of its component parts, or the Technologies;

(C) The amounts of the request is in accordance with the construction contract including the approved disbursement schedule and each item in these amounts is properly included in the Secretary's approved estimate of Actual Cost;

(D) With respect to the request, once the contractor is paid there will be no liens or encumbrances on the applicable Vessel, its hull or component parts, or the Technologies for which the withdrawal is being requested except for those already approved by the Secretary; and

(E) If the Vessel or Technologies has already been delivered, it is in class and is being maintained in the highest and best condition. The Obligor shall also attach an officer's certificate of the shipyard and other general contractors, in form and substance satisfactory to the Secretary, stating that there are no liens or encumbrances as provided in paragraph (d) of this section and attaching the invoices and receipts supporting each proposed withdrawal to the satisfaction of the Secretary.

(ii) No payment or reimbursement under this Section shall be made:

(A) To any Person until the Construction Fund, if any, has been exhausted,

(B) To any Person until the total amount paid by or for the account of the Obligor from sources other than the proceeds of such Obligations equals at least 12½% of the Actual Cost of the Vessel or Technologies is made;

(C) To the Obligor which would have the effect of reducing the total amounts paid by the Obligor pursuant to paragraph (B) of this section; or

(D) To any Person on account of items, amounts or increases representing changes and extras or owner furnished equipment, if any, unless such items, amounts and increases shall have been previously approved by the Secretary; *provided, however*, that when the amount guaranteed by the Secretary equals 75% or less of the Actual Cost and the Obligor demonstrates to the Secretary's satisfaction the ability to pay in the remaining 25%, then after the initial 12½% of Actual Cost has been paid by or on behalf of the Obligor for such Vessel or Technologies and up to 37½% of Actual Cost has been withdrawn from the Escrow Fund for such Vessel or Technologies, the Obligor shall pay the remaining Obligor's equity of at least 12½% (as determined by the Secretary) before additional monies can be withdrawn from the Escrow Fund relating to such Vessel or Technologies.

(2) The Secretary shall not be required to make any disbursement except out of the cash available in the Escrow Fund. If any sale or payment on maturity shall result in a loss in the principal amount of the Escrow Fund invested in securities so sold or matured, the requested disbursement from the Escrow Fund shall be reduced by an amount equal to such loss, and the Obligor shall pay to any Person entitled thereto, the balance of the requested disbursement from the Obligor's funds other than the proceeds of such Obligations.

(3) If the Secretary assumes the Obligor's rights and duties under the Obligations or the Secretary pays the Guarantees, all amounts in the Escrow Fund (including realized income which has not yet been paid to the Obligor), shall be paid to the Secretary and be credited against any amounts due or to become due to the Secretary under the Security Agreement and the Secretary's Note.

(4) Other rights and duties with respect to withdrawals from the Escrow Fund shall be set out in the closing documentation in form and substance satisfactory to the Secretary.

(c) *Investment and liquidation of the Escrow Fund.* The Secretary may invest the Escrow Fund in obligations of the United States. The Secretary shall deposit the Escrow Fund into an account with the U.S. Treasury Department and upon agreement with the Obligor, shall deliver to the U.S. Treasury Department instructions for the investment, reinvestment and liquidation of the Escrow Fund. The Secretary shall have no liability to the Obligor for acting in accordance with such instructions.

(d) Income on the Escrow Fund. Unless there is an existing default, any income realized on the Escrow Fund shall be paid to the Obligor upon receipt by the Secretary of such income.

(e) *Termination date of the Escrow Fund.* The Escrow Fund will terminate 90 days after the delivery date of the last Vessel or Technologies covered by the Security Agreement (the ''Termination Date''). In the event that on such date the payment of the full amount of the aggregate Actual Cost of all of the Vessels or Technologies has not been made or the amounts with respect to such Actual Cost are not then due and payable, then the Obligor and the Secretary by written agreement shall extend the Termination Date for such period as they shall determine is sufficient to allow for such contingencies. Any amounts remaining in the Escrow Fund on the Termination Date which are in excess of 87½% or 75% of Actual Cost, as the case may be, shall be applied to retire a pro rata portion of the Obligations.

21. Section 298.34 is revised to read as follows:

§ 298.34 Construction fund.

(a) *Circumstances requiring deposits.* When the Security Agreement provides for an Escrow Fund and the Obligor submits a claim to the agency that it has previously paid for items of Actual Cost and is seeking reimbursement at the Closing, the Obligor shall also make Construction Fund deposits as follows. At the time of the sale of the Obligations, the Obligor shall deposit with the Depository cash equal to the principal amount of the Obligations issued at such time less the sum of the aggregate principal amount then required to be in the Escrow Fund and the amount in excess of 12½ or 25 percent of Actual Cost or Depreciated Actual Cost, as applicable (whichever is payable under § 298.33(e)) which the Secretary determines has been paid by or for the account of the Obligor. The Secretary shall have a security interest in and control over the Construction Fund and its proceeds. The balance of the proceeds from the sale of the Obligations, after depositing the amounts required to be deposited in the Escrow Fund and/or the Construction Fund, shall be retained by the Obligor.

(b) *Withdrawals and redeposits.* The Secretary shall, subject to the satisfaction of any applicable conditions contained in the Security Agreement, periodically approve disbursements from the Construction Fund under the same procedures and conditions as from the Escrow Fund in § 298.33(e), except the request for withdrawal will not be subject to § 298.33(e)(1) and (h)(1). The administration of the Construction Fund

shall also be subject to the terms and conditions of § 298.33(i), (j), and (k).

22. Section 298.35 is amended as follows:

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

b. By removing paragraph (c) and redesignating paragraphs (d) through (g) as paragraphs (c) through (f).

§ 298.35 Reserve Fund and Financial Agreement.

* * * * *

(b) *Financial covenants.* There will be two sets of covenants. One set is covenants that will be imposed regardless of the Company's financial condition (primary covenants). The other set of covenants will be imposed only if the Company does not meet specific financial conditions (supplemental covenants). The primary and supplemental covenants are to be set forth in the Agreement. Covenants shall be imposed on the Company as follows:

(1) *Primary covenants.* So long as Guarantees are in effect the Company shall not, without the prior written consent of the Secretary:

(i) Except as hereinafter provided, make any distribution of earnings, except as may be permitted by paragraphs (b)(1)(i)(A) or (B) of this section:

(A) From retained earnings in an amount specified in paragraph (b)(1)(i)(C) of this section, *provided that,* in the fiscal year in which the distribution of earnings is made there is no operating loss to the date of such payment of such distribution of earnings, and there was no operating loss in the immediately preceding three fiscal years, or there was a one-year operating loss during the immediately preceding three fiscal years, but such loss was not in the immediately preceding fiscal year, and there was positive net income for the three year period;

(B) If distributions of earnings may not be made under paragraph (b)(1)(i)(A) of this section, a distribution can be made in an amount equal to the total operating net income for the immediately preceding three fiscal year period, *provided that,* there were no two successive years of operating losses, in the fiscal year in which such distribution is made, there is no operating loss to the date of such distribution, and the distribution of earnings made would not exceed an amount specified in paragraph (b)(1)(i)(C) of this section;

(C) Distributions of earnings may be made from earnings of prior years in an aggregate amount equal to 40 percent of the Company's total net income after tax for each of the prior years, less any distributions that were made in such years; or the aggregate of the Company's total net income after tax for such prior years, *provided that,* after making such distribution, the Company's Long Term Debt does not exceed its Net Worth. In computing net income for purposes of this paragraph (b)(1)(i)(C), extraordinary gains, such as gains from the sale of assets, shall be excluded;

(ii) Enter into any service, management or operating agreement for the operation of the Vessel or the Technologies (excluding husbanding type agreements), or appoint or designate a managing or operating agent for the operation of the Vessel or the Technologies (excluding husbanding agents) unless approved by the Secretary;

(iii) Sell, mortgage, transfer, or demise charter the Vessel or the Technologies or any assets to any non-Related Party except as permitted in paragraph (b)(1)(vii) of this section or sell, mortgage, transfer, or demise charter the Vessel or any assets to a Related Party, unless such transaction is at a fair market value as determined by an independent appraiser acceptable to the Secretary, and a total cash transaction or, in the case of demise charter, the charter payments are cash payments;

(iv) Enter into any agreement for both sale and leaseback of the same assets so sold unless the proceeds from such sale are at least equal to the fair market value of the property sold;

(v) Guarantee, or otherwise become liable for the obligations of any other Person, except in respect of any undertakings as to the fees and expenses of the Indenture Trustee, except endorsement for deposit of checks and other negotiable instruments acquired in the ordinary course of business and except as otherwise permitted in this section;

(vi) Directly or indirectly embark on any new enterprise or business activity not directly connected with the business of shipping or other activity in which the Company is actively engaged;

(vii) Enter into any merger or consolidation or convey, sell, demise charter, or otherwise transfer, or dispose of any portion of its properties or assets (any and all of which acts are encompassed within the words ''sale'' or ''sold'' as used herein), *provided that,* the Company shall not be deemed to have sold such properties or assets if the net book value of the aggregate of all the assets sold by the Company during any period of 12 consecutive calendar months does not exceed ten percent of the total net book value of all of the Company's assets; the Company retains the proceeds of the sale of assets for use in accordance with the Company's regular business activities; and the sale is not otherwise prohibited by paragraph (b)(1)(iii) of this section. Notwithstanding any other provision of this paragraph (b)(1)(vii), the Company may not consummate such sale without the prior written consent of the Secretary if the Company has not, prior to the time of such sale, submitted to the Secretary the financial statement referred to in paragraph (a) of this section, and any attempt to consummate a sale absent such approval shall be null and void *ab initio.*

(2) *Supplemental Covenants which may become applicable.* Unless, after giving effect to such transaction or transactions, during any fiscal year of the Company, the Company's Working Capital is equal to at least one dollar, the Company's Long-Term Debt does not exceed two times the Company's Net Worth and the Company's Net Worth is at least the amount specified by the Secretary, the Company shall not, without Secretary's prior written consent:

(i) Withdraw any capital;

(ii) Redeem any share capital or convert any of the same into debt;

(iii) Pay any dividend (except dividends payable in capital stock of the Company);

(iv) Make any loan or advance (except advances to cover current expenses of the Company), either directly or indirectly, to any stockholder, director, officer, or employee of the Company, or to any other Related Party;

(v) Make any investments in the securities of any Related Party;

(vi) Prepay in whole or in part any indebtedness to any stockholder, director, officer, or employee of the Company, or to any Related Party, which has a stated maturity of more than one year from such date;

(vii) Increase any direct employee compensation (as hereafter defined) paid to any employee in excess of $100,000 per annum; nor increase any direct employee compensation which is already in excess of $100,000 per annum; nor initially employ or re-employ any person at a direct employee compensation rate in excess of $100,000 per annum; provided, however, that beginning with January 20, 1999, the $100,000 limit may be increased annually based on the previous years'' closing Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics. For the purpose of this subsection, the term ''direct employee compensation'' is the total amount of any wage, salary, bonus

commission, or other form of direct payment to any employee from all companies with guarantees under the Act as reported to the Internal Revenue Service for any fiscal year.

(viii) Acquire any fixed assets other than those required for the maintenance of the Company's existing assets, including normal maintenance and operation of any vessel or vessels owned or chartered by the Company;

(ix) Either enter into or become liable (directly or indirectly) under charters and leases (having a term of six months or more) for the payment of charter hire and rent on all such charters and leases which have annual payments aggregating in excess of an amount specified by the Secretary;

(x) Pay any indebtedness subordinated to the Obligations or to any other Title XI obligations;

(xi) Create, assume, incur, or in any manner become liable for any indebtedness, except current liabilities, or short term loans, incurred or assumed in the ordinary course of business as such business presently exists;

(xii) Make any investment whether by acquisition of stock or indebtedness, or by loan, advance, transfer of property, capital contribution, guarantee of indebtedness or otherwise, in any Person, other than obligations of the United States, bank deposits or investments in securities of the character permitted for monies in the Title XI Reserve Fund; and,

(xiii) Create, assume, permit or suffer to exist or continue any mortgage, lien, charge or encumbrance upon, or pledge of, or subject to the prior payment of any indebtedness, any of its property or assets, real or personal, tangible or intangible, whether now owned or thereafter acquired, or own or acquire, or agree to acquire, title to any property of any kind subject to or upon a chattel mortgage or conditional sales agreement or other title retention agreement, except loans, mortgages and indebtedness guaranteed by the Secretary under Title XI of the Act or related to the construction of a vessel approved for Title XI by the Secretary, and liens incurred in the ordinary course of business as such business presently exists.

§ 298.36 [Amended]

23. Section 298.36 is amended as follows:

a. By removing the word ''Annual'' from the heading of the section.

b. By amending paragraph (a) by removing the words in the first sentence ''Secretary shall charge the Obligor an annual fee (Guarantee Fee)'' and adding in their place the words ''the Guarantee Fee rate shall be set''.

c. By removing the third and fourth sentences of paragraph (e) and adding one sentence in their place to read as follows: ''In calculating the present value used in determining the amount of the Guarantee Fee to be paid, MARAD will use a discount rate based on information contained in the Department of Commerce's Economic Bulletin Board annual rates.''

24. Section 298.38 is revised to read as follows:

§ 298.38 Partnership and limited liability company agreements.

Partnership and limited liability company agreements shall be in form and substance satisfactory to the Secretary prior to any Guarantee closing, especially relating, but not limited to, four basic areas:

(a) Duration of the entity,

(b) Adequate partnership or limited liability company funding requirements and mechanisms,

(c) Dissolution of the entity and withdrawal of a general partner or member and

(d) The termination, amendment, or other modification of the entity without the prior written consent of the Secretary.

§ 298.41 [Amended]

25. Section 298.41 is amended by removing paragraph (c)(1) and redesignating existing paragraphs (c)(2) through (c)(6) as new paragraphs (c)(1) through (c)(5).

Dated: August 6, 1999.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99–20757 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 99–5100]

RIN 2127–AG49

Consumer Information Regulations; Seat Belt Positioners

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

ACTION: Grant of petition for rulemaking; notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to amend our consumer information regulations to require seat belt positioners to be labeled as not suitable for children of a certain age, e.g., under 6 years old, or a certain height. Seat belt positioners alter the positioning of vehicle lap and shoulder belts on children. We found in tests of some of the devices that they inadequately restrained a 3-year-old child dummy and reduced the performance of vehicle belts restraining a 6-year-old child dummy. We are also requesting information on the alternative of establishing a minimum performance standard for seat belt positioners. We have issued this document in response to a petition for rulemaking from the American Academy of Pediatrics.

DATES: You should submit your comments early enough to ensure that Docket Management receives them not later than October 12, 1999.

ADDRESSES: You should mention the docket number of this document in your comments and submit your comments in writing to: Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC, 20590.

You may call Docket Management at 202–366–9324. You may visit the Docket from 10:00 a.m. to 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues, you may call Mike Huntley of the NHTSA Office of Crashworthiness Standards, at 202–366–0029.

For legal issues, you may call Deirdre Fujita of the NHTSA Office of Chief Counsel at 202–366–2992.

You may send mail to both of these officials at National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC, 20590.

SUPPLEMENTARY INFORMATION:

Overview

This document grants a petition for rulemaking from the American Academy of Pediatrics (AAP) requesting that NHTSA amend Federal Motor Vehicle Safety Standard No. 213, ''Child Restraint Systems'' (49 CFR 571.213) (Standard 213), to include performance requirements applicable to aftermarket, add-on seat belt positioners. These devices alter the positioning of vehicle lap and shoulder belts. The statements on the packaging for some of these devices indicate that they are suitable for improving the fit of the belts on children, which in some cases includes 3- to 6-year-olds, and small adults.

The agency dynamically tested three types of belt positioning devices in 1994, using 3-year-old and 6-year-old dummies. We tested the dummies by restraining them in lap/shoulder belts

with, and without, the devices. When we compared the results, we found that in many of the tests with the 3-year-old dummy, the positioners reduced belt performance and contributed toward excessive head injury criterion (HIC) measurements (HICs were greater than 1000). The devices generally performed adequately with the 6-year-old dummy, in that the performance criteria of our child restraint standard were not exceeded, although there was some reduction in the performance of the vehicle belt system restraining the dummy.

In this document, we propose to amend our consumer information regulations (49 CFR Part 575) to require seat belt positioners to be labeled as not suitable for children of a certain age, e.g., 6 years, and younger. We also request information on the alternative, or additional, approach of establishing a minimum performance standard for seat belt positioners. Further, we also seek information on whether there is a real-world safety problem of sufficient magnitude to merit the agency's taking action.

Petition for Rulemaking

On January 31, 1996, AAP petitioned NHTSA to amend Standard 213, ''Child Restraint Systems,'' to regulate aftermarket seat belt positioners. Aftermarket seat belt positioners, which are designed to improve the fit of the lap and shoulder belt system on a child or small adult, are not currently subject to any Federal motor vehicle safety standard. Standard 213 applies to ''any device except Type I or Type II seat belts, designed for use in a motor vehicle or aircraft to restrain, seat, or position children who weigh 50 pounds or less.'' (S4) A seat belt positioner that does not restrain, seat or position children is not a device regulated by Standard 213. Safety Standard No. 208, ''Occupant Crash Protection'' (49 CFR 571.208) and Standard 210 (571.210), ''Seat Belt Assembly Anchorages,'' apply to new, completed vehicles. Standard 209 (571.209), ''Seat Belt Assemblies,'' applies to new seat belt assemblies. Because an aftermarket seat belt positioner is not installed as part of a completed vehicle or a seat belt assembly, Standards 208, 209 and 210 do not apply.[1]

AAP states that, because seat belt positioners are generally marketed as child occupant protection devices, the products should be subject to the same scrutiny and testing that child restraint systems undergo. AAP's concern is that some seat belt positioners ''appear to interfere with proper lap and shoulder harness fit by positioning the lap belt too high on the abdomen, the shoulder harness too low across the shoulder, and by allowing too much slack in the shoulder harness.'' Accordingly, AAP believes that the devices should be subject to a safety standard so that they are required to meet a minimum level of performance. AAP believes that this would be especially appropriate because, AAP contends, some parents decide to have their older children sit directly on the vehicle seat and use a combination of vehicle seat belts and seat belt positioners instead of having those children sit in booster seats certified to Standard 213. (As explained below, NHTSA recommends that children weighing over 40 pounds (lb) be restrained in a booster seat until they are tall enough so that they can, without the aid of a booster seat: (1) Wear the shoulder belt comfortably across their shoulder, and secure the lap belt across their pelvis, *and* (2) bend their legs over the front of the seat when their backs are against the vehicle seat back.)

NHTSA's Previous Consideration of Seat Belt Positioners

We previously raised the question of whether seat belt positioners should be regulated by Standard 213 several years ago. In a rulemaking proceeding initiated in response to the NHTSA Authorization Act of 1991 (sections 2500–2509 of the Intermodal Surface Transportation Efficiency Act), we issued an NPRM seeking comment on, among other issues, the question of whether the standard should be applied to those devices, and if so, what requirements would be appropriate. We later issued a final rule amending Standard 213 in areas unrelated to seat belt positioners, but in that rule we discussed the public comments on this issue and announced our decision (60 FR 35126; July 6, 1995) not to propose applying the standard to these devices:

> Six commenters responded to this issue. All believed the devices need to be subjected to safety standards to ensure that they provide occupants with proper safety protection. UM–CPP [University of Michigan Child Protection Program] stated that the primary problem with these devices is that there are ''no formal test procedures and criteria for determining whether a given deflector is effective and/or better than nothing for certain vehicle belt/occupant combinations.'' IIHS [Insurance Institute for Highway Safety] strongly urged that these restraint devices to improve belt fit, be subject to Standard 213, as are booster seats. It said these devices are targeted to those children who have outgrown toddler seats but are too small to be appropriately restrained by adult seatbelts. Redlog, a manufacturer of belt adjustment devices, recommended that these devices be included in the definition of child restraints in FMVSS No. 213. Redlog recommended creating a sub-category within the existing definition of child restraints to accommodate these devices. It concluded by saying that dynamic crash testing and labeling for appropriate usage are essential requirements. Advocates [Advocates for Highway and Auto Safety] expressed its concern with the safety of these devices and said the agency has an obligation to test them to determine if they interfere with the safety performance of the restraint system. Safety BeltSafe said that ''standards are essential for the new category of product which purports to reconfigure the shoulder lap belt to respond to the differing seated heights of passengers and drivers in vehicles.'' It, however, said at this time, it does not recommend use of such products if the passenger is able to use a belt-positioning booster. CompUTence said that FMVSS 213 should address all child and small adult safety devices relating to occupant restraint and that, currently, these devices are sold without knowledge of whether they provide the safety claimed by their manufacturers.
>
> While commenters supported regulating the aftermarket devices, the agency is not prepared to undertake rulemaking at this time. NHTSA needs to better assess the safety benefits of such rulemaking, and the feasibility of a test procedure and practicability of performance requirements. (60 FR at 35137)

Agency Review of Petition

In reviewing AAP's petition, we were guided by a number of considerations. First, we believe that children's crash protection will be maximized if parents follow the recommendations we developed on what type of restraint should be used for children of particular sizes. One question for us was whether the positioners themselves, or the statements in their marketing and packaging, might encourage parents to use child restraints in a manner inconsistent with those recommendations. Second, we believe that use of belt positioners must not degrade the safety of children whose child restraint usage is consistent with the recommendations.

NHTSA Recommendations Regarding Child Restraint Usage

Our usage recommendations, which were published in November 1997 as part of an information brochure concerning on-off switches for air bags, are as follows:

[1] While seat belt positioners are not subject to the standards, they are items of motor vehicle equipment. Accordingly, their manufacturers are subject to the requirements in 49 U.S.C. 30119 and 30120 concerning the recall and remedy of products with safety related defects.

What Restraint Is Right For Your Child?

Weight or size of your child	Proper type of restraint (Put your child in back seat, if possible)
Children less than 20 pounds,* or less than 1 year	Rear-facing infant seat (secured to the vehicle by the seat belts).
Children from about 20 to 40 pounds* and at least 1 year	Forward-facing child seat (secured to the vehicle by the seat belts).
Children more than 40 pounds*	Booster seat, plus *both* portions of a lap/shoulder belt (except only the lap portion is used with some booster seats equipped with front shield).
Children who meet both criteria below:	*Both* portions of a lap/shoulder belt.
(1) Their sitting height is high enough so that they can, without the aid of a booster seat: wear the shoulder belt comfortably across their shoulder, and secure the lap belt across their pelvis, *and* (2) Their legs are long enough to bend over the front of the seat when their backs are against the vehicle seat back.	

*To determine whether a particular restraint is appropriate for your child, see restraint manufacturer's recommendations concerning the weight of children who may safely use the restraint.

We believe that it is important that seat belt positioners and other child passenger devices, and the statements in their marketing and packaging, not induce parents and other care givers to restrain children in a way that may be appropriate for a larger child, but not for that child. For example, children who cannot meet the sitting height and leg length criteria in the agency's recommendations should not be placed directly on a vehicle seat, restrained by the vehicle seat belts.

We believe that if seat belt positioners are marketed for children under 6 years old, they can induce people to act contrary to this advice. The 50th percentile 3-year-old male child weighs 33 lb. Under our recommendations, a 3-year-old child should be restrained by a forward-facing child restraint (a convertible or toddler seat) rather than by the vehicle's seat belts. When the child outgrows a forward-facing convertible or toddler seat, he or she should use a child booster seat, which lifts and positions the child to fit a vehicle's belt system. The booster seat should be used until the child is tall enough to wear the vehicle's lap and shoulder belts properly without an accessory, and can sit comfortably on the vehicle seat with knees bent over the front of the seat when the child's back is against the vehicle seat back.

We note that it is uncertain whether seat belt positioners are now generally marketed for use with 3-year-old children. We believe that the positioners are usually advertised in both their promotional materials and in statements on their packaging as being suitable for children who weigh 50 lb or more, which is approximately the weight of the 50th percentile 6-year-old male (48 lb). A positioner that, several years ago, had been advertised in packaging as suitable for use by children as young as 3 years old,[2] no longer is so recommended. Now, it is instead marketed as suitable for children weighing over 50 lb. Further, it is uncertain whether or to what extent seat belt positioners are being used with children 3- to 6-years old. State child restraint use laws requiring the use of child safety seats would indirectly prohibit use of a positioner alone in combination with vehicle seat belts (with no child safety seat), for restraining very young children (e.g., under the age of 4).

NHTSA's Dynamic Testing of Seat Belt Positioners

Following the issuance of the July 1995 rule, NHTSA published a report on an evaluation by our Vehicle Research and Test Center (VRTC) of three types of seat belt positioners. ''Evaluation of Devices to Improve Shoulder Belt Fit,'' DOT HS 808 383, Sullivan and Chambers, August 1994.[3] The three devices were the ChildSafer, a plastic strip that attaches to the lap belt and that has three different openings through which the shoulder belt can be routed; the SafeFit, a pouch design through which the lap/shoulder belt is routed; and the Seatbelt Adjuster, a plastic clip that attaches to the lap belt, which has a flange through which the shoulder belt is rerouted. The ChildSafer was then recommended for occupants between the heights of 38 inches (the standing height of the average 3-year-old male child) to 60 inches. VRTC conducted a series of 35 sled tests using a dynamic test procedure to evaluate seat belt positioners using the standard frontal condition specified in Standard 213[4], as well as modified conditions to simulate oblique (15 degree offset) impacts. VRTC used test dummies representing a 3-year-old and 6-year-old child, and a 5th percentile adult female. In the test representing a 15 degree offset impact, the test seat assembly was placed in two different positions, rotated clockwise (occupant faces toward shoulder portion of seat belt) and rotated counterclockwise (occupant faces away from shoulder portion of seat belt).

VRTC found that injury criteria measurements were generally higher when a seat belt positioner was used in restraining the 3-year-old dummy than when the child dummy was restrained without a belt positioner. (The latter case is referred to as the ''baseline'' configuration. In the baseline tests conducted using the 3-year-old dummy, the dummy was positioned such that the shoulder belt was positioned across the shoulder and away from the neck area as best as possible.) When tested in the baseline configuration, i.e., with no positioner, the HIC values were less than 1000 for all tests. (However, the HIC value for the three-year-old dummy

[2] This positioner, the Child-Safer, was included in NHTSA's test program, infra, and tested with the 3-year-old dummy.

[3] While the study was conducted in 1994, preparation of the report for publication was not completed until 1995. The report is available from the National Technical Information Service, Springfield, VA 22161.

[4] Standard 213's dynamic test uses a standard vehicle seat assembly to which a child restraint system is attached by means of a vehicle seat belt. The seat assembly, along with the child restraint system, is subjected to a frontal 30 mph change of velocity over a duration of about 80 milliseconds.

in the baseline/clockwise orientation was marginal at 995.) When tested with the positioners, HIC levels, for the most part, exceeded the 1000 HIC limit of Standard 213.

In all of the tests (with and without seat belt positioners) with the 3-year-old dummy, the dummy's head hit his forearms. In some tests, these head impacts were more severe than in others. In some tests with a seat belt positioner, the forehead would hit one forearm and then bounce to the other forearm. These contacts contributed to the increase of the HIC measurements. However, although removing the effect of the head contact reduced the HIC values by about 6 percent, the HIC values were still above the Standard 213 criterion of 1000.

In other tests with a seat belt positioner, the shoulder belt portion of the lap/shoulder belt slipped off the shoulder, allowing the 3-year-old dummy to slip around the belt. In tests of the 3-year-old dummy in the frontal crash configuration with a seat belt positioner, the increased chest g's and head and knee excursions were still within the limits of the standard. One positioner lowered chest g measurements in the frontal and 15 degree offset crash configurations.

In tests with the 6-year-old dummy, when using a seat belt positioner, the dummy tended to ''roll-out'' of the seat belt positioner and around the shoulder belt. The HIC, chest g's, and head and knee excursions increased in some cases but were generally within the limits for all the tests (with and without seat belt positioners), except one of the seat belt positioners had chest g measurements exceeding the limit of Standard 213 in the frontal and 15 degree offset clockwise tests. That device introduced slack in the shoulder belt during the test. In some of the tests, the positioners resulted in injury criteria values that were lower than or approximately the same as those obtained in the baseline tests.

The complete test results are set forth in Tables 1 and 2 below. Those results should be compared to the requirements of Standard 213, which specifies testing in the frontal crash condition and limits HIC to 1000; chest acceleration to 60 g's; head excursion to 813 mm; and knee excursion to 915 mm.

TABLE 1.—INJURY CRITERIA AND EXCURSION FOR 3-YEAR-OLD DUMMY

	Fit device	HIC	Chest clip (g)	Head excursion (mm)	Knee excursion (mm)
	Limits of Standard 213	1000	60	813	915
3-Year-Old	Baseline (No Device)	874	48.7	477	553
Frontal	Child Safer	1309	55.1	560	615
	SafeFit	1095	56.5	496	618
	Seatbelt adjuster	999	48.1	551	583
3-Year-Old	Baseline (No Device)	995	48.5	411	535
15° Offset Clock-wise	Child Safer	1565	52.3	564	665
	SafeFit	1435	62.1	486	639
	Seatbelt adjuster	1238	45.4	452	580

TABLE 2.—INJURY CRITERIA AND EXCURSION FOR 6-YEAR-OLD DUMMY

	Fit device	HIC	Chest clip (g)	Head excursion (mm)	Knee excursion (mm)
	Limits of Standard 213	1000	60	813	915
6-Year-Old	Baseline (No Device)	657	50.4	481	628
Frontal	Child Safer	769	65.2	567	674
	SafeFit	427	49.1	566	649
	Seatbelt adjuster	634	50.8	473	604
6-Year-Old	Baseline (No Device)	595	54.3	435	602
15° Offset Clockwise	Child Safer	947	67.1	540	661
	SafeFit	621	57.7	461	580
	Seatbelt adjuster	794	55.1	493	640
6-Year-Old	Baseline (No Device)	409	48.5	516	607
15° Offset Counter-clockwise	Child Safer	509	50.1	628	605
	SafeFit	386	42.8	577	589
	Seatbelt adjuster	374	45.7	554	559

Agency Decision Regarding AAP's Petition

NHTSA is granting AAP's petition and is proposing to amend our labeling regulation to require seat belt positioners to be labeled with a warning against using the devices with children under the age of 6.[5] We also request comment on whether the requirements proposed in this NPRM should also apply to seat belt positioners installed as original equipment in a motor vehicle, in addition to seat belt positioners sold directly to consumers in the ''aftermarket.'' We are also asking for information on other possible courses of action we could take with regard to the devices.

Issue 1: Is There a Safety Need for This Rulemaking Action?

A real-world safety problem has not been quantified thus far. There are no complaints in our crash files concerning seat belt positioners. AAP did not submit any information indicating that positioners are actually causing or exacerbating injuries.

The VRTC study found that there could be a potential safety problem. The study found that three types of positioners generally degraded the performance of the lap/shoulder belt system when tested with the 3-year-old dummy, by increasing the head and chest injury criteria measurements, and head and knee excursion measurements, over the measurements made in the baseline tests. One positioner slightly decreased chest clip values measured in the frontal and 15 degree offset tests. HIC levels for the positioners were at or exceeded the 1000 HIC limit of Standard 213 in all tests. When tested with the 6-year-old dummy, the positioners generally performed adequately, by keeping the injury criteria measurements within the limits of the standard. In some of the tests, the positioners resulted in injury criteria values that were lower than or approximately the same as those obtained in the baseline tests.

However, although HIC values generally exceeded the limit of Standard 213 in tests with the 3-year-old dummy, seat belt positioners might not be typically used with 3-year-old children. As noted above, the devices are typically marketed (in advertising literature and on packaging) for children who weigh 50 lb or more, which is approximately the weight of the 50th percentile 6-year-old male (48 lb). In view of the current marketing of seat belt positioners for use by children weighing 50 lb or more, we request comments on whether regulating the devices is warranted.

While the VRTC study compared the performance of the various seat belt positioners to a baseline configuration of the test dummy restrained without the positioner (i.e., positioned directly on the test seat and restrained by a lap/shoulder belt), we also compared the performance of the seat belt positioners (as measured in the VRTC study) to Standard 213 compliance test results of convertible child restraints and belt-positioning seats. We compared the VRTC test results of the seat belt positioning devices to compliance tests that were conducted by the agency between 1993 and 1998, using the 3-year-old dummy in convertible child restraints and the 6-year-old dummy in belt-positioning booster seats. The average HIC value in 363 compliance tests conducted on convertible child restraints using the 3-year-old dummy is 483.6, as compared to an average HIC of 1,134.3 for the three seat belt positioners tested (using the frontal crash scenario results only). This is a 57.3 percent reduction of HIC values when using the convertible-type child restraint. Test results also indicate that chest acceleration values are reduced to an average of 46.9 g's in the 363 compliance tests using the 3-year-old dummy in a convertible child restraint, from an average of 53.2 g's using the seat belt positioning devices.

The average head and knee excursion in the compliance tests of the convertible seats was found to be 28.9 inches and 32.5 inches, respectively. These values are somewhat greater than the 21.1 inches and 23.8 inches for head and knee excursion found for the belt positioning devices during the VRTC study, but still well within the limits of 32 inches and 36 inches prescribed in Standard 213. It should also be noted that beginning in September of this year, child restraints will be required to meet more stringent requirements with respect to the allowable head excursion in dynamic testing. Convertible child restraints manufactured on or after September 1, 1999 will be required to limit head excursion of the test dummy to a maximum of 28 inches (the restraints may incorporate a tether to meet this requirement).

The average values for each of the injury criteria measured with the 6-year-old dummy in compliance tests of belt-positioning booster seats are below those measured using the seat belt positioning devices in the VRTC study. HIC values in 17 compliance tests of belt-positioning booster seats using the 6-year-old dummy have averaged 464, as compared to 610 for the seat belt positioning devices in the VRTC study, and chest acceleration values have averaged 48.8 g's for belt-positioning booster seats, as compared to 55 g's for the seat belt positioning devices. Head and knee excursion are also reduced by an average of 1 inch each when using a belt-positioning seat.

The data above indicate that children are typically afforded greater levels of protection when using convertible-type and belt-positioning booster seats than when using the seat belt positioning devices tested in the VRTC study. These data indicate that a 3-year-old child should not be restrained using a seat belt positioning device. Children of this age should typically be restrained in a convertible-type child restraint, which often offers a 5-point harness for added protection in the event of a crash. Further, the data show that a 6-year-old child restrained in a belt-positioning booster seat is provided a greater level of safety protection than when using a seat belt positioning device.

Issue 2: Should We Require a Warning Label for the Devices?

Our tests of seat belt positioners indicate that they generally performed adequately with the 6-year-old dummy, but did not do so in tests with 3-year-old dummy. (The devices increased the latter dummy's HIC values to unacceptable levels.) In view of this, we are proposing to require that the devices be labeled with a warning that they must not be used with children under a certain age, e.g., 6 years. Alternatively, a child's height might be a better predictor of whether a positioner would perform adequately than a child's age. Thus, we also are requesting comments on whether the label should include a warning against using the devices with children under a certain height, e.g., the height of a 50th percentile 6-year-old male (47.5 inches, or 1206 mm), as an alternative or in addition to the warning referencing the child's age.

We are proposing that seat belt positioners be labeled with information that would maximize the correct positioning of the belts on the child. The lap and shoulder belt needs to be positioned so as to maximize the

[5] In November 1998, NHTSA Administrator Ricardo Martinez, M.D., formed a ''Blue Ribbon Panel,'' consisting of representatives from the auto and child restraint safety communities, to examine ways to ensure the proper protection of children ages 5 to 16 in motor vehicles. On March 15, 1999, the panel released a set of recommendations, including a number in the areas of product design and research that directly address the issue of seat belt positioning devices. NHTSA will consider the recommendations of the panel in conjunction with those comments received in response to this notice in determining the appropriate course of action regarding the regulation of belt positioning devices.

distribution of the crash forces to the child's skeletal structure. The lap belt and the shoulder belt should not be positioned such that they would increase the loading of the soft tissues and organs of the child's abdomen. The shoulder belt should not be aligned so that the child might twist toward the middle of the vehicle in a crash, or adjusted with excessive slack in the belt. We thus propose that seat belt positioners be labeled with the statement: ''Make sure that this device positions the lap belt low across the child's hips and not on the stomach. The shoulder belt must be snug and on the child's shoulder, not near the neck or off the shoulder.'' Comments are requested on this issue.

The regulatory text provided in this NPRM proposes a permanent label that includes the information, noted above, as to how the lap and shoulder belt should be properly fitted, and information as to the model name or number of the system, the manufacturer's name, and the place of manufacture. The latter information would be required to assist in identifying the equipment for purposes of a finding of a safety defect or a recall. Is there enough room on these devices for a permanent label which incorporates all of this information in a readable size? If not, are there alternative means to convey the same information, e.g., a permanent label warning ''Do not use for children under 6'' on the device, in conjunction with a requirement that the remaining information be provided with the packaging material?

Issue 3: Should the Devices Be Regulated by Standard 213?

The agency tentatively believes that it would not be appropriate for seat belt positioners to be regulated by Standard 213. Standard 213 does not apply to devices recommended for children weighing over 50 lb, which, NHTSA believes, is the recommended weight range for the users of most, if not all, positioners. Further, even if the current requirements of Standard 213 were extended to such devices, there is some question of whether those requirements could effectively assess belt positioners.

If the current test procedure and injury criteria of Standard 213 were used to test and evaluate the devices, it appears that belt positioners would generally pass Standard 213 when tested in accordance with the standard, i.e., with the 6-year-old dummy. This conformance would leave unaddressed and even obscure the question of whether the standard would be able to distinguish between acceptable and unacceptable performance of belt positioners. Belt positioning devices can cause the lap belt to rise above the hips in a crash and press into the soft abdominal area instead of staying lower and lying across the child's hips, thereby increasing the potential for abdominal injury. Currently there are no abdominal sensors on the child dummies used by NHTSA in compliance testing, or injury criteria developed, and thus no way to evaluate the potential for abdominal injury using the existing test protocols of Standard 213.[6]

If Standard 213 were applied to belt positioners, some consumers might erroneously conclude that a belt positioner certified to the Federal standard would provide the same level of protection as a child restraint system. Some parents might respond to the certification of belt positioners by prematurely moving their child out of a child safety seat into the vehicle seat belt system, believing that the ''certified'' belt positioner renders the vehicle belt system adequate for the child. The premature ''graduation'' of a child to the vehicle belt system would be contrary to NHTSA's recommendations on restraining children and could degrade the child's crash protection.

NHTSA believes that children who cannot properly wear the vehicle shoulder belt without a positioning device should still be using a child restraint system, such as a toddler seat or a belt-positioning booster, rather than the vehicle belt system. A toddler seat provides a high back for neck support and typically has side supports that cushion and protect the child in frontal and side impacts. Seat belt positioners do not provide such protection. In addition, toddler seats have an internal restraint system (a harness system which may include a shield or shelf) which fits the child better than vehicle belts and which does not allow direct contact of a vehicle lap belt with the child. Thus, the child restraint diverts and distributes dynamic crash forces away from vulnerable parts of the child's body. Further, a toddler or booster seat is more comfortable for children whose legs are too short to allow them to bend their knees when sitting upright against the vehicle seat back. These children will slouch down when seated directly on the vehicle seat cushion, so as to bend their knees, and in doing so are likely to reposition the vehicle's lap belt over the soft abdominal area.[7] The more comfortable fit of the child restraint system's platform seat therefore results in a safer fit of the lap restraint, compared to the fit of the lap belt on a child sitting directly on the vehicle cushion.

Older children who can fit in a belt-positioning booster seat would be safer in such seats than seated on a vehicle seat using the vehicle seat belts and a seat belt positioning device of the types discussed in this document. The main object of belt positioning devices is to adjust the shoulder belt portion of a Type II (lap and shoulder) belt so as not to cross the child's face or neck. Booster seats achieve this objective by raising the child in relation to the belts—rather than vice versa, as with belt positioning devices—and thereby make it less likely, than when using a positioning device, that the lap belt would be positioned over the child's abdomen. Boosters provide a seating platform that enable children to bend their knees without slouching, which may occur when the child is seated directly on the vehicle seat. As noted in the previous paragraph, slouching can result in the repositioning of a lap belt over the child's soft abdominal area. Booster seats also hold the child more securely and reduce the likelihood that excessive slack will be introduced into the belt system. Again, however, these differences would be obscured by the fact that both the seat belt positioner and the booster seat would be certified as complying with ''all applicable Federal motor vehicle safety standards.'' Thus, consumers might mistakenly assume that both offer comparable levels of protection when they would not.

To avoid this misunderstanding, NHTSA tentatively believes seat belt positioners should not be considered as the same type of device as a child restraint system, or regulated by Standard 213. Comments are requested on this issue. (We also note, however, that use of booster seats for children weighing more than 40 pounds has been

[6] Similarly, belt positioning devices increased neck load and moments in the VRTC tests when used with the 5th percentile female dummy compared to baseline conditions (no device). No neck injury assessment was performed using child dummies because child dummies equipped with a neck load cell were not available at the time that the VRTC test program was conducted. On September 18, 1998, NHTSA proposed to amend Standard 208 to require the use of new 12-month-, 3-year-, and 6-year-old dummies that are instrumented with load cells to measure neck forces and moments when evaluating air bags in frontal crashes (63 FR 49957). The proposal also included neck injury criteria. If a procedure and criteria are adopted, seat belt positioners and other child safety devices may be evaluated for potential child neck injury.

[7] ''Study of Older Child Restraint/Booster Seat Fit and NASS Injury Analysis,'' Klinich, Pritz, Welty, et al., DOT HS 808 248, November 1994.

documented to be very low. The availability of belt positioning devices may encourage some people to use the shoulder portion of a lap/shoulder belt who otherwise would put the shoulder belt behind their back due to physical discomfort. Putting the shoulder belt behind the back dramatically decreases restraint effectiveness.)

Issue 4: Should the Devices Be Subject to Performance Requirements? If Yes, What Requirements Would Be Appropriate?

Despite the tentative conclusion above, comments are requested regarding a performance requirement, in lieu of or in addition to, a labeling requirement. Comments are requested on the feasibility of developing a practical procedure to dynamically test the performance of these devices when used alone with the vehicle's belt system, and also in conjunction with a child restraint system. If commenters are supportive of performance requirements for seat belt positioners, NHTSA requests that they provide methods by which to assess the injury potential for areas of identified concern, such as abdominal and neck loading. As noted above in this document, NHTSA issued a September 18, 1998 proposal to amend Standard 208, to require the use of new child dummies that are instrumented with load cells to measure neck forces and moments when evaluating air bags in frontal crashes. The proposal included neck injury criteria. Comments are requested on the appropriateness of using the proposed procedure and criteria for evaluating neck injury potential using various child dummies restrained in seat belt positioners.

Rulemaking Analyses and Notices

Executive Order 12866 (Federal Regulation) and DOT Regulatory Policies and Procedures

This rulemaking document was not reviewed under E.O. 12866, ''Regulatory Planning and Review.'' The agency has considered the impact of this rulemaking action under the Department of Transportation's regulatory policies and procedures, and has determined that it is not ''significant'' under them. NHTSA has prepared a preliminary regulatory evaluation (PRE) for this document which discusses issues relating to the potential costs, benefits and other impacts of this regulatory action. The PRE is available in Docket No. 99–5100 and may be obtained by contacting Docket Management at the address or telephone number provided at the beginning of this document. You may also read the document via the Internet, by following the instructions in the section below entitled, ''How can I read the comments submitted by other people?'' The PRE will be listed in the docket summary, along with the comments from other people.

The PRE notes that labeling positioners as proposed in this NPRM could be beneficial in helping assure that young children are restrained in the most appropriate manner for their size or age. This would help prevent the degradation of safety benefits that occurs when seat belts are not properly fitted across occupants' shoulders and hips. However, we cannot currently quantify these benefits because no data exist to determine the target population. The PRE estimates that labeling costs resulting from the proposed labeling requirements of this NPRM could be $0.05 to $0.08 for the manufacturer's cost, depending on the type of label used, and between $0.12 and $0.19 per positioner for the consumer. The cost to label the roughly 1.7 million positioners sold annually is expected to be between $204,000 and $323,000.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Public Law 96–354), as amended, requires agencies to evaluate the potential effects of their proposed and final rules on small businesses, small organizations and small governmental jurisdictions. Section 603 of the Act requires agencies to prepare and make available for public comment a preliminary regulatory flexibility analysis (PRFA) describing the impact of proposed rules on small entities. NHTSA has included a PRFA in the PRE for this proposal.

Business entities are generally defined as small businesses by Standard Industrial Classification (SIC) code, for the purposes of receiving Small Business Administration assistance. One of the criteria for determining size, as stated in 13 CFR 121.601, is the number of employees in the firm. To qualify as a small business in the Motor Vehicle Parts and Accessories category (SIC 3714), the firm must have fewer than 750 employees. The agency has considered the small business impacts of this proposed rule based on this criterion.

The PRFA discusses the possible impacts of this action on small businesses that manufacture belt positioning devices and requests information that would assist NHTSA in further analyzing those impacts. As noted above, possible labeling costs resulting from the labeling provisions of this NPRM are estimated to be $0.05 to $0.08 for the manufacturer's cost. Added consumer costs could be from $0.12 to $0.19. The agency tentatively believes that the cost increase would not significantly raise the price of seat belt positioners, and would not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism)

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

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment.

Executive Order 12778 (Civil Justice Reform)

This proposed rule would not have any retroactive effect. A petition for reconsideration or other administrative proceeding will not be a prerequisite to an action seeking judicial review of this rule. This proposed rule would not preempt the states from adopting laws or regulations on the same subject, except that it would preempt a state regulation that is in actual conflict with the Federal regulation or makes compliance with the Federal regulation impossible or interferes with the implementation of the Federal statute.

Comments

How Do I Prepare and Submit Comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the Docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Please submit two copies of your comments, including the attachments, to Docket Management at the address given above under **ADDRESSES**.

How Can I Be Sure That My Comments Were Received?

If you wish Docket Management to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, Docket Management will return the postcard by mail.

How Do I Submit Confidential Business Information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation. (49 CFR Part 512.)

Will the Agency Consider Late Comments?

We will consider all comments that Docket Management receives before the close of business on the comment closing date indicated above under DATES. To the extent possible, we will also consider comments that Docket Management receives after that date.

How Can I Read the Comments Submitted by Other People?

You may read the comments received by Docket Management at the address given above under **ADDRESSES**. The hours of the Docket are indicated above in the same location.

You may also see the comments on the Internet. To read the comments on the Internet, take the following steps:

(1) Go to the Docket Management System (DMS) Web page of the Department of Transportation (http://dms.dot.gov/).

(2) On that page, click on ''search.''

(3) On the next page (http://dms.dot.gov/search/), type in the four-digit docket number shown at the beginning of this document. Example: If the docket number were ''NHTSA–1999–1234,'' you would type ''1234.'' After typing the docket number, click on ''search.''

(4) On the next page, which contains docket summary information for the docket you selected, click on the desired comments.

You may download the comments. However, since the comments are imaged documents, instead of word processing documents, the downloaded comments are not word searchable.

Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the Docket for new material.

List of Subjects 49 CFR Part 575

Consumer protection, Labeling, Motor vehicle safety, Motor vehicles.

PART 575—[AMENDED] CONSUMER INFORMATION REGULATIONS

In consideration of the foregoing, NHTSA proposes to amend 49 CFR Part 575 as set forth below.

1. The authority citation for Part 575 would continue to read as follows:

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

2. Section 575.4(a) would be revised to read as follows:

Subpart A—General

* * * * *

§ 575.4 Application

(a) General. Except as provided in paragraphs (b) through (d) of this section, each section set forth in subpart B of this part applies, according to its terms, to motor vehicles, tires and items of motor vehicle equipment manufactured after the effective date indicated.

* * * * *

3. Section 575.101 would be added to read as follows:

§ 575.101 Seat belt positioners

(a) *Scope.* This section requires manufacturers of seat belt positioners to provide information about the correct use of the devices and warn against the use of the devices with small children.

(b) *Purpose.* The purpose of this section is to provide purchasers information related to the performance of seat belt positioners with small children.

(c) *Application.* This section applies to seat belt positioners that are not an integral part of a motor vehicle.

(d) *Definitions. Seat belt positioner* means a device, other than a belt-positioning seat, that is manufactured to alter the positioning of Type I and/or Type II belt systems in motor vehicles.

(e) *Requirements.* Each manufacturer of a seat belt positioner shall permanently label the device with the following information:

(1) The model name or number of the system.

(2) The manufacturer's name, or a distributor's name, if the distributor assumes responsibility for all duties and liabilities imposed on the manufacturer with respect to the device by 49 U.S.C. 30101 *et seq.*

(3) The place of manufacture (city and State, or foreign country), or the location (city and State, or foreign country) of the principal offices of the distributor, if the distributor's name is used instead of the manufacturer's name.

(4) A statement warning that the device must not be used with children under the age of six [alternatively, or additionally, under the height of 47.5 inches (1206 mm).]

(5) The statement: ''Make sure that this device positions the lap belt low across the child's hips and not on the stomach. The shoulder belt must be snug and on the child's shoulder, not near the neck or off the shoulder.''

Issued on August 9, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99–20950 Filed 8–11–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF57

Endangered and Threatened Wildlife and Plants; Proposed Rule To List the Scaleshell Mussel as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, propose endangered status pursuant to the Endangered Species Act of 1973, as amended (Act), for the scaleshell mussel (*Leptodea leptodon*). This species historically occurred in 13 states in the eastern United States. Currently, the species is known from a few scattered populations within the Mississippi River Basin in Missouri, Oklahoma, and Arkansas. Scaleshell inhabits medium-sized to large rivers with stable channels and good water quality. The abundance and

distribution of scaleshell have decreased due to habitat loss and adverse effects associated with water quality degradation, reservoir construction, sedimentation, channelization, and dredging. These habitat changes have resulted in significant extirpations, restricted and fragmented distributions, and poor recruitment. This proposed rule, if made final, would extend the Act's protection to the scaleshell mussel.

DATES: Send your comments to reach us on or before October 12, 1999. We will not consider comments received after the above date in making our decision on the proposed rule. We must receive requests for public hearings by September 27, 1999.

ADDRESSES: The complete administrative file for this rule is available for inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, MN 55111–4056, (telephone 612–713–5342).

FOR FURTHER INFORMATION CONTACT: Andy Roberts at the U.S. Fish and Wildlife Service, Columbia Field Office, 608 East Cherry Street, Room 200, Columbia, Missouri 65201, (telephone 573–876–1911, ext. 110).

SUPPLEMENTARY INFORMATION:

Background

The scaleshell mussel (*Leptodea leptodon*) was described by Rafinesque in 1820. Synonymy includes *Unio velum* (Say), *Sympnynota tenuissima* (Lea), *Lampsilis blatchleyi* (Daniels), and *Lampsilis leptodon* (Rafinesque).

Buchanan (1980), Cummings and Mayer (1992), Oesch (1995), and Watters (1995) provide descriptions of the scaleshell mussel (scaleshell). The shell grows to about three to ten centimeters (one to four inches) in length. The shells are elongate, very thin, and compressed. The anterior end is rounded. In males, the posterior end is bluntly pointed. In females, the periostracum (the outside layer or covering of the shell) forms a wavy, fluted extension of the posterior end of the shell. The dorsal margin is straight and the ventral margin is gently rounded. Beaks (the raised or domed part of the dorsal margin of the shell) are small and low, nearly even with the hinge line. The beak sculpture is inconspicuously compressed and consists of four or five double-looped ridges. The periostracum is smooth, yellowish green or brown, with numerous faint green rays. The pseudocardinal teeth (the triangular, often serrated, teeth located on the upper part of the shell) are reduced to a small thickened ridge. The lateral teeth (the elongated teeth along the hinge line of the shell) are moderately long with two indistinct teeth occurring in the left valve and one fine tooth in the right. The beak cavity is very shallow. The nacre (the interior layer of the shell) is pinkish white or light purple and highly iridescent.

Life History

The general biology of scaleshell is similar to other bivalved mollusks belonging to the family Unionidae. Adults are filter-feeders, spending their entire lives partially or completely buried within the substrate (Murray and Leonard 1962). Their food includes detritus, plankton, and other microorganisms (Fuller, 1974). Unionids have an unusual mode of reproduction. Their life cycle includes a brief, obligatory parasitic stage on fish. Eggs develop into microscopic larvae (glochidia) within special gill chambers (ectobranchous marsupia) of the female. The female expels the mature glochidia and they must attach to the gills or the fins of an appropriate fish host to complete development. Host fish specificity varies among unionids. Some species appear to use a single host, while others can transform on several host species. Following proper infestation, glochidia transform into juveniles and excyst (drop off). For further information on the life history of freshwater mussels, see Gordon and Layzer (1989) and Watters (1995).

Mussel biologists know relatively little about the specific life history requirements of scaleshell. Baker (1928) surmised that scaleshell is a long-term brooder (spawns in fall months and females brood the larvae in their gills until the following spring or summer). Glochidia present in the ectobranchous marsupia in September, October, November, and March support that conclusion (Gordon 1991). The scaleshell mussel uses the freshwater drum (*Aplodinotus grunniens*) as the fish host for its larvae (Chris Barnhart, Southwest Missouri State University, pers. comm., 1998). Other species in the genus *Leptodea* and a closely related genus *Potamilus* are also known to use freshwater drum exclusively as a host (Roe and Lydeard 1997, Watters 1994).

Habitat Characteristics

The scaleshell occurs in a variety of river habitats. For example, Buchanan (1980, 1994) and Gordon (1991) reported scaleshell from riffle areas with substrate assemblages of gravel, cobble, boulder, and occasionally mud or sand. Oesch (1995) considered scaleshell a typical riffle species, occurring only in clear, unpolluted water with good current. Conversely, Call (1900), Goodrich and Van der Schalie (1944), and Cummings and Mayer (1992) reported collections from muddy bottoms of medium-sized and large rivers. The unifying characteristic appears to be an intact system (stable channels) with good water quality. This is consistent with the current distribution of scaleshell. Most extant populations are restricted to river stretches with stable channels (Buchanan 1980, Harris 1992) and that have maintained relatively good water quality (Oesch 1995). Scaleshell is usually collected in association with a high diversity of other freshwater mussels.

Distribution and Abundance

Scaleshell historically occurred across most of the eastern United States. While the scaleshell had a broad distribution, locally it was a rare species (Gordon 1991, Oesch 1995, Call 1900). Williams et al. (1993) reported the historical range as Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin. Clarke (1996) also reported scaleshell occurrence from the Minnesota River, Minnesota. Within the last 50 years, this species has become increasingly rare and its range greatly restricted. Of the 53 historical populations, 13 remain scattered within the Mississippi River Basin, including the Meramec, Bourbeuse, Big, and Gasconade Rivers in Missouri; the South Spring, St. Francis, Little, Mountain Fork, Spring, and South LaFave Rivers and Frog Bayou and Gates Creek in Arkansas; and the Kiamichi River in Oklahoma.

Of the 13 extant scaleshell populations, three are thought to be stable (long term persistence is possible but unsure), two are declining, four are presumed to be declining (long term persistence is in doubt), and the status of four are unknown. Six additional populations may also persist but their current status is uncertain due to lack of recent collections or surveys (Szymanski 1998).

Upper Mississippi River Basin

Scaleshell formerly occurred in eight rivers and tributaries within the upper Mississippi River Basin, including the Mississippi River in Illinois, Iowa, and Wisconsin; the Minnesota River in Minnesota; Burdett's Slough in Iowa; the Iowa and Cedar Rivers in Iowa; and the Illinois, Sangamon, and Pecatonica Rivers in Illinois. However, the scaleshell has not been found in more

than 50 years in the Upper Mississippi Basin and is believed extirpated from that basin (Kevin Cummings, Illinois Natural History Survey, *in litt.* 1994).

Middle Mississippi River Basin

Historically, scaleshell occurred in 25 rivers and tributaries within the middle Mississippi River Basin including the Kaskaskia River in Illinois; the mainstem Ohio River in Kentucky and Ohio; the Wabash River in Illinois and Indiana; the White River and Sugar Creek in Indiana; the Green and Licking Rivers in Kentucky; the Scioto, St. Mary's, and East Fork Little Miami Rivers in Ohio; the Cumberland River in Kentucky and Tennessee, Beaver Creek in Kentucky; Caney Fork in Tennessee; the Tennessee River in Alabama and Tennessee; the Clinch, Holston, and Duck Rivers in Tennessee; Auxvasse Creek in Missouri; the Meramec, Bourbeuse, South Grand, Gasconade, and Big Piney Rivers in Missouri; and the mainstem Missouri River in South Dakota. The scaleshell has been extirpated from most of the middle Mississippi River Basin. Currently, the scaleshell is extant in four, possibly five, rivers within the Meramec River and Missouri River drainages in Missouri as described below.

Meramec River Basin (Missouri)—In 1979, Buchanan surveyed for mussels at 198 sites within the Meramec River Basin (Buchanan 1980). Of these sites, 14 had evidence of live or dead scaleshell. Seven of the 14 sites were in the lower 112 miles of the Meramec River, five in the lower 54 miles of the Bourbeuse River, and two in the lower 10 miles of the Big River. In addition to being restricted to only three rivers, scaleshell is also locally rare. Buchanan found that the species comprised less than 0.1 percent of the 20,589 living naiades found in the basin. He collected live specimens at four sites, three in the Meramec and one in the Bourbeuse. Although the lower 108 miles of the Meramec River had suitable habitat for many rare species, live scaleshell were found only in the lower 40 miles (Buchanan 1980). Both the Bourbeuse and Big Rivers had lower species diversity and less suitable habitat than the Meramec River. Suitable habitat occurs only in the lower 54 miles of the Bourbeuse River and lower 10 miles of the Big River (Buchanan 1980).

The Missouri Department of Conservation (MDC) sampled 78 sites in an intensive resurvey of the Meramec River Basin in 1997 (Sue Bruenderman, Missouri Department of Conservation, *in litt.* 1998). Similar to Buchanan's findings (1980), scaleshell represented only 0.4 percent of the living mussels, with specimens collected from the mainstem Meramec River (34 specimens from 9 sites), the Bourbeuse River (10 specimens from 5 sites), and the Big River (2 specimens from 1 site). The MDC documented live scaleshell at four of the five sites where Buchanan previously collected live specimens on the Meramec River (Sue Bruenderman, pers. comm. 1998). One site where they did not reconfirm scaleshell had only two live mussels where Buchanan had previously observed 93 living individuals. This site no longer supports suitable mussel habitat. Although portions of the Meramec River continue to provide suitable habitat, mussel species diversity and abundance have declined noticeably above mile 64 since 1980.

The number of scaleshell specimens MDC collected in 1997 is greater than that reported by Buchanan's study (Buchanan 1980); however, the small number of specimens collected, especially from the Bourbeuse and Big Rivers, indicates that the long-term viability of these populations is tenuous. Moreover, the limited availability of mussel habitat and the loss of mussel beds since 1980 from sedimentation, eutrophication, and unstable substrates (Buchanan *in litt.* 1997; Sue Bruenderman pers. comm. 1998) indicate that scaleshell populations within the Meramec River Basin are threatened.

Missouri River drainage (South Dakota, Missouri)—Within the Missouri River drainage, Buchanan (1980, 1994) and Oesch (1995) reported scaleshell from Missouri, Gasconade, Big Piney and South Grand Rivers and Auxvasse Creek. The last collection of Scaleshell from Auxvasse Creek was in the late 1960s (Buchanan, *in litt.* 1997). Similarly, the last known collection date for the South Grand is the early 1970s, and this collection site, now inundated by Truman Lake, is unsuitable for scaleshell (Buchanan, *in litt.* 1997). The only specimen reported from the mainstem Missouri River is from South Dakota adjacent to the Nebraska border (Hoke 1983). This occurrence represents the westernmost record within the Upper Mississippi River Basin. A subsequent survey failed to relocate live specimens or relict shells (Clarke 1996). However, high water conditions limited Clarke's survey and it is uncertain if scaleshell is still present below Gavin's Point Dam (Nell McPhillips, U.S. Fish and Wildlife Service, *in litt.* 1998). A single, fresh dead specimen was collected from Big Piney River in 1981 (Bruenderman, *in litt.* 1998). No other specimens of scaleshell have been documented from this river.

Buchanan (1994) surveyed the Gasconade River, and he found it to support 36 species of freshwater mussels. He collected scaleshell specimens at eight sites between river miles 6 and 57.7. Buchanan found only dead shells at two sites and eight live specimens at the remaining six sites. Overall, scaleshell comprised less than 0.1% of the mussels collected. If populations still exist in any of the rivers within the Missouri River drainage, their long-term persistence is undoubtably precarious.

Middle Mississippi River Basin summary—Of the 25 rivers and tributaries in the middle Mississippi River Basin, four, and possibly five, support scaleshell populations today. While populations in the Meramec and Bourbeuse Rivers are likely stable, numbers in the Big and Gasconade Rivers are presumed declining, and the status of populations in the Big Piney River are unknown (Szymanski 1998).

Lower Mississippi River Basin

Scaleshell historically occupied 20 rivers and tributaries in the lower Mississippi River Basin. These include the St. Francis, White, James, Spring, Little Missouri, Middle Fork Little Red, Saline, Ouachita, Cossatot, South Fourche LaFave, and Strawberry Rivers in Arkansas; South Fork Spring, Frog Bayou and Myatt Creek in Arkansas; Poteau, Little, and Kiamichi Rivers in Oklahoma; and Gates Creek and Mountain Fork in Oklahoma.

St. Francis River (Arkansas and Missouri)—Bates and Dennis (1983), Ahlstedt and Jenkinson (1987), Clarke (1985), and Rust (1993) conducted mussel surveys on the St. Francis River in Arkansas and Missouri. Records of dead mussels and relict shells indicate that at one time mussels were distributed throughout the river (Bates and Dennis 1983). Clarke (1985) documented scaleshell at two sites by single specimens. Bates and Dennis (1983) determined that of the 54 sites sampled, 15 were productive, 10 marginal, and 29 had either no shells or dead specimens only. Although scaleshell was not collected, they identified 48 miles of probable suitable mussel habitat: Wappapello Dam, to Mingo Ditch, Missouri; Parkin to Madison Arkansas; and Marianna to the confluence with the Mississippi River at Helena, Arkansas. They indicated that the remaining river miles were unsuitable for mussels. If scaleshell is extant in the St. Francis River, it will be restricted to the few patches of suitable habitat.

White River (Arkansas)—Clarke (1996) noted the collection, in 1902, of

a single specimen from the White River near Garfield, Arkansas. A late 1970s survey of the White River between Beaver Reservoir and its headwaters failed to relocate live or dead scaleshell individuals. Navigation maintenance activities have relegated mussel populations to a few refugial sites, none of which support scaleshell (Bates and Dennis 1983). Specimens have not been collected from the James River, a tributary of the White River, since before 1950 (Clarke 1996). It is unlikely that either river currently supports scaleshell.

Spring River (Arkansas)—An eight-mile section of the Spring River in Arkansas supports a diverse assemblage of freshwater mussels (Gordon et al. 1984, Arkansas Highway and Transportation Dept 1984, Miller and Hartfield 1986). The collections from this river total eight scaleshell specimens (Cummings *in litt.* 1994, Clarke 1996, Arkansas State Highway and Transportation Dept. 1984). Gordon et al. (1984) surveyed the river and reported suitable mussel habitat between river miles 3.2 and 11.0, although species richness below river mile 9 had declined markedly compared to past surveys. Gordon et al. (1984), as well as Miller and Hartfield (1986), reported that the lower three miles of river were completely depleted of mussels and contained no suitable habitat. Harris did not document scaleshell in a 1993 survey of the Spring River (John Harris, Arkansas State University, *in litt.* 1997).

Scaleshell was collected from the South Fork of the Spring River in 1983 and 1990. During the 1983 survey, Harris (*in litt.* 1997) collected four specimens near Saddle, Arkansas, and one specimen and one valve north of Hunt, Arkansas. During a subsequent visit in 1990, Harris collected young adults (Harris, pers. comm. 1995). Although juveniles were not found, the presence of young adults suggests that reproduction recently occurred.

Strawberry River and Myatt Creek (Arkansas)—Records of scaleshell from the Strawberry River and the Myatt Creek are based on single specimen collections (Harris *in litt.* 1997). In 1996, Harris collected a live specimen from the Strawberry River near the confluence with Clayton Creek in Lawrence County. He also collected a single relict specimen from Myatt Creek in Fulton County in 1996 (Harris *in litt.* 1997).

Little Red River (Arkansas)—The historical locality (near Shirley, Van Buren County, Arkansas) where a single, specimen of scaleshell was collected from the Middle Fork of the Little Red River no longer provides mussel habitat. Clarke (1987) stated that suitable mussel habitat was restricted to a six-mile stretch from the confluence of Tick Creek upstream to the mouth of Meadow Creek.

Arkansas River Basin (Oklahoma and Arkansas)—Scaleshell has been collected from the Arkansas River Basin in Oklahoma and Arkansas. The species is reported from the Poteau River in Oklahoma (Gordon 1991), Frog Bayou in Arkansas (Harris and Gordon 1987), and the South Fourche La Fave and Mulberry Rivers in Arkansas (Gordon 1991 and Harris 1992). Despite several freshwater mussel surveys of the Poteau River (Isely 1925, Branson 1984, Harris 1994), only a single, undated specimen has been collected (Gordon 1980). The persistence of scaleshell in Poteau River is doubtful.

Frog Bayou (Arkansas)—Gordon (1980) collected two scaleshell specimens from Frog Bayou. Beaver Reservoir now inundates one of the Frog Bayou collection sites. The most recent collection was a fresh dead individual during a 1979 survey (Gordon 1980). Gordon noted that stream bank bulldozing upstream recently disturbed this site and other nearby sites. He also reported in-stream gravel mining activities at several sites. Within Frog Bayou, potential habitat is restricted to the area between Rudy and the confluence of the Arkansas River. Above Rudy, two reservoirs impact the river; one near Maddux Spring and the other at Mountainburg. Live mussels have not been found at the confluence of the Arkansas River, likely due to dredging activities (Gordon 1980). Although the current status of scaleshell in Frog Bayou is uncertain, any remaining individuals are in potential jeopardy due to limited habitat and in-stream mining activities.

South Fork La Fave River (Arkansas)—The only scaleshell record from the South Fork La Fave River is based on a single live specimen found in 1991 (Harris 1992). The potential of discovering additional populations in this river is unlikely due to the limited availability of suitable substrate. Similarly, other major tributaries of the South Fourche La Fave River provide little mussel habitat. Like Frog Bayou, the persistence of scaleshell in this river is in doubt.

Mulberry River (Arkansas)—Although Gordon (1991) reported scaleshell from the Mulberry River, documentation is lacking (no written acknowledgment). A recent survey did not find the species in the Mulberry River (Craig Hilborne, U.S. Forest Service, pers. comm. 1995; Stoeckel et al. 1995). Persistence of scaleshell in the Mulberry River is unlikely.

Red River Drainage (Oklahoma)—In the Red River drainage, Valentine and Stansbery (1971) reported the collection of a single, undated specimen from Gates Creek, a tributary of the Kiamichi River. Isley (1925) first collected scaleshell from the Kiamichi River in 1925. Based on his account, the Kiamichi River historically supported a diverse and abundant mussel fauna. He collected 36 specimens of scaleshell at one of 22 stations visited. As recently as 1987, Clarke described the Kiamichi River as ''in remarkably good condition'' and a ''faunal treasure'' (Clarke 1987). However, despite extensive searches of the Kiamichi River over the last 11 years, only a single fresh dead shell of scaleshell (in 1987) has been collected (Caryn Vaughn, Oklahoma Biological Survey, pers. comm. 1997; Charles Mather, University of Science and Arts of Oklahoma, *in litt.* 1984 and 1995). Vaughn (pers. comm. 1997) failed to find even a dead shell during three years (1993–1996) of surveys in the Red River Basin. However, the Kiamichi River is in relatively good shape above the Hugo Reservoir, (Clarke 1987) and may still support a remnant population of scaleshell.

Little River, Red River Drainage (Oklahoma)—Although there is no evidence of scaleshell persisting in the Little River, above the Pine Creek Reservoir a healthy mussel population persists (Vaughn *in litt.* 1997). Below Pine Creek Lake, the mussel fauna is severely depleted but recovers with increasing distance from the impoundment (Vaughn *in litt.* 1997). Valentine and Stansbery (1971) reported a single specimen from Mountain Fork. Clarke (1987) hypothesized that, based on the presence of mussel populations at the confluence of Mountain Fork and beyond the Arkansas border, damage to Mountain Fork from the Broken Bow Reservoir has not occurred. However, Vaughn (*in litt.* 1997) indicated that these populations have been severely depleted with most no longer containing live mussels. Although extensive surveys throughout the length of the Little River have not documented scaleshell, suitable habitat remains and scaleshell individuals may persist (Vaughn *in litt.* 1997). However, the discharge of reservoir water from Pine Creek and periodic discharge of pollution from Rolling Fork Creek would seriously impact any remaining viable populations and prohibit any future recolonization (Clarke 1987).

If scaleshell still occurs in the Red River drainage in Oklahoma, extant populations are probably small and are

likely restricted to isolated areas of suitable habitat in the Kiamichi and Mountain Fork rivers. Given the extensive survey effort over the last decade, long-term survival of the scaleshell in Oklahoma is doubtful.

Cossatot and Saline Rivers (Arkansas)—Harris collected single specimens of scaleshell from the Cossatot and Saline Rivers in Arkansas in 1983 (Harris *in litt.* 1997) and 1987 (Harris pers. comm. 1995), respectively. No other information is available for either river. The existence of scaleshell in the Ouachita River and its two tributaries, the Saline River and Little Missouri River, is sporadic as well. Both the Little Missouri and Saline rivers records are based on single specimens. The Saline River specimen was collected in 1946 (Clarke 1996), and the Little Missouri River collection record is from 1995 (Harris *in litt.* 1997). Four undated museum specimens taken from Arkadelphia, Clark County, Arkansas document the occurrence of scaleshell in the Ouachita River (Clarke 1996). Based on the few collections and the limited habitat available, the long-term persistence of scaleshell in Cossatot, Saline, Little Missouri, and Ouachita Rivers is precarious.

Lower Mississippi River Basin summary—Of these 20 rivers and tributaries in the lower Mississippi River Basin, nine, and possibly an additional five, support scaleshell populations today. Of these populations, the South Spring River is likely stable; the St. Francis River, Kiamichi River, Little River, and Mountain Fork are declining; the Spring River, Frog Bayou, South Fourche LaFave River, and Gates Creek are presumed declining; and the status of populations in Mayatt Creek, Strawberry River, Cossatot River, Saline River and Little Missouri River are unknown (Szymanski 1998).

Previous Federal Action

We had identified the scaleshell as a Category 2 species in notices of review published in the **Federal Register** on May 22, 1984 (49 FR 21664). Scaleshell remained a Category 2 in subsequent notices including January 6, 1989 (54 FR 554), November 21, 1991 (56 FR 58804), November 15, 1994 (59 FR 58982). Prior to 1996, a Category 2 species was one that we were considering for possible addition to the Federal List of Endangered and Threatened Wildlife, but for which conclusive data on biological vulnerability and threat were not available to support a proposed rule. We stopped designating Category 2 species in the February 28, 1996, Notice of Review (61 FR 7596). We now define a candidate species as a species for which we have on file sufficient information to propose it for protection under the Act. We designated scaleshell as a candidate species on October 16, 1998.

On May 8, 1998, we published Listing Priority Guidance for Fiscal Years 1998 and 1999 (63 FR 25502). The guidance clarifies the order in which we will process rulemakings, giving highest priority (Tier 1) to processing emergency rules to add species to the Lists of Endangered and Threatened Wildlife and Plants (Lists); second priority (Tier 2) to processing final determinations on proposals to add species to the Lists, processing new proposals to add species to the Lists, processing administrative findings on petitions (to add species to the Lists, delist species, or reclassify listed species), and processing a limited number of proposed or final rules to delist or reclassify species; and third priority (Tier 3) to processing proposed or final rules designating critical habitat. The processing of this proposed rule falls under Tier 2.

Summary of Factors Affecting the Species

Section 4 of the Act and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. We may determine a species to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to scaleshell (*Leptodea leptodon*) are as follows:

A. *The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range.* The loss of mussel diversity in the United States has been well documented and is a major concern for conservation biologists. In a review of the conservation status of native freshwater fauna, the American Fisheries Society found that of the 297 native freshwater mussels, 71 percent are imperiled (Williams et al. 1993). Similarly, The Nature Conservancy recognizes 55 percent of North America's mussel fauna as extinct or imperiled (Master 1990 in LaRoe et al. 1995). Habitat loss and degradation are the primary causes of the precipitous decline of unionids (Neves 1993).

Arguably, the scaleshell has suffered a greater range restriction than any other unionid. The range of this species was once expansive, spanning the Mississippi River Basin in at least 53 rivers and 13 States. Today, the range is significantly reduced with known extant populations persisting in only 13 rivers in three states. Scaleshell has been eliminated from the entire upper and most of the middle Mississippi River drainages. Although much of the decline occurred before 1950, population declines continue in some portions of the species' range and numerous threats are likely to impact the few remaining viable extant populations. Water pollution, sedimentation, channelization, and impoundments contributed to the decline of scaleshell throughout its range. A general description of how these factors affect mussels is given below. Refer to Szymanski (1998) for a more detailed discussion.

Mussel biologists generally accept that contaminants are partially responsible for the decline of mussels (Havlik and Marking 1987, Williams et al. 1993, Biggins et al. 1996). Because mussels are sedentary, they are extremely vulnerable to toxic effluents and changes in water chemistry from point and nonpoint source pollution. Point source pollution is the entry of material from a discrete, identifiable source such as industrial effluents, sewage treatment plants, and solid waste disposal sites. Freshwater mussel mortality from toxic spills and polluted water are well documented (Ortmann 1909, Baker 1928, Cairns et al. 1971, Goudreau et al. 1988). Decline and elimination of populations may be due to acute and chronic toxic effects that result in direct mortality, reduced reproductive success, or compromised health of the animal or host fish. Nonpoint source pollution is the entry of material into the environment from a diffuse source such as runoff from cultivated fields, pastures, private wastewater effluents, agricultural feed-lots and poultry houses, active and abandoned mines, construction, and highway and road drainage. Stream discharge from these sources may accelerate eutrophication (i.e., organic enrichment), decrease oxygen concentration, increase acidity and conductivity, and cause other changes in water chemistry that are detrimental to the survival of most mussel species and may impact host fishes (Goudreau et al. 1988, Dance 1981, Fuller 1974).

Sediment is material that is in suspension, is being transported, or has been moved as the result of erosion (USSCS 1988). Although sedimentation is a natural process, agricultural encroachment, channelization, impoundments, timber harvesting within riparian zones, heavy recreational use, urbanization, and other land use activities can accelerate erosion (Waters 1995, Myers et al. 1985,

Chesters and Schierow 1985). The water quality impacts caused by sedimentation are numerous. Generally, it affects aquatic biota by altering the substratum (Ellis 1936, USSCS 1988, Myers et al. 1985) and by altering the chemical and physical composition of the water (Ellis 1936, Myers et al. 1985, USSCS 1988). Sedimentation directly affects freshwater mussel survival by interfering with respiration and feeding. Due to their difficulty in escaping smothering conditions (Imlay 1972, Aldridge et al. 1987), a sudden or slow blanketing of stream bottom with sediment can suffocate freshwater mussels (Ellis 1936). Increased sediment levels may also reduce feeding efficiency (Ellis 1936), which can lead to decreased growth and survival (Bayne et al. 1981).

Channelization, sand and gravel mining, and other dredging operations physically remove mussels along with the dredged material and may also bury or crush mussels (Watters 1995). Other effects of dredging extend beyond the excavated area. Headcutting, the upstream progression of substrate destabilization and accelerated bank erosion, can affect an area much larger than the dredging site (Hartfield 1993). In severe cases, this erosional process can extend throughout an entire system (Smith and Patrick 1991). As relatively immobile benthic invertebrates, mussels are particularly vulnerable to channel degradation (Hartfield 1993). Accelerated erosion also releases sediment and pollutants, and in some instances, diminishes mussel diversity and habitat as documented in the Yellow and Kankakee rivers in Indiana, the Big Vermillion River in Illinois, and the Ohio River (Fuller 1974).

Impoundments affect both upstream and downstream mussel populations by inducing scouring, changing temperature regimes, and altering habitat, food, and fish host availability (Vaughn, *in litt.* 1997). Impoundments permanently flood stream channels and eliminate flowing water that are essential habitat for most unionids including scaleshell (Fuller 1974, Oesch 1995). Scouring is a major cause of mussel mortality below dams (Layzer et al. 1993). Most detrimental, however, is the disruption of reproductive processes. Impoundments interfere with movement of host fishes, alter fish host assemblages, and isolate mussel populations from each other and from host fishes (Stansbery 1973, Fuller 1974, Vaughn 1993, Williams et al. 1993). The result of these factors is diminished recruitment success (Layzer et al. 1993). Dams are effective barriers to fish host movement and migration that unionids depend on for dispersal. Upstream populations can become reproductively isolated causing a decrease in genetic diversity. Even small, lowhead dams can hinder fish movement and isolate mussel populations from fish hosts. For example, Watters (1996) determined that the upstream distribution of two mussel species, the fragile papershell (*Leptodea fragilis*) and pink heelsplitter (*Potamilus alatus*), which like scaleshell are also believed to use the freshwater drum as a sole host, stopped at lowhead dams.

Many of the same threats that caused the extirpation of historical populations of scaleshell still exist and continue to threaten extant populations. This species appears to be especially susceptible to contamination and sedimentation. Historically, the species was widespread and occurred in diverse habitat. Today, scaleshell no longer occurs at disturbed sites that still support other endangered unionids (Szymanski 1998). This suggests that scaleshell is especially sensitive to degraded water quality. Given the pervasiveness of the sources of pollution and sedimentation, it is apparent that these threats will continue to be problematic for the remaining scaleshell populations.

Upper Mississippi River Basin

Scaleshell formerly occurred in eight rivers and tributaries within the Upper Mississippi Basin. However, this species has not been found in more than 50 years and is believed extirpated from this region (Kevin Cummings, Illinois Natural History Survey, *in litt.* 1994). We believe the same factors that have caused declines and extirpations of other mussel species including impoundments, pollution, sedimentation, and channelization and dredging activities, have caused the disappearance of scaleshell from the Upper Mississippi River Basin.

Middle Mississippi River Basin

Similar to the Upper Mississippi River Basin, threats have lead to the extirpation of scaleshell from the entire Ohio River Basin. Many of these threats continue to adversely affect extant populations in the middle Mississippi River Basin. Scaleshell habitat in the Meramec River Basin has been reduced in recent years. Buchanan (1980) found scaleshell in the lower 112 miles of the Meramec River. In 1997, scaleshell was collected only in the lower 60 miles of the river. While portions of the lower reach continue to provide suitable habitat, mussel species diversity and abundance above mile 60 have declined noticeably in the last 20 years. Bruenderman (pers. comm. 1998) attributed this decline primarily to the loss of channel stability. The Bourbeuse River has undergone the greatest change with respect to mussel populations. In particular, mussel populations have declined in the lower river. Whereas Buchanan (1980) found this section of the Bourbeuse River to have the greatest mussel diversity, this stretch was nearly void of mussels when resurveyed in 1997. Buchanan (*in litt.* 1997) and Bruenderman (pers. comm. 1998) attributed this decline to several factors, including sedimentation, eutrophication, and unstable substrates.

The Big River has the lowest species diversity and abundance in the Meramec River Basin. Buchanan (1980) attributed this to the effects of lead and barite mining. While most mining operations have ceased, 45 dams retaining mine waste and numerous waste piles remain in the Big River Basin. Most of those dams were improperly constructed or maintained. The U.S. Army Corps of Engineers found that only one of the 45 dams was safe and 27 received the worst possible rating and could fail during a flood. The poor condition of the dams has led to large influxes of mine waste into the Big River from dam collapse (Missouri Department of Conservation 1997). For example, since 1978, a ruptured tailings dam has discharged 63,000 cubic meters (81,000 cubic yards) of mine tailings into the Big River covering 25 miles of stream and negatively impacting the lower 80 miles of the river (Alan Buchanan, Missouri Department of Conservation, *in litt.* 1995).

While no major impoundments exist in the Meramec River Basin, several old mill dams (low-head dams) affect the mainstem of the Big and Bourbeuse rivers. Five dams are still in place along the lower 30 miles of the Big River, and one dam exists in the lower Bourbeuse River. These structures are barriers to fish movement during normal flows (Missouri Department of Conservation 1997).

Gravel mining poses an imminent threat to scaleshell populations in the Meramec River Basin. In 1998, a court ruling deauthorized the Army Corps of Engineers (Corps) from regulating gravel mining in the basin. Prior to that ruling, the Corps required operators to obtain a permit and follow several guidelines, which avoided adverse effects to mussels. Except in very small tributaries, the Corps required all operators to establish a streamside and riparian buffer and prohibited removing gravel from flowing water (i.e., no in-stream mining) or from below the water table. There are many gravel mining

operations in the Meramec River Basin. Between 1994 and 1998, the Corps issued permits for 230 sites (excluding undocumented events). Existing and future mining operations will not need to obtain a permit or follow guidelines and may legally mine gravel directly from the Meramec River and all tributaries (Danny McKlendon, U.S. Army Corps of Engineers, St. Louis District, pers. comm. 1998).

In 1994, several areas of the Gasconade River were highly unstable, possibly a result of row-crop farming near the bank in conjunction with the 1993 flood. These areas had high cut mud banks with trees fallen into the river, unstable substrate, and contained very few mussels. Buchanan (1994) predicted that habitat degradation on this river would continue and postulated that the mussel fauna would be further impacted with some species possibly disappearing. He noted that below river mile 6, only one stable gravel bar contained a diverse mussel fauna. High silt deposition from the Missouri River prohibits the formation of mussel habitat below this area. If populations still exist in any of the rivers within the Missouri River drainage, their long-term persistence is undoubtably precarious.

Lower Mississippi River Basin

Channelization, levee construction, diversion ditches, control structures, and floodways have drastically altered much of the St. Francis River from the mouth above Helena, Arkansas to Wappapello Dam, Missouri (Ahlstedt and Jenkinson 1987, Bates and Dennis 1983). Bates and Dennis (1983) determined that of the 54 sites sampled, 15 were productive, 10 marginal, and 29 had either no shells or dead specimens only. They identified 48 miles that may still provide suitable mussel habitat, but did not collect scaleshell. All the remaining river miles are unsuitable for mussels. If the scaleshell is extant in the St. Francis River, it occurs in very small numbers and is restricted to the remaining few patches of suitable habitat.

The White River between Beaver Reservoir and its headwaters, due to municipal pollution, gravel dredging, and dam construction, is no longer suitable for mussels (Gordon 1980). Navigational maintenance activities continue to destroy habitat from Newport to the confluence of the Mississippi River (Bates and Dennis 1983). This habitat destruction has relegated mussel populations to a few refugial sites, none of which support scaleshell.

Species richness in the Spring River below river mile 9 has declined markedly from past surveys, with the lower three miles of river completely depleted of mussels and no longer supporting suitable habitat (Miller and Hartfield 1986, Gordon et al. 1984). Sand and gravel dredging, livestock movements (i.e., destruction of stream banks, disturbance of mussel beds, deposition of wastes, etc.), siltation, and surface run-off of pesticide and fertilizer appear to be contributing factors in the degradation of this river reach (Gordon et al. 1984).

Within Frog Bayou, potential habitat is restricted to the area between Rudy and the confluence of the Arkansas River. Within this area, streambank modifications and in-stream gravel mining are degrading scaleshell habitat. Two reservoirs, one near Maddux Spring and the other at Mountainburg, impact the river above Rudy. Below the confluence of the Arkansas River, Gordon (1980) did not find live mussels, likely due to dredging activities (Gordon 1980). Although the current status of scaleshell in Frog Bayou is uncertain, any remaining individuals are probably in jeopardy due to limited habitat and in-stream mining activities.

The proposed Tuskahoma Reservoir (located above Hugo Reservoir) is a potential threat to mussels in the Kiamichi River. Although the U.S. Army Corps of Engineers has authorized construction, the lack of a local sponsor has rendered the project ''inactive'' (David Martinez, U.S. Fish and Wildlife Service, pers. comm. 1997). If constructed, the adverse effects associated with reservoirs (including permanent flooding of the channel and disruption of reproduction) are likely to destroy the mussel fauna.

Sewage pollution, gravel dredging, and reservoirs continue to impact the Little River. Pine Creek Reservoir impounds the mainstem of the river. Further downstream, Broken Bow Reservoir impounds a major tributary to the Little River, the Mountain Fork River. Below Pine Creek Lake, the mussel fauna is severely depleted but recovers with increasing distance from the impoundment (Vaughn *in litt.* 1997). The discharge of reservoir water from Pine Creek and periodic discharge of pollution from Rolling Fork Creek, however, would seriously impact any remaining viable populations and prohibit any future recolonization (Clarke 1987).

Hydroelectric dams and artificial lakes have impacted the Ouachita River. The ''Old River'' (an oxbow system off the mainstem), is now essentially a series of muddy, stagnant pools with water quality problems resulting from surrounding dumps (Clarke 1987).

In summary, many of the same threats that caused the extirpation of historical populations of scaleshell still exist and continue to threaten extant populations. Nonpoint and point source pollution is currently affecting the Spring River in Arkansas (Gordon et al. 1984, Miller and Hartfield 1986) and the Little River in Oklahoma (Clarke 1987, Vaughn 1994). Sedimentation is causing deleterious effects in the Meramec and Bourbeuse Rivers, MO (Sue Bruenderman, pers. comm. 1998); Gasconade River, MO (Buchanan 1994); Frog Bayou, AR (Gordon 1980); and Spring River, AR (Gordon et al. 1984). Unregulated sand and gravel mining are eliminating important pool habitat (for both scaleshell and potential fish hosts) in the Meramec, Bourbeuse, Big, and Gasconade rivers in Missouri (Bruenderman pers. comm. 1998). Impoundments, channelization, and other dredging activities (e.g., sand and gravel mining) are destroying mussel populations and impairing water quality in Frog Bayou, AR (Gordon 1980); St. Francis River, AR (Ahlstedt and Jenkinson 1987); White River, AR (Bates and Dennis 1983); Spring River, AR (Gordon et al. 1984); and Ouachita River, AR (Clarke 1987). The proposed Kiamichi River Reservoir, if constructed, will have adverse impacts on any remaining populations in Oklahoma. Nearly all scaleshell populations are now restricted to small stretches of rivers with little, if any, potential for expansion or recolonization to other areas. For example, sewage pollution, gravel dredging, and reservoir construction have so degraded the Little River in Oklahoma that only a few small stretches are able to support mussel populations.

B. *Overutilization for Commercial, Recreational, Scientific, or Educational Purposes.* It is unlikely that commercial mussel collectors ever purposefully collected scaleshell because of its small size and thin shell. It is probable, however, that over-harvesting activities that removed entire mussel beds impacted scaleshell populations. For example, according to local fishermen, during a period of extended drought mussel harvesters severely over-collected mussel beds in the Spring and Black rivers and completely destroyed most beds (Gordon et al. 1984). Thus, habitat destruction, removal of individuals from the stream and improper replacement may have indirectly impacted scaleshell populations. Today, incidental collecting could adversely affect

existing populations. In addition to disturbance of the stream bed, collection or improper replacement of only a few individuals, given that scaleshell now occurs in very small, isolated populations, could decimate an entire population. Even for mussels returned to the stream, mortality can still occur (Williams et al. 1993).

As scaleshell becomes more uncommon, the interest of scientific and shell collectors will increase. Populations considered in this rule are generally localized, easily accessible, exposed during low flow periods, and are vulnerable to take for fish bait, curiosity, or vandalism. Up to five freshwater mussels per day, including scaleshell, may be legally collected in Missouri and used for bait (Sue Bruenderman, pers. comm. 1998).

C. *Disease or Predation.* Although natural predation is not a factor for stable, healthy mussel populations, small mammal predation could potentially pose a problem for scaleshell populations (Gordon 1991). While the large size and/or thick shells of some species afford protection from small mammal predators, the small size and fragile shell of scaleshell makes it an easy and desirable prey species. A freshwater mussel survey of the Meramec and Bourbeuse Rivers found fresh scaleshell shells at several active racoon feeding areas (Sue Bruenderman pers. comm. 1998). Extant scaleshell populations in Arkansas and Oklahoma are small, isolated and have very limited recolonization potential. Consequently, predation could exacerbate ongoing population declines.

Bacteria and protozoans persist at unnaturally high concentrations in streams with high sediment load or in waterbodies affected by point source pollution, such as sewage treatment plants (Goudreau et al. 1988). At these densities, ova and glochidia are subject to infection (Ellis 1929) and mussel growth can be slowed (Imlay and Paige 1972). Disease and parasites may have caused major die-offs of freshwater mussels in the late 1970's throughout the eastern United States (Neves 1986). For example, significant die-offs of freshwater mussels occurred in 1977 and 1978 in the Meramec and Bourbeuse Rivers. Large numbers of mussels of all species, including scaleshell were lost. Buchanan (1986) presumed an epizootic or other disease caused the die-off since no environmental impact was reported or could be found.

D. *The Inadequacy of Existing Regulatory Mechanisms.* The passage of the Clean Water Act of 1972 (CWA) set the stage for the regulations and the water standards that exist today. Goals of the CWA include protection and enhancement of fish, shellfish, and wildlife; providing conditions suitable for recreation in surface waters; and eliminating the discharge of pollutants into U.S. waters.

Although the passage of these Acts has resulted in positive consequences (including a decrease in lead and fecal coliform bacteria), degraded water quality still presents problems for sensitive aquatic organisms such as freshwater mussels. Specifically, nationwide sampling has indicated increases in nitrate, chloride, arsenic, and cadmium concentrations (Neves 1993). Nonpoint pollution sources appear to be the cause of increases in nitrogen. Many of the impacts discussed above occurred in the past as unintended consequences of human development. Improved understanding of these consequences has led to regulatory (e.g., Clean Water Act) and voluntary measures (e.g., best management practices for agriculture and silviculture) and improved land use practices that are generally compatible with the continued existence of scaleshell. Nonetheless, scaleshell is highly restricted in numbers and distribution and shows little evidence of recovering from historic habitat losses.

Although recognized by species experts as threatened in Arkansas, the scaleshell is not afforded State protection. Missouri and Oklahoma list the scaleshell as a species of conservation concern (Bruenderman, *in litt.* 1998; Caryn Vaughn pers. comm. 1995). However, these designations are used primarily for planning and communication purposes and do not afford State protective status from direct take and habitat destruction (David Martinez; Paul McKenzie; U.S. Fish and Wildlife Service, pers. comm. 1997). Without habitat protection, populations of scaleshell will continue to decline.

E. *Other Natural or Manmade Factors Affecting Its Continued Existence.* As a consequence of the above factors, the inherent biological traits of freshwater mussels increase their vulnerability to extinction (Neves 1993). For example, the larval stage (glochidium) of most mussels is dependent on a few or a specific host fish (Neves 1993). The scaleshell is believed to use freshwater drum as a sole host. Despite the tremendous fecundity of female mussels, this trait greatly reduces the likelihood of contact between glochidia and suitable hosts. Watters (1995) postulated that the glochidia must acquire suitable hosts within 24 hours. Obviously, reduction or loss of host fish populations will adversely impact scaleshell populations. Once a larva successfully transforms on a host, it is further challenged with dropping off onto suitable habitat. Watters (1995) reported that estimated chances of successful transformation and excystment range between 0.0001 percent (Jansen and Hanson 1991) and 0.000001 percent (Young and Williams 1984). As a result of fish host-specificity and the difficulty of locating suitable habitat, freshwater mussel population growth occurs very slowly. Furthermore, the sedentary nature of mussels limits their dispersal capability. This trait, coupled with low recruitment success, translates into the need for decades of immigration and recruitment for re-establishment of self-sustaining populations.

The small number and low density of the remaining scaleshell populations exacerbate the threats to its survival posed by the above factors. Although the scaleshell was always locally rare if broadly distributed, the widespread loss of populations and the limited number of collections in recent years indicates that the current population densities are much lower (due to the previously identified threats) than historical levels. Despite any evolutionary adaptations for rarity, habitat loss and degradation increase a species' vulnerability to extinction (Noss and Cooperrider 1994).

Numerous studies have shown that with decreasing habitat availability, the probability of extinction increases. Similarly, as the number of occupied sites decreases, the likelihood of extinction increases (Vaughn 1993). This increased vulnerability is the result of chance events. Environmental variation, random or predictable, naturally causes fluctuations in populations. However, low density populations are more likely to fluctuate below the minimum viable population (i.e., the minimum number of individuals needed in a population to persist). If population levels stay below this minimum size, an inevitable, and often irreversible, slide toward extinction will occur. Small populations are also more susceptible to inbreeding depression and genetic drift. Populations subjected to either of these problems usually have low genetic diversity, which reduces fertility and survivorship. Lastly, chance variation in age and sex ratios can affect birth and deaths rates. Skewing of the demographics may lead to death rates exceeding the birth rates, and when this occurs in small populations there is a higher risk of extinction.

Similarly, the fertilization success of mussels may be related to population density, with a threshold density

required for any reproductive success to occur (Downing et al. 1993). Small mussel populations may have individuals too scattered to reproduce effectively. Many of the remaining scaleshell populations may be at or below this threshold density. These populations will be, if the aforementioned threats go unabated, forced below or forced to remain below the minimum threshold. As a result, the current decline to extinction will be accelerated.

Furthermore, species that occur in low numbers must rely on dispersal and recolonization for long-term persistence. In order to retain genetic viability and guard against chance extinction, movement between local populations must occur. Although the scaleshell naturally occurs in patches and necessarily possesses mechanisms to adapt to such a population structure, anthropogenic influences have fragmented and further lengthened the distance between populations. Empirical studies have shown that with increasing isolation, colonization rates decrease. Also, as previously explained, natural recolonization of mussels occurs at a very low rate (Vaughn 1993). Therefore, preservation of a metapopulation (interconnected subpopulations) structure is imperative for long-term freshwater mussel survival. Unfortunately, many of the extant scaleshell populations now occur as single, isolated sites. These insular populations are very susceptible to chance events and extinction with no chance of recolonization.

Lastly, the recent invasion of the exotic zebra mussel (*Dreissena polymorpha*) poses a substantial threat to native unionids (Herbert et al. 1989). The introduction of *Dreissena* into North America probably resulted from an ocean-crossing vessel that discharged freshwater ballast from Europe containing free-swimming larvae of the zebra mussel (Griffiths et al. 1991). The spread of this species has caused severe declines in native freshwater mussel species. Currently, the zebra mussel invasion of the Mississippi and Ohio rivers threaten native freshwater mussel fauna (Clarke 1995). Zebra mussels starve and suffocate native mussels by attaching to their shells in large numbers. The natural history of zebra mussels is not completely understood; therefore, effective control measures are not yet known. Given that recreational and commercial vessels greatly facilitate zebra mussel movement, and because of the proliferation and spread that has occurred, invasion of the zebra mussel into portions of the middle and lower Mississippi Basin is likely (Buchanan pers. comm. 1995). Massive unionid mortality and extinctions are expected in some areas colonized by zebra mussels (Biggins 1992). If zebra mussel invasion does occur, the continued survival of scaleshell will be further jeopardized.

Conclusion

Significant habitat loss, range restriction, and population fragmentation and size reduction have rendered the scaleshell mussel vulnerable to extinction. The scaleshell has disappeared from the entire upper and most of the middle Mississippi River drainages. Of the 53 known historical populations, 13 remain. Although much of the decline occurred before 1950, population declines continue in some portions of the species' range and numerous threats are likely to impact the few remaining viable extant populations. The small number and low density of the remaining scaleshell populations exacerbate the threats and effects of chance events to scaleshell. The survival of all scaleshell populations is threatened by water quality degradation, impoundments, sedimentation, channelization, or dredging. The recent deregulation of gravel mining is a significant threat to scaleshell populations in three rivers within the Meramec River Basin, Missouri.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by the scaleshell in determining to make this proposed rule. The present distribution and abundance of the scaleshell is at risk given the potential for these impacts to continue. Federal listing under authority of the Endangered Species Act is the only mechanism we can presently identify that ensures protection to scaleshell. Therefore, based on this evaluation, the preferred action is to list the scaleshell mussel as an endangered species. The Act defines an endangered species as one that is in danger of extinction throughout all or a significant portion of its range. A threatened species is one that is likely to become an endangered species in the foreseeable future throughout all or a significant portion of its range. Endangered status is appropriate for the scaleshell due to habitat loss, range restriction, and population fragmentation.

Critical Habitat

Section 3 of the Act defines critical habitat as: (i) the specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, we designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist—(1) the species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species. We find that designation of critical habitat is not prudent for scaleshell for both reasons stated above.

Potential benefits of critical habitat designation derive from section 7(a)(2) of the Act, which requires Federal agencies, in consultation with us, to ensure that their actions are not likely to jeopardize the continued existence of listed species or to result in the destruction or adverse modification of critical habitat of such species. Critical habitat designation, by definition, directly affects only Federal agency actions. Since the scaleshell is aquatic, Federal actions that might affect this species and its habitat include those with impacts on stream channel geometry, bottom substrate composition, water quantity and quality, and stormwater runoff. Such activities that impact scaleshell habitat would be subject to review under section 7(a)(2) of the Act, whether or not critical habitat was designated. The scaleshell has become so restricted in distribution that any significant adverse modification or destruction of occupied habitats would likely jeopardize the continued existence of this species. Additionally, our regulations (50 CFR part 402) specify that the jeopardy analysis, like the adverse modification or destruction of critical habitat analysis, consider the detrimental effect to both survival and recovery. Therefore, even as the species recovers

and its numbers increase, the jeopardy analysis would continue to protect scaleshell habitat. As part of the outreach from this proposed rule, we will notify the State and Federal agencies of this species' general distribution, and request that they provide data on proposed Federal actions that might adversely affect the species. Should any future projects be proposed in areas inhabited by this mussel, the involved Federal agency will have the distributional data needed to determine if their action may impact the species, and if needed, we will provide more specific distributional information. Therefore, habitat protection for the scaleshell can be accomplished through the implementation of section 7 jeopardy standard and there is no benefit in designating currently occupied habitat of this species as critical habitat.

Recovery of this species may require the identification of unoccupied stream and river reaches appropriate for reintroduction. Critical habitat designation of unoccupied stream and river reaches might benefit this species by alerting permitting agencies to potential sites for reintroduction and allowing them the opportunity to evaluate projects that may affect these areas. We are currently working with state and other Federal agencies to periodically survey and assess habitat potential of stream and river reaches for listed and candidate aquatic species. This process provides up to date information on instream habitat conditions in response to land use changes within watersheds. We distribute the information generated from river surveys and assessments through our coordination with other agencies. We will continue to work with State and Federal agencies, as well as private property owners and other affected parties, through the recovery process to identify stream reaches and potential sites for reintroduction of this species. Thus, any benefit that might be provided by designation of unoccupied habitat as critical will be accomplished more effectively with the current coordination process, and is preferable for aquatic habitats which change rapidly in response to watershed land use practices. In addition, we believe that any potential benefits to critical habitat designation on occupied and unoccupied habitats are outweighed by additional threats to the species that would result from such designation, as discussed below.

All known populations of scaleshell occur in streams flowing through private lands, and if unoccupied habitat is needed for recovery, private lands may also be involved. One threat to all surviving populations appears to be pollutants in stormwater runoff that originate from private land activities. Therefore, the survival and recovery of this species will be highly dependent on landowner cooperation in reducing land use impacts. Controversy resulting from critical habitat designation has been known to reduce private landowner cooperation in the management of species listed under the Act. Critical habitat designation could affect landowner cooperation within watersheds occupied by the scaleshell and in areas unoccupied that might be needed for recovery.

Though critical habitat designation directly affects only Federal agency actions, this process can arouse concern and resentment on the part of private landowners and other interested parties. The publication of critical habitat maps in the **Federal Register** and local newspapers, and other publicity or controversy accompanying critical habitat designation may increase the potential for vandalism as well as other collection threats. Scaleshell populations are especially vulnerable to vandalism. This species is found in shallow shoals or riffles in restricted stream and river segments and is relatively immobile and unable to escape collectors or vandals. It inhabits remote but easily accessed areas, and they are sensitive to a variety of easily obtained commercial chemicals and products. Because of these factors, vandalism or collecting could be undetectable and uncontrolled.

We believe that the potential for taking represents a significant threat to scaleshell populations. The rarity of this species increases the likelihood that it will be sought by shell collectors and for scientific purposes. The publication of critical habitat, maps, and other publicity accompanying critical habitat designation could increase that threat. The locations of populations of this species have consequently been described only in general terms for purposes of this rulemaking action.

Based on the above analysis, we have concluded that critical habitat designation would provide little additional benefit for this species beyond those that would accrue from listing under the Act. We also conclude that any potential benefit from such a designation would be offset by an increased level of vulnerability to vandalism or collecting and by a possible reduction in landowner cooperation to manage and recover this species. We have concluded therefore that the designation of critical habitat for scaleshell is not prudent.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and local agencies, private organizations, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with us on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, Section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with us.

Federal agency actions that may require conference and/or consultation as described in the preceding paragraph include the issuance of permits for reservoir construction, stream alterations, waste water facility development, water withdrawal projects, pesticide registration, agricultural assistance programs, mining, road and bridge construction, Federal loan programs, water allocation, and hydropower relicensing. In our experience, nearly all section 7 consultations result in protecting the species and meeting the project's objectives.

The Act and implementing regulations set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. The prohibitions, codified at 50 CFR 17.21, in part, make it illegal for any person subject to the jurisdiction of the United

States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to our agents and agents of State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. We codified the regulations governing permits for endangered species at 50 CFR 17.22. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in the course of otherwise lawful activities.

It is our policy, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify, to the maximum extent practicable, those activities that are or are not likely to constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness as to the potential effects of this proposed listing on future and ongoing activities within a species' range. We believe that the following activities are unlikely to result in a violation of section 9:

(1) Existing discharges into waters supporting these species, provided these activities are carried out in accordance with existing regulations and permit requirements (e.g., activities subject to sections 402, 404, and 405 of the Clean Water Act and discharges regulated under the National Pollutant Discharge Elimination System).

(2) Actions that may affect the scaleshell and are authorized, funded or carried out by a Federal agency when the action is conducted in accordance with any reasonable and prudent measures we have specified in accordance with section 7 of the Act.

(3) Development and construction activities designed and implemented pursuant to Federal, State, and local water quality regulations.

(4) Existing recreational activities such as swimming, wading, canoeing, and fishing.

We believe the following activities would be likely to result in a violation of section 9; however, possible violations are not limited to these actions alone:

(1) Unauthorized collection or capture of the species;

(2) Unauthorized destruction or alteration of the species habitat (e.g., in-stream dredging, channelization, discharge of fill material);

(3) violation of any discharge or water withdrawal permit within the species' occupied range; and

(4) illegal discharge or dumping of toxic chemicals or other pollutants into waters supporting the species.

We will review other activities not identified above on a case-by-case basis to determine whether they may be likely to result in a violation of section 9 of the Act. We do not consider these lists to be exhaustive and provide them as information to the public.

You should direct questions regarding whether specific activities may constitute a future violation of section 9 to the Field Supervisor of the Service's Columbia Field office (see **ADDRESSES** section). You may request copies of the regulations regarding listed wildlife from and address questions about prohibitions and permits to the U.S. Fish and Wildlife Service, Ecological Services Division, Henry Whipple Federal Building, 1 Federal Drive, Fort Snelling, MN 55111 (Phone 612/713–5350; Fax 612/713–5292).

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we request comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species;

(4) Current or planned activities in the subject area and their possible impacts on this species.

We will take into consideration your comments and any additional information received on this species when making a final determination regarding this proposal. We will also submit the available scientific data and information to appropriate, independent specialists for review. We will summarize the opinions of these reviewers in the final decision document. The final determination may differ from this proposal based upon the information we receive.

The Act provides for a public hearing on this proposal, if requested. We must receive requests within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing and addressed to Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 608 East Cherry Street Room 200, Columbia, Missouri 65201.

Executive Order 12866

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand including answers to the following: (1) Are the requirements of the rule clear? (2) Is the discussion of the rule in the Supplementary Information section of the preamble helpful in understanding the rule? (3) What else could we do to make the rule easier to understand?

Send a copy of any comments that concern how we could make this rule easier to understand to the office identified in the **ADDRESSES** section at the beginning of this document.

National Environmental Policy Act

We have determined that we do not need to prepare an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, in connection with regulations adopted pursuant to section 4(a) of the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Paperwork Reduction Act

This rule does not contain any new collections of information other than those already approved under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned Office of Management and Budget clearance number 1018–0094. 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 control number. For additional information concerning permit and associated requirements for threatened species, see 50 CFR 17.22.

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Field Supervisor (see **ADDRESSES** section).

Authors: The primary authors of this proposed rule are Mr. Andy Roberts (see **FOR FURTHER INFORMATION CONTACT** section) and Ms. Jennifer Szymanski (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and record keeping requirements, Transportation.

Regulation Promulgation

Accordingly, the Service amends part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.11(h) is amended by adding the following, in alphabetical order, under *Clams* to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	
CLAMS							
*	*	*	*	*	*	*	
Mussel, Scaleshell ...	*Leptodea leptodon* ..	U.S.A. (AL, AR, IL, IN, IA, KY, MN, MO, OH, OK, SD, TN, WI).	NA	E		NA	NA
*	*	*	*	*	*	*	

Dated: July 29, 1999.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 99–20965 Filed 8–12–99; 8:45 am]

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Notices

Federal Register

Vol. 64, No. 156

Friday, August 13, 1999

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.

ADVISORY COMMISSION ON ELECTRONIC COMMERCE

Requests for Written Comment

The Advisory Commission on Electronic Commerce (the Commission) was established by Pub. L. 105–277 to conduct a thorough study of federal, state, local and international taxation and tariff treatment of transactions using the Internet and Internet access and other comparable intrastate, interstate or international sales activities. The Commission is to report its findings and recommendations to the Congress no later than April 21, 2000. Notice is hereby given that the Commission requests the submission of written comments from interested persons or organizations with respect to its mandates. These comments must be prepared in conformity with the guidelines set out below. Potential contributors should be aware of two deadlines. The deadline for receipt of documents to be available to the Commission for its September 14–15 meeting is September 1, 1999. Other submissions should be received as soon as possible, but no later than November 15, 1999. The Commission's Web site, www.ecommercecommission.org, will contain the latest information about meeting agendas and any written submission guideline updates.

The Commission may study the following issues:

- Barriers imposed in foreign markets on U.S. property, goods, services or information engaged in E-commerce and on United States providers of telecommunications services;
- How the imposition of such barriers affects U.S. consumers, the competitiveness of U.S. businesses in foreign markets and the growth of the Internet;
- The collection and administration of consumption taxes on E-Commerce in the U.S. and abroad, the impact this has on the global economy and the relationship between the collection and administration of such taxes when using the Internet or not using the Internet;
- The impact of the Internet and Internet access (particularly voice transmission) on the revenue base for taxes imposed under section 4251 of the Internal Revenue Code of 1986;
- Model state legislation that:

1. Provides uniform definitions of categories of property, goods, service or information subject to or exempt from sales and use taxes;

2. Ensures that Internet access services, online services, and communications and transactions using Internet, Internet access service, or online services are treated in a tax and technology neutral manner relative to other forms of remote sales;

- The effects of taxation (or absence of) on all interstate sales transactions, including those using the Internet, on retail businesses and on state and local governments. This examination may include a review of purchases from out-of-state sellers; and
- The ways to simplify federal, state and local taxes imposed on the provision of telecommunications services.

The Commission Must Adhere to These Other Parameters

- The Commission is not authorized to examine any fees or charges imposed by the Federal Communications Commission or states related to the following:

1. Obligations under the Communications Act of 1934 (47 U.S.C. 151 et seq.);

2. The implementation of the Telecommunications Act of 1996 (or amendments made by the Act);

- The Commission ''shall, to the extent possible, ensure that its work does not undermine the efforts of the National Tax Association Communications and Electronic Commerce Tax Project.''

Written Submissions

Interested persons are invited to provide comments in writing to the Commission. Written comments should be related to the Commission's mandate. All those persons submitting comments should be aware that such comments will be available for public inspection. The following guidelines should be followed for written comments that will be considered by the Commission:

- All written comments and any accompanying exhibits must be typed in double-space.
- One version of all written comments should be sent electronically to *comments@ecommercecommission.org.* Thirty (30) hard copies of all written comments should be sent to: Advisory Commission on Electronic Commerce, 3401 North Fairfax Drive, Arlington, VA 22201–4498.
- Comments must contain the name, address, phone number and e-mail address (if available) and capacity of the person submitting the comments, as well as the names of any clients or persons or organizations for which the comments are submitted.
- For those comments exceeding two pages in length an executive summary must accompany the submission. The executive summary should not exceed two (2) pages in length.

For further information, contact the Advisory Commission on Electronic Commerce, 3401 North Fairfax Drive, Arlington, VA 22201–4498, (703) 993–8049.

Heather Rosenker,

Executive Director.

[FR Doc. 99–20941 Filed 8–12–99; 8:45 am]

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ADVISORY COMMISSION ON ELECTRONIC COMMERCE

Meetings

The Advisory Commission on Electronic Commerce was established by Public Law 105–277 to conduct a thorough study of federal, state, local and international taxation and tariff treatment of transactions using the Internet and Internet access and other comparable intrastate, interstate or international sales activities. The Commission is to report its findings and recommendations to the Congress no later than April 21, 2000. Notice is hereby given, that the Advisory Commission on Electronic Commerce will hold meetings on September 14, 1999, from 4:30 p.m. to 5:30 p.m. at the Millennium Hotel, 145 West 44th Street, New York, New York and on September 15, 1999, from 9:30 a.m. to 5:00 p.m. at the Digital Sandbox, 55 Broad St., New York, New York. The meetings of the Commission shall be open to the public.

Records shall be kept of all Commission proceedings and shall be available for public inspection given adequate notice at the Commission's offices at 3401 North Fairfax Dr., Arlington, Virginia 22201–4498.

A listing of the members of the commission and details concerning their appointment were published in the **Federal Register** on June 9, 1999, at 64 FR 30958.

Heather Rosenker,

Executive Director.

[FR Doc. 99–20942 Filed 8–12–99; 8:45 am]

BILLING CODE 0000–00–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

August 9, 1999.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 *and* to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, D.C. 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–6746.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential person who are to respond to the collection of information that such persons are not required to respond to the collection of information unless if displays a currently valid OMB control number.

Forest Service

Title: Grazing Permit Administration Forms.

OMB Control Number: 0596–0003.

Summary of Collection: Domestic livestock grazing currently exist on approximately 90 million acres of National Forest Service (NFS) lands. This grazing is subject to authorization and administrative oversight by the Forest Service (FS). Information is required for the issuance and administration of grazing permits, including fee collections, on NFS lands as authorized by the Federal Land Policy and Management Act, as amended, and the subsequent Secretary of Agriculture regulation 5 U.S.C. 301, 36 CFR 222, Subparts A and C. The bills for collection of grazing fees are based on the number of domestic livestock grazed on national forest lands and are a direct result of issuance of the grazing permit. Information must be collected on an individual basis through the permit issuance and administration process. FS will collect information using several forms.

Need and Use of the Information: FS will collect information on the ownership or control of livestock and base ranch property; the need for additional grazing to round out year long ranching operations; and citizenship. The information collected is used by FS in administering the grazing use program on NFS lands. If information is not collected, it would be impossible for the agency to administer a grazing use program in accordance with the statutes and regulations.

Description of Respondents: Business or other for-profit; not-for-profit institutions; farms, State, Local or Tribal Government; individuals or households.

Number of Respondents: 7,200.

Frequency of Responses: Reporting: Annually; Other (as needed basis).

Total Burden Hours: 2,950.

Economic Research Service

Title: Study of Re-Engineering the Welfare System.

OMB Control Number: 0536–NEW.

Summary of Collection: In 1996, President Clinton signed into law the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), thereby dramatically changing the system that had provided welfare cash assistance and food stamp benefits to low-income households since the early 1970's. In addition to the changes enacted in PRWORA, states have begun the process of modernizing and improving their FSPs. New technological innovations have increased the use of computers to provide enhanced systems for service delivery, eligibility determination, benefit delivery and maintenance of program integrity. The primary purpose of the study is to provide USDA with a thorough view of the administrative changes states have made, are making, or will make to their Food Stamp Programs in FY 1999. The Economic Research Service (ERS) has awarded a contract to the Health Systems Research, Inc. (HSR) to collect existing documents from Food Stamp Directors and abstract data from these documents into a descriptive database. States will be requested to provide documents that fit within six basic re-engineering categories: the changing role of the caseworkers; organizational changes; changes in client tracking and accountability systems; changes in program accessibility and certification systems; increases in program monitoring and evaluation; and plans for implementing the simplified Food Stamp Program. ERS will collect information using mail and telephone surveys.

Need and Use of the Information: ERS will collect information on the number and percentage of states that have implemented or plan to implement administrative changes in their Food Stamp Program; the number and percentage of states and county-administered programs that have implemented or plan to implement administrative changes; methods used by states (regulatory, legislative, executive order, etc.) to implement changes; differences between the type of administrative changes made between states with state-administered FSPs and county-administered FSPs; number and percentage of states making organizational changes in their governmental structure as a result of welfare reform; the number and percentage of states making privatization efforts, by type of state and administrative activity; and the type of privatization efforts being made by states, by state demographic characteristics. The report will be used to assist ERS in determining future needs and measuring progress toward achieving Food Stamp Program goals.

Description of Respondents: State, Local or Tribal Government.

Number of Respondents: 102.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 119.

Economic Research Service

Title: Emergency Food Assistance System Study.

OMB Control Number: 0536–0048.

Summary of Collection: Many emergency food providers are reporting increased demand for their services as a result of changes in the nation's welfare and food assistance safety net under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and decreasing ability to meet the additional demands. USDA is coordinating public and private efforts intended to increase the amount of surplus food channeled through Emergency Food Assistance System (EFAS) providers by 33 percent by the year 2000. On November 23, 1996, President Clinton signed an executive memorandum directing all Federal agencies to join the USDA effort to recover excess food and established a Federal interagency task force on gleaning and food recovery. USDA, through the Food and Nutrition Service, administers several food assistance programs that help low-income households obtain adequate and nutritious diets. The largest USDA food assistance program, the Food Stamp Program, is designed to provide food assistance programs by serving as a distribution outlet for Emergency Food Assistance Program (TEFAP) commodities and by providing temporary or supplemental food assistance to many of the same needy populations served by USDA programs. A study of the Emergency Food Assistance System is going to be conducted. The Economic Research Service (ERS) previously obtained OMB approval for the first phase of this study which was focused on identifying proper respondents for the purpose of establishing a statistically valid sampling frame. In the second phase, ERS proposes using the sampling frame to conduct the study survey. ERS will collect information in phase two using questionnaires and telephone interviews.

Need And Use Of The Information: ERS will collect information on providers' operating characteristics, service areas, resource base, quantity and type of food flowing into the system, number of people served, and providers' capacity to manage current and future changes in food demand and resources. Information collected by the EFAS study will help USDA assess emergency food providers ability to manage current and future changes in food demand and resources and determine whether additional programs to support EFAS are needed.

Description of Respondents: Not-for-profit institutions; Local or Tribal Government.

Number of Respondents: 9,046.

Frequency of Responses: Reporting: On occasion; Other (one time).

Total Burden Hours: 4,941.

Economic Research Service

Title: Evaluation of the Impact of EBT Customer Waivers on Recipients: New EBT User Survey.

OMB Control Number: 0536–NEW.

Summary Of Collection: In April 1992, the Food and Nutrition Service (FNS) issued regulations governing the design, implementation and use of electronic benefits transfer (EBT) systems for the issuance and redemption of food stamp benefits. Since 1992, the growth of EBT systems has been dramatic, and the U.S. Congress has now mandated the use of EBT systems in all states by October 1, 2002. Because experience with EBT systems was somewhat limited at the time the regulations were promulgated, the regulations included numerous measures intended to protect recipients' rights and to make EBT systems easy to use. Examples included regulations which require the FSP recipients: (a) are to be allowed to select their own personal identification number (PIN); (b) are to receive hands-on-training and experience in how to use EBT equipment; and (c) are to receive replacement EBT cards within two business days. As more states implement EBT and experience with these systems increased, however, efforts to reduce EBT administrative costs increase as well. State agencies are requesting waivers to the EBT regulations so they can try new and more efficient approaches to system implementation and operations. The Economic Research Service (ERS) will collect information using a survey to learn about the impact of three types of customers service waivers on recipients.

Need And Use Of The Information: ERS will collect information on service problems recipients have encounter with: PIN assignment rather than PIN selection; mailing of training materials to recipients rather than hands-on-training; and extending the time for card replacement from two days up to five days. The purpose of the study is to learn more about the actual impacts of the three customer service waivers on recipients and how the waivers may affect recipients and the recipients' responses. It will also provide preliminary estimates of the frequency of customer service problems in selected states with and without the waivers.

Description of Respondents: Individuals or households.

Number Of Respondents: 1,400.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 467.

Nancy B. Sternberg,

Departmental Clearance Officer.

[FR Doc. 99–20922 Filed 8–12–99; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Procedures for Submission of Biobased Products for Listing by USDA

AGENCY: U.S. Department of Agriculture.

ACTION: Notice and request for comment.

SUMMARY: As required by Executive Order 13101, the U.S. Department of Agriculture (USDA) is proposing guidelines for listing commercially available commercial and industrial biobased products (a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials) available for purchase by Federal agencies. This notice includes a generic definition of biobased products, suggested criteria for including biobased items in a list to be put together by USDA, and a description of the process USDA will use in considering items for inclusion on the USDA Biobased Products List. USDA is seeking specific public comment on the criteria and process and other comments as appropriate. USDA will, after development of the first list, also be accepting items for listing on an on-going basis.

DATES: Comments should be received on or before September 13, 1999.

ADDRESSES: Individuals wishing to comment must send an original and two copies of their written comments to: J. R. Holcombe, Jr.; Office of Procurement and Property Management; U.S. Department of Agriculture; Mail Stop 9303; 1400 Independence Avenue, SW; Washington, DC 20250. Please place the phrase ''USDA Biobased Products List'' on your envelopes containing comments. The comments themselves also should be identified with the phrase ''USDA Biobased Products List''.

FOR FURTHER INFORMATION CONTACT: J. R. Holcombe, Jr., at the address above or by E-mail at *richard.holcombe@USDA.GOV*. Persons requiring accommodations, including sign language interpreters, should call J. R. Holcombe, Jr. through Terry Thir at (202)720–2531 or TDD (202)720–8372).

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I. Authority

The designation and consideration of biobased products is authorized by Executive Order (EO) 13101, Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition, dated September 14, 1998, as follows:

> Sec. 504. Designation of Biobased Items by the USDA. The USDA Biobased Products Coordination Council shall, in consultation with the FEE (Federal Environmental Executive), issue a Biobased Products List. (a) The Biobased Products List shall be published in the **Federal Register** by the USDA within 180 days after the date of this order and shall be updated biannually after publication to include additional items; (b) Once the Biobased Products List has been published, agencies are encouraged to modify their affirmative procurement program to give consideration to those products.

The requirement for Federal agencies to consider biobased products is not only in Executive Order 13101, but also in Office of Management and Budget (OMB)/Office of Federal Procurement Policy (OFPP) Policy Letter 92–4 and applies to all Federal agencies. E.O. 13101 is silent on micro-purchases, thus there is no threshold or other exception which would discourage agencies from purchasing biobased products. Nor is there any exemption for purchases using Federal credit cards. While there is no stated equivalent encouragement for state and local governments to purchase biobased products, generally state and local governments follow the Federal lead in such matters.

II. Background

Sustained economic growth depends on having a secure raw material source for industrial production. Petroleum, today's prevalent industrial feed stock, is neither sustainable nor environmentally friendly. Biobased products offer alternatives to petroleum and mineral-derived industrial products currently in the marketplace which may have negative environmental impacts. Biological plant and animal systems and processing streams in the U.S. food, feed and fiber industries are renewable over a short time frame and, in general, at the end of their life cycle are either recycled, or allowed to return in an environmentally friendly manner to the environment. Utilizing biobased materials to produce industrial products will expand the nation's capabilities to take advantage of new and exciting technologies and America's agricultural abundance.

From a procurement perspective, a broader range of biobased industrial products will assist agencies in successfully meeting environmental goals as outlined in E.O. 13101. From the USDA perspective, the issues extend well beyond good stewardship of the nation's resources.

USDA is engaged in research and development activities for biobased industrial products. These activities are conducted in-house, through universities and colleges, through private business, and through USDA's Alternative Agricultural Research and Commercialization Corporation. Partnerships with universities, industry, state and local government and other Federal agencies to create, apply and transfer knowledge and technology, have resulted in a broad range of non-food and non-feed products to meet expanding market needs. Some of these products offer many performance advantages over conventional products such as enhanced quality, durability, flexibility, and strength, and are biodegradable when appropriate.

Buying biobased products ensures that ''biobased industrial products will be a major U.S. economic growth area in the next century as fossil-based industrial products, such as synthetic chemicals and liquid fuels, were in the 20th century. Biobased industrial products will improve economic security through use of domestic versus imported resources, optimal use of currently unused or underused land, and geographically widespread production and manufacture across the U.S.'' (Quote from Vision for Agricultural Research and Development in the 21st Century, December 14, 1998, prepared by the National Agricultural Biotechnology Council).

The Biobased Products List (BPL) does not qualify as a rule making under the Administrative Procedure Act, 5 U.S.C. 551 et seq. The Biobased Products Coordination Council (BPCC) listing of biobased products is without a binding effect. Agencies are not required to purchase biobased products, and listing does not guarantee any sales of such products. Listing heightens awareness in the Federal acquisition community that such products are available. Listing acknowledges that these products contain certain features that may make the products more desirable for Federal agencies. The BPCC also is not requiring any action be taken by the private sector. The listing is simply information dissemination. Even though not a rule, USDA is eager to obtain public involvement in the formulation of the biobased products list to develop a more utilitarian, comprehensive, and informed list. For those reasons, USDA is soliciting public comment through this notice.

As stated above, the designation of products by USDA and the resulting BPL is part of USDA's efforts to heighten awareness among those in the Federal acquisition community regarding the availability of such products. Simultaneously, as a collateral benefit, USDA believes such listing will promote the use of products made from agricultural materials. The intent of E.O. 13101 is to use the purchasing power of the Federal government to create new markets and stimulate the development of new environmentally preferable products, including biobased products, for the Federal market. As with recycled content products, Federal agency procurement of biobased products will: (1) demonstrate their performance and quality; (2) help to provide markets, thereby encouraging manufacturing; (3) drive the development of product specifications; (4) promote wider availability; (5) provide a model for State and local governments; and (6) remove barriers to procurement and use of these products.

The Federal market place is already well aware of mature biobased products,

such as cotton shirts and dimensional lumber. Because of the anticipated large number of biobased products of which Federal officials are unaware, and to help keep the BPL manageable and useful as an effective and efficient procurement information resource, USDA has decided not to list commonly known mature products. Instead, USDA is publishing the BPL to promote new uses for conventional crops, non-conventional crops, biological products, marine products, or forestry materials. Additionally, by increasing the acquisition of the number and kinds of biobased products available for purchase by Federal procurement officials, competition in contracting will be strengthened. Successful implementation of E.O. 13101 will have significant outcomes for U.S. agriculture and the environment. There will be economic, environmental and societal advantages from the development of industrial feed stocks from agricultural materials.

III. Definitions

A ''biobased product' is defined in E.O. 13101 as a commercial or industrial product (other than food or feed) that utilizes biological products or renewable domestic agricultural (plant, animal, and marine) or forestry materials.

''Mature markets'' means a product area that exists with sufficient commercial sales so that, within the judgment of USDA, no marketing support is needed.

''Environmentally preferable products'' means products that have a lesser negative impact on human health or the environment when compared with competing products that serve the same purpose. This comparison should use principles recommended in guidance issued by the U.S. Environmental Protection Agency (EPA) (see Federal Acquisition Regulation 23.703).

These are commonly recognized definitions. The public is encouraged to comment on these definitions and suggest others.

IV. Model

This notice, and the proposed USDA methodology for designating biobased products, is patterned after the Guidelines for Procurement of Products Containing Recovered Material (Comprehensive Procurement Guidelines—CPG) published by the U.S. Environmental Protection Agency (EPA) which designates items that are or can be made with recovered materials (59 FR 18852, April 20, 1994). In like manner, the USDA BPL will identify commercial or industrial products made from agricultural, forestry and marine materials. The CPG implements section 6002(e) of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, section 502 of E.O. 12873, and E.O. 13101. RCRA requires EPA to designate items that can be produced with recovered materials and to recommend practices for the procurement of designated items by procuring agencies. E.O. 12873 and E.O. 13101 set forth procedures for EPA to follow in implementing section 6002(e) of RCRA. Specifically, EPA designates products for agencies to purchase and provides recommendations for purchasing those products containing recovered materials. Similarly, E.O. 13101 directs that USDA identify biobased products and prepare a list of biobased products and ''agencies are encouraged to modify their affirmative procurement program to give consideration to those products.'' Updated information on CPG can be found at the web site: *http://www.epa.gov/cpg.*

V. Methodology

As soon as E.O. 13101 was signed on September 14, 1998, USDA began its efforts to compile a list of biobased products as required by the E.O. A committee was appointed by USDA's BPCC to prepare the appropriate notice for the **Federal Register**.

The committee is made up of individuals with commercialization, legal, legislative, marketing, procurement, rural development, research, and other technical expertise and who meet to work on the list. Early in the process, draft copies of the proposed listing process were shared with other Federal agencies, environmental organizations, and agri-industry groups, including the major commodity representatives. The Federal Trade Commission was contacted to seek their guidance with respect to labeling products biobased. The committee also utilized existing documents on biobased products referenced in the appendix of this document. Based on public input, research and the expertise of the committee, this notice for comment was prepared.

A number of questions were raised during the committee deliberations. Many of these related to the standard procurement requirements of price, performance, and availability. Some are answered below under the criteria section, while a number of other considerations are conveyed under section VII entitled ''Questions and Answers'.

USDA proposes to designate biobased products by establishing and maintaining a list of product categories. For this document we have combined some categories of commercial and industrial products. Other categories are not listed because they do not designate products which are purchased by government procurement officials. This document is presented to the public for comment. USDA is providing an opportunity for interested parties to suggest changes (alterations, additions or deletions) to the designated categories. USDA will consider the timely comments and publish its decision in the **Federal Register** as a notice. Over time USDA will determine whether the world wide web or a similar electronic communication system may be adequate to allow open public review and comment. If this determination is made, the electronic system will be used to supplement publication in the **Federal Register**.

USDA also will issue guidance in the **Federal Register** on buying biobased products in a Biobased Products Advisory Notice (BPAN). The BPANs will recommend biobased content ranges or other descriptors for biobased products and will be based on current information on commercially available biobased content products. Content levels will be updated as marketplace conditions change. BPANs will be prepared and published in the **Federal Register** for public comment in the same manner as the BPL.

USDA will list products and sources for these products on a world wide web site to allow buyers to use the designation of products as a ''yellow pages'' to seek out biobased products for their use. Biobased products which USDA is aware of will be listed on the site. USDA will not guarantee the validity of the advertising claims presented by the vendor to inform USDA of the product. Vendors are advised that their advertising, labeling, and other marketing claims should comply with the U.S. Federal Trade Commission's Guides for the Use of Environmental Marketing Claims, 16 CFR Part 260. USDA also does not endorse any products on the list. Vendors may submit information to describe their products and its availability at any time after a suitable category is developed.

Products may be listed in more than one category. The extent of information to be offered USDA to support listing a product is determined by the vendor. Should USDA reject a proposed listing,

the vendor will be informed of the reasons and allowed to resubmit.

While directed primarily at Federal executive branch agencies, the BPL and BPAN information is helpful to everyone interested in purchasing biobased-content products. It is expected that state and local governments and commercial businesses will find the BPL and supporting information helpful.

As part of the BPL designation process, USDA will make its supporting documentation and background information available. In addition, product research information will be published in a technical background document that discusses product availability, performance, relevant specifications, government purchasing, and other pertinent issues.

All proposals, designations, and recommendations will be published in the **Federal Register** with a brief description for each of the designated products listed (BPAN). The public also can view USDA's recommended biobased content range, or other descriptors and a list identifying manufacturers, vendors, and suppliers for each product at a web site to be created.

USDA's method for identifying, proposing, and designating BPL products is developed based on the experience of EPA in the designation of recycled-content products and on the direction set up in E.O. 13101, section 504. Prior to issuing or revising the BPL, USDA will consult with Federal acquisition officials, EPA and the Federal Environmental Executive (FEE) required under E.O. 13101, to identify additional criteria to consider when selecting (product areas) products for designation.

However, these product categories are not all inclusive and other categories may be suggested through the comment process. Many of the products under these categories in this first list are those known to USDA or its partners because USDA has performed research, initiated technology transfer, or provided commercialization assistance for these products. USDA realizes there are many biobased industrial products developed by the private sector with little or no Federal assistance. These will also be considered for listing without bias. The biobased industrial products list will be amended periodically to incorporate additional products or categories based on public participation. Following is a summary of USDA's selection criteria.

VI. Criteria for Proposing Biobased Products

USDA proposes to evaluate five primary concerns, which every product must meet, when examining products for proposed listing. Products proposed for listing must:

(1) Contain Biobased Materials

Products with a higher percentage of biobased content, are considered better. Products must be manufactured with raw materials that are domestically produced from agricultural production—farming, ranching, forestry, aquaculture—or from materials derived during the processing of these biobased products. Particular attention is paid to those products produced from materials that are a significant component of the waste stream.

(2) Readily Available

The products USDA selects for designation are available from national, regional, or local sources. The relative availability of a product influences the ability of a procuring agency to secure a reasonable price and an adequate level of competition when procuring it. USDA does not intend to designate experimental or developmental products until it can be shown that they meet these evaluation criteria, in particular, commercial availability. Several of the technologies behind the products are new and supported by patents. Some of these products have been developed through Cooperative Research and Development Agreements (CRADAs) while other companies have licensed USDA developed technologies. Given this knowledge, the committee felt it would be in the Government's interest to purchase those products developed with Federal research and commercialization dollars. Sole-source products may be listed. Additionally, although competition is desirable, all applicable patents shall be recognized. However it was also felt that the promotion of these technologies would encourage other companies to commit funds to enter the market thus leading to greater competition.

(3) Reasonably Priced

It also is important for the product to be priced competitively. It is highly desirable that there is adequate competition among suppliers of the product.

(4) Performance

Products must meet commercial or Federal performance standards and specifications.

If product and service providers make marketing claims regarding the environmental attributes of their product or service, including claims of environmental preferability, the claims should conform to the Federal Trade Commission's (FTC's) Guides for the Use of Environmental Marketing Claims (Green Guides), 16 CFR Part 260. A copy of the Green Guides can be obtained through FTC's website: www.ftc.gov (select ''Consumer Protection'', then select ''Environment'', then select ''Guides''). As explained in the FTC Green Guides (16 CFR 260.5), any party making a claim concerning a product's environmental attribute ''must, at the time the claim is made, possess and rely upon a reasonable basis substantiating the claim. A reasonable basis consists of competent and reliable evidence. In the context of environmental marketing claims, such substantiation will often require competent and reliable scientific evidence, defined as tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.'' The Green Guides (16 CFR 260.5) provide guidance on the use of environmentally preferable claims, as well as other claims such as biodegradable, recycled, recyclable, non-toxic, and ozone friendly.

The Green Guides state that either an unqualified or inadequately qualified claim that a product is environmentally preferable implies to consumers that a product is generally environmentally superior to others. Such an overall superiority claim would be difficult to substantiate. Accordingly, environmentally preferable claims should be accompanied by language limiting the preferability claim to the particular attributes that can be substantiated. In other words, the claim should explain which specific product features or attributes benefit the environment (for example, the product is non-toxic, contains no VOCs, and comes in a recycled package). In addition, the Green Guides state in 16 CFR 260.6, 260.7 that when environmental seals-of-approval or other certifications are used, they should be accompanied by information explaining the basis for the award.

(5) Meets EPA's EPP Guiding Principles

Products must meet the Environmentally Preferable Products (EPP) Guiding Principles as published by the EPA. (See definitions section III above for the definition of EPP. The EPP Guiding Principles are listed below.)

Guiding Principle 1: Environment + Price + Performance = EPP

Environmental considerations should become part of normal purchasing practice, consistent with such traditional factors as product safety, price, performance, and availability.

Guiding Principle 2: Pollution Prevention

Consideration of environmental preferability should begin early in the acquisition process and be rooted in the ethic of pollution prevention which strives to eliminate or reduce, up front, potential risks to human health and the environment.

Guiding Principle 3: Life Cycle Perspective/Multiple Attributes

A product's or service's environmental preferability is a function of multiple attributes from a life cycle perspective.

Guiding Principle 4: Magnitude of Impact

Determining environmental preferability might involve comparing environmental impacts. In comparing environmental impacts, Federal agencies should consider: the reversibility and geographic scale of the environmental impacts, the degree of difference among competing products or services, and the overriding importance of protecting human health.

Guiding Principle 5: Environmental Performance Information

Comprehensive, accurate, and meaningful information about the environmental performance of products or services is necessary in order to determine environmental preferability.

Copies of EPA's final EPP guidance document can be obtained by calling the Pollution Prevention Information Clearinghouse (PPIC) at (202) 260–1023. The text included here is our understanding of the guidance being finalized. We intend to use the final guidance published by EPA in operation of the Biobased Products List. The proposed EPP guidance was published for public comment at 60 FR 50722, September 29, 1995, and is available on the Internet at (http://www/epa.gov/docs/EPA-TOX/1995/September/Day-29/pr-139.html). We will rely on manufacturers' advertising claims as a self-certification of these five principles.

VII. Proposed Categories of Products for Consideration

A key component of the BPL program is USDA's list of designated products and the accompanying biobased content recommendations. USDA is proposing to designate products in the categories listed below. USDA also will publish final or proposed biobased content recommendations for each product. At this point, the proposed categories are listed for informational and discussion purposes only. USDA is interested in learning about category areas for potential future designation. There is not a specific list of the information, which USDA requires before considering a product, although the discussion above under ''Criteria for Proposing Biobased Products'' should provide general guidance for those wishing to submit products for listing.

More details about USDA's information needs and the agency's decision-making process will be provided after public input is received from this notice.

Category 1: Absorbents/Adsorbents

Within this category, the environmental preferability of the entire product (e.g., absorbent/adsorbent and the casing or framework holding or enclosing the absorbent/adsorbent) must be addressed by the buyer. Product examples under consideration for listing include:

Vegetable starch
Cotton and cotton linters (cotton pads, oil absorbents)
Wool (low value wool is used to make adsorbent pads)
Kenaf (oil absorbent)
Agricultural wastes (such as corn stover, peanut hulls, and other crop residues to absorb liquids and petroleum)

Category 2: Adhesives/Inks/Coatings

Within this category a number of adhesives have been developed which utilize plant proteins, plant starches and plant oils. These adhesives generally have low or no emissions (below EPA standards where applicable) of hazardous air pollutants and volatile organic compounds (VOC's). Examples of products using biobased adhesive under consideration for listing include:

Plywood
Finger-jointed lumber
Engineered wood building components (laminated beams, trusses, etc.)
Decorative composites
Fiber board panels
Paper board

Plant oils are used to make inks. To be considered a plant-based ink, the ink must contain a minimum of 20 percent by volume of plant oil (Vegetable Ink Printing Act of 1994, Pub.L. 103–348). Examples under consideration for listing include:

Soy ink

(In regards to this product, in its own agency print shops, the Federal government buys ink. However, it also buys printing. The intent of this designation is to have Federal procurement officials purchase soy inks for in-house use and specify the ink for contracted printing.) Also in the development stage at this time is a broader range of inks such as silkscreen and flexography, toners for copiers and laser printers, inkjet printer inks, textile inks and higher soy content UV cured inks for a variety of purposes. When these products are commercially available, they will be designated if appropriate. Plant oils are also used in a number of paints and coatings. Examples under consideration include:

Concrete sealants and waterproofing
Concrete stains
Wood sealers and waterproofing
Architectural coatings
Metal coatings
Form release agents
Corrosion inhibitors and polishes.

Category 3: Alternative Fuels and Fuel Additives

Within this category agricultural raw materials, derivatives, or byproducts have been used to develop alternative fuels. Examples under consideration for listing include:

Motor Fuels
- Biodiesel (made from plant based oils or animal fats)
- Ethanol (made from corn or other biomass)

Energy Fuels

Fuel pellets (Generally such products contain over 60 percent by weight agricultural, forest, or other woody fiber, produce less than 20 percent ash after complete combustion, and contain less than 15 percent moisture.)

Category 4: Construction materials/ Composites

This category includes wood products and composites from woody and agricultural materials, residues, and wastes. Within this category, products must be derived from agricultural crop, forest materials, or crop residue (includes woody materials). The woody materials can be from activities such as thinning, or fuel reduction in plantation stands, regenerated forest stands, or intensively cultured short rotation woody stands, i.e. less than 10 years, or from wood residue, or recovered wood products. Products produced from recovered agricultural wastes (including waste paper) need not meet the short rotation woody crop requirement during the manufacturing process. Examples under consideration for listing include:

Wall systems made from compressed wheat straw or other plant fibers

Fiber board made from wheat or other cereal straw, sugarcane bagasse, or other plant fibers
Composites made from soybean meal or other plant proteins
Molded auto parts from vegetable fibers
Building or office furnishings (desks, tables, cabinets, etc.) made from biobased composites

This category includes wood products and composites from woody and agricultural materials which are bound with biobased resins. Examples under consideration for listing include:

Plywood
Finger-jointed lumber
Engineered wood building components (laminated beams,trusses, etc.)
Decorative composites

The category may also include thermoset plastics and reinforced plastic parts and plastic foam insulation materials made from vegetable oil or protein-based resins. Examples under consideration include:

Rigid foam insulation
Door and window components
Molded reinforced plastic automotive and equipment parts

Category 5: Lubricants/Functional fluids

Within this category products include oils and greases. Products are generally made from soybean, canola, rapeseed, corn or other plant materials. Examples under consideration for listing include:

Vehicle lubricants (crankcase oils, transmission fluids, fifth wheel grease, all purpose total loss lubricants)
Vehicle fluids (windshield washer fluid from ethanol)
Air-cooled engine lubricants (crankcase oils, greases)
Hydraulic fluids
Gearbox oils
Metal working fluids and cutting oils

Total loss lubricants: (including 2-cycle engine oils, rail and flange lubricants, wire rope and cable lubricants, pump drip oils, bar chain oils, lumber skid lubricants, asphalt release agents, concrete form release oils, and penetrating oils).

Category 6: Renewable alternative fiber papers/Packaging

Within this category, products must have at least 30 percent recovered content fiber (E.O. 13101), in addition to biobased content, and the manufacturing process should use less (or zero) chlorine during bleaching than traditional tree fiber produced papers. Crops must be of short rotation (less than ten years) cropping system required. Examples under consideration include papers which have as their raw materials source:

Kenaf
Other short term fibers

Because they are mature markets, rag and linen papers are not suggested for consideration.

Category 7: Solvents/Cleaners/ Surfactants

Within this category examples of products under consideration for listing include:

Citrus based cleaners
Soy-based cleaners and degreasers
Soy-based solvents
Soy-based paint strippers and graffiti removers
Soy-based adhesive removers
Pesticide adjuvants and surfactants
Dormant oil sprays for disease and insect control
Other plant oil based solvents and cleaners

Category 8: Plant based plastics /Degradable polymers/films

Within this category examples under consideration for listing include:

Plant starch compostable cutlery
Polylactic acid (PLA) compostable cutlery
Paper plates coated with starch
Protein derivatives or PLA (compostable)
Plant protein used to make films and biodegradable bags
Loose fill packing peanuts from starch or other natural plant materials
Flexible polyurethane foams made with soybean oil based polyols (molded cushions and pads for furniture, automotive seats, dashboards, etc.)
Resilient polyurethane components made with soybean oil based polyols (molded cases and covers for appliances, telephones, computers, etc.)
Rigid insulating foams made from soy proteins (insulation for refrigerators, freezers, coolers, appliances)

Category 9: Landscaping products

Within this category a number of landscape materials are produced by composting green wastes. Some biobased materials, when used as absorbents, can also bioremediate hydrocarbons. Examples under consideration for listing include:

Potting soil
Soil amendments
Protein-based mulching films

Category 10: Biocontrol/Bioremediation Media

Within this category are products which contain microbes which prevent plant diseases thus reducing or eliminating the need for chemical pesticides. Bioremediation products may also be used to simultaneously remove or separate toxic or hazardous substances from soil or surface water while promoting the development of native microbe populations to hasten biodegradation of residual amounts of hazardous substances. Examples under consideration for listing include:

Biocontrol potting mix
Cotton linters
Oil spill clean-up materials

Category 11: New fibers/Filler/Yarn/ Insulation

Within this category several new fibers, or fibers which were once common in the U.S., are under development or redevelopment. Examples under consideration for listing include:

Kenaf (used as absorbent, paper, and clothes)
Flax (clothes)
Ramie (clothes)
Low grade wool
Low grade cotton
Milkweed (yarn, pillow filler, oil)
Plant lignin as adhesives

Category 12: Enzymes/Intermediate Chemicals

Enzymes are sometimes referred to as biocatalysts. They can be used to accelerate a broad range of chemical reactions, which occur in everyday life and are used in production of a variety of materials. Agriculturally-based enzymes and chemicals are found in such products as pharmaceuticals, detergents, cleaning agents, cotton textile surface treatments, personal care products, and microbial agents. The committee had difficulty with this category. While we realize these are important manufacturing processes and utilize agricultural raw materials, we felt there was a need to directly link the use of an agricultural enzyme/chemical to a commercial product which would be available for purchase by Federal procurement officials, because that is the primary focus of this notice. Thus, we have only mentioned broad product categories. We seek public comment to decide what individual products should be listed under this category. We also seek public comments as to whether or not this should even be a category at all.

Category 13: Other

Cosmetics: Vegetable oils and small molecule plant starches are one of the raw ingredients in a number of cosmetic applications.

Pharmaceuticals/nutraceuticals: Bioactive compounds and complexes are being extracted from plant materials

for prevention and treatment of diseases.

Products No Longer Under Consideration

No entries at this time.

Products That USDA Has Decided Not To Designate

The committee has made the determination to focus on commercial and industrial products and to avoid mature products, be they product areas or products themselves. The committee does not foresee a need to designate products such as cotton fabrics or dimensional lumber presently in the commercial marketplace. Composite lumber, which utilizes low value woods or other fiber waste and is made using environmentally friendly glues and processes, would be considered however. Products must be produced from renewable and sustainable resources. Our emphasis is on biobased organic products, not natural or organic. Thus, mined products are generally not under consideration. Petroleum-based products are generally not under consideration unless the end product is distinguished by the incorporation of renewable biobased materials.

VIII. Questions and Answers

What is the Biobased Products Coordination Council (BPCC)?

The BPCC was established by virtue of a Decision Memorandum signed by the Secretary of Agriculture on September 13, 1995. The Council is chaired by the USDA Under Secretary for Research, Education, and Economics. The Council promotes commercial and industrial biobased product research, development, and commercialization through information sharing, implementation of strategic planning, and provision of policy advice to the Secretary. Ten USDA agencies are members of the Council and include: Forest Service, Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Office of Energy Policy and New Uses, Alternative Agricultural Research and Commercialization Corporation, Foreign Agricultural Service, Natural Resources Conservation Service, Agricultural Marketing Service, Rural Business-Cooperative Service, and the Office of the Assistant Secretary for Administration.

Why Are Biobased Products Environmentally Preferable?

Because of their carbohydrate chemistry, biobased products are believed, within USDA, to be generally preferable to those made from hydrocarbons. However, not all biobased products are environmentally preferable. For the purposes of E.O. 13101, USDA is listing only those products which are considered by USDA to be within the U.S. Environmental Protection Agency (EPA) Environmentally Preferable Products Guidelines.

Should the Biobased Product List Contain Only Products That Are Commercially Available, or Should Products Now in the Research Stage Also Be Included? Is the Product Available Only in a Limited Geographic Area?

The committee unanimously agreed that generally only those products in commercial production and generally available nationally should be included. However, geographic exceptions can be considered. For instance, landscaping materials are usually produced and consumed regionally since it is not economical to transport such materials over long distances. Starch-based packing peanuts are another example. Both these products should be used near the point of production. In some instances, a company may be national in scope but have regional operations to address transportation and other economic issues.

Should There Be a Minimum Percentage of Biobased Materials in the Products Suggested for Listing?

Since the biobased products cover a wide range of industries, it was felt no one percentage could be fairly applied across the board. Instead, the committee agreed that each category of products could have their own percentage requirements by weight or volume based on what the committee could learn about that category. The committee does believe that the products should contain the largest percentage of biobased raw materials possible. Persons commenting on this notice are encouraged to address the percentage issue.

What About One Biobased Product Replacing Another?

In its deliberations, the committee considered the possibility of one biobased material displacing another biobased material as feedstock, thereby resulting in no net reduction in materials available. We also discussed whether the diversion of biobased materials from one product to another could possibly create shortages in feedstocks for one or both products; and the ability of manufacturers to obtain biobased materials in sufficient quantity to produce the product under consideration. The committee believes the likelihood of these displacements happening is not great, and that it is more important, at this juncture, to stimulate the production of biobased products. If substitution occurs at some future date, USDA will consider developing guidelines to deal with the situation.

Will Products Be Listed by Company Name?

One of the issues considered was whether or not to list products by manufacturer name and address in the initial notice. The committee believes it was prudent to first get full public comment on the guidelines, categories, criteria and methodology (process) before proceeding to list products by manufacturers. It is the intent of the USDA to incorporate these public comments into a notice 60 days after the publication of this request for comment. That notice will call for the submission of information from companies which have products they believe will fit the defined criteria. A document (BPAN) listing products by company name, address, phone numbers, and sales contact information will be produced in the future after all interested parties have had a reasonable opportunity to submit their information for listing. Those submissions will be evaluated by a team of technical experts and published in a separate document and will also be available on a web site to be created at a later date.

IX. Appendix

1. Biobased Products Coordination Council

Biobased products from agricultural and forestry resources provide renewable raw materials for the processing and manufacturing of a broad range of nonfood and nonfeed products, such as chemicals, fibers, construction materials, and energy sources. Development and commercialization of such products provide new and expanded markets, accelerate successful market penetration, and diversify agriculture while fostering rural and sustainable development.

The Biobased Products Coordination Council, established by the Secretary of Agriculture, is chaired by the USDA Under Secretary for Research, Education, and Economics. The Council promotes biobased industrial product research, development, and commercialization through information sharing, implementation of strategic planning, and provision of policy advice to the Secretary. Currently ten USDA agencies are members of the Council.

The activities of these agencies in the area of biobased industrial products are described as follows:

Forest Service

The Forest Service (FS) has Federal responsibility for national leadership in forestry and forestry-related issues. Through its research arm, the FS develops and communicates scientific and technological information to protect, manage, and use the Nation's 1.6 billion acres of forest and related rangeland.

The FS Resource Valuation and Use Research program and Cooperative Forestry program develop and provide scientific and technological information to support the harvesting, production, and use of wood products in ways that are efficient, safe, and environmentally beneficial. Specific areas of development include improved wooden transportation systems; fiber-reinforced cement products; uses for waste wood and plastics (ranging from very inexpensive, low-performance composites to expensive, high-performance building materials); housing components and systems made from recycled wood waste and wastepaper; and novel enzymes used to treat virgin and recycled wood fibers in the production of a variety of chemicals.

Agricultural Research Service

As the in-house research arm of USDA, the Agricultural Research Service (ARS) develops new knowledge and technology needed to solve a broad range of technical and agricultural problems of high national priority. ARS aims to ensure adequate production of high-quality food and agricultural products to meet the nutritional needs of the American consumer, to sustain a viable food and agricultural economy, and to maintain a quality environment and natural resource base.

Biobased industrial product research and development focuses on areas such as chemicals and industrial products from crops, cattle, and animal fats; starch-based biodegradable plastics; polysaccharide encapsulating agents; and new products from soybean oil, which are useful as additives to lubricants, fuels, and plastics, as surface coatings; and as inks for the printing industry. Additional areas include development of ion exchange resins based on agricultural residues, cotton-based fabrics with versatile new and improved properties, and fiber crops for specialized uses.

Cooperative State Research, Education, and Extension Service

The Cooperative State Research, Education, and Extension Service (CSREES), USDA's principal link to academia, participates in a nationwide agricultural research planning and coordination system that includes State land-grant universities and the agricultural industry. CSREES advances research and development in new uses for industrial crops and products through its Agricultural Materials program, National Research Initiative, Small Business Innovation Research program, and other activities.

Areas of interest include paints and coatings from new crops such as vernonia, euphorbia, and lesquerella; fuels and lubricants from soybeans, crambe, rapeseed, and canola; fiber products from kenaf and hesperaloe; natural rubber from guayule; and biobased polymers from vegetable oils and starches.

Office of Energy Policy and New Uses

The Office of Energy Policy and New Uses provides leadership, oversight, coordination, and evaluation for all USDA energy and energy-related activities with the exception of those delegated to the USDA Assistant Secretary for Administration. The Office analyzes existing and proposed energy policies, strategies, and regulation concerning or potentially affecting agriculture or rural America. It also evaluates the feasibility of new uses for agricultural products.

In collaboration with the U.S. Department of Energy and the U.S. Environmental Protection Agency, projects have focused on technologies that convert plant cellulose and hemicellulose into ethanol and electricity production using direct combustion or gasification technologies.

Alternative Agricultural Research and Commercialization Corporation

Created by Congress as part of the Farm Bill in 1990, the Alternative Agricultural Research and Commercialization Corporation (AARC) is a USDA agency that makes equity investments to commercialize industrial products from agricultural and forestry materials and animal byproducts. This activity complements the work of USDA's research agencies. AARC policy and program direction is provided by a nine-person Board of Directors—eight of whom are non-Federal—representing processing, financial, producer, and scientific interests.

Development and commercialization projects include vegetable oil lubricants for engines and transmissions; building materials made from wheat straw; cleaners and biodiesel fuel made from vegetable oil; a lightweight, high-strength molded fiber panel made from waste wood and kenaf; windshield washer solvent using ethanol made from corn; oil spill absorbents made from natural fibers; and a nontoxic biodegradable concrete release agent.

Foreign Agricultural Service

The Foreign Agricultural Service (FAS) maintains 75 overseas posts with the overall goal of supporting U.S. exports of agricultural, forest, and fish products. This is accomplished by reducing trade barriers, collecting and disseminating global trade and market information; and developing markets through the use of promotion, loan guarantees, food aid, and economic development activities.

FAS works through private industry to identify overseas markets for new products, promote exports of such products, and research and develop new products. FAS supports these activities through the Market Access Program, the Foreign Market Development Program, and scientific exchanges sponsored by the International Cooperation and Development program.

Natural Resources Conservation Service

The Natural Resources Conservation Service (NRCS) has national responsibility for helping farmers, ranchers, and other private landowners develop and implement voluntary efforts to conserve and protect our Nation's natural resources. Key NRCS programs provide technical assistance to land users and local government to sustain agricultural productivity while protecting and enhancing the natural resource base.

Activities emphasize reduction of soil erosion; improvements in soil and water quantity and quality; wetland conservation and improvement; enhancement of fish and wildlife habitat; improvements in air quality; improvements in the conditions of pastures and rangelands; reduction in upstream flooding; and improved woodlands.

Agricultural Marketing Service

The mission of the Agricultural Marketing Service (AMS) is to facilitate the strategic marketing of agricultural products in domestic and international markets while ensuring fair trading practices and promoting a competitive, efficient marketing system. Working with other government agencies, and the public, AMS establishes grades and standards for a wide array of

agricultural commodities and products and provides grading and classing services to certify the quality or condition of products in marketing channels.

AMS provides oversight of federally sanctioned marketing orders and agreements and industry wide market research and promotion programs. In addition, the agency administers certain pesticide reporting requirements, compiles data concerning pesticide residues on certain products, and conducts or administers research and technical assistance programs to improve the efficiency of the marketing and transportation system and to identify new or expanding market opportunities for U.S. farmers and agribusiness.

Rural Business-Cooperative Service

The Rural Business-Cooperative Service promotes economic development in rural communities by financing needed facilities, assisting business development and rural cooperatives, and planning national strategies for rural economic development.

Office of the Assistant Secretary for Administration

The USDA Assistant Secretary for Administration provides leadership and oversight in acquisition, asset management, civil rights, internal energy conservation, and recycling. As the USDA Energy Management Executive and the Environmental Executive (dual assignment with the Under Secretary for Research, Education and Economics), the Deputy Assistant Secretary has responsibility for coordinating environmentally preferable and energy-efficient initiatives and serves as an advocate for coordination of these initiatives in USDA facilities and programs across the country.

2. Other Resources

Agricultural Research, Extension, and Education Reform Act of 1998, Sec. 404 (7 U.S.C. 7624), provides authority to increase and coordinate biobased product activities in USDA.

Sustainable America, A New Consensus for Prosperity, Opportunity, and a Healthy Environment for the Future, President's Council on Sustainable Development, Washington, D.C., 186 pp., 1996. Contains a national action strategy for sustainable development which includes actions to: (1) Diversify the mix of agricultural goods produced to enhance profitability and environmental quality; and (2) promote ongoing efforts to achieve sustainable forest management.

Strategic Direction for Biobased Products Work in USDA Through the Biobased Products Coordination Council (BPCC), BPCC, Washington, DC, 16 pp, 1999. A plan to carry out programs to increase the domestic research, development and commercialization of biobased industrial and commercial products.

Executive Order 13101, Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition, 63 FR 49643, Washington, D.C., September 16, 1998. Establishes guidelines and policy for each executive agency to increase and expand markets for recovered materials to create Federal Government preference and demands for such products.

The National Research Council, Biobased Industrial Products, National Academy Press, Washington D.C. (In Press). Provides an analysis of the potential benefits of encouraging a transition to more biobased industrial products through future public policies. Biological sciences are likely to make the same impact on the formation of new industries in the next century as the physical and chemical sciences have had on industrial development throughout the century now coming to a close. The biological sciences, when combined with recent and future advances in process engineering, can become the foundation for producing a wide variety of industrial products from renewable plant resources. These ''biobased industrial products'' will include fuels, chemicals, lubricants, plastics, and building materials. * * * The long-term growth of biobased industrial products will depend on development of cost-competitive technologies and access to diverse markets.

1995 Federal Research and Development Program in Materials Science and Technology, The Materials Technology Subcommittee of the National Science and Technology Council, Gaithersburg, MD, 1995. This report describes the materials R&D programs of nine Federal departments and agencies to facilitate collaboration among the public and private sector members of the broad materials R&D community.

Plant/Crop-Based Renewable Resources 2020 Program—A Vision to Enhance U.S. Economic Security Through Renewable Plant/Crop-Based Resource Use, Department of Energy, Washington, D.C., 1998. Develops a program to provide continued economic growth, healthy standards of living, and strong national security through the development of plant/crop-based renewable resources as a viable alternative to diminishing fossil feedstocks for biobased products.

Agenda 2020–A Technology Vision and Research Agenda for America's Forest, Wood and Paper Industry, American Forest and Paper Association, Washington, D.C., 1994. Develops a long-term strategy for sustainability of forest products by increasingly leveraging the virgin raw material with material recovery and recycling.

Vision for Agricultural Research and Development in the 21st Century, National Agriculture Biotechnology Council, Ithaca, NY 1998. Supports agricultural research and development to take the lead in providing technology for a biobased economy in the 21st century.

Done at Washington, D.C., on this 10th day of August, 1999.

I. Miley Gonzalez,

Under Secretary, Research, Education and Extension.

[FR Doc. 99–21103 Filed 8–12–99; 8:45 am]

BILLING CODE 3410–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 99–059–1]

Notice of Request for Extension of Approval of an Information Collection

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection in support of the regulations issued under the Animal Welfare Act for guinea pigs, hamsters, and rabbits.

DATES: Comments on this notice must be received by October 12, 1999 to be assured of consideration.

ADDRESSES: We invite you to comment regarding the accuracy of burden estimate, ways to minimize the burden (such as through the use of automated collection techniques or other forms of information technology), or any other aspect of this collection of information. Please send your comment and three copies to: Docket No. 99–059–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–059–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS rules, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: For information regarding the regulations for guinea pigs, hamsters, and rabbits, 9 CFR, part 3, subparts B and C, contact Dr. Jerry DePoyster, Animal Care Staff Officer, AC, APHIS, 4700 River Road Unit 84, Riverdale, MD 20737–1234; (301) 734–7833; or e-mail: Jerry.D.Depoyster@usda.gov. For copies of more detailed information on the information collection, contact Ms. Cheryl Groves, APHIS' Information Collection Coordinator, at (301) 734–5086.

SUPPLEMENTARY INFORMATION:

Title: Animal Welfare.

OMB Number: 0579–0092.

Expiration Date of Approval: October 31, 1999.

Type of Request: Extension of approval of an information collection.

Abstract: Regulations have been promulgated under the Animal Welfare Act (the Act) to promote and ensure the humane care and treatment of regulated animals under the Act. Title 9, part 3, subparts B and C, of the Code of Federal Regulations (CFR) address specific care and handling regulations for guinea pigs, hamsters, and rabbits. Enforcement of the Act and regulations require documentation of specified information concerning the transportation of these animals.

The regulations for transporting guinea pigs, hamsters, and rabbits require intermediate handlers and carriers to accept only shipping enclosures that meet the minimum requirements set forth in the regulations (§ 3.36) or are accompanied by documentation signed by the consignor verifying that the shipping enclosures comply with the regulations. If guinea pigs, hamsters, and rabbits are transported in cargo space that falls below 45 °F (7.2 °C), the regulations specify that the animals must be accompanied by a certificate of acclimation signed by a U.S. Department of Agriculture accredited veterinarian.

In addition, all shipping enclosures must be marked ''Live Animals'' and have arrows indicating the correct upright position of the container. Intermediate handlers and carriers are required to attempt to contact the consignee at least once every 6 hours upon the arrival of any live animals. Documentation of these attempts must be recorded by the intermediate handlers and carriers and maintained for inspection by Animal and Plant Health Inspection Service (APHIS) personnel.

The above reporting and recordkeeping requirements do not mandate the use of any official government form.

The burden generated by APHIS requirements that all shipping documents be attached to the container has been cleared by the Office of Management and Budget (OMB) under OMB No. 0579–0036.

The reporting and recordkeeping requirements of 9 CFR, part 3, subparts B & C, are necessary to enforce regulations intended to ensure the humane treatment of guinea pigs, hamsters, and rabbits during transportation in commerce.

We are asking the Office of Management and Budget to approve the continued use of this information collection.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, or other collection technologies, e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average .125 hours per response.

Respondents: Intermediate handlers, carriers, ''A'' and ''B'' dealers (as consignors), USDA accredited veterinarians.

Estimated annual number of respondents: 1,470.

Estimated annual number of responses per respondent: 1.408.

Estimated annual number of responses: 2,070.

Estimated total annual burden on respondents: 260 hours. (Due to rounding, the total annual burden hours may not equal the product of the annual number of responses multiplied by the average reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 4th day of August 1999 .

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–20896 Filed 8–12–99; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request; FNS–245, Negative Case Action Review Schedule; FNS–247, Statistical Summary of Sample Disposition; and FNS–248, Status of Sample Selection and Completion

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on proposed information collection of the FNS–245, Negative Case Action Review Schedule; the FNS–247, Statistical Summary of Sample Disposition; and the FNS–248, Status of Sample Selection and Completion. The proposed collection is an extension of collection currently approved under OMB No. 0584–0034.

DATES: Written comments must be submitted on or before October 12, 1999.

ADDRESSES: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of

information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Retha F. Oliver, Chief, Quality Control Branch, Program Accountability Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection form and instruction should be directed to Retha F. Oliver, (703) 305–2474.

SUPPLEMENTARY INFORMATION:

Title: Quality Control Negative Case Action Review Schedule

Statistical Summary of Sample Disposition

Status of Sample Selection and Completion.

OMB Number: 0584–0034.

Form Numbers: FNS–245, FNS–247, & FNS–248.

Expiration Date: September 30, 1999.

Type of Request: Reinstatement without change, of this previously approved collection of information.

Abstract: The FNS–245, Negative Case Action Review Schedule, is designed to collect QC data and serve as the data entry form for negative case action quality control (QC) reviews in the Food Stamp program. State agencies complete the FNS–245 for each negative case in their QC sample. The FNS–247, Statistical Summary of Sample Disposition, summarizes the data obtained from a State's active and negative QC samples over the course of each annual reporting period. The FNS–248, Status of Sample Selection and Completion, tracks a State's progress in sample selection and case completion on a monthly basis.

Affected Public: Individuals or households; State or local governments.

Estimated Number of Respondents: 53.

Number of responses per respondent: 636.

Estimated Total annual responses: 33,718.

Hours per response: 3.0236.

Total annual reporting hours: 100,254.

Number of record keepers: 53.

Number of record keepings per respondent: 636.

Estimated Annual hours per record keepers: 15.

Hours per record keeping: 0.0236.

Total record keeping hours: 796.

Total annual reporting/record keeping hours: 101,049 (total hours per response plus total recordkeeping hours).

Dated: August 6, 1999.

Susan Carr Gossman,

Acting Administrator, Food and Nutrition Service.

[FR Doc. 99–21061 Filed 8–12–99; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 98–045N2]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98N–1230]

Egg Safety Action Plan; Public Meeting

AGENCIES: Food Safety and Inspection Service, USDA; Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) and the Food Safety and Inspection Service (FSIS) are announcing a public meeting to discuss the development of an action plan to address the presence of *Salmonella enteritidis* (SE) in shell eggs and egg products using a farm-to-table approach. The purpose of the action plan is: To promote the implementation of existing technologies, to control and prevent, to the extent possible, the presence of pathogens, particularly SE, in shell eggs and egg products, in order to reduce the incidence of foodborne illness; to examine alternative regulatory inspection structures to better coordinate the government's egg safety efforts from farm-to-table; to change, through education, unsafe egg handling practices by producers, distributors, retailers, and consumers, in part, by eliminating temperature abuse as required by FDA's proposed and USDA's final rules; and to identify and develop new technologies to ensure safer shell eggs and egg products through research. FDA and FSIS have established public dockets to receive comments about the egg safety action plan.

DATES: The meeting will be held on Thursday, August 26, 1999, from 9 a.m. to 5 p.m. Comments should be submitted to one of the dockets no later than September 11, 1999, to be considered in the development of the egg safety action plan.

ADDRESSES: The meeting will be held at the Washington Plaza Hotel, 10 Thomas Circle, NW., Massachusetts Ave. and 14th St., Washington, DC. Thirty rooms have been blocked off at the government rate of $115 for a single under reference #8613. To guarantee a room with a credit card, call the hotel at 800–424–1140 or 202–842–1300.

FOR FURTHER INFORMATION CONTACT:

For registration: Sheila A. Johnson, FSIS, 202–501–7305 or FAX 202–501–7642. Persons requiring a sign language interpreter or other special accommodations should call by August 19, 1999.

For general information: Stephanie A. Smith, FDA, 202–205–0136 or FAX 202–205–4422, or Alice Thaler, FSIS, 202–690–2683.

SUPPLEMENTARY INFORMATION:

I. Background

The President's Council on Food Safety was established in August 1998 under Executive Order 13100 to strengthen and focus our efforts to coordinate food safety policy and resources. The Council on Food Safety was charged with developing a comprehensive, long-range strategic plan that can be used to set priorities, improve coordination and efficiency, identify gaps in the current system and how to fill those gaps, enhance and strengthen prevention and intervention strategies, and identify or develop measures to show progress.

On July 1, 1999, FDA and FSIS testified before the Senate Committee on Governmental Affair's Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia. The hearing explored concerns raised by an U.S. General Accounting Office report (GAO/RCED–99–184) relating to the Federal Government's current approach to shell eggs and egg products safety. During the hearing, the agencies committed to developing an action plan in 120 days to address the presence of SE in shell eggs and egg products using a farm-to-table approach. As part of the action plan development process, FDA and FSIS will hold a public meeting on August 26, 1999.

FDA and FSIS, in conjunction with the Centers for Disease Control and Prevention, the Agricultural Marketing Service, the Agricultural Research Service, and the Animal Plant and Health Inspection Service, have already begun the process of developing an egg

safety action plan by participating in interagency sessions. The purpose of the August 26, 1999, public meeting is to obtain stakeholder input on the draft goals, as well as on the development of the objectives and action items. The meeting is intended to be a working meeting, with breakout sessions, in order to provide the stakeholders in attendance the opportunity to offer comments and suggestions. Therefore, the agenda will include brief informational presentations to provide: (1) Background to individuals unfamiliar with the relevant issues, and (2) breakout sessions to facilitate public participation. The breakout sessions will be organized around the draft goals and will include members of the interagency planning workgroups to lead and facilitate discussions. Discussion summaries will be available within 30 days of the meeting. The draft goals for the egg safety action plan to be discussed at the meeting are as follows:

- Overarching Goal: To protect public health by significantly reducing the number of foodborne illnesses associated with SE in shell eggs and egg products through science-based and coordinated regulation, inspection, enforcement, research, and education programs.
- Goal 1: To promote the implementation of existing technologies, to control and prevent, to the extent possible, the presence of pathogens, particularly SE, in shell eggs and egg products, in order to reduce the incidence of foodborne illness;
- Goal 2: To examine alternative regulatory inspection structures to better coordinate the government's egg safety efforts from farm-to-table;
- Goal 3: To change, through education, unsafe egg handling practices by producers, distributors, retailers, and consumers, in part, by eliminating temperature abuse as required by FDA's proposed and USDA's final rules; and
- Goal 4: To identify and develop new technologies to ensure safer shell eggs and egg products through research.

Because the interagency workgroups will continue revising these goals and will begin developing objectives and action items in preparation for the August 26, 1999, meeting, the material distributed at the meeting may differ slightly from the information provided in this document.

II. Public Dockets and Submission of Comments

The agencies have established public dockets to which comments may be submitted. Comments should be directed either to FSIS, Docket No. 98–045N2, or to FDA, Docket No. 98N–1230, and all comments must include a docket number. Submit a disk with the written comments in WordPerfect 5.1/6.1 or ASCII file format. Submit written comments in triplicate to:

USDA/FSIS Hearing Clerk, 300 12th St. SW., rm. 102 Cotton Annex, Washington, DC 20250–3700.

FDA/Dockets Management Branch (HFA–305), 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Alternatively, comments may be submitted electronically to ''fdadockets@oc.fda.gov''. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

III. Meeting Summaries

Summaries of the public meeting will be posted on the Internet at ''www.foodsafety.gov''. This website is a joint FDA, USDA, and Environmental Protection Agency food safety home page. It is linked to each agency for persons seeking additional food safety information. Summaries of the public meeting may also be requested in writing from the Dockets Management Branch (address above) approximately 30 business days after the meeting at a cost of 10 cents per page. The summaries of the public meeting will be available for public examination at the Docket Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 10, 1999.

Thomas J. Billy,

Administrator, Food Safety and Inspection Service, U.S. Department of Agriculture.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation, Food and Drug Administration.

[FR Doc. 99–21144 Filed 8–11–99; 1:11 pm]

BILLING CODE 4160–01–F

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

Cancellation of Designation Issued to Los Angeles Grain Inspection Service, Inc., and Opportunity for Designation in the Los Angeles Area

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: Los Angeles Grain Inspection Service, Inc. (Los Angeles), asked GIPSA to cancel their designation August 27, 1999. Any firms in the Los Angeles area that need official service after August 27, 1999, should contact GIPSA's California Federal State Office at 916–654–0743. GIPSA is asking persons interested in providing official services in the Los Angeles area to submit an application for designation.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before September 13, 1999.

ADDRESSES: Applications must be submitted to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW, Washington, DC 20250–3604. Applications may be submitted by FAX on 202–690–2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, at 202–720–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes the GIPSA Administrator to designate a qualified applicant to provide official services in a specified area after determining that such applicant is better able than any other applicant to provide such official services. GIPSA designated Los Angeles, main office located in Montebello, California, to provide official inspection services, under the Act on November 1, 1997.

Section 7(g)(1) of the Act provides that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act. The designation of Los Angeles is scheduled to terminate on October 31, 2000. However, Los Angeles asked GIPSA to cancel its designation August 27, 1999, due to a decline in requests for official services. Any firms in the Los Angeles area that need official service after August 27, 1999, should contact GIPSA's California Federal State Office at 916–654–0743.

Pursuant to section 7(f)(2) of the Act, the following geographic area, in the State of California, is assigned to Los Angeles.

Bounded on the North by the Angeles National Forest southern boundary from State Route 2 east; the San Bernadino

National Forest southern boundary east to State Route 79;

Bounded on the East by State Route 79 south to State Route 74;

Bounded on the South by State Route 74 west-southwest to Interstate 5; Interstate 5 northwest to Interstate 405; Interstate 405 northwest to State Route 55; State Route 55 northeast to Interstate 5; Interstate 5 northwest to State Route 91; State Route 91 west to State Route 11; and

Bounded on the West by State Route 11 north to U.S. Route 66; U.S. Route 66 west to Interstate 210; Interstate 210 northwest to State Route 2; State Route 2 north to the Angeles National Forest boundary.

Interested persons are hereby given the opportunity to apply for designation to provide official services in the geographic area specified above under the provisions of section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder.

Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 et seq.).

Dated: August 9, 1999.

Neil E. Porter,

Director, Compliance Division.

[FR Doc. 99–21066 Filed 8–12–99; 8:45 am]

BILLING CODE 3410–EN–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Addition

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

ACTION: Addition to the Procurement List.

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

EFFECTIVE DATE: September 13, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

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

SUPPLEMENTARY INFORMATION: On June 25, 1999, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (64 F.R. 34187) of proposed addition to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

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

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

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

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

Accordingly, the following service is hereby added to the Procurement List:

Janitorial/Custodial

DLA Gadsden Depot,
Gadsden, Alabama

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

G. John Heyer,

General Counsel.

[FR Doc. 99–21041 Filed 8–12–99; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

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

ACTION: Proposed additions to and deletions from procurement list

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete services previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: September 13, 1999.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

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

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

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

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

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

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

Commodities

3 Pack Nylon Scouring Pad

M.R. 568
NPA: Beacon Lighthouse, Inc., Wichita Falls, Texas

''Welcome Aboard'' Baby Gift Bag

M.R. 19525
NPA: Winston-Salem Industries for the Blind, Winston-Salem, North Carolina

Tape, Measuring

5210–01–139–7444
NPA: Charleston Vocational Rehabilitation Center, Charleston Heights, South Carolina

Services

Administrative Services

Office of the U.S. Trade Representative, 1724 F Street, NW., and 600 17th Street, NW., Washington, DC
NPA: Fairfax Opportunities Unlimited, Inc., Alexandria, Virginia

Food Service

Marine Corps Base, Mess Halls 31611, 210702, 53502, 62502 and 22186, Camp Pendleton, California.
NPA: Job Options, Inc., San Diego, California
Marine Corps, Mess Halls #1620 and 569, San Diego, California,
NPA: Association for Retarded Citizens—San Diego, San Diego, California
Marine Corps Barracks,
8th & I Streets,
Washington, DC
NPA: Fairfax Opportunities Unlimited, Inc., Alexandria, Virginia
Marine Corps
Mess Hall #MCA 602, Norfolk, Virginia
NPA: Louise W. Eggleston Center, Inc., Norfolk, Virginia

Mail and Messenger Service

Headquarters, Naval Facilities Engineering Command, Naval Facilities Engineering Command (NAVFACENGCOM)
1322 Patterson Avenue, SE., Washington, DC
NPA: Fairfax Opportunities Unlimited, Inc., Alexandria, Virginia
Naval Engineering Field Activity Chesapeake,
Atlantic Division, Washington Navy Yard,
Naval Facilities Engineering Command (NAVFACENGCOM)
851 Sicard Street, SE
Washington, DC
NPA: Fairfax Opportunities Unlimited, Inc. Alexandria, Virginia

Management and Operation of Depot Safety Store

Corpus Christi Army Depot, Corpus Christi, Texas
NPA: South Texas Lighthouse for the Blind, Corpus Christi, Texas

Deletion

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

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.
2. The action will result in authorizing small entities to furnish the services to the Government.
3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for deletion from the Procurement List.

The following services have been proposed for deletion from the Procurement List:

Administrative Services

Social Security Administration
Oxmoor South Industrial Park
Birmingham, Alabama
Janitorial/Custodial

U.S. Federal Building, Courthouse and Post Office

Moscow, Idaho

G. John Heyer,

General Counsel.

[FR Doc. 99–21042 Filed 8–12–99; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 39–99]

Foreign-Trade Zone 106—Oklahoma City, Oklahoma; Application for Foreign-Trade Subzone Status Xerox Corporation (Photocopier and Printer Toner and Cartridges); Oklahoma City, Oklahoma

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port Authority of the Greater Oklahoma City Area, grantee of FTZ 106, requesting special-purpose subzone status for the photocopier and printer toner and cartridge manufacturing facilities of Xerox Corporation (Xerox), located in Oklahoma City, Oklahoma. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on August 4, 1999.

The Xerox facility (443,000 mfg. sq. ft. on 123 acres) is located at 100 North Mustang Road and Route I–40, Oklahoma City (Canadian County), Oklahoma. The facility (400 employees) produces bulk and packaged toner and toner cartridges for photocopiers and printers. The plant also produces photoreceptors, developers and binder tape for photocopiers, but is not requesting to produce them under zone procedures at this time. Foreign-sourced materials will account for, on average, 14 percent of product value, and include the items listed below:

Material	HTSUS category	HTSUS No.	Duty rate (percent)
SMT5103	Pigment preparations	3206.11.0000	6.0
NA50 SH Additive	Other silicon dioxide	2811.22.5000	(1)
T77W	Polypropylene polymers	3902.10.0000	10.10
Bontron P–51	Quaternary ammonium, other	2923.90.0000	6.2
Wax 660P	Styrene polymers	3902.10.0000	7.0
P200 Wax	Polypropylene polymers	3902.10.0000	10.10
800P Wax	Polyethylene, GRV ≥ .94	3901.20.0000	10.10
T102STT127	Titanium oxides	2823.00.0000	5.6
TRH–SD CCA	Polypropylene polymers	3902.10.0000	10.10
CEO2 Additive	Cerium compounds	2846.10.0000	5.8
Various bulk toners, XP303 Resin, XP767, Resapol HT.	Chemical preps for Photographic uses	3707.90.3290	6.5

[1] Free.

The final products are listed below:

Product	HTSUS No.	Duty rate (percent)
Copier and Printer Bulk Toner	3707.90.3290	6.5
Copier and Printer Toner Resin	3707.90.3290	6.5

Product	HTSUS No.	Duty rate (percent)
Copier Toner Cartridges	9009.90.7090	(1)
Printer Toner Cartridges	8473.30.9000	(1)

[1] Free.

Zone procedures would exempt Xerox from Customs duty payments on foreign components used in export production (some 5–25% of production). On its domestic sales, Xerox would be able to choose the lower duty rate (duty free or 6.5%) that applies to the finished products for the foreign components noted above (duty free-10.1%, with a weighted average duty rate of 7.8%). FTZ procedures will also help Xerox implement a more cost-effective system for handling Customs requirements (including weekly entry filings, reduced brokerage fees and Customs merchandise processing fees). The application indicates that the savings from zone procedures would help improve the plant's international competitiveness.

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

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is October 12, 1999. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 27, 1999.

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

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th and Pennsylvania Avenue, N.W., Washington, D.C. 20230

U.S. Department of Commerce, Export Assistance Center, 301 Northwest 63rd Street, Suite 330, Oklahoma City, Oklahoma 73116

Dated: August 4, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–21018 Filed 8–12–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–833]

Antidumping Investigation on Live Cattle from Canada: Notice of Extension of Deadline for Submission of Briefs and Hearing

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

ACTION: Extension of deadline for submission of briefs and of hearing date.

EFFECTIVE DATE: August 13, 1999.

FOR FURTHER INFORMATION CONTACT: Gabriel Adler or Kris Campbell, AD/CVD Enforcement, Group II, Office 5, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone (202) 482–1442 or (202) 482–3813, respectively.

Extension of Time

On July 19, 1999, the Department postponed, until October 4, 1999, the deadline for the final determination in the antidumping investigation of live cattle from Canada. See Notice of Postponement of *Final Antidumping Determination: Live Cattle from Canada,* 64 FR 40351 (July 26, 1999). As a result of this postponement, the Department is extending the deadline for the submission of briefs. Case briefs are now due by August 13, 1999, and rebuttal briefs are due by August 20, 1999. In addition, the hearing date is anticipated to change. For more information regarding the hearing date, contact the parties stated above.

Dated: August 4, 1999.

Bernard Carreau,

Deputy Assistant Secretary, AD/CVD Enforcement Group II.

[FR Doc. 99–21067 Filed 8–12–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Corps of Engineers; Department of the Army

Intent To Prepare an Environmental Impact Statement (EIS) on Interim Operations of the Central and Southern Florida (C&SF) Project To Project the Cape Sable Seaside Sparrow (Sparrow) Until the Modified Water Deliveries to Everglades National Park (Mod Waters) Project Is Fully Constructed

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

ACTION: Notice of intent.

SUMMARY: The congressionally authorized Mod Waters project consists of structural modifications and additions to the existing C&SF Project required to improve water deliveries for ecosystem restoration of Everglades National Park (ENP) without adverse impacts on adjacent private property. The current water management operational plan Test 7 of the Experimental Water Deliveries Program for the C&SF Project was developed in 1995 to allow experimentation and improvement of water delivery during the long construction phase of the Mod Waters Project. In February 1999, the U.S. Fish and Wildlife Service (FWS) issued a Biological Opinion under provisions of the Endangered Species Act that concluded that the Test 7 jeopardized the continued existence of the sparrow. They further concluded that ultimate protection for the species would be achieved by completing construction of the Mod Waters Project as quickly as possible. In the interim, they recommend that certain hydrologic conditions be maintained in the sparrow's breeding habitat to avoid jeopardizing the species. In response, the corps will develop an Interim Operational Plan (IOP) for the C&SF Project to meet the FWS's guidelines.

FOR FURTHER INFORMATION CONTACT: U.S. Army Corps of Engineers, P.O. Box 4970, Jacksonville, Florida 32232; Attn: Mr. Elmar Kurzbach, 904/232–2325.

SUPPLEMENTARY INFORMATION: .

1. The proposed action will consist of water management operations of existing structural components of the C&SF Project to avoid flooding the sparrow

breeding habitats during the breeding season and to rehydrate breeding habitats during the annual wet season in order to prevent and reverse degradation from invasion of exotic vegetation and unnaturally high fire frequencies.

2. Alternatives to be discussed involve spartial variations in conveying water through the C&SF Project, tradeoffs in adverse effects on natural and manmade features of the environment, and degrees of infringement on private property rights these alternatives would cause.

3. A Scoping letter and public Scoping Meeting will be used to invite comments on alternatives and issues from Federal, State, and local agencies, affected Indian tribes, and other interested private organizations and individuals.

4. The Draft EIS will analyze issues related to flooding of private property, water quality degradation, endangered species protection, urban development impacts, agricultural flood protection, and Everglades National Park ecosystem restoration.

5. The alternative plans will be reviewed under provisions of appropriate laws and regulations, including the Endangered Species Act, Fish and Wildlife Coordination Act, Clean Water Act, and Farmland Protection Act.

6. A scoping meeting will be held in Homestead, Florida at the Miami-Dade County Extension Office. The date and time will be announced in the Scoping letter.

7. The Draft EIS is expected to be available for public review in the 2nd quarter CY 2000.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–21057 Filed 8–12–99; 8:45 am]

BILLING CODE 3710–AS–M

DEPARTMENT OF ENERGY

Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, NV

AGENCY: Office of Civilian Radioactive Waste Management, Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the availability of the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada (DOE/EIS–0250D). The Department has prepared this Draft EIS in accordance with the Nuclear Waste Policy Act of 1982, as amended (NWPA), the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality (CEQ) regulations that implement the procedural provisions of NEPA (40 CFR Parts 1500–1508), and the DOE procedures implementing NEPA (10 CFR Part 1021). The Draft EIS provides information on potential environmental impacts that could result from a Proposed Action to construct, operate and monitor, and eventually close a repository for the disposal of spent nuclear fuel and high-level radioactive waste at Yucca Mountain in Nevada. The Draft EIS also considers the potential environmental impacts from an alternative referred to as the No-Action Alternative, under which a repository would not be developed at Yucca Mountain. The locations of the public hearings to receive comments on the Draft EIS are listed below.

DATES: Comments on the Draft EIS will be accepted during a 180-day public comment period, which ends on February 9, 2000. DOE will consider comments received after February 9, 2000, to the extent practicable. DOE will conduct public hearings on the Draft EIS and will announce the dates in the **Federal Register** in the near future.

ADDRESSES: Written comments, requests for further information on the Draft EIS or the public hearings, and requests for copies of the document (or a CD–ROM version) should be directed to: Ms. Wendy R. Dixon, EIS Project Manager, M/S 010, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, P.O. Box 30307, North Las Vegas, Nevada 89036–0307, Telephone 1–800–967–3477, Facsimile 1–800–967–0739.

Written comments transmitted by facsimile should include the following identifier: ''Yucca Mountain Draft EIS.'' Addresses of the locations where the Draft EIS will be available for public review are listed in this Notice under ''Availability of the Draft EIS.''

Written comments or requests for copies of the document may also be submitted over the Internet via the Yucca Mountain Project website at *http://www.ymp.gov,* under the listing ''Environmental Impact Statement.''

FOR FURTHER INFORMATION CONTACT: Ms. Wendy R. Dixon, EIS Project Manager, M/S 010, U.S. Department of Energy, Office of Civilian Radioactive Waste Management, Yucca Mountain Site Characterization Office, P.O. Box 30307, North Las Vegas, Nevada 89036–0307, Telephone 1–800–967–3477, Facsimile 1–800–967–0739.

General information on the DOE NEPA process may be requested from: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Ave., SW, Washington, DC 20585, Telephone 1–202–586–4600, or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 1995, the Department published a Notice of Intent (60 FR 40164) to prepare an Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada. The purpose of the Notice of Intent was to inform the public of the proposed scope of the Repository EIS, to solicit public input, and to announce that scoping meetings would be held from August through October 1995. During that period, 15 public scoping meetings were held throughout the United States to obtain public comments regarding the scope, alternatives, and issues that should be addressed in the EIS. The scoping period closed on December 5, 1995. Due to subsequent budget reductions, EIS activities were deferred until Fiscal Year 1997. In May 1997, DOE published Summary of Public Scoping Comments Related to the Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-level Radioactive Waste at Yucca Mountain, Nye County, Nevada, which summarized the comments received by DOE during the scoping process and described how DOE planned at that time to address issues raised during scoping. A Notice of Availability for the Summary of Public Scoping Comments document was published on July 9, 1997 (62 FR 36789).

Alternatives Considered

The Draft EIS evaluates a Proposed Action and a No-Action Alternative. Under the Proposed Action, DOE would construct, operate and monitor, and eventually close a geologic repository at Yucca Mountain for the disposal of as much as 70,000 metric tons of heavy metal (MTHM) of spent nuclear fuel and high-level radioactive waste. The Proposed Action includes the transportation of spent nuclear fuel and high-level radioactive waste to Yucca Mountain from commercial and DOE sites. Under the No-Action Alternative, DOE would end site characterization activities at Yucca Mountain, and commercial and DOE sites would

continue to store spent nuclear fuel and high-level radioactive waste, packaged as necessary for their safe on-site management.

DOE developed implementing alternatives and analytical scenarios for estimating in the Draft EIS the reasonably foreseeable environmental impacts that could result from the Proposed Action. For example, DOE evaluated three thermal load scenarios, which correspond to a relatively high emplacement density of spent nuclear fuel and high-level radioactive waste (high thermal load—85 MTHM per acre), a relatively low emplacement density (low thermal load—25 MTHM per acre), and an intermediate case—60 MTHM per acre. DOE recognizes, however, that if the site is eventually approved for development of a repository, the designs of repository surface and subsurface facilities, and plans for the construction, operation and monitoring, and closure of the repository would continue to evolve and would depend on the outcome of the Nuclear Regulatory Commission's licensing review of the repository.

Two national transportation scenarios are evaluated in the Draft EIS. The mostly legal-weight truck [1] scenario assumes that most spent nuclear fuel and high-level radioactive waste would be shipped to the repository by legal-weight truck over existing highways, with a few exceptions. The mostly rail scenario assumes that most spent nuclear fuel and high-level radioactive waste would be shipped to Nevada by rail, with a few exceptions (based largely on the on-site loading limitations at some commercial sites). The Nevada transportation implementing alternatives parallel the national transportation scenarios; however, because no rail access currently exists to the repository site, the EIS considers different implementing alternatives for the construction of either a new branch rail line to the proposed repository, or an intermodal transfer station [2] with associated highway improvements for heavy-haul trucks.[3]

The No-Action Alternative considers two scenarios. Scenario 1 assumes that spent nuclear fuel and high-level radioactive waste would remain at the 72 commercial and 5 DOE sites under effective institutional control for at least 10,000 years. Scenario 2 also assumes spent nuclear fuel and high-level radioactive waste would remain at the 77 sites, but under effective institutional control for only about 100 years.

[1] Truck with a gross vehicle weight (both truck and cargo) of less than 80,000 pounds.

[2] An intermodal transfer station is a facility at the juncture of rail and road transportation used to transfer shipping casks containing spent nuclear fuel and high-level radioactive waste from rail to truck and empty casks from truck to rail.

[3] Shipment of a rail cask (weighing up to 300,000 pounds) on a special truck and trailer combination that would have a total weight of approximately 500,000 pounds.

Public Hearings and Invitation To Comment

The public is invited to provide oral and written comments on the Repository Draft EIS during the public comment period that ends on February 9, 2000. DOE will consider comments received during the comment period in preparation of the Final EIS. Comments received after February 9, 2000, will be considered to the extent practicable.

The Department will hold 16 public hearings (each following the same format in either the mid-morning or afternoon and evening) to receive oral and written comments from members of the public. The public hearings are currently planned to be held in the following Nevada locations: Pahrump, Goldfield, Caliente, Las Vegas, Reno, Austin, Crescent Valley, Amargosa Valley and Ely. Other hearing locations will include Washington, DC; Atlanta, Georgia; Denver, Colorado; Boise, Idaho; Salt Lake City, Utah; St. Louis, Missouri; and Lone Pine, California. DOE will publish the dates, times, and specific locations in the **Federal Register**, and will notify all recipients of the Draft EIS and the media in writing as soon as this information is available. In addition, this information will be available on the Yucca Mountain website at *http://www.ymp.gov* and on the toll-free information line at 1–800–967–3477.

Each of the public hearings will include a brief session in which an overview of the Draft EIS will be presented, a general question-and-answer session, and an opportunity to provide comments for the record. Members of the public who plan to present oral comments are asked to register in advance by calling 1–800–967–3477.

Availability of the Draft EIS

Copies of the Draft EIS are being distributed to Federal, State, Indian tribal, and local officials, agencies, and organizations and individuals who have indicated an interest in the EIS process. Copies of the document may also be requested by telephone (1–800-967–3477) or over the Internet via the Yucca Mountain Project website at *http://www.ymp.gov,* under the listing ''Environmental Impact Statement.''

Copies of references considered in preparation of the Draft EIS are available at the following Public Reading Rooms: University of Nevada—Las Vegas, Nevada; University of Nevada—Reno, Nevada; Beatty Yucca Mountain Science Center, Nevada; and the DOE Headquarters Office in Washington, DC. Addresses of these Public Reading Rooms and of other Public Reading Rooms and libraries where the Draft EIS is available for public review are listed below.

Public Reading Rooms

Inyo County—Contact: Andrew Remus; (760) 878–0447; Inyo County Yucca Mountain Repository Assessment Office; 168 North Edwards Street; Post Office Drawer L; Independence, CA 93526

Oakland Operations Office—Contact: Annette Ross; (510) 637–1762; U. S. Department of Energy Public Reading Room; EIC; 1301 Clay Street, Room 700N; Oakland, CA 94612–5208

National Renewable Energy Laboratory—Contact: Sarah Manion; (303) 275–4709; Public Reading Room; 1617 Cole Boulevard; Golden, CO 80401

Rocky Flats Public Reading Room—Contact: Ann Smith; (303) 469–4435; College Hill Library; 3705 112th Avenue B121; Westminster, CO 80030

Headquarters Office—Contact: Carolyn Lawson; (202) 586–3142; U.S. Department of Energy; Room 1E–190, Forrestal Building; 1000 Independence Avenue, SW; Washington, DC 20585

Atlanta Support Office—Contact: Nancy Mays/Laura Nicholas; (404) 347–2420; Department of Energy; Public Reading Room; 730 Peachtree Street, Suite 876; Atlanta, GA 30308–1212

Southeastern Power Administration—Contact: Joel W. Seymour/Carol M. Franklin; (706) 213–3800/(706) 213–3813; U.S. Department of Energy; Reading Room; Samuel Elbert Building; 2 South Public Square; Elberton, GA 30635–2496

Boise State University Library—Contact: Adrien Taylor; (208) 385–1621; Government Documents; 1910 University Drive; P.O. Box 46; Boise, ID 83707–0046

Idaho Operations Office—Contact: Brent Jacobson/Gail Willmore; (208) 526–1144; Public Reading Room; 1776 Science Center Drive; Idaho Falls, ID 83402

Chicago Operations Office—Contact: John Shuler; (312) 996–2738; Document Department; University of Illinois at Chicago; 801 South Morgan Street; Chicago, IL 60607

Strategic Petroleum Reserve Project Management Office—Contact: Deanna Harvey; (504) 734–4316; U.S. Department of Energy; SPRPMO/SEB

Reading Room; 850 Commerce Road, East; New Orleans, LA 70123
Lander County—Contact: Tammy Manzini; (775) 964–2447; 610 Main Street; (P.O. Box 10); Austin, NV 89310
Beatty Yucca Mountain Science Center—Contact: Marina Anderson; (775) 553–2130; 100 North E Avenue; Beatty, NV 89003
Lincoln County—Contact: Eve Culverwell; (775) 726–3511; Box 1068 100 Depot Avenue; Caliente, NV 89008
Nevada State Clearinghouse—Contact: Heather Elliot; (775) 684–0209; Department of Administration; 209 Musser Street, Room 200; Carson City, NV 89701
White Pine County—Contact: Debra Kolkman; (775) 289–2033; 959 Campton Street; Ely, NV 89301
Eureka County—Contact: Leonard Fiorenzi; (775) 237–5372; Courthouse Annex; (P.O. Box 714); Eureka, NV 89316
Churchill County—Contact: Alan Kalt; (775) 423–5136; 190 West First Street; Fallon, NV 89046–2478
Esmeralda County—Contact: Tony Cain; (775) 485–3419; Repository Oversight Program; Elliot Street between Franklin and Euclid; P.O. Box 490; Goldfield, NV 89013
Mineral County—Contact: Commissioner Jackie Wells; (775) 945–2484; First & A Streets; (P.O. Box 1600); Hawthorne, NV 89415
Clark County—Contact: Dennis Bechtel; (702) 455–5175; 500 South Grand Central Parkway #3012; (P.O. Box 551751); Las Vegas, NV 89155–1751
Las Vegas, Nevada—Contact: Reference Desk; (702) 895–3409; University of Nevada Las Vegas; James R. Dickinson Library; Government Publications; 4505 Maryland Parkway; Las Vegas, NV 89154–7013
Las Vegas Yucca Mountain Science Center—Contact: Terri Brown; (702) 295–1312; 4101–B Meadows Lane; Las Vegas, NV 89107
Nye County—Contact: Les Bradshaw; (775) 727–7727; c/o Department of Natural Resources and Federal Facilities; 1210 E. Basin Avenue; Pahrump, NV 89048
Pahrump Yucca Mountain Science Center—Contact: Gordon Froman; (775) 727–0896; 1141 South Highway 160; Pahrump NV, 89041
Reno, Nevada—Contact: Kathie Brinkerhoff; (775) 784–6500, x-258; University of Nevada, Reno; The University of Nevada Libraries; Business and Government Information Center M/S 322; 1664 N. Virginia Street; Reno, NV 89557–0044
Albuquerque Operations Office—Contact: Shawna Schwartz; (702) 845–4939; U.S. DOE Contract Reading Room; Kirtland Air Force Base; Pennsylvania and H Street; Building 388; Albuquerque, NM 87116
Fernald Area Office—Contact: Gary Stegner; (513) 648–7480; U.S. Department of Energy; Public Information Room; 7400 Willey Road; Cincinnati, OH 45239
Bartlesville Project Office/National Institute for Petroleum and Energy Research—Contact: Josh Stroman; (918) 337–4371; BPO/NIPER Library; U.S. Department of Energy; 220 Virginia Avenue; Bartlesville, OK 74003
Southwestern Power Administration—Contact: Pam Bland; (918) 595–6624; U.S. Department of Energy; Public Reading Room; 1 West 3rd, Suite 1600; Tulsa, OK 74101
Bonneville Power Administration—Contact: Jean Pennington; (503) 230–7334; U.S. Department of Energy; BPA–C–ACS–1; 905 NE 11th Street; Portland, OR 97208
Pittsburgh Energy Technology Center—Contact: Ann C. Dunlap; (412) 892–6167; U.S. Department of Energy; Building 922/M210; Cochrans Mill Road; Pittsburgh, PA 15236–0940
Savannah River Operations Office—Contact: David Darugh; (803) 725–2497; Gregg-Graniteville Library; University of South Carolina—Aiken; 171 University Parkway; Aiken, SC 29801
University of South Carolina—Contact: Lester Duncan; (803) 777–4841; Thomas Cooper Library; Documents/Microforms Department; Green and Sumter Streets; Columbia, SC 29208
Oak Ridge Operations Office—Contact: Amy Rothrock/Teresa Brown; (423) 576-1216/(423) 241–4780; U.S. Department of Energy; Public Reading Room; P.O. Box 2001; American Museum of Science and Energy; 300 S. Tulane Avenue; Oak Ridge, TN 37831
Southern Methodist University—Contact: Stephen Short; (214) 768–2561; Central Union Libraries Fondren Library; Government Information; Airline and McFarland Streets; Dallas, TX 75275–0135
University of Utah—Contact: Walter Jones; (801) 581–8863; Marriott Library Special Collections; 295 South 15th East; Salt Lake City, UT 84112–0860
Richland Operations Center—Contact: Terri Traub; (509) 372–7443; U.S. Department of Energy; Public Reading Room; 2770 University Drive; Room 101L; PO Box 999; Mailstop H2–53; Richland, WA 99352

Issued in Washington, DC, August 5, 1999.

Lake Barrett,

Acting Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 99–20661 Filed 8–12–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–3912–000, ER99–3913–000, and ER99–3842–000]

AG-Energy, L.P.; Seneca Power Partners, L.P.; Sterling Power Partners, L.P.; Power City Partners, L.P.; Deseret Generation & Transmission Co-operative; Southern Company Services, Inc.

August 9, 1999.

Take notice that on July 30, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in above-referenced proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before August 19, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20983 Filed 6–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–890–003, ER99–891–003, ER99–892–003, ER99–893–003, ER99–894–003, ER99–3878–000, ER99–3861–000, ER99–3862–000, ER99–3864–000, and ER99–3883–000]

CP Power Sales Fifteen, L.L.C., CP Power Sales Fourteen, L.L.C., CP Power Sales Thirteen, L.L.C., CP Power Sales Twelve, L.L.C., CP Power Sales Eleven, L.L.C., Cincinnati Gas & Electric Company and PSI Energy, Inc., ISO New England Inc., Penobscot Hydro, L.L.C., Oklahoma Gas and Electric Co., and Sunlaw Energy Partners I, L.P.; Notice of Filings

August 9, 1999.

Take notice that on July 30, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in above-referenced proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before August 19, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20978 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–3895–000, ER99–3896–000, ER99–3897–000, ER99–3898–000, ER99–3899–000, ER99–3900–000, ER99–3910–000, ER99–3921–000]

Duke Energy Moss Landing, LLC, Duke Energy Moss Landing, LLC, Duke Energy South Bay, LLC, Duke Energy South Bay, LLC, Duke Energy Morro Bay, LLC, Duke Energy Morro Bay, LLC, Commonwealth Electric Company, Allegheny Energy; Notice of Filings

August 9, 1999.

Take notice that on July 30, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in above-referenced proceedings for information only. These filing are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and download (call 202–208–2222 for assistance).

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before August 19, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20982 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–852–003, ER99–3893–000, ER99–3894–000, ER99–3902–000, ER99–3903–000, ER99–3904–000, ER99–3905–000, ER99–3906–000, ER99–3907–000, and ER99–3908–000]

Edison Mission Marketing & Trading, Inc., Duke Energy Oakland, LLC, Duke Energy Oakland, L.L.C., AmerGen Energy Company, L.L.C., The Detroit Edison Company, Mountainview Power Company, Riverside Canal Power Company, Southern Energy Canal, L.L.C., Southern Energy Kendall, L.L.C., and Southern Energy New England, L.L.C.; Notice of Filings

August 9, 1999.

Take notice that on July 30, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in above-referenced proceedings for information only. These filing are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before August 19, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr,

Acting Secretary.

[FR Doc. 99–20977 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–363–001]

Equitrans, L.P.; Notice of Proposed Changes in FERC Gas Tariff

August 9, 1999.

Take notice that on July 29, 1999, Equitrans, L.P. (Equitrans), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheets to become effective August 1, 1999:

Substitute First Revised Sheet No. 288

Equitrans states that the purpose of this filing is to comply with the Commission's Letter Order dated July 20, 1999 in the captioned docket. In its order the Commission required Equitrans to incorporate in Section 26.3 of its General Terms and Conditions the omitted subcategory ''Table of Contents'' from the GISB standard 4.3.23. Equitrans has incorporated the omitted subcategory ''Table of Contents'' in Section 26.3 of its General Terms and Conditions.

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. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20974 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER98–3566–003, ER99–3923–000, ER99–3924–000, ER99–3925–000, ER99–3926–000, ER99–3927–000]

FPL Energy Power Marketing, Inc., FPL Energy Maine Hydro, Inc., FPL Energy Mason, LLC, FPL Energy Wyman, LLC, FPL Energy Wyman IV, LLC, and FPL Energy AVEC, LLC; Notice of Filings

August 9, 1999.

Take notice that on July 30, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in above-referenced proceedings for information only. These filing are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before August 19, 1999. Protest will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20979 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–3839–000; ER99–3840–000; ER99–3841–000; ER99–3843–000; ER99–3844–000; ER99–3846–000; ER99–3847–000; ER99–3848–000; and ER99–3860–000]

Logan Generating Company, L.P., Millennium Power Partners, L.P., CinCap VI, LLC, Consumers Energy Company, Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin), Northeast Utilities Service Company, Boralex Stratton Energy, Inc., AYP Energy, Inc., PECO Energy Company; Notice of Filings

August 9, 1999.

Take notice that on July 30, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in above-referenced proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before August 19, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20980 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–392–001]

Mid Louisiana Gas Company; Notice of Proposed Changes in FERC Gas Tariff

August 9, 1999.

Take notice that on August 4, 1999, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheet, with an effective date of August 1, 1999:

Substitute Fourth Revised Sheet No. 87

Mid Louisiana states that the purpose of the filing is to comply with Commission's July 23, 1999 order in Docket No. RP99–392–000, wherein the Commission directed Mid Louisiana Gas Company to revise its tariff to include the revised versions of GISB Standard 1.3.24 and GISB Data Sets 3.4.1 through 3.4.3 in compliance with Order No. 587–K. Moreover, Mid Louisiana states that it submitted in the filing only the tariff sheet that incorporated by reference GISB Invoicing Data Sets 3.4.1, 3.4.2 and 3.4.3. Mid Louisiana attests that no modification was made to its tariff with respect to Standard 1.3.24, as the standard was incorporated by reference in FERC Docket No. RP97–151–002, but was inadvertently omitted from Appendix A of Mid Louisiana's July 1, 1999 Order 587–K compliance filing.

Mid Louisiana requests that the Commission grants a waiver of Section 154.207 of the Commission's Regulations thereby allowing the indicated tariff sheet to be accepted to be effective August 1, 1999.

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. This filing may be viewed on the web at http:www/ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20976 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER99–3849–000, ER99–3850–000, ER99–3851–000, ER99–3852–000, ER99–3853–000, ER99–3857–000, ER99–3858–000, and ER99–3891–000]

New England Power Company and AllEnergy Marketing Company, Indeck-Pepperell Power Associates, Inc., Denver City Energy Associates, L.P., Portland General Electric Company, New York State Electric & Gas Corporation and NGE Generation, Inc., Wisvest-Connecticut, L.L.C., Southwestern Public Service Company, South Eastern Electric Development Company; Notice of Filings

August 9, 1999.

Take notice that on July 30, 1999, the above-mentioned power marketers filed quarterly reports with the Commission in above-referenced proceedings for information only. These filings are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rimis.htm for viewing and downloading (call 202–208–2222 for assistance).

Any person desiring to be heard or to protest such 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before August 19, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20981 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP99–464–000 and RP89–183–093]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

August 9, 1999.

Take notice that on August 3, 1999, Williams Gas Pipelines Central, Inc. (Williams), tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with the proposed effective date of August 1, 1999:

Eighth Revised Sheet No. 6
Eleventh Revised Sheet No. 6A

Williams states that pursuant to Article 14 of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1, it is filing to discontinue the GSR component of the maximum ITS rate established in Docket No. RP97–407, which became effective August 1, 1997, and has been in effect for its 24-month recovery period, and the Rate Schedule FTS surcharge and the GSR component of the maximum ITS rate established in Docket No. RP98–293, which became effective August 1, 1998, and has been in effect for its 12-month recovery period.

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 be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. 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. This filing may be viewed on the web at http://www.ferc.fed.us/online/

rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20975 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–1523–011, et al.]

Central Hudson Gas & Electric Corporation, et al.; Electric Rate and Corporate Regulation Filings

August 6, 1999.

Take notice that the following filings have been made with the Commission:

1. Central Hudson Gas & Electric Corporation

[Docket Nos. ER97–1523–011; OA97–470–010; and ER97–4234–008]

Take notice that on August 3, 1999, the Member Systems of the New York Power Pool (Member System), tendered for filing under sections 205 and 206 of the Federal Power Act amendments to the transmission agreement in effect between and among the individual Member Systems and/or various third parties consistent with the Commission's Order dated January 27, 1999. *See Central Hudson Gas & Electric Corp., et al.*, 86 FERC 61,062 (1999).

The Member Systems request all necessary waivers to make the amendments effective upon implementation of the New York Independent System Operator (NYISO) on September 1, 1999.

A copy of this filing was served upon all persons on the Commission's official service list(s) in the captioned proceeding(s), and the respective electric utility regulatory agencies in New York, New Jersey and Pennsylvania.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

2. New Energy Ventures, Inc.; Competitive Utility Services Corporation; C.C. Pace Resources, Inc., Hartford Power Sales, L.L.C.; CL Power Sales Seven, L.L.C., FirstEnergy Trading Services, Inc.; CinCap V, LLC

[Docket Nos. ER97–4636–007; ER97–1932–010; ER94–1181–020; ER95–393–024; ER96–2652–036; ER95–1295–013; and ER98–4055–004]

Take notice that on July 30, 1999, the above-mentioned power marketers/or public utilities tendered for filing quarterly reports with the Commission in above-referenced proceedings for information only. These filing are available for public inspection and copying in the Public Reference Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

3. Calpine Power Services Company

[Docket No. ER94–1545–019]

Take notice that on August 2, 1999, Calpine Power Services Company (Calpine Power Services), tendered for filing an updated market analysis in compliance with the Commission's March 9, 1995 order in Docket No. ER94–1545–000.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

4. Gregory L. Nesbitt

[Docket No. ID–3150–001]

Take notice that on August 2, 1999, Cleco Evangeline LLC, tendered for filing abbreviated applications for Gregory L. Nesbitt, David M. Eppler, Thomas J. Howlin and Darrell Dubroc now holding or may hold interlocking positions involving Cleco Evangeline LLC.

Comment date: September 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

5. California Independent System Operator Corporation

[Docket Nos. ER98–899–003; ER98–1923–001; and ER98–1923–003]

Take notice that on August 2, 1999, the California Independent System Operator Corporation (California ISO), tendered for filing a Compliance Report as required by the Letter Order issued by the Commission on May 28, 1998.

Copies of the filing have been served upon each person designated on the restricted service list compiled by the Presiding Judge in this proceeding.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. Heard County Power, L.L.C.

[Docket No. EG99–210–000]

Take notice that on August 2, 1999, Heard County Power, L.L.C., 1000 Louisiana, Suite 5800, Houston, Texas tendered for filing with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's Regulations.

Heard County Power, L.L.C., is a limited liability company, organized under the laws of the State of Delaware, and engaged directly and exclusively in owning and operating the Heard County Power, L.L.C., electric generating facility (the Facility) to be located in Heard County, Georgia, and selling electric energy and related ancillary services at wholesale from the Facility. The Facility will consist of three gas turbine generators that are nominally rated at approximately 166.87 MW each, for a total of approximately 500 MW, a metering station, and associated transmission interconnection components.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

7. DTE Energy Trading, Inc.; CL Power Sales Ten, L.L.C.; CL Power Sales Eight, L.L.C.; CL Power Sales Nine, L.L.C.; CL Power Sales Six, L.L.C.; Coral Power, L.L.C.; CL Power Sales Two, L.L.C.; Southern Energy Retail Trading; and Marketing, Inc.; Niagara Mohawk Energy Marketing, Inc.; and Constellation Power Source, Inc.

[Docket Nos. ER97–3834–007; ER96–2652–033; ER96–2652–035; ER96–2652–032; ER96–2652–034; ER96–25–017; ER95–892–044; ER98–1149–004; ER96–2525–012; and ER97–2261–011.

Take notice that on July 30, 1999, the above-mentioned power marketers/or public utilities tendered for filing quarterly reports with the Commission in above-referenced proceedings for information only. These filings are available for public inspection and copying in the Public Referenced Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

8. Edison Source; Duke Energy; Citizens Power Sales; DTE Edison America, Inc.; PG&E Power Service Company; CMS Marketing, Services and Trading; Sonat Power Marketing L.P.; Sonat Power Marketing Inc.; and Koch Energy Trading, Inc.

[Docket Nos. ER96–2150–014; ER96–108–018; ER94–1685–026; ER98–3026–004; ER94–1394–021; ER96–2350–018; ER96–2343–012; ER95–1050–018; and ER95–218–018]

Take notice that on July 30, 1999, the above-mentioned power marketers/or public utilities tendered for filing quarterly reports with the Commission in above-referenced proceedings for information only. These filings are available for public inspection and copying in the Public Referenced Room or on the web at www.ferc.fed.us/

online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

9. American Electric Power Service Corporation

[Docket No. EL99–82–000]

Take notice that on August 2, 1999, American Electric Power Service Corporation, on behalf of the operating companies of the American Electric Power System (AEP) submitted a Petition for Declaratory Order requesting that the Commission rule that discounted non-firm transmission services offered by AEP are consistent with AEP's open-access transmission tariff (OATT) and the Commission's *pro forma* transmission tariff. In the alternative, AEP requests that the Commission accept for filing revisions to Schedule 8 of AEP's OATT, which set forth additional terms for the discounting of Non-Firm Point-To-Point Transmission Service.

Comment date: September 1, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Tampa Electric Company

[Docket No. ER99–3930–000]

Take notice that on August 2, 1999, Tampa Electric Company (Tampa Electric), tendered for filing a service agreement with Morgan Stanley Capital Group Inc. (MSCG) under Tampa Electric's market-based sales tariff.

Tampa Electric proposes that the service agreement be made effective on July 6, 1999.

Copies of the filing have been served on MSCG and the Florida Public Service Commission.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. New York State Electric & Gas Corporation

[Docket No. ER99–3931–000]

Take notice that on August 2, 1999, New York State Electric & Gas Corporation (NYSEG), tendered for filing Service Agreements between NYSEG and Duke Energy Trading and Marketing, L.L.C. (DETM) and NRG Power Marketing, Inc., (Customer). These Service Agreements specify that the Customer has agreed to the rates, terms and conditions of the NYSEG open access transmission tariff filed July 9, 1997 and effective on November 27, 1997, in Docket No. ER97–2353–000.

NYSEG requests waiver of the Commission's sixty-day notice requirements and an effective date of July 30, 1999 for the Service Agreements. NYSEG has served copies of the filing on The New York State Public Service Commission and on the Customer.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. CL Power Sales One, L.L.C.; CL Power Sales Three, L.L.C.; CL Power Sales Four, L.L.C.; CL Power Sales Five, L.L.C.; TXU Energy Trading; Mid-American Power,L.L.C.; WPS Power Development, Inc.; Unitil Resources, Inc.; Engage Energy US, L.P.; and NEV East, L.L.C.

[Docket No. ER95–892–045; Docket Nos. ER98–895–006; ER96–1858–013; ER96–1088–026; ER97–2462–008; ER97–654–011; and ER97–4652–007]

Take notice that on July 30, 1999, the above-mentioned power marketers/or public utilities tendered for filing quarterly reports with the Commission in above-referenced proceedings for information only. These filing are available for public inspection and copying in the Public Referenced Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

13. Virginia Electric and Power Company

[Docket No. ER99–3932–000]

Take notice that on August 2, 1999, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreements for Non-Firm and Firm Point-to-Point Transmission Service to Consumers Energy Company under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the Service Agreements, Virginia Power will provide point-to-point service to the Transmission Customer under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of August 2, 1999, the date of filing of the Service Agreements.

Copies of the filing were served upon Consumers Energy Company, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. MidAmerican Energy Company

[Docket No. ER99–3935–000]

Take notice that on August 2, 1999, MidAmerican Energy Company tendered for filing a proposed change in its Rate Schedule for Power Sales, FERC Electric Rate Schedule, Original Volume No. 5. The proposed change consists of certain reused tariff sheets consistent with the quarterly filing requirement.

MidAmerican states that it is submitting these tariff sheets for the purpose of complying with the requirements set forth in Southern Company Services, Inc., 75 FERC 61,130 (1996), relating to quarterly filings by public utilities of summaries of short-term market-based power transactions. The tariff sheets contain summaries of such transactions under the Rate Schedule for Power Sales for the applicable quarter.

MidAmerican proposes an effective date of the first day of the applicable quarter for the rate schedule change. Accordingly, MidAmerican requests a waiver of the 60-day notice requirement for this filing. MidAmerican states that this date is consistent with the requirements of the Southern Company Services, Inc., order and the effective date authorized in Docket No. ER96–2459–000.

Copies of the filing were served upon MidAmerican's customers under the Rate Schedule for Power Sales and the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Cleco Energy LLC

[Docket No. ER99–3947–000]

Take notice that on August 2, 1999, Cleco Energy LLC (Cleco Energy), Cleco Evangeline LLC (Cleco Evangeline), Cleco Marketing, & Trading LLC (CMT), tendered for filing their petition to the Commission for acceptance of Amendment No. 1 to Rate Schedule FERC No. 1 (Market-Based Rate Schedule), Supplement No. 1, Original Sheet Nos. 1–2, which the Commission accepted in its Order, issued February 17, 1998, in the captioned docket. In Cleco Energy's proposed amendment, Cleco Energy proposes to supersede Original Sheet Nos. 1–2 with Revised Sheet No. 1.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. South Carolina Electric & Gas Company

[Docket No. ER99–3929–000]

Take notice that on August 2, 1999, South Carolina Electric & Gas Company (SCE&G), tendered for filing a service agreement establishing Alabama Municipal Electric Authority (AMEA) as a customer under the terms of SCE&G's Negotiated Market Sales Tariff.

SCE&G requests an effective date of one day subsequent to the date of filing. Accordingly, SCE&G requests waiver of the Commission's notice requirements.

Copies of this filing were served upon AMEA and the South Carolina Public Service Commission.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Cleco Energy LLC

[Docket No. ER99–3946–000]

Take notice that on August 2, 1999, Cleco Energy LLC (formerly CLECO ENERGY, L.L.C.) (Cleco Energy), petitioned the Commission for acceptance of Amendment No. 1 to Rate Schedule FERC No. 1, Original Sheet Nos. 1–9, which the Commission accepted in its Order, issued February 17, 1998, in the captioned docket. In Cleco Energy's proposed amendment, Cleco Energy proposes to supersede Original Sheet Nos. 1–9 with Revised Sheet Nos. 1–2.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. InPower Marketing Corp.

[Docket No. ER99–3964–000]

Take notice that on August 2, 1999, InPower Marketing Corp. (InPower), tendered for filing a petition for Commission acceptance of InPower's Rate Schedule No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates, and the waiver of certain Commission Regulations.

InPower intends to engage in wholesale electric power and energy purchases and sales as a marketer. InPower is not in the business of generating or transmitting electric power.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

19. Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company

[Docket No. ER99–2388–001]

Take notice that on August 2, 1999, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (collectively, GPU Energy), tendered for filing a compliance filing in response to the Commission's letter order dated July 1, 1999 in the above-referenced docket. (Green Power Partners I LLC, *et al.,* 88 FERC ¶ 61,005 (1999)).

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

20. Avista Corp.

[Docket No. ER99–3408–000]

Take notice that on August 2, 1999, Avista Corp., tendered for filing a clarification of the rates under an executed service agreement with Cogentrix Energy Power Marketing, Inc., for Dynamic Capacity and Energy Service at cost-based rates under Avista Corp.'s FERC Electric Tariff, Original Volume No. 10. The service agreement was filed with the Commission on June 29, 1999.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

21. Citizens Utilities Company

[Docket No. ES99–55–000]

Take notice that on August 2, 1999, Citizens Utilities Company (Applicant), tendered for filing an application pursuant to Section 204 of the Federal Power Act requesting an order authorizing, for the maximum period, the issuance by the Applicant of: (I) Up to (a) $1,000,000,000 principal amount of unsecured promissory notes outstanding at any one time (Promissory Notes), (b) $1,000,000,000 aggregate principal amount of debt securities (Longer Term Debt Securities) with a final maturity or maturities of not less than nine months nor more than 50 years, (c) 80,000,000 shares of common stock of Applicant (Common Stock) (subject to adjustment for stock splits, stock dividends, recapitalizations and similar changes after the date of this Application), and $400,000,000 liquidation value of preferred stock of Applicant (Preferred Stock), and (d) $1,000,000,000 of assumption of obligations and liabilities as guarantor of obligations of its subsidiaries subject to an overall limitation, at any time, of the securities to be issued under (a), (b), (c) and (d) of $1,000,000,000, and; (II) up to an additional $3,000,000,000 principal amount of unsecured promissory notes outstanding at any one time for the purposes of temporary bridge financing that may be required for Applicant to meet its obligations arising under agreements for the acquisition of local exchange telephone access lines.

Applicant also requests, upon the issuance of authorization, that the Applicant's authority under Docket No. ES98–21–000 be canceled. The Applicant further requests that the foregoing be exempted from the competitive bidding and negotiated placement requirements of 18 CFR Part 34.

Comment date: August 20, 1999, in accordance with Standard Paragraph E at the end of this notice.

22. Atlanta Gas Light Services, Inc.; Calpine Power Services Company; Watts Works, L.L.C.; PP&L EnergyPlus Co., LLC; OST Energy Trading Inc.; Southern Energy Trading and Marketing, Inc.; Southern Company Energy Marketing L.P.; PG&E Energy Trading—Power; Cinergy Capital & Trading, Inc.; British Columbia Power Exchange Corporation; CinCap IV, LLC; Strategic Energy L.L.C.; Hinson Power Company; Progress Power Marketing, Inc.; Western Systems Power Pool; and NEV California, L.L.C.

[Docket Nos. ER97–542–008; ER94–1545–018; ER98–4608–004; ER95–976–017; ER97–4024–009; ER91–195–039; and

Take notice that on July 30, 1999, the above-mentioned power marketers/or public utilities tendered for filing quarterly reports with the Commission in above-referenced proceedings for information only. These filings are available for public inspection and copying in the Public Referenced Room or on the web at www.ferc.fed.us/online/rims.htm for viewing and downloading (call 202–208–2222 for assistance).

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20925 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP99–579–000 and CP99–580–000]

Southern LNG Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Elba Island Terminal Recommissioning Project and Request for Comments on Environmental Issues

August 9, 1999.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Elba Island Terminal Recommissioning Project involving construction and operation of facilities by Southern LNG Inc. (Southern LNG) on Elba Island in Chatham County, Georgia.[1] The project involves returning Southern LNG's existing, certificated liquefied natural gas (LNG) marine import terminal (Elba Island Terminal) to active service. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

Background

In 1972, in Docket No. CP71–264, the Federal Power Commission (FERC's predecessor) authorized Southern Energy Company (Southern LNG's predecessor), to construct and operate the Elba Island Terminal. Southern LNG initiated construction in 1973. The terminal encompasses about 140 acres on the 840-acre Elba Island in an estuary of the Savannah River. Elba Island lies approximately 8 miles upstream of the river's discharge into the Atlantic Ocean and approximately 5 miles downstream from Savannah, Georgia. The existing authorized facilities at the Elba Island Terminal include the following:

- LNG unloading facilities, including marine berth, pier, and arms for unloading LNG from vessels;
- LNG storage facilities, including three double-wall storage tanks, each with the capacity of 400,000 barrels (four billion cubic feet vaporized equivalent);
- LNG sendout facilities, including pumps and vaporizers with a maximum capacity of 540 million cubic feet per day;
- Boil-off compressors;
- Pressure relief, vent, and disposal systems;
- Spill containment facilities, including a 400,000-barrel capacity main spill containment for each LNG storage tank; and
- Fire water system sourced from a fresh-water pond and river water.

Southern LNG commenced operation in July, 1978. Between 1978 to 1980, the Elba Island Terminal was used to import LNG purchased from El Paso Algeria Corporation. El Paso Algeria Corporation transported LNG by cryogenic tankers to the point of unloading at the Elba Island Terminal. Southern LNG resold all of the vaporized LNG to Southern Natural Gas Company (Southern Natural).

In April, 1980, Southern LNG was unable to continue importation of LNG due to economic considerations. After LNG shipments were discontinued, Southern LNG retained an inventory of LNG through April, 1982. During this time, Southern LNG rendered peaking service to Southern Natural until depleting the remaining LNG.

Since 1982, the Elba Island Terminal has been maintained in a limited state of readiness to ensure that the plant could be safely and reliably reactivated. An ongoing preventative maintenance program has been in place since that time and needed repairs, replacements, enhancements and additions have been identified for implementing during the recommissioning process.

Summary of the Proposed Project

Southern LNG requests Commission authorization, in Docket No. CP99–580–000, to recommission the Elba Island Terminal for the purpose of providing open-access service to shippers desiring to contract for receipt, storage, and vaporization of LNG and delivery of vaporized LNG at the existing point of interconnect with the interstate pipeline of Southern Natural.

The storage and vaporization facilities would not be significantly altered, replaced or relocated. The storage and throughput capacity of the facilities would remain the same as originally placed in service in 1978. The recommissioning work will include the following:

- Install suction drum level control and minimum flow piping;
- Replace two LNG pumps;
- Install LNG recirculation piping;
- Install an additional boil-off compressor (1,000-horsepower);
- Install LNG tank level, density and temperature gauges;
- Upgrade fire protection system;
- Upgrade hazard detection system;
- Install intrusion detection system;
- Renew dredging of berthing area and turning basin;
- Increase dredged material basin capacity;
- Modify power distribution switchgear to allow parallel operation with utility (under consideration); and
- Install distributed control and data acquisition system.

The proposed improvements would bring the facilities into compliance with applicable current code requirements and would update the safety, security, operability and reliability of the terminal. The location of the project facilities is shown in appendix 1.[2]

In addition, in Docket No. CP99–579–000, Southern LNG requests section 3 authorization under subpart B of Part 153 of the Commission's regulations for siting of natural gas import facilities. This application is directly related to Southern LNG's proposal described above in Docket No. CP99–580–000.

Land Requirements for Construction

No additional land would be required by Southern LNG's proposal. All work would occur within previously disturbed and currently maintained areas. None of the proposed recommissioning tasks would result in substantial changes to the appearance or previous function of the existing facilities. Prior to restarting the facility, the ship berthing and turning basin areas would need to be dredged and maintained to −39 feet mean low water (MLW) with an over-dredge of two feet to −41 feet MLW.

The EA Process

The National environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents

[1] Southern LNG's application was filed with the Commission under section 7 of the Natural Gas Act and part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Washington, DC 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resource, fisheries, and wetlands
- Vegetation and wildlife
- Endangered and threatened species
- Public safety
- Land use
- Cultural resources
- Air quality and noise
- Hazardous waste

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send **two** copies of your letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St. NE, 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 Nos. CP99–579–000 and CP99–580–000; and
- **Mail your comments so that they will be received in Washington, DC on or before September 8, 1999.**

Beyond asking for written comments, in October, 1999, we will be conducting a site visit, holding a public scoping meeting, and conducting a cryogenic design and engineering review. The public meeting will be designed to provide you with more detailed information and another opportunity to offer your comments on the proposed project. Further details on the dates and locations of the above events will be noticed at a later date.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor''. Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

The date for filing timely motions to intervene in this proceeding ends on August 13, 1999. If this date cannot be met, parties 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 environmental comments considered.**

Additional information about the proposed project is available from Mr. Paul McKee of the Commission's Office of External Affairs at (202) 208–1088 or on the FERC website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc 99–20928 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

August 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a, *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11753–000.

c. *Date filed:* June 11, 1999.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name of Project:* Mississipi Lock and Dam No. 10 Hydro Project.

f. *Location:* At the existing U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 10 on the Mississippi River, near the Town of Guttenburg, Clayton County, Iowa.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–

h. *Applicant:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp, 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115.

i. *FERC Contact:* Ed Lee (202) 219–2809 or E-mail address at Ed.Lee@FERC.fed.us.

j. *Deadline for filing motions to intervene and protest:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a

particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 10, and would consist of the following facilities: (1) five new steel penstocks, each about 80-foot-long and 9.5-foot-in-diameter; (2) a new powerhouse to be constructed on the downstream side of the dam having an installed capacity of 10,000 kilowatts; (3) a new 200-foot-long, 14.7-kilovolt transmission line, and (4) appurtenant facilities. The proposed average annual generation is estimated to be 61 gigawatthours. The cost of the studies under the permit will not exceed $2,000,000.

m. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Room 2–A, Washington, DC 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Universal Electric Power Corp., Mr. Ronald S. Feltenberger, 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115. A copy of the application may also be viewed or printed by accessing the Commission's website on the Internet at http://www.ferc.fed.us/online/rims/htm or call (202) 208–2222 for assistance.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documentrs—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments: Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20970 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

August 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11754–000.

c. *Date filed:* June 11, 1999.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name of Project:* Mississippi Lock and Dam No 21 Hydro Project.

f. *Location:* At the existing U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 21 of the Mississippi River, near the Towns of Quincy and Hannibal, Adams County, Illinois.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Application Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, Ohio 44031, (330) 535–7115.

i. *FERC Contact:* Ed Lee (202) 219–2809 or E-mail address at Ed.Lee@FERC.fed.us.

j. *Deadline for filing motions to intervene and protest:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor file comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Mississippi Lock and Dam No. 21, and would consist of the following facilities: (1) five new steel penstocks, each about 80-foot-long and 9-foot-in-diameters; (2) a new powerhouse to be constructed on the downstream side of the dam having an installed capacity of 10,000 kilowatts; (3) a new 1,000-foot-long, 14.7-kilovolt transmission line; and (4) appurtenant facilities. The proposed average annual generation is estimated to be 61 gigawatthours. The cost of the studies under the permit will not exceed $2,000,000.

m. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Room 2–A, Washington, D.C. 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Universal Electric Power Corp., Mr. Ronald S. Feltenberger, 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115. A copy of the application may also be viewed or printed by accessing the Commission's website on the Internet at http://www.ferc.fed.us/online/rims.htm or call (202) 208–2222 for assistance.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervenet in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filing sums bear in all capital letter the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20971 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests:

August 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11755–000.

c. *Date filed:* June 11, 1999.

d. *Applicant:* Universal Electric Power Cooperation.

e. *Name of Project:* Red River Lock and Dam No. 1 Hydro Project.

f. *Location:* At the existing U.S. Army Corps of Engineers' Red River Lock and Dam No. 1 on the Red River, near the Town of Simmesport, Catahoula County, Louisiana.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115.

i. *FERC Contact:* Ed Lee (202) 219–2809 or E-mail address at Ed.Lee@FERC.fed.us.

j. *Deadline for filing motions to intervene and protest:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. Description of Project: The proposed project would utilize the existing U.S. Army Corps of Engineers' Red River Lock and Dam No. 1, and would consist of the following facilities: (1) eight new steel penstocks, each about 80-foot-long and 9.5-foot-in-diameter; (2) a new powerhouse to be constructed on the downstream side of the dam having an installed capacity of 16,200 kilowatts; (3) a new 500-foot-long, 14.7-kilovolt transmission line; and (4) appurtenant facilities. The proposed average annual generation is estimated to be 99 gigawatthours. The cost of the studies under the permit will not exceed $2,000,000.

m. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Room 2–A, Washington, D.C. 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Universal Electric Power Corp., Mr. Ronald S. Feltenberger, 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115. A copy of the application may also be viewed or printed by accessing the Commission's website on the Internet http://www.fer.fed.us/online/rims.htm or call (202) 208–2222 for assistance.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20972 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

August 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No:* P–11788–000.

c. *Date Filed:* July 15, 1999.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name of Project:* Kentucky L&D #8.

f. *Location:* On the Kentucky River, near the town of Camp Nelson,

Jessamine County, Kentucky, utilizing federal lands administered by the U.S. Army Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Gregory S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron,OH 44301, (330) 535–7115.

i. *FERC Contact:* Chalres T. Raabe, E-mail address, Charles.Raabe@ferc.fed.us, or telephone (202) 219–2811.

j. *Deadline Date:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. The proposed project would utilize the existing U.S. Army Corps of Engineers' Kentucky River L&D #8 and would consist of: (1) 5 new 50-foot-long, 96-inch-diameter steel penstocks; (2) a new 100-foot-long, 30-foot-wide, 30-foot-high powerhouse containing 5 generating units having a total installed capacity of 7,000-kW; (3) a new exhaust apron; (4) a new 400-foot-long, 14.7-kV transmission line; and (5) appurtenant facilities.

Applicant estimates that the average annual generation would be 42 GWh and that the cost of the studies to be performed under the terms of the permit would be $1,500,000. Project energy would be sold to utility companies, corporations, municipalities, aggregators, or similar entities.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Washington, D.C. 20426, or by calling (202) 208–1371. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing developing application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentions address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly form the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20973 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Temporary Variance Request and Soliciting Comments, Motions To Intervene and Protests

August 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Request for Temporary Variance of Minimum Flow Requirement.

b. *Project No:* 405–048

c. *Date Filed:* August 6, 1999.

d. *Applicant:* Susquehanna Power Company and Philadelphia Electric Power Company.

e. *Name of Project:* Conowingo Project.

f. *Location:* On the Susquehanna River, in Harford and Cecil Counties, Maryland and York and Lancaster Counties, Pennsylvania. The project does not utilize federal or tribal lands.

g. *Filed Pursuant to:* 18 CFR 4.200.

h. *Applicant Contact:* William Jefferson, Jr., Susquehanna Electric Company, 2569 Shures Landing Road, Darlington, MD 21034, (410) 457–2401.

i. *FERC Contact:* John Mudre, john.mudre@ferc.fed.us, (202) 219–1208.

j. *Deadline for filing comments, motions to intervene and protest:* 10 days from the issuance date of this notice. Please include the project number (405–048) on many comments or motions filed. All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

k. *Description of Application:* On August 6, 1999, the Conowingo licensees requested Commission approval of a variance of the minimum flow requirements of the project license. According to the license, for the period June 1 to September 14, annually, the licensees must provide a minimum flow release (not including leakage) below the dam of 5,000 cubic feet per second (cfs), or inflow (as measured at the USGS gaging station in Marietta, PA), whichever is less. As of August 5, 1999, the river flow at Marietta was 2,960 cfs.

Because of the continuing drought, the City of Baltimore is preparing to withdraw water from the Conowingo Reservoir for consumptive purposes. The licensees and the Susquehanna River Basin Commission are concerned that the combination of continued drought, the minimum flow requirement, and the City's withdrawals will negatively impact the water levels in the Conowingo reservoir. Depending on its extent, a drawdown could impact generating capacity for system emergencies and recreation on the reservoir, as well as energy production of the Muddy Run Pumped Storage Project and the Peach Bottom Atomic Power Station.

To ensure their ability to maintain the elevation of the Conowingo reservoir, the licensees are requesting a variance of their minimum flow requirement to: (1) count leakage at the dam (about 800 cfs) towards the required minimum flow; and (2) subtract up to 240 cfs from their minimum flow requirement to compensate for consumptive losses from the reservoir to the City of Baltimore (up to 225 cfs) and the City of Chester (up to 15 cfs). As of August 5, 1999, a 240 cfs variance equals about 8% of the required flow release.

The licensees are requesting the minimum flow variance for the duration of the consumptive water withdrawal period, which is uncertain at this time. The noticing of the request for this longer-term period does not preclude the Commission from approving a variance for an interim period.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance) A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Protests or Motions to Intervene—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTEVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20984 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Request for Motions To Intervene and Protests

August 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection. This is a reissuance of the notice issued on January 28, 1999.

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* P–11652–000.

c. *Date filed:* December 28, 1998, and revised on March 26, 1999.

d. *Applicant:* Universal Electric Power Corp.

e. *Name of Project:* Muskingum L&D #7 Hydroelectric Project.

f. *Location:* At the existing Muskingum Lock and Dam #7, which is owned by the Ohio Department of Natural Resources, Division of Parks and Recreation, on the Muskingum River, near the Town of McConnelsville, Morgan County, Ohio.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115.

i. *FERC Contact:* Susan Tseng (202) 219–2798 or e-mail address at susan.tseng@FERC.fed.us.

j. *Comment Date:* 30 days from the issuance date of this notice.

k. *Description of Project:* The proposed project would consist of the following facilities: (1) the existing Muskingum Lock and Dam #7 with a storage of 2,999 acre-feet and a surface area of 442 acres at an upstream pool elevation of 650.15 feet m.s.l; (2) a powerhouse downstream of the dam having an installed capacity of 3,140 kilowatts; (2) a new transmission line; and (3) appurtenant facilities. The proposed average annual generation is estimated to be 20 gigawatt hours. The cost of the studies under the permit will not exceed $1,500,000.

m. *Available Locations of Application:* A copy of the application

is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE, Room 2–A, Washington, DC 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Universal Electric Power Corp., Mr. Ronald S. Feltenberger 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115. A copy of the application may also be viewed or printed by accessing the Commission's website on the Internet at www.ferc.fed.us. For assistance, users may call (202) 208–2222.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS,'' ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION, '' ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20985 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Request for Motions To Intervene and Protests

August 9, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection. This is a reissuance of the notice issued on January 28, 1999.

a. *Type of Application:* Preliminary Permit

b. *Project No.:* P–11653–000.

c. *Date filed:* December 28, 1998, and revised on March 26, 1999.

d. *Applicant:* Universal Electric Power Corp.

e. *Name of Project:* Muskingum L&D #10 Hydroelectric Project.

f. *Location:* At the existing Muskingum Lock and Dam #10, which is owned by the Ohio Department of Natural Resources, Division of Parks and Recreation, on the Muskingum River, near the Town of Zanesville, Muskingum County, Ohio.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(i).

h. *Applicant Contact:* Mr. Ronald S. Feltenberger, Universal Electric Power Corp., 1145 Highbrook Street, Akron, Ohio 44301, (330) 535–7115.

i. *FERC Contact:* Susan Tseng (202) 219–2798 or E-mail address at susan.tseng@FERC.fed.us.

j. *Comment Date:* 30 days from the issuance date of this notice.

k. *Description of Project:* The proposed project would consist of the following facilities: (1) the existing Muskingum Lock and Dam #10, with a storage of 3,410-acre-feet and a surface area of 470 acres at an upstream pool elevation of 687.55 feet m.s.1.; (2) a powerhouse downstream of the dam having an installed capacity of 4,000 kilowatts; (2) a new transmission line; and (3) appurtenant facilities. The proposed average annual generation is estimated to be 26 gigawatt hours. The cost of the studies under the permit will not exceed $1,750,000.

l. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First, Street, N.E., Room 2–A, Washington, D.C. 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Universal Electric Power Corp., Mr. Ronald S. Feltenberger 1145 Highbrook

Street, Akron, Ohio 44301, (330) 535–7115. A copy of the application may also be viewed or printed by accessing the Commission's website on the Internet at www.ferc.fed.us. For assistance, users may call (202) 208–2222.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development application desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36-months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or motions to intervene must be received on or before the specified comment date of the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–20986 Filed 8–12–99; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6245–3]

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 August 02, 1999 Through August 06, 1999

Pursuant to 40 CFR 1506.9.

EIS No. 990276, Draft EIS, USN/BLM, NV, Fallon Naval Air Station (NAS), Proposal for the Fallon Range Complex Requirements, Federal and Private Lands, Churchill, Eureka, Lander, Mineral, Nye and Washoe Counties, NV, Due: October 12, 1999, Contact: Larry Jones (USN) (775) 885–6156 and Terri Knutson (BLM) (775) 426–2405. The US Navy's and US Department of Interior's Bureau of Land Management are Joint Lead Agencies for this Project.

EIS No. 990277, Draft EIS, AFS, CO, White River National Forest, Revised Land and Resource Management Plan, Implementation, Eagle, Garfield, Gunnison, Mesa, Moffat and Pitkin Counties, CO, Due: November 05, 1999, Contact: Martha Ketelle (970) 945–2521.

EIS No. 990278, Draft Supplement, FHW, NY, NY–120/22 Reconstruction Corridor, from Exits 2 Funding, COE Section 10 and 404 Permits, Town of North Castle, Westchester County, NY, Due: September 27, 1999, Contact: H.J. Brown (518) 472–3616.

EIS No. 990279, Draft EIS, FHW, NC, US–1 Transportation Improvements, From Sandhill Road (SR–197) to North to Fox Road (SR–1606), Funding and COE Section 404 Permit, City of Rockingham, Richmond County, NC, Due: September 27, 1999, Contact: Nicholas L. Graf, P.E. (919) 856–4346.

EIS No. 990280, Final EIS, FHW, WA, Interstate 90 (I–90) South Sammamish Plateau Access Road and Sunset Interchange Modifications, Construction, COE Section 404 Permit, Coastal Zone Management and NPDES Permits, King County, WA, Due: September 13, 1999, Contact: Gene Fong (360) 753–9413.

EIS No. 990281, Final EIS, AFS, ID, Eagle Bird Project Area, Timber Harvesting and Road Construction, Idaho Panhandle National Forests, St. Joe Ranger District, Shoshone County, ID, Due: September 13, 1999, Contact: Jon Johnson (307) 775–6116.

EIS No. 990282, Draft EIS, DOE, NV, Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste, Construction, Operation, Monitoring and Eventually Closing a geologic repository at Yucca Mountain, Nye County, NV, Due: February 08, 2000, Contact: Wendy R. Dixon (702) 794–5564.

Dated: August 10, 1999.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99–21063 Filed 8–12–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6245–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared July 19, 1999 Through July 23, 1999 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 09, 1999 (64 FR 17362).

Draft EISs

ERP No. D–AFS–J65301–MT Rating EC2, North Belts Travel Plan/Maypie Confederate Vegetation Restoration Project, Improvements, Helena National Forest, Townsend and Helena Ranger District, Broadwater, Lewis and Clark and Meagher County, MT.

Summary: EPA expressed environmental concerns regarding the lack of information and commitment to carrying out a monitoring program to identify actual impacts from all the implementation activities. EPA also expressed concerned about aerial application of herbicides, and suggests the final EIS include recommendations to reduce adverse impacts from aerial spraying.

ERP No. D–COE–F36163–00 Rating EO2, Upper Des Plaines River Flood Damage Reduction Project, Recommended Plan to Construction a Lateral Storage Area, National Economic Development (NED), Lake County, IL and Kenosha and Racine Counties, WI.

Summary: EPA expressed objections based on the limited scope of analysis and range of alternative, and the potential significant adverse impacts to wetland and water quality.

ERP No. D–DOE–G06011–NM Rating LO, Sandia National Laboratories/New Mexico (SNL), Continue Operation, Site-Wide (DOE/EIS–0281), Albuquerque, NM.

Summary: EPA expressed a lack of objection to the continuation of the operation of the facility. Overall, the analyses indicates little difference in the environmental impacts among alternative.

ERP No. D–FHW–L40211–AK Rating EC2, C Street Corridor Project, Improvements from O'Malley Road to International Airport Road, NPDES and COE Section 404 Permits, Municipality of Anchorage, AK.

Summary: EPA expressed concerns related to alternatives evaluated in the EIS, air quality impacts, secondary/cumulative effects analysis, and wetland impacts and mitigation debits analysis. More information has been requested for the final EIS.

ERP No. D–FRC–F03006–00 Rating EO2, Independence Pipeline and Market Link Expansion Projects, Construction and Operation, Interstate National Gas Pipeline, (Docket Nos. CP97–315–001, CP97–319–000, CP98–200–000 and CP98–540–000), NPDES and COE Section 404 Permits, IL, IN, MI, OH, PA and NJ.

Summary: EPA expressed objections based on inadequate information in the following areas: (1) Purposed and Need, (2) Cumulative Impact Analysis, (3) Wetlands and mitigation, (4) Upland forests and mitigation, and (5) Water Quality.

ERP No. D–UAF–G11038–00 Rating EC2, Realistic Bomber Training Initiative, Improve the B–52 and B–1 Aircrews Mission Training and Maximize Combat Training Time, Barksdale Air Force Base, LA, NM and TX.

Summary: EPA has identified some environmental concerns that need to be resolved in the Final EIS to insure and fully insure compliance with the requirements of NEPA and the CEQ regulations. EPA specific comments focus on the need to provide more complete analysis of noise impacts and airspace management issues, and to provide references and citations to support the DEIS analysis.

ERP No. D1–IBR–K39050–CA Rating * * *, Programmatic—CALFED Bay-Delta Program, Develop and Implement Long-Term Comprehensive Plan to Restore Ecological Health and Improve Water Management, San Francisco Bay—Sacramento/San Joaquin River Bay-Delta, CA.

Summary: Review of the EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

Final EISs

ERP No. F–AFS–J65299–MT Pinkham Timber Sales and Associated Activities, Implementation, Kootenai National Forest, Rexford Ranger District, Lincoln County, MT.

Summary: EPA expressed environmental concerns regarding potential non compliance with forest standards for open road density, and concern regarding regeneration after timber harvest that may leave many large forest openings. EPA recommended that the final EIS describe water quality/aquatics monitoring that would be required assure efficacy of the mitigation actions.

ERP No. F–BLM–K65206–NV Caliente Management Framework Plan Amendment, Implementation, Management of Desert Tortoise Habitat (Gopherus agassizii), Northeastern Mojave Recovery Unit, Lincoln County, NV.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–COE–G36148–TX Dallas Floodway Extension, Implementation, Trinity River Basin, Flood Damage Reduction and Environmental Restoration, Dallas County, TX.

Summary: The Final EIS adequately responds to EPA comments offered on the Draft EIS.

ERP No. F–COE–L28007–OR Coos Bay-North Bend Water Board Water Supply Expansion Project, (Formerly Known as Joe Ney and Upper Pony Creek Reservoirs Expansion Project), COE Section 10 and 404 Permits, Coos County, OR.

Summary: The Final EIS satisfactorily addresses all of EPA's concerns and comments expressed in the draft EIS.

ERP No. F–FHW–K40231–AZ Red Mountain Freeway (Loop 202) Construction and Operation, between AR 87 (County Club Drive) and US–60 (Superstition Freeway), Funding, NPDES Permit and COE Section 404 Permit, City of Mesa, Maricopa County, AZ.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–NOA–F61018–MN Minnesota's Lake Superior Costal Program, Approval and Implementation, St. Louis and Cook Counties, MN.

Summary: EPA expressed a lack of objection to the proposed actions assessed in the FEIS.

ERP No. F–NRC–J09802–UT Uranium Mill Tailings Reclamation at Atlas Site, License Amendment Request for existing License No. SUA–917 along the Colorado River near Moab, UT.

Summary: EPA agrees in principle to issue a license amendment to conduct preliminary cleanup action. However, EPA continues to have objections to the proposed action due to the uncertainty

of whether the proposed reclamation of the site will meet the standards necessary to protect an endangered fish species from the leaching of contaminants into the Colorado River.

Dated: August 10, 1999.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99–21064 Filed 8–12–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34161B; FRL–6093–4]

Organophosphate Pesticide: Methyl Parathion; Availability of Revised Risk Assessments and Public Participation on Risk Management

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notices announces the availability of the revised risk assessments and related documents for one organophosphate pesticide, methyl parathion. In addition, this notice starts a 60-day public participation period during which the public is encouraged to submit risk management ideas. These actions are in response to a joint initiative between EPA and the Department of Agriculture to increase transparency in the tolerance reassessment process for organophosphate pesticides. Although methyl parathion is beginning the 60-public participation process, to address dietary risk from food, the Agency has accepted voluntary cancellation of uses on crops that contributed most to children's diet. These canceled uses represent 90% of the dietary risk to children. Removal of these crops brings the acute dietary risk from food to below levels of concern (78% of the population adjusted dose). The agreement was signed and became effective August 2, 1999, with the basic producers of methyl parathion.

DATES: Comments, identified by docket control number OPP–34161B, must be received by EPA on or before October 12, 1999.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the ''SUPPLEMENTARY INFORMATION'' section. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34161B in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Karen Angulo, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 308–8004; e-mail address: angulo.karen@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining the revised risk assessments and submitting risk management comments on methyl parathion, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. As such, the Agency has not attempted to specifically describe all the entities potentially affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the ''FOR FURTHER INFORMATION CONTACT'' section.

II. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

A. Electronically

You may obtain electronic copies of this document and other related documents from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

To access information about organophosphate pesticides and obtain electronic copies of the revised risk assessments and related documents mentioned in this notice, you can also go directly to the Home Page for the Office of Pesticide Programs (OPP) at http://www.epa.gov/pesticides/op/.

B. In Person

The Agency has established an official record for this action under docket control number OPP–34161B. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Public Information and Records Integrity Branch (PIRIB) telephone number is (703) 305–5805.

III. How Can I Respond to this Action?

A. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, you must identify docket control number OPP–34161B in the subject line on the first page of your response.

1. *By mail.* Submit comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The Document Control Office (DCO) is open 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* Submit electronic comments by e-mail to: ''opp-docket@epa.gov,'' or you may mail or deliver your standard computer disk using the addresses in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard computer disks in WordPerfect 5.1/6.1 or ASCII file format. All comments in electronic form must be identified by the docket control number OPP–34161B. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI Information that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed in the ''FOR FURTHER INFORMATION CONTACT'' section.

IV. What Action is EPA Taking in this Notice?

EPA is making available for public viewing the revised risk assessments and related documents for one organophosphate, methyl parathion. These documents have been developed as part of the pilot public participation process that EPA and USDA are now using for involving the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual organophosphate pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The pilot public participation process was developed as part of the EPA-USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of organophosphate risk assessments and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, to increase transparency and opportunities for stakeholder consultation. The documents being released to the public through this notice provide information on the revisions that were made to the methyl parathion preliminary risk assessments, which where released to the public August 10, 1998 (63 FR 43175) (FRL–6024–3), December 18, 1998 (63 FR 70126) (FRL–6052–6), and January 15, 1999 (64 FR 2644) (FRL–6056–9), through notices in the **Federal Register**.

To address dietary risk from food, the Agency has accepted voluntary cancellation of uses on crops that contributed most to children's diet. These canceled uses represent 90% of the dietary risk to children. Removal of these crops brings the acute dietary risk from food to below levels of concern (78% of the population adjusted dose). The agreement was signed August 2, 1999, with the basic producers of methyl parathion. Specific terms of the agreement include:

Canceled uses—children's food: All fruit uses (apples, cherries, grapes, nectarines, peaches, pears, and plums); carrots, succulent beans, succulent peas, and tomatoes;

Other canceled food uses: Artichokes, broccoli, brussels sprouts, cauliflower, celery, collards, kale, kohlrabi, lettuce, mustard greens, rutabagas, spinach, and turnips;

Canceled non-food uses: Ornamental plants, grasses grown for seed, mosquito use, and nursery stock.

Uses remaining: Alfalfa, almonds, barley, beets, cabbage, corn, cotton, dried beans, dried peas, grass, hops, lentils, oats, onions, pecans, rape seed, sugar (canola), rice, rye, soybeans, sunflower, sweet potato, walnuts, wheat, and white potato.

The cancellation of uses will take effect prior to the next growing season. Methyl parathion application for the canceled uses will be prohibited for the 2000 growing season.

Also, risk to handlers and re-entry workers exceed the Agency's level of concern. Cancellation of all fruits and many vegetables will reduce risks to workers. For many of the remaining uses, methyl parathion is applied aerially and these crops are typically not hand-harvested. Also, per the agreement, all non-agricultural uses of methyl parathion will be canceled. Prior to the next growing season, registrants have agreed to increase the reentry intervals to 4–5 days from 2 days.

For the 2001 growing season, the registrants have agreed to use enclosed cabs and cockpits, and closed mixing and loading systems. Registrants will also generate data to address uncertainties in the Agency's occupational risk assessment.

In addition, this notice starts a 60-day public participation period during which the public is encouraged to comment on risk management for methyl parathion. The Agency is providing an opportunity, through this notice, for interested parties to provide written risk management ideas to the Agency on the chemical specified in this notice. The public may comment on the Agency's risk management position, which will be reflected in the documents associated with the revised risk assessments.

EPA will provide other opportunities for public participation and comment on issues associated with the organophosphate tolerance reassessment program. Failure to participate or comment as part of this opportunity will in no way prejudice or limit a commentor's opportunity to participate fully in later notice and comment processes. All comments and proposals must be received by EPA on or before October 12, 1999 at the addresses given under the ''ADDRESSES'' section. Comments and proposals will become part of the Agency record for the organophosphate specified in this notice.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: August 6, 1999.

Lois Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 99–20873 Filed 8–12–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6421–2]

Petroleum Products Superfund Site; Notice of Proposed De Minimis Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed de minimis settlement.

SUMMARY: Under Section 122(g)(4) of the Comprehensive Environmental Response, Compensastion and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has offered a de minimis settlement at the Petroleum Products Superfund Site (Site) under an Administrative Order on Consent (AOC) to settle claims for past and future response costs at the Site. Approximately 300 parties have returned signature pages accepting EPA's settlement offer. Of these parties, eight major oil companies are also settling on behalf of approximately 1120 of their branded service stations that sent waste oil to the Site. EPA will

consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, Waste Management Division, 61 Forsyth Street, SW, Atlanta, Georgia 30303, (404) 562–8887.

Written comment may be submitted to Mr. Greg Armstrong at the above address within 30 days of the date of publication.

Dated: August 3, 1999.

Franklin E. Hill,

Chief, Program Services Branch, Waste Management Division.

[FR Doc. 99–21014 Filed 8–12–99; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6421–23]

Notice of Proposed Assessment of Clean Water Act Class II Administrative Penalty and Opportunity to Comment

EPA is providing notice of a proposed administrative penalty for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed penalty.

EPA is authorized under Section 311(b)(6) of the Clean Water Act, 33 U.S.C. 1321(b)(6), to assess a civil penalty after providing the person subject to the penalty notice of the proposed penalty and the opportunity for a hearing, and after providing interested persons public notice of the proposed penalty and a reasonable opportunity to comment on its issuance. Under Section 311(b)(6), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility from which oil is discharged in violation of Section 311(b)(3) of the Clean Water Act, 33 U.S.C. 1321(b)(3) may be administratively assessed a civil penalty of up to $137,500 by EPA in a ''Class II'' administrative penalty proceeding. In addition, under Section 311(b)(6), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility in violation of the regulations issued under Section 311(j) of the Clean Water Act, 33 U.S.C. 1321(j), (''Oil Pollution Prevention Regulations''—40 CFR part 112) may be assessed a civil penalty of up to $137,500 by EPA in a ''Class II'' administrative penalty proceeding. Class II proceedings under Section 311(b)(6) of the Clean Water Act are conducted in accordance with the ''Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation and Suspension of Permits at 40 CFR Part 22 (''Part 22'')''.

Pursuant to Section 311(b)(6)(C) of the Clean Water Act, 33 U.S.C. 1321(b)(6)(C), EPA is providing public notice of the following proposed Class II penalty proceeding initiated by the Oil Program, Superfund Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105:

In the Matter of Union Pacific Railroad Company (UPRR); Docket Number OPA–09–99–01, filed July 21, 1999; proposed penalty $125,000.00; for a violations of 311(b) and 311(j) of the Clean Water Act, 33 U.S.C. 1321(b) and 33 U.S.C. 1321(j), at UPRR's Norden Snowshed located at Milemarker 192.0, Roseville Subdivision in Norden, California.

The procedures by which the public may submit written comments on a proposed Class II penalty order or participate in a Class II penalty proceeding are set forth in Part 22. The deadline for submitting public comment on a proposed Class II order is thirty days after issuance of public notice.

FOR FURTHER INFORMATION CONTACT: Persons wishing to receive a copy of Part 22, review the Complaint or other documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Danielle Carr, Regional Hearing Clerk (ORC–1), U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744–1391. Documents filed as part of the public record in this proceeding are available for inspection during business hours at the office of the Regional Hearing Clerk.

In order to provide opportunity for public comment, EPA will not take final action in this proceeding prior to thirty days after issuance of this notice.

Dated: July 20, 1999.

Keith A. Takata,

Director, Superfund Division, EPA Region 9.

[FR Doc. 99–20999 Filed 8–12–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10 a.m. on Tuesday, August 10, 1999, the Board of Directors of the Federal Deposit Insurance corporation met in closed session to consider matters relating to the Corporation's corporate, insurance, and supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Ms. Carolyn Buck, acting in the place and stead of Ellen S. Seidman (Director, Office of Thrift Supervision), concurred in by Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, NW., Washington, DC.

Dated: August 10, 1999.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 99–21113 Filed 8–11–99; 11:02 am]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: Approximately 10:30 a.m., Wednesday, August 18, 1999, following a recess at the conclusion of the open meeting.

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: Lynn S. Fox, 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.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: August 11, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–21116 Filed 8–11–99; 11:02 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, August 18, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 2lst Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Discussion Agenda

1. Electronic delivery of federally mandated disclosures: (a) proposed rules for public comment authorizing the electronic delivery of disclosures required by Regulations B (Equal Credit Opportunity) (proposed earlier for public comment; Docket No. R–1006); E (Electronic Fund Transfers) (interim rule published earlier with request for comment; Docket No. R–1002); M (Consumer Leasing) (proposed earlier for public; Docket No. R–1004; Z (Truth in Lending) (proposed earlier for public comment; Docket No. R–1005); and DD (Truth in Savings) (proposed earlier for public comment; Docket No. R–1003); and (b) proposed interim rule under Regulation DD permitting depository institutions to provide periodic account activity statements electronically.

2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $6 per cassette by calling 202–452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 for a recorded announcement of this meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement. (The Web site also includes procedural and other information about the open meeting.)

Dated: August 11, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99–21117 Filed 8–11–99; 11:02 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 DAY–18–99]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Projects

1. Evaluation of the Needlestick Injury Alert—NEW—The mission of the National Institute of Occupational Safety and Health (NIOSH)is to promote ''safety and health at work for all people through research and prevention.'' NIOSH not only investigates and identifies occupational safety and health hazards, the Institute also develops recommendations for controlling those hazards. In some cases, NIOSH distributes these recommendations about the hazard directly to affected workplaces.

One way that NIOSH accomplishes this is through the Alert. The Alert is usually a six to ten page document that outlines the causes and detection of the hazard and recommendations for controlling the risk to workers. One of the central goals of the Alert is to educate employers and encourage them to take steps to reduce the risks to their workers. It is also important that the recommendations in the Alert provide them with sufficient information.

The Alert chosen for this study concerns the risk of needlestick injuries (NSI) to health care workers. Although there is not precise information about the frequency of NSI in the United States, it has been estimated that approximately 800,000 of these injuries occur each year. As a result of NSI, health care workers can be exposed to HIV, and the Hepatitis B and C viruses. It is believed that the incidence of NSI account for the majority of occupational transmission of these pathogens to health care workers.

In the proposed study, NIOSH will send the Alert to one of two individuals with formal responsibility for employee health and safety in hospitals—Directors of Infection Control and Directors of Health and Safety. NIOSH will then follow-up with a randomly selected sample of hospitals at two points in time. The recipient of the Alert will be interviewed two to six weeks after the Alert was sent and ten to fourteen weeks later, the other key individual will be interviewed.

Broadly, the goals of the study are to: (1) assess whether, and under what circumstances, the Alert encourages employers to adopt control measures, and (2) ascertain whether the information in the Alert assists employers in implementing control measures. Overall, the hope is that the study will reveal ways of making the Alert a more effective tool for primary prevention. The total burden hours are 294.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden per response
Directors of Infection Control	450	1	0.3333
Directors of Health and Safety	450	1	0.3333

Dated: August 9, 1999.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–20944 Filed 8–12–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30 DAY–20–99]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

The Role of Positive and Negative Emotion in Promoting Hearing Conservation Behaviors Among Coal Miners—New—The mission of the National Institute of Occupational Safety and Health (NIOSH) is to promote ''safety and health at work for all people through research and prevention.'' NIOSH investigates and identifies occupational safety and health hazards and conducts a variety of activities, including educational programs with workers, to help prevent work-related illness and injury.

One of the most widespread, but often overlooked, occupational hazards is noise. As a result, hearing loss is the most common occupational disease in the United States today. More than 30 million workers are exposed to hazardous noise levels.

The risk of hearing loss is particularly high in certain occupations. Research shows that more than 90 percent of coal miners will experience moderate to significant hearing loss by the time they reach retirement. This level of hearing loss has a number of negative implications for both the affected individual and others: (1) Impaired communication with family members, friends, and coworkers can result in social isolation; (2) Unrelenting tinnitus (ringing in the ears) can significantly lower one's quality of life; (3) a diminished ability to monitor the work environment (including warning signals, etc.) increases the risk of accidents and further injury at the workplace; and finally, (4) there are economic costs that result from workers compensation and lower productivity.

NIOSH believes that there are two broad strategies for reducing the risk of hearing loss. First, wherever possible, engineering controls have to be implemented at the source of the hazardous noise. Second, workers have to be educated about hazardous levels of noise and what they can do to prevent hearing loss. This study falls into the latter category.

The study is required because past efforts at educating coal miners about hearing loss have had only mixed success. Hearing loss occurs without pain or obvious physical abnormalities, so it has been difficult to create a sense of urgency about this problem among workers. NIOSH has to identify new and more effective ways of promoting hearing conservation behaviors.

In this study, NIOSH proposes working with the United Mine Workers of America, and experts in health communication, to test the effectiveness of several innovative approaches to communicating risk and promoting safer behaviors. Different messages will be sent to five different groups of coal miners. All participants will receive some beneficial information. The researchers will follow up with these groups at two different points in time to assess the relative effectiveness of the messages.

The central purpose of this study is to promote hearing conservation among coal miners. However, NIOSH believes that the results of this study will help in similar efforts with other worker populations. The total burden hours are 340.

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden per response (in hrs.)
Coal Miners in Pretest	80	1	.5
Coal Miners in Study	300	2	.5

2. Measurement of Stress and Stressful Life Events in Black Women of Reproductive Age (0920–0356)—Reinstatement—National Center for Chronic Disease Prevention and Health Promotion. A review of studies of psycho-social factors and adverse pregnancy outcome supports the hypothesis that high levels of exposure to stressful life experiences put black women at increased risk for adverse reproductive outcome, particularly Pre-Term Delivery (PTD) and Very Low Birth Weight (VLBW). The purpose of this study is to evaluate the reliability and validity of existing instruments that measure stress and stressful life events in black women of reproductive age. Eligible subjects will be black women who live in the Atlanta metropolitan area. Subjects will be recruited from flyers, newspaper announcements, hospitals and clinics in the metropolitan Atlanta area. Subjects will be screened and selected based on age (18–30 or 31–45 years), years of education (12, 13–15, 16 or more), and pregnancy status (pregnant, not pregnant). A maximum of thirty women will be selected for each combination of age, education and pregnancy status. The minimum age for participation will be 18 to avoid the complications due to requirement of parental consent. Women will be excluded if they use illicit drugs, such as heroin, cocaine and marijuana because these substances may alter the metabolism of cortisol. The contact, timing and spacing of the interviews and laboratory collection are based on the methodology developed and used for conducting reliability and validity tests. Approximately one half of the women will be pregnant at the time of data collection.

Women enrolled in the study respond to a series of face-to-face and self-administered demographic and psycho-social questionnaires. Women are also asked to provide a saliva sample so that we can correlate reported levels of stress with biological measures of stress.

Participation in this study is voluntary and participants will receive compensation for their time. A written informed consent will be obtained and oversight will be provided by local institutional review board.

This project should take two years. One hundred fifteen (115) women will

participate only in the validity study and thirty-nine (39) women will participate in the validity and reliability study. The validity study requires one interview and one salivary sample. The reliability study requires a second interview and a second salivary specimen, approximately two weeks after the first interview.

During the first three months of the study, the Project Director will set up the office, hire staff and student assistants and provide interviewer and data entry training. The Project Director will also make contacts and explore potential sites for recruiting women for the study. During the next nine months, all of the interviews (approximately 115 validity subjects and 39 reliability subjects remaining) will be conducted and data entry of the quantitative instruments (i.e., Demographic Lifestyle Questionnaire, Cohen Perceived Stress Scale, Life Experience Survey (LES), ARIC/BAECKE Questionnaire of Habitual Physical Activity, Center for Epidemiologic Studies Depression Scale (CES–D), Profile of Mood States, Multiple Affect Adjustive Checklist, Speilberger Trait Anxiety Inventory—Self Evaluation Questionnaire) will be completed. Scoring for the qualitative instruments (i.e., Structured Event Probe and Narrative Rating Method (SEPRATE) and Life Events and Difficulties Schedule (LEDS) will be initiated during year 1, but the bulk of the qualitative scoring will be completed during Year 2. The data entry of the qualitative date will be completed during Year 2. Preliminary analyzes will be conducted during Year 2, with the technical assistance of CDC. The total burden hours are 579.

Respondents	No. of respondents	No. of responses/ respondent	Avg. burden/ response (in hrs.)
Reliability Study Group	39	2	3
Validity Study Group	115	1	3

Dated: August 9, 1999.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–20945 Filed 8–12–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Vaccine Advisory Committee, Centers for Disease Control and Prevention: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the National Vaccine Advisory Committee, Centers for Disease Control and Prevention, of the Department of Health and Human Services, has been renewed for a 2-year period extending through July 30, 2001.

FOR FURTHER INFORMATION CONTACT: Robert F. Breiman, M.D., Executive Secretary, National Vaccine Advisory Committee, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, (A–11), Atlanta, Georgia 30333, telephone 404/639–4452 or fax 404/639–3036.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. 99–20943 Filed 8–12–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

CDC Advisory Committee on HIV and STD Prevention: Meeting

In accordance with section l0(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: CDC Advisory Committee on HIV and STD Prevention.

Time and Date: 8:30 a.m.–5 p.m., September 2, 1999.

Place: Hyatt Regency Atlanta Hotel, Hong Kong Conference Room, 265 Peachtree Street, NE Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available. The meeting room will accommodate approximately 32 people.

Purpose: This Committee is charged with advising the Director, CDC, regarding objectives, strategies, and priorities for HIV and STD prevention efforts including maintaining surveillance of HIV infection, AIDS, and STDs, the epidemiologic and laboratory study of HIV/AIDS and STDs, to prevent the spread of HIV and STDs, and other preventive measures that become available.

Matters to be Discussed: Agenda items include issues pertaining to CDC's HIV Prevention budget. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Paulette Ford, Committee Management Analyst, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road, NE, M/S E–07, Atlanta, Georgia 30333. Telephone 404/639–8008, fax 404/639–8600, e-mail pbf7@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 99–20949 Filed 8–12–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) Announces the Following Meeting

NAME: Peer Review meeting on the NIOSH research study entitled ''Evaluation of 'Best Practices Back Injury Prevention Program' in Nursing Homes.''

TIME AND DATE: 8:30 a.m.–12 p.m., September 24, 1999.

LOCATION: National Institute for Occupational Safety and Health, Prete Building, Large Conference Room, 3040

University Avenue, Morgantown, West Virginia 26505–2888.

STATUS: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

PURPOSE: To provide a peer review of the draft research protocol for a study on a back injury prevention program among nursing home workers. Participants will provide NIOSH with comments regarding the technical and scientific aspects of the study protocol, ''Evaluation of a 'Best Practices Back Injury Prevention Program' in Nursing Homes.''

MATTERS TO BE DISCUSSED: The agenda will include a presentation/overview of the study; followed by comments on the technical and scientific aspects of the planned research. Viewpoints and suggestions from industry, labor, academia, other government agencies, and the public are invited. Written comments will also be considered.

CONTACT PERSON FOR ADDITIONAL INFORMATION: James W. Collins, Ph.D., Project Officer, Division of Safety Research, NIOSH, CDC, M/S P–1133, 1095 Willowdale Road, Morgantown, West Virginia, 26505–2888. Telephone (304) 285-5998, E-mail joc4@cdc.gov. Copies of the draft protocol may be obtained by contacting Dr. Collins.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: August 9, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. 99–20948 Filed 8–12–99; 8:45 am]

BILLING CODE 4160–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES–

Food and Drug Administration

[Docket No. 99N–1168]

Public Health Impact of Foodborne Listeria Monocytogenes

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA), Center for Food Safety and Applied Nutrition, in conjunction with the National Advisory Committee on Microbiological Criteria for Foods, in cooperation with the Food Safety and Inspection Service, U.S. Department of Agriculture (FSIS/USDA) is announcing a public meeting to discuss issues related to the risk assessment models under development to examine the relationship between *Listeria monocytogenes* and human health. The sponsoring agencies invite comments on issues related to this meeting.

DATES: The public meeting will be held on Thursday, September 23, 1999, from 8 a.m. to 5 p.m. Submit registration and written notices of participation by September 13, 1999. Submit written comments by October 25, 1999.

ADDRESSES: The public meeting will be held at The Washington Plaza Hotel, 10 Thomas Circle, NW., at Massachusetts Ave. and 14th St., Washington, DC. Submit registration and written notices of participation to Catherine M. DeRoever (address below). Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Catherine M. DeRoever, Advisory Committee Office (HFS–22), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4251, FAX 202–205–4970, or e-mail ''cderoeve@bangate.fda.gov''.

Those persons interested in attending the public meeting should, by September 13, 1999, fax their name, title, firm name, address, and telephone number to Catherine M. DeRoever (fax number above).–

Those persons interested in presenting information at the public meeting should, by September 13, 1999, fax their name, title, firm name, address, telephone number, and an outline of their presentation to Catherine M. DeRoever (fax number above).–

There is no registration fee for this public meeting, but advance registration is suggested. Interested persons are encouraged to register early because space may be limited.

SUPPLEMENTARY INFORMATION: This public meeting will provide an opportunity for an open discussion of the initial calculations of the *L. monocytogenes* risk assessment. The integrating of food groups, *L. monocytogenes* presence in foods and food consumption data will be described and preliminary conclusions drawn. The scientific inferences and models that can be made from the completed search and analysis of epidemiology and dose-response information will be presented. The risk assessment team will request comments on the approaches and analyses presented and on any additional analyses that should be performed.––

The sponsoring agencies encourage individuals with relevant scientific data or information to present such information at the meeting or in written comments to this record.–

A transcript of the public meeting will be prepared. Copies of the transcript may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting.

The transcript of the public meeting and submitted comments will be available for public examination at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 6, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–20990 Filed 8–12–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES–

Food and Drug Administration

[Docket No. 99N–0438]

Bare-Hand Contact of Ready-to-Eat Foods

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA), Center for Food Safety and Applied Nutrition, in conjunction with the National Advisory Committee on Microbiological Criteria for Foods (the committee), and in cooperation with the Food Safety and Inspection Service, U.S. Department of Agriculture is announcing a public meeting to discuss issues related to the contamination of ready-to-eat foods in retail establishments. The sponsoring agencies invite comments on this issue at the request of the Conference for Food Protection.

DATES: The public meeting will be held on Tuesday, September 21, 1999, from 8 a.m. to 5 p.m., and on Wednesday,

September 22, 1999, from 8 a.m. to 12:30 p.m. Registration and written notices of participation must be submitted by September 13, 1999.

ADDRESSES: The public meeting will be held at The Washington Plaza Hotel, 10 Thomas Circle NW., at Massachusetts Ave. and 14th St., Washington, DC. Submit registration and written notices of participation to Catherine M. DeRoever (address below). Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Catherine M. DeRoever, Advisory Committee Office (HFS–22), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4251, FAX 202–205–4970, or e-mail ''cderoeve@bangate.fda.gov''.

–Those persons interested in attending the public meeting should, by September 13, 1999, fax their name, title, firm name, address, and telephone number to Catherine M. DeRoever (fax number above).

–Those persons interested in presenting information at the public meeting should, by September 13, 1999, fax their name, title, firm name, address, telephone number, and an outline of their presentation to Catherine M. DeRoever (fax number above). Oral comments may be made during the open public comment period, Tuesday, September 21, 1999, between 4 p.m. and 5 p.m. Time allotted to each public commentator may be limited to 3 minutes with time being assigned on a first-come-first-served basis.

–There is no registration fee for this public meeting, but advance registration is suggested. Interested persons are encouraged to register early because space may be limited.

SUPPLEMENTARY INFORMATION: This public meeting will provide an opportunity for an open discussion of the issues related to bare-hand contact of ready-to-eat foods in retail establishments. The committee will be asked to consider the risk of transmitting bacterial, viral, and parasitic pathogens from foodworkers, via ready-to-eat foods, to consumers, and the effectiveness of interventions.–

–The sponsoring agencies encourage individuals with relevant scientific data or information (i.e., epidemiology and effectiveness of interventions to prevent or minimize risks associated with bare-hand contact of ready-to-eat foods) to present such information at the meeting or in written comments to this record.

–A transcript of the public meeting will be prepared. Copies of the transcript may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting. The transcript of the public meeting and submitted comments will be available for public examination at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 6, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–20992 Filed 8–12–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES–

Food and Drug Administration

[Docket No. 99N–1075]

Public Health Impact of Vibrio Parahaemolyticus in Molluscan Shellfish

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: The Food and Drug Administration (FDA), Center for Food Safety and Applied Nutrition, in conjunction with the National Advisory Committee on Microbiological Criteria for Foods, in cooperation with the Food Safety and Inspection Service, U.S. Department of Agriculture (FSIS/USDA) is announcing a public meeting to discuss issues related to a preliminary risk assessment model examining the relationship between *Vibrio parahaemolyticus* and human health.

DATES: The public meeting will be held on Friday, September 24, 1999, from 8 a.m. to 3:15 p.m. Submit registration and written notices of participation by September 13, 1999. Submit written comments by October 25, 1999.

ADDRESSES: The public meeting will be held at The Washington Plaza Hotel, 10 Thomas Circle, NW., at Massachusetts Ave. and 14th St., Washington, DC. Submit registration and written notices of participation to Catherine M. DeRoever (address below). Submit written comments to the Dockets Management Branch (HFA–305), Food an Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Catherine M. DeRoever, Advisory Committee Office (HFS–22), Center for Food Safety and Applied Nutrition, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–4251, FAX 202–205–4970, or e-mail ''cderoeve@bangate.fda.gov''.

Those persons interested in attending the public meeting should, by September 13, 1999, fax their name, title, firm name, address, and telephone number to Catherine M. DeRoever (fax number above).

Those persons interested in presenting information at the public meeting should, by September 13, 1999, fax their name, title, firm name, address, telephone number, and an outline of their presentation to Catherine M. DeRoever (fax number above).

There is no registration fee for this public meeting, but advance registration is suggested. Interested persons are encouraged to register early because space may be limited.

SUPPLEMENTARY INFORMATION: This public meeting will provide an opportunity for review and comment of the preliminary *V. parahaemolyticus* risk assessment. The role of factors in the environment, post harvest handling and processing in the probability of illness will be described. Integration of epidemiology, consumption, and dose-response will be modeled. Scientific inferences, assumptions, and modeling tools will be made from the completed search of peer reviewed literature. Comments will be requested on the approaches and analyses presented and any additional information that should be included in the analyses.

The sponsoring agencies encourage individuals with relevant scientific data or information to present such information at the meeting or in written comments to this record.

A transcript of the public meeting will be prepared. Copies of the transcript may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting. The transcript of the public meeting and submitted comments will be available for public examination at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: August 6, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99–20991 Filed 8–12–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1050–PN]

RIN 0938–AJ34

Medicare Program; Special Payment Limits for Certain Durable Medical Equipment and Prosthetic Devices

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed notice.

SUMMARY: This notice proposes special payment limits, for five items of durable medical equipment and one prosthetic device, to replace the current fee schedule amounts for these items. Currently, payment under the Medicare program for these items is equal to 80 percent of the lesser of the actual charge for the item or the fee schedule amount for the item. We have determined that the Medicare fee schedule amounts for five durable medical equipment items and one prosthetic device are not inherently reasonable because they are grossly excessive relative to the amounts paid for these items by the Department of Veterans Affairs. This notice proposes that payment for these items be 80 percent of the actual charges for the items or the special payment limits we set for these items, whichever is less. It is intended to prevent continuation of excessive payment for these items. The special payment limits would be based on the median wholesale prices paid by the Department of Veterans Affairs for these items plus an appropriate markup.

DATES: We will consider comments if we receive them at the appropriate address, as provided below, by 5 p.m. on October 12, 1999.

ADDRESSES: Mail written comments (1 original and 3 copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA–1050–PN, P.O. Box 9016, Baltimore, MD 21244–9016.

If you prefer, you may deliver your written comments (1 original and 3 copies) to one of the following addresses:

Room 443–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or

Room C5–16–03, 7500 Security Boulevard, Baltimore, MD 21244–1850.

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA–1050–PN. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 443–G of the Department's offices at 200 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: (202) 690–7890).

FOR FURTHER INFORMATION CONTACT: Joel Kaiser, (410) 786–4499.

SUPPLEMENTARY INFORMATION: *Copies:* To order copies of the **Federal Register** containing this document, send your request to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose your Visa, Discover, or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 (or toll free at 1–888–293–6498) or by faxing to (202) 512–2250. The cost for each copy is $8. As an alternative, you can view and photocopy the **Federal Register** document at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

This **Federal Register** document is also available from the **Federal Register** online database through GPO Access, a service of the U.S. Government Printing Office. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/nara/index.html, by using local WAIS client software, or by telnet to swais.access.gpo.gov, then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required).

I. Background

A. Payment Under Reasonable Charges

Before January 1, 1989, payment for all durable medical equipment (DME) and prosthetic devices furnished under Part B of the Medicare program (Supplementary Medical Insurance) was made on a reasonable charge basis through contractors known as Medicare carriers and intermediaries. Reasonable charge determinations were generally based on customary and prevailing charges derived from historic charge data. The reasonable charges were established by the carriers using the methodology set forth in sections 1833 and 1842(b) of the Social Security Act (the Act) and 42 CFR part 405, subpart E of our regulations. The reasonable charge for an item was generally set at the lowest of the following factors:

- The supplier's actual charge for the item.
- The supplier's customary charge.
- The prevailing charge in the locality for the item.

(The prevailing charge could not exceed the 75th percentile of the customary charges of suppliers in the locality.)

- The inflation indexed charge. (The inflation indexed charge is defined in § 405.509(a) as the lowest of the fee screens used to determine reasonable charges for services, supplies, and equipment paid on a reasonable charge basis (excluding physicians' services) that is in effect on December 31 of the previous fee screen year, updated by the inflation adjustment factor.)

B. Payment Under Fee Schedules

Sections 1834(a) and (h) of the Act provide that Medicare payment for DME and prosthetics and orthotics, respectively, is equal to 80 percent of the lesser of the actual charge for the item or the fee schedule amount for the item. Section 1834(a) of the Act classifies DME into the following payment categories:

- Inexpensive or other routinely purchased DME.
- Items requiring frequent and substantial servicing.
- Customized items.
- Oxygen and oxygen equipment.
- Other covered items (other than DME).
- Other items of DME (capped rental items).

There is a separate methodology for determining the fee schedule payment amount for each category of DME.

The fee schedules for DME and prosthetic devices are calculated using average reasonable charges from 1986 and 1987 and are generally adjusted annually by the change in the Consumer Price Index for all Urban Consumers (CPI–U), that is, the covered item update, for the 12-month period ending June 30 of the preceding year. Section 1834(h)(2)(B) of the Act requires that regional fee amounts be calculated for prosthetic devices. The regional fee

amounts are equal to the weighted average of the local (Statewide) fee amounts in each of our 10 regions. In addition, the fee schedules for DME and prosthetics and orthotics are limited by a ceiling (upper limit) and floor (lower limit). For DME, the ceiling and floor are equal to 100 percent and 85 percent, respectively, of the median (mid-point) of the local (Statewide) fee amounts. For prosthetics and orthotics, the ceiling and floor are equal to 120 percent and 90 percent, respectively, of the regional fee amounts. The fee schedule amounts for areas outside the continental United States are not subject to the ceiling and floor limits for DME or the regional fee amounts and ceiling and floor limits for prosthetic devices. The local fee schedule amounts for areas outside the continental United States are not included in the calculation of the ceiling and floor limits or regional fee amounts.

C. Exception to the Standard Payment Methodologies—Special Payment Amounts

Section 1842(b)(8) of the Act states that we may establish special payment amounts for particular items or services, other than physicians' services, that are covered under Medicare Part B, for which we determine that the application of standard Part B pricing rules results in grossly excessive or grossly deficient payment amounts. The applicable regulations are located at § 405.502(g) and require us to consider relevant information in establishing payment limits that are realistic and equitable. The special payment limit is either a specific dollar amount or is based on a special method to be used in determining the payment amount.

Section 405.502(g)(1) provides the following examples of circumstances that may result in grossly deficient or excessive charges:

- The marketplace is not competitive.
- Medicare and Medicaid are the sole or primary source of payment for a category of items or services.
- The payment amounts do not reflect changing technology, increased facility with that technology, or changes in acquisition, production, or supplier costs.
- The payment amounts for a category of items or services in a particular locality are grossly higher or lower than the payment amounts in other comparable localities for the category of items or services, taking into account the relative costs of furnishing the category of items or services in the different localities.
- The payment amounts for a category of items or services are grossly higher or lower than acquisition or production costs for the category of items or services.
- There have been increases in payment amounts for a category of items or services that cannot be explained by inflation or technology.
- The payment amounts for a category of items or services are grossly higher or lower than the payments made for the same category of items or services by other purchasers in the same locality.

Section 405.502(g)(3) requires that we publish for public comment proposed payment limits in the **Federal Register**. We allow 60 days for receipt of public comments on the proposal. After we have considered all timely comments, we publish in the **Federal Register** a final notice announcing the special payment limits and our analyses and responses to the comments.

D. Items for Which Adjustments Are Proposed

Using the authority discussed above, we reviewed the current Medicare payment amounts for the following items:

- Folding walker (pickup), adjustable or fixed height—code E0135 in the HCFA Common Procedure Coding System (HCPCS).
- Folding walker, wheeled, without seat—HCPCS code E0143.
- Commode chair, stationary, with fixed arms—HCPCS code E0163.
- Transcutaneous Electrical Nerve Stimulator (TENS), two lead, localized stimulation—HCPCS code E0720.
- TENS, four lead, larger area/multiple nerve stimulation—HCPCS code E0730.
- Vacuum erection system—HCPCS code L7900.

Section 134 of the Social Security Act Amendments of 1994 specifically mandates that we review our payments for decubitus care equipment, TENS devices, and other items we consider appropriate. We gathered payment data on 20 items identified as either decubitus care equipment or TENS devices and 80 additional items drawn from a list of top 100 items ranked by Medicare expenditures. Based on a review of retail prices, wholesale prices, and prices paid by payers other than Medicare, we identified 20 items from this list of 100 items that warranted further review. We then obtained data on the average payments made by the Department of Veterans Affairs (VA) for these 20 items and, based on a review of this data, and as we explain below, we determined that payment adjustments were necessary for the six items listed above. These six items represent items that are generally purchased as opposed to being rented. We feel that more data on rental costs and services is needed in order to address the reasonableness of the Medicare payment amounts for rental items for which we obtained the VA data, that is, items which are generally furnished to Medicare beneficiaries on a rental basis.

With the exception of HCPCS code L7900, all items are covered as DME and classified under the inexpensive or routinely purchased DME fee schedule category. Medicare payment for these items is made on either a purchase or a rental basis. Total Medicare payment for rentals is limited to 100 percent of the fee schedule amount for purchase of the item. HCPCS code L7900 identifies a prosthetic device for which Medicare payment is made under the fee schedule on a purchase basis only. All of the items above are high volume items in terms of Medicare expenditures.

The 1998 fee schedule amounts for purchase of these items for areas within the continental United States range from $67.97 to $79.97 for code E0135; $97.48 to $114.68 for code E0143; $89.42 to $105.20 for code E0163; $298.02 to $350.61 for code E0720; $300.43 to $353.45 for code E0730; and $357.76 to $477.01 for code L7900. The 1998 fee schedule amounts for purchase of these items for areas outside the continental United States (that is Alaska, Hawaii, and Puerto Rico) range from $90.66 to $115.45 for code E0135; $107.85 to $145.22 for code E0143; $109.00 to $138.62 for code E0163; $207.89 to $465.26 for code E0720; $338.93 to $508.22 for code E0730; and $394.65 to $473.37 for code L7900.

Based on a comparison of Medicare payment amounts and payment amounts from the VA, we determined that the current payment amounts for these items are grossly excessive.

E. Comparison With the Department of Veterans Affairs

The VA also administers a national program that includes the furnishing of DME and prosthetic devices. Unlike Medicare, which is a payer of services and not a provider of services, the VA generally obtains these items by direct acquisition from manufacturers and wholesalers and provides them directly to veterans through its network of medical centers located throughout the United States. Therefore, the prices paid by the VA for these items represent wholesale prices as opposed to retail prices charged by outlets that supply these items to Medicare beneficiaries. To make a valid comparison between Medicare and VA payments, a price

markup must be applied to the VA wholesale prices to approximate retail prices.

We obtained the median wholesale payment amount for the items identified in section D above from a number of VA medical centers across the nation. We received data from 109 (approximately 63 percent) of the VA medical centers across the nation. We increased the median wholesale amount by a markup of 67 percent; that is, a two-thirds markup.

The amount of the markup was based on data we compiled from over 200 HCPCS coding recommendations submitted by the industry to us for medical equipment and devices from 1989 to 1998. When submitting recommendations for new HCPCS codes, the requester, usually the manufacturer of the item, is required to list the wholesale and suggested retail prices for the item. The median markup calculated using these data was 67 percent. We consider 67 percent to be the upper end of a range of acceptable markups. If public comments or additional research indicate that a markup of less than 67 percent is appropriate, we reserve discretion to establish a markup of less than 67 percent. It should be noted that requests for new HCPCS codes generally involve new products or technology; therefore, it can be assumed that the markups for these items will be, in general, higher than markups for items that have been on the market for a number of years.

The VA and Medicare payments are compared in the table below.

Code	VA Payment	VA+67%	Medicare floor*	Medicare ceiling*
E0135	$30.24	$50.50	$67.97	$79.97
E0143	45.44	75.88	97.48	114.68
E0163	37.64	62.85	89.42	105.20
E0720	89.89	150.11	298.02	350.61
E0730	124.00	207.08	300.43	353.45
L7900	131.65	219.86	357.76	477.01

*Highest and lowest 1998 fee schedule amounts for States within the continental United States.

II. Provisions of This Proposed Notice

Below are the amounts we are proposing as the special payment limits:

A. Folding Walker (Pickup), Adjustable or Fixed Height—HCPCS Code E0135

The median VA wholesale payment amount for this item is $30.24. Using a markup of 67 percent results in an estimated retail payment amount of $50.50. We propose that the special payment limit for purchase of this item, when new and when furnished in the continental United States, be equal to $50.50. This amount is approximately 37 percent below the 1998 Medicare ceiling of $79.97 and 26 percent below the 1998 Medicare floor of $67.97. In keeping with the Medicare policy for calculating fee schedule amounts for the purchase of used equipment and the rental of equipment for which base fee schedule data (that is, reasonable charge data from 1986 and 1987) are not available (see section 5102.2.A.2 of the Medicare Carriers Manual), we propose that the special payment limit for purchase of this item, when previously used by other patients and when furnished in the continental United States, be equal to $37.88 or 75 percent of the special payment limit for purchase of a new item. We propose that the special payment limit for the monthly rental of this item, when furnished in the continental United States, be equal to $5.05 or 10 percent of the special payment limit for purchase of a new item.

B. Folding Walker, Wheeled, Without Seat—HCPCS Code E0143

The median VA wholesale payment amount for this item is $45.44. Using a markup of 67 percent results in an estimated retail payment amount of $75.88. We propose that the special payment limit for purchase of this item, when new and when furnished in the continental United States, be equal to $75.88. This amount is approximately 34 percent below the 1998 Medicare ceiling of $114.68 and 22 percent below the 1998 Medicare floor of $97.48. We propose that the special payment limit for purchase of this item, when previously used by other patients and when furnished in the continental United States, be equal to $56.91 or 75 percent of the special payment limit for purchase of a new item. We propose that the special payment limit for the monthly rental of this item, when furnished in the continental United States, be equal to $7.59 or 10 percent of the special payment limit for purchase of a new item.

C. Commode Chair, Stationary, With Fixed Arms—HCPCS Code E0163

The median VA wholesale payment amount for this item is $37.64. Using a markup of 67 percent results in an estimated retail payment amount of $62.85. We propose that the special payment limit for purchase of this item, when furnished in the continental United States, be equal to $62.85. This amount is approximately 40 percent below the 1998 Medicare ceiling of $105.20 and 30 percent below the 1998 Medicare floor of $89.42. We propose that the special payment limit for purchase of this item, when previously used by other patients and when furnished in the continental United States, be equal to $47.14 or 75 percent of the special payment limit for purchase of a new item. We propose that the special payment limit for the monthly rental of this item, when furnished in the continental United States, be equal to $6.29 or 10 percent of the special payment limit for purchase of a new item.

D. Transcutaneous Electrical Nerve Stimulator (TENS), Two Lead, Localized Stimulation—HCPCS Code E0720

The median VA wholesale payment amount for this item is $89.89. Using a markup of 67 percent results in an estimated retail payment amount of $150.11. We propose that the special payment limit for purchase of this item, when furnished in the continental United States, be equal to $150.11. This amount is approximately 57 percent below the 1998 Medicare ceiling of $350.61 and 50 percent below the 1998 Medicare floor of $298.02.

E. TENS, Four Lead, Larger Area/ Multiple Nerve Stimulation—HCPCS Code E0730

The median VA wholesale payment amount for this item is $124.00. Using a markup of 67 percent results in an estimated retail payment amount of $207.08. We propose that the special payment limit for purchase of this item, when furnished in the continental United States, be equal to $207.08. This amount is approximately 41 percent below the 1998 Medicare ceiling of

$353.45 and 31 percent below the 1998 Medicare floor of $300.43.

F. Vacuum Erection System—HCPCS Code L7900

The median VA wholesale payment amount for this item is $131.65. Using a markup of 67 percent results in an estimated retail payment amount of $219.86. We propose that the special payment limit for purchase of this item, when furnished in the continental United States, be equal to $219.86. This amount is approximately 46 percent below the highest 1998 Medicare regional fee schedule amount of $406.34 and 43 percent below the lowest 1998 Medicare regional fee schedule amount of $382.96.

G. Areas Outside the Continental United States

The 1998 DME and prosthetic device fee schedule amounts for areas outside the continental United States are, on average, 10 percent greater than the 1998 DME and prosthetic device fee schedule amounts for areas within the continental United States. For the six items identified above, we propose using a modified approach to set special payment limits for areas outside the continental United States (that is, Alaska, Hawaii, Puerto Rico). We propose that special payment limits be established by reducing the 1998 fee schedule amounts for these areas by the percentage difference between the 1998 national ceilings, or the highest regional fee schedule amount in the case of HCPCS code L7900, and the special payment limits proposed above for the continental United States. However, in no case can the special payment limit for an area outside the continental United States be lower than the special payment limit for the continental United States increased by 10 percent. We are, therefore, proposing that the special payment limits for areas outside the continental United States be at least 10 percent greater than the special payment limits for areas within the continental United States because of the unique costs of doing business in these areas. We base this 10 percent parameter on the fact that the fee schedule amounts for all DME and prosthetic devices for areas outside the continental United States, in general, are, on average, 10 percent greater than the fee schedule amounts for areas within the continental United States.

H. Applicability

The initial special payment limits we propose would apply to items furnished on or after the effective date of the published final notice. We propose that the fee schedule amounts for the six items identified be reduced incrementally by a factor of 15 percent or less per year until they are equal to the special payment limits applicable to each item. For each calendar year after the calendar year in which the proposed special payment limits are fully in effect, the special payment limits would be adjusted using the applicable covered item update (see ''I. B. Payment Under Fee Schedules'') for the appropriate calendar year. For example, as noted above, the 1998 fee schedule amounts for HCPCS code L7900 for areas within the continental United States range from $382.96 to $406.34. The special payment limit of $219.86 that we are proposing would be phased in over a number of years so that in any given year no adjustment would exceed 15 percent. We are proposing that the special payment amounts be phased in so that the impact of the reductions is spread out over multiple years and gives the suppliers an extended period in which to adjust to the reductions in payment. In addition, most DME suppliers are small businesses and applying the payment limits at one time would impose a serious burden on these types of entities, particulary those that specialize in furnishing the items addressed in this notice. The proposed special payment limit of $219.86 for HCPCS code L7900 would be phased in as follows:

Calendar year	Range in limits within continental U.S.
1998	$382.96 to $406.34.
1999	$325.52 to $345.39.
2000	$276.69 to $293.58.
2001	$235.19 to $249.54.
2002	$219.86 (special limit fully implemented).

For each calendar year after 2002, the special payment limit for HCPCS code L7900 would be equal to the special payment limit for the preceding calendar year increased by the appropriate covered item update for prosthetic devices. The ranges in the proposed payment limits, by calendar year, for all six HCPCS codes, for items furnished within the continental United States, are listed in the table below.

HCPCS	1999	2000	2001	2002	2003	2004
E0135	57.77 to 67.97	50.50 to 57.77	50.50[1]	([2])	([2])	([2])
E0143	82.86 to 97.48	75.88 to 82.86	75.88[1]	([2])	([2])	([2])
E0163	76.01 to 89.42	64.61 to 76.01	62.85 to 64.61	62.85[1]	([2])	([2])
E0720	253.32 to 298.02	215.32 to 253.32	183.02 to 215.32	155.57 to 183.02	150.11 to 155.57	[1]150.11
E0730	255.37 to 300.43	217.06 to 255.37	[1]207.08 to 217.06	207.08	([2])	([2])
L7900	325.52 to 345.39	276.69 to 293.58	235.19 to 249.54	[1]219.86[1]	([2])	([2])

[1] Special payment limit fully implemented.
[2] Special payment limit equal to the special payment limit for the preceding calendar year increased by the appropriate covered item update.

I. Proposed Payment

We propose that payment for the six items identified equal 80 percent of the lesser of the actual charge for the system or the appropriate special payment limit, as described in sections A. through G. above.

J. Carrier-Granted Exceptions

Section 405.502(h)(3) states that we must set forth the criteria and circumstances, if any, under which a carrier may grant an exception to a special payment limit. We are not proposing any circumstances under which a carrier may grant an exception to the application of the proposed special payment limits. We are interested in receiving comments on any circumstances for which a commenter believes an exception should be granted.

III. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, if we proceed with a subsequent document, we will respond to the major comments in the preamble to that document.

IV. Regulatory Impact Statement

We have examined the impacts of this proposed notice as required by Executive Order 12866 and the Regulatory Flexibility Act (RFA) (Pub. L. 96–354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for major rules with economically significant effects ($100 million or more annually). The reductions in total expenditures over the next 5 years are estimated to be: $10 million in 1999; $20 million in 2000; $30 million in 2001; $30 million in 2002; and $30 million in 2003. Since the proposed notice results in reductions in total expenditures of less than $100 million per year, this notice is not a major rule as defined in Title 5, United States Code, section 804(2) and is not an economically significant rule under Executive Order 12866.

RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, non-profit organizations, and government agencies. Most hospitals and most other providers and suppliers are small entities either by non-profit status or by having revenues of $5 million or less annually. Individuals and States are not included in the definition of a small entity. Based on data from the Small Business Administration (SBA), we estimate that 98 percent of suppliers of DME and prosthetic devices would be defined as small entities for purposes of the RFA. We estimate that 106,000 entities bill Medicare for DME, prosthetics, orthotics, surgical dressings, and other equipment and supplies each year. We believe the impact on small businesses will be minimal because the implementation of the payment amounts will be phased in over several years. The annual adjustment in payment will be no greater than 15 percent per year. Total Medicare expenditures for DME and prosthetics devices is approximately $5 billion per year. As indicated above, we estimate that the proposed payment reductions, when fully implemented, will reduce these expenditures by approximately $30 million per year. Therefore, the overall impact on the total industry annual receipts will be small, that is, less than 1 percent reduction in Medicare revenue. However, while the overall impact is small, some suppliers would be seriously affected as a result of the mix of DME and prosthetics that they furnish to Medicare beneficiaries.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a proposed notice may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has less than 50 beds. We are not preparing a rural impact analysis since we have determined that this proposed notice would not have a significant economic impact on the operation of a substantial number of small rural hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any proposed notice that may result in an annual expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100 million. The proposed notice would not have an effect on the governments mentioned, and private sector costs would be less than the $100 million threshold.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

Authority: Sections 1834(a) and 1842(b) of the Social Security Act (42 U.S.C. 1395m and 1395u).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: January 27, 1999.

Nancy-Ann Min DeParle,

Administrator, Health Care Financing Administration.

Dated: April 28, 1999.

Donna E. Shalala,

Secretary.

[FR Doc. 99–20989 Filed 8–12–99; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–3022–N]

Medicare Program; Meeting of the Drugs, Biologics, and Therapeutics Panel of the Medicare Coverage Advisory Committee—September 15 and 16, 1999

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a meeting of the Drugs, Biologics, and Therapeutics Panel of the Medicare Coverage Advisory Committee. The Panel will discuss presentations from interested persons regarding the combination of high dose chemotherapy and stem cell transplantation for the treatment of multiple myeloma. This meeting is open to the public and complies with the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)).

DATES: *The Meeting:* September 15, 1999, from 1 p.m. until 4 p.m., E.D.T., and September 16, 1999, from 8 a.m. until 4 p.m., E.D.T.

Deadline for Presentation Submissions: August 20, 1999, 5 p.m., E.D.T.

Deadline for Submission of Final Comments: September 30, 1999, 5 p.m., E.D.T.

ADDRESSES: *The Meeting:* The meeting will be held at the Baltimore Convention Center, One West Pratt Street, Rooms 327–329, Baltimore, Maryland 21201–2499.

Presentations and Comments: Submit written presentations and comments to Lauren K. Geyer, MHS, Executive Secretary; Office of Clinical Standards and Quality; Health Care Financing Administration; 7500 Security Boulevard; Mail Stop S3–02–01; Baltimore, MD 21244.

FOR FURTHER INFORMATION CONTACT: Lauren K. Geyer, MHS, Executive Secretary, (410) 786–2004.

SUPPLEMENTARY INFORMATION: We have established the Medicare Coverage Advisory Committee (MCAC) to provide advice and recommendations to us about clinical coverage issues. The MCAC is composed of an Executive Committee and six panels, each containing members with expertise in one or more of the following fields: clinical and administrative medicine, biologic and physical sciences, public health administration, health care data and information management and

analysis, the economics of health care, medical ethics, and other related professions. Each panel is composed of a chairperson, voting members, a nonvoting consumer representative, and a nonvoting industry representative.

Current Members of the Panel

Thomas V. Holohan, MA, MD, FACP (Chairperson); Leslie P. Francis, JD, Ph.D.; Judith A. Cahill, MA; Michael L. Friedland, MD; Kathy J. Helzlsouer, MD, MHS; Robert C. Johnson, MS; Ronald P. Jordan, R.Ph.; Mitchell Sugarman, MBA, MS; Cathleen M. Dooley, MPA; and Christine M. Grant, JD.

Topic of the Meeting

The Panel will discuss presentations from interested persons regarding the combination of high dose chemotherapy and stem cell transplantation for the treatment of multiple myeloma.

Procedure and Agenda

The Panel will hear oral presentations from the public for approximately 90 minutes on each day of the meeting. The Panel may limit the number and duration of oral presentations to the time available. If you wish to make a presentation during one of these sessions, you must submit the following to the Executive Secretary before the Deadline for Presentation Submissions date listed in the Dates section of this notice: a brief statement of the general nature of the evidence or arguments you wish to present, the names and addresses of proposed participants, and an estimate of the time required to make the presentation. We will request that you declare at the meeting whether or not you have any financial involvement with manufacturers of any items or services being discussed (or with their competitors).

After the 90-minute public presentation on Day 2 of the meeting, we will make a presentation to the Panel. After our presentation, the Panel will deliberate openly on the topic. Interested persons may observe the deliberations, but the Panel will not hear further comments during this time except at the request of the chairperson. At the end of the Panel deliberations, the Panel will allow a 30-minute open public session for any attendee to address issues specific to the topic.

Submission of Final Comments

Interested persons not scheduled to make an oral presentation, unable to attend the meeting, or wishing to make further remarks, may submit written comments to the Executive Secretary by the Deadline for Submission of Final Comments in the Dates section of this notice.

HCFA Home Page

You may access detailed information regarding the agenda and schedule of presentations on our home page (www.hcfa.gov/quality/8b.htm) the day after the Deadline for Presentation Submissions in the Dates section of this notice.

Authority: 5 U.S.C. App. 2, section 10(a)(1) and (a)(2).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: August 9, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

[FR Doc. 99–20988 Filed 8–12–99; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: A Basal Cell Carcinoma Tumor Suppressor Gene

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license worldwide to practice the invention embodied in: U.S. Patent Application Serial No. 08/857,636 filed May 16, 1997 entitled ''A Basal Cell Carcinoma Tumor Suppressor Gene'', PCT application US97/08433 filed May 16, 1997 designating all countries, except the U.S., entitled, ''A Basal Cell Carcinoma Tumor Suppressor Gene'' to Ontogeny, Inc., having a place of business in Cambridge, MA. The United States of America is the assignee or the exclusive licensee of the patent rights in this invention.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before October 12, 1999.

ADDRESSES: Requests for a copy of the patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to Richard U. Rodriguez, M.B.A., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Telephone: (301) 496–7056, ext. 287; Facsimile: (301) 402–0220; E-mail: rr154z@nih.gov.

SUPPLEMENTARY INFORMATION: In an effort to develop a method of detection and an efficacious treatment for basal cell carcinoma, nevoid basal cell carcinoma syndrome, and medulloblastoma, the inventors posit that the Basal Cell Carcinoma Tumor Suppressor Gene and the disclosed mutations thereof may play a key physiological role.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be limited to the fields of human diagnostics and therapeutics for indications consisting of nevoid basal cell carcinoma syndrome, basal cell carcinoma, and medulloblastoma and may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: August 6, 1999.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 99–20938 Filed 8–12–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Information Collections Submitted to the Office of Management and Budget for Approval Under the Paperwork Reduction Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comments.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has sent the collection of information described below to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction

Act of 1995. The public may obtain copies of the specific information collection requirements, related guidelines and explanatory material by contacting the Service Information Collection Clearance Officer at the address provided below.

DATES: We will consider all comments received on or before September 13, 1999. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, to ensure maximum consideration, you must send your comments to OMB by the above referenced date.

ADDRESSES: Send your comments and suggestions on the requirement to Rebecca A. Mullin, Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 222—ARLSQ, 1849 C Street, NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: To receive a copy of the information collection request, explanatory information and related forms, contact Rebecca A. Mullin at 703/358–2287, or electronically to rmullin@fws.gov.

SUPPLEMENTARY INFORMATION: The OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). We are seeking clearance from the OMB to collect information in conjunction with a new Evaluation Grants Pilot Program to be conducted under the North American Wetlands Conservation Act (NAWCA) (Pub. L. 101–233, as amended; December 13, 1989). The Act, Section 19 (Assessment of Progress in Wetlands Conservation), requires the Secretary of the Interior, in cooperation with the North American Wetlands Conservation Council, to: ''* * * 1) develop and implement a strategy to assist in the implementation of this Act in conserving the full complement of North American wetlands systems and species dependent on those systems, that incorporates information existing on the date of the issuance of the strategy in final form on types of wetlands habitats and species dependent on the habitats; and (2) develop and implement procedures to monitor and evaluate the effectiveness of wetlands conservation projects completed under this Act.'' To meet this requirement, we are embarking upon an Evaluation Grants Pilot Program initative that requires selected prospective grantees to submit pre-proposals and proposals that are geared specifically to project approaches that will readily provide data for monitoring and evaluation purposes. Current NAWCA projects do not, and cannot, provide the data and information necessary to meet the monitoring and evaluation requirements of Section 19. We are developing a unique set of evaluation grants guidelines, or instructions, that will provide the basis for information collection and this request. We do have available for review and comment the ''Strategy For Implementing and Evaluating the Effectiveness of Wetland Conservation Projects Completed Under the NAWCA'' (Sect. 19, part 1) and the ''NAWCA Evaluation Grant Proposal Development and Review'' outline (Sect. 19, part 2). Both of these documents are approved by the NAWCA Council and will be used to develop the guidelines. The Service is requesting a 3-year term of approval for this information collection activity. 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 Service previously published a 60-day notice on the information collections associated with this evaluation grants program (64 FR 6908) on Thursday, February 11, 1999. The comment period expired April 12, 1999. The Service, in this notice, is requesting comment for the 30-day period following its date of publication in the **Federal Register**. No comments were provided to the Service Information Collection Officer as a result of the February 11 notice.

We invite your comments on: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the collection of information; (3) ways to enhance the quality, utility and clarity of the information to be collected; and, (4) ways to minimize the burden of the collection of information on respondents.

Title: Information Collection In Support of Grant Programs Authorized by the North American Wetlands Conservation Act of 1989 (NAWCA).

Approval Number: 1018–0104. OMB emergency approval granted June 4, 1999.

Service Form Number(s): N/A.

Description and Use: The North American Waterfowl Management Plan (NAWMP), first signed in 1986, is a tripartite agreement among Canada, Mexico and the United States to enhance, restore and otherwise protect continental wetlands to benefit waterfowl and other wetland associated wildlife through partnerships between and among the private and public sectors. Because the 1986 NAWMP did not carry with it a mechanism to provide for broadly-based and sustained financial support for wetland conservation activities, Congress passed and the President signed into law the NAWCA to partially fill that funding need. The purpose of NAWCA is to use partnerships to promote long-term conservation of North American wetland ecosystems and the waterfowl and other migratory birds, fish and wildlife that depend upon such habitat. Principal conservation actions supported by NAWCA are acquisition, enhancement and restoration of wetlands and wetlands-associated habitat.

As well as providing for a continuing and stable funding base, NAWCA establishes an administrative body made up of a State representative from each of the four Flyways, three representatives from wetlands conservation organizations, the Secretary of the Board of the National Fish and Wildlife Foundation, and the Director of the Service. This administrative body is chartered, under the Federal Advisory Committee Act, by the U.S. Department of the Interior as the North American Wetlands Conservation Council (Council). As such, the purpose of the Council is to periodically recommend wetlands conservation project proposals to the Migratory Bird Conservation Commission (MBCC) for funding.

Subsection (c) of Section 5 (Council Procedures) provides that the ''* * * Council shall establish practices and procedures for the carrying out of its functions under subsections (a) and (b) of this section * * *'' which are consideration of projects and recommendations to the MBCC, respectively. The means by which the Council decides which project proposals are important to recommend to the MBCC is through grants programs that are coordinated through the Council Coordinator's office (NAWWO) within the Service.

Applications from partnerships competing for grant funds must describe in substantial detail project locations and other characteristics that will meet standards established by the Council and requirements of NAWCA. The Evaluation Grants Pilot Program will differ in that it will be a two-stage process wherein successful applicants will have submitted both a pre-proposal and a proposal. Pre-proposals are intended to allow screening such that

only the projects that have the greatest potential for contributing to the evaluation program will be continued into the proposal stage. The Council Coordinator's office currently publishes and distributes Standard and Small Grants instructional booklets that assist applicants in formulating project proposals for Council consideration. The guidelines for this new grants evaluation initiative, to be contained in the request for proposal, is an additional information collection instrument. The guidelines and instructions and other instruments, e.g., **Federal Register** notices on request for proposals, are the basis for this information collection request for OMB clearance. Information collected under this program is used to respond to such needs as: audits, program planning and management, program evaluation, Government Performance and Results Act reporting, Standard Form 424 (Application For Federal Assistance), grant agreements, budget reports and justifications, public and private requests for information, data provided to other programs for databases on similar programs, Congressional inquiries and reports required by NAWCA, etc. In the case of the additional Evaluation Grants Pilot Program guidelines, the request responds also to the statutory requirements of the Act.

In summary, information collection under this program is required to obtain a benefit, i.e., a cash reimbursable grant that will be given competitively to selected applicants based on eligibility and the relative value of their projects to contribute to meaningful technical evaluation of the success of the grants programs. The information collection is subject to the Paperwork Reduction Act requirements for such activity, which includes soliciting comments from the general public regarding the nature and burden imposed by the collection.

Frequency of Collection: Occasional. We intend the Evaluation Grant Pilot Program to have one project proposal submissions window per year.

Description of Respondents: Households and/or individuals; business and/or other for-profit; not-for-profit institutions; farms; Federal Government; and State, local and/or Tribal governments.

Estimated Completion Time: We estimate the reporting burden, or time involved in writing project submissions, to be 8 hours for a pre-proposal and 40 hours for a proposal.

Number of Respondents: We estimate that 30 pre-proposals and 10 proposals will be submitted each year for the grants evaluation pilot program.

Dated: May 25, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 99–20962 Filed 8–12–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Eleventh Regular Meeting; Proposed Resolutions and Agenda Items Being Considered; Species Being Considered for Amendments to the CITES Appendices; Public Meeting; Observer Information

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice, correction.

In our July 8, 1999, **Federal Register** notice entitled ''Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Eleventh Regular Meeting; Proposed Resolutions and Agenda Items Being Considered; Species Being Considered for Amendments to the CITES Appendices; Public Meeting; Observer Information'' (64 FR 36893), we make the following correction:

On page 36909, in the fourth paragraph under item number 6 entitled ''Atlantic swordfish (*Xiphias gladius*),'' which appears in the second column on the page, the last sentence reading ''The plan also includes limited entry for the commercial fishery and a time/area closure to reduce juvenile swordfish mortality'' is corrected to read follows: ''The plan also includes limited entry for the commercial fishery. Additionally, the National Marine Fisheries Service is working on analyses to implement a time/area closure that would protect small swordfish. The National Marine Fisheries Service proposed a time/area closure to protect small swordfish in the draft FMP. However, in response to comments indicating the ineffectiveness of the proposed Florida Straits closure, as well as updated analyses, the National Marine Fisheries Service deferred the implementation of a time/area closure for protection of small swordfish until a later date, pending further analyses and review of more effective, and probably larger, time/area closures.''

Dated: August 2, 1999.

John G. Rogers,

Director.

[FR Doc. 99–20934 Filed 8–12–99; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the First Amendment to the Tribal/State Compact for Class III Gaming between the Nisqually Tribe and the State of Washington, which was executed on March 4, 1999.

DATES: This action is effective August 13, 1999.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, Washington, D.C. 20240, (202) 219–4066.

Dated: August 5, 1999.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 99–20932 Filed 8–12–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal-State Gaming Compact taking effect.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his

delegated authority, is publishing notice that the Amendment to Appendix X to the Compact between the St. Regis Mohawk Tribe and the State of New York, executed on May 27, 1999, is considered to have been approved. By the terms of IGRA this amendment is considered approved, but only to the extent it is consistent with the provisions of IGRA.

DATES: This action is effective August 13, 1999.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Indian Gaming Management Staff, Bureau of Indian Affairs, 1849 C Street, NW, MS 2070–MIB, Washington, D.C. 20240, (202) 219–4066.

Dated: August 9, 1999.

Kevin Gover,

Assistant Secretary-Indian Affairs.

[FR Doc. 99–20931 Filed 8–12–99; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Docket No. AZ–020–1210–00]

Emergency Closure of Harquahala Pack Trail; Phoenix Field Office, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure.

SUMMARY: This notice is to inform the public that the Bureau of Land Management intends to temporarily close the Harquahala Pack Trail in the Harquahala Mountains Wilderness to all public use. This closure is being established due to recent flood damage that has rendered portions of the Harquahala Pack Trail extremely hazardous for public use. The closure will take effect upon publication of this notice and will remain in effect until completion of restoration of the trail, on or about May 31, 2000.

The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure: Employees of the BLM, Arizona Game and Fish Department, and local and federal law enforcement and fire protection personnel. Access by additional parties may be allowed, but must be approved in advance in writing by the Phoenix Field Manager. This closure is in accordance with the provisions of the Federal Land Policy and Management Act of 1976 (43 USC 1701), and 43 CFR, Subpart 8364.1. Any person who fails to comply with the provisions of this closure may be subject to penalties outlined in 43 CFR Subpart 8360.0–7.

FOR FURTHER INFORMATION CONTACT. Michael A. Taylor, Field Manager, Phoenix Field Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027; (623) 580–5500.

Dated: August 5, 1999.

Michael A. Taylor,

Field Manager.

[FR Doc. 99–20936 Filed 8–12–99; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

DEPARTMENT OF DEFENSE

Department of the Navy

[NV–030–1492–00]

Notice of Availability for the Draft Environmental Impact Statement, Bureau of Land Management Carson City and Battle Mountain, Nevada Field Offices and Department of the Navy, Naval Air Station Fallon, Nevada

AGENCY: Bureau of Land Management, Department of the Interior and Naval Air Station Fallon, Nevada, Department of the Navy.

ACTION: Notice of availability of a draft environmental impact statement (EIS) for the Naval Air Station Fallon's proposed Fallon Range Training Complex Requirements.

Cooperating Agencies

Federal Aviation Administration, U.S. Fish and Wildlife Service, U.S. Forest Service, Bureau of Indian Affairs, Yomba Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Walker River Paiute Tribe, Nevada Division of Wildlife, Eureka, Lander, and Churchill County Commissions, and Kingston Town Board.

SUMMARY: Pursuant to section 102 (2) (C) of the National Environmental Policy Act (NEPA) and 40 CFR parts 1500–1508 Council on Environmental Quality Regulations (CEQ), notice is given that the Bureau of Land Management (BLM) Carson City and Battle Mountain, Nevada Field Offices and the Department of the Navy (Navy) Naval Air Station Fallon have jointly prepared, with the assistance of a third-party consultant, a Draft EIS on the proposed Fallon Range Training Complex Requirements, and has made the document available for public and agency review.

DATES: Comments will be accepted until October 13, 1999. Oral and/or written comments may also be presented at five public hearings, to be held:

September 8, 1999 (7–9pm)—Eureka Opera House, Eureka, NV

September 9, 1999 (7–9pm)—Austin Town Hall, Austin, NV

September 21, 1999 (7–9pm)—Gabbs Recreation Hall, Gabbs, NV

September 22, 1999 (7–9pm)—Fallon Convention Center, 100 Campus Way, Fallon, NV

September 23, 1999 (7–9pm)—BLM Nevada State Office, 1340 Financial Blvd, Reno, NV

ADDRESSES: Comments should be sent to: Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701, Attn: Terri Knutson, Project Manager. Comments may also be sent via electronic mail to the following address: tknutson@nv.blm.gov or via fax: (775) 885–6147. A limited number of copies of the Draft EIS may be obtained at the above BLM Field Office in Carson City, NV, as well as, BLM Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, NV 89820. In addition, the Draft EIS is available on the internet via the Carson City Field Office Home Page at: www.nv.blm.gov/carson.

Comments, including names and addresses of respondents, will be available for public review at the above address during regular business hours (7:30 a.m.–5 p.m.), Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. However, we will not consider anonymous comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Terri Knutson, Carson City BLM, at (775) 885–6156 or Gary Foulkes, Battle Mountain BLM, at (775) 635–4060, or Larry Jones, NAS Fallon, at (775) 426–2405.

SUPPLEMENTARY INFORMATION: The Naval Air Station Fallon completed the Fallon Range Training Complex Requirements Document in November 1998 which identifies and updates Navy training on public and Navy-owned lands in central Nevada. The requirements document

includes: Electronic Warfare, Airspace, Target Complex (B–16, B–17, B–19, B–20), Tracking/Communications, and Land Training.

This Draft EIS analyzes the environmental impacts associated with the proposed action, three action alternatives, and the no action alternative. Issues and resources analyzed in the Draft EIS include land use, airspace use, biological resources, geology, soils, and minerals, water resources, cultural resources, Native American Religious Concerns, visual resources, Environmental Justice and socioeconomics, recreation, grazing, wild horse and burros, air quality, noise, public safety and hazardous materials.

Public participation has occurred during the EIS process. A Notice of Intent was filed in the **Federal Register** on December 21, 1998, and an open scoping period was held until February 1999. Four public scoping meetings to solicit comments were held in January 1999 in Eureka, Austin, Fallon, and Reno, Nevada. All comments presented to the BLM and Navy throughout the EIS process have been considered.

To assist the BLM and Navy in identifying and considering issues and concerns regarding the proposed action and alternatives, comments on the Draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters in the document. Comments may address the adequacy of the Draft EIS and/or the merits of the alternatives formulated and discussed in the document.

After the comment period ends for the Draft EIS, comments will be analyzed and considered jointly by the BLM and the Navy in preparing the Final EIS.

Dated: July 29, 1999.

John Singlaub,

Manager, BLM Carson City.

Dated: July 28, 1999.

RADM T.R. Beard,

Commander, Naval Strike and Air Warfare Center Fallon.

[FR Doc. 99–20625 Filed 8–12–99; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF INTERIOR

Bureau of Land Management

[COC–57578; CO–200–1430–01]

Notice of Realty Action; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action, lease of public lands in gilpin county, colorado.

SUMMARY: The following described land is being considered for lease under the authority of Section 302 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1732), and 43 CFR Part 2920 at no less than appraised fair market rental:

6th Principal Meridian, Colorado

T. 3 S., R. 73 W., Section 13: SW¼NW¼ (2 parcels within) The two parcels, containing 0.94 acres, are isolated tracts of public land located within a parking facility owned by the City of Central, Colorado. This parking facility was developed by the City for use by gambling patrons. The parcels would be offered noncompetitively to the City under a 20-year renewable lease. Detailed information concerning the lease will be available upon request.

ADDRESSES: Bureau of Land Management, Royal Gorge Field Office, 3170 East Main Street, Canon City, Colorado 81212.

DATES: Interested parties may submit comments to the Field Office Manager at the above address until September 13, 1999.

FOR FURTHER INFORMATION CONTACT: Lindell Greer, Realty Specialist at (719) 269–8532.

SUPPLEMENTARY INFORMATION: Any adverse comments will be evaluated by the State Director, who may sustain, modify, or vacate this realty action.

Levi Deike,

Field Office Manager.

[FR Doc. 99–20935 Filed 8–12–99; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Submission for Office of Management and Budget Review; Comment Request; Extension

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of extension of a currently approved information collection.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), we are notifying you that MMS is planning to submit an information collection request to the Office of Management and Budget (OMB) to request an extension of a currently approved collection. Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on the proposed extension of an existing collection of information titled Directed Third-Party Communications Between Operators and Deliverers of Federal RIK Production to Strategic Petroleum Reserve (OMB Control Number 1010–0130).

DATES: Submit written comments on the collection of information by October 12, 1999.

ADDRESSES: Submit written comments on the collection of information to the Minerals Management Service, Royalty Management Program, Rules and Publications Staff, P.O. Box 25165, MS–3021, Denver, Colorado 80225–0165; courier address is Building 85, Room A613, Denver Federal Center, Denver, Colorado 80225; e:mail address is RMP.comments@mms.gov.

FOR FURTHER INFORMATION CONTACT: For questions concerning this collection of information, please contact Richard Winnor, RIK Study Team, telephone (202) 208–3118. You may also obtain copies of this collection of information by contacting MMS's Information Collection Clearance Officer at (202) 208–7744.

SUPPLEMENTARY INFORMATION:

Under the PRA, Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. Section 3506(c)(2)(A) of the PRA requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, MMS is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, MMS invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of MMS's functions, including whether the information will have practical utility; (2) the accuracy of MMS's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

In addition, the PRA requires agencies to estimate the total annual reporting

and recordkeeping ''cost'' burden to respondents or recordkeepers resulting from the collection of information. We need to know if you have costs associated with the collection of this information for either total capital and startup cost components or annual operation, maintenance, and purchase of service components. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, drilling, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

Title: Directed Third Party Communications Between Operators and Deliverers of Federal RIK Production to Strategic Petroleum Reserve—Extension.

OMB Control Number: 1010–0130.

Abstract: The Secretary of the Interior, under the Mineral Leasing Act (30 U.S.C. 192) and the Outer Continental Shelf Lands Act (43 U.S.C. 1353), is responsible for the management of royalties on minerals produced from leased Federal lands. MMS carries out these responsibilities for the Secretary. Most royalties are now paid in value—when a company or individual enters into a contract to develop, produce, and dispose of minerals from Federal lands, that company or individual agrees to pay the United States a share (royalty) of the full value received for the minerals taken from leased lands. MMS may take the Government's royalty in the form of production, that is, as royalty-in-kind (RIK).

On February 11, 1999, the Department of the Interior announced that it will assist in an Administration initiative to collect RIK crude oil production from Federal lessees in the Gulf of Mexico and transfer the RIK to the Department of Energy (DOE). DOE will use the RIK oil to refill 28 million barrels of oil removed several years ago from the Strategic Petroleum Reserve (SPR). DOE published a Request for Offers in April 1999 for the exchange of Federal RIK crude oil for oil to be delivered to the SPR. This initiative is separate from MMS's RIK program for eligible refiners of crude oil. It is also separate from MMS's three RIK pilot projects and investigation of direct Federal consumption which are being conducted to show whether or not RIK is viable for the Federal Government.

To assure timely delivery to DOE of MMS's correct volume of RIK production, MMS is issuing letters directing lessees and operators, from whose Federal leases RIK is to be taken, to carry out all necessary communications needed during the exchanges and deliveries. OMB granted emergency approval (OMB Control Number 1010–0130, expiration date November 30, 1999) for MMS to instruct lessees or their operators through such a letter, which contains reporting and recordkeeping requirements, to conduct all necessary communications with RIK exchange contractors during RIK SPR activities.

The three kinds of directed communication between operators and exchange contractors are: (1) information about the volumes, quality, and delivery dates of production being made available as RIK; (2) information correcting volumes, quality, and timing of delivery and acceptance of RIK production; and (3) information concerning transportation costs, if needed. Experience with RIK Pilots demonstrates that the directed communication requirements differ according to the needs of each situation. We had reasoned that, by obtaining approval for these three kinds of reporting requirements (as opposed to approval of a number of specific letters to operators), we could draft situation-specific letters—that is letters including only the types of directed communications needed for each pilot situation. This logic and the substance of the situation applies to the SPR situation also.

The types of communication and supporting data we will require operators to use in setting up the monthly delivery of RIK to the SPR are standard business practices in the oil and gas industry. The information in the directed communication is essential to the delivery and acceptance of verifiable quantities and qualities of oil and gas and is exchanged as a normal part of the conduct of those business activities, even when operators are not directed to do so. No proprietary information will be submitted to MMS under this collection. No items of a sensitive nature are collected. The requirement to respond is mandatory.

The PRA provides 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.

Burden Statement: The reporting burden is estimated to average 2 minutes per response including the time for reviewing the instructions. In calculating the burden, we assume that respondents perform many of the requirements and maintain records in the usual and customary course of their business activities.

Respondents/Affected Entities: Lessees or operators of Federal oil or gas leases participating in delivery of Federal RIK production to the SPR.

Frequency of Collection: Monthly.

Estimated Number of Respondents: 42 in Year 1; and 42 in Year 2.

Estimated Total Annual Burden on Respondents: 26 hours in Year 1; and 46 in Year 2.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach (202) 208–7744.

Dated: August 6, 1999.

Lucy Querques Denett,

Associate Director for Royalty Management.

[FR Doc. 99–20994 Filed 8–12–99; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

August 6, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Ira Mills ((202) 219–5096 ext. 143) or by E-Mail to Mills-Ira@dol.gov.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary

for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment Standards Administration.

Title: Application of the Polygraph Protection Act.

OMB Number: 1215–0170.

Frequency: On occasion.

Affected Public: Individuals or households; business or other for-profit, not-for-profit institutions.

Number of Respondents: 328,000.

Estimated Time Per Respondent: 15–90 minutes.

Total Burden Hours: 82,406.

Total Annualized capital/startup costs: $0.

Total annual costs (operating/maintaining systems or purchasing services): $0.

Description: These third-party notifications and recordkeeping requirements are necessary to insure polygraph examinees receive the protections and rights mandated by the Employee Polygraph Protection Act.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc 99–20996 Filed 8–12–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Trade Adjustment Assistance is soliciting comments concerning the proposed extension of data collection using Form ETA 563, Quarterly Determinations, Allowance Activities, and Reemployment Services Under the Trade Act.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee's section below on or before October 12, 1999.

ADDRESSES: Curtis K. Kooser, Information Specialist, Office of Trade Adjustment Assistance, Room C4318, 200 Constitution Ave., NW, Washington, DC 20210. Phone (202) 219–4845, ext. 111 (this is not a toll-free number), FAX (202) 218–5753.

SUPPLEMENTARY INFORMATION:

I. Background

The Trade Act of 1974, Section 236(d), as amended, requires the President to submit an annual report to the Congress on the trade agreements program which includes information on trade adjustment assistance for workers. The information from this collection of data is also used in the Secretary's annual report to Congress on training waivers granted and revoked, as required by Section 231(c)(3) of the Trade Act, as amended by the Omnibus Trade and Competitiveness Act of 1988. Furthermore, key workload data on the Trade Adjustment Assistance (TAA) and North American Free Trade Agreement Transitional Adjustment Assistance (NAFTA–TAA) programs are needed to measure program performance and to allocate program and administrative funds to State agencies administering the programs for the Secretary.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the Equality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

This is a notice of proposed extension of collection of information currently approved by OMB and assigned—

OMB Control No.: 1205–0016.

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: Quarterly Determinations, Allowance Activities, and Reemployment Services Under the Trade Act.

OMB Number: 1205–0016.

Affected Public: State or Local Government.

Cite/Reference/Form/etc: Form ETA 563.

Total Respondents: 52.

Frequency: Quarterly.

Total Responses: An average of about 4,275 responses are received each quarter, or about 17,100 per year.

Average Time per Response: The average time per response is estimated to be 12 minutes.

Estimated Total Burden Hours: 3,472.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: August 10, 1999.

Edward A. Tomchick,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 99–20995 Filed 8–12–99; 8:45 am]

BILLING CODE 4510–30–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, NW, Room S–3014, Washington , DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut
- CT990001 (Mar. 12, 1999)
- CT990002 (Mar. 12 1999)
- CT990003 (Mar. 12, 1999)
- CT990004 (Mar. 12, 1999)
- CT990005 (Mar. 12, 1999)

Volume II

District of Columbia
- DC990001 (Mar. 12, 1999)

Maryland
- MD990001 (Mar. 12, 1999)
- MD990002 (Mar. 12, 1999)
- MD990010 (Mar. 12, 1999)
- MD990011 (Mar. 12, 1999)
- MD990012 (Mar. 12, 1999)
- MD990017 (Mar. 12, 1999)
- MD990022 (Mar. 12, 1999)
- MD990031 (Mar. 12, 1999)
- MD990035 (Mar. 12, 1999)
- MD990036 (Mar. 12, 1999)
- MD990037 (Mar. 12, 1999)
- MD990043 (Mar. 12, 1999)
- MD990046 (Mar. 12, 1999)
- MD990048 (Mar. 12, 1999)
- MD990056 (Mar. 12, 1999)
- MD990057 (Mar. 12, 1999)
- MD990058 (Mar. 12, 1999)

Pennsylvania
- PA990008 (Mar. 12, 1999)
- PA990012 (Mar. 12, 1999)
- PA990015 (Mar. 12, 1999)
- PA990021 (Mar. 12, 1999)
- PA990023 (Mar. 12, 1999)
- PA990024 (Mar. 12, 1999)
- PA990028 (Mar. 12, 1999)
- PA990035 (Mar. 12, 1999)
- PA990040 (Mar. 12, 1999)
- PA990052 (Mar. 12, 1999)
- PA990063 (Mar. 12, 1999)

Virginia
- VA990025 (Mar. 12, 1999)
- VA990078 (Mar. 12, 1999)
- VA990092 (Mar. 12, 1999)
- VA990099 (Mar. 12, 1999)

West Virginia
- WV990002 (Mar. 12, 1999)
- WV990003 (Mar. 12, 1999)

Volume III

None

Volume IV

None

Volume V

Iowa
- IA990005 (Mar. 12, 1999)
- IA990009 (Mar. 12, 1999)
- IA990013 (Mar. 12, 1999)
- IA990016 (Mar. 12, 1999)
- IA990024 (Mar. 12, 1999)
- IA990080 (Mar. 12, 1999)

Kansas
- KS990002 (Mar. 12, 1999)

Oklahoma
- OK990013 (Mar. 12, 1999)
- OK990014 (Mar. 12, 1999)
- OK990016 (Mar. 12, 1999)
- OK990017 (Mar. 12, 1999)
- OK990028 (Mar. 12, 1999)
- OK990034 (Mar. 12, 1999)
- OK990035 (Mar. 12, 1999)
- OK990036 (Mar. 12, 1999)
- OK990037 (Mar. 12, 1999)
- OK990038 (Mar. 12, 1999)
- OK990043 (Mar. 12, 1999)

Texas
- TX990005 (Mar. 12, 1999)
- TX990007 (Mar. 12, 1999)

VOLUME VI

Montana
- MT990001 (Mar. 12, 1999)

VOLUME VII

Hawaii
- HI990001 (Mar. 12, 1999)

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 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC, 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC, this 6th day of August, 1999.

Margaret J. Washington,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 99–20653 Filed 8–12–99; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–3–93]

Factory Mutual Research Corporation, Expansion of Recognition

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

ACTION: Notice.

SUMMARY: This notice announces the Agency's final decision on the application of Factory Mutual Research Corporation (FMRC) for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

EFFECTIVE DATE: This recognition becomes effective on August 13, 1999 and, unless modified in accordance with 29 CFR 1910.7, continues in effect while FMRC remains recognized by OSHA as an NRTL.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, DC 20210, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

The Occupational Safety and Health Administration (OSHA) hereby gives notice of the expansion of recognition of Factory Mutual Research Corporation (FMRC) as a Nationally Recognized Testing Laboratory (NRTL). FMRC's expansion request covers the use of additional test standards. OSHA recognizes an organization as an NRTL, and processes applications related to such recognitions, following requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Appendix A to this section requires that OSHA publish this public notice of its final decision on an application.

FMRC submitted a request, dated October 8, 1998 (see Exhibit 7A), to expand its recognition as an NRTL to include four (4) additional test standards. Then it submitted a request, dated November 18, 1998 (see Exhibit 7B), to expand its recognition for one more test standard. OSHA published the required notice in the **Federal Register** (64 FR 18939, 4/16/99) to announce the application. The notice included a preliminary finding that FMRC could meet the requirements for expansion of its recognition, and OSHA invited public comment on the application by June 15, 1999. OSHA received no comments concerning this application.

FMRC's previous application as an NRTL covered its renewal of recognition as an NRTL (60 FR 16167, 3/29/95), which OSHA granted on August 16, 1995 (60 FR 42590).

You may obtain or review copies of all public documents pertaining to the application by contacting the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2625, Washington, DC 20210, telephone: (202) 693–2350. You should refer to Docket No. NRTL–3–93, the permanent records of public information on the FMRC recognition.

The current addresses of the testing facilities (sites) that OSHA recognizes for FMRC are:

Factory Mutual Research Corporation, 1151 Boston-Providence Turnpike, Norwood, Massachusetts 02062

Factory Mutual Research Corporation, 743 Reynolds Road, West Gloucester, Rhode Island 02814

Final Decision and Order

The NRTL Program staff has examined the application and other pertinent information, and the assessment staff recommended, in a memo dated February 10, 1999 (see Exhibit 8), expansion of FMRC's recognition to include the additional test standards listed below. Based upon this examination and recommendation, OSHA finds that FMRC has met the requirements of 29 CFR 1910.7 for expansion of its recognition to use the additional 5 test standards, subject to the limitations and conditions listed below. Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the recognition of FMRC, subject to these limitations and conditions. As is the case for any NRTL, FMRC's recognition is further limited to equipment or materials (products) for which OSHA standards require third party testing and certification before use in the workplace.

Limitations

OSHA hereby expands the recognition of FMRC for testing and certification of products to demonstrate compliance to the following 5 standards. OSHA has determined that each standard meets the requirements for an appropriate test standard prescribed in 29 CFR 1910.7(c).

ANSI/UL 1950 Information Technology Equipment Including Electrical Business Equipment

FMRC 2000 Automatic Sprinklers for Fire Protection

FMRC 2008 Early Suppression-Fast Response (ESFR) Automatic Sprinklers

FMRC 3260 Flame Radiation Detectors for Automatic Fire Alarm Signaling

FMRC 3990 Less or nonflammable Liquid-Insulated Transformers

The NRTL Program staff verified the designations and titles of the above test standards at the time of preparation of the notice of the preliminary finding. Also, the FMRC 3990 test standard was incorrectly listed as FMRC 3900 in the preliminary notice.

Conditions

Factory Mutual Research Corporation must also abide by the following conditions of the recognition, in addition to those already required by 29 CFR 1910.7:

OSHA must be allowed access to FMRC's facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If FMRC has reason to doubt the efficacy of any test standard it is using under this program, it must promptly inform the organization that developed

the test standard of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

FMRC must not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, FMRC agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

FMRC must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major changes in its operations as an NRTL, including details;

FMRC will continue to meet all the terms of its recognition and will always comply with all OSHA policies pertaining to this recognition;

FMRC will continue to meet the requirements for recognition in all areas where it has been recognized; and

FMRC will always cooperate with OSHA to assure compliance with the spirit as well as the letter of its recognition and 29 CFR 1910.7.

Signed at Washington, DC this 3rd day of August, 1999.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 99–20997 Filed 8–12–99; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. NRTL–4–93]

Underwriters Laboratories Inc., Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces the application of Underwriters Laboratory Inc. (UL), for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

DATES: Comments submitted by interested parties must be received no later than October 12, 1999.

ADDRESSES: Send comments concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3653, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Bernard Pasquet, Office of Technical Programs and Coordination Activities at the above address, or phone (202) 693–2110.

SUPPLEMENTARY INFORMATION:

Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Underwriters Laboratories Inc. (UL), has applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). UL's expansion covers the use of additional testing sites. OSHA recognizes an organization as an NRTL and processes applications related to such recognitions following requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Appendix A to this section requires that OSHA publish this notice of the preliminary finding on an application.

UL's previous application as an NRTL covered an expansion of recognition (62 FR 62359, 11/21/97), which OSHA granted on June 24, 1999 (64 FR 33913).

The current addresses of the testing facilities (sites) that OSHA already recognizes for UL are:

Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook, Illinois 60062

Underwriters Laboratories Inc., 1285 Walt Whitman Road, Melville, Long Island, New York 11747

Underwriters Laboratories Inc., 1655 Scott Boulevard, Santa Clara, California 95050

Underwriters Laboratories Inc., 12 Laboratory Drive, P.O. Box 13995, Research Triangle Park, North Carolina 27709

Underwriters Laboratories Inc., 2600 NW Lake Road, Camas, Washington 98607

UL International Limited, Veristrong Industrial Centre, Block B, 14th Floor, 34 Au Pui Wan Street, Fo Tan Sha Tin, New Territories, Hong Kong

UL International Services, Ltd., Taiwan Branch, 4th Floor, 260 Da-Yeh Road, Pei Tou District, Taipei, Taiwan

The current addresses of the additional UL testing sites covered by the expansion request are:

DEMKO A/S, Lyskaer 8, P.O. Box 514, DK–2730, Herlev, Denmark

Underwriters Laboratory International (U.K.) Ltd., 2 Station View, Guildford, Surrey, GU1 4JY, United Kingdom

Underwriters Laboratory International Italia S.r.l., Centro Direzionale Colleoni, Palazzo Andromeda/3, 1–20041 Agrate Brianza (MI), Milan, Italy

General Background on the Application and Note on Supplemental Programs

UL has submitted a request, dated March 4, 1998 (see Exhibit 19A), to expand its recognition as an NRTL to include three sites in Europe. UL then submitted supporting information concerning its request (see Exhibits 19B-D) and requested the use of all the ''supplemental'' programs at each of the 3 sites (see Exhibit 19E). The supporting information that UL has submitted for these additional sites provides a general description of UL operations and, as such, also applies to the sites already recognized by OSHA. Each of the three European sites is a subsidiary of UL. The site in Milan also includes a testing facility in Sardinia, Italy.

OSHA's recognition of the three additional sites will not be limited to any particular test standards. However, recognition of these sites will be limited to performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for which OSHA has recognized UL. This treatment is consistent with the recognition that OSHA has granted to other NRTLs that operate multiple sites. Also, OSHA will permit these sites to use of all eight of the ''supplemental'' programs. OSHA has already recognized UL for these programs and, as a result, we are not listing them again in this notice, but merely providing this information as a matter of public interest.

OSHA has described the supplemental programs referred to above in a March 9, 1995 **Federal Register** notice (60 FR 12980, 3/9/95). This notice described nine (9) programs and procedures (collectively, programs), eight of which an NRTL may use to control and audit, but not actually to generate, the data relied upon for product certification. The notice also includes the criteria for the use by the NRTL of these eight, or supplemental, programs. An NRTL's initial recognition will always include the first or basic program, which requires that all product testing and evaluation be performed in-house by the NRTL that will certify the product. OSHA developed the program descriptions to limit how an NRTL may perform certain aspects of its work and to permit the activities only when the

NRTL meets certain criteria. In this sense, they are special conditions that the Agency places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition, or for an expansion or renewal of recognition, under 29 CFR 1910.7.

Preliminary Finding on the Application

UL has submitted an acceptable request for expansion of its recognition as an NRTL. In connection with these requests, OSHA carried out on-site reviews of the three sites covered by the expansion request during the period of September 14–29, 1998. Discrepancies noted by the review team during the on-site reviews were responded to following their completion and are included as an integral part of the on-site review report (see Exhibits 20). With the preparation of the final review report, the NRTL Program staff is satisfied that UL has addressed concerns arising from the review. In the report, the staff recommended that OSHA expand the recognition of UL to include the three (3) additional sites listed above. The staff also recommended that these sites be permitted to use all the supplemental programs.

Following a review of the application file and the on-site review report, the NRTL Program staff concluded that UL appeared to have met the requirements for the expansion of recognition to include the three (3) additional sites listed above. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved. This recognition will be limited to UL utilizing the additional sites for performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for which OSHA has recognized UL.

Based upon a review of the complete application, and the recommendations of the staff, the Assistant Secretary has made a preliminary finding that Underwriters Laboratory Inc., can meet the requirements as prescribed by 29 CFR 1910.7 for the expansion of its recognition to include the three additional sites listed above, subject to the above limitation. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comments, in sufficient detail, as to whether UL has met the requirements of 29 CFR 1910.7 for expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comment should consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see **ADDRESS**), no later than the last date for comments (see **DATES** above). You may obtain or review copies of UL's requests, the supporting information, the on-site review report, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL–4–93, the permanent records of public information on UL's recognition.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant UL's expansion request. The Assistant Secretary will make the final decision on granting the expansion and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR Section 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, D.C. this 3rd day of August, 1999.

Charles N. Jeffress,

Assistant Secretary.

[FR Doc. 99–20998 Filed 8–12–99; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL SCIENCE FOUNDATION

Committee Management; Notice of Establishment

The Director of the National Science Foundation has determined that the establishment of the Public Affairs Advisory Group is necessary and in the public interest in connection with the performance of duties imposed upon the National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of Committee: Public Affairs Advisory Group (PAAG).

Purpose: The Group's objective is twofold. First, the Group will assess NSF's current public affairs programs, strategies and goals aimed at improving public understanding and appreciation of science and engineering research and education. Second, the Group will advise NSF on strategies and mechanisms for strengthening NSF's public affairs programs in the future. This includes help in building strategic partnerships between NSF and the private sector that will amplify the agency's public affairs programs.

Balanced Membership Plans. Members are broadly representative of communications and public affairs professions—public relations, print and broadcast journalism, science and technology publishing, science policy analysis, science and technology education and outreach, and entertainment—and engineering and science professionals successful in making science and technology accessible to large publics. Stature and familiarity with NSF and its programs are considered in selecting committee members. Every effort is made to achieve a balanced membership with representation including women, minority members, disabled persons as well as different geographic regions in the U.S. About 20 individuals will serve on this committee.

Responsible NSF Official: Susan Chase, Acting Section Head, Special Projects, Office of Legislative and Public Affairs, Room 1245, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, telephone, (703) 306–1070.

Dated: August 10, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–21065 Filed 8–12–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–397]

Energy Northwest, Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Energy Northwest (the licensee), formerly known as the Washington Public Power Supply System, to withdraw its October 15, 1996, application for proposed amendment to Facility Operating License No. NPF–21 for WNP–2, located in Benton County, Washington.

The proposed amendment would have revised the facility technical specifications pertaining to secondary containment drawdown time and secondary containment bypass leakage.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on September 23, 1998 (63 FR 50942). However, by letter dated July 16, 1999, the licensee withdrew the proposed change and stated that they planned to revise and resubmit the amendment request by November 12, 1999.

For further details with respect to this action, see the application for amendment dated October 15, 1999, as supplemented by letters dated December 4, 1997, April 12, 1999, and June 10, 1999, and the licensee's letter dated July 16, 1999, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Richland Public Library, 955 Northgate Street, Richland, Washington 99352.

Dated at Rockville, MD, this 4th day of August 1999.

For the Nuclear Regulatory Commission.

Jack Cushing,

Project Manager, Section 2, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–21055 Filed 8–12–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–298]

Nebraska Public Power District; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Nebraska Public Power District to withdraw its August 6, 1998, application for proposed amendment to Facility Operating License No. DPR–46 for the Cooper Nuclear Station, located in Nemaha County, Nebraska.

The proposed amendment would have revised the Updated Safety Analysis Report to reflect the as-built configuration of the reactor building isolation dampers.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on August 26, 1998 (63 FR 45526). However, by letter dated August 2, 1999, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated August 6, 1998, and the licensee's letter dated August 2, 1999, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Auburn Memorial Library, 1810 Courthouse Avenue, Auburn, NE 68305.

Dated at Rockville, Maryland, this 6th day of August 1999.

For The Nuclear Regulatory Commission

S. Patrick Sekerak,

Project Manager, Section 1, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–21056 Filed 8–12–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–277 and 50–278]

PECO Energy Co., Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. DPR–44 and DPR–56, issued to PECO Energy Company (the licensee), for operation of the Peach Bottom Atomic Power Station (PBAPS) Units 2 and 3, located in York County, Pennsylvania.

The proposed amendments would revise the Technical Specifications (TSs) contained in Appendix A to the Operating Licenses to incorporate a note into the TSs which will permit a one-time exemption, until September 30, 1999, from the 90 °F limit stated in Surveillance Requirement (SR) 3.7.2.2. This SR currently requires that the average water temperature of the normal heat sink be less than or equal to 90 °F as demonstrated on a 24-hour frequency. As stated in the proposed TS note, during the time period between approval and September 30, 1999, the average water temperature of the normal heat sink will be limited to less than or equal to 92 °F.

The licensee requested that these proposed amendments be processed as an exigent request pursuant to 10 CFR 50.91(a)(6) to permit implementation during this summer. The licensee's basis for the exigent request is as follows: ''On August 1, 1999 at approximately 1500 hours, the normal heat sink temperature for the intake of Units 2 and 3 reached 89 °F. Based on the current and projected low rainfall conditions, above normal atmospheric temperatures, and below normal precipitation, the Conowingo Pond (Normal Heat Sink) temperature is expected to approach and/or exceed 90 °F on a periodic basis resulting in the failure to meet Technical Specification SR 3.7.2.2. This would require PBAPS, Units 2 and 3 to enter into Mode 3 [hot shutdown] operation within 12 hours and Mode 4 [cold shutdown] operation within 36 hours.

On July 18, 1999, the normal heat sink temperature reached 86 °F, which is four (4) degrees below the TS limit of 90 °F. At that time, PBAPS Engineering began to identify the design basis impacts of the increased cooling water temperatures, analyze the environmental conditions that impact the normal heat sink temperature, and develop the analysis which would support continued safe plant operation at elevated cooling water temperatures. Throughout this period, up to the submittal of this exigent license change, significant resources have been committed to performing engineering analysis and preparing related documents, reviews of the analysis by on-site and off-site review groups, and preparation of the license amendment package itself.

Shutdown of the plants would cause undue stress on the regional electrical grid which could potentially destabilize power flow to all customers and to the PBAPS offsite sources. During two periods in the month of July (July 6 and 19, 1999), energy demands resulted in voltage reduction situations. Loss of the PBAPS, Units 2 and 3, capacity during a period in which energy is needed most, could result in a load shedding situation. Additionally, the unforeseen weather conditions resulting in the recent abnormally high normal heat sink temperature did not permit the submittal of this change under the normal license amendment process.'' Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR

50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because the probability of a Loss of Coolant Accident is independent of an increase in the normal heat sink temperature limit. The increase in the heat sink temperature does not affect any accident or transient initiators. The engineering analysis discussed has determined that ESW[Emergency Service Water]/HPSW[High Pressure Service Water] systems remain capable of their design safety functions at the increased normal heat sink temperature and will not impact the consequences of evaluated accidents.

2. The proposed TS changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated because the requested change is increasing the heat sink temperature limit, and this in and of itself does not create the possibility of a new or different kind of accident. Increasing the heat sink temperature does not introduce any new accident initiator. Additionally, this change will not introduce any new failure mechanisms.

3. The proposed TS changes do not involve a significant reduction in a margin of safety.

The proposed changes do not involve a significant reduction in a margin of safety, because the PBAPS, Units 2 and 3 ESW/HPSW heat exchangers have been analyzed using current plant conditions and performance data. This analysis has concluded that the ESW/HPSW systems will continue to be capable of performing their design bases heat removal functions with normal heat sink temperature as high as 92 °F. In order to maintain the margin of safety with a higher normal heat sink temperature, the performance of the equipment must be better than assumed in the design basis analyses. The actual performance of the affected heat exchangers is better than assumed in the accident analyses. Using the actual performance capability of the equipment, based on the most recent plant data and trending, more than compensates for the increased normal heat sink temperature. Additionally, many design calculations used a Normal Heat Sink temperature of 95 °F with minimum torus water level. Also, the containment heat-up analysis was performed with conservatisms including a decay heat input which is based on a rated power level which is nominally 5% above the maximum licensed operating power level. These are examples of additional conservative assumptions which remain in the analysis. Therefore, the increase in normal heat sink temperature does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment requests involve no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 14-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, US Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 13, 1999, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available 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 Government Publications Section, State Library of Pennsylvania (Regional Depository), Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the

bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendments are issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment requests involve no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the amendment requests involve a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, US Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, US Nuclear Regulatory Commission, Washington, DC 20555–0001, and to J. W. Durham, Sr., Esquire, Sr. VP and General Counsel, PECO Energy Company, 2301 Market Street, Philadelphia, PA 19101, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated August 6, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, and at the local public document room, located at the Government Publications Section, State Library of Pennsylvania, (Regional Depository) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, PA 17105.

Dated at Rockville, Maryland, this 9th day of August 1999.

For the Nuclear Regulatory Commission.

Bartholomew C. Buckley,

Senior Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–21053 Filed 8–12–99; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–259]

Tennessee Valley Authority; (Browns Ferry Nuclear Plant Unit 1); Exemption

I.

The Tennessee Valley Authority (TVA or the licensee) is the holder of Facility Operating License No. DPR–33 for operation of the Browns Ferry Nuclear Plant (BFN) Unit 1. The license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the US Nuclear Regulatory Commission (Commission or NRC) now or hereafter in effect.

BFN is a boiling-water reactor located in Limestone County, Alabama.

II.

By letter dated February 2, 1999, TVA submitted a request for exemption from certain requirements in Title 10 of the Code of Federal Regulations (10 CFR). 10 CFR 50.65(a)(1) requires, in part, that holders of operating licenses granted under 10 CFR 50.21(b) or 10 CFR 50.22 shall monitor the performance or condition of structures, systems, or components (SSCs) against licensee-established goals to provide reasonable assurance that such SSCs as defined in paragraph (b) are capable of fulfilling their intended functions. Such goals shall be established commensurate with safety and, where practical, take into account industry-wide operating experience. When the performance or condition of a structure, system, or component does not meet established goals, appropriate corrective action shall be taken. Additionally, paragraph (b) of the rule, states that, ''The scope of the monitoring program specified in paragraph (a)(1) of this section shall include safety related and non-safety related structures, systems, and components as follows:

''(1) Safety related structures, systems, and components that are relied upon to remain functional during and following design basis events to ensure the integrity of the reactor coolant pressure boundary, the capability to shut down the reactor and maintain it in a safe shutdown condition, or the capability to prevent or mitigate the consequences of accidents that could result in potential offsite exposure comparable to the guidelines in (subsection) 50.34(a)(1) or (subsection) 100.11 of this chapter, as applicable.''

''(2) Non-safety related structures, systems, or components: (i) That are relied upon to mitigate accidents or transients or are used in plant emergency operating procedures (EOPs); or (ii) Whose failure could prevent safety related structures, systems, or components from fulfilling their safety related function; or (iii) Whose failure could cause a reactor scram or actuation of a safety related system.''

III.

Section 50.12(a) of 10 CFR, ''Specific exemptions,'' states that:

> The Commission may, upon application by any interested person, or upon its own initiative, grant exemptions from the requirements of the regulations of this part, which are (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. (2) The Commission will not consider granting an exemption unless special circumstances are present.

Section 50.12(a)(2)(ii) of 10 CFR states that special circumstances are present when ''Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. . . .''

The licensee's request for exemption under the special circumstances of 10 CFR 50.12(a)(2)(ii) was found to be appropriate. Application of the regulation is not necessary to achieve the underlying purpose of the rule for the reasons stated in the staff Safety Evaluation, dated August 9, 1999.

Pursuant to 10 CFR 51.32, the Commission has determined that granting of this exemption will have no significant effect on the quality of the human environment (64 FR 43228).

This exemption is effective upon issuance.

Dated at Rockville, MD, this 9th day of August 1999.

For the Nuclear Regulatory Commission.

Suzanne C. Black,

Deputy Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–21054 Filed 8–12–99; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

OMB Circular A–127, ''Financial Management Systems''

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

ACTION: Final revision.

SUMMARY: The Office of Management and Budget (OMB) is adopting the interim final revision to OMB Circular A–127, ''Financial Management Systems,'' that changes the process for acquiring software to meet core financial system requirements by eliminating the restriction to only acquire the software and related services from the FMSS Schedule, and to provide for software testing that is independent of the procurement process. These changes will result in the revision of Sections 8d and 9b, as well as adding a new Section 9a(3) and 9c. These changes are shown below.

DATES: Effective September 13, 1999.

FOR FURTHER INFORMATION CONTACT: Jean Holcombe, Federal Financial Systems Branch, Office of Federal Financial Management, Office of Management and Budget, (202) 395–3993. The revisions to the Circular are available on the OMB Home Page at http://www.whitehouse.gov/OMB.

SUPPLEMENTARY INFORMATION: On July 1, 1999 (64 FR 35701), the Office of Management and Budget (OMB) issued an interim final revision to OMB Circular A–127, ''Financial Management Systems.'' The interim final revision made changes to Sections 8d and 9b, as well as adding a new Section 9a(3) and 9c to Circular A–127, in order to eliminate the restriction to only acquire the software and related services from the FMSS Schedule, and to provide for software testing that is independent of the procurement process. No comments were received in response to the interim final revision. Accordingly, OMB is adopting in final form, without change, the interim final revision to Circular A–127 which was published at 64 FR 35701 on July 1, 1999.

Issued in Washington, DC, August 9, 1999.

Norwood J. Jackson, Jr.,

Acting Controller.

OMB Revises Circular A–127 as Follows

1. *Section 8d of the current Circular should be deleted in its entirety and replaced with the following:*

8d(1). *Use of ''Off-the-Shelf'' Software.* Agencies replacing software to meet core financial system requirements are required to use the GSA FMSS Multiple Award Schedule until its expiration on September 30, 1999. As of October 1, 1999 agencies replacing software to meet core financial system requirements are no longer required to use the GSA FMSS Multiple Award Schedule; they must use ''off-the-shelf'' software that has been tested and certified through the JFMIP software certification process as meeting JFMIP Core Financial Management System Requirements. Agencies may purchase this software using the strategy and procurement vehicle they believe will best enable them to meet their needs in a timely and effective manner following the competition requirements associated with the procurement vehicle being used to conduct the acquisition.

In addition, agencies will notify JFMIP that a core financial management software procurement is planned—preferably prior to, or in the early phases of, acquisition planning. JFMIP will electronically post a public message to permit interested certified system vendors to market agencies. The sole purpose of this message is to facilitate agency market research. This message is not intended to, and shall not, serve as an invitation for offerors to submit bids, proposals, or quotes.

OMB policy pertaining to using ''off-the-shelf'' software is contained in OMB Circular A–130 and must be followed when replacing financial management systems.

8d(2). *Software Certification Testing.* ''Off-the-shelf'' software will be tested to ensure that it meets core financial system requirements as defined in the *Core Financial System Requirements* document published by JFMIP. JFMIP will coordinate the testing process and issue software certifications. Information on the details of the certification testing process and its results will be available to any interested Federal agency for any certified software package.

2. *A new section 9a(3) is being added to the current Circular as follows:*

9a.(3). *Notify JFMIP on Plans to Acquire Core Financial System Software.* Agencies shall notify JFMIP on plans to acquire software supporting core financial system functions.

3. *Section 9b of the current Circular is revised to read as follows:*

9b. *GSA Responsibilities.* GSA is responsible for continuing to support existing contracts under the FMSS Schedule until their completion. GSA also will make procurement vehicles available to agencies for acquiring software which has been certified according to the processes in Section 8d(2).

4. *A new Section 9c is being added and will read as follows:*

9c. *JFMIP Responsibilities.* JFMIP will establish processes for testing ''off-the-shelf'' software supporting core financial system requirements which include:

—Developing and administering the certification test.

—Notifying GSA when a software package successfully completes the certification test.

—Providing interested parties with information on the core financial system requirements and their related testing scenarios.

—Providing interested parties with details on the results of the certification tests for certified software packages.

—Posting a public notice on planned core financial system procurements.

[FR Doc. 99–20930 Filed 8–12–99; 8:45 am]

BILLING CODE 3110–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published

elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in August, 1999. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in September, 1999.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in August 1999 is 5.08 percent (*i.e.*, 85 percent of the 5.98 percent yield figure for July 1999).

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between September 1998 and August 1999.

For premium payment years beginning in	The assumed interest rate is
September 1998	4.71
October 1998	4.42
November 1998	4.26
December 1998	4.46
January 1999	4.30
February 1999	4.39
March 1999	4.56
April 1999	4.74
May 1999	4.72
June 1999	4.94
July 1999	5.13
August 1999	5.08

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in September 1999 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 6th day of August, 1999.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 99–20926 Filed 8–12–99; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: SF 2823

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a revised information collection. SF 2823, Designation of Beneficiary for Federal Employees' Group Life Insurance, is used by any Federal employee or retiree covered by the Federal Employees' Group Life Insurance Program to instruct the Office of Federal Employees' Group Life Insurance how to distribute the proceeds of his or her life insurance when the statutory order of precedence does not meet his or her needs.

Comments are particularly invited on:

—Whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility;

—Whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology;

—And ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

We estimate 1,000 SF 2823 forms are completed annually by annuitants. Each form takes approximately 15 minutes to complete for an annual estimated burden of 250 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov

DATES: Comments on this proposal should be received on or before October 12, 1999.

ADDRESSES: Send or deliver comments to—Laura Lawrence, Senior Insurance Benefits Specialist, Insurance Planning & Evaluation Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3415, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Cyrus S. Benson, Senior Management Analyst, Budget & Administrative Services Division, (202) 606–0623. Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 99–20969 Filed 8–12–99; 8:45 am]

BILLING CODE 6325–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised Information Collection: RI 25–15

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of a revised information collection. RI 25–15, Notice of Change in Student's Status, collects information from adult children of deceased Federal employees or annuitants to assure that the child continues to be eligible for payments from OPM.

Approximately 2,500 certifications are processed annually. Each form takes approximately 30 minutes to complete. The annual estimated burden is 1,250 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before September 13, 1999.

ADDRESSES: Send or deliver comments to—

Ronald W. Melton, Chief Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management 1900 E Street, NW, Room 3349, Washington, DC 20415–3540

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW Room 10235, Washington, DC 20503

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Phyllis R. Pinkney, Management Analyst, Budget & Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 99–20968 Filed 8–12–99; 8:45 am]

BILLING CODE 6325–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Service, Washington, DC 20549

Extension:

Rule 10b–17, SEC File No. 270–427, OMB Control No. 3236/5–0476

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 10b–17, Untimely announcements of record dates (17 CFR 240.10b–17).

Rule 10b–17 requires any issuer of a class of securities publicly traded by the use of any means or instrumentality of interstate commerce or of the mails or of any facility of any national securities exchange to give notice of the following actions relating to such class of securities: (1) a dividend; (2) a stock split; or (3) a rights or other subscriptions offering. Notice shall be (1) given to the National Association of Securities Dealers, Inc.; (2) in accordance with the procedures of the national securities exchange upon which the securities are registered; or (3) may be waived by the Commission.

The information required by Rule 10b–17 is necessary for the execution of the Commission's mandate under the Exchange Act to prevent fraudulent, manipulative, and deceptive acts and practices by broker-dealers. The consequences of not requiring the information collection pursuant to Rule 10b–17 is that sellers who have received distributions as recordholders may dispose of the cash or stock dividends or other rights received as recordholders without knowledge of possible claims of purchasers.

Annually, there are approximately 29,430 respondents (based on information received from the NASD that it received 15,586 responses in 1998 and the NYSE that it received 13,847 responses in 1998). It is estimated that each response takes about 10 minutes (or 0.1666 hours) to complete, thus imposing approximately 4,905 burden hours annually (29,430 x 0.1666). We believe that the average hourly cost to produce and file a response under the rule is about $50. Therefore, the annual reporting cost burden for complying with this rule is about $245.250 (4,940 x $50).

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 control number. Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, N.W., Washington, DC 20549.

Dated: August 5, 1999.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc 99–20920 Filed 8–12–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of August 16, 1999.

A closed meeting will be held on Tuesday, August 17, 1999 at 11 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters will be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Johnson, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 17, 1999, at 11 a.m., will be:

Institution and settlement of injuctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

Commissioner Johnson, as duty officer, determined that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: August 10, 1999.

Jonathan G. Katz,

Secretary.

[FR Doc. 99–21170 Filed 8–11–99; 2:24 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41715; SR–GSCC–99–03]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to the Acceptance of Letters of Credit as Clearing Fund Collateral

August 6, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on May 3, 1999, Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') and on May 24, 1999, amended the proposed rule change [File No. SR–GSCC–99–03] as described in Items I, II, and III below, which items have been prepared primarily by GSCC. 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 purpose of the proposed rule change is to replace GSCC's current letter of credit form with a letter of credit form developed by the Unified Clearing Group.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC 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. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

GSCC's Rule 4, Section 4, permits GSCC to accept letters of credit (in addition to cash and eligible netting securities) as clearing fund collateral. GSCC's rules define ''eligible letter of credit'' as a letter of credit that is, among other things, ''in a form, and contains such other terms and conditions, as may be required by the Corporation.'' GSCC has determined that as of September 1, 1999, a letter of credit delivered to GSCC as clearing fund collateral must be in the form of the uniform letter of credit (''ULC'') developed by the Unified Clearing Group (''UCG''). The UCG is an organization comprised of all major securities and futures clearing corporations and despositories in the United States.[4]

The ULC was developed to (i) foster uniformity among the various U.S. securities and futures clearing organizations with respect to letters of credit that are deposited as collateral, (ii) reduce operational burdens for industry participants and their letter of credit issues, and (iii) enhance the legal certainty that letters of credit received by UCG members as collateral will be enforceable. In developing, the ULC, the UCG consulted with the National Standby Letter of Credit Commerce of International Financial Services Association (formerly known as the U.S. Council on International Banking) and several letter of credit issuing banks.

The ULC consists of a (i) a cover page with variable terms and (ii) uniform terms. Variable terms include the name of the clearing member, the beneficiary clearing organization, the issuing bank, the amount of the credit, and the expiration date. General instructions drafted by the UCG assist clearing organization members in completing the ULC. In addition, GSCC has provided supplemental instructions to assist members specifically with letters of credit furnished to GSCC.

According to GSCC, the ULC provides that the presentment of a demand for payment can be accomplished at the discretion of the clearing corporation by hand delivery, facsimile transmission, and SWIFT. If the demand is made before 3:00 p.m. Central time, the bank issuing the letter of credit must effect payment within sixty minutes.

The uniform letter of credit also recites certain understandings regarding the issuing bank's obligation to honor a demand. GSCC states that these understandings restate the existing principles governing letters of credit and were added to reduce the likelihood of dispute. For example, the uniform letter of credit provides that payment will be made regardless of the solvency, existence, or condition (financial or other) of the GSCC member.

The proposed rule change will also amend GSCC's definition of ''eligible letter of credit'' to conform it with the uniform letter of credit.

It is expected that from time to time modifications will be made to the ULC by the UCG. If and when that occurs, GSCC will require its members to use the revised form.[5] Other UCG members that accept letters of credit as margin also will use the ULC beginning sometime during calendar year 1999.[6]

GSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because, among other things, it will promote the prompt and accurate clearance and settlement of transactions in securities by facilitating processing and will foster cooperation within the financial community.

B. Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Burden on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments on the proposed rule change were solicited or received. GSCC will notify the Commission of any written comments it receives.

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 the self-regulatory organization consents, the Commission will:

(a) by order approve the proposed rule change, or

[1] 15 U.S.C. 78s(b)(1).

[2] GSCC attached a copy of the uniform letter of credit as Exhibit A to the filing.

[3] The Commission has modified the text of the summaries prepared by GSCC.

[4] The members of the UCG include the Boston Stock Exchange Clearing Corporation, The Depository Trust Company, GSCC, MBS Clearing Corporation, National Securities Clearing Corporation, The Options Clearing Corporation, Board of Trade Clearing Corporation, Chicago Mercantile Exchange, Clearing Corporation of New York, Kansas City Board of Trade, Minneapolis Grain Exchange, New York Mercantile Exchange, Emerging Markets Clearing Corporation, and Clearing Corporation for Options and Securities.

[5] GSCC will file proposed rule changes with the Commission prior to requiring members to comply with substantive changes made to the ULC by the UCG.

[6] See Securities Exchange Act Release No. 41486 (June 7, 1999), 64 FR 31889 (June 14, 1999) [File No. SR–OCC–99–01]. The National Securities Clearing Corporation and MBS Clearing Corporation have also filed proposed rule changes with the Commission [File Nos. SR–NSCC–99–05 and SR–MBSCC–99–05].

(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, NW, Washington, DC 20549–0609. 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 GSCC. All submissions should refer to File No. SR–GSCC–99–03 and should be submitted by September 3, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–21043 Filed 8–12–99; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41717; SR–MDSCC–99–05]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing of Proposed Rule Change Relating To Acceptance of Letters of Credit

August 6, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on June 25, 1999, MBS Clearing Corporation (''MBSCC'') 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 MBSCC. 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 purpose of the proposed rule change is to modify MBSCC's rule regarding letters of credit accepted for clearing fund purposes to facilities implementation of the uniform letter of credit developed by the Uniform Clearing Group.[2]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MBSCC 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. MBSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Article IV, Rule 2, Section 9 of MBSCC's rules governs deposits of letters of credit by participants to the participants' fund for margin purposes. Currently, the rule requires participants to amend letters of credit expiring on September 1 by extending the expiration date to March 1 of the following year, and to deposit new letters of credit on March 1 of the following year. The proposed rule change will reverse these dates and require participants to annually provide new letters of credit by September 1 and to amend letters of credit by March 1. The proposed rule change will also require that letters of credit delivered to MBSCC on or after September 1, 1999, be in the form of the uniform letter of credit (''ULC'') developed by the United Clearing Group (''UCG'').

The UCG is an organization comprised of all of the major securities and futures clearing organizations and depositories in the U.S.[4] The ULC was developed to foster uniformity among the various U.S. securities and futures clearing organizations with respect to the acceptable terms of letters of credit that are deposited as margin and to reduce operational burdens for industry participants and their letters of credit issuers. In developing the ULC, the UCG consulted with the National Standby Letter of Credit Committee of the International Financial Services Association (formerly known as the U.S. Council on International Banking) and several letters of credit issuing banks.

The ULC consists of a cover page with variable terms plus preprinted uniform terms. Variable terms include the name of the participant, the beneficiary clearing organization, the issuing bank, the amount of the credit, and the expiration date. To assist letter of credit issues and participants in completing the ULC, the UCG has drafted general instructions. In addition, MBSCC has provided supplemental instructions relating specifically to letters of credit furnished by MBSCC.

MBSCC expects that in the future modifications may be made to the ULC. If and when that occurs, MBSCC will require its members to use the revised form.[5]

MBSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because, among other things, it is designed to assure the safeguarding of securities and funds which are in the custody or control of MBSCC or for which it is responsible and to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MBSCC does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments on the proposed rule change were solicited or received. MBSCC will notify the Commission of any written comments it receives.

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[7] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] MBSCC attached a copy of the uniform letter of credit as Exhibit B to the filing.

[3] The Commission has modified the text of the summaries prepared by MBSCC.

[4] The members of the UCG include the Boston Stock Exchange Clearing Corporation, The Depository Trust Company, Government Securities Clearing Corporation, MBSCC, National Securities Clearing Corporation, Options Clearing Corporation, Board of Trade Clearing Corporation, Chicago Mercantile Exchange, Clearing Corporation of New York, Kansas City Board of Trade, Minneapolis Grain Exchange, New York Mercantile Exchange, Emerging Markets Clearing Corporation, and Clearing Corporation for Options and Securities.

[5] MBSCC will file proposed rule changes with the Commission prior to requiring members to comply with substantive changes made to the ULC by the UCG.

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 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, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of MBSCC. All submissions should refer to File No. SR–MBSCC–99–05 and should be submitted by September 3, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–21045 Filed 8–12–99; 8:45 am]

BILLING CODE 8010–01–M

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41714; File No. SR–MBSCC–99–02]

Self-Regulatory Organizations; MBS Clearing Corporation; Order Approving Proposed Rule Change Relating to MBSCC's Risk Management Rules and Procedures

August 6, 1999.

On April 15, 1999, the MBS Clearing Corporation (''MBSCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–MBSCC–99–02) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of proposal was published in the **Federal Register** on June 21, 1999.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the rule change.

I. Description

The rule change makes several modifications to MBSCC's risk management rules. Specifically, the rule change: (i) Implements a net-out report, (ii) modifies financial reporting by participants, (iii) modifies certain special provisions applicable to nondomestic participants, (iv) adds a provision for additional assurances, and (v) clarifies MBSCC's role as agent in a liquidation.

The specific objectives of the rule change and the corresponding modifications to MBSCC's rules are described below.

1. Net-Out Report

The rule change modifies Article II, Rule 4 of MBSCC's rules to add a provision for a daily net-out report that will list all of a participant's open net-out obligations. Article I, Rule 1 of MBSCC's rules is also being modified to add a definition of the term ''net-out report.''

2. Financing Reporting

The rule change modifies Article III, Rule 1, Section 10 of MBSCC's rules to replace the general requirement for quarterly unaudited financial statements with a requirement that a participant must file unaudited financial statements as frequently as required by the participant's appropriate regulator. If a participant is not regulated or is a nondomestic participant, the participant must file monthly unaudited financial statements.

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 41516 (June 10, 1999), 64 FR 33125.

3. Non-Domestic Participants

The rule change modifies Article III, Rule 1, Section 13 of MBSCC's rules to codify the existing practice of requiring non-U.S. participants to: (i) Execute and deliver to MSBCC a master agreement, (ii) provide MBSCC with an opinion of counsel, and (iii) confirm the master agreement and opinion of counsel as MBSCC's may require. The master agreement and the opinion of counsel generally address the enforceability of MBSCC's rules. Article I, Rule 1 of MBSCC'S rules is also being modified to add definitions of the terms ''master agreement'' and ''opinion of counsel.''

4. Additional Assurances

The rule change modifies Article III, Rule 1 of MBSCC's rules by adding a new Section 16. The new section provides that any participant that contemplates it no longer will be in compliance with MBSCC's rules and procedures or will no longer be able to perform its contracts or satisfy its obligations to MBSCC or MBSCC participants must immediately notify MBSCC. If MBSCC has reasonable grounds to believe that a participant no longer will be in compliance with MBSCC's rules and procedures or no longer will be able to perform its contracts or satisfy its obligations to MBSCC or MBSCC participants, MBSCC may require additional information from such participant relating to its ability to comply with the rules and procedures, perform its contracts, and satisfy its obligations to MBSCC or MBSCC participants. MBSCC may also increase a participant's minimum required deposits to the participants fund if MBSCC has reasonable grounds to believe such conditions may exist. The new section also states that it does not restrict MBSCC from exercising its right at any time to cease to act for the participant pursuant to MBSCC's rules.

The new section providing for additional assurances is designed to enable MBSCC to better determine a participant's potential inability to meet its obligations and to increase the likelihood that a participant's collateral will be sufficient to satisfy its obligations.

5. MBSCC as Agent

The proposed rule change modifies Article III, Rule 3, Section 5(f) to make explicit that any distribution of funds relating to a participant for which MBSCC has ceased to act is made by MBSCC as agent. MBSCC's role as an agent in the distribution of funds is currently implied in MBSCC's rules

because MBSCC does not guarantee its participant's obligations.

II. Discussion

Section 17A(b)(3)(F)[3] of the Act requires that the rules of a clearing agency be designed to assure the safeguarding of funds which are in the custody or control of the clearing agency or for which it is responsible. The Commission finds that each of MBSCC's rule changes is consistent with its obligations under the Act. The net-out report should provide participants with timely information regarding their open net-out obligations to enable them to better monitor potential risk exposure with original contra sides. This information is important because MBSCC's rules generally provide that if a defaulting participant's fund contribution is insufficient to cover the losses of the defaulting participant's non original contra sides, the deficiency is assessed against the defaulting participant's original contra sides. Therefore, the original contra sides remain liable for potential assessments even if as a result of MBSCC's netting process they net-out of transactions. This should help reduce the potential that the default of one participant will cause other participants to default on their obligations at MBSCC because of unexpected risk exposure.

Requiring participants to provide MBSCC with financial information as frequently as required by the participant's appropriate regulator and requiring participants to notify MBSCC in situations where the participant contemplates that it will be unable to meet its obligations will provide MBSCC with more timely information on the financial condition of certain participants.

The additional master agreement, opinion of counsel, and periodic confirmation requirements applicable to non-U.S. participants should better enable MBSCC to evaluate and to lesson or eliminate any negative effects that jurisdictional issues could have on MBSCC's exercise of its rights and remedies against a non-U.S. participant.

Requiring a participant to give notice of potential problems in meeting MBSCC's rules or in satisfying its obligations to MBSCC and other participants and MBSCC's right to require additional assurances and participants fund contributions as needed should better enable MBSCC to determine participants' continuing ability to meet their obligations and to have sufficient collateral on hand.

[3] 15 U.S.C. 78q–1(b)(3)(F).

Because MBSCC does not guaranty its participants' transactions, clarifying that MBSCC is acting as an agent when it ceases to act for a participant should eliminate any potential confusion and potential liability with respect to MBSCC's role.

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–MBSCC–99–02) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–21046 Filed 8–12–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–41716; SR–NSCC–99–05]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to the Acceptance of Letters of Credit

August 6, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 20, 1999, 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 purpose of the proposed rule change is to replace NSCC's current letter of credit form with a letter of credit form developed by the Uniform Clearing Group.[2]

[4] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] NSCC attached a copy of the uniform letter of credit as Exhibit A to the filing.

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.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Rule 4, Section 1 of NSCC's Rules and Procedures permits NSCC to accept letters of credit in addition to cash and government securities as collateral for its clearing fund.[4] The proposed rule change will require that letters of credit delivered to NSCC on or after September 1, 1999, be in the form of the uniform letter of credit (''ULC'') developed by the United Clearing Group (''UCG'').

The UCG is an organization comprised of all the major securities and futures clearing corporations and depositories in the U.S.[5] The UCG developed the ULC to (i) foster uniformity among the various U.S. securities and futures clearing organization with respect to the acceptable terms of letters of credit that are deposited as margin and (ii) reduce operational burdens for industry participants and their letters of credit issuers. In developing the ULC, the UCG consulted with several letter of credit issuing banks and the National Standby Letter of Credit Committee of the International Financial Services Association (formerly known as the U.S. Council on International Banking).

The ULC consists of a cover page plus the uniform terms. All variable terms of the ULC, such as the name of the clearing member, the beneficiary clearing corporation, the issuing bank, the amount of the credit, and the

[3] The Commission has modified the text of the summaries prepared by NSCC.

[4] *See also* Securities Exchange Act Release No. 18052 (August 21, 1981), 46 FR 43341.

[5] The members of the UCG include the Boston Stock Exchange Clearing Corporation, The Depository Trust Company, Government Securities Clearing Corporation, NSCC, The Options Clearing Corporation, MBS Clearing Corporation, Board of Trade Clearing Corporation, Chicago Mercantile Exchange, Clearing Corporation of New York, Kansas City Board of Trade, Minneapolis Grain Exchange, New York Mercantile Exchange, Emerging Markets Clearing Corporation, and Clearing Corporation for Options and Securities.

expiration date, are set forth on the cover page. To assist members in completing the ULC, the UCG drafted general instructions. In addition, NSCC has provided supplemental instructions relating specifically to letters of credit furnished to NSCC.

NSCC expects that modifications may be made to the ULC in the future. If and when that occurs, NSCC will require its members to use the revised form.[6]

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because, among other things, it will promote the prompt and accurate clearance and settlement of transactions in securities by facilitating processing and will foster cooperation within the financial community.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments on the proposed rule change were solicited or received. NSCC will notify the Commission of any written comments it receives.

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 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, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW, Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR-NSCC–99–05 and should be submitted by September 3, 1999.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–21044 Filed 8–12–99; 8:45 am]

BILLING CODE 8010–01–M

[6] NSCC will file proposed rule changes with the Commission prior to requiring members to comply with substantive changes made to the ULC.

[7] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3112]

Advisory Committee on International Communications and Information Policy Meeting Notice

The Department of State is holding the next meeting of its Advisory Committee on International Communications and Information Policy. The Committee provides a formal channel for regular consultation and coordination on major economic, social and legal issues and problems in international communications and information policy, especially as these issues and problems involve users of information and communication services, providers of such services, technology research and development, foreign industrial and regulatory policy, the activities of international organizations with regard to communications and information, and developing country interests.

The featured guest speaker for this this quarterly meeting will be the Honorable William Kennard, Chairman, Federal Communications Commission who will speak on the subject of telecommunications development internationally. In addition, there will be reports of activities of the various working groups of the Advisory Committee.

This meeting will be held on Thursday, September 16, 1999, from 9:30 a.m.–12:30 p.m. in Room 1107 of the Main Building of the U.S. Department of State, located at 2201 ''C'' Street, NW, Washington, DC 20520. Members of the public may attend these meetings up to the seating capacity of the room. While the meeting is open to the public, admittance to the State Department Building is only by means of a pre-arranged clearance list. In order to be placed on the pre-clearance list, please provide your name, title, company, social security number, date of birth, and citizenship to Shirlett Thornton at (202) 647–8345 or by fax at (202) 647–0158. All attendees must use the ''C'' Street entrance. One of the following valid ID's will be required for admittance: any U.S. driver's license with photo, a passport, or a U.S. Government agency ID.

FOR FURTHER INFORMATION CONTACT: Timothy C. Finton, Executive Secretary of the Committee, at (202) 647–5385 or <fintontc@state.gov>.

Dated: August 6, 1999.

Timothy C. Finton,

Executive Secretary.

[FR Doc. 99–21058 Filed 8–12–99; 8:45 am]

BILLING CODE 4710–45–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–99–25]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of disposition of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Ch. I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the

legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before August 26, 1999.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electrically to the following internet address: 9–NPRM–cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271 or Terry Stubblefield (202) 267–7624 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC, on August 10, 1999.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 29655.

Petitioner: Rolls-Royce plc.

Section of the FAR Affected: 14 CFR 34.7(c)

Description of Relief Sought/ Disposition: To permit Rolls-Royce to obtain an exemption from the emissions standards of § 34.7(c) for 150 newly manufactured RB211–535E4/E4B engines.

Docket No.: 29630.

Petitioner: National Air Transportation Association, Inc.

Section of the FAR Affected: 14 CFR 135.251, 135.255, and Appendices I & J of part 121

Description of Relief Sought: To permit NATA members to conduct local sightseeing flights, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135. The flights would include, but would not be limited to (1) airport open house functions, (2) pancake breakfast functions, (3) fly-ins, (4) functions providing flights in War Birds and other classic aircraft, (5) charity and fundraising functions, and (6) other annual community-oriented functions.

Docket No.: 29468.

Petitioner: Aircraft Owners and Pilots Association.

Section of the FAR Affected: 14 CFR 135.251, 135.255, and Appendices I & J of part 121

Description of Relief Sought: To permit AOPA members to conduct local, nonstop, sightseeing flights under visual flight rules during the day for charity or community events, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Docket No.: 29651.

Petitioner: Experimental Aircraft Association.

Section of the FAR Affected: 14 CFR 135.251, 135.255, and Appendices I & J of part 121

Description of Relief Sought: To permit members of local chapters of the EAA to conduct local sightseeing flights or provide flight experiences at various EAA chapter events, for compensation or hire, in experimental aircraft and aircraft with standard airworthiness certificates, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Dispositions of Petitions

Docket No.: 29513.

Petitioner: Fairchild Dornier/Dornier Luftfarht GmbH.

Sections of the FAR Affected: 14 CFR C36.9(e)(1).

Description of Relief Sought/ Disposition: To allow for the 1–g stall speed used for the 14 CFR part 25 airworthiness certification to also be used for the 14 CFR part 36 noise certification for the approach reference and test limitations on the Dornier 328–300 model aircraft.

GRANT, 6/14/99, Exemption No. 6900

Docket No.: 29572.

Petitioner: Spectrum Aeromed, Inc.

Section of the FAR Affected: 14 CFR 25.562 and 25.785(b).

Description of Relief Sought/ Disposition: To permit certification of medical stretchers for transport of persons whose medical condition dictates such accommodation. This exemption is for an installation on Gulfstream Model G–V model series airplanes.

GRANT, 7/1/99, Exemption No. 6911

Docket No.: 29593.

Petitioner: Empressa Brasileira da Aeronáutica S.A.

Sections of the FAR Affected: 14 CFR 25.783(f).

Description of Relief Sought/ Disposition: To exempt EMBRAER from the requirement for a pressurization prevention means of § 25.783(f) for the rear electronic compartment access hatch of the Embraer Model 135 airplane.

PARTIAL GRANT, 7/13/99, Exemption No. 69–19

Docket No.: 29614.

Petitioner: United Way Center for Human Service.

Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and Appendices I & J of part 121.

Description of Relief Sought/ Disposition: To permit UWCHS to conduct local sightseeing rides over the Lawrence, Kansas, vicinity at a charitable event on June 26 or 27, 1999, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

GRANT, 6/24/99, Exemption No. 6908

Docket No.: 29629.

Petitioner: We Rent Aircraft, Inc. dba Starrett Aviation.

Section of the FAR Affected: 14 CFR 135.251, 135.255, 135.353, and Appendices I & J of part 121.

Description of Relief Sought/ Disposition: To allow Starrett Aviation to conduct local sightseeing rides at an airshow at Fairfield County Airport in Lancaster, Ohio, on July 10 and 11, 1999, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

GRANT, 7/9/99, Exemption No. 6918

[FR Doc. 99–21040 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In July 1999, there were nine applications approved. Additionally, 13 approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of 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). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: Port of Pasco, Pasco, Washington.

Application Number: 99–03–C–00–PSC.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $740,000.

Earliest Charge Effective Date: May 1, 2002.

Estimated Charge Expiration Date: December 1, 2003.

Class of Air Carriers not Required To Collect PFC'S: None.

Brief Description of Projects Approved for Collection and Use: Access road reconstruction. Terminal building upgrades. Loading bridge/mobile covered walkways. Security access system upgrade.

Decision Date: July 7, 1999.

For Further Information Contact: Mary Vargas, Seattle Airports District Office, (425) 227–2660.

Public Agency: City of Des Moines, Iowa.

Application Number: 99–04–C–00–DSM.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $1,850,000.

Earliest Charge Effective Date: June 1, 2005.

Estimated Charge Expiration Date: March 1, 2006.

Class of Air Carriers not Required To Collect PFC's: Part 135 air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Des Moines International Airport.

Brief Description of Projects Approved for Collection and Use: Storm water detention facility.

Decision Date: July 9, 1999.

For Further Information Contact: Lorna Sandridge, Central Region Airports Division. (816) 426–4730.

Public Agency: City of Killeen, Texas.

Application Number: 99–04–C–00–ILE.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $2,103,726.

Earliest Charge Effective Date: November 1, 1999.

Estimated Charge Expiration Date: July 1, 2005.

Class of Air Carriers Not Required To Collect PFC's: Part 135 charter operators.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Killeen Municipal Airport (ILE).

Brief Description of Projects Approved for Collection at ILE and Use at Robert Gray Army Airfield (GRK): Perform airport master planning, advanced design, and program management for a passenger terminal facility.

Joint use feasibility and environmental study.

Brief Description of Projects Approved for Collection and Use at ILE: Refurbish aircraft rescue and firefighting vehicle. Apron electrical and lighting upgrades.

Brief Description of Projects Approved for Collection Only at ILE for Future Use at GRK:

Terminal facility site work and utilities.

Construct passenger terminal building and apron.

Construct east side parallel and connecting taxiway to runway 15/33.

Decision Date: July 13, 1999.

For Further Information Contact: Ben Guttery, Southwest Region Airports Division, (817) 222–5614.

Public Agency: City of Boise, Idaho.

Application Number: 99–03–C–00–BOI.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $75,631,748.

Earliest Charge Effective Date: October 1, 2000.

Estimated Charge Expiration Date: August 1, 2016.

Class of Air Carriers Not Required To Collect PFC's: Part 135 air taxi/commercial operators who conduct operations in air commerce carrying persons for compensation or hire, except air taxi/commercial operators operating public or private charters with a seating capacity of 10 or more.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Boise Air Terminal Airport.

Brief Description of Projects Approved in Part for Collection and Use: Terminal area renovation and expansion.

Determination: Partially approved. The non-revenue producing parking lot is ineligible in accordance with Program Guidance Letter 93–3.2, which limits the eligibility for parking facilities to airports which enplane less than 0.05 percent of the total annual national enplanements. Boise Air Terminal exceeds this threshold.

Decision Date: July 15, 1999.

For Further Information Contact: Mary Vargas, Seattle Airports District Office, (425) 227–2660.

Public Agency: Houghton County Memorial Airport Committee, Hancock, Michigan.

Application Number: 99–07–C–00–CMX.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $113,389.

Earliest Charge Effective Date: October 1, 1999.

Estimated Charge Expiration Date: August 1, 2001.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use:

PFC account audit charges for fiscal years 1995 through 1998.

PFC application preparation.

Sanitary sewer upgrade, gravity sewer, phase II.

Sanitary sewer upgrade, Force main, phase III.

Mobile manual wheelchair lift.

Cost benefit analysis for the reconstruction of runway 13/31.

Construct and light taxiway ''C'' extension.

Decision Date: July 19, 1999.

For Further Information Contact: Jon Gilbert, Detroit Airports District Office, (734) 487–7281.

Public Agency: City of Rochester, Minnesota.

Application Number: 99–03–U–00–RST.

Application Type: Use PFC revenue.

PFC Level: $3.00.

Total PFC Revenue To Be Used in This Decision: $215,000.

Charge Effective Date: May 1, 1996.

Estimated Charge Expiration Date: December 1, 2009.

Class of Air Carriers Not Required To Collect PFC's: No change from previous decision.

Brief Description of Project Approved for Use: Acquire land.

Decision Date: July 19, 1999.

For Further Information Contact: Sandra E. Depottey, Minneapolis Airports District Office, (612) 713–4350.

Public Agency: Metropolitan Washington Airports Authority (MWAA), Alexandria, Virginia.

Application Number: 98–03–C–00–DCA.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $23,563,086.

Earliest Charge Effective Date: November 1, 2000.

Estimated Charge Expiration Date: February 1, 2002.

Class of Air Carriers Not Required To Collect PFC's: On-demand air taxis, both fixed wing and rotary.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Ronald Reagan Washington National Airport (DCA).

Brief Description of Project Approved in Part for Collection at DCA and Use at Washington Dulles International Airport: Airside tunnel complex—pedestrian ''walkback''.

Determination: The approved amount is less than the amount requested for PFC funding in the application due to the limitations placed on the amount of funding authority available to the MWAA under Pub. L. No. 106–6, as amended by Pub. L. 106–31 (1999). The FAA acknowledges the MWAA's intent, as stated in its June 7, 1999, letter, to seek additional PFC funds, to the amount requested in the application, once the statutory restrictions on further PFC approval are removed.

Decision Date: July 27, 1999.

FOR FURTHER INFORMATION CONTACT: Terry Page, Washington Airports District Office, (703) 285–2570.

Public Agency: Mobile Airport Authority, Mobile, Alabama.

Application Number: 99–03–C–00–MOB.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $5,694,289.

Earliest Charge Effective Date: October 1, 1999.

Estimated Charge Expiration Date: October 1, 2004.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Mobile Regional Airport.

Brief Description of Projects Approved for Collection and Use:

Passenger ramp.

Land acquisition.

Airport beacon.

Taxiway rehabilitation.

Security system upgrade.

Runway overlay.

General aviation ramp.

Brief Description of Projects Withdrawn: Air bags.

Passenger shuttle.

Determination: These projects were withdrawn by the public agency in its letter dated June 28, 1999. Therefore, the FAA did not rule on these projects in this decision.

Decision Date: July 27, 1999.

For Further Information Contact: Keafur Grimes, Jackson Airports District Office, (601) 965–4628.

Public Agency: Joint Powers Board, Yellowstone Regional Airport, Cody, Wyoming.

Application Number: 99–22–00–COD.

Application Type: Impose and use a PFC.

PFC Level: $3.00.

Total PFC Revenue Approved in This Decision: $219,000.

Earliest Charge Effective Date: August 1, 1999.

Estimated Charge Expiration Date: July 1, 2002.

Class of Air Carriers Not Required To Collect PFC's: Non-scheduled, on-demand air carries filing FAA Form 1800–31.

Determination: Approved. Based on information contained in the public agency's application, the FAA has determined that the proposed class accounts for less than 1 percent of the total annual enplanements at Yellowstone Regional Airport.

Brief Description of Project Approved for Collection and Use: Rehabilitation of runway 4/22.

Brief Description of Projects Approved for Collection Only:

Encasement of irrigation canal.

Relocation/reconstruction of parallel taxiway.

Decision Date: July 28, 1999.

FOR FURTHER INFORMATION CONTACT: Christopher Schaffer, Denver Airports District Office, (303) 342–1258.

Amendments to PFC Approvals

Amendment No. city, state	Amendment approved date	Original approved net PFC revenue	Amended approved net PFC revenue	Original estimated charge exp. date	Amended estimated charge exp. date
95–07–I–02–CHO, Charlottesville, VA	04/06/99	$56,318	$57,471	07/01/04	12/01/04
97–10–C–01–CHO, Charlottesville, VA	04/06/99	1,023,120	1,033,600	07/01/04	12/01/04
97–11–C–01–CHO, Charlottesville, VA	04/06/99	30,000	205,900	07/01/04	12/01/04
98–03–C–01–BGM, Binghamton, NY	07/01/99	1,815,455	1,813,334	01/01/02	01/01/02
95–01–C–01–FLO, Florence, SC	07/12/99	881,600	669,334	09/01/99	11/01/99
96–03–C–01–ILE, Kileen, TX	07/13/99	816,500	162,830	11/01/99	11/01/99
97–02–C–01–ATW, Appleton, WI	07/19/99	656,250	754,688	04/01/03	06/01/03
98–05–C–01–RHI, Rhinelander, WI	07/20/99	20,500	36,500	04/01/01	07/01/00
93–01–C–04–EUG, Eugene, OR	07/21/99	5,256,888	6,256,888	02/01/00	01/01/01
98–03–C–01–EUG, Eugene, OR	07/22/99	805,335	1,577,459	02/01/00	01/01/01
96–04–C–3–YKM, Yakima, WA	07/22/99	850,957	965,075	03/01/00	06/01/00
98–03–C–01–IAD, Alexandria, VA	07/23/99	29,849,777	34,919,777	02/01/10	05/01/10
96–03–C–01–TUL, Tulsa, OK	07/30/99	12,206,000	13.586,900	08/01/99	11/01/99

Issued in Washington, DC. on August 6, 1999.

Eric Gabler,

Manager, Passenger Facility Charge Branch.

[FR Doc. 99–21038 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Availability of an Environmental Assessment on the Proposed New York Pennsylvania Station Redevelopment Project

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability of the Environmental Assessment, request for public comment.

SUMMARY: Pursuant to the Council on Environmental Quality regulations and the FRA's Procedures for Considering Environmental Impacts, the FRA announces the availability of an Environmental Assessment for the proposed Pennsylvania Station Redevelopment Project in New York, New York. The Environmental Assessment examines the Pennsylvania Station Redevelopment Corporation's proposal to transform a portion of the James A. Farley Post Office (located directly across Eighth Avenue from Pennsylvania Station) into an intermodal transportation facility and commercial center. The FRA is soliciting comments on this Environmental Assessment. FRA will consider these comments in making a decision pursuant to the National Environmental Policy Act (NEPA) and the National Historic Preservation Act of 1966 (NHPA).

DATES: The Environmental Assessment will remain available for public comment through September 10, 1999.

ADDRESSES: Individuals wishing copies of the draft Environmental Assessment should immediately contact the FRA Office and personnel listed below. Copies of the Environmental Assessment are being mailed to agencies and individuals that have participated in the environmental assessment process. The complete Volume I of the Environmental Assessment has also been placed on FRA's Internet page at *http://www.fra.dot.gov/s/regs/env/pennstation.htm* Finally, the Environmental Assessment is also available for public inspection, by appointment, during normal business hours at the following locations:

Washington DC: Federal Railroad Administration, 1120 Vermont Avenue, NW., Room 6060, Washington, DC 20590, (202) 493–6380.

New York, NY.: Pennsylvania Station Redevelopment Corporation (PSRC), 633 Third Avenue, 36th Floor, New York, NY 10017, (212) 803–3642.

Boston, MA: McGinley Hart and Associates, 77 N. Washington Street, Boston, MA, 02114, (617) 227–2932.

Comments on the Environmental Assessment should be submitted to: Mr. Alexander V. Chavrid, Federal Railroad Administration, Office of Railroad Development, Mailstop-20, 1120 Vermont Avenue, NW, Washington, DC 20590, (202) 493–6380. Comments can also be submitted through E-mail to *pennstation@fra.dot.gov* (please include the sender's full name and mailing address).

FOR FURTHER INFORMATION CONTACT: Mr. Alexander V. Chavrid, at the above address and telephone number.

SUPPLEMENTARY INFORMATION: Efforts to improve the National Railroad Passenger Corporation's (Amtrak) rail passenger station facilities in New York City have been underway since 1991. New York Pennsylvania Station is an aging facility and inadequate to serve the thousands of daily intercity and commuter rail passengers that pass through it let alone the expected increases in intercity and commuter rail ridership over the coming years. The environmental impacts associated with an initial Amtrak proposal to expand the Station space by moving intercity rail passenger functions to the James A. Farley Post Office (located directly across the street from Pennsylvania Station with access to the tracks and platforms) was analyzed by the FRA in a 1995 environmental assessment. Amtrak's proposal was not progressed to final design and in 1995, a new corporation, the Pennsylvania Station Redevelopment Corporation (PSRC), was formed specifically to manage the Pennsylvania Station Redevelopment Project. PSRC is a subsidiary of the New York State Urban Development Corporation, a public benefit corporation of the State of New York. PSRC has proposed a comprehensive program of improvements at the Farley Building that would transform it into a major transportation facility and commercial center. Congress has appropriated Federal funds to the FRA for the redevelopment project in Department of Transportation Appropriations Acts, the Intermodal Surface Transportation Efficiency Act (as amended by the National Highway Designation Act of 1995) and the Transportation Equity Act for the 21st Century. FRA's provision of funds for project purposes is subject to NEPA and NHPA.

Alternatives Analyzed in the Draft Environmental Assessment

Alternative 1. No Action

Under this alternative, the only changes anticipated at Penn Station would be routine repairs and maintenance. Amtrak has underway and will very soon complete life safety improvements and modifications to meet the needs of the start up of Acela high-speed rail service in late 1999. The only changes anticipated on the exterior or interior of the Farley Building would be routine repairs and maintenance of the structure. The No Build alternative also includes minor work at the Eight Avenue Subway concourse at 33rd Street.

Alternative 2. The Build Alternative

The Build Alternative has been designed to meet New York's transportation needs into the 21st Century. PSRC proposes to redevelop the Farley Building into an intermodal transportation facility and commercial center, which includes an Amtrak station in the original Farley Building, an intermodal hall, a sky-lit train concourse, a postal loading dock below grade, and a commuter concourse as well as Eighth Avenue subway connection improvements and ancillary retail. The new station would have two midblock entrances on West 31st and West 33rd Streets. At these entrances, (complemented by entrances at the north and south corners of Eight Avenue), at-grade Americans With Disabilities Act-compliant access would be provided for all passengers and postal retail customers and covered areas would be included for taxi pick-up and drip-off. The United States Postal Service (USPS) would improve and continue to occupy the historic postal lobby, the offices on the upper floors of the original Farley Building, and the postal rail access facilities and mail processing and distribution functions on all floors of the Farley Building Annex. New, modern USPS loading facilities would be built on the train concourse and the first-floor levels of the Farley Building Annex, accessible by ramps from Ninth Avenue. Finally, the Build Alternative includes traffic improvements, operational measures, and pedestrian improvements to streets in the vicinity of the Farley Building.

All interested agencies, organizations, and individuals are urged to provide

comments on the draft Environmental Assessment. All comments received by the closing date will be considered by the FRA as it completes its NEPA and NHPA compliance.

Dated: August 9, 1999.

Mark E. Yachmetz,

Chief, Passenger Programs Division.

[FR Doc. 99–20967 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket No. FRA–1999–5896

Applicant: CSX Transportation, Incorporated, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation Incorporated seeks approval of the proposed modification of the traffic control system, on the single main track, between milepost CAB–79.03 and milepost CAB–80.0, near Scottsville,Virgina, on the Rivanna Subdivision, C&O Business Unit, consisting of the following:

1. The discontinuance and removal of absolute controlled signals 70R, 70L, and C at East End Scottsville, milepost CAB–79.03;
2. Conversion of the power-operated switch at the East End Scottsville to hand operation, equipped with an electric lock;
3. The discontinuance and removal of absolute controlled signals 66R and 66L at West End Scottsville, milepost CAB–80.0; and
4. Installation of back to back intermediate signals at milepost CAB–79.1.

The reason given for the proposed changes is to eliminate facilities no longer needed for present day operations.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, SW, Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on August 9, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99–21047 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket No. FRA–1999–5753

Applicants:

CSX Transportation, Incorporated, Mr. E. G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

Consolidated Rail Corporation, Mr. R. E. Inman, Chief Engineer—C&S Assets, 1000 Howard Boulevard, Mount Laurel, New Jersey 08054.

CSX Transportation Incorporated (CSXT) and Consolidated Rail Corporation, jointly seek approval of the proposed temporary discontinuance of the current of traffic and interlocking signal systems, at Riverdale, Illinois, milepost DC–11.40, on the CSXT Barr Subdivision, Chicago Service Lane, for a period of approximately 60 days. During the temporary discontinuance, it is proposed to govern train movements by Yard Limit Rules under the direction of the train dispatcher, and utilize a switch tender handle all switches. The proposal is associated with major modifications to track and signal arrangements, and include the installation of a traffic control system.

The reason given for the proposed changes is to safely and efficiently expedite train movements during construction and cut-over.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, SW, Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov.*

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on August 9, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99–21050 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket No. FRA–1999–5754

Applicant: CSX Transportation, Incorporated, Mr. E.G. Peterson, Assistant Chief Engineer, Signal Design and Construction, 4901 Belfort Road, Suite 130 (S/C J–370), Jacksonville, Florida 32256.

CSX Transportation Incorporated seeks approval of the proposed modification of the traffic control system, on Main Track No. 2, at milepost CA–403.1, South Fayette, West Virginia, on the New River Subdivision, C&O Business Unit, consisting of the following:

1. Discontinuance and removal of absolute controlled signals 58RA, 58RC, and 58L;
2. Conversion of the power-operated switch to hand operation; and
3. Installation of back to back intermediate signals 4030 and 4031, and signal E1.

The reason given for the proposed changes is to increase operating efficiency.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, SW, Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the internet at the docket facility's Web site at *http://dms.dot.gov*.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on August 9, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99–21051 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49 Code of Federal Regulations Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket No. FRA–1999–5751

Applicant: Union Pacific Railroad Company, Mr. Phil Abaray, Chief Engineer—Signals, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179–1000.

Union Pacific Railroad Company seeks approval of the proposed modification of the traffic control system, on the single main track, of the Palestine Subdivision, near Palestine, Texas, consisting of the discontinuance and removal of automatic signals 06 and 07 at milepost 82.2 and automatic signals 11R and 12R at milepost 82.9.

The reason given for the proposed changes is that removal of switches and changes in train operation no longer require signals at these locations.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, SW, Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at http://dms.dot.gov.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC on August 9, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99–21048 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System or Relief From the Requirements of Title 49, Code of Federal Regulations, Part 236

Pursuant to Title 49 Code of Federal Regulations (CFR) part 235 and 49 U.S.C. App. 26, the following railroads have petitioned the Federal Railroad Administration (FRA) seeking approval for the discontinuance or modification

of the signal system or relief from the requirements of 49 CFR part 236 as detailed below.

Docket No. FRA–1999–5752

Applicant: Union Pacific Railroad Company, Mr. Phil Abaray, Chief Engineer—Signals, 1416 Dodge Street, Room 1000, Omaha, Nebraska 68179–1000.

Union Pacific Railroad Company seeks approval of the proposed modification of the traffic control system, on the single main track and siding, near Delta, Missouri, milepost 138.6, on the Chester Subdivision, consisting of the discontinuance and removal of automatic signals 161, D161, 162, and D162.

The reason given for the proposed changes is that signals are no longer required since the at-grade railroad crossing is no longer in service and the tracks crossing the railroad have been retired.

Any interested party desiring to protest the granting of an application shall set forth specifically the grounds upon which the protest is made, and contain a concise statement of the interest of the Protestant in the proceeding. Additionally, one copy of the protest shall be furnished to the applicant at the address listed above.

All communications concerning this proceeding should be identified by the docket number and must be submitted to the Docket Clerk, DOT Central Docket Management Facility, Room PI–401, Washington, DC 20590–0001. Communications received within 45 days of the date of this notice will be considered by the FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at DOT Central Docket Management Facility, Room PI–401 (Plaza Level), 400 Seventh Street, SW, Washington, DC 20590–0001. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at *http://dms.dot.gov*.

FRA expects to be able to determine these matters without an oral hearing. However, if a specific request for an oral hearing is accompanied by a showing that the party is unable to adequately present his or her position by written statements, an application may be set for public hearing.

Issued in Washington, DC, on August 9, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99–21049 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Supplemental Environmental Impact Statement on the Los Angeles Eastside Transit Corridor

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of intent to prepare a Supplemental Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA), as Federal lead agency, and the Los Angeles County Metropolitan Transportation Authority (MTA) intend to prepare a Re-Evaluation Major Investment Study (MIS) and a Supplemental Environmental Impact Statement (SEIS) in accordance with the National Environmental Policy Act of 1969 (NEPA) on a proposal by MTA to provide additional transit service to the Eastside communities within the Los Angeles metropolitan area. In addition to NEPA, the proposed project is subject to compliance with the California Environmental Quality Act (CEQA); therefore, a joint SEIS/Supplemental Environmental Impact Report (SEIR) will be prepared.

The Re-Evaluation MIS and the SEIS/SEIR will consider the following alternatives: (1) Exclusive busway alternatives between Union Station and Whittier/Atlantic via 1st St., Lorena, Whittier or other alternative arterial roadways that would be at-grade or elevated. (2) Light rail alternatives between Union Station and Whittier/Atlantic via 1st St., Lorena, Whittier or other alternative arterial roadways that would be at-grade or elevated. (3) A Heavy Rail alternative from Union Station to Chevaz/Soto without a Little Toyko station. (4) The Heavy Rail LPA initial operating segment (IOS–2, 3.7 miles) from Union Station to 1st/Lorena as identified in the Los Angeles Eastside Corridor Final Environmental Impact Statement/Final Environmental Impact Report (FEIS/FEIR), May 1994 and the FTA Record of Decision, December 1994 and is the currently suspended Locally Preferred Alternative project. (5) The Heavy Rail Locally Preferred Alternative (LPA) from Union Station to Whittier/Atlantic. This 6.8-mile alternative consists of a heavy rail subway that would follow the alignment identified in the 1994 FEIS/FEIR and the FTA Record of Decision, December 1994. (6) A Transportation Demand Management (TDM)/Transportation System Management (TSM) Alternative. (7) A No Build Alternative, which involves no change to transportation services or facilities in the corridor beyond already committed projects. Potential new feasible alternatives generated through the scoping process will also be considered.

The results of the Re-Evaluation MIS process is intended to narrow the alternatives to be evaluated in detail in the SEIS/SEIR. Scoping will be accomplished through correspondence with interested persons, organizations, and Federal, State, and local agencies; three public scoping meetings; and one-inter-agency scoping meeting.

DATES: Comment Due Date: Written comments on the scope of alternatives and impacts to be considered should be submitted by September 10, 1999. Written comments should be sent to Mr. Steven Byre, Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Los Angeles, California 90012. Written comments may also be made at the public scoping meetings scheduled below. Scoping meeting: The public scoping meetings will take place on the following days and locations at the time indicated:

1. Tuesday, August 24, 1999, 4:30 p.m. to 8 p.m.—Resurrection Parish Hall, 3324 E. Opal Street, Los Angeles, CA 90023

2. Thursday, August 26, 1999, 4:30 p.m. to 8 p.m.—St. Alphonsus School Auditorium, 552 S. Amalia, Los Angeles, CA 90022

3. Wednesday, September 2, 1999, 4:30 p.m. to 8 p.m.—Montebello City Hall, City Council Chamber, 1600 West Beverly Blvd., Montebello, CA 90640

A scoping meeting for governmental agencies will be held on Wednesday, August 25 1999, 9 a.m. to 11 a.m.—Los Angeles County MTA, 1 Gateway Plaza, 3rd Floor Board Room, Los Angeles, CA 90012.

People with special needs should contact Steven Brye at MTA at the address below or by calling (213) 922–3078. The selected locations are accessible to people with disabilities.

The scoping meetings will be held in an ''open-house'' format, and representatives will be available to discuss the project throughout the time periods given. Informational displays and written material will also be available throughout the time periods given.

ADDRESSES: Written comments should be sent to Mr. Steven Brye, Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Los Angeles, California 90012. Written comments may also be made at the scoping meetings. See **DATES** above for meeting locations.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hom, Director, Program Development, FTA Region IX, 201 Mission St., Suite 2210, San Francisco, CA 94105–1831. Phone: (415) 744–3133.

SUPPLEMENTARY INFORMATION:

I. Scoping

FTA and MTA invite interested individuals, organizations, and Federal, State, and local agencies to participate in defining the alternatives to be evaluated in the Re-Evaluation Major Investment Study (MIS) and the SEIS/SEIR and identifying any significant social, economic, or environmental issues related to the alternatives. An information packet describing the purpose of the project, the location, the proposed alternatives, and the impact areas to be evaluated is being mailed to affected Federal, State, and local agencies. Others may request the scoping materials by contacting Mr. Steven Brye, Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Los Angeles, California 90012, (213) 922–3078. Scoping comments may be made in writing at the public scoping meeting. See the **DATES** section above for the location and time. During scoping, comments should focus on identifying specific social, economic, or environmental impacts to be evaluated and suggesting alternatives that are less costly or less environmentally damaging while meeting the identified mobility needs. Scoping is not the appropriate time to indicate a preference for a particular alternative. Comments on preferences should be communicated after the Re-Evaluation MIS and the Supplemental Draft EIS/EIR has been completed. If you wish to be placed on the mailing list to receive further information as the project develops, contact: Mr. Steven Brye, Los Angeles County Metropolitan Transportation Authority, One Gateway Plaza, Los Angeles, California 90012, (213) 922–3078.

II. Description of the Study Area and Project Need

The Eastside Transit Corridor study area is a major travel corridor in the Los Angeles region as identified in the previous environmental documents referenced in the Summary above. For this Re-Evaluation MIS, the study area has been defined that includes that portion of East Los Angeles bounded by the Los Angeles Central Business District on the west (Alameda Avenue, Union Station), Interstate 10 (San Bernardino Freeway, to the I–710) and State Route 60 (Pomona Freeway, I–710 to 605) on the north, I–605 (San Gabriel River Freeway) on the east, and Interstate 5 (Santa Ana Freeway) on the south. MTA and FTA are interested in comments as to the possible need to extend the boundaries of this corridor study area to consider longer range transportation needs. The western part of the Los Angeles Central Business District (to the I–110 Harbor Freeway) may be considered a part of the study area depending on the extent of the alternatives considered west of Union Station and Alameda Avenue.

The MTA has considered extension of the Los Angeles Rail Rapid Transit Project (Metro Red Line) to the Eastside communities for many years. The most recent study led to the adoption of a Locally Preferred Alternative to extend the Metro Red Line as a subway for 6.8 miles into the Eastside communities. The initial phase (3.7 miles) of the Eastside heavy rail subway project continued into Final Design and right-of-way acquisition activities assuming the funding was available to construct the project, and MTA entered into a Full Funding Grant Agreement for the initial phase with FTA in December 1994. Subsequently, an evaluation of the current local funding available for the Eastside project and other rail projects in Los Angeles County led to a suspension of work in May 1998. Voters also approved a new County law in November 1998 that restricts the use of Proposition A and C sales tax revenues for ''new subways''. The MTA was directed to study viable and effective options for all parts of Los Angeles County, with an emphasis on the corridors in which rail project development efforts had been suspended. As a result, MTA has decided to undertake this current study that will involve an in-depth review of fixed guideway and other modal alternatives (rail and bus) that could lead to a project that is affordable, meets corridor mobility and related needs and goals, and is acceptable to the community. The Eastside community is one of the most transit-dependent and transit-oriented communities in Los Angeles County. Many of the highest MTA and Montebello Transit ridership bus routes are there. The commercial and shopping areas on Cesar Chavez Avenue, 1st Street and Whittier Boulevard are not only important to the community but serve the needs of a much larger area. The two colleges (California State University at Los Angeles and the East Los Angeles Community College) in the study area are important to the cultural and educational needs of the Eastside and require quality public transit accessibility.

III. Alternatives

The alternatives proposed for initial consideration in the Re-Evaluation Major Investment Study (see FTA Procedures below) include: (1) Exclusive busway alternatives between Union Station and Whittier/Atlantic via 1st St., Lorena, Whittier or other alternative arterial roadways that would be at-grade or elevated. (2) Light rail alternatives between Union Station and Whittier/Atlantic via 1st St., Lorena, Whittier or other alternative arterial roadways that would be at-grade or elevated. (3) A Heavy Rail alternative from Union Station to Chavez/Soto without a Little Toyko station. (4) The Heavy Rail LPA initial operating segment (IOS–2, 3.7 miles) from Union Station to 1st/Lorena as identified in the 1994 FEIS/FEIR and the FTA Record of Decision, December 1994 and is the currently suspended Locally Preferred Alternative project. (5) The Heavy Rail Locally Preferred Alternative (LPA) from Union Station to Whittier/Atlantic. This 6.8-mile alternative consists of a heavy rail subway that would follow the alignment identified in the 1994 FEIS/FEIR and the FTA Record of Decision, December 1994. (6) A Transportation Demand Management (TDM)/Transportation System Management (TSM) Alternative. (7) A No Build Alternative, which involves no change to transportation services or facilities in the corridor beyond already committed projects.

Other alignment alternatives involving rail or bus may be developed in the scoping process in the early stages of the study.

IV. Probable Effects

FTA and MTA will evaluate significant environmental, social, and economic impacts of the alternatives to be analyzed in the SEIS/SEIR. Among the primary transit issues to be evaluated are the expected increase in transit ridership, the expected increase in mobility for the corridor's transit dependent, the support of the region's air quality goals, the capital outlays needed to construct the project, the cost of operating and maintaining the facilities created by the project, and the financial impacts on the funding

agencies. Potentially affected environmental and social resources proposed for analysis include land use and neighborhoods impacts, residential and business displacements and relocations, traffic and parking impacts near stations, traffic circulation, visual impacts, impacts on cultural and archaeological resources, and noise and vibration impacts. Impacts on air and water quality, groundwater, hazardous waste sites, and water resources will also be covered. The impacts will be evaluated both for the construction period and for the long-term period of operation. Measures to mitigate adverse impacts will be considered.

V. FTA Procedures

A Re-Evaluation Major Investment Study (MIS) will initially be prepared to evaluate several rail and bus mode and alignment options. The MIS/Draft SEIS/SEIR and the conceptual engineering for the project will be prepared simultaneously. Following FTA approval, Preliminary Engineering would be conducted during preparation of the Final SEIS/SEIR. The impacts of these initial alternatives will be evaluated on a corridor-level basis during the Re-Evaluation/MIS and SEIS/SEIR scoping phase. The alternatives coming out of this initial evaluation will then be assessed in the Draft SEIS/SEIR. The Draft SEIS/SEIR/conceptual engineering process will assess the social, economic, and environmental impacts of the proposed alternatives at a project-level while refining their design to minimize and mitigate any adverse impacts. After its publication, the Draft SEIS/SEIR will be available for public and agency review and comment, and a public hearing will be held. On the basis of the Draft SEIS/SEIR and comments received, MTA will select a preferred alternative to carry forward into the Final SEIS/SEIR. The Final SEIS/SEIR will be based on information resulting from Preliminary Engineering.

Issued On: August 9, 1999.

Leslie Rogers,

Regional Administrator, Federal Transit Administration, Region IX.

[FR Doc. 99–20952 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–57–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–6081]

Notice of Receipt of Petition for Decision That Nonconforming 1999–2000 Ferrari 360 Modena Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1999–2000 Ferrari 360 Modena passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1999–2000 Ferrari 360 Modena passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is September 13, 1999.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm.]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Motors of Kingsville, Maryland (''J.K.'') (Registered Importer 90–006) has petitioned NHTSA to decide whether 1999-2000 Ferrari 360 Modena passenger cars are eligible for importation into the United States. The vehicles which J.K. believes are substantially similar are 1999–2000 Ferrari 360 Modena passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1999–2000 Ferrari 360 Modena passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

J.K. submitted information with its petition intended to demonstrate that non-U.S. certified 1999–2000 Ferrari 360 Modena passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1999–2000 Ferrari 360 Modena passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence . . .*, 103 *Defrosting and Defogging Systems,* 104

Windshield Wiping and Washing Systems, 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that non-U.S. certified 1999–2000 Ferrari 360 Modena passenger cars comply with the Bumper Standard found in 49 CFR Part 581.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) substitution of a lens marked ''Brake'' for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) replacement of the speedometer with one calibrated in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model headlamps and front sidemarker lamps; (b) installation of U.S.-model taillamp assemblies and rear sidemarker lights; (c) installation of a U.S.-model high mounted stop lamp on vehicles that are not already so equipped.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a warning buzzer and a warning buzzer microswitch in the steering lock assembly.

Standard No. 118 *Power Window Systems:* installation of a relay in the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* (a) installation of a safety belt warning buzzer, wired to the driver's seat belt latch; (b) replacement of the driver's and passenger's side air bags, control units, sensors, seat belts and knee bolsters with U.S.-model components on vehicles that are not already so equipped. The petitioner states that the vehicles are equipped at the front outboard seating positions with combination lap and shoulder belts that are self tensioning and capable of being released by means of a single red push-button.

Standard No. 214 *Side Impact Protection:* installation of U.S.-model doorbars in vehicles that are not already so equipped.

The petitioner also states that a vehicle identification plate must be affixed to the vehicle near the left windshield post and a reference and certification label must be affixed in the area of the left front door post to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm.] It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: August 9, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety

Windshield Retention, 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials. Compliance.*

[FR Doc. 99–20960 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 99–5698; Notice 2]

American Honda Motor Company, Inc.; Grant of Application for Second Renewal of Temporary Exemption From Federal Motor Vehicle Safety Standard No. 122

For the reasons expressed below, we are granting the application by American Honda Motor Co., Inc., of Torrance, California (''Honda''), for a second renewal of its temporary exemption from the fade and water recovery requirements of Federal Motor Vehicle Safety Standard No. 122 *Motorcycle brake systems.* Honda asserted that an exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of the standard.

We published notice of receipt of Honda's application on May 24, 1999, and afforded an opportunity for comment (64 FR 28025). No comments were received responding to this notice.

The discussion that follows is based on information contained in Honda's application.

Why Honda Needs Again To Renew Its Temporary Exemption To Make Easier the Development or Field Evaluation of a New Motor Vehicle Safety Feature Providing a Safety Level at Least Equal to the Safety Level of Standard No. 122

We previously granted Honda NHTSA Temporary Exemption No. 97–1, expiring September 1, 1998, from the following requirements of 49 CFR 571.122 Standard No. 122 *Motorcycle brake systems:* S5.4.1 Baseline check—minimum and maximum pedal forces, S5.4.2 Fade, S5.4.3 Fade recovery, S5.7.2 Water recovery test, and S6.10 Brake actuation forces (62 FR 52372, October 7, 1997). This exemption covered Honda's 1998 CBR1100XX motorcycle. Honda later applied for an extension of its exemption to September 1, 1999, to cover the 1999 model CBR1100XX motorcycle. This request was also granted (63 FR 65272, November 25, 1998). Now Honda has applied for the exemption to continue for another year to cover the 2000 model CBR1100XX motorcycle. The 2000 model of the CBR1100XX will be mechanically identical to the 1999 model. Under Temporary Exemption No. 97–1, Honda has sold far less than 2,500 exempted 1998 and 1999 model CBR1100XX motorcycles.

Honda's original and renewed requests concern exemption ''from the requirement of the minimum hand-lever force of five pounds in the base line check for the fade and water recovery tests.'' The company continues to evaluate the marketability of an ''improved'' motorcycle brake system setting which is currently applied to the model sold in Europe. The difference in setting is limited to a softer master cylinder return spring in the European version. Using the softer spring results in a ''more predictable (linear) feeling during initial brake lever application,'' and ''allows a more predictable rise in brake gain.'' Honda considers that

motorcycle brake systems have continued to evolve and improve since Standard No. 122 was adopted in 1972, and that one area of improvement is brake lever force which has gradually been reduced. However, the five-pound minimum specification ''is preventing further development and improvement'' of brake system characteristics. This limit, when applied to the CBR1100XX ''results in an imprecise feeling when the rider applies low-level front brake lever inputs.''

On November 5, 1997, Honda submitted a petition for rulemaking to amend Standard No. 122 to eliminate the minimum brake actuation force requirement. We granted Honda's rulemaking petition on March 16, 1999. Honda interprets this action as ''signifying that the agency believes a further review of the issues raised in the petition appears to have merit.''

The CBR1100XX is equipped with Honda's Linked Braking System (LBS) which is designed to engage both front and rear brakes when either the front brake lever or the rear brake pedal is used. The LBS differs from other integrated systems in that it allows the rider to choose which wheel gets the majority of braking force, depending on which brake control the rider uses.

According to Honda, the overall braking performance remains unchanged from a conforming motorcycle. Exempted CBR1100XX vehicles meet ''the stopping distance requirement but at lever forces slightly below the minimum.''

Honda's Reasons Why a Temporary Exemption Is in the Public Interest and Consistent With Objectives of Motor Vehicle Safety

Honda argued in 1997 that granting an exemption would be in the public interest and consistent with objectives of traffic safety because it

> * * * should improve a rider's ability to precisely modulate the brake force at low-level brake lever input forces. Improving the predictability, even at very low-level brake lever input, increases the rider's confidence in the motorcycle's brake system.

Honda repeated those arguments in 1998 and 1999. It has asserted that a renewal allows further refinement and development of the LBS. It believes that the LBS has ''many desirable characteristics—especially during emergency braking—that could reduce the number of rear brake locks-up crashes.''

Our Findings in Support of Granting Honda's Application

We find persuasive the same reasons supporting granting Honda's application as we did before. As we said in granting Honda's initial petition in 1997 (62 FR 52372):

> The distinctive motorcycle brake system setting which Honda seeks to evaluate in the United States is a ''new motor vehicle safety feature'' that can be evaluated in the field. * * * Further, the level of safety provided should be at least equal to the level provided by Standard No. 122 * * * Honda * * * asserts that the lower force to modulate the brake lever would improve the rider's control over the brake force. This improved control, and thus predictability over the brake's function, would also improve the rider's confidence in the brakes and motorcycle.
>
> NHTSA concurs with Honda that new technology that may lead to greater rider control over the brake force thus resulting in reduced stopping distances and better crash avoidance is in the public interest and consistent with efforts to improve traffic safety.

And we conclude that a renewal should allow further refinement and development of the LBS.

In consideration of the foregoing, it is hereby found that an exemption would make easier the development or field evaluation of a new motor vehicle safety feature providing a safety level at least equal to the safety level of Standard No. 122. It is also hereby found that the renewal of the temporary exemption is in the public interest and consistent with the objectives of motor vehicle safety. Accordingly, NHTSA Temporary Exemption No. 97–1 is extended to, and will expire on, September 1, 2000.

(49 U.S.C. 30113; delegation of authority at 49 CFR 1.50.)

Issued on August 9, 1999.

Ricardo Martinez,

Administrator.

[FR Doc. 99–20961 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 98–4357; Notice 2]

Aprilia, S.p.A.; Grant of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 123

We are granting the application by Aprilia S.p.A. of Noale, Italy, for a temporary exemption from a requirement of S5.2.1 (Table 1) of Federal Motor Vehicle Safety Standard No. 123 *Motorcycle Controls and Displays.* The basis of the request was that ''compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall level of safety at least equal to the overall safety level of nonexempt vehicles,'' 49 U.S.C. 30113(b)(3)(B)(iv).

We published notice of receipt of the application on August 28, 1998, and provided an opportunity for comment (63 FR 46097).

Paragraph S5.2.1 of Standard No. 123 requires that, if a motorcycle is equipped with rear wheel brakes, those brakes be operable through the right foot control, though the left handlebar is a permissible brake control location for motor driven cycles (Item 11, Table 1). Aprilia would like to use the left handlebar as the control for the rear brakes of its Leonardo 150 motorcycle, whose 150 cc engine produces more than the 5 hp maximum that separates motor driven cycles from motorcycles. The Aprilia can attain speeds up to 106 km/h (65.7 mph). The frame of the Leonardo ''has not been designed to mount a right foot operated brake pedal, which is a sensitive pressure point able to apply considerable stress to the frame, causing failure due to fatigue * * *.'' Aprilia ''intends to begin sales into the United States for market testing purposes during the 1999 sales year and would like to present a model line including the Leonardo 150 motorcycle.'' Absent an exemption, it would be unable to do so because the vehicle would not fully comply with Standard No. 123. It requested an exemption for calendar years 1999 and 2000.

Aprilia argued that the overall level of safety of the Leonardo 150 equals or exceeds that of a non-exempted motor vehicle for the following reasons. The Leonardo 150 is equipped with an automatic transmission. As there is no foot operated gear change, ''the operation and use of a motorcycle with an automatic transmission is similar to the operation and use of a bicycle.'' Thus, the Leonardo 150 can be operated without requiring special training or practice. In response to NHTSA's justification for standardization of motorcycle controls, Aprilia argued that ''any driver will not hesitate when confronted with an emergency'' because ''the use of a left hand lever for the rear brake is highly 'intuitive' and easy to use * * *.''

Admitting that ''the human foot can apply much more force than can the hand,'' Aprilia believes that ''with the modern hydraulically activated disc brakes used on the Leonardo 150, more than enough brake actuation force is available from the hand of even the smallest rider.'' Further, ''it takes much longer for the rider's foot to be placed over the pedal, and the foot force applied, than it does for the rider to reach and squeeze the hand lever.''

Aprilia argued that ''reducing this ''latency time'' to a minimum, especially for inexperienced riders, has obvious safety benefits.'' Finally, the hand lever reduces the possibility of loss of control because of rear wheel locking in an emergency braking situation because of ''the increased sensitivity to brake feedback with the hand lever.''

Aprilia pointed out that European regulations allow motorcycle manufacturers the option of choosing rear brake application through either a right foot or left handlebar control, and that Australia permits the optional locations for motorcycles of any size with automatic transmissions.

An exemption would be consistent with objectives of motor vehicle safety, Aprilia argued, because it believes that its disc brake system provides ''better resistance to fade and better performance under wet conditions.'' The design of the vehicle ''has been tested by long use in Europe and the rest of the world'' without safety concerns being raised. An exemption would be in the public interest because the emissions ''of the small engines have been demonstrated to be lower than alternative means of transportation such as large motorcycles or automobiles.'' The introduction of ''this type of motor vehicle will provide the American consumer with a broader range of choice of low-cost transportation.''

NHTSA received one comment on Aprilia's application, from Peugeot Motocycles of France, which supported it.

In order to grant Aprilia's application, NHTSA must find that an exemption is consistent with the public interest and motor vehicle safety (49 U.S.C. Sec. 30113(b)(3)(A)), and that compliance with the brake control location requirement of Standard No. 123 would prevent Aprilia from selling a motorcycle with an overall safety level at least equal to the safety level of a nonexempt motorcycle (49 U.S.C. Sec. 30113(b)(3)(B)(iv)).

Aprilia has correctly identified NHTSA's principal area of concern: the standardization of motorcycle controls. In adopting Standard No. 123 in April 1972, effective September 1, 1974, the agency justified standardization of motorcycle controls as a means of minimizing operator error in responding to the motoring environment, saying that ''a cyclist, especially the novice and the cyclist who has changed from one make of machine to another, must not hesitate when confronted with an emergency'' (37 FR 7207).

Accordingly, after the close of the comment period, we asked Aprilia to comment on our concern that a left hand lever-operated rear brake may contribute to unfamiliarity and thus degrade a rider's overall braking reaction beyond what would exist on a motorcycle with conventionally configured controls. At the request of Aprilia's U.S. sales subsidiary, Aprilia U.S.A. Inc. of Woodstock, Georgia, Carter Engineering of Franklin, Tennessee, prepared a report on ''Motorscooter Braking Control Study'' (Report No. CE–99–APR–05, May 1999) comparing braking response times of riders using the left hand control of the Leonardo 150 and the right foot control of the Yamaha XC–125 Riva. We have placed a copy of this report in the docket. Aprilia U.S.A. comments that ''[o]verall, the test subjects'' reaction times on the Leonardo were approximately 20% quicker than their reaction times on the conventional motorcycle.'' Aprilia believes that ''a less complex braking arrangement like that of the Leonardo will improve rider reaction in an emergency situation.'' We interpret the report as indicating that a Leonardo rider's braking response is not likely to be degraded by the different placement of the brake controls, thus directly addressing and meeting our safety concern.

With respect to the public interest and consistency with objectives of motor vehicle safety, the available information suggests that Aprilia's request to operate the rear brake with the left hand instead of the right foot may not degrade the rider's braking response. By allowing exempted vehicles to be sold on a temporary basis for two years, it will be possible for us to gather data on operators' experience with this alternative rear brake control. This information would allow us to make a more informed decision about locations for motorcycle brake controls.

In consideration of the foregoing, it is hereby found that to require compliance with Standard No. 123 would prevent the manufacturer from selling a motor vehicle with an overall level of safety at least equal to the overall safety level of nonexempt vehicles. It is further found that a temporary exemption is in the public interest and consistent with the objectives of motor vehicle safety. Accordingly, Aprilia, S.p.A. is hereby granted NHTSA Temporary Exemption No. EX99–9 from the requirement of Item 11, Column 2, Table 1 of 49 CFR 571.123 Standard No. 123, *Motorcycle Controls and Displays*, that the rear wheel brakes be operable through the right foot control. This exemption applies only to the Leonardo 150 and will expire on July 1, 2001. 49 U.S.C. 30113; delegation of authority at 49 CFR 1.50).

Issued on: August 9, 1999.

Ricardo Martinez,

Administrator.

[FR Doc. 99–20951 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Preemption Determination No. PD–15(R); Docket No. RSPA–97–2968 (PDA–17(R))]

Public Utilities Commission of Ohio Requirements for Cargo Tanks

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Decision on petition for reconsideration of administrative determination of preemption.

PETITIONERS: William E. Comley, Inc. (WECCO) and TWC Transportation Corporation (TWC).

STATE LAWS AFFECTED: Ohio Admin. Code § 4901:2–05–02.

APPLICABLE FEDERAL REQUIREMENTS: Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR Parts 171–180.

MODES AFFECTED: Highway.

SUMMARY: RSPA affirms its March 29, 1999 determination that there is insufficient evidence that the Public Utilities Commission of Ohio (PUCO) has applied or enforced requirements governing the transportation of hypochlorite solutions in any different manner than provided in the HMR.

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001 (Tel. No. 202–366–4400).

SUPPLEMENTARY INFORMATION:

I. Background

WECCO and TWC applied to RSPA for an administrative determination that Federal hazardous material transportation law preempts an alleged requirement of the State of Ohio, as supposedly applied and enforced by PUCO, with respect to cargo tank motor vehicles used to transport hypochlorite solutions. According to these two companies, PUCO brought enforcement cases against them based on their use of a non-DOT specification cargo tank motor vehicle to transport hypochlorite

solutions containing more than 5% but less than 16% available chlorine. WECCO and TWC have not paid the total of almost $25,000 in civil penalties assessed by PUCO.

RSPA dismissed the first application submitted by WECCO and TWC. After considering additional information supplied by these companies in support of their second application, on October 10, 1997, RSPA published a notice in the **Federal Register** inviting interested parties to comment on these companies' application. 62 FR 53049. In response to that notice, PUCO and the National Tank Truck Carriers, Inc. (NTTC) submitted comments opposing the application of WECCO and TWC. The applicants did not submit further comments.

In its decision in Preemption Determination (PD) No. 15(R), published in the **Federal Register** on March 29, 1999, RSPA found that written requirements of the State of Ohio applicable to the transportation of hazardous materials are consistent with the HMR and that there is ''no evidence that PUCO applies or enforces a general requirement for the use of a DOT specification cargo tank motor vehicle to transport hypochlorite solutions with less than 16% available chlorine.'' 64 FR 14965, 14967. RSPA explained that WECCO and TWC could have appealed an individual misinterpretation or misapplication of the HMR's requirements in the PUCO enforcement proceedings and stated that:

> As a general matter, an inconsistent or erroneous interpretation of a non-Federal regulation should be addressed in the appropriate State or local forum, because ''isolated instances of improper enforcement (e.g., misinterpretation of regulations) do not render such provisions inconsistent'' with Federal hazardous material transportation law. IR–31, Louisiana Statutes and Regulations on Hazardous Materials Transportation, 55 FR 25572, 25584 (June 21, 1990), appeal dismissed as moot, 57 FR 41165 (Sept. 9, 1992), quoted in PD–4(R), California Requirements Applicable to Cargo Tanks Transporting Flammable and Combustible Liquids, 58 FR 48940 (Sept. 20, 1993), decision on reconsideration, 60 FR 8800 (Feb. 15, 1995).
>
> PD–14(R), Houston, Texas Fire Code Requirements on the Storage, Transportation, and Handling of Hazardous Materials, 63 FR 67506, 67510 n.4 (Dec. 7, 1998), decision on petition for reconsideration, 64 FR 33949 (June 24, 1999), quoted from 64 FR 14967.

In Part II of its decision in PD–15(R), RSPA discussed the applicability of Federal hazardous material transportation law to the transportation of hazardous materials in commerce and the standards for making determinations of preemption. 64 FR 14965–66. As explained there, unless DOT grants a waiver or there is specific authority in another Federal law, a State (or other non-Federal) requirement is preempted if:

—It is not possible to comply with both the State requirement and a requirement in the Federal hazardous material transportation law or regulations;

—The State requirement, as applied or enforced, is an ''obstacle'' to accomplishing and carrying out the Federal hazardous material transportation law or regulations; or

—The State requirement concerns a ''covered subject'' and is not ''substantively the same as'' a provision in the Federal hazardous material transportation law or regulations. Among the five covered subjects are (1) ''the designation, description, and classification of hazardous material,'' and (2) the ''packing, repacking, handling, labeling, marking, and placarding of hazardous material.''

See 49 U.S.C. 5125 (a) & (b). These preemption provisions stem from congressional findings that State and local laws which vary from Federal hazardous material transportation requirements can create ''the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers which attempt to comply with multiple and conflicting . . . regulatory requirements,'' and that safety is advanced by ''consistency in laws and regulations governing the transportation of hazardous materials.'' Pub. L. 101–615 Sections 2(3) & 2(4), 104 Stat. 3244.

In PD–15(R), RSPA also explained its procedures for issuing preemption determinations and the rights to file a petition for reconsideration and/or judicial review. 63 FR at 67509, 67511.

Within the 20-day time period provided in 49 CFR 107.211(a), WECCO and TWC filed a petition for reconsideration of PD–15(R). These companies certified that they had mailed a copy of their petition to PUCO and NTTC, the only parties that had submitted comments. PUCO submitted comments on the City's petition for reconsideration.

II. Petition for Reconsideration

In their petition for reconsideration, WECCO and TWC acknowledge that the State of Ohio has adopted the Federal HMR verbatim. They argue that ''RSPA's ruling claim of 'nsufficiency of evidence' is incomprehensible,'' and they present a lengthy list of complaints about the two enforcement proceedings brought against them. They assert such matters as

—The right of these companies to represent themselves ''pro se'' in the PUCO enforcement hearings;

—The failure of a PUCO commissioner to attend the PUCO enforcement hearings;

—An alleged failure of PUCO to serve a ''Notice of Apparent Violations;

—The preponderance of the evidence in the PUCO enforcement hearings and allegations that ''[t]he Department tampered with evidence and records while the [WECCO and TWC] trucks were impounded''; and

—The Ohio Governor and other State officials ''each became Party through malfeasance or misfeasance in office.''

The conclusion of these parties is that ''Ohio did enforce a variance and conflicting regulations against WECCO and TWC.'' They state that it would be ''wrong, immoral, and illegal'' for RSPA to ''violate law by supporting the Ohio Department's lawlessness.''

The petition for reconsideration submitted by WECCO and TWC contains the same arguments as previously considered by RSPA in PD–15(R). These companies still have not provided any information or evidence that PUCO has generally enforced requirements concerning the transportation of hazardous materials in a manner inconsistent with the HMR. As PUCO states in its responding comments, the petition for reconsideration ''presents nothing new for RSPA's consideration and, instead, merely attempts to once again improperly invite RSPA to sit as an appeals court.''

III. Ruling

RSPA denies the petition for reconsideration filed by WECCO and TWC and affirms its March 29, 1999 determination that there is insufficient evidence that PUCO has applied or enforced requirements governing the transportation of hypochlorite solutions in any different manner than provided in the HMR.

IV. Final Agency Action

In accordance with 49 CFR 107.211(d), this decision constitutes RSPA's final agency action on the application of WECCO and TWC for a determination of preemption as to requirements of the State of Ohio, as applied and enforced by PUCO, concerning the transportation of hypochlorite solutions in cargo tank motor vehicles.

Issued in Washington, DC on August 9, 1999.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 99–21019 Filed 8–12–99; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network; Proposed Collection; Comment Request

AGENCY: Financial Crimes Enforcement Network, Treasury.

ACTION: Notice and request for comments.

SUMMARY: In order to comply with the requirements of the Paperwork Reduction Act of 1995 concerning proposed extensions of information collection requirements, the Financial Crimes Enforcement Network (''FinCEN'') is soliciting comments concerning Internal Revenue Service (''IRS'') Form 8362, Currency Transaction Report by Casinos (''CTRC''), which is filed for currency transactions involving casinos and card clubs under the Bank Secrecy Act regulations.

DATES: Written comments must be received on or before October 12, 1999.

ADDRESSES: Direct all written comments to the Financial Crimes Enforcement Network, Office of Program Development, Attn.: CTRC Comments, Suite 200, 2070 Chain Bridge Road, Vienna, VA 22182–2536.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or for a copy of the form should be directed to Leonard Senia, Senior Financial Enforcement Officer; Office of Program Development, (703) 905–3931; or Stacie A. Larson, Office of Chief Counsel, (703) 905–3590. A copy of the CTRC form, as well as all other forms required by the Bank Secrecy Act, can be obtained through the Internet at http://www.treas.gov/fincen/.

SUPPLEMENTARY INFORMATION: The Bank Secrecy Act (Titles I and II of Public Law 91–508), as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5314, 5316–5330, authorizes the Secretary of the Treasury, *inter alia*, to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters. Regulations implementing Title II of the Bank Secrecy Act, codified at 31 U.S.C. 5311–5314, 5316–5330, appear at 31 CFR Part 103. The authority of the Secretary to administer the Bank Secrecy Act regulations has been delegated to the Director of FinCEN.

Section 5313(a) authorizes the Secretary to issue regulations that require a report when ''a domestic financial institution is involved in a transaction for the payment, receipt, or transfer of United States coins or currency (or other monetary instruments the Secretary of the Treasury prescribes), in an amount, denomination, or amount and denomination, or under circumstances the Secretary prescribes.'' Regulations implementing section 5313(a) are found at 31 CFR 103.22. In general, the regulations require the reporting of transactions in currency in excess of $10,000 a day. Casinos as defined in 31 U.S.C. 5312(a)(2)(X) and 31 CFR 103.11(n)(7)(i) are financial institutions subject to the currency transaction reporting requirement. Card clubs, as defined in 31 CFR 103.11(n)(8)(i), are casinos subject to currency transaction reporting. (See 63 FR 1919, January 13, 1998.) The Currency Transaction Report by Casinos, IRS Form 8362, is the form casinos and card clubs use to comply with the currency transaction reporting requirements.

Information collected on the CTRC is made available, in accordance with strict safeguards, to appropriate criminal law enforcement and regulatory personnel solely in the official performance of their duties. The information contained is used in investigations involving international and domestic money laundering, tax violations, fraud, and other financial crimes.

This notice proposes no changes to the current text of the Form 8362 or its instructions.

In accordance with requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A), and its implementing regulations, 5 CFR 1320, the following information concerning the collection of information on Form 8362 is presented to assist those persons wishing to comment on the information collection. (Since the number of respondents has increased during 1998 because of the inclusion of card clubs under the Bank Secrecy Act, the estimates below are based on 1998 filings.)

Title: Currency Transaction Report by Casinos.

Form Number: IRS Form 8362.

OMB Number: 1506–0005.

Description of Respondents: All United States casinos and card clubs having gross annual gaming revenues in excess of $1 million, except for casinos in Nevada.

Estimated Number of Respondents: 550.

Estimated Number of Annual Responses: 140,000.

Frequency: As required.

Estimate of Burden: Reporting average of 19 minutes per response; recordkeeping average of 5 minutes per response.

Estimate of Total Annual Burden on Respondents: Reporting burden estimate = 44,333 hours; recordkeeping burden estimate = 11,667 hours. Estimated combined total of 56,000 hours.

Estimate of Total Annual Cost to Respondents for Hour Burdens: Based on $20 per hour, the total cost to the public is estimated to be $1,120,000.

Estimate of Total Other Annual Costs to Respondents: None.

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

Request for Comments: FinCEN specifically invites comments on the following subjects: (a) whether the proposed collection of information is necessary for the proper performance of the mission of FinCEN, including whether the information shall have practical utility; (b) the accuracy of FinCEN's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

In addition, the Paperwork Reduction Act of 1995 requires agencies to estimate the total annual cost burden to respondents or recordkeepers resulting from the collection of information. Thus, FinCEN also specifically requests comments to assist with this estimate. In this connection, FinCEN requests commenters to identify any additional costs associated with the completion of the form. These comments on costs should be divided into two parts: (1) any additional costs associated with reporting; and (2) any additional costs associated with recordkeeping.

Responses to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record.

Dated: August 6, 1999.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

[FR Doc. 99–20966 Filed 8–12–99; 8:45 am]

BILLING CODE 4820–03–P

Corrections

Federal Register
Vol. 64, No. 156
Friday, August 13, 1999

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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ASW–17]

Revision of Class E Airspace; Antlers, OK

Correction

In rule document 99–20083 beginning on page 42591 in the issue of Thursday, August 5, 1999, make the following correction(s):

§ 71.1 [Corrected]

On page 42592, in § 71.1, in the second column, in the 5th line from the bottom, after ''*ASW OK*'' add ''*E5*''.

[FR Doc. C9–20083 Filed 8–12–99; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-99-6038]

Notice of Receipt of Petition for Decision that Nonconforming 1998-1999 Audi A6 Passenger Cars Are Eligible for Importation

Correction

In notice document 99–20179, beginning on page 42756, in the issue of Thursday, August 5, 1999, the docket line should appear as set forth above.

[FR Doc. C9–20179 Filed 8–12–99; 8:45 am]

BILLING CODE 1505–01–D

Friday
August 13, 1999

Part II

Department of Housing and Urban Development

Federal Housing Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4432–N–32]

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: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these 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, 1998 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be 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-MT), Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; COE: Ms. Shirley Middleswarth, Army Corps of Engineers, Management & Disposal Division, Pulaski Building, Room 4224, 20 Massachusetts Avenue, NW, Washington, DC 20314–1000; (202) 761–0515; DOT: Mr. Rugene Spruill, Principal, Space Management, SVC–140, Department of Transportation, 400 7th Street, SW, Room 2310, Washington, DC 20590; (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) 501–0052; INTERIOR: Mr. Al Barth, Property Management, Department of the Interior, 1849 C Street, NW, Mail Stop 5512–MIB, Washington, DC 20240; (202) 208–7283; NAVY: Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE, Suite 1000, Washington, DC 20374–5065; (202) 685–9200; VA: Mr. Anatolij Kushnir, Director, Asset & Enterprise Development Service, 181B, Department of Veterans Affairs, 811 Vermont Avenue, NW, Room 419, Lafayette Bldg., Washington, DC 20420; (202) 565–5941; (These are not toll-free numbers).

Dated: August 5, 1999.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program Federal Register Report for 8/13/99

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: 18199010237
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: 18199010238
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: 18199010239
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: 18199010240
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: 18199010241
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: 18199010242
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: 18199010243
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: 18199010244
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: 18199010245
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 618
Point Arena Force Station
Co: Mendorino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010246
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab.

3 Bachelor Enlisted Quarters
U.S. Coast Guard Station
Humboldt Bay
Samoa CA 95564–9999
Landholding Agency: DOT
Property Number: 87199810001
Status: Unutilized
Comment: 2550 sq. ft. each, 2-story, wood, most recent use—residential, needs rehab, off-site use only.

Colorado

Bldg. #1
John Martin Reservoir Project
29955 County Road
Hasty Co: Bent CO 81044–9715
Landholding Agency: COE
Property Number: 31199930003
Status: Unutilized
Comment: 1400 sq. ft. brick veneer, presence of asbestos/lead paint, most recent use—residential/office, off-site use only.

Bldg. #2
John Martin Reservoir Project
29955 County Road
Hasty Co: Bent CO 81044–9715
Landholding Agency: COE
Property Number: 31199930004
Status: Unutilized
Comment: 1400 sq. ft. brick veneer, presence of asbestos/lead paint, most recent use—residential/office, off-site use only.

Connecticut

DG–12, DG14, DG28–DG46
Naval Submarine Base New London
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77199930026
Status: Unutilized
Comment: 19 detached garages, off-site use only.

District of Columbia

William A. White Bldg.
2700 Martin Luther King Ave., SE
Washington Co: DC 20032–
Landholding Agency: GSA
Property Number: 54199930006
Status: Excess
Comment: 150,952 sq. ft. on 2 acres, needs repair, presence of asbestos/lead paint, controlled access, mental hospital campus
GSA Number: 4–F–DC–479.

Idaho

Bldg. 516
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 86348–
Landholding Agency: Air Force
Property Number: 18199520004
Status: Excess
Comment: 4928 sq. ft., 1 story wood frame, presence of lead paint and asbestos, most recent use—offices.

Bldg. 2201
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199520005
Status: Underutilized
Comment: 6804 sq. ft., 1 story wood frame, most recent us—temporary garage for base fire dept. vehicles, presence of lead paint and asbestos shingles.

Indiana

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places.

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house.

Bldg. 7
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 10
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 18
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places.

Bldg. 25
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Iowa

Tract 141
Melos, Stanley, Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199610005
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: 31199010022
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: 31199010060
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: 31199011628
Status: Unutilized
Comment: 1539 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: 31199011629
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: 31199320002
Status: Unutilized
Comment: 541 sq. ft., concrete block, off-site use only.

Bldg.
Rough River Lake Project
Louisville Co: Breckenridge KY 40232–
Landholding Agency: COE
Property Number: 31199920001
Status: Excess
Comment: 469 sq. ft., concrete block, most recent use—water treatment, off-site use only.

Missouri

Riverlands Ofc. Bldg.
Melvin Price Locks & Dam
Access Road
West Alton Co: St. Charles MO 63386–
Landholding Agency: COE
Property Number: 31199730001
Status: Excess
Comment: 5000 sq. ft., steel, most recent use—office, flood damaged, off-site use only.

Project Residence
Long Branch Lake
30186 Visitor Center Road
Macon MO 63552–
Landholding Agency: COE
Property Number: 31199830001
Status: Excess
Comment: 1440 sq. ft., off-site use only.

Proj. Residence #1
Stockton Lake
Stockton Co: Cedar MO 65785–
Landholding Agency: COE
Property Number: 31199840001
Status: Excess
Comment: 1260 sq. ft. w/attached garage, most recent use—residence, off-site use only.

Proj. Residence #2
Stockton Lake
Stockton Co: Cedar MO 65785–
Landholding Agency: COE
Property Number: 31199840002
Status: Excess
Comment: 1260 sq. ft. w/attached garage, most recent use—residence, off-site use only.

Montana

Bldg. 112
Forsyth Training Site
Co: Rosebud MT
Landholding Agency: Air Force
Property Number: 18199610002
Status: Unutilized
Comment: 586 sq. ft., recent use—cold storage.

Nebraska

Bldg. 20
Offutt Communications Annex 4
Silver Creek Co: Nance NE 68663–
Landholding Agency: Air Force
Property Number: 18199610004
Status: Unutilized
Comment: 4714 sq. ft., most recent use—dormitory needs major repair.

New Jersey

Naval Reserve Center
53 Hackensack Ave.
Kearny Co: Hudson NJ 07302–
Landholding Agency: Navy
Property Number: 77199930038
Status: Excess
Comment: 12,180 sq. ft., minor repairs needed on 2.63 acres, most recent use—office.

New Mexico

16 Bldgs., Type A
Kirtland AFB
Duplex Houses
Kirtland AFB Co: Bernalillo NM 87117–5000
Location: 2160–2162, 2157, 2155, 2148, 2139, 2137, 2130, 2129, 2117, 2113, 2109, 2107, 2102, 2100
Landholding Agency: Air Force
Property Number: 18199910013
Status: Unutilized
Comment: 2733 sq. ft., presence of lead, most recent use—residential, off-site use only.

12 Bldgs., Type B
Kirtland AFB
Duplex Houses
Kirtland AFB Co: Bernalillo NM 87117–5000
Location #2158, 2149, 2147, 2136, 2132, 2125–2128, 2121, 2115, 2103
Landholding Agency: Air Force
Property Number: 18199910014
Status: Unutilized
Comment: 2735 sq. ft., presence of lead, most recent use—residential, off-site use only.

15 Bldgs., Type C
Kirtland AFB
Duplex Houses
Kirtland AFB Co: Bernalillo NM 87117–5000
Location: #2164, 2159, 2156, 2150, 2142, 2143, 2140, 2135, 2122–2124, 2120, 2110, 2108, 2104
Landholding Agency: Air Force
Property Number: 18199910015
Status: Unutilized
Comment: 2790 sq. ft., presence of lead, most recent use—residential, off-site use only.

6 Bldgs., Type D
Kirtland AFB
Duplex Houses
Kirtland AFB Co: Bernalillo NM 87117–5000
Location: #2165, 2163, 2144, 2131, 2106, 2105
Landholding Agency: Air Force
Property Number: 18199910016
Status: Unutilized
Comment: 2936 sq. ft., presence of lead, most recent use—residential, off-site use only.

9 Bldg., Type E
Kirtland AFB
Single Units
Kirtland AFB Co: Bernalillo NM 87117—5000
Location: #2153, 2151, 2134, 2141, 2133, 2119, 2112, 2111, 2101
Landholding Agency: Air Force
Property Number: 18199910017
Status: Unutilized
Comment: 1482 sq. ft., presence of lead, most recent use—residential, off-site use only.

Quarters 1
Cochiti Lake Project
Pena Blanca Co: Sandoval NM 87041–
Landholding Agency: COE
Property Number: 31199930005
Status: Unutilized
Comment: 1400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Qtrs No. 2
Cochiti Lakes Project
Pena Blanca Co: Sandoval NM 87041–
Landholding Agency: COE
Property Number: 31199930006
Status: Unutilized
Comment: 1400 sq. ft., presence of asbestos/lead, most recent use—storage, off-site use only.

Qtrs. No. 3
Cochiti Lake Project
Pena Blanca Co: Sandoval NM 87041–
Landholding Agency: COE
Property Number: 31199930007
Status: Unutilized
Comment: 1400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

New York

Bldgs. 1106 & 184 acres
Forestport Test Annex
Forestport Co: Oneida NY 13338–
Landholding Agency: Air Force
Property Number: 18199920028
Status: Unutilized
Comment: 11,760 sq. ft. on 184 acres, most recent use—research lab, presence of asbestos/lead paint/endangered species.

Bldg. 1105
Forestport Test Annex
Forestport Co: Oneida NY 13338–
Landholding Agency: Air Force
Property Number: 18199920029
Status: Unutilized
Comment: 1920 sq. ft., most recent use—cold rsch. equip. storage, presence of asbestos lead paint.

Bldg. 1452 & 297 acres

AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920030
Status: Unutilized
Comment: 11,000 sq. ft. on 297 acres (67 acres of wetland), most recent use—electronic research testing, presence of asbestos/lead paint.

Bldg. 1453
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920031
Status: Unutilized
Comment: 266 sq. ft., most recent use—generator bldg., presence of asbestos.

Bldg. 1454
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Landholding Agency: Air Force
Property Number: 18199920032
Status: Unutilized
Comment: 53 sq. ft., most recent use—switch station, presence of asbestos.

North Dakota

Mobile Home
Tract V1999, Little Knife
Cabin Site
Lake Sakakawea Co: Mountrail ND 00000–
Landholding Agency: COE
Property Number: 31199930002
Status: Excess
Comment: 1040 sq. ft. double-wide mobile home, needs repairs, off-site use only.

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: 31199120018
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.

Dwelling No. 2
Delaware Lake, Highway 23
North
Delaware OH 43015–
Landholding Agency: COE
Property Number: 31199810005
Status: Excess
Comment: 2-story brick w/basement, most recent use—residential, presence of asbestos/lead paint, of-site use only.

Oklahoma

Water Treatment Plant
Belle Starr, Eufaula Lake
Eufaula Co: McIntosh OK 74432–
Landholding Agency: COE
Property Number: 31199630001
Status: Excess
Comment: 16′×16′, metal, off-site use only.

Water Treatment Plant
Gentry Creek, Eufaula Lake
Eufaula Co: McIntosh OK 74432–
Landholding Agency: COE
Property Number: 31199630002
Status: Excess
Comment: 12′×16′, metal, off-site use only.

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242–
Landholding Agency: COE
Property Number: 31199210008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only.

Dwelling
Lock & Dam 6, Allegheny
River, 1260 River Rd
Freeport Co: Armstrong PA 16229–2023
Landholding Agency: COE
Property Number: 311996210008
Status: Unutilized
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes.

Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 31199640002
Status: Unutilized
Comment: 1421 sq. ft., 2-story brick w/basement, most recent use—residential.

Dwelling
Lock & Dam 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Landholding Agency: COE
Property Number: 31199710009
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: 31199740002
Status: Excess
Comment: 2030 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #12
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740003
Status: Excess
Comment: 3045 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #13
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Landholding Agency: COE
Property Number: 31199740004
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: 31199740005
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: 31199740006
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: 31199740007
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: 31199740008
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: 31199740009
Status: Excess
Comment: 2652 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Landholding Agency: COE
Property Number: 31199830003
Status: Excess
Comment: 1421 sq. ft., 2-story + basement, most recent use—residential.

Bldg. 25—VA Medical Center
Delafield Road
Pittsburgh Co: Allegheny PA 15215–
Landholding Agency: VA
Property Number: 97199210001
Status: Unutilized
Comment: 133 sq. ft., one story brick guard house, needs rehab.

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Landholding Agency: VA
Property Number: 97199230012
Status: Underutilized
Comment: portion of bldg. (3850 and 4360 sq. ft.), most recent use—storage, second floor—lacks elevator access.

South Dakota

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage.

Tennessee

Cheatham Lock & Dam
Tract D, Lock Road
Nashville Co: Davidson TN 37207–
Landholding Agency: COE
Property Number: 31199520003
Status: Unutilized

Comment: 1100 sq. ft. w/storage bldgs on 7 acres, needs major rehab, contamination issues, 1 acre in fldwy, off-site use only modif. to struct. subj. to approval of St. Hist. Presv. Ofc.

Utah

Salt Lake City Admin. Bldg.
1745 W 1700 S
Salt Lake City Co: UT 84104–
Landholding Agency: GSA
Property Number: 54199930005
Status: Surplus
Comment: 36,060 sq. ft., 2-story concrete/brick, needs repair, presence of asbestos, most recent use—office/storage.
GSA Number: 7–G–UT–429

Virginia

Peters Ridge Site
Gathright Dam
Covington VA
Landholding Agency: COE
Property Number: 31199430013
Status: Excess
Comment: 64 sq. ft., metal bldg.

Metal Bldg.
John H. Kerr Dam & Reservoir
Co: Boydton VA
Landholding Agency: COE
Property Number: 31199620009
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only.

West Virginia

Dwelling 1
Summersville Lake
Summersville Co: Nicholas WV 26651–9802
Landholding Agency: COE
Property Number: 31199810003
Status: Excess
Comment: 1200 sq. ft., presence of asbestos/lead paint, most recent use—residential, off-site use only.

Dwelling 2
Sutton Lake
Sutton Co: Braxton WV 26651–9802
Landholding Agency: COE
Property Number: 31199810004
Status: Excess
Comment: 1100 sq. ft., most recent use—residential, off-site use only.

Wisconsin

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 31199011524
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: 31199011525
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: 31199011527
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: 31199011531
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: 31199011533
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: 31199011535
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: 31199011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land (by State)

Alabama

VA Medical Center
VAMC
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199010053
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

Arkansas

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010071
Status: Unutilized
Comment: 77.6 acres.

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010072
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010073
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: 31199010074
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010075
Status: Unutilized
Comment: 187.30 acres.

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010076
Status: Unutilized
Comment: 13.0 acres.

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Springs AR 71923–9361
Landholding Agency: COE
Property Number: 31199010077
Status: Unutilized
Comment: 0.27 acres.

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 31199010078
Status: Unutilized
Comment: 14.6 acres.

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010079
Status: Unutilized
Comment: 6.60 acres.

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361

Landholding Agency: COE
Property Number: 31199010080
Status: Unutilized
Comment: 4.5 acres.

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 31199010081
Status: Unutilized
Comment: 19.50 acres.

Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Landholding Agency: COE
Property Number: 31199010083
Status: Unutilized
Comment: 46 acres.

California

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Landholding Agency: VA
Property Number: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area.

Iowa

40.66 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Landholding Agency: VA
Property Number: 97199640002
Status: Unutilized
Comment: golf course, easement requirements.

Kansas

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Landholding Agency: COE
Property Number: 31199010064
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: 31199010025
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 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: 31199010026
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: 31199010027
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: 31199010028
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: 31199010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

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: 31199010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek.
Landholding Agency: COE
Property Number: 31199010032
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: 31199010033
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: 31199010034
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 from Canton, KY.
Landholding Agency: COE
Property Number: 31199010035
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: 31199010036
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: 31199010042
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: 31199010044
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: 31199010045
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: 31199010046
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: 31199010047
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: 31199010048
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: 31199010049
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: 31199010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 9 miles southeasterly of Eddyville, KY
Landholding Agency: COE
Property Number: 31199010051
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: 31199010052
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: 31199010053
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: 31199010054
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 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: 31199010055
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: 31199010056
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: 31199010057
Status: Excess
Comment: 3.58 acres; hillside ridgeland and wooded; no utilities.

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: 31199010058
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: 31199010059
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: 31199011621
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: 31199011622
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: 31199011623
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: 31199011624
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: 31199011625
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon Ky 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 31199011626
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: 31199011627
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: 31199130002
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: 31199130003
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: 31199130005
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: 31199140009
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: 31199320003
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: 31199320004
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: 31199011009
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: 31199011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Maine

Irish Ridge NEXRAD Site
Loring AFB
Fort Fairfield Co: Aroostook ME 04742—
Location:
Landholding Agency: Air Force
Property Number: 18199640017
Status: Unutilized
Comment: 3.491 acres in fee simple.

Maryland

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052—
Landholding Agency: VA
Property Number: 97199010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Massachusetts

.07 acre
Westover Air Reserve Base
Off Rte 33
Chicopee Co: Hampden MA 01022—
Landholding Agency: Air Force
Property Number: 18199840007
Status: Excess
Comment: land, no utilities

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: 31199011038
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: 31199011040
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: 31199011041
Status: Excess
Comment: 7.3 acres; no utilities.

Mississippi

A
Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 31199011020
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: 31199011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Section 16, 17, 18 T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 31199011022
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: 31199011023
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: 31199011024
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: 31199011025
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: 31199011026
Status: Underutilized
Comment: 20 acres; 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 38901–0903
Landholding Agency: COE
Property Number: 31199011027
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: 31199011028
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 38901–10903
Landholding Agency: COE
Property Number: 31199011029
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: 31199011030
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: 31199011031
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: 31199011032
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: 31199011033
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: 31199011034
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 28901–0903
Landholding Agency: COE
Property Number: 31199011035
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: 31199011036
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 southwest of access road ''B'', part of Bledsoe Ferry Park Tract 150.
Landholding Agency: COE
Property Number: 31199030014
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Nebraska

Hastings Radar Bomb Scoring
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199810027
Status: Unutilized
Comment: 11 acres.

Oklahoma

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 31199010923
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: 31199010018
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango 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: 31199011001
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: 31199011011
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: 31199430012
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: 31199010927
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: 31199010928
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Locatin: ½ mile downstream from Cheatham Dam
Landholding Agency: COE
Property Number: 31199010929
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: West of Buckeye Bottom Road
Landholding Agency: COE
Property Number: 31199010930
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Old Jefferson Pike
Landholding Agency: COE
Property Number: 31199010931
Status: Excess
2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Across Fall Creek near Fall Creek camping area.
Landholding Agency: COE
Property Number: 31199010932
Status: Excess
14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam
Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 56
Landholding Agency: COE
Property Number: 31199010933
Status: Unutilized
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: 31199010934
Status: Excess
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: 31199010935
Status: Excess
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: 31199010936
Status: Excess
10.15 acres; subject to existing easements.

Tracts 8813, 8814
Barkley Lake
Dover Co: Stewart TN 37050–
Location: 1½ miles East of Cumberland City.
Landholding Agency: COE
Property Number: 31199010937
Status: Excess
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: 31199010938
Status: Excess
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: 31199010939
Status: Excess
1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2½ miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 31199010940
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: 31199010941
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: 31199010943
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: 31199010944
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: 31199011173
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: 31199130007
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: 31199140006
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: 31199140007
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: 31199140008
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 38570–
Landholding Agency: COE
Property Number: 31199140010
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements

Texas

Land

Olin E. Teague Veterans Center
1901 South 1st Street
Temple Co: Bell TN 76504–
Landholding Agency: VA
Property Number: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Washington

Spokane Satellite Tracking #1
Fairchild AFB
Portion of Site
Spokane WA 99224–
Landholding Agency: Air Force
Property Number: 18199810028
Status: Unutilized
Comment: 1.14 acres w/water well pump house.

Wisconsin

VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Landholding Agency: VA
Property Number: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

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: 87199720001
Status: Excess
Comment: 12492 sq. ft. steel frame, most recent use—barracks and shops, needs extensive repairs, in Tsunami evacuation area.

California

Santa Fe Flood Control Basin
Irwindale Co: Los Angeles CA 91706–
Landholding Agency: COE
Property Number: 31199011298
Status: Unutilized
Comment: 1400 sq. ft.; 1 story stucco; needs rehab; termite damage; secured area with alternate access.

Colorado

Bldg. 9023
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730010
Status: Underutilized
Comment: 4112 sq. ft., most recent use—preschool.

Bldg. 9027
U.S. Air Force Academy
Colorado Springs Co: El Paso CO 80814–2400
Landholding Agency: Air Force
Property Number: 18199730011
Status: Underutilized
Comment: 4112 sq. ft., most recent use—child care center.

Idaho

Bldg. 224
Mountain Home Air Force
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840008
Status: Unutilized
Comment: 1890 sq. ft., no plumbing facilities, possible asbestos/lead paint, most recent use—office.

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: 31199010001
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: 31199010002
Status: Unutilized
Comment: 900 sq. ft.; 1 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: 31199010003
Status: Unutilized
Comment: 900 sq. ft.; 1 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: 31199010004
Status: Unutilized
Comment: 900 sq. ft.; 1 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: 31199010005
Status: Unutilized
Comment: 900 sq. ft.; 1 floor wood frame; most recent use—residence.

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: 31199010006
Status: Unutilized
Comment: 900 sq. ft.; 1 floor wood frame.

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: 31199010007

Status: Unutilized
Comment: 900 sq. ft.; 1 floor wood frame; most recent use—residence.

Indiana

Bldg. 24, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230005
Status: Underutilized
Comment: 4135 sq. ft. 2-story wood structure, needs minor rehab, no sanitary or heating facilities, presence of asbestos, Natl Register of Historic Places.

Bldg. 122
VA Northern Indiana Health Care System
Marion Campus, 1700 East 38th Street
Marion Co: Grant IN 46953–
Landholding Agency: VA
Property Number: 97199810006
Status: Underutilized
Comment: 37,135 sq. ft., presence of asbestos, most recent use—former dietetics bldg., National Register of Historic Places.

Iowa

Bldg. 00627
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310001
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: 18199310002
Status: Unutilized
Comment: 1113 sq. ft., 1-story concrete block bldg., contamination clean-up in process.

Maine

Mount Desert Rock Light
U.S. Coast Guard
Southwest Harbor Co: Hancock ME 04679–
Landholding Agency: DOT
Property Number: 87199240023
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: 87199240026
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: 87199240027
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: 87199240024
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: 87199240025
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: 18199010790
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: 18199010833
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: 18199010834
Status: Excess
Comment: 3000 sq. ft.; 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: 18199010864
Status: Excess
Comment: 538 sq. ft.; 1 floor; concrete/wood structure; potential utilities; most recent use—gymnasium facility.

Nebraska

Bldg. 64
Offutt AFB
Silver Creek Co: Nance NE 68113–
Landholding Agency: Air Force
Property Number: 18199720040
Status: Unutilized
Comment: 4000 sq. ft.; most recent use—admin., needs 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: 18199320057
Status: Excess
Comment: 698 sq. ft., 1-story, concrete and metal frame, possible asbestos, access restrictions, most recent use—storage.

Ohio

Bldg.—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Landholding Agency: COE
Property Number: 31199640001
Status: Unutilized
Comment: 1420 sq. ft., 2-story brick w/garage and basement, most recent use—residential, secured w/alternate access.

Pennsylvania

Tract 353
Grays Landing Lock & Dam Project
Greesnboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430019
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 403A
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31199430021
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: 31199430022
Status: Unutilized
Comment: 1600 sq. ft., 2-story, brick structure, needs repair, most recent use—residential, if used for habitation must be flood protected or removed off-site.

Tract 403C
Grays Landing Lock & Dam
Project
Greensboro Co: Greene PA 15338—
Landholding Agency: COE
Property Number: 31199430023
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 protected or removed.

Tract 434
Grays Landing Lock & Dam
Project
Greensboro Co: Greene PA 15338—
Landholding Agency: COE
Property Number: 31199430024
Status: Unutilized
Comment: 1059 sq. ft., 2-story, wood frame 2 apt. units, historic property, if used for habitation must be flood protected or removed off-site.

Tract 224
Grays Landing Lock & Dam
Project
Greensboro Co: Greene PA 15338—
Landholding Agency: COE
Property Number: 31199430001

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 protected or removed off site.

Wisconsin

Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere Co: Brown WI 54115—
Landholding Agency: COE
Property Number: 31199011526
Status: Unutilized
Comment: 1224 sq. ft., 2-story, brick/wood frame residence; needs rehab, secured area with alternate access.

Blgd. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI: 53295—
Landholding Agency: VA
Property Number: 97199830002
Status: Unutilized
Comment: 133730 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage.

LAND

Georgia

Land—St. Simons Boathouse
St. Simons Islands Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 87199540003
Status: Unutilized
Comment: .08 acres, most recent use—pier and dockage for Coast Guard boats.

Illinois

Lake Shelbyville
Shelbyville Co: Shelby & Moultrie IL 62565–9804
Landholding Agency: COE
Property Number: 31199240004
Status: Unutilized
Comment: 5 parcels of land equalling 0.70 acres, improved 2/4 small equipment storage bldgs. and a small access road, easement restrictions.

Iowa

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138—
Landholding Agency: VA
Property Number: 97199740001
Status: Unutilized
Comment: golf course.

Kentucky

Porton of Tract 3300
Fishtrap Lake
Co: Pike KY 41548–
Landholding Agency: COE
Property Number: 31199830002
Status: Excess
Comment: 0.40 acre encroachment, steep hill.

Michigan

VA Medical Center
5500 Armstrong Road
Battle Creek Co: Calhoun MI 49016–
Landholding Agency: VA
Property Number: 97199010015
Status: Underutilized
Comment: 20 acres, used as exercise trails and storage areas, potential utilities.

Nebraska

Land/Offutt Comm. Annex No. 4
Silver Creek Co: Nance NE 68663–
Landholding Agency: Air Force
Property Number: 18199720041
Status: Unutilized
Comment: 354 acres, most recent use—radio transmitter site, wetlands, isolated area.

New York

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Landholding Agency: VA
Property Number: 97199010017
Status: Underutilized
Comment: 27.5 acres, used for school ballfield and parking, existing utilities easement, portion leased.

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: 31199011012
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: 31199210009
Status: Unutilized
Comment: 0.58 acres, most recent use—baseball field.

VA Medical Center
New Castle Road
Butler Co: Butler PA 16001–
Landholding Agency: VA
Property Number: 97199010016
Status: Underutilized
Comment: Approx. 9.29 acres, used for patient recreation, potential utilities.

Land No. 645
VA Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Location: Between Campania and Wiltsie Streets
Landholding Agency: VA
Property Number: 97199010080
Status: Unutilized
Comment: 90.3 acres, heavily wooded, property includes dump area and numerous site storm drain outfalls.

Land—3416 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Landholding Agency: VA
Property Number: 97199340001
Status: Underutilized
Comment: 34.16 acres, open field, most recent use—recreation/buffer.

Tennessee

44 acres
VA Medical Center
3400 Lebanon Rd.
Murfreesboro Co: Rutherford TN 37129–
Landholding Agency: VA
Property Number: 97199740003
Status: Underutilized
Comment: intermittent use, partially landlocked, flooding.

Texas

Parcel #222
Lake Texoma
Co: Grayson TX
Location: C. Meyerheim survey A–829 J. Hamilton survey A–529
Landholding Agency: COE
Property Number: 31199010421
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: 87199310001
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: 87199420001
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: 87199420003
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: 87199430005
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: 87199430006
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: 87199430007
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: 87199530001
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: 18199530048
Status: Excess
Comment: 4955 sq. ft., 2 story concrete block, needs rehab, most recent use—adminstration.

Bldg. 2
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530049
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: 18199530050
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: 18199530051
Status: Excess
Comment: 1750 sq. ft., 1 story wod frame, needs rehab, most recent use—storage.

Bldg. 8
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199530052
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: 18199530053
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: 18199530054
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: 18199530055
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: 18199530056
Status: Excess
Comment: 1627 sq. ft., 1 story concrete block, most recent use—storage.

South Carolina

5 Bldgs.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 101 Vector Ave., 112, 114, 116, 118 Intercept Ave.
Landholding Agency: Air Force
Property Number: 18199830035
Status: Unutilized
Comment: 1433 sq. ft. + 345 sq. ft. carport, lead base paint/exterior most recent use—residential.

1 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 102 Vector Ave.
Landholding Agency: Air Force
Property Number: 18199830036
Status: Unutilized
Comment: 1545 sq. ft. + 345 sq. ft. carport, lead base paint/exterior most recent use—residential.

1 Bldg.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 103 Vector Ave.
Landholding Agency: Air Force
Property Number: 18199830037
Status: Unutilized
Comment: 1445 sq. ft. + 346 sq. ft. carport, lead base paint/exterior most recent use—residential.

18 Bldgs.
Charleston AFB Annex Housing
N. Charleston SC 29404–4827
Location: 104–107 Vector Ave., 108–111, 113, 115, 117, 119 Intercept Ave., 120–122 Radar Ave.
Landholding Agency: Air Force
Property Number: 18199830038
Status: Unutilized
Comment: 1265 sq. ft. + 353 sq. ft. carport, lead base paint/exterior most recent use—residential.

Land (by State)

Alaska

Gibson Cove Tract
Kodiak Co: AK 99619–
Landholding Agency: DOT
Property Number: 87199920001
Status: Unutilized
Comment: 37.55 acres, undeveloped land.

Georgia

Lake Sidney Lanier
Co: Forsyth GA 30130–
Location: Located on Two Mile Creek adj. to State Route 369
Landholding Agency: COE
Property Number: 31199440010
Status: Unutilized
Comment: 0.25 acres, endangered plant species.

Lake Sidney Lanier-3 parcels
Gainesville Co: Hall GA 30505–
Location: Between Gainesville, H.S. and State Route 53 By-Pass
Landholding Agency: COE
Property Number: 31199440011
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: 31199440009
Status: Unutilized
Comment: 6.91 acres, limited utilities.

Kansas

Parcel #1
Fall River Lake
Section 26
Co: Greenwood KS
Landholding Agency: COE
Property Number: 31199010065
Status: Unutilized
Comment: 126.69 acres; most recent use—recreation and leased cottage sites.

Parcel No. #2, El Dorado Lake
Approx. 1mi east of the town of El Dorado
Co: Butler KS
Landholding Agency: COE
Property Number: 31199210005
Status: Unutilized
Comment: 11 acres, pat of a relocated railroad bed, rural area.

Massachusetts

Buffumville Dam
Fllod 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: 31199010016
Status: Excess
Comment: 1.45 acres.

Minnesota

Tract #3
Lac Qui Parle Flood Control Project
County Rd. 13
Watson Co: Lac Qui Parle MN 56295–
Landholding Agency: COE
Property Number: 31199340006
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: 31199340007
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: 18199530057
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: 31199010942
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: 31199240001
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: 18199720027
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: 87199120001
Status: Excess
Reason: Floodway.

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120002
Status: Excess
Reason: Floodway.

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120003
Status: Excess
Reason: Floodway.

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120004
Status: Excess
Reason: Floodway.

Shop Building
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 87199120005
Status: Excess
Reason: Floodway.

Bldg. 7
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730001
Status: Underutilized
Reason: Secured Area.

Bldg. 8
VA Medical Center
Tuskegee Co: Macon AL 36083–
Landholding Agency: VA
Property Number: 97199730002
Status: Underutilized
Reason: Secured Area.

Alaska

Bldg. 203
Tin City Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010296
Status: Unutilized
Reason: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 165
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010298
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 150
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010299
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 130
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010300
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 306
King Salmon Airport
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010301
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 11–230
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010303
Status: Unutilized
Reasons: Contamination, Secured Area.

Bldg. 63–320
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010307
Status: Unutilized
Reasons: Contamination, Secured Area.

Bldg. 63–325
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010308
Status: Unutilized
Reasons: Contamination, Secured Area.

Bldg. 103
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010309
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 110
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010310
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 112
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010311
Status: Unutilized
Reasons: Isolated area Not accessible by road Contamination Secured Area.

Bldg. 113
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010312
Status: Unutilized
Reasons: Isolated area Not accessible by road Contamination Secured Area.

Bldg. 114
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010313
Status: Unutilized
Reasons: Isolated area Not accessible by road Contamination Secured Area.

Bldg. 115
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000

Landholding Agency: Air Force
Property Number: 18199010314
Status: Unutilized
Reasons: Isolated area Not accessible by road Contamination Secured Area.

Bldg. 118
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010315
Status: Unutilized
Reasons: Isolated area Not accessible by road Contamination Secured Area.

Bldg. 1018
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010317
Status: Unutilized
Reasons: Isolated area Not accessible by road Contamination Secured Area.

Bldg. 1025
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010318
Status: Unutilized
Reasons: Isolated area Not accessible by road Contamination Secured Area.

Bldg. 1055
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010319
Status: Unutilized
Reasons: Isolated area Not accessible by road Contamination Secured Area.

Bldg. 107
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010320
Status: Unutilized
Reasons: Isolated area Not accessible by road Contamination Secured Area.

Bldg. 115
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010321
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured area.

Bldg. 113
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010322
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured area.

Bldg. 150
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 88506–5000
Landholding Agency: Air Force
Property Number: 18199010323
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured area.

Bldg. 152
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010324
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured area.

Bldg. 301
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010325
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured area.

Bldg. 1001
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010326
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured area.

Bldg. 1003
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010327
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured area.

Bldg. 1055
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010328
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured area.

Bldg. 1056
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010329
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured area.

Bldg. 103
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010330
Status: Unutilized
Reasons: Isolated area
Not accessible by road
Contamination
Secured Area.

Bldg. 104
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010331
Status: Unutilized
Reasons: Isolated area
Not accessible by road
Contamination
Secured Area.

Bldg. 105
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010332
Status: Unutilized
Reasons: Isolated area
Not accessible by road
Contamination
Secured Area.

Bldg. 110
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010333
Status: Unutilized
Reasons: Isolated area
Not accessible by road
Contamination
Secured Area.

Bldg. 114
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010334
Status: Unutilized
Reasons: Isolated area
Not accessible by road
Contamination
Secured Area.

Bldg. 202
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010335
Status: Unutilized
Reasons: Isolated area
Not accessible by road
Contamination
Secured Area.

Bldg. 204
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010336
Status: Unutilized

Reasons: Isolated area
Not accessible by road
Contamination
Secured Area.

Bldg. 205
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010337
Status: Unutilized
Reasons: Isolated area
Not accessible by road
Contamination
Secured Area.

Bldg. 1001
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010338
Status: Unutilized
Reasons: Isolated area
Not accessible by road
Contamination
Secured Area.

Bldg. 1015
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010339
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Contamination, Secured Area.

Bldg. 50
Cold Bay Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010433
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Isolated and remote; arctic environment.

Bldg. 1548, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420001
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1568, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420002
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1570, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420003
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1700, Galena Airport, Elmendorf AFB AK 99506–420
Landholding Agency: Air Force
Property Number: 18199420004
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1832, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420005
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1842, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420006
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1844, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199420007
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 1853, Galena, Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199440011
Status: Unutilized
Reasons: Floodway, Secured Area.

Bldg. 142
Tin City Long Range Radar
Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 18199520013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 110
Tin City Long Range Radar
Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 18199520014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 646
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199520015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 2541
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 18199520016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1770
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 18199520017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520024
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520025
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration.

Bldg. 12
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520026
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration.

Bldg. 1
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520027
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration.

Bldg. 2
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520028
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration.

Bldg. 3
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 18199520029
Status: Unutilized
Reasons: Not accessible by road, Extensive deterioration.

Bldg. 3024
Tatalina Long Range Radar
Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 3045
Tatalina Long Range Radar
Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 18
Lonely Dewline Site
Elmendorf ABF AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 23
Lonely Dewline Site
Elmendorf AFB AK 99506–4420

Landholding Agency: Air Force
Property Number: 18199530004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1015
Kotzebue Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 2
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 3
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 4100
Cape Romanzof Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 200
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 2166
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530011
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 5500
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 8
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 75
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 86
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 3060
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18199530016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 11–330
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530017
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 21–870
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530019
Status: Unutilized
Reason: Secured Area.

Bldg. 31–342
Elmendorf Air Force Base
Anchorge AK 99506–3240
Landholding Agency: Air Force
Property Number: 1819953022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 32–126
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199530023
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 221–737
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199540001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 52–651
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency; Air Force
Property Number: 18199740004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 132
Tin City Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. 1001, 211
Murphy Dome AF Station
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1551
Galena Airport
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199810030
Status: Unutilized
Reasons: Within airport runway clear zone.

Bldg. 1771
Galena Airport
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199820001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 62–146
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199830007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 34–570
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199830008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 3
Oliktok Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 8
Oliktok Long Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 19
Lonely Short Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840012
Status: Unutilized

Reasons: Secured Area, Extensive deterioration.

Bldg. 20
Lonely Short Range Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 338
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 560
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 612
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 618
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 643
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 649
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 18199840019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 114
Indian Mountain Long Range
Radar Site
Elmendorf AFB AK 99506–2270
Landholding Agency: Air Force
Property Number: 18199840020
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 34–636
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840021
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 34–638
Elmendorf AFB
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840022
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 140
Cape Lisburne Long Range
Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 145
Cape Lisburne Long Range
Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 310
Cape Lisburne Long Range
Radar Site
Elmendorf AFB AK 99506–3240
Landholding Agency: Air Force
Property Number: 18199840025
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 27
Eareckson Air Station
Shemya Island, AK
Landholding Agency: Air Force
Property Number: 18199840026
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 30
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840027
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 42
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840028
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 212
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840029
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 213
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 223
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 452
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840032
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 502
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840033
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 503
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840034
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 522
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840035
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 587
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840036
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 588
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840037
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 598
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840038
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 605
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840039

Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 613
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840040
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 614
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 615
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840042
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 616
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 617
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840044
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 624
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840045
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 700
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840046
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 718
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840047
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 727
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840048
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 731
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840049
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 751
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840050
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 753
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840051
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1001
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840052
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1005
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840053
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1010
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840054
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1025
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840055
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1030
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840056
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 3016
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840057
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 3062
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840058
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 3063
Eareckson Air Station
Shemya Island AK
Landholding Agency: Air Force
Property Number: 18199840059
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 32–189
Elmendorf Air Force Base
Anchorage Co: AK 99506–3230
Landholding Agency: Air Force
Property Number: 18199920001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldg. 4893
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930001
Status: Unutilized
Reasons: Within airport runway clear zone.

Bldg. 4905
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930002
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area.

Bldg. 4913
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930003
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area.

Bldg. 5887
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area.

Bldg. 10449
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930005
Status: Unutilized
Reasons: Secured Area.

Bldg. 12759
Elmendorf AFB
Elmendorf AFB Co: AK 99506–
Landholding Agency: Air Force
Property Number: 18199930006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldg. 28
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000

Landholding Agency: DOT
Property Number: 87199210126
Status: Excess
Reasons: Within airport runway clear zone, Secured Area.

Bldg. 19
USCG Support Center
Kodiak Co: KOdiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 87199210128
Status: Excess
Reasons: Within airport runway clear zone, Extensive deterioration, Secured Area.

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 87199210132
Status: Excess
Reasons: Within airport runway clear zone, Secured Area
GSA Number: U–ALAS–655A.

Bldg. A512
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 87199210133
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. R1, Holiday Beach
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 87199310014
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: 87199310015
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: 87199310016
Status: Unutilized
Reason: Secured Area.

Bldg. 624
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 87199310021
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area.

Bldg. 456
Coast Guard—ISC Kodiak
Kodiak Co: Kodiak Borough AK 99615–
Landholding Agency: DOT
Property Number: 87199710002
Status: Excess
Reasons: Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 524A
USCG ISC Kodiak
Kodiak Co: Kodiak Is. Borough AK 99619–
Landholding Agency: DOT
Property Number: 87199710004
Status: Excess
Reasons: Floodway, Secured Area.

Bldg. R13, USCG ISC Kodiak
Holiday Beach
Kodiak Co: Kodiak Is. Borough AK 99619–
Landholding Agency: DOT
Property Number: 87199720003
Status: Excess
Reason: Secured Area.

Bldg. 172, USCG ISC Kodiak
Nyman's Pensinsula
Kodiak Co: Kodiak Is Bor AK 99619–
Landholding Agency: DOT
Property Number: 87199720004
Status: Unutilized
Reason: Secured Area.

Bldg. 160, USCG ISC Kodiak
Comsta/Buskin Lake
Kodiak Co: Kodiak IS Bor AK 99619–
Landholding Agency: DOT
Property Number: 87199720005
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Arizona

Facility 90002
Holbrook Radar Site
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 18199340049
Status: Unutilized
Reason: With airport runway clear zone.

Arkansas

Dwelling
Bull Shoals Lake/Dry Run Road
Okland Co: Marion AR 72661–
Landholding Agency: COE
Property Number: 31199820001
Status: Unutilized
Reason: Extensive deterioration.

California

Bldg. 707 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 18199010193
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: 18199010195
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: 18199010196
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: 18199010197
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 100
Point Arena Air Force Station
(See Country) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 18199010233
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: 18199010234
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: 18199010235
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: 18199010236
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: 18199010546
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: 18199010547
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: 18199010548
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: 18199010549
Status: Unutilized
Reason: Secured Area.

Bldg. 1823

Vandenberg Air Force Base
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: 18199130360
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 10312
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199210026
Status: Unutilized
Reason: Secured Area.

Bldg. 16104, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., Pt Sal Rd.; Miguelito Cyn
Landholding Agency: Air Force
Property Number: 18199230020
Status: Underutilized
Reason: Secured Area.

Bldg. 5428, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199310015
Status: Unutilized
Reason: Secured Area.

Bldg. 7304, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199310030
Status: Unutilized
Reason: Secured Area.

Bldg. 8215
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199330016
Status: Unutilized
Reason: Secured Area.

Bldg. 1988
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 181993340003
Status: Unutilized
Reason: Electrical Power Generator Bldg. Secured Area.

Bldg. 1324
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340006
Status: Unutilized
Reason: Secured Area.

Bldg. 1341
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340007
Status: Unutilized
Reason: Secured Area.

Bldg. 1955
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340008
Status: Unutilized
Reason: Secured Area.

Bldg. 6443
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340020
Status: Unutilized
Reason: Secured Area.

Bldg. 7306
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340022
Status: Unutilized
Reason: Secured Area.

Bldg. 16164
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199340028
Status: Unutilized
Reason: Secured Area.

Bldg. 6521
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199410004
Status: Unutilized
Reason: Secured Area.

Bldg. 908
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199520018
Status: Excess
Reason: Detached Latrine

Bldg. 13004
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199520022
Status: Excess
Reasons: Secured Area, Extensive deterioration

Bldg. 422
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530029
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 431
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 470
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 480
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530032
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: 18199530037
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 7307
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530039
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 10717
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 10722
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 13213
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530044
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 893
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199530043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 9350
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620030
Status: Unutilized

Reasons: Secured Area, Extensive deterioration.

Bldg. 13003
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 13222
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199620032
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 815
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630040
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1850
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1853
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630042
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1856
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630043
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1865
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630044
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1874
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630045
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1875
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630046
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1877
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630047
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1879
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630048
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1885
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630049
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1898
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630050
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 06445
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630052
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 21160
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199630055
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 06437
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199710014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 10715
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199710016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 21300
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199710020
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 00835
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 00879
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 01630
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 01797
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 01830
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720013
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 01852
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 10003
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–

Landholding Agency: Air Force
Property Number: 18199720016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 10252
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 11345
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 13600
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720021
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 14019
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 14026
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 16162
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199720024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 22300
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199730002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 01310
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740005
Status: Unutilized
Reasons: Secured Area.

Bldg. 08412
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740006
Status: Unutilized
Reasons: Secured Area.

Bldg. 11153
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740007
Status: Unutilized
Reasons: Secured Area.

Bldg. 11154
Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199740008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. 2–11, 20–21
Edwards AFB
P-Area Housing
Edwards AFB Co: Kern CA 93524–
Landholding Agency: Air Force
Property Number: 18199810029
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 00907
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 1681
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 01839
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820004
Status: Unutilized
Reasons: Secured Area Extensive deterioration.

Bldg. 06519
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 06526
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 11167
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Bldg. 11168
Vandenberg AFB
Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 18199820008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration

Soil & Materials Testing Lab
Sausalito Co: CA 00000–
Landholding Agency: COE
Property Number: 31199920002
Status: Excess
Reason: Contamination

Parker Dam Govt Housing Camp
Township 2 North
San Bernardino Co: CA 92401–
Landholding Agency: Interior
Property Number: 61199930001
Status: Excess
Reason: Extensive deterioration

Bldgs. 40, 62
Naval Air Station, North Island
Imperial Beach Co: CA 91932–
Landholding Agency: Navy
Property Number: 77199930024
Status: Excess
Reasons: Secured Area, Extensive deterioration

10 Bldg.
USCG Station Humboldt Bay
Samoa Co: Humboldt CA 95564–9999
Landholding Agency: DOT
Property Number: 87199440027
Status: Excess
Reason: Extensive deterioration.
Comment: Land to be relinquished to BLM (Public Domain Land).

Bldg. T102
U.S.C.G. Training Center
Petaluma Co: Sonoma CA 94952–
Landholding Agency: DOT
Property Number: 87199830001
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Colorado

Bldg. 00910
''Blue Barn''—Falcon Air Force Base
Falcon Co: El Paso CO 80912–
Landholding Agency: Air Force
Property Number: 18199530046
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: 18199730003
Status: Underutilized
Reasons: 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: 18199730004
Status: Underutilized
Reasons: 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: 18199730012
Status: Underutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 7067
USAF Academy
Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 18199810005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8222
USAF Academy
Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 18199810006
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9200
USAF Academy
Co: El Paso CO 80840–
Landholding Agency: Air Force
Property Number: 18199810007
Status: Unutilized
Reasons: Within airport runway clear zone; Secured Area.

Bldg. 888
Rocky Flats Environmental
Tech site
Golden Co: Jefferson CO 80020–
Landholding Agency: Energy
Property Number: 41199930001
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Alemeda Facility
350 S. Santa Fe Drive
Denver Co: Denver CO 80223–
Landholding Agency: DOT
Property Number: 87199010014
Status: Unutilized
Reason: Other environmental.
Comment: Contamination.

Connecticut

Bldg. 13
Bradley International
Airport
East Granby Co: Hartford CT 06026–9309
Landholding Agency: Air Force
Property Number: 18199640002
Status: Unutilized
Reasons: 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: 18199640003
Status: Unutilized
Reasons: 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: 18199640004
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: 18199640005
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: 31199740001
Status: Unutilized
Reasons: Floodway Extensive deterioration.

DG1–DG8, DG10–DG–27
Dolphin Gardens
Naval Submarine Base New London
Groton Co: New London CT 06349–
Landholding Agency: Navy
Property Number: 77199930025
Status: Unutilized
Reason: Extensive deterioration.

Falkner Island Light
U.S. Coast Guard
Guilford Co: New Haven CT 06512–
Landholding Agency: DOT
Property Number: 87199240031
Status: Unutilized
Reason: Floodway.

Florida

Bldg. 1179
Patrick Air Force Base
1179 School Avenue
Co: Brevard FL 32935–
Landholding Agency: Air Force
Property Number: 18199240030
Status: Unutilized
Reasons: Extensive Deterioration, Secured Area.

Bldg. 575
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199320004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Extensive Deterioration, Secured Area.

Facility 90523
Cape Canaveral AFS
Cape Canaveral AFS Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199330001
Status: Underutilized
Reason: Secured Area.

Bldg. 921
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199430002
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

23 Family Housing
MacDill Auxiliary Airfield
No. 1
Avon Park Co: Polk FL 33825–
Location: Include Bldgs: 448, 451 thru 470, 472 and 474
Landholding Agency: Air Force
Property Number: 18199520006
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: 18199520007
Status: Excess
Reason: Extensive deterioration.

Bldg. 243
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 18199540002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 510
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 18199540003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 521
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 18199540004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 872
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 18199540005
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 30004
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 18199540006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 12513
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 18199540007
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Facility 36901
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199640006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Facility 8816
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199640007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 12734, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199640011
Status: Unutilized
Reason: Secured Area.

Bldg. 12708, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199640012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 307
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710022
Status: Unutilized
Reason: Secured Area.

Bldg. 315
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710023
Status: Unutilized
Reason: Secured Area.

Bldg. 317
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 318
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710025
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 324
Patrick Air Force Base
Patrick AFB Co: Brevard FL
Landholding Agency: Air Force
Property Number: 18199710026
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Facility No. 1114
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710027
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Facility No. 1345
Cape Canaveral Air Station
Cape Canaveral AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710028
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: 18199710029
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: 18199710030
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: 18199710031
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: 18199710032
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: 18199710033
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: 18199710034
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Facility No. 39764
Cape Canaveral Air Station
Cape Canaveral, AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710035
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: 18199710036
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Facility No. 70662
Cape Canaveral Air Station
Cape Canaveral, AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710037
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Facility No. 72920
Cape Canaveral Air Station
Cape Canaveral, AS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199710038
Status: Unutilized
Reason: Secured Area.

Bldg. 897, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199710044
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 895, Eglin AFB
Eglin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199710045
Status: Unutilized
Reason: Extensive deterioration.

Facility No. 90520
Cape Canaveral AS
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199720038
Status: Underutilized
Reason: Secured Area.

Bldg. 312, Patrick AFB
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199720039
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 10686
Elgin AFB
Elgin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199740001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 10563
Elgin AFB
Elgin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199740002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 10352
Elgin AFB
Elgin AFB Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199740003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Fac. No. 09010
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199810008
Status: Unutilized
Reasons: Secured Area.

Fac. No. 15832
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199810009
Status: Unutilized
Reasons: Secured Area.

Bldg. 744
Elgin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 3008
Elgin AFB
Co: Okaloosa FL 32542–5133

Landholding Agency: Air Force
Property Number: 18199820010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 3010
Elgin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820011
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 12709
Eglin AFB
Co: Okaloosa FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199820012
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 08807
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820013
Status: Unutilized
Reason: Secured Area.

Bldg. 08809
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820014
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 21911
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820015
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 21914
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820016
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 32349
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199820017
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Facility 22
Malabar Transmitter Annex
Palm Bay Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199830001
Status: Unutilized
Reason: Secured Area.

Facility 27
Malabar Transmitter Annex
Palm Bay Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199830002
Status: Unutilized
Reason: Secured Area.

Facility 32
Malabar Transmitter Annex
Palm Bay Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199830003
Status: Unutilized
Reason: Secured Area.

Facility 36
Malabar Transmitter Annex
Palm Bay Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199830004
Status: Unutilized
Reason: Secured Area.

Facility 42
Malabar Transmitter Annex
Palm Bay Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199830005
Status: Unutilized
Reason: Secured Area.

Facility 44608
Cape Canaveral Air Station
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 18199830006
Status: Unutilized
Reasons: Witin 2000 ft. of flammable or explosive material. Secured Area.

Bldg. 12577
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910001
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 12576
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910002
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 12534
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910003
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 12533
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910004
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 12528
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910005
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 9281
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910006
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 9280
Eglin AFB
Santa Rosa Island
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910007
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 609
Eglin AFB
Okaloosa Co: FL 32542–5133
Landholding Agency: Air Force
Property Number: 18199910008
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 01103
Cape Canaveral Air Station
Brevard Co: FL 32925–
Landholding Agency: Air Force
Property Number: 18199910009
Status: Unutilized
Reason: Secured Area.

Bldg. 55152
Cape Canaveral Air Station
Brevard Co: FL 32925–
Landholding Agency: Air Force
Property Number: 18199910010
Status: Unutilized
Reason: Secured Area.

Facility 1737
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199920002
Status: Underutilized
Reason: Secured Area.

Facility 5200
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199920003
Status: Underutilized
Reason: Secured Area.

Facility 49950
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199920004
Status: Underutilized
Reason: Secured Area.

Bldg. 1704
Eglin AFB
Eglin AFB Co: Okaloosa, FL 32542–
Landholding Agency: Air Force
Property Number: 18199930007
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 01390
Cape Canaveral Air Station
Cape Canaveral Co: Brevard FL 32907–
Landholding Agency: Air Force
Property Number: 18199930008

Status: Unutilized
Reason: Secured Area.

Bldg. A–146
Boca Chica Annex
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77199930027
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–232
Boca Chica Annex
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77199930028
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–4020
Boca Chica Annex
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 77199930029
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–#3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 87199210008
Status: Unutilized
Reason: Floodway Secured Area.

Bldg. A–103, Trumbo Point
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 87199230001
Status: Unutilized
Reason: Floodway, Secured Area.

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 87199410004
Status: Unutilized
Reason: Floodway .

9988 Keepers Quarters A
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440009
Status: Underutilized
Reason: Floodway, Secured Area.

9988 Keepers Quarters B
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440010
Status: Underutilized
Reason: Floodway, Secured Area.

9990 Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440011
Status: Underutilized
Reason: Floodway, Secured Area.

9991 Plant Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440012
Status: Underutilized
Reasons: Floodway, Secured Area.

9992 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440013
Status: Underutilized
Reasons: Floodway, Secured Area.

9993 Admin. Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440014
Status: Underutilized
Reasons: Floodway, Secured Area.

9994 Water Pump Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440015
Status: Underutilized
Reasons: Floodway, Secured Area.

Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440016
Status: Underutilized
Reasons: Floodway, Secured Area.

9999 Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440017
Status: Underutilized
Reasons: Floodway, Secured Area.

3 Bldgs. and Land
Peanut Island Station
Riveria Beach Co: Palm Beach FL 33419–0909
Landholding Agency: DOT
Property Number: 87199510009
Status: Unutilized
Reasons: Floodway, Secured Area.

Cape St. George Lighthouse
Co: Franklin FL 32328–
Landholding Agency: DOT
Property Number: 87199640002
Status: Unutilized
Reason: Extensive deterioration.

Georgia

Coast Guard Station
St. Simons Island
Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 87199540002
Status: Unutilized
Reason: Extensive deterioration.

Guam

Anderson South
Anderson Admin. Annex
360 housing units & a
commercial structure
Mangilao GU 96923–
Landholding Agency: Air Force
Property Number: 18199840009
Status: Underutilized
Reason: Secured Area.

Hawaii

Facility 1
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199930030
Status: Excess
Reasons: Secured Area Extensive deterioration.

Facility 187
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199930031
Status: Excess
Reasons: Secured Area Extensive deterioration.

Facility 191
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199930032
Status: Excess
Reasons: Secured Area, Extensive deterioration.

Facility 1263
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199930033
Status: Excess
Reasons: Secured Area Extensive deterioration.

Facility S214
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199930034
Status: Excess
Reasons: Secured Area Extensive deterioration.

Facility 1271
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199930035
Status: Excess
Reasons: Secured Area Extensive deterioration.

Facility 408
Submarine Base
Pearl Harbor Co: Honolulu HI 96860–
Property Number: 77199930036
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Facility 645
Submarine Base
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 77199930037
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldg. 1740
U.S. Coast Guard Air Station
Barbers Point
Honolulu Co: HI 96862–5800
Landholding Agency: DOT
Property Number: 87199910002
Status: Unutilized
Reason: Secured Area.

Idaho

Bldg. 1012
Mountain Home Air Force Base
7th Avenue
(See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199030004

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: 18199030005
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: 18199030006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 229
Mt. Home Air Force Base
1st Avenue and A Street
Mt. Home AFB Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199040857
Status: Unutilized
Reasons: 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: 18199520008
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 101
Mountain Home Air Force Base
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840001
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 105
Mountain Home Air Force Base
Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 18199840002
Status: Unutilized
Reason: Extensive deterioration.

Bldg. AFD0070
Albeni Falls Dam
Oldtown Co: Bonner ID 83822–
Landholding Agency: COE
Property Number: 31199910001
Status: Unutilized
Reason: Extensive deterioration.

Illinois

Calumet Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 87199310005
Status: Excess
Reason: Secured Area.

Indiana

Brookville Lake—Bldg.
Brownsville Rd. in Union
Liberty Co: Union IN 47353–
Landholding Agency: COE
Property Number: 31199440004
Status: Excess
Reason: Extensive deterioration.

Bldg. 21, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230001
Status: Excess
Reason: Extensive deterioration.

Bldg. 22, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230002
Status: Excess
Reason: Extensive deterioration.

Bldg. 62, VA Medical Center
East 38th Street
Marion Co: Grant IN 46952–
Landholding Agency: VA
Property Number: 97199230003
Status: Excess
Reason: Extensive deterioration.

Iowa

Bldg. 00671
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310009
Status: Unutilized
Reason: Fuel pump station.

Bldg. 00736
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 18199310010
Status: Unutilized
Reason: Pump station.

House, Tract 100
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530002
Status: Excess
Reason: Extensive deterioration.

Play House, Tract 100
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530003
Status: Excess
Reason: Extensive deterioration.

House, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530004
Status: Excess
Reason: Extensive deterioration.

Shed, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530005
Status: Excess
Reason: Extensive deterioration.

Garage, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530006
Status: Excess
Reason: Extensive deterioration.

Machine Shed, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530007
Status: Excess
Reason: Extensive deterioration.

Barn, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530008
Status: Excess
Reason: Extensive deterioration.

2-Car Garage, Tract 122
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530009
Status: Excess
Reason: Extensive deterioration.

Barn, Tract 128
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530010
Status: Excess
Reason: Extensive deterioration.

Shed, Tract 128
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530011
Status: Excess
Reason: Extensive deterioration.

House, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530012
Status: Excess
Reason: Extensive deterioration.

Play House, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530013
Status: Excess
Reason: Extensive deterioration.

Kennel, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530014
Status: Excess
Reason: Extensive deterioration.

Corn Crib, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530015
Status: Excess
Reason: Extensive deterioration.

Barn W, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530016
Status: Excess
Reason: Extensive deterioration.

Barn W, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530017

Status: Excess
Reason: Extensive deterioration.

Shed, Tract 129
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530018
Status: Excess
Reason: Extensive deterioration.

House, Tract 130
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530019
Status: Excess
Reason: Extensive deterioration.

Out House, Tract 130
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530020
Status: Excess
Reason: Extensive deterioration.

Chicken House, Tract 130
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530021
Status: Excess
Reason: Extensive deterioration.

Shed, Tract 130
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530022
Status: Excess
Reason: Extensive deterioration.

Barn, Tract 135
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530023
Status: Excess
Reason: Extensive deterioration.

Smokehouse, Tract 135
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530024
Status: Excess
Reason: Extensive deterioration.

Shed, Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530025
Status: Excess
Reason: Extensive deterioration.

Shed—White, Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530026
Status: Excess
Reason: Extensive deterioration.

Leanto, Tract 137
Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199530027
Status: Excess
Reason: Extensive deterioration.

Tract 116, Camp Dodge
Johnston Co: Polk IA 50131–
Landholding Agency: COE
Property Number: 31199630006
Status: Unutilized
Reason: Extensive deterioration.

Kansas

Bldg. 2703
Forbes Field
Topeka KS
Landholding Agency: Air Force
Property Number: 18199820018
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: 21199040416
Status: Unutilized
Reason: Spring House.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 21199040417
Status: Unutilized
Reason: Coal storage.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 21199040418
Status: Unutilized
Reason: Coal storage.

Barn
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 21199040419
Status: Underutilized
Reason: Extensive deterioration.

Latrine
Kentucky River Lock and Dam Number 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 31199040009
Status: Unutilized
Reason: 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: 31199120010
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: 31199120011
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: 31199120012
Status: Unutilized
Reason: Floodway.

2 Pit Toilets
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: 31199120013
Status: Unutilized
Reason: Floodway.

Louisiana

Bldg. 3477
Barksdale Air Force Base
Davis Avenue
Barksdale AFB Co: Bossier LA 71110–5000
Landholding Agency: Air Force
Property Number: 18199140015
Status: Unutilized
Reason: Secured area.

Maine

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240005
Status: Unutilized
Reason: Floodway.

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240006
Status: Unutilized
Reason: Floodway.

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240007
Status: Unutilized
Reason: Floodway.

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 87199240008
Status: Unutilized
Reason: Floodway.

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sagadahoc ME 04530–
Landholding Agency: DOT
Property Number: 87199240032
Status: Unutilized
Reason: Floodway.

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 87199240035
Status: Unutilized
Reason: Extensive deterioration.

Fort Popham Light

Phippsburg Co: Sagadahoc ME 04562–
Landholding Agency: DOT
Property Number: 87199320024
Status: Unutilized
Reason: Extensive deterioration.

Nash Island Light
U.S. Coast Guard
Addison Co: Washington ME 04606–
Landholding Agency: DOT
Property Number: 87199420005
Status: Unutilized
Reason: Inaccessible.

Bldg.—South Portland Base
U.S. Coast Guard
S. Portland Co: Cumberland ME 04106–
Landholding Agency: DOT
Property Number: 87199420006
Status: Unutilized
Reason: Secured Area.

Garage—Boothbay Harbor Stat.
Boothbay Harbor Co: Lincoln ME 04538–
Landholding Agency: DOT
Property Number: 87199430001
Status: Unutilized
Reason: Secured Area.

Maryland

Bldg. 3542
Andrews AFB
Andrews AFB MD 20652–25177
Landholding Agency: Air Force
Property Number: 18199810010
Status: Unutilized
Reason: Secured Area.

Bldg. 3543
Andrews AFB
Andrews AFB MD 20652–25177
Landholding Agency: Air Force
Property Number: 18199810011
Status: Unutilized
Reason: Secured Area.

7 Bldgs.
Davidsonville Family Housing
Annex 300, 301, 303, 305, 308, 309, 311
Davidsonville Co: Anne Arundel MD 20755–
Landholding Agency: Air Force
Property Number: 18199910011
Status: Unutilized
Reason: Extensive deterioration.

8 Bldgs.
Davidsonville Family Housing
Annex 302, 306, 307, 312–315
Davidsonville Co: Anne Arundel MD 20755–
Landholding Agency: Air Force
Property Number: 18199910012
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 38–39, 41, 43–46, 56
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 87199540005
Status: Unutilized
Reasons: 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: 87199540006
Status: Unutilized
Reasons: 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: 87199620001
Status: Excess
Reasons: 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: 87199620002
Status: Excess
Reasons: 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: 87199240001
Status: Underutilized
Reason: Secured Area.

Eastern Point Light
U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 87199240029
Status: Unutilized
Reason: Floodway, Secured Area.

Storage Shed
Highland Light
N. Truro Co: Barnstable MA 02652–
Location: DeSoto Johnson
Landholding Agency: DOT
Property Number: 87199430004
Status: Unutilized
Reason: Extensive deterioration.

Westview Street Wells
Lexington Co: MA 02173–
Landholding Agency: VA
Property Number: 97199920001
Status: Unutilized
Reason: Extensive deterioration.

Michigan

Bldg. 71
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010810
Status: Excess
Reason: Sewage treatment and disposal facility.

Bldg. 99 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010831
Status: Excess
Reason: Water well.

Bldg. 100 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010832
Status: Excess
Reason: Water well.

Bldg. 118
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010875
Status: Excess
Reason: Gasoline Station.

Bldg. 120
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010876
Status: Excess
Reason: Gasoline Station.

Bldg. 166
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010877
Status: Excess
Reason: Pump lift station.

Bldg. 168
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010878
Status: Excess
Reason: Gasoline station.

Bldg. 69
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010889
Status: Excess
Reason: Sewer pump facility.

Bldg. 2
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 18199010890
Status: Excess
Reason: Water pump station.

Facility 20
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630001
Status: Unutilized
Reasons: 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: 18199630002
Status: Unutilized
Reasons: 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: 18199630003
Status: Unutilized
Reasons: 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: 18199630004
Status: Excess
Reasons: 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: 18199630005
Status: Unutilized
Reasons: 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: 18199630006
Status: Unutilized
Reasons: 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: 18199630007
Status: Unutilized
Reasons: 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: 18199630008
Status: Unutilized
Reasons: 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: 18199630009
Status: Unutilized
Reasons: 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: 18199630010
Status: Unutilized
Reasons: 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: 18199630011
Status: Unutilized
Reasons: 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: 18199630012
Status: Unutilized
Reasons: 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: 18199630013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Facility 801
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630014
Status: Unutilized
Reasons: 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: 18199630015
Status: Unutilized
Reasons: 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: 18199630016
Status: Unutilized
Reasons: 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: 18199630017
Status: Unutilized
Reasons: 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: 18199630018
Status: Unutilized
Reason: Secured Area.

Facility 1012
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630019
Status: Unutilized
Reason: Secured Area.

Facility 1017
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630020
Status: Unutilized
Reason: Secured Area.

Facility 1025
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630021
Status: Unutilized
Reason: Secured Area.

Facility 1031
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630022
Status: Unutilized
Reason: Secured Area.

Facility 1041
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630023
Status: Unutilized
Reasons: 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: 18199630024
Status: Unutilized
Reasons: 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: 18199630025
Status: Unutilized
Reason: Secured area

Facility 1575
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630026
Status: Unutilized
Reasons: 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: 18199630027
Status: Unutilized
Reasons: 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: 18199630028
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Facility 1580
Selfridge AFB
Mt. Clemens Co: Macomb MI 48045–5295
Landholding Agency: Air Force
Property Number: 18199630029
Status: Unutilized
Reasons: 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: 18199630030
Status: Unutilized
Reasons: 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: 18199630031
Status: Unutilized
Reasons: 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: 18199630032
Status: Unutilized
Reasons: 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: 18199630033
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: 18199710039
Status: Unutilized
Reasons: 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: 18199710040
Status: Unutilized
Reasons: 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: 18199710041
Status: Unutilized
Reasons: 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: 18199710042
Status: Unutilized
Reasons: 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: 18199710043
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 114
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18199930009
Status: Unutilized
Reason: Secured Area.

Bldg. 318
Alpena CRTC
Alpena Co: MI 49707–
Landholding Agency: Air Force
Property Number: 18199930010
Status: Unutilized
Reason: Secured Area.

Quarters B
U.S. Coast Guard
Marquette MI 49855–
Landholding Agency: DOT
Property Number: 87199740001
Status: Unutilized
Reason: Secured Area.

Minnesota

Bldg.
Upper St. Anthony Falls
Minneapolis Co: Hennepin MN 55440–
Landholding Agency: COE
Property Number: 31199930001
Status: Unutilized
Reason: Extensive deterioration.

Matthew Marvin USARC
Winona Co: MN 55987–
Landholding Agency: GSA
Property Number: 54199930002
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, GSA Number: 1–D–MN–576.

MG Clement Trott Mem. USARC
Walker Co: Cass MN 56484–
Landholding Agency: GSA
Property Number: 54199930003
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, GSA Number: 1–D–MN–575.

Naval Ind. Rsv Ordnance Plant
Minneapolis Co: MN 55421–1498
Landholding Agency: GSA
Property Number: 54199930004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, GSA Number: 1–N–MN–570.

Mississippi

Natchez Moorings
82 L.E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 87199340002
Status: Unutilized
Reason: Extensive Deterioration.

Bldg. 6, Boiler Plant
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410001
Status: Unutilized
Reason: Floodway.

Bldg. 67
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410008
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 68
Biloxi VA Medical Center
Biloxi Co: Harrison MS 39531–
Landholding Agency: VA
Property Number: 97199410009
Status: Unutilized
Reason: Extensive deterioration.

Missouri

Tract 2222
Stockton Project
Aldrich Co: Polk MO 65601–
Landholding Agency: COE
Property Number: 31199510001
Status: Excess
Reason: Extensive deterioration.

Barn, Longview Lake
Kansas City Co: Jackson MO 64134–
Landholding Agency: COE
Property Number: 31199620001
Status: Excess
Reason: Extensive deterioration.

Montana

Bldg. 1189, Malstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199540013
Status: Underutilized
Reason: Secured Area.

Bldg. 1308, Malstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199540014
Status: Underutilized
Reason: Secured Area.

Bldg. 547
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199620025
Status: Unutilized
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: 18199720030
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: 18199720031
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: 18199720033
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 230
Malmstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199810012
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: 18199810013
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: 18199810014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 22
Great Falls IAP
Great Falls Co: Cascade MT 59404–5570
Landholding Agency: Air Force
Property Number: 18199820019
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 803
Malmstrom AFB
Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199840003
Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1060
Malmstrom AFB
Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199840004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1846
Malmstrom AFB
Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199840005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1847
Malmstrom AFB
Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199840006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 1218, 1220
Malmstrom Air Force Base
Malmstron AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199920005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldgs. 1210, 1212, 1214, 1216
Malmstrom Air Force Base
Malmstron AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199920006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1701
Malmstrom Air Force Base
Malmstron AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 18199920007
Status: Unutilized
Reasons: 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: 18199210006
Status: Unutilized
Reason: Former sewage lagoon.

Bldg. 637
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 18199230021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 639
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 18199230022
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 31
Offutt Air Force Base
Sac Boulevard
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240007
Status: Unutilized
Reason: Secured Area.

Bldg. 311
Offutt Air Force Base
Nelson Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 1819924008
Status: Unutilized
Reason: Secured Area.

Bldg. 401
Offutt Air Force Base
Custer Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 1819924009
Status: Unutilized
Reason: Secured Area.

Bldg. 416
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240010
Status: Unutilized
Reason: Secured Area.

Bldg. 417
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199240011
Status: Unutilized
Reason: Secured Area.

Bldg. 545
Offutt Air Force Base
Offutt Co: Sarpy NE 68113
Landholding Agency: Air Force
Property Number: 18199240012
Status: Unutilized
Reason: Secured Area.

Bldg. 21
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320058
Status: Excess
Reason: Generator.

Bldg. 4, Hastings Family Hsg.
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320059
Status: Excess
Reason: Contamination.

Bldg. 500
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320060
Status: Excess
Reason: Contamination.

Bldg. 502
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320061
Status: Excess
Reason: Contamination.

Bldg. 504
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320062
Status: Excess
Reason: Contamination.

Bldg. 506
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320063
Status: Excess
Reason: Contamination.

Bldg. 507
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320064
Status: Excess
Reason: Contamination.

Bldg. 509
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320065
Status: Excess
Reason: Contamination.

Bldg. 511
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320066
Status: Excess
Reason: Contamination.

Bldg. 512
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320067
Status: Excess
Reason: Contamination.

Bldg. 515
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320068
Status: Excess
Reason: Contamination.

Bldg. 517
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320069
Status: Excess
Reason: Contamination.

Bldg. 519
Hastings Family Housing
Hastings Radar Bomb Scoring Site

Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320070
Status: Excess
Reason: Contamination.

Bldg. 521
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320071
Status: Excess
Reason: Contamination.

Bldg. 523
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320072
Status: Excess
Reason: Contamination.

Bldg. 525
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320073
Status: Excess
Reason: Contamination.

Bldg. 526
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320074
Status: Excess
Reason: Contamination.

Bldg. 529
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320075
Status: Excess
Reason: Contamination.

Bldg. 531
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320076
Status: Excess
Reason: Contamination.

Bldg. 533
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320077
Status: Excess
Reason: Contamination.

Bldg. 534
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320078
Status: Excess
Reason: Contamination.

Bldg. 536
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320079
Status: Excess
Reason: Contamination.

Bldg. 538
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320080
Status: Excess
Reason: Contamination.

Bldg. 541
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320081
Status: Excess
Reason: Contamination.

Bldg. 542
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320082
Status: Excess
Reason: Contamination.

Bldg. 544
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320083
Status: Excess
Reason: Contamination.

Bldg. 546
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320084
Status: Excess
Reason: Contamination.

Bldg. 549
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320085
Status: Excess
Reason: Contamination.

Bldg. 550
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320086
Status: Excess
Reason: Contamination.

Bldg. 552
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320087
Status: Excess
Reason: Contamination.

Bldg. 553
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320088
Status: Excess
Reason: Contamination.

Bldg. 555
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320089
Status: Excess
Reason: Contamination.

Bldg. 557
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320090
Status: Excess
Reason: Contamination.

Bldg. 558
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320091
Status: Excess
Reason: Contamination.

Bldg. 560
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320092
Status: Excess
Reason: Contamination.

27 Detached Garages
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320093
Status: Excess
Reason: Contamination.

Bldg. 17
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320094
Status: Excess
Reason: Contamination.

Bldg. 16
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–

Landholding Agency: Air Force
Property Number: 18199320095
Status: Excess
Reason: Contamination.

Bldg. 18
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320096
Status: Excess
Reason: Contamination.

Bldg. 6
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320097
Status: Excess
Reason: Contamination.

Bldg. 547
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320098
Status: Excess
Reason: Contamination.

Bldg. 604
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 18199320099
Status: Excess
Reason: Contamination.

Bldg. 686
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199510021
Status: Unutilized
Reason: Secured Area.

Bldg. 439
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 18199510022
Status: Unutilized
Reason: Secured Area.

Bldg. 606
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 18199720028
Status: Unutilized
Reason: Floodway, Secured Area.

Bldg. 675
NE Air National Guard
Lincoln Co: Lancaster NE 68524–1888
Landholding Agency: Air Force
Property Number: 18199720029
Status: Unutilized
Reasons: Floodway Secured Area.

New Hampshire

Bldg. 101
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199320005
Status: Unutilized
Reasons: 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: 18199320006
Status: Unutilized
Reason: Within 200 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: 18199320007
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: 18199320016
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 117
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199320008
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Secured Area

Bldg. 129
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 18199920009
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Facility 5210
Newington POL DFS
Newington Co: Rockingham NH 03801–
Landholding Agency: Air Force
Property Number: 18199920010
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material.

Bldg. 155
Pease Air National Guard
Newington Co: Rockingham NH 03033–
Landholding Agency: Air Force
Property Number: 18199930011
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

New Jersey

Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 87199240009
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Chapel Hill Front Range
Light Tower
Middletown Co: Monmouth NJ 07748–
Landholding Agency: DOT
Property Number: 87199440002
Status: Unutilized
Reasons: Skeletal tower.

Bldg. 103
U.S. Coast Guard Station
Sandy Hook
Middleton Co: Monmouth NJ 07737–
Landholding Agency: DOT
Property Number: 87199610002
Status: Unutilized
Reasons: Secured Area.

New Mexico

Bldg. 831
833 CSG/DEER
Holloman AFR Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199130333
Status: Unutilized
Reasons: Secured Area.

Bldg. 21
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240032
Status: Unutilized
Reasons: Secured Area.

Bldg. 80
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240033
Status: Unutilized
Reasons: Secured Area.

Bldg. 98
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240034
Status: Unutilized
Reasons: Secured Area.

Bldg. 324
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240035
Status: Unutilized
Reasons: Secured Area.

Bldg. 598
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240036
Status: Unutilized
Reasons: Secured Area.

Bldg. 801
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240037
Status: Unutilized
Reasons: Secured Area.

Bldg. 802
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240038
Status: Unutilized
Reasons: Secured Area.

Bldg. 1095
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240039
Status: Unutilized
Reasons: Secured Area.

Bldg. 1096
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240040
Status: Unutilized

Reasons: Secured Area.

Facility 321
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240041
Status: Unutilized
Reasons: Secured Area.

Facility 75115
Holloman Air Force Base
Co: Otero NM 883390–
Landholding Agency: Air Force
Property Number: 18199240042
Status: Unutilized
Reasons: Secured Area.

Bldg. 874
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199320041
Status: Unutilized
Reasons: Extension Deterioration, Secured Area.

Bldg. 1258
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199320042
Status: Unutilized
Reasons: Extension Deterioration, Secured Area.

Bldg. 134
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430014
Status: Unutilized
Reasons: Secured Area.

Bldg. 640
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430015
Status: Unutilized
Reasons: Secured Area.

Bldg. 703
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430016
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: 18199430017
Status: Unutilized
Reason: Secured Area.

Bldg. 821
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430018
Status: Unutilized
Reason: Secured Area.

Bldg. 829
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430019
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area.

Bldg. 867
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430020
Status: Unutilized
Reason: Secured Area.

Bldg. 884
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430021
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area.

Bldg. 886
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430022
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area.

Bldg. 908
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199430023
Status: Unutilized
Reason: Secured area.

Bldg. 599
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199510001
Status: Unutilized
Reason: Secured Area.

Bldg. 600
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199510002
Status: Unutilized
Reason: Secured Area.

Bldg. 599
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610007
Status: Unutilized
Reason: Secured Area.

Bldg. 600
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610008
Status: Unutilized
Reason: Secured Area.

Bldg. 995
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199610009
Status: Unutilized
Reason: Secured Area.

Bldg. 1257
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740012
Status: Unutilized
Reason: Secured Area.

Bldg. 332
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 205
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199740014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1089
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830009
Status: Unutilized
Reasons: Secured Area.

Bldg. 2149
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830010
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 2151
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830011
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 2176
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 2178
Holloman AFB
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199830013
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 27
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930002
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 31
Los Alamos National Lab
Los Alamos Co: NM 87545–
Landholding Agency: Energy
Property Number: 41199930003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

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: 18199010075
Status: Unutilized
Reasons: 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: 18199140022
Status: Excess
Reason: Secured Area.

Bldg. 888
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199140023
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: 18199230001
Status: Excess
Reasons: Within airport runway clear zone Secured Area.

Facility 808, Griffiss AFB
Perimiter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230002
Status: Excess
Reasons: Within airport runway clear zone Secured Area.

Facility 807, Griffiss AFB
Perimiter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 18199230003
Status: Excess
Reasons: 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: 18199240020
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: 18199240021
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: 18199240022
Status: Unutilized
Reason: Secured Area.

Facility 137
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240023
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: 18199240024
Status: Unutilized
Reason: Secured Area.

Facility 173
Griffiss AFB
Sefridge Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240025
Status: Unutilized
Reasons: Secured Area.

Facility 261
Griffiss Air Force Base
McDill Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199240026
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: 18199240027
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: 18199240028
Status: Unutilized
Reason: Secured Area.

Facility 841
Griffiss Air Force Base
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 18199330097
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: 18199720026
Status: Unutilized
Reasons: Within airport runway clear zone, Floodway Secured Area.

Bldg. 629
Hancock Field
Syracuse Co: Onondaga NY 13211–
Landholding Agency: Air Force
Property Number: 18199730006
Status: Unutilized
Reasons: 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: 18199810016
Status: Unutilized
Reasons: 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: 18199810017
Status: Unutilized
Reasons: 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: 18199810018
Status: Unutilized
Reasons: 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: 18199810019
Status: Unutilized
Reasons: 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: 18199810020
Status: Unutilized
Reasons: 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: 18199810021
Status: Unutilized
Reasons: 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: 18199810022
Status: Unutilized
Reasons: 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: 18199810023
Status: Unutilized
Reasons: 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: 18199810024
Status: Unutilized
Reasons: Floodway, Secured Area, Extensive deterioration.

Bldg. 614
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldg. 722
Niagara Falls AFR

Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830015
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldg. 750
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830016
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldg. 751
Niagara Falls AFR
Niagara Falls Co: Niagara NY 14305–5001
Landholding Agency: Air Force
Property Number: 18199830017
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Facility 1200
Verona Text Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920011
Status: Unutilized
Reason: No public access.

Facility 1202
Verona Text Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920012
Status: Unutilized
Reason: No public access.

Facility 1203
Verona Text Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920013
Status: Unutilized
Reason: No public access.

Facility 1204
Verona Text Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920014
Status: Unutilized
Reason: No public access.

Facility 1205
Verona Text Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920015
Status: Unutilized
Reason: No public access.

Facility 1206
Verona Text Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920016
Status: Unutilized
Reason: No public access.

Facility 1207
Verona Text Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920017
Status: Unutilized
Reason: No public access.

Facility 1208
Verona Text Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920018
Status: Unutilized
Reason: No public access.

Facility 1209
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920019
Status: Unutilized
Reason: No public access.

Facility 1210
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920020
Status: Unutilized
Reason: No public access.

Facility 1259
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920021
Status: Unutilized
Reason: No public access.

Facility 1260
Verona Test Annex
Town of Verona Co: Oneida NY 13478–
Landholding Agency: Air Force
Property Number: 18199920022
Status: Unutilized
Reason: No public access.

Warehouse
Whitney Lake Project
Whitney Point Co: Broome NY 13862–0706
Landholding Agency: COE
Property Number: 31199630007
Status: Unutilized
Reason: Extensive deterioration.

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 87199230005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240020
Status: Unutilized
Reason: Secured Area.

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240021
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 87199240022
Status: Unutilized
Reasons: Extensive deterioration, Secured Area.

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 87199310003
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199320025
Status: Unutilized
Reason: Secured Area.

Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199410003
Status: Unutilized
Reason: Secured Area.

Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 87199320004
Status: Unutilized
Reason: Secured Area.

Bldg. 8
Rosebank—Coast Guard
Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530009
Status: Unutilized
Reason: Secured Area.

Bldg. 7
Rosebank—Coast Guard
Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199530010
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 222
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620003
Status: Unutilized
Reason: Secured Area.

Bldg. 223
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620004
Status: Unutilized
Reason: Secured Area.

Bldg. 205
Fort Wadsworth
Staten Island Co: Richmond NY 10305–
Landholding Agency: DOT
Property Number: 87199620005
Status: Unutilized
Reason: Secured Area.

Bldg. 9
U.S. Coast Guard—Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630027
Status: Excess
Reason: Secured Area.

Bldg. 10
U.S. Coast Guard—Rosebank
Staten Island Co; Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630028
Status: Excess

Reason: Secured Area.

Bldg. 206, Rosebank
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 87199630029
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: 18199120233
Status: Underutilized
Reason: Secured Area.

Bldg. 607, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 18199330041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 910, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 912, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 914, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 18199420024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 633, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–
Landholding Agency: Air Force
Property Number: 18199540019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199240018
Status: Unutilized
Reason: Secured Area.

Group Cape Hatteras
Bowling Alley
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199240019
Status: Unutilized
Reason: Secured Area.

Bldg. 54
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340004
Status: Unutilized
Reason: Secured Area.

Bldg. 83
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340005
Status: Unutilized
Reason: Secured Area.

Water Tanks
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 87199340006
Status: Unutilized
Reason: Secured Area.

USCG Gentian (WLB 290)
Fort Macon State Park
Atlantic Beach Co: Carteret NC 27601–
Landholding Agency: DOT
Property Number: 87199420007
Status: Excess
Reason: Secured Area.

Unit #71
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530011
Status: Unutilized
Comment: Floodway.

Unit #72
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530012
Status: Unutilized
Comment: Floodway.

Unit #73
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530013
Status: Unutilized
Comment: Floodway.

Unit #74
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530014
Status: Unutilized
Reason: Floodway.

Unit #75
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530015
Status: Unutilized
Reason: Floodway.

Unit #63
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530016
Status: Unutilized
Reason: Floodway.

Unit #64
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530017
Status: Unutilized
Reason: Floodway.

Unit #76
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530018
Status: Unutilized
Reason: Floodway.

Unit #68
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530019
Status: Unutilized
Reason: Floodway.

Unit #69
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530020
Status: Unutilized
Reason: Floodway.

Unit #70
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530021
Status: Unutilized
Reason: Floodway.

Unit #77
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530022
Status: Unutilized
Reason: Floodway.

Unit #78
Buxton Annex, Old Lighthouse Road
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 87199530023
Status: Unutilized
Reason: Floodway.

Bldg. 45
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630020
Status: Unutilized
Reason: Secured Area.

Bldg. 47
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630021
Status: Unutilized
Reason: Secured Area.

Bldg. 53
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630022
Status: Unutilized
Reason: Secured Area.

Bldg. 57
Coast Guard Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 87199630023
Status: Unutilized
Reason: Secured Area.

Bldg. 9
VA Medical Center
1100 Tunnel road

Asheville Co: Buncombe NC 28805–
Landholding Agency: VA
Property Number: 97199010008
Status: Unutilized
Reason: Extensive deterioration.

North Dakota

Bldg. 422
Minot Air Force Base
Minot Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 18199010724
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: 18199310107
Status: Excess
Reason: Garbage incinerator.

Bldg. 119
Minot Air Force Base
Minot Co: Ward ND 58710–
Landholding Agency: Air Force
Property Number: 18199320034
Status: Unutilized
Reason: Secured Area.

Bldg. 526
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 18199320038
Status: Unutilized
Reason: Secured Area.

Bldg. 895
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 18199320039
Status: Unutilized
Reason: Secured Area.

Ohio

14 Bldgs.
Area B, Wright-Patterson AFB
Co: Montgomery OH 45433–
Location: 6036, 38, 42, 44, 45, 49, 54, 64, 65, 69, 75
Landholding Agency: Air Force
Property Number: 18199820030
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 6104, 08, 09
Area B, Wright-Patterson AFB
Co: Montgomery OH 45433–
Landholding Agency: Air Force
Property Number: 18199820044
Status: Unutilized
Reason: Within airport runway clear zone.

Lab
Ohio River Division
Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 31199510002
Status: Unutilized
Reason: Secured Area.

Storage Facility
Ohio River Division
Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 31199510003
Status: Unutilized
Reason: Secured Area.

Office Building
Ohio River Division
Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 31199510004
Status: Unutilized
Reason: Secured Area.

Bldg. 116
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920002
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 217
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 402
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920004
Status: Unutilized
Reasons: Extensive deterioration.

Bldg. 105
VA Medical Center
Dayton Co: Montgomery OH 45428–
Landholding Agency: VA
Property Number: 97199920005
Status: Unutilized
Reason: Extensive deterioration.

Oklahoma

Bldg. 010
Tulsa IAP Base
Tulsa OK 74115–1699
Landholding Agency: Air Force
Property Number: 18199820031
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 305
Tulsa IAP Base
Tulsa OK 74115–1699
Landholding Agency: Air Force
Property Number: 18199820032
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Oregon

Bldg. 8
USCG Tongue Point Moorings
Astoria Co: OR 97103–2099
Landholding Agency: DOT
Property Number: 87199910001
Status: Unutilized
Reasons: Extensive deterioration.

Puerto Rico

NAFA Warehouse
U.S. Coast Guard Air Station
Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199310011
Status: Unutilized
Reason: Secured Area.

Storage Equipment Bldg.
U.S. Coast Guard Air Station
Borinquen
Aquadilla PR 00604–
Landholding Agency: DOT
Property Number: 87199330001
Status: Unutilized
Reason: Secured Area.

Bldg. 115
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510001
Status: Unutilized
Reason: Secured Area.

Bldg. 117
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510002
Status: Unutilized
Reason: Secured Area.

Bldg. 118
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510003
Status: Unutilized
Reason: Secured Area.

Bldg. 119
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510004
Status: Unutilized
Reason: Secured Area.

Bldg. 120
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510005
Status: Unutilized
Reason: Secured Area.

Bldg. 122
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510006
Status: Unutilized
Reason: Secured Area.

Bldg. 128
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510007
Status: Unutilized
Reason: Secured Area.

Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 87199510008
Status: Unutilized
Reason: Secured Area.

Rhode Island

Station Point Judith Pier
Narranganset Co: Washington RI 02882—
Landholding Agency: DOT
Property Number: 87199310002
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: 18199320048
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: 18199320049
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: 18199320050
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: 18199320051
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: 18199320052
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: 18199320053
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 88470
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199340033
Status: Unutilized
Reasons: 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: 18199340037
Status: Unutilized
Reason: Secured Area.

Bldg. 111
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199730007
Status: Unutilized
Reason: Secured Area.

Bldg. 7530
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199830025
Status: Unutilized
Reason: Secured Area.

Bldg. 7504
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820034
Status: Underutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area.

Bldg. 4001
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820035
Status: Unutilized
Reason: Secured Area.

Bldg. 7239
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820036
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area.

Bldg. 1102
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820037
Status: Unutilized
Reason: Secured Area.

Bldg. 88307
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820038
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 88320
Ellsworth AFB
Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 18199820039
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 608
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706—
Landholding Agency: Air Force
Property Number: 18199920023
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area.

Bldg. 3501
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920024
Status: Unutilized
Reason: Secured Area.

5 Bldgs.
Ellsworth Air Force Base
6926, 6928, 6929, 6930, 6931
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920025
Status: Unutilized
Reason: Secured Area.

Bldg. 8001
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199920026
Status: Unutilized
Reason: Secured Area.

Bldg. 609
Ellsworth AFB
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199930012
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 7911
Ellsworth AFB
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 18199930013
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: 31199011499
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: 31199011503
Status: Underutilized
Reason: Floodway.

Water Treatment Plant
Dale Hollow Lake & Dam
Project
Obey River Park, State Hwy 42
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 31199140011
Status: Excess
Reason: Water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam
Project
Lillydale Recreation Area, State Hwy 53
Livingston Co: Clay TN 38351–
Landing Agency: COE
Property Number: 31199140012
Status: Excess
Reason: Water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Willow Grove Recreational Area, Hwy. 53
Livingston Co: Clay TN 38351–
Landholding Agency: COE
Property Number: 31199140013
Status: Excess
Reason: Water treatment plant.

Texas

Old Exchange Bldg.
U.S. Coast Guard
Galveston Co: Galveston TX 77553–3001
Landholding Agency: DOT
Property Number: 87199310012
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: 87199530002
Status: Unutilized
Reason: Floodway.

Aton Shops Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

WPB Storage Shed
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530004
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Flammable Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530005
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Battery Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530006
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Boat House
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530007
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Small Boat Pier
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 87199530008
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 108
Fort Crockett/43rd St.
Housing
Galveston Co: Galveston TX 77553–
Landholding Agency: DOT
Property Number: 87199630008
Status: Unutilized
Reason: Extensive deterioration.

Utah

Bldg. 789
Hill Air Force Base (See County) Co: Davis UT 84056–
Landholding Agency: Air Force
Property Number: 18199040859
Status: Unutilized
Reasons: Within airpport runway clear zone, Secured Area.

Vermont

Facility 100
Burlington IAP
Burlington Co: Chittenden VT 05403–5872
Landholding Agency: Air Force
Property Number: 18199730008
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: 87199220003
Status: Excess
Reason: Floodway.

Virginia

Bldg. 417
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 18199710003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 418
Camp Pendleton
Virginia Beach VA 23451–
Landholding Agency: Air Force
Property Number: 18199710004
Status: Unutilized
Reason: Extensive deterioration.

Former Oceana HS
Naval Air Station
Virginia Beach Co: VA 23460–
Landholding Agency: Navy
Property Number: 77199930039
Status: Unutilized
Reasons: Within airport runway clear zone, Extensive deterioration.

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property Number: 87199230004
Status: Excess
Reason: Secured Area.

Admin. Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 87199240014
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: 87199310004
Status: Unutilized
Reason: Secured Area.

Operations Bldg.
U.S. Coast Guard Group
Hampton Roads
Portsmouth VA 23703–
Landholding Agency: DOT
Property Number: 87199710003
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: 18199210004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2000
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199310058
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Facility 2450
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199310065
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 1, Waste Annex
West of Craig Road
Co: Spokane WA 99022–
Landholding Agency: Air Force
Property Number: 18199320043
Status: Unutilized
Reason: Secured Area.

Bldg. 97
Naval Air Station
Whidbey Island
Oak Harbor Co: WA 98278–
Landholding Agency: Navy
Property Number: 77199930040
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 331
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199930041
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 786
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 77199930042
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Pistol Range Bldg.
USCG Port Angeles
Port Angeles Co: Clallam WA 98362–0159
Landholding Agency: DOT
Property Number: 87199630030
Status: Unutilized
Reasons: Within airport runway clear zone, Secured Area, Extensive deterioration.

Floating Boathouse
Bellingham Co: Whatcom WA 98225–
Landholding Agency: DOT
Property Number: 87199820001
Status: Excess
Reason: Inaccessible.

Wisconsin

Rawley Point Light
Two Rivers Co: Manitowoc WI
Landholding Agency: DOT
Property Number: 87199540004
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Wyoming

Bldg. 31
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–

Landholding Agency: Air Force
Property Number: 18199010198
Status: Unutilized
Reason: Secured Area.

Bldg. 34
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 18199010199
Status: Unutilized
Reason: Secured Area.

Bldg. 37
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 18199010200
Status: Unutilized
Reason: Secured Area.

Bldg. 284
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 18199010201
Status: Unutilized
Reason: Secured Area.

Bldg. 385
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 18199010202
Status: Unutilized
Reason: Secured Area.

Bldgs. 2565–2571
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199720001
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. 2564, 2572
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199720002
Status: Unutilized
Reasons: 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: 18199720003
Status: Unutilized
Reasons: 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: 18199720004
Status: Unutilized
Reasons: 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: 18199720005
Status: Unutilized
Reasons: 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: 18199720006
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldgs. 2460–2468
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199830018
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2469, 2470, 2508–2511, 2520, 2523, 2528
Landholding Agency: Air Force
Property Number: 18199830019
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2471–2472, 2502, 2504–2507, 2544
Landholding Agency: Air Force
Property Number: 18199720020
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

8 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2473, 2500, 2503, 2547, 2557, 2601, 2613, 2625
Landholding Agency: Air Force
Property Number: 18199830021
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2512, 2514–2517, 2418, 2519, 2524, 2525
Landholding Agency: Air Force
Property Number: 18199830022
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2513, 2530, 2537, 2606, 2626, 2700, 2707, 2720, 2750
Landholding Agency: Air Force
Property Number: 18199830023
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2526, 2527, 2532–2534, 2439, 2608, 2610, 2612
Landholding Agency: Air Force
Property Number: 18199830024
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2529, 2531, 2535–2536, 2538, 2540–2543
Landholding Agency: Air Force
Property Number: 18199830025
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2545, 2546, 2548–2554
Landholding Agency: Air Force
Property Number: 18199830026
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2555, 2556, 2558, 2559, 2603, 2605, 2607, 2609, 2611
Landholding Agency: Air Force
Property Number: 18199830027
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2560, 2561, 2600, 2602, 2604, 2701, 2702, 2704, 2705
Landholding Agency: Air Force
Property Number: 18199830028
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2614, 2616, 2618, 2620, 2622, 2624, 2714, 2718, 2722
Landholding Agency: Air Force
Property Number: 18199830029
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2615, 2617, 2619, 2621, 2623, 2627
Landholding Agency: Air Force
Property Number: 18199830030
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2706, 2708–2713, 2715, 2716
Landholding Agency: Air Force
Property Number: 18199830031
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

9 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2717, 2719, 2721, 2727, 2728, 2751, 2753, 2757, 2759

Landholding Agency: Air Force
Property Number: 18199830032
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

10 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2723–2726, 2752, 2754–2756, 2758, 2703
Landholding Agency: Air Force
Property Number: 18199830033
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

4 Bldgs.
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Location: 2739, 2740, 2760, 2761
Landholding Agency: Air Force
Property Number: 18199830034
Status: Unutilized
Reasons: Secured Area, Extensive deterioration.

Bldg. 919
F.E. Warren AFB
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 18199930015
Status: Unutilized
Reason: Secured Area.

Bldg. 95
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199110004
Status: Unutilized
Reason: Sewage digester for disposal plant.

Bldg. 96
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199110005
Status: Unutilized
Reason: Pump house for sewage disposal plant.

Structure 99
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199110006
Status: Unutilized
Reason: Mechanical screen for sewage disposal plant.

Structure 100
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199110007
Status: Unutilized
Reason: Dosing tank for sewage disposal plant.

Structure 101
Medical Center
N.W. of town at the end of Fort Road
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199110008
Status: Unutilized
Reason: Chlorination chamber for sewage disposal.

Bldg. 97
Medical Center
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199410011
Status: Unutilized
Reason: Sewage disposal plant.

Structure 98
Medical Center
Sheridan Co: Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199410012
Status: Unutilized
Reason: Sludge bed/sewage disposal plant.

Bldg. 80
Medical Center
Sheridan WY 82801–
Landholding Agency: VA
Property Number: 97199840001
Status: Unutilized
Reasons: Floodway, 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: 18199010430
Status: Unutilized
Reasons: Isolated area, Not accessible by road, isolated and remote area; Arctic environ.

Lake Louise Recreation
21 CSG–DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 18199010431
Status: Unutilized
Reasons: Isolated area, Not accessible by road, 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: 18199010432
Status: Unutilized
Reasons: Isolated area, Not accessible by road, Isolated and remote area; Arctic coast.

Russian Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 87199440025
Status: Excess
Reason: Floodway.

Sargent Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 87199440026
Status: Excess
Reason: Floodway.

Land—Sanak Island
106+acres
Sanak Island Co: Sanak Harbor AK
Landholding Agency: DOT
Property Number: 87199640003
Status: Unutilized
Reason: Inaccessible.

Arizona

58 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630001
Status: Unutilized
Reason: Floodway

20 acres
VA Medical Center
500 Highway 89 North
Prescott Co: Yavapai AZ 86313–
Landholding Agency: VA
Property Number: 97190630002
Status: Underutilized
Reason: Floodway.

Florida

Land
MacDill Air Force Base
6601 S. Manhattan Avenue
Tampa Co: Hillsborough FL 33608–
Landholding Agency: Air Force
Property Number: 18199030003
Status: Excess
Reason: Floodway.

Land—approx. 220 acres
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 87199440018
Status: Underutilized
Reason: Floodway, Secured Area.

Wildlife Sanctuary, VAMC
10,000 Bay Pines Blvd.
Bay Pines Co: Pinellas FL 33504–
Landholding Agency: VA
Property Number: 97199230004
Status: Underutilized
Reason: Inaccessible.

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: 31199010030
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: 31199010038
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: 31199010039
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: 31199010043
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: 31199011684
Status: Unutilized
Reason: Floodway.

Barren River Lock & Dam No. 1
Richardsville Co: Warren KY 42270–
Landholding Agency: COE
Property Number: 31199120008
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: 31199120009
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: 31199120014
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: 31199120015
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: 31199120016
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: 31199120017
Status: Unutilized
Reason: Floodway.

Tract 6404, Cave Run Lake
U.S. Hwy 460
Index Co: Morgan KY
Landholding Agency: COE
Property Number: 31199240005
Status: Underutilized
Reason: Floodway.

Tract 6803, Cave Run Lake
State Road 1161
Pomp Co: Morgan KY
Landholding Agency: COE
Property Number: 31199240006
Status: Underutilized
Reason: Floodway.

8.04 acres
Taylorsville Lake Project
Taylorsville Co: Spenser KY 40071–9801
Landholding Agency: COE
Property Number: 31199840003
Status: Unutilized
Reason: Inaccessible.

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: 18199010263
Status: Unutilized
Comment: Secured Area.

Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 31199240007
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: 87199120006
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: 31199011037
Status: Excess
Reason: Highway right of way.

VAMC
VA Medical Center
4801 8th Street No.
St. Cloud Co: Sterns MN 56303–
Landholding Agency: VA
Property Number: 97199010049
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material.

3.85 acres (Area #2)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740004
Status: Unutilized
Reason: Landlocked.

7.48 acres (Area #1)
VA Medical Center
4801 8th Street
St. Cloud Co: Stearns MN 56303–
Landholding Agency: VA
Property Number: 97199740005
Status: Underutilized
Reason: Secured Area.

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 31199011018
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: 31199130001
Status: Unutilized
Reason: Floodway.

New Mexico

Facility 75100
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 18199240043
Status: Unutilized
Reason: Secured Area.

New York

Tract 1
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010011
Status: Unutilized
Reason: Secured Area.

Tract 2
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010012
Status: Underutilized
Reason: Secured Area.

Tract 3
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010013
Status: Underutilized
Reason: Secured Area.

Tract 4
VA Medical Center
Bath Co: Steuben NY 14810–
Location: Exit 38 off New York State Route 17.
Landholding Agency: VA
Property Number: 97199010014
Status: Unutilized
Reason: Secured Area.

North Dakota

0.23 acres
Minot Middle Marker Annex
Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 18199810001
Status: Unutilized
Reason: Within airport runway clear zone.

Ohio

Mosquito Creek Lake
Everett Hull Road Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440007
Status: Underutilized
Reason: Floodway.

Mosquito Creek Lake
Housel—Craft Rd., Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 31199440008
Status: Underutilized
Reason: Floodway.

36 Site Campground
German Church Campground
Berlin Center Co: Portage OH 44401–9707
Landholding Agency: COE
Property Number: 31199810001
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: 31199011564
Status: Unutilized
Reason: Floodway.

Mercer Recreation Area
Shenango Lake
Transfer Co: Mercer PA 16154–
Landholding Agency: COE
Property Number: 31199810002
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: 18199210003
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: 21199040413
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: 21199040415
Status: Underutilized
Reasons: Floodway.

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart TN 37058–
Location: U.S. Highway 79/TN Highway 761
Landholding Agency: COE
Property Number: 31199011478
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: 31199011479
Status: Excess
Reason: Floodway.

Track 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 52
Landholding Agency: COE
Property Number: 31199011480
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: 31199011481
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: 31199011482
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: 31199011483
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: 31199011484
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: 31199011485
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: 31199011486
Status: Unutilized
Reason: Floodway.

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jakson TN 38551–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 31199011487
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: 31199011488
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: 31199011489
Status: Unuitlized
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: 31199011490
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: 31199011491
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: 31199011492
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: 31199011493
Status: Underutilized
Reason: Floodway.

Tract 1811
West Fork Launching Area
Smyrna Co: Rutherford TN 37167–
Location: Florence raod Enon Springs Road
Landholding Agency: COE
Property Number: 31199011494
Status: Underutilized
Reason: Floodway.

Tract 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167–
Location: Lamon Road
Landholding Agency: COE
Property Number: 31199011495
Status: Underutilized

Reason: Floodway.

Tract 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167–
Location: Jones Mill Road
Landholding Agency: COE
Property Number: 31199011496
Status: Underutilized
Reason: Floodway.

Tracts 245, 257, and 256
J. Perry 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: 31199011497
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: 31199011498
Status: Underutilized
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: 31199011500
Status: Underutilized
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: 31199011501
Status: Underutilized
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: 31199011502
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: 31199011504
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: 31199120007
Status: Underutilized
Reason: Floodway.

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138–
Landholding Agency: COE
Property Number: 31199130008
Status: Underutilized
Reason: Floodway.

Texas

Tracts 104, 105–1, 105–2 & 118
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010397
Status: Underutilized
Reason: Floodway.

Part of Tract 201–3
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010398
Status: Underutilized
Reason: Floodway.

Part of Tract 323
Joe Pool Lake
Co: Dallas TX
Landholding Agency: COE
Property Number: 31199010399
Status: Underutilized
Reason: Floodway.

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010401
Status: Unutilized
Reason: Floodway.

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 31199010402
Status: Unutilized
Reason: Floodway.

Utah

10.24 acres
Southern Utah Communication Site
Salt Lake UT
Landholding Agency: Air Force
Property Number: 1819810002
Status: Unutilized
Reason: Inaccessible.

Washington

Fairchild AFB
SE corner of base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 18199010137
Status: Unutilized
Reason: Secured Area.

Fairchild AFB
Fairchild AFB Co: Spokane WA 99011–
Location: NW corner of base
Landholding Agency: Air Force
Property Number: 18199010138
Status: Unutilized
Reason: Secured Area.

Tract B–201
Geiger Heights Lagoon
Spokane Co: WA 99210–
Landholding Agency: Air Force
Property Number: 18199930014
Status: Excess
Reason: No public access

West Virginia

Morgantown Lock and Dam
Box 3 RD # 2
Morgantown Co: Monongahelia WV 26505–
Landholding Agency: COE
Property Number: 31199011530
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: 31199011690
Status: Unutilized
Reason: 03 acres; very narrow strip of land loc.

Portion of Tract #101
Buckeye Creek
Sutton Co: Braxton WV 26601–
Landholding Agency: COE
Property Number: 31199810006
Status: Excess
Reason: inaccessible.

[FR Doc. 99–20563 Filed 8–12–99; 8:45 am]
BILLING CODE 4210–29–M

Friday
August 13, 1999

Part III

Department of Energy

Bonneville Power Administraiton

2002 Proposed Wholesale Power Rate Adjustment, Public Hearing, and Opportunities for Public Review and Comment and Proposed Correction of Errors in the Firm Power Products and Services Rate Schedule (FPS–96): Clarifying the Applicability of the FPS–96 Contract Rate to Certain Capacity With Energy Return Contracts, Public Hearing, and Opportunity for Public Review and Comment: Notices

DEPARTMENT OF ENERGY

Bonneville Power Administration

2002 Proposed Wholesale Power Rate Adjustment, Public Hearing, and Opportunities for Public Review and Comment

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of Proposed Wholesale Power Rates and Proposed Resolution of Certain Transmission-Related Issues.

SUMMARY: BPA requests that all comments and documents intended to become part of the Official Record in this process contain the file number designation WP–02. The Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act), provides that BPA must establish and periodically review and revise its rates so that they are adequate to recover, in accordance with sound business principles, the costs associated with the acquisition, conservation, and transmission of electric power, and to recover the Federal investment in the Federal Columbia River Power System (FCRPS) and other costs incurred by BPA.

By this notice, BPA announces its proposed 2002 wholesale power rates, a proposed methodology for treatment and allocation of inter-business line costs, and a cost allocation proposal for non-Federal transmission for Federal and non-Federal power purchases for BPA's current General Transfer Customers, to be effective on October 1, 2001. The rate case proceedings also include BPA's proposal to revise the Priority Firm Power (PF–96) rate schedule by applying a Targeted Adjustment Charge for Uncommitted Loads, to be effective January 1, 2001.

DATES: Written comments by participants must be received by November 5, 1999, to be considered in the Record of Decision (ROD).

ADDRESSES: Written comments should be submitted to the Manager, Corporate Communications—CK; Bonneville Power Administration; P.O. Box 12999; Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Hansen, Public Involvement and Information Specialist, at the address listed above. Interested persons may also call (503) 230–4328 or call toll-free 1–800–622–4519. Information also may be obtained from:

Mr. Allen L. Burns, Group Vice President, Power Business Line—PS–6, P.O. Box 3621, Portland, OR 97208

Mr. Stephen R. Oliver, Bulk Power Marketing—PSB–6, P.O. Box 3621, Portland, OR 97208

Mr. Richard J. Itami, Eastern Power Business Area—PSE, 707 W. Main, Suite 500, Spokane, WA 99201

Mr. John Elizalde, Western Power Business Area—PSW–6, P.O. Box 3621, Portland, OR 97208

Responsible Official: Ms. Diane Cherry, Manager for Power Products, Pricing and Rates, is the official responsible for the development of BPA's wholesale power rates.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction and Procedural Background
II. Purpose and Scope of Hearing
III. Public Participation
IV. Major Studies and Summary of Proposal
V. 2002 Wholesale Power Rate Schedules
A. Introduction
B. Summary of 2002 Wholesale Power Rate Schedules, 2002 GRSPs, and New 1996 GRSPs

Part I—Introduction and Procedural Background

Section 7(i) of the Northwest Power Act, 16 U.S.C. 839e(i), requires that BPA's rates be established according to certain procedures. These procedures include, among other things, publication of notice of the proposed rates in the **Federal Register**; one or more hearings conducted as expeditiously as practicable by a hearing officer; public opportunity for both oral presentation and written submission of views; data questions and argument related to the proposed rates; and a decision by the Administrator based on the record. This proceeding is governed by Section 1010.9 of BPA's Procedures Governing Bonneville Power Administration Rate Hearings, 51 FR 7611 (1986) (Procedures). These Procedures implement the statutory section 7(i) requirements. Section 1010.7 of the Procedures prohibits *ex parte* communications.

The Bonneville Project Act, 16 U.S.C. 832, the Flood Control Act of 1944, 16 U.S.C. 825s, the Federal Columbia River Transmission System Act, 16 U.S.C. 838, and the Northwest Power Act, 16 U.S.C. 839, provide guidance regarding BPA ratemaking. The Northwest Power Act requires BPA to set rates that are sufficient to recover, in accordance with sound business principles, the cost of acquiring, conserving, and transmitting electric power, including amortization of the Federal investment in the FCRPS over a reasonable period of years, and the other costs and expenses incurred by the Administrator. In addition, rates for the Federal Energy Regulatory Commission (FERC)-ordered transmission service, including ancillary services, must satisfy section 212(i) of the Federal Power Act, 16 U.S.C. 824k(i). Such rates must also satisfy the comparability standard for the open access tariff reciprocity compliance requirements of FERC Order 888.[1] The inter-business line and General Transfer Agreement (GTA) issues discussed below will be used to develop ancillary service and transmission rates in the subsequent transmission rate case.

BPA's initial proposed 2002 Wholesale Power Rate Schedules and General Rate Schedule Provisions are published in Part V below. The studies addressing the factors used to develop these rates are listed in Part IV and will be available for examination on August 24, 1999, at BPA's Public Information Center, BPA Headquarters Building, 1st Floor; 905 NE. 11th, Portland, Oregon, and will be provided to parties at the prehearing conference to be held on August 24, 1999, from 9 a.m. to 12 p.m., Room 223, 911 NE. 11th, Portland, Oregon.

To request any of the studies by telephone, call BPA's document request line: (503) 230–4328 or call toll-free 1–800–622–4519. Please request the document by its listed title. Also state whether you require the accompanying documentation (these can be quite lengthy); otherwise the study alone will be provided. The studies and documentation will also be available on BPA's website at www.bpa.gov/power/ratecase.

BPA will release its 2002 initial wholesale power rate proposal on August 24, 1999, and expects to publish a final ROD on April 7, 2000. BPA will be conducting a formal evidentiary rate hearing attended by regional parties. Interested parties must file petitions to intervene in order to take part in the formal hearing. A proposed schedule for the formal hearing is stated below. A final schedule will be established by the Hearing Officer at the prehearing conference.

August 24, 1999: BPA files Direct Case/Prehearing Conference
October 14, 1999: Parties file Direct Cases
November 5, 1999: Close of Participant Comments
December 8, 1999: Litigants file Rebuttal Testimony
January 13, 2000: Cross-Examination
February 10, 2000: Initial Briefs Filed

[1] Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, Order No. 888, FERC Stats. & Regs ¶ 31,036 (1996).

February 17, 2000: Oral Argument before the Administrator
March 10, 2000: Draft ROD issued
March 24, 2000: Briefs on Exceptions
April 7, 2000: Final ROD—Final Studies

BPA will also be conducting eight public field hearings in cities throughout the region. Public field hearings are an opportunity for persons who are not parties in the formal rate hearing to have their views included in the official record. Written transcripts will be made at all of the field hearings. The field hearings are scheduled to begin at 6 p.m. Following are the tentative dates and locations for the field hearings. Confirmation of these hearing dates will be made through mailings and public advertising or by calling BPA Corporate Communications at the telephone number listed above. Announcements will also be posted on BPA's wholesale power rate case website at www.bpa.gov/power/ratecase.

September 30, 1999: Idaho Falls, Idaho
October 4, 1999: Pasco, Washington
October 5, 1999: Missoula, Montana
October 6, 1999: Spokane, Washington
October 7, 1999: Everett, Washington
October 12, 1999: Olympia, Washington
October 13, 1999: Eugene, Oregon
October 14, 1999: Portland, Oregon

Part II—Purpose and Scope of Hearing

A. Overview of the Market

The wholesale electricity market facing BPA today is different from 1996, when BPA last set rates, although BPA anticipated that the market would become increasingly competitive. External influences such as the national and state-by-state deregulation of the power markets, changes in market price expectations, and continuing concerns about the environment are factors that BPA must take into account when establishing rates.

In 1996, it appeared that BPA's rates could exceed market prices and BPA was not sure it could sell all its power at rates that would recover its costs. By 2002, however, BPA's rates are anticipated to be lower than market prices through cost cutting and careful management, as well as an expectation that market prices could increase. Thus, customers have now indicated an interest in purchasing more power than BPA can produce from the FCRPS.

Despite customers' changed perceptions of the value of BPA power, BPA's business requirements are fairly constant and are dictated by legislation. BPA is required to sell power at a price that recovers all costs. These costs are determined by a number of factors, including, among other things, the cost of generating power; the costs of protecting, mitigating, and enhancing fish and wildlife; the costs of investing in public purposes; and the costs of repaying the Treasury for the capital investment in the hydro system. BPA has addressed these legislative requirements with policies that implement the statutory directives.

The major goal for many of BPA's policies, as stated in BPA's Subscription Strategy, is to promote the spread of the benefits of the FCRPS as broadly as possible, with special attention given to the residential and rural customers of the region. Due to the changing market, BPA must balance the competing demands for its low cost power. Public agency customers, known as preference customers, continue to have first priority to this low cost power. For this group, BPA proposes to sell Subscription power below market, with no increase in the average Priority Firm Power (PF) rate from BPA's 1996 rates. BPA's initial rate proposal also implements the Subscription Strategy plan to offer a combination of power and financial benefits to regional investor-owned utilities (IOUs) for the benefit of their residential and small farm customers. BPA's rate proposal also responds to the viability concerns of BPA's direct service industrial customers (DSIs) by offering power below market prices.

In addition to supplying low cost power to its customer groups, BPA policies also spread the benefits of the FCRPS to other stakeholders. BPA uses its funds to support its share of a wide range of activities designed to address fish and wildlife concerns by keeping open all the options for future fish alternatives. Finally, BPA protects the interests of the U.S. Treasury and Federal taxpayers by maintaining a high probability of making Treasury payments on time and in full.

BPA's major Subscription goal is supported by the other three goals of the Subscription Strategy. The second Strategy goal is to avoid rate increases through a creative and businesslike response to markets and additional aggressive cost reductions. By avoiding rate increases, BPA believes that it contributes to a stable customer base comprised of all customer groups. A stable customer base leads in turn to a stable revenue stream which enables BPA to cover its share of fish and wildlife and conservation costs in this rate period and in future rate periods. BPA has committed to pursue a number of financial strategies through rates and contracts that will allow it to meet its goal of avoiding rate increases, such as following the recommendations of a regional public process known as the Cost Review (described below) to reduce costs.

The third goal of BPA's Subscription Strategy was to allow BPA to fulfill its fish and wildlife obligations while assuring a high level of Treasury payment. There are a wide range of options currently under discussion for these fish and wildlife obligations. The options have different costs associated with them, so BPA's financial tools include methods to ensure that there will be sufficient money to meet the costs, such as risk mitigation measures in the event that future revenues are not as high as anticipated. BPA measures its ability to meet its obligations by setting an 88 percent probability goal of making its U.S. Treasury payment on time and in full. By setting a high Treasury Payment Probability (TPP), BPA assures that all other obligations are met before the Treasury payment is made.

BPA's Subscription Strategy has a final goal of continuing to support its important role of being a leader in the regional effort to capture the value of conservation and renewable resources. BPA intends to provide market incentives for these and other emerging technologies.

BPA's Subscription goal of spreading the benefits of the FCRPS through low cost power, as well as BPA's other goals, are reflected in all of BPA's actions. The rate case provides only one part of implementing BPA's goals—through rate levels and rate designs. Many actions, such as contract negotiations and setting spending levels, occur outside of the ratemaking process.

BPA has conducted a number of public processes over the last five years to gain public input into how to balance these major goals. Now it is about to start another one, the ratemaking process. Following is a list of the other important public processes that BPA has used to involve its customers and stakeholders in the important decisions of how BPA will continue to provide service to the citizens of the Pacific Northwest.

B. An Overview of the Public Processes

This section describes four major public review processes that BPA has undertaken in the last five years. Many important policy decisions were made in these processes. The ratemaking process is one vehicle to implement some of the decisions made in these other processes.

1. Business Plan Public Review Process

In 1995, BPA prepared a draft and final Business Plan, including a draft and final Environmental Impact

Statement (EIS). In the Business Plan, BPA announced its response to a changing market. For the first time, BPA's costs appeared to exceed market prices, so BPA found itself in a more competitive environment. It responded in 1996 with products and services that were competitively priced and that included more flexible terms. BPA began to change how it sold power, establishing posted prices for core requirements products, while selling other unbundled products and energy services at negotiated prices reflecting the true costs of providing services. The goal of these early changes was to give customers lower prices, stability, and flexible new choices, while giving BPA greater certainty about its expected loads and revenues. Unbundling products allowed customers to pay for only those products and services that they needed. Decisions made during the 1995 Business Plan process will not be revisited in this rate case.

The rate design in the current proposal continues the basic goals of the Business Plan, with some added features designed to allow BPA the flexibility of passing to customers the incremental cost of unanticipated expenses.

2. Cost Review Public Review Process

In September 1997, BPA and the Northwest Power Planning Council initiated a process called the Cost Review of the Federal Columbia River Power System (Cost Review). The primary objective of the Cost Review was to ensure that BPA's long-term power and transmission costs would be as low as possible, consistent with sound business practices, so that BPA could maximize its ability to fully recover costs through power rates that are at or below market prices.

The Cost Review process began with the establishment of a panel of five executives with considerable experience managing large organizations during periods of downsizing and competitive transition. The panel focused on costs to be recovered through power rates for the initial Subscription period, fiscal years (FY) 2002 through 2006. Costs associated with fish and wildlife recovery efforts were excluded from the scope of the Cost Review, while the following costs were recognized as subject to significant change in the rate development process:

- Short-term power purchases,
- Residential Exchange Program,
- General Transfer Agreements,
- Federal interest and depreciation, and
- Inter-business line expenses.

A draft of the panel's recommendations was circulated throughout the region, and public comments were received during a month-long period that included public meetings and briefings with various interest groups. Based on comments received during this public consultation process, the draft recommendations were modified and presented to the Administrator, the region's Governors, the Northwest Congressional delegation, and the U.S. House and Senate Committees on Appropriations in March 1998.

Additionally, both the recommendations and implementation plans were a subject of ''Issues '98,'' a public comment process conducted by BPA in summer 1998. A key purpose of Issues '98 was to decide how the Cost Review recommendations would be implemented.

This rate proceeding will not revisit the methodology used to develop the Cost Review recommendations, the policy merits or wisdom of the specific recommendations, or BPA's implementation plans. For informational purposes only, the history of the Cost Review and implementation of the final recommendations will be summarized in the Revenue Requirement Study, WP–02–E–BPA–02.

3. Subscription Strategy Public Review Process

As noted previously, one of BPA's goals is to encourage the widest possible diversified use of electric energy while recovering costs. To define this broad concept in greater detail for the post-2001 period, BPA engaged in a multiyear process that culminated in BPA's Subscription Strategy.

In 1996, a regional effort began with the Comprehensive Review of the Northwest Energy System. In December 1996, the Final Report of the Comprehensive Review recommended that BPA capture and deliver the low-cost benefits of the Federal hydropower system to Northwest energy customers through a Subscription-based power sales approach.

A public process to develop a Subscription Strategy began in 1997. This process brought together all the regional stakeholders in an ongoing series of workgroups and meetings. BPA issued a final Subscription Strategy and Record of Decision in December 1998.

The Subscription Strategy provides a marketing policy framework for the power rate case. It reflects agency decisions on equitable distribution of the electric power generated by the FCRPS to BPA's customers within the framework of existing law. Although it did not establish any rates or rate designs, it suggested general rate design approaches to be considered in the formal ratemaking process.

The Subscription Strategy also provided a framework for the bilateral negotiations with each customer that will reflect the specific business relationships between BPA and that customer. Those contracts will be negotiated outside this rate case.

The Subscription Strategy recognized that the FCRPS is a regional resource, limited in size, and valued by the citizens of the Northwest. The Strategy seeks to balance potentially competing demands on the system, as described in the key marketing goals above. It guides the distribution of power among competing demands, while balancing the goals of avoiding PF rate increases, meeting fish and wildlife obligations, and funding public purposes.

After going through an extensive public process, BPA stated in its Subscription Strategy that it planned to offer 1,800 average megawatts (aMW) worth of benefits for the residential and small farm consumers of IOUs while meeting all public agency net firm load requirements. The Strategy also stated that BPA expected to be able to meet all loads that DSI customers asked BPA to serve. This rate case consists of the rates to serve all BPA customers.

4. Fish and Wildlife Obligations Public Review Process

Another important public review process has occurred since BPA's last ratemaking process in 1996. In late 1995, the Clinton Administration and the Northwest Congressional delegation agreed to stabilize BPA's fish and wildlife funding obligations over a six-year period, FY 1996 through FY 2001. In September 1996, the Secretaries of Energy, Commerce, Army and Interior signed a Memorandum of Agreement (MOA) on behalf of five Federal agencies—BPA, the National Marine Fisheries Service (NMFS), the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service (USF&W), and the Bureau of Reclamation. The MOA represents a multiagency commitment to stable BPA funding for fish and wildlife through FY 2001.

The MOA divides BPA's financial obligations for fish and wildlife into two major categories: (1) The financial impacts of the system operations called for in the 1995 Biological Opinions on the operation of the FCRPS issued by NMFS and the USF&W, as well as certain other operational measures specified in the MOA; and (2) a commitment of an average of $252 million per year for capital costs,

operation and maintenance of fish and wildlife facilities, and implementation of the Northwest Power Planning Council's Fish and Wildlife Program.

In addition, the Administration committed to provide cost-sharing assistance pursuant to section 4(h)(10)(C) of the Northwest Power Act, 16 U.S.C. Section 839b(4)(h)(10)(C), on a permanent basis for BPA's direct fish and wildlife expenses, and also to provide section 4(h)(10)(C) credits for BPA's power purchase costs related to its fish and wildlife programs through FY 2001. The Administration also established a Fish Cost Contingency Fund (FCCF) consisting of U.S. Treasury payment credits associated with section 4(h)(10)(C) that BPA has not yet exercised. The FCCF balance of $325 million in U.S. Treasury payment credits will be available to BPA in the case of low water years and under certain other conditions to defray fish and other water-related costs. Further, the Administration acknowledged that, to the extent necessary, BPA would reduce its build-up of cash reserves in FY 1996–2001. This action could make it more likely that BPA would have to reschedule a portion of its annual U.S. Treasury payments in future years.

In June 1997, all eight Senators representing the Northwest sent a letter to Vice President Gore requesting that the Administration work with the Northwest Congressional delegation and the four Northwest Governors through the Governors' Transition Review Board to develop a proposal for extending the MOA beyond FY 2001 to enable BPA to proceed with a Subscription process for post-FY 2001 power sales. As described above, the Subscription concept was created in 1996, during the year-long Comprehensive Review of the Northwest Energy System. The Comprehensive Review was sponsored by the four Northwest Governors and studied how the region's electricity system should be structured in the deregulated wholesale electricity market.

In the absence of a consensus on a post-FY 2001 fish and wildlife recovery strategy by mid-1998, concerned Federal agencies and regional stakeholders agreed that a strategy and mechanism were needed to establish post-FY 2001 fish and wildlife funding assumptions for Subscription and ratemaking purposes. This strategy is directed at ''keeping the options open'' for future decisions on long-term configuration of the FCRPS, including the potential drawdown of reservoirs behind the four Lower Snake River projects and John Day Dam on the mainstem of the Columbia. Without such a strategy and mechanism, BPA could not proceed with its Subscription process for post-FY 2001 power sales or its FY 2002–2006 power rates process because BPA could not provide the necessary cost certainty to its potential post-FY 2001 power sales customers nor assure adequate funding for fish and wildlife recovery efforts.

The Fish and Wildlife Funding Principles (Principles) were developed in consultation with constituents, customers, other Federal agencies, the Northwest Congressional delegation, and Columbia Basin Tribes in an extensive public involvement process. The parties focused on guidelines for structuring BPA's approach to Subscription and FY 2002–2006 power rates to ensure that BPA could meet its financial obligations, including those for fish and wildlife, given hydroconditions, market prices, fish recovery costs, and other uncertainties. The Principles specify that BPA will take into account the full range of potential fish and wildlife costs, as reflected in 13 long-term alternatives for configuration of the FCRPS, with each alternative assumed to be equally likely to occur.

The Principles also state that BPA will set rates to achieve a high probability that U.S. Treasury payments will be made in full and on time over the five-year rate period, and that BPA will adopt rates and contract strategies that are easy to implement and administer and that will minimize rate impacts on Pacific Northwest power and transmission customers. The contract strategies may include sales of Subscription products on staggered contract terms, a Cost Recovery Adjustment Clause (CRAC) in power sales contracts, and cost-based indexed pricing for some Subscription products.

The Principles also commit the Administration to extend the availability of section 4(h)(10)(C) U.S. Treasury payment credits and any remaining FCCF funds through FY 2006 under the same terms as those established for FY 1996 through FY 2001, and to support BPA's efforts to implement the Cost Review recommendations.

The Principles have been reviewed by the Office of Management and Budget and are consistent with the Administration's principles and priorities. These Principles were published on September 16, 1998, in a document entitled ''Fish and Wildlife Funding Principles for Bonneville Power Administration Rates and Contracts.'' Vice President Gore announced the establishment of the Principles on September 21, 1998.

These Principles differ significantly from the MOA. BPA and the other participants are not establishing a budget for the FY 2002 through FY 2006 period. In fact, final decisions and approvals on a fish and wildlife recovery strategy and funding are not expected during this rate proceeding. Because rates are being set before decisions and approvals are made, the Principles take into account the broad range of potential costs associated with the hydrosystem configuration alternatives under consideration at the time the Principles were adopted. The Principles are intended to ensure that BPA's rates and power sales contracts yield a very high probability of meeting all post-FY 2001 financial obligations, including BPA funding obligations for the fish and wildlife recovery strategy that is eventually adopted.

A number of fish and wildlife initiatives are currently being developed, analyzed, and reviewed in the region. These include: (1) the 1999 decision on long-term configuration of the FCRPS called for in the 1995 NMFS Biological Opinion and the NMFS recovery plan for listed salmon and steelhead; (2) the Columbia Basin Forum ''Four H'' process, which focuses on development of a regional fish and wildlife plan through a broad ecosystem approach that takes into consideration the hydrosystem, habitat, hatcheries, and harvest; (3) the Multi-Species Framework initiated by the Northwest Power Planning Council and NMFS, in consultation with the region's Indian Tribes, to establish a coherent array of scientifically based options for the Columbia Basin; and (4) proposed revisions to the Northwest Power Planning Council's Fish and Wildlife Program. BPA believes that the range of costs associated with the 13 alternatives is sufficiently broad to cover any eventual decision made on potential activities to be undertaken, or any outcome reached through these other processes.

In December 1998, BPA published its implementation plan for the Principles. This document is entitled ''How BPA's Subscription Strategy Implements the Fish and Wildlife Funding Principles.'' See Revenue Requirement Study Documentation, WP–02–E–BPA–02A, Volume 1, Chapter 13.

C. Scope of the 2002 Rate Case

Many of the decisions that guide BPA's marketing policies have been made or will be made in other public review processes. This section provides guidance to the Hearing Officer as to those matters that are within the scope

of the rate case, and those that are outside the scope.

1. Spending Levels

As described above, the Cost Review recommendations and BPA's planned implementation of those recommendations have already received extensive public review. Pursuant to section 1010.3(f) of BPA's Procedures, the Administrator directs the Hearing Officer to exclude from the record any material attempted to be submitted or arguments attempted to be made in the hearing which seek to in any way visit the appropriateness or reasonableness of BPA's decisions on spending levels, as included in BPA's test period revenue requirement for FYs 2002 through 2006. If, and to the extent, any re-examination of spending levels is necessary, that re-examination will occur outside of the rate case. Excepted from this direction on account of their variable nature, dependency on BPA's rate case models, or timing, are: (1) forecasts of Residential Exchange benefits; (2) forecasts of short-term purchase power costs; (3) capital recovery matters such as interest rate forecasts, scheduled amortization, depreciation, replacements, and interest expense; (4) inter-business line expenses; and (5) General Transfer Agreements.

2. Subscription Strategy

As noted above, the Subscription Strategy has already received extensive public review and was accompanied by a Final ROD in December 1998. BPA's Subscription Strategy states that BPA will negotiate new power sales contracts with the DSIs but make the actual level of service under such contracts contingent on the availability of power remaining after the close of the Subscription window. The Subscription Strategy also notes that BPA was not prepared at the time of issuing the Strategy to make any final decisions regarding augmentation in order to serve DSI load. Since then BPA has decided to propose serving approximately 1,440 aMW of DSI load. BPA does not intend to conduct a separate public process to take comments on this proposal. Therefore, parties to the rate case may raise and discuss any issues regarding BPA's proposal to serve the DSIs, including any issues regarding the potential effects of this proposal on BPA's rates.

BPA's Subscription Strategy also provides that BPA will offer the equivalent of 1,800 aMW of Federal power to regional IOUs for the FY 2002–2006 period as a proposed settlement of the Residential Exchange Program. BPA has recently received a suggestion to increase the amount of power provided to regional IOUs from 1,800 aMW to 1,900 aMW for the FY 2002–2006 period. While the Subscription Strategy accurately reflects BPA's settlement proposal, any decision by BPA to change the amount of power offered to the IOUs will be made outside of this rate case. Parties to the rate case, however, may raise and discuss any issues regarding the potential effects of such an increase on BPA's rates.

BPA has developed the Conservation and Renewables (C&R) Discount over the past year based on public comment. The range of public opinion regarding the discount was discussed in the Subscription ROD. Working from the ROD, BPA has included the following proposal as part of the rate case. The C&R Discount will apply to all customers served under requirements rates including the Priority Firm Power rate (PF), the Industrial Firm Power rate (IP), the New Resource Firm Power rate (NR), the Residential Load Firm Power rate (RL), and Slice. The total eligibility for each customer will equal .5 mills per kilowatthour (kWh) based on Subscription loads. Customers will be accountable for demonstrating compliance with their expenditure target at the end of the contract term. The discount will be applied automatically on each customer's monthly bill. If a dividend is declared, based on better than expected revenues, the first $15 million will be disbursed to customers actively pursuing C&R Discount programs.

Also based on the Subscription ROD, BPA is addressing the following issues outside the rate case. Recommendations for measures that will be eligible for the C&R Discount will be submitted to BPA by the Regional Technical Forum. BPA will go through a separate public process to review and adopt these recommendations before the new rates go into effect. BPA will conduct a separate process in the fall of 1999 to discuss simplified eligibility criteria for small utilities and other administrative details.

The Administrator directs the Hearing Officer to exclude from the record any material attempted to be submitted or arguments attempted to be made in the hearing which seek to in any way revisit decisions that were made in BPA's Subscription Strategy, including the ROD for the Strategy.

3. Fish and Wildlife Funding Principles

The Administrator directs the Hearing Officer to exclude from the record any material attempted to be submitted or arguments attempted to be made in the hearing which seek to in any way revisit the policy merits or wisdom of the strategy to ''keep the options open'' or of the Fish and Wildlife Funding Principles. The Principles were developed through extensive public involvement and comment processes, and have been adopted as policy at the highest levels of the Administration. The rate proceeding will, however, address implementation of the Principles in the Revenue Requirement Study (including repayment studies and risk mitigation), the Risk Analysis Study, the Loads and Resources Study, and the Wholesale Power Rate Development Study (including rate design, cost allocation, and revenue forecast).

Fish and wildlife issues that will be addressed in this rate proceeding include: (1) how the terms of access to the FCCF are modeled in the rate proposal and their impact on TPP and rates; (2) how section 4(h)(10)(C) credits are modeled in the rate proposal and their impact on TPP and rates; (3) the calculation and treatment of operations and maintenance and capital investment in repayment studies and the revenue requirement; (4) the selection, design, terms and conditions, assumptions, treatment, and impact of planned net revenues for risk, CRAC, indexed power sales contracts, stepped rates, and targeted adjustment charge; (5) the RiskMod, NORM, and Tool Kit model design, operation, inputs and outputs, and use of results; (6) the level of TPP that is targeted, from the range of potential TPP targets established in the Principles; and (7) the design, terms and conditions, assumptions, and treatment of the Dividend Distribution Clause (DDC), including the threshold for triggering a dividend distribution, the conditions under which a dividend is distributed, and the mechanism used to distribute dividends to certain power customers.

Included among the policy decisions, commitments, and assumptions that are not at issue in this rate proceeding are: (1) The Administration's decision to extend the existing terms of access to the FCCF and to roll over the existing formula for calculating section 4(h)(10)(C) credits from the current rate period to FY 2006; (2) the content, merits, or level of costs for the fish and wildlife recovery strategies reflected in each of the 13 alternatives; (3) the decision to include the full range of costs for all 13 alternatives for the purposes of BPA's repayment study, revenue requirement, revenue forecast, and risk management studies and strategies; (4) the TPP goal of 88 percent over the 5-year rate period with a ''floor'' of 80 percent; (5) the policy

objective that rates and contracts be designed to position BPA to achieve similarly high TPP post-FY 2006; (6) the incorporation of the full range of costs using the same probabilistic method BPA uses for other cost and revenue uncertainties in its ratemaking; (7) the assumption that all 13 alternatives are equally likely to occur; (8) the assumption that BPA's annual fish and wildlife operations and maintenance costs have an equal probability of falling anywhere within the range of $100 million and $179 million; (9) the adoption of a flexible approach in order to respond to a variety of different fish and wildlife cost scenarios, and in particular, the 35 to 45 percent goal of total post-FY 2001 sales in contract-term lengths of three years or less, in short-term surplus sales, and/or in cost-based indexed sales; and (10) the goals of adopting rates and contract strategies that are easy to implement and administer.

4. Transmission Related Issues

In setting rates for the period beginning October 1, 2001, BPA is bifurcating its general rate proceeding into separate power and transmission rate proceedings. BPA has voluntarily committed to marketing its power and transmission services in a manner modeled after the regulatory initiatives articulated by FERC in Order Nos. 888 and 889.[2] In Order No. 888, FERC directed public utilities regulated under the Federal Power Act to functionally unbundle transmission and ancillary services from their wholesale power services, and to establish separate rates for wholesale generation, transmission, and ancillary services. Establishing BPA's power and transmission and ancillary services rates in separate rate cases is consistent with FERC's unbundling paradigm because it will separately resolve power and transmission issues in the different rate cases.

The proposal for new and revised wholesale power rates, the methodology for the treatment and allocation of inter-business line costs, and the proposed cost allocation for non-Federal transmission costs for the Federal and non-Federal power purchases of GTA customers are discussed below. The Administrator will decide the inter-business line and GTA issues as part of the wholesale power rate case and will not revisit the decision on these issues in the subsequent transmission rate case. In addition, the scope of the wholesale power rate case does not include the merits of the business line separation or BPA's rates for transmission and ancillary services that will be marketed by the Transmission Business Line (TBL). All transmission and ancillary service rates and rate design issues will be addressed in the subsequent transmission rate case. A notice of BPA's transmission and ancillary services rate proposals will be announced and published in the **Federal Register** at a later date.

In BPA's 2002 power rate case, BPA will decide the appropriate treatment of costs that mutually affect both of its power and transmission business lines, or that assess costs from one business line to the other. The treatment of these ''inter-business line'' issues will determine whether the costs are recovered through power, transmission, or ancillary services rates. BPA plans to address in this power rate case: functionalization of corporate overhead costs; treatment of generation-integration and generation step-up transformer costs; determination of the generation input costs or unit costs that will become the basis for certain ancillary services rates; and determination of the costs of generation services used by the TBL, including Remedial Action Schemes and station service.

The other transmission-related issues to be proposed in the power rate case include all GTAs and GTA replacement costs for Federal power deliveries and for non-Federal power deliveries, and PBL responsibility, if any, for Delivery Segment costs. Resolution of the GTA issues for Federal and non-Federal power deliveries will allow GTA customers to make informed power purchase decisions and will affect the level of the power revenue requirement.

The Administrator directs the Hearing Officer to exclude from the record any material attempted to be submitted or arguments attempted to be made in the hearing which seek to in any way address those transmission items which are not within the scope of this rate case as noted above.

5. Adjustment to PF–96 Rate: Targeted Adjustment Charge for Uncommitted Loads

This rate case also includes a proposal to establish a charge in the PF–96 rate schedule for customer loads that were uncommitted during the 1996 rate case but return to BPA as firm requirements load prior to September 30, 2001. There are no other changes to the PF–96 rate schedule proposed in this rate case.

The Administrator directs the Hearing Officer to exclude from the record any material attempted to be submitted or arguments attempted to be made in the hearing on any issue regarding the proposed adjustment of the PF–96 rate schedule other than the Targeted Adjustment Charge for Uncommitted Loads.

D. The National Environmental Policy Act

BPA's initial rate proposal falls within the scope of the Final Business Plan EIS, completed in June 1995. The analysis in the EIS includes an evaluation of the environmental impacts of rate design issues for BPA's power products and services. Comments on the Business Plan EIS were received outside the formal rate hearing process, but will be included in the rate case record and considered by the Administrator in making a final decision establishing BPA's 2002 rates.

Part III—Public Participation

A. Distinguishing Between ''Participants'' and ''Parties''

BPA distinguishes between ''participants in'' and ''parties to'' the hearings. Apart from the formal hearing process, BPA will receive comments, views, opinions, and information from ''participants,'' who are defined in the BPA Procedures as persons who may submit comments without being subject to the duties of, or having the privileges of, parties. Participants' written and oral comments will be made part of the official record and considered by the Administrator. Participants are not entitled to participate in the prehearing conference; may not cross-examine parties' witnesses, seek discovery, or serve or be served with documents; and are not subject to the same procedural requirements as parties.

Written comments by participants will be included in the record if they are received by November 5, 1999. This date follows the anticipated submission of BPA's and all other parties' direct cases. Written views, supporting information, questions, and arguments should be submitted to BPA's Manager of Corporate Communications at the address listed in the **ADDRESSES** Section of this Notice. In addition, BPA will hold several field hearings in the Pacific Northwest region. Participants may appear at the field hearings and present oral testimony. The transcripts of these hearings will be a part of the record upon which the Administrator makes her final rate decisions.

Persons wishing to become a party to BPA's rate proceeding must notify BPA

[2] Open Access Same-Time Information System (Formerly Real-Time Information Networks) and Standards of Conduct (Order 889), FERC Stats, & Regs ¶ 31,035 (1996).

in writing. Petitioners may designate no more than two representatives upon whom service of documents will be made. Petitions to intervene shall state the name and address of the person requesting party status and the person's interest in the hearing.

Petitions to intervene as parties in the rate proceeding are due to the Hearing Officer by 9 a.m. on August 24, 1999. The petitions should be directed to: Christopher Jones, Hearing Clerk—LP, Bonneville Power Administration, 905 NE. 11th Ave., P.O. Box 12999, Portland, Oregon 97212.

Petitioners must explain their interests in sufficient detail to permit the Hearing Officer to determine whether they have a relevant interest in the hearing. Pursuant to Rule 1010.1(d) of BPA's Procedures, BPA waives the requirement in Rule 1010.4(d) that an opposition to an intervention petition be filed and served 24 hours before the prehearing conference. Any opposition to an intervention petition may instead be made at the prehearing conference. Any party, including BPA, may oppose a petition for intervention. Persons who have been denied party status in any past BPA rate proceeding shall continue to be denied party status unless they establish a significant change of circumstances. All timely applications will be ruled on by the Hearing Officer. Late interventions are strongly disfavored. Opposition to an untimely petition to intervene shall be filed and received by BPA within two days after service of the petition.

B. Developing the Record

The record will include, among other things, the transcripts of all hearings, any written material submitted by the parties, documents developed by BPA staff, BPA's environmental analysis and comments accepted on it, and other material accepted into the record by the Hearing Officer. The Hearing Officer then will review the record, will supplement it if necessary, and will certify the record to the Administrator for decision.

The Administrator will develop final proposed rates based on the entire record, including the record certified by the Hearing Officer, comments received from participants, other material and information submitted to or developed by the Administrator, and any other comments received during the rate development process. The basis for the final proposed rates first will be expressed in the Administrator's Draft ROD. Parties will have an opportunity to respond to the Draft ROD as provided in BPA's Procedures. The Administrator will serve copies of the Final ROD on all parties. At the conclusion of the rate proceeding, BPA will file its rates with FERC for confirmation and approval.

BPA must continue to meet with customers in the ordinary course of business during the rate case. To comport with the rate case procedural rule prohibiting *ex parte* communications, BPA will provide necessary notice of meetings involving rate case issues for participation by all rate case parties. Parties should be aware, however, that such meetings may be held on very short notice and they should be prepared to devote the necessary resources to participate fully in every aspect of the rate proceeding. Consequently, parties should be prepared to attend meetings every day during the course of the rate case.

Part IV—Major Studies and Summary of Proposal

A. Summary of Proposed 2002 Wholesale Power Rate Structure

1. List of Proposed 2002 Wholesale Power Rates

BPA is proposing five different rate schedules for its 2002 Wholesale Power Rates. All of these rate schedules are discussed in more detail in Part V of this Notice.

a. PF–02: Priority Firm Power Rate

The PF rate schedule is comprised of three rates: the PF Preference rate, the PF Exchange Program rate, and the PF Exchange Subscription rate.

The PF Preference rate applies to BPA's firm power sales to be used within the Pacific Northwest by public bodies, cooperatives, and Federal agencies. This power is guaranteed to be continuously available. The rate applies to the following products:

Full Service Product
Actual Partial Service Product—Simple
Actual Partial Service Product—Complex
Block Product
Block Product with Factoring
Block Product with Shaping Capacity
Slice Product

The PF Exchange Program rate applies to sales of power to regional utilities that participate in the Residential Exchange Program established under section 5(c) of the Northwest Power Act, 16 U.S.C. Section 839c(c).

The PF Exchange Subscription rate applies to sales of power to regional IOUs that participate in a settlement of the Residential Exchange Program. This proposed settlement was established in BPA's Subscription Strategy and includes a power sale component and a financial component. The Strategy noted that power sales under the settlement might be in the form of ''in lieu'' power sales under section 5(c) of the Northwest Power Act or requirements sales under section 5(b) of the Act. The PF Exchange Subscription rate applies to ''in lieu'' sales under the settlement.

b. RL–02: Residential Load Firm Power Rate

The RL rate applies to sales of power to regional investor-owned utilities that participate in a settlement of the Residential Exchange Program. As noted above, the Subscription Strategy indicated that power sales under the settlement might be in the form of ''in lieu'' power sales under section 5(c) of the Northwest Power Act or requirement sales under section 5(b) of the Act. The Residential Load rate applies to requirements sales under the settlement.

c. NR–02: New Resource Firm Power Rate

The NR rate applies to net requirements power sales to IOUs for resale to ultimate consumers for direct consumption, for construction, test, and start-up, and for station service. NR–02 firm power is also available to public utility customers for serving New Large Single Loads. This rate covers seven products:

New Large Single Loads
Full Service Product
Actual Partial Service Product—Simple
Actual Partial Service Product—Complex
Block Product
Block Product with Factoring
Block Product with Shaping Capacity

d. IP–02: Industrial Firm Power Rate

The IP rate applies to firm power sales to BPA's DSI customers. The IP rate applies to the firm take-or-pay Block Product for DSI customers that purchase under 2002 Industrial Firm Power Contracts. The IP–02 rate includes Targeted Adjustment Charges.

e. NF–02: Nonfirm Energy Rate

The NF rate applies to energy sold under an arrangement that does not have the guaranteed continuous availability of firm power. The rate provides for upward and downward pricing flexibility from an average cost. Any time that BPA has nonfirm energy for sale, any combination of the following rates may apply:

Standard Rate
Market Expansion Rate
Incremental Rate
Contract Rate
Western Systems Power Pool Transactions

End-user Rate

2. Rate Development Issues

a. Inter-Business Line Calculations

BPA is addressing certain inter-business line issues that must be resolved in order to determine BPA's power revenue requirement and to forecast associated revenues. In its power rate case, BPA is proposing: a methodology for functionalizing corporate overhead costs; unit costs for generation inputs for operating reserves and regulation ancillary services; the generation input cost for the reactive ancillary service; and the costs of station service and remedial action schemes needed by the TBL. In addition, BPA is proposing an allocation of generation integration and generation step-up transformer costs to the business lines. BPA does not propose to recover any Delivery Segment costs through wholesale power rates. BPA's proposal for treatment of Delivery Segment costs will be resolved in the separate transmission rate case.

b. Rate Mitigation Costs

The average proposed PF Preference rate is about the same as in 1996. However, due to rate design changes, some utilities will experience a rate increase and some will experience a rate decrease based on their individual usage.

BPA has proposed to mitigate rate impacts in a number of ways. These include modifying the monthly demand charge, capping the Load Variance Charge, and continuing the Low Density Discount. These items are described below. In addition, BPA proposes to have $4 million available each year to mitigate remaining impacts on certain customers.

c. System Augmentation Costs

Under the Subscription Strategy, BPA expects to be obligated to serve more firm load than is forecasted to be produced by the Federal Base System (FBS) under critical water conditions. Additional firm power will be needed to augment the FBS. For ratemaking purposes, this firm power will be defined as FBS replacements. The costs associated with this FBS replacement power will be allocated to power rate pools as specified by the rate directives in the Northwest Power Act.

Power purchases for system augmentation are distinguished from balancing power purchases by their longer duration. Balancing power purchases are shorter-term purchases needed to serve daily and monthly load obligations within the annual load/resource balance. System augmentation purchases are for a year or longer, and are needed on an annual basis to produce an annual load/resource balance.

BPA's initial proposal contains a provision that requires purchasers of the Slice product to pay their share of the net costs of system augmentation purchases. The net costs are the actual costs of the system augmentation purchases minus the revenue BPA derives from selling the equivalent amount of power at posted rates. The initial proposal also frees Slice purchasers from paying for shorter-term balancing purchases. These elements of the Slice product were designed at a time when the amount of purchases necessary to augment the system was anticipated to be relatively small.

The anticipated amount of power necessary to augment the system has increased significantly since Slice was initially proposed. Because of the increased augmentation purchases, the risks associated with having Slice purchasers only obligated to share the net costs of system augmentation may no longer be consistent with the underlying principle of the Slice product that there would be ''no cost shifts.'' BPA intends to examine this issue in the rate case to ensure that having Slice purchasers share only the net costs of system augmentation does not create a cost shift.

d. Exchange Settlement Methodology

The Subscription Strategy proposes a settlement of the Residential Exchange Program with regional IOUs that includes both power and monetary benefits. The total package is valued at 1800 aMW at the RL–02 or PF Exchange Subscription rate. BPA will supply at least 1000 aMW at the RL–02 or PF Subscription rate. In addition, the remaining 800 aMW will be provided either in the form of monetary benefits or as physical power at BPA's discretion. For purposes of the rate case this 800 aMW of benefits will be calculated as the difference between a market forecasted price for power and the RL–02 or PF Exchange Subscription rate.

BPA does not know if the IOUs will accept the proposed settlement. (The IOUs have the choice of accepting this RL settlement or participating in the Residential Exchange Program.) Therefore, rates that will apply to the settlement, the RL–02 and PF Exchange Subscription rates, as well as a rate that will apply to the traditional Residential Exchange Program, the PF Exchange Program rate, must be established in the rate case.

3. Changes in Rate Design

BPA redesigned its rates in BPA's 1996 rate case to send price signals that reflected the market estimated at that time. BPA is generally continuing the same rate design for its 2002 rates, with some changes described below to account for current market and hydro conditions.

The major change that BPA has made in designing its rates is to add a ''Subscription Settlement'' step, which serves as the basis for calculating the RL and PF Exchange Subscription rates and for developing targeted adjustment charges for the IP and PF rates. More detail on this change is described later in this Notice under Rates Analysis Model.

a. Load Variance Charge

In this rate case BPA is eliminating the Load Shaping Charge and replacing it with a Load Variance Charge. The Load Variance Charge covers BPA's cost of standing ready to meet customers' load growth for reasons other than annexation or retail access load gain or loss. In addition, it provides Full and Partial Service purchasers the right to deviate from their monthly forecasted BPA purchases due to weather, economic business cycles, or plant energy consumption. The charge is set at 0.80 mill per kWh and is charged against the customer's Total Retail Load. Further details on these charges are found in the General Rate Schedule Provisions (GRSPs) (Part V of this Notice).

b. Stepped Up Multi-Year (SUMY) Block Charge

An additional adjustment is proposed by BPA to recover the added cost of serving a block purchase that increases over time. This is to compensate BPA for the incremental cost of serving an additional amount of load above first year loads.

c. Monthly Demand and Energy Charges

BPA is proposing to set monthly energy and demand charges for the FY 2002–2006 rate period. BPA's Marginal Cost Analysis shows substantial monthly differentiation in predicted energy rates for this period. In setting monthly charges for energy and demand, BPA is moving away from the six seasonal period energy charges and the annual demand charge used in BPA's 1996 rate case.

d. Demand Adjuster

In addition to the change in the development of the demand charge, BPA is making a change in the measurement of a customer's peak

demand. BPA will continue measuring Full Service customers' peak demand coincidental to BPA's generation peak. However, Partial Service customers' demand entitlement is measured on their system peak, and adjusted through a Demand Adjuster to compensate for the different demand billing basis compared to the demand billing basis of a Full Service customer.

e. Stepped Rates

A major change in BPA's proposal is the posting of Stepped Rates. The Rates Analysis Model (RAM) calculates an average five-year rate, however, rates that customers pay will be differentiated between the first three years and the last two years of the rate period. The rates for the FY 2002 to 2004 period will be 0.6 mills per kWh below the average five-year rate. The rates for the FY 2005 to 2006 period will be 0.9 mills per kWh above the average five-year rate. The effective differential is 1.5 mills per kWh.

4. New Adjustments to Rates

BPA is proposing a number of new adjustments and continuing some existing adjustments. These adjustments are listed alphabetically and are discussed in greater detail in Part V of this Notice.

a. Conservation and Renewables (C&R) Discount

BPA has included a C&R Discount in this rate case. In setting power rates, BPA has included the cost of this discount by applying 0.5 mills per kWh to loads served by posted rates and the Slice product. Within the PBL billing process, customers will receive a C&R Discount to encourage investment in qualifying new conservation and renewables. BPA and its customers will reconcile the actual conservation and renewable investments and C&R Discount eligibility. BPA is assumed to remain revenue neutral in this program. While IP–02 rate customers are eligible for the C&R Discount, the discount cannot be used to lower the IP rate below the DSI Floor Rate.

b. Cost Recovery Adjustment Clause (CRAC)

BPA is including a CRAC in its rate proposal as one of the risk mitigation tools intended to address the wide range of financial uncertainty BPA is facing in the FYs 2002–2006 rate period. The CRAC would cause posted power rates to be adjusted upward for one year if actual accumulated net revenues (AANR) fall below a threshold level: -$350 million for FYs 2001 and 2002 and $200 million for FYs 2003, 2004, and 2005. These levels of AANR are equivalent to reserve levels of $300 million for FYs 2001 and 2002, and $500 million for FYs 2003, 2004, and 2005. In the event that AANR falls below the threshold level for any of the years from FYs 2001–2005, rates will be increased for a 12-month period beginning with power deliveries in the following April. (In FY 2006, rates will only be increased for six months, through the end of FY 2006.) The CRAC is intended to generate additional revenue of up to $125 million, $135 million, $150 million, $150 million, and $87.5 million if the threshold levels are crossed for FYs 2001, 2002, 2003, 2004, or 2005, respectively. The CRAC is projected to have an average of about a 12 percent chance of triggering.

c. Cost-Based Indexed IP Rate

BPA is proposing a variable rate for the direct service aluminum companies in this rate filing. It will be a rate that is adjusted higher or lower to reflect the aluminum price forecast. The rate is designed to go no lower than 19 mills per kWh, with an upper ceiling of 28.5 mills per kWh. The variable rate will be designed to yield an average rate of 23.5 mills for those DSI customers that will be offered an Industrial Power Targeted Adjustment Charge (IP TAC) rate of 23.5 mills, and 25 mills for those DSI customers that will be offered an IP TAC rate of 25 mills.

d. Cost-Based Indexed PF Rate

This rate is designed to provide a market based alternative rate to all firm load requirements customers that wish to diversify their power portfolios. Customers can choose to convert their applicable PF rate to a market indexed or floating price adjusted for BPA's risk. The customer and BPA will choose a mutually agreeable reference point for the index, and the index price will be based on a current market forecast of the index selected.

e. Dividend Distribution Clause (DDC)

Because of a wide range of financial uncertainties, there is the potential that net revenues will accumulate in excess of what will be needed to ensure recovery of costs over time. BPA is proposing to distribute ''dividends'' if an accumulated net revenue threshold is exceeded and if a five-year net revenue forecast and risk analysis show that an 88 percent Treasury Payment Probability would still be met.

The DDC proposes criteria and process requirements that the Administrator will follow in determining the total amount of annual dividends. BPA intends to conduct a separate public consultation process before the beginning of the rate period to establish criteria for apportioning the amount of annual dividends among BPA stakeholders.

f. Excess Factoring Charges

Part of the rate design in this rate case includes the establishment of a Factoring Product and an Excess Factoring Charge. Factoring for purposes of the Core Subscription Products is specifically defined as the BPA service of shaping a given quantity of megawatt-hours among hours during certain periods to follow load. Factoring charges will be applied to Excess Load Factoring that exceeds the benchmark limits. The Factoring Charge is limited to customers that have dispatchable resources and that have purchased the Actual Partial Product or the Block Product with the Factoring Product.

g. Green Energy Premium

The Green Energy Premium (GEP) will be available to customers purchasing firm power. The GEP will be charged when a customer chooses to designate any portion (up to 100 percent) of its Subscription purchase as Environmentally Preferred Power.

The GEP will range from zero to $40/megawatthour depending on the specific products and associated costs selected by each customer.

h. Industrial Power Targeted Adjustment Charge (IP TAC)

BPA is proposing to apply a TAC to all IP sales to cover the incremental costs that it incurs from purchasing power to serve loads beyond the amount of firm inventory in the augmented FBS. It will apply to sales at both 23.5 mills and 25 mills. The IP TAC will prevent the transfer of these incremental costs to other customers. It is designed to recover costs to keep BPA whole, and is not designed to discourage purchases from BPA.

i. Low Density Discount (LDD)

BPA is continuing to offer the LDD to utilities with low system densities, such as rural electric cooperatives with high distribution costs resulting from sparsely populated service areas. The LDD principles, eligibility criteria, and discount calculation table appear in the GRSPs.

j. PF Targeted Adjustment Charge (PF TAC)

The purpose of the PF TAC is to allow BPA the flexibility of passing to customers the incremental cost of unanticipated or additional loads that are not embedded in the posted rates for

the FYs 2002–2006 rate period. The Subscription Strategy indicated that BPA would have inventory available during the Subscription window for customers. After the window closes, all ''late signers'' or public utilities with new or annexed load, including retail access load gain or returning load, will be subject to a PF TAC. The PF TAC also applies to requests for requirements service for customer loads previously served by a customer's own resources. If inventory is available to serve the request, the PF TAC is the PF rate. If BPA must buy power to serve the load, an adjustment charge reflecting the differences between PF–02 and BPA's cost to buy power is added to the PF rate.

BPA will provide limited exemptions from the PF TAC for those customers requesting requirements load previously served by renewable resources. In developing the posted rates, BPA is not forecasting that it will receive revenues under the PF TAC.

k. Slice True-Up Adjustment

Under the Subscription Strategy, BPA decided to offer a Slice product. Each year, BPA will calculate the difference between the Slice Revenue Requirement's audited actual expenses and credits and the expenses and credits that are forecast in this rate case. The true-up will be a charge to the Slice customer's bill.

l. Unauthorized Increase Charges for Power Sales

This rate proposal includes separate penalty charges for Unauthorized Increases in Energy and Unauthorized Increases in Demand. These charges will be applied to deliveries that exceed contractual entitlements for energy and demand, respectively. Further details on these charges are found in the GRSPs (Part V of this Notice).

m. Value of Reserves

Section 7(c)(3) of the Northwest Power Act, 16 U.S.C. 839e(c)(3), provides that the Administrator shall adjust rates to the direct service industrial customers ''to take into account the value of power system reserves made available to the Administrator through his rights to interrupt or curtail service to such direct service industrial customers.'' The DSIs may provide two types of reserves: Supplemental Contingency Reserves and Stability Reserves. The Initial Rate proposal assumes that Stability Reserves will be purchased by the TBL and addressed in TBL's transmission rate case.

The PBL is proposing a new approach to procuring Supplemental Reserves in this rate case. The PBL will purchase the most cost-effective Supplemental Reserves or provide those reserves itself. No Supplemental Reserves are explicitly forecasted to be provided by the DSIs in this rate case. Any payment to the DSIs for Supplemental Contingency Reserves will be negotiated within a specified range on an individual customer basis rather than a credit applied to some or all of BPA's DSI load. The range is stated in the IP rate schedule (see Part V of this Notice).

5. Development of IP Rate/7(c)(2) Adjustment

The IP–02 rate applies to firm power sales to BPA's DSI customers, including the firm take-or-pay Block Product for DSIs that purchase power under 2002 Industrial Firm Power contracts. Rates for the DSIs are set according to the rate directives contained in section 7(c) of the Northwest Power Act, 16 U.S.C. 839e(c). Section 7(c)(1)(B) provides that after July 1, 1985, the DSI rates will be set ''at a level which the Administrator determines to be equitable in relation to the retail rates charged by the public body and cooperative customers to their industrial consumers in the region.'' 16 U.S.C. 839e(c)(1)(B). Pursuant to section 7(c)(2), the DSI rates are to be based on BPA's ''applicable wholesale rates'' to its preference customers and the ''typical margins'' included by those customers in their retail industrial rates. 16 U.S.C. 839e(c)(2). Section 7(c)(3) provides that the DSI rates are also to be adjusted to account for the value of power system reserves provided through contractual rights that allow BPA to restrict portions of the DSI load. 16 U.S.C. 839e(c)(3). This adjustment is typically made through a value of reserves (VOR) credit. As described above, for this rate case BPA is not proposing a uniform VOR credit to be applied against DSI rates. Thus, the DSI rates shall be set equal to the applicable wholesale rate, plus a typical margin, subject to the floor rate test. As a final step in rate design, BPA develops monthly and diurnally differentiated energy charges and monthly differentiated demand charges based on allocated costs and scaled based on the results of BPA's Marginal Cost Analysis.

The typical Industrial Margin is 0.46 mills per kWh. As stated above, a zero VOR credit is being forecast in this rate case. Thus, the net margin of 0.46 mills per kWh is added to the seasonal and diurnal PF energy charges.

Section 7(c)(2) of the Northwest Power Act requires that the DSI rates in the post-1985 period ''shall in no event be less than the rates in effect for the contract year ending June 30, 1985.'' 16 U.S.C. 839e(c)(2). Accordingly, a floor rate test is performed to determine if the IP rate has been set at a level below the floor rate. If so, an adjustment is made that raises the DSI rate to recover revenues at the floor rate and credits other customers with the increased revenue from the DSIs. If the DSI rate has been set at a level above the floor rate, no floor rate adjustment is necessary.

The first step in calculating the floor rate is to apply the IP–83 Standard rate charges to test period (FY 2002—2006) DSI billing determinants. The resulting revenue figure is then divided by total IP test period loads to arrive at an average rate in mills per kWh. This rate is reduced by an Exchange Cost Adjustment and a deferral that were included in the IP–83 rate. Both adjustments are made on a mills per kWh basis.

BPA is conducting separate rate cases for power and transmission. Therefore, BPA has removed all transmission costs from the IP–83 rate to make a power-only floor rate comparison. These calculations result in a DSI floor rate of 20.98 mills per kWh. Because the proposed IP rate revenues are below the floor rate revenues, an adjustment was necessary. Therefore, the IP rate becomes the floor rate.

6. Changes in Methodology

a. AURORA Model

AURORA is a model used to estimate the variable cost of the marginal resource in a competitively priced energy market. In competitive market pricing, the marginal cost of production is equivalent to the market clearing price, which is the basis for determining BPA's bulk power revenues in the rate case.

AURORA models wholesale energy transactions within a competitive market pricing system. AURORA uses a demand forecast and supply cost information to estimate marginal cost. To determine the marginal cost in a given hour, AURORA models the dispatch of electric generating resources in least cost order to meet the load (demand) forecast. The price in the given hour is equal to the variable cost of the marginal resource. Over time, AURORA adds new resources and retires old resources based on the net present value of the resource.

b. Risk Mitigation

This rate proposal implements the TPP standard that all payments to Treasury of the power function be

recovered through power rates on time and in full over the 5-year rate period with 88 percent probability. Payments to Treasury are the lowest priority in BPA's priority of payments. For this reason, TPP measures the ability to recover costs in a timely fashion.

BPA has identified and analyzed its power risks and is proposing to implement several risk mitigation tools that, taken together, achieve an 88 percent TPP: access to the Fish Cost Contingency fund; starting FY 2002 financial reserves; a CRAC that adjusts posted rates upward as frequently as each year of the five-year rate period if actual accumulated net revenues attributable to the generation function fall below an accumulated net revenue threshold; and Planned Net Revenues for Risk, a component of the revenue requirement that is added to planned expenses.

c. Rates Analysis Model (RAM)

The RAM has been modified to have two steps. The first is the Rate Design Step, which uses the Northwest Power Act's rate directives to calculate posted rates, including the NR–02 rate and the PF Exchange Program rate. In this first step, BPA calculates rates by: (1) allocating costs to rate pools as noted in the Cost of Service Analysis (COSA); (2) adjusting these results to reflect revenue credits and statutory rate directives; and (3) using the marginal cost of power values to shape the annual costs into energy rates across months and time-of-day. In the second step, the Subscription Step, BPA adjusts the rates calculated from the first step to reflect the Subscription Strategy and to produce Subscription power rates.

7. Adjustment to PF–96: Targeted Adjustment Charge for Uncommitted Loads

The Targeted Adjustment Charge for Uncommitted Loads (TACUL) applies to purchases from BPA to serve customer loads that were uncommitted during the 1996 rate case due primarily to the diversification of customer loads. Uncommitted loads returning to BPA firm power requirements service from January 2001, through to the beginning of the 2002 rate period, will be subject to TACUL. The TACUL will prevent the erosion of reserves that could occur from additional costs of power purchases that may be required to meet customer returned load.

BPA is currently facing an energy deficit during the time period January 2001 to September 2001, and could face even greater deficits should BPA receive additional requests by customers to serve returning uncommitted load. These incremental loads will be charged the PF Preference (PF–96) rate, plus the TACUL, which is an adjustment charge reflecting the difference between the PF–96 rate and BPA's cost to supply this power. BPA will calculate the cost for the TACUL at the time a customer requests power or requests BPA to price power already purchased under this schedule. The TACUL will be finalized prior to signing of the final contract or before initial delivery. The TACUL will expire with the PF–96 rate schedule.

8. Payment of Non-Federal Transmission Costs for GTA Customers' Federal and Non-Federal Power Purchases

BPA's PBL and TBL are proposing to pay the non-Federal transmission cost for customers' Federal and non-Federal power purchases, respectively. PBL's and TBL's proposals are separate and distinct from one another.

PBL proposes to continue existing GTA service to current loads for delivery of Federal power through the FY 2001–2006 rate period. Continuation of GTA service for Federal power deliveries is consistent with BPA's historical practice and helps promote the widespread use of Federal power. The GTA costs associated with delivery of Federal power will be borne by PBL and are estimated to be around $42 million per year through the rate period.

TBL proposes to pay up to $6.5 million annually for non-Federal transmission to allow preference and DSI customers who have historically been served by GTAs to avoid ''pancaked'' transmission rates when serving their loads with non-Federal power. BPA proposes that the forecasted non-Federal transmission cost (up to the cap of $6.5 million) for GTA customers' non-Federal power purchases will be included in cost of the Network segment, or its successor, when it develops its transmission rate proposal. This rate treatment is included in the power rate case to resolve all issues that affect GTA customers and to enable GTA customers to make informed power purchase decisions.

B. Studies in Support of Initial Proposal

The studies that have been prepared to support BPA's 2002 Initial Wholesale Power Rate proposal are described in detail in this section.

Loads and Resources Study and Documentation (Study about 100 pages, documentation about 500 pages)
Revenue Requirement Study and Documentation (Study about 250 pages, documentation about 700 pages)
Risk Analysis Study and Documentation (Study and documentation are combined, approximately 130 pages)
Marginal Cost Analysis Study and Documentation (Study about 50 pages, documentation about 400 pages)
Wholesale Power Rate Development Study and Documentation (Study about 175 pages, documentation about 700 pages)
Section 7(b)(2) Rate Test Study and Documentation (Study about 50 pages, documentation about 350 pages)

1. Loads and Resources Study

The Loads and Resources Study represents the compilation of the load and resource data necessary for developing BPA's wholesale power rates. The Study has three major interrelated components: (a) BPA's Federal system load forecast; (b) BPA's Federal system resource forecast; and (c) the Federal system load and resource balances.

The Federal system load forecast is composed of customer group sales forecasts for public utilities and Federal agencies, DSIs, IOUs, and other BPA contractual obligations.

The Federal system resource forecast includes power generated by both Federal and non-Federal hydroprojects, return energy associated with BPA's existing capacity-for-energy exchanges, contracted resources, and other BPA hydrorelated contracts. The Federal system hydroresource estimates are derived from a hydroregulation study that estimates generation under 50 water conditions using the operating provisions of the Pacific Northwest Coordination Agreement. The seasonal shape and magnitude of the Federal system hydro generation depends on availability of all regional resources and coordination of those resources to meet regional loads.

The projections of Federal system resources are compared with projected Federal system firm loads for each month of Operating Years 2002–2007 (August 2001–July 2007) under 1937 water conditions. The resulting load and resource balances yield the firm energy surplus or deficit of the Federal system resources. Similarly, firm capacity surpluses and deficits are determined for the same period.

2. Revenue Requirement Study

The purpose of the Revenue Requirement Study is to establish the level of revenues from wholesale power rates necessary to recover, in accordance with sound business principles, the FCRPS costs associated with the

production, acquisition, marketing, and conservation of electric power. Power revenue requirements include recovery of the Federal investment in hydrogeneration, fish and wildlife recovery, and conservation; Federal agencies' operations and maintenance expenses allocated to power; capitalized contract expenses associated with such non-Federal power suppliers as Energy Northwest (formerly known as the Supply System); other purchase power expenses, such as short-term power purchases; power marketing expenses; cost of transmission services necessary for the sale and delivery of FCRPS power; and all other power-related costs incurred by the Administrator pursuant to law.

Cost estimates reflect implementation of Cost Review recommendations, the Principles, and certain components of the Subscription Strategy. No change in repayment policy or practice is proposed. The repayment study reflects actual implementation of the Appropriations Refinancing Act and a number of updates to actual and projected new repayment obligations. All new capital investments are assumed to be financed with debt or appropriations. The study includes a substantial level of planned net revenues to mitigate financial risk. This risk mitigation tool, in combination with other risk mitigation tools such as starting financial reserves, CRAC, and access to the FCCF, is designed to achieve the 88 percent TPP standard. The adequacy of projected revenues to recover test period revenue requirements and to meet repayment period recovery of the Federal investments is tested and demonstrated for the generation function.

3. Risk Analysis Study

The Risk Analysis Study evaluates both operational and non-operational risks. The portion addressing operational risks evaluates impacts of economic and generation resource capability variations on BPA's ability to meet its annual U.S. Treasury payment during the rate test period. The portion addressing non-operational risks evaluates the impacts of uncertainties in cost projections in the revenue requirement. The results are used to support the amount of planned net revenues for risk that are included in the revenue requirement. The risk variations are tested through the use of several risk simulation models including RiskMod, which quantifies net revenue risk; RevSim, a revenue and expense estimation model; RiskSim, a data management model; and the Non-Operating Risk Model (NORM), which quantifies the non-operating risks. The Risk Analysis, through the use of these models, captures the range of ordinary risks that BPA could reasonably expect to face during the rate test period. The models do not attempt to capture and measure the effects of extraordinary and/or unquantifiable risks such as State or Federal electricity deregulation legislation.

The Risk Analysis Study, with input from the Marginal Cost Analysis (MCA), is also used for estimating purchase power expense and secondary revenues.

4. Marginal Cost Analysis (MCA)

The MCA estimates the hourly variable cost of the marginal resource for transactions in wholesale energy market. The specific market used in this analysis is at the Mid-Columbia trading hub in the State of Washington.

The MCA is used for two purposes in the BPA rate case. First, the MCA is the basis for approximating the prices BPA may experience in the bulk power market. The MCA estimates are therefore used to inform, but not to directly set, the price used in BPA's bulk revenue forecast. Second, the MCA represents BPA's marginal cost in acquiring new energy, or the opportunity cost BPA may see in selling wholesale energy. The MCA is therefore used in rate design to send market based price signals.

The MCA uses a production cost model, AURORA, to estimate a market clearing price for wholesale energy. The fundamental theory behind this model is based on a competitive wholesale energy pricing structure. The model dispatches resources in a least cost order to meet a specified demand. Short-term prices are set at the variable cost of the marginal generator. Long-term capital investment decisions are based on economic profitability in an unregulated environment.

5. Wholesale Power Rate Development Study

The Wholesale Power Rate Development Study (WPRDS) is the primary source for details of the rates, reflecting the results of all the other studies. It documents the Rates Analysis Model and designs rates for BPA's wholesale power products and services. The WPRDS documents the development of Slice costs; the development and forecast of inter-business line revenues and costs; the development of charges for demand, load variance, unauthorized increase charges, and excess factoring charges, and the development of the three and two year rates. The end results of the WPRDS are the wholesale power rate schedules.

6. Section 7(b)(2) Rate Test Study

Section 7(b)(2) of the Northwest Power Act directs BPA to assure that the wholesale power rates effective after July 1, 1985, to be charged its public body, cooperative, and Federal agency customers (the 7(b)(2) Customers) for their general requirements for the rate test period, plus the ensuing four years, are no higher than the costs of power to those customers would be for the same time period if specified assumptions are made. The effect of the rate test is to protect the 7(b)(2) Customers' wholesale firm power rates from certain costs resulting from provisions of the Northwest Power Act. The rate test can result in a reallocation of costs from the 7(b)(2) Customers to other rate classes. The Section 7(b)(2) Rate Test Study describes the application and results of the Section 7(b)(2) Implementation Methodology.

The Section 7(b)(2) rate test triggers in this proposal, causing costs to be reallocated in the test period. The PF Preference rate applied to the general requirements of the 7(b)(2) Customers has been reduced by the 7(b)(2) amount while other rates, including the PF Exchange Program rate applied to customers purchasing under the Residential Exchange Program, have been increased by an allocation of the 7(b)(2) amount.

Part V—2002 Wholesale Power Rate Schedules

A. Introduction

BPA's 2002 Wholesale Power Rate Schedules cover five different rates:

PF–02: Priority Firm Power Rate
RL–02: Residential Load Firm Power Rate
NR–02: New Resource Firm Power Rate
IP–02: Industrial Firm Power Rate
NF–02: Nonfirm Energy Rate

The following section (Part B below) contains BPA's proposed 2002 wholesale power rate schedules, BPA's proposed 2002 GRSPs for power rates, and the new 1996 GRSP for the Targeted Adjustment Charge for uncommitted loads.

The proposed wholesale power rate schedules were prepared in accordance with BPA's statutory authority to develop rates, including the Bonneville Project Act of 1937, as amended, 16 U.S.C. 832 (1982); the Flood Control Act of 1944, 16 U.S.C. 825s (1982); the Federal Columbia River Transmission System Act (Transmission System Act), 16 U.S.C. 838 (1982); and the Northwest Power Act, 16 U.S.C. 839 (1982).

BPA's 2002 proposed wholesale power rate schedules and the GRSPs associated with those rate schedules will supersede BPA's 1996 rate schedules, except for the FPS–96 rate schedule. The FPS–96 rate schedule continues in effect as modified in Docket No. FPS–96R. BPA proposes that its wholesale power rate schedules, including the GRSPs associated with these rate schedules, become effective upon interim approval or upon final confirmation and approval by FERC. BPA currently anticipates that it will request FERC approval of its revised rates effective October 1, 2001.

B. Summary of 2002 Wholesale Power Rate Schedules, 2002 GRSPs, and New 1996 GRSPs

Schedule PF–02

Section I. Availability

This schedule is available for the contract purchase of Firm Power or capacity to be used within the Pacific Northwest. Priority Firm Power may be purchased by public bodies, cooperatives, and Federal agencies for resale to ultimate consumers; for direct consumption; and for Construction, Test and Start-Up, and Station Service. Rates in this schedule are in effect beginning October 1, 2001, and are available for purchase under requirements Firm Power sales contracts for a three or five-year period. The Slice Product is only available for public bodies and cooperatives. Utilities participating in the Residential Exchange Program under section 5(c) of the Northwest Power Act may purchase Priority Firm Power pursuant to the Residential Exchange Program. Utilities participating in settlement of the Residential Exchange Program may purchase Priority Firm Power pursuant to their Subscription settlement agreement. Rates under contracts that contain charges that escalate based on BPA's Priority Firm Power rates shall be based on the five-year rates listed in this rate schedule in addition to applicable transmission charges.

Sales under the PF Exchange Subscription rate will be delivered in equal hourly amounts over the rate period. The consumer bills of participating IOUs should designate ''Benefits of the Federal Columbia River Power System (FCRPS)'' to describe the amount of benefits each consumer receives. Only the block product is available under this rate schedule.

This rate schedule supersedes the PF–96 rate schedule, which went into effect October 1, 1996. Sales under the PF–02 rate schedule are subject to BPA's 2002 General Rate Schedule Provisions (2002 GRSPs). Products available under this rate schedule are defined in the 2002 GRSPs. For sales under this rate schedule, bills shall be rendered and payments due pursuant to BPA's 2002 GRSPs and billing process.

Section II. Rates Tables

The rates in this section apply to PF products. The PF Exchange Program rates and the PF Exchange Subscription rates are shown in Section III.

A. Demand Rate

1. Monthly Demand Rate for FY 2002 Through FY 2006

1.1 Applicability

These rates apply to customers purchasing Firm Power for three or five years. These rates are also used to implement the Pre-Subscription Contracts.

1.2 Rate Table

Applicable months	Rate (kW-mo)
January	$2.14
February	2.06
March	1.96
April	1.37
May	1.32
June	1.69
July	2.12
August	2.44
September	2.28
October	1.90
November	2.31
December	2.40

B. Energy Rate

1. Monthly Energy Rates for FY 2002 Through FY 2004

1.1 Applicability

These rates apply to customers purchasing power in the first three years of the rate period.

1.2 Rate Table

Applicable months	HLH rate (mills/ kWh)	LLH Rate (mills/ kWh)
January	19.06	13.45
February	17.95	12.84
March	17.18	12.09
April	11.64	8.55
May	11.21	7.02
June	14.51	8.61
July	18.85	15.60
August	29.24	19.23
September	20.09	19.40
October	16.68	13.35
November	20.56	17.77
December	21.40	17.67

2. Monthly Energy Rates for FY 2005 Through FY 2006

2.1 Applicability

These rates apply to purchases during the last two years of the rate period for customers purchasing for all five years of the rate period.

2.2 Rate Table

Applicable months	HLH rate (mills/ kWh)	LLH Rate (mills/ kWh)
January	20.56	14.95
February	19.45	14.34
March	18.68	13.59
April	13.14	10.05
May	12.71	8.52
June	16.01	10.11
July	20.35	17.10
August	30.74	20.73
September	21.59	20.90
October	18.18	14.85
November	22.06	19.27
December	22.90	19.17

3. Monthly Energy Rates for FY 2002 Through FY 2006

3.1 Applicability

These rates are used to implement the Pre-Subscription Contracts. These rates are also available to customers purchasing for all five years of the rate period under this rate table.

3.2 Rate Table

Applicable months	HLH rate (mills/ kWh)	LLH Rate (mills/ kWh)
January	19.66	14.05
February	18.55	13.44
March	17.78	12.69
April	12.24	9.15
May	11.81	7.62
June	15.11	9.21
July	19.45	16.20
August	29.84	19.83
September	20.69	20.00
October	17.28	13.95
November	21.16	18.37
December	22.00	18.27

C. Load Variance Rate

The Load Variance rate for FY 2002 through FY 2006 applies to all customers purchasing power under this rate schedule unless specifically excluded in Section IV below. The rate for Load Variance is 0.8 mills/kWh.

D. Slice Rate

The monthly rate for the Slice Product is $1,381,390 per 1 percent of the Slice System.

Section III. PF Exchange Rate Tables

The rates in this section apply to sales under the Residential Exchange Program and the Subscription settlements of the Residential Exchange Program.

A. Demand Rate

1. Monthly Demand Rate for FY 2002 Through FY 2006

1.1 Applicability

These rates apply to customers purchasing power for all five years of the rate period under the Residential Exchange Program and to customers purchasing power for all five years of the rate period under Subscription settlements of the Residential Exchange Program.

1.2 Rate Table

Applicable months	Rate kW-mo
January	$2.14
February	2.06
March	1.96
April	1.37
May	1.32
June	1.69
July	2.12
August	2.44
September	2.28
October	1.90
November	2.31
December	2.40

B. Energy Rate

1. PF Exchange Program Energy Rates for FY 2002 Through FY 2006

1.1 Applicability

These rates apply to customers purchasing power for all five years of the rate period under the Residential Exchange Program.

1.2 Rate Table

Applicable months	Energy rate mills/kWh
January	30.11
February	28.67
March	27.52
April	19.68
May	18.14
June	22.80
July	31.49
August	45.01
September	35.08
October	27.78
November	34.58
December	35.43

2. PF Exchange Subscription Energy Rates for FY 2002 Through FY 2006

2.1 Applicability

These rates apply to eligible customers purchasing power under Subscription settlements of the Residential Exchange Program for all five years of the rate period.

2.2 Rate Table

Applicable months	HLH Rate mills/kWh	LLH rate mills/kWh
January	19.66	14.05
February	18.55	13.44
March	17.78	12.69
April	12.24	9.15
May	11.81	7.62
June	15.11	9.21
July	19.45	16.20
August	29.84	19.83
September	20.69	20.00
October	17.28	13.95
November	21.16	18.37
December	22.00	18.27

C. Load Variance Rate

The Load Variance rate for FY 2002 through FY 2006 applies to all customers purchasing power under this rate schedule unless specifically excluded in Section IV.H below. The rate for Load Variance is 0.8 mills/kWh.

Section IV

The rates described above apply to the following:

Section IV.A. Full Service Product
Section IV.B. Actual Partial Service Product—Simple
Section IV.C. Actual Partial Service Product—Complex
Section IV.D. Block Product
Section IV.E. Block Product with Factoring
Section IV.F. Block Product with Shaping Capacity
Section IV.G. Slice Product
Section IV.H. Customers who purchase under the Residential Exchange Program or Subscription settlements of the Residential Exchange Program
1. Priority Firm Exchange Program Power
2. Priority Firm Exchange Subscription Power

A. Full Service Product

Purchases of the core Subscription Full Service Product are subject to the charges specified below.

1. Priority Firm Power

1.1 Demand Charge

The charge for Demand will be:

The Purchaser's Measured Demand on the Generation System Peak as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.
(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

The charge for Load Variance will be:

The Purchaser's Total Retail Load for the billing period *multiplied by* the Load Variance Rate from Section II.C.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount.	II.A.
Conservation Surcharge	II.B.
Cost-Based Indexed PF Rate	II.D.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Flexible PF Rate Option	II.L.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

B. Actual Partial Service Product—Simple

Purchases of the core Subscription Actual Partial Service Product—Simple are subject to the charges specified below.

1. Priority Firm Power

1.1 Demand Charge

The charge for Demand will be:

(the Purchaser's Demand Entitlement *multiplied by* a Demand Adjuster) as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.
(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

The charge for Load Variance will be:

The Purchaser's Total Retail Load for the billing period *multiplied by* the Load Variance Rate from Section II.C.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount.	II.A.
Conservation Surcharge	II.B.
Cost-Based Indexed PF Rate	II.D.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Flexible PF Rate Option	II.L.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

C. Actual Partial Service Product—Complex

Purchases of the core Subscription Actual Partial Service Product—Complex are subject to the charges specified below.

1. Priority Firm Power

1.1 Demand Charge

The charge for Demand will be:

(The Purchaser's Demand Entitlement *multiplied by* a Demand Adjuster) as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.

(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

The charge for Load Variance will be:

The Purchaser's Total Retail Load for the billing period *multiplied by* the Load Variance Rate from Section II.C.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP Section
Conservation and Renewables Discount.	II.A.
Conservation Surcharge	II.B.
Cost-Based Indexed PF Rate	II.D.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Excess Factoring Charge	II.I.
Flexible PF Rate Option	II.L.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

D. Block Product

Purchases of the core Subscription Block Product are subject to the charges specified below.

1. Priority Firm Power

1.1 Demand Charge

The charge for Demand will be:

The Purchaser's Demand Entitlement as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.

(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

Not applicable to Block purchases unless the customer is also purchasing another product to which Load Variance is applicable as specified by contract.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount.	II.A.
Conservation Surcharge	II.B.
Cost-Based Indexed PF Rate	II.D.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Flexible PF Rate Option	II.L.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Stepped Up Multiyear Block (SUMY).	II.S.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

E. Block Product With Factoring

Purchases of the core Subscription Block Product with Factoring are subject to the charges specified below.

1. Priority Firm Power

1.1 Demand Charge

The charge for Demand will be:

(The Purchaser's Demand Entitlement *multiplied by* a Demand Adjuster) as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.

(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

Not applicable to Block purchases unless the customer is also purchasing another product to which Load Variance is applicable as specified by contract.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount.	II.A.
Conservation Surcharge	II.B.
Cost-Based Indexed PF Rate	II.D.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Excess Factoring Charge	II.I.
Flexible PF Rate Option	II.L.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Stepped Up Multiyear Block (SUMY).	II.S.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

F. Block Product With Shaping Capacity

Purchases of the core Subscription Block Product with Shaping Capacity

are subject to the charges specified below.

1. Priority Firm Power

1.1 Demand Charge

The charge for Demand will be:

The Purchaser's Demand Entitlement as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.

(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

Not applicable to Block purchases unless the customer is also purchasing another product to which Load Variance is applicable as specified by contract.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount.	II.A.
Conservation Surcharge	II.B.
Cost-Based Indexed PF Rate	II.D.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Flexible PF Rate Option	II.L.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Stepped Up Multiyear Block (SUMY).	II.S.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

G. Slice Product

Purchases of the Subscription Slice Product are limited to Public Body Customers and are subject to the charges specified below.

1. Slice Product Charge

The charge for the Slice Product will be:

The elected Slice Percentage expressed as a decimal (.01 = 1%) *multiplied by* 100 *multiplied by* the Slice Rate in Section II.D.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount.	II.A.
Cost-Based Indexed PF Rate	II.D.
Cost Contributions	II.E.
Low Density Discount	II.P.
Slice True-Up Adjustment	II.R.
Unauthorized Increase Charge	II.V.

H. Customers Who Purchase Under Residential Exchange Program or Subscription Settlements of the Residential Exchange Program

The PF Exchange rates include: (1) the PF Exchange Program rate; and (2) the PF Exchange Subscription rate.

1. Priority Firm Exchange Program Power

This PF Exchange Program rate applies to the traditional implementation of the Residential Exchange Program.

a. Priority Firm Exchange Program Power Charges

1.1 Demand Charge

The charge for Demand will be:

(The Purchaser's Billing Demand, which is calculated by applying the load factor, determined as specified in the Residential Exchange Program agreement, to the Billing Energy for each billing period) *multiplied by* the Demand Rate from Section III.A.

1.2 Energy Charge

The monthly charge for energy will be:

(The Purchaser's Billing Energy, which is the energy associated with the utility's residential load for each billing period computed in accordance with the provisions of the Purchaser's Residential Exchange Program agreement) *multiplied by* the Energy Rate from Section III.B.1.

1.3 Load Variance Charge

The charge for Load Variance is embedded in the energy charge.

b. Transmission Charges

Customers purchasing under this rate schedule are charged for transmission services under the NT rate schedule or its successor.

Customers purchasing under this rate schedule are charged for Load Regulation under the applicable charge established by the TBL or its successor.

c. Adjustments, Charges, and Special Rate Provisions

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount	II.A.
Conservation Surcharge	II.B.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Unauthorized Increase Charge	II.V.

2. Priority Firm Exchange Subscription Power

This PF Exchange Subscription rate applies to sales under section 5(c) of the Northwest Power Act to investor-owned utilities (IOU) that participate in a settlement of the Residential Exchange Program as described in BPA's Subscription Strategy.

a. Priority Firm Exchange Subscription Power Charges

1.1 Demand Charge

The charge for Demand will be:

The Purchaser's Contract Demand *multiplied by* the Demand Rate from Section III.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Contract Energy *multiplied by* the HLH Energy Rate from Section III.B.2.

(2) The Purchaser's LLH Contract Energy *multiplied by* the LLH Energy Rate from Section III.B.2.

1.3 Load Variance Charge

Not applicable.

b. Adjustments, Charges, and Special Rate Provisions

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount	II.A.
Conservation Surcharge	II.B.
Cost-Based Indexed PF Rate	II.D.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Unauthorized Increase Charge	II.V.

Section IV. Transmission

All customers will need to obtain transmission for delivery of products

listed under this rate schedule, except for the exchange product listed under Section IV.H.1.

Schedule RL–02

Residential Load Firm Power Rate

Section I. Availability

This schedule is available for the contract purchase of Firm Power to be used within the Pacific Northwest. The Residential Load (RL) Firm Power Rate is available to investor-owned utilities (IOUs) under net requirement contracts for resale to ultimate residential consumers for direct consumption. Further, in order to purchase under this rate, the IOU must agree to waive its right to request benefits under section 5(c) of the Northwest Power Act for the term of the contract. Each IOU will be able to purchase a specified amount of Firm Power at the RL–02 rate. Additional sales of requirements power to IOUs will be made at the NR–02 rate.

The product will be delivered in equal hourly amounts over the rate period. The consumer bills of participating IOUs should designate ''Benefits of the Federal Columbia River Power System (FCRPS)'' to describe the amount of benefits each consumer receives.

Rates in this schedule are available for purchases under requirements sales contracts for a five-year period. Only the block product is available under this rate schedule. Sales under this schedule are subject to BPA's 2002 General Rate Schedule Provisions (2002 GRSPs) and billing process.

Section II. Rates Tables

The rates for the RL Firm Power product are identified below.

A. Demand Rate

1. Monthly Demand for FY 2002 through FY 2006

1.1 Applicability

These rates apply to eligible customers purchasing power for five years.

1.2 Rate Table

Applicable months	Rate (kW-mo)
January	$2.14
February	2.06
March	1.96
April	1.37
May	1.32
June	1.69
July	2.12
August	2.44
September	2.28
October	1.90
November	2.31
December	2.40

B. Energy Rate

1. Monthly Energy Rates for FY 2002 Through FY 2006

1.1 Applicability

These rates apply to eligible customers purchasing power for all five years of the rate period.

1.2 Rate Table

Applicable months	HLH rate (mills/kWh)	LLH rate (mills/kWh)
January	19.66	14.05
February	18.55	13.44
March	17.78	12.69
April	12.24	9.15
May	11.81	7.62
June	15.11	9.21
July	19.45	16.20
August	29.84	19.83
September	20.69	20.00
October	17.28	13.95
November	21.16	18.37
December	22.00	18.27

C. Load Variance Rate

Not applicable.

Section III. Billing Factors and Adjustments

Eligible customers purchasing power under a contract implementing Subscription settlements of the Residential Exchange Program are subject to the charges specified below.

1. Residential Load Firm Power

1.1 Demand Charge

The charge for Demand will be:

The Purchaser's Contract Demand multiplied by the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Contract Energy multiplied by the HLH Energy Rate from Section II.B; and

(2) The Purchaser's LLH Contract Energy multiplied by the LLH Energy Rate from Section II.B.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount	II.A.
Conservation Surcharge	II.B.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Unauthorized Increase Charge	II.V.

Section IV. Transmission

All customers will need to obtain transmission for delivery of products listed under this rate schedule unless BPA's Power Business Line (PBL) and the customer negotiate otherwise at time of sale.

Schedule NR–02

New Resource Firm Power Rate

Section I. Availability

This schedule is available for the contract purchase of Firm Power or capacity to be used within the Pacific Northwest. New Resource Firm Power is available to investor-owned utilities (IOU) under net requirements contracts for resale to ultimate consumers; for direct consumption; and for Construction, Test and Start-Up, and Station Service. New Resource Firm Power also is available to any public body, cooperative, or Federal agency to the extent such power is needed to serve any New Large Single Load (NLSL), as defined by the Northwest Power Act. That portion of the utility's load placed on BPA that is attributable to the NLSL will be billed under this rate schedule.

Rates in this schedule are available for purchases under contracts for which power deliveries begin on or after October 1, 2001 (2002 Contract), for a three or five-year period. Products available under this rate schedule are defined in BPA's 2002 General Rate Schedule Provisions (2002 GRSPs).

This rate schedule supersedes the NR–96 rate schedule, which went into effect October 1, 1996. Sales under the NR–02 rate schedule are subject to BPA's 2002 GRSPs and billing process.

Section II. Rates Tables

The rates in this section apply to NR products.

A. Demand Rate

1. Monthly Demand Rate for FY 2002 Through FY 2006

1.1 Applicability

These rates apply to eligible customers purchasing power for three or five years.

1.2 Rate Table

Applicable months	Rate (kW-mo)
January	$2.14
February	2.06
March	1.96
April	1.37
May	1.32
June	1.69
July	2.12
August	2.44
September	2.28
October	1.90
November	2.31
December	2.40

B. Energy Rate

1. Monthly Energy Rates for FY 2002 Through FY 2004

1.1 Applicability

These rates apply to eligible customers purchasing power in the first three years of the rate period.

1.2 Rate Table

Applicable months	HLH rate (mills/kWh)	LLH rate (mills/kWh)
January	40.75	29.41
February	38.50	28.19
March	36.96	26.68
April	25.76	19.52
May	24.88	16.41
June	31.56	19.64
July	40.34	33.76
August	61.32	41.09
September	42.83	41.44
October	35.94	29.22
November	43.78	38.15
December	45.47	37.95

2. Monthly Energy Rates for FY 2005 Through FY 2006

2.1 Applicability

These rates apply to purchases during the last two years of the rate period for eligible customers purchasing for all five years of the rate period.

2.2 Rate Table

Applicable months	HLH rate (mills/kWh)	LLH rate (mills/kWh)
January	42.25	30.91
February	40.00	29.69
March	38.46	28.18
April	27.26	21.02
May	26.38	17.91
June	33.06	21.14
July	41.84	35.26
August	62.82	42.59
September	44.33	42.94
October	37.44	30.72
November	45.28	39.65
December	46.97	39.45

3. Monthly Energy Rates for FY 2002 Through FY 2006

3.1 Applicability

These rates apply to eligible customers purchasing for all five years of the rate period under this rate table.

3.2 Rate Table

Applicable months	HLH rate (mills/kWh)	LLH rate (mills/kWh)
January	41.35	30.01
February	39.10	28.79
March	37.56	27.28
April	26.36	20.12
May	25.48	17.01
June	32.16	20.24
July	40.94	34.36
August	61.92	41.69
September	43.43	42.04
October	36.54	29.82
November	44.38	38.75
December	46.07	38.55

C. Load Variance Rate

The Load Variance rate for FY 2002 through FY 2006 is applicable to all customers purchasing power under this rate schedule unless specifically excluded in Section III below. The rate for Load Variance is 0.8 mills/kWh.

Section III. Billing Factors, and Adjustments for Each NR Product

This rate schedule contains seven subsections, corresponding to the products to which this rate schedule applies. The following seven products are available to serve NLSLs, or other loads served at the NR–02 rate.

Section III.A. New Large Single Load
Section III.B. Full Service Product
Section III.C. Actual Partial Service Product—Simple
Section III.D. Actual Partial Service Product—Complex
Section III.E. Block Product
Section III.F. Block Product with Factoring
Section III.G. Block Product with Shaping Capacity

A. New Large Single Load (NLSL) Service Product

Purchases of New Resource Firm Power to serve a NLSL are subject to the charges specified below.

1. New Resource Firm Power

1.1 Demand Charge

The charge for Demand will be:
The NLSLs Demand Entitlement as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2), unless BPA and the Purchaser agree to bill based on a contract amount of energy.

(1) The NLSLs HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.
(2) The NLSLs LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

The charge for Load Variance will be:
The NLSLs Measured Energy for the billing period as specified in the contract *multiplied by* the Load Variance Rate from Section II.C.

If the customer is already paying the Load Variance Charge on the NLSL load through this or another rate schedule, this charge does not apply.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount	II.A.
Conservation Surcharge	II.B.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Flexible NR Rate Option	II.K.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

B. Full Service Product

Purchases of the core Subscription Full Service Product are subject to the charges specified below.

1. New Resource Firm Power

1.1 Demand Charge

The charge for Demand will be:
The Purchaser's Measured Demand on the Generation System Peak as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied* by the HLH Energy Rate from Section II.B.
(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

The charge for Load Variance will be:

The Purchaser's Total Retail Load for the billing period *multiplied by* the Load Variance Rate from Section II.C.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount	II.A.
Conservation Surcharge	II.B.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Flexible NR Rate Option	II.K.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

C. Actual Partial Service Product—Simple

Purchases of the core Subscription Actual Partial Service Product—Simple are subject to the charges specified below.

1. New Resource Firm Power

1.1 Demand Charge

The charge for Demand will be:

(The Purchaser's Demand Entitlement *multiplied by* a Demand Adjuster) as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.

(2) The purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

The charge for Load Variance will be:

The purchaser's Total Retail Load for the billing period *multiplied by* the Load Variance from Section II.C.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount	II.A.
Conservation Surcharge	II.B.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Excess Factoring Charge	II.I.
Flexible NR Rate Option	II.K.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

D. Actual Partial Service Product—Complex

Purchases of the core Subscription Actual Partial Service Product—Complex are subject to the charges specified below.

1. New Resource Firm Power

1.1 Demand Charge

The charge for Demand will be:

(The Purchaser's Demand Entitlement *multiplied* by a Demand Adjuster) as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.

(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

The charge for Load Variance will be:

The Purchaser's Total Retail Load for the billing period *multiplied by* the Load Variance Rate from Section II.C.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount	II.A.
Conservation Surcharge	II.B.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Flexible NR Rate Option	II.K.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

E. Block Product

Purchases of the core Subscription Block Product are subject to the charges specified below.

1. New Resource Firm Power

1.1. Demand Charge

The charge for Demand will be:

The Purchaser's Demand Entitlement as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2. Energy Charge

The total monthly charge for energy shall be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.

(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

Not applicable to Block purchases unless the customer is also purchasing another product to which Load Variance is applicable as specified by contract.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount	II.A.
Conservation Surcharge	II.B.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Flexible NR Rate Option	II.K.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Stepped Up Multiyear Block (SUMY)	II.S.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

F. Block Product With Factoring

Purchases of the core Subscription Block Product with Factoring are subject to the charges specified below.

1. New Resource Firm Power

1.1. Demand Charge

The charge for Demand will be:

(the Purchaser's Demand Entitlement *multiplied by* a Demand Adjuster) as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2. Energy Charge

The total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.

(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

Not applicable to Block purchases unless the customer is also purchasing another product to which Load Variance is applicable as specified by contract.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below.

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount	II.A.
Conservation Surcharge	II.B.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Excess Factoring Charge	II.I.
Flexible NR Rate Option	II.K.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Stepped Up Multiyear Block (SUMY)	II.S.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

G. Block Product With Shaping Capacity

Purchases of the core Subscription Block Product with Shaping Capacity are subject to the charges specified below.

1. New Resource Firm Power

1.1. Demand Charge

The charge for Demand will be:

The Purchaser's Demand Entitlement as specified in the contract *multiplied by* the Demand Rate from Section II.A.

1.2. Energy Charge

The total monthly charge for energy shall be the sum of (1) and (2):

(1) The Purchaser's HLH Energy Entitlement as specified in the contract *multiplied by* the HLH Energy Rate from Section II.B.

(2) The Purchaser's LLH Energy Entitlement as specified in the contract *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

Not applicable to Block purchases unless the customer is also purchasing another product to which Load Variance is applicable as specified by contract.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below:

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewables Discount	II.A.
Conservation Surcharge	II.B.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Flexible NR Rate Option	II.K.
Green Energy Premium	II.M.
Low Density Discount	II.P.
Rate Melding	II.Q.
Stepped Up Multiyear Block (SUMY)	II.S.
Targeted Adjustment Charge	II.U.
Unauthorized Increase Charge	II.V.

Section IV. Transmission

All customers will need to obtain transmission for delivery of products listed under this rate schedule unless BPA's Power Business Line (PBL) and the customer negotiate otherwise at time of sale. Regulation and Frequency Response may have to be purchased for NLSLs.

IP–02

Industrial Firm Power Rate

Section I. Availability

This schedule is available, in conjunction with the IPTAC, to BPA's direct service industrial (DSI) customers for Firm Power to be used in their industrial operations. DSIs that purchase power under contracts for which power deliveries begin on or after October 1, 2001 (2002 Contracts), are eligible to purchase under this rate schedule for up to a five-year period.

This rate schedule supersedes the IP–96 rate schedule, which went into effect October 1, 1996. Sales under the IP–02 rate schedule are subject to BPA's 2002 General Rate Schedule Provisions (2002 GRSPs) and billing process.

Section II. Rates Tables

The rates for the IP Firm Power product are identified below.

A. Demand Rate for All IP/IPTAC Products

1. Flat Rate Demand for FY 2002 through 2006

1.1 Applicability

These rates apply to eligible customers purchasing power for all five years of the rate period.

1.2 Rate Table

Applicable months	Rate (kW-mo)
January	$2.14
February	2.06
March	1.96
April	1.37
May	1.32
June	1.69
July	2.12
August	2.44
September	2.28
October	1.90
November	2.31
December	2.40

B. Energy Rate

1. Monthly Energy Rates for FY 2002 Through FY 2006

1.1 Applicability

These energy rates are to be combined with one of the two IP Targeted Adjustment Charges specified in Section 2.2 or 3.2 below.

1.2 Rate Table

Applicable months	HLH rate (mills/kWh)	LLH rate (mills/kWh)
January	21.49	15.87
February	20.37	15.27
March	19.61	14.52
April	14.07	10.98
May	13.63	9.44
June	16.93	11.04
July	21.28	18.03
August	31.66	21.65
September	22.51	21.83
October	19.10	15.78
November	22.99	20.20
December	23.82	20.10

2. Monthly Energy Rates for FY 2002 Through FY 2006 for IPTAC (23.5 mills)

2.1 These rates apply to the eligible customers purchasing power under this rate schedule for all five years of the rate period.

2.2 A charge of 2.02 mills shall be added to each IP energy rate in the Rate Table in 1.2 above.

3. Monthly Energy Rates for FY 2002 Through FY 2006 for IPTAC (25.0 mills)

3.1 These rates apply to the eligible customers purchasing power under this rate schedule for all five years of the rate period.

3.2 A charge of 3.52 mills shall be added to each IP energy rate in the Rate Table in 1.2 above.

C. Load Variance Rate

The Load Variance rate for FY 2002 through FY 2006 applies to all customers purchasing power under this rate schedule unless specifically excluded in Section III below. The rate for Load Variance is 0.8 mills/kWh.

Section III. Billing Factors and Adjustments for Each IP Product

This rate schedule contains two subsections, corresponding to the products to which this rate schedule applies. Only the firm take-or-pay Block Product is available under these rate schedules.

SECTION III.A. DSI Customers Who Purchase Under 2002 Industrial Firm Power (IP) Contracts

SECTION III.B. DSI Customers Who Purchase Under 2002 Industrial Firm Power Targeted Adjustment Charge (IPTAC) Contracts

A. DSI Customers Who Purchase Under 2002 Industrial Firm Power (IP) Contracts

Purchases of power under a 2002 IP contract are subject to the charges specified below.

1. Industrial Firm Power

1.1 Demand Charge

The charge for Demand will be:

The Purchaser's monthly Contract Demand *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

The Total monthly charge for energy will be the sum of (1) and (2):

(1) The Purchaser's monthly HLH Contract Energy *multiplied by* the HLH Energy Rate from Section II.B; and

(2) The Purchaser's monthly LLH Contract Energy *multiplied by* the LLH Energy Rate from Section II.B.

1.3 Load Variance Charge

Not applicable to Block purchases unless the customer is also purchasing another product to which Load Variance is applicable as specified by contract.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below:

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewable Discount	II.A.
Conservation Surcharge	II.B.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Green Energy Premium	II.M.
Rate Melding	II.Q.
Supplemental Contingency Reserves Adjustment	II.T.
Unauthorized Increase Charge	II.V.

B. DSI Customers Who Purchase Under 2002 Industrial Firm Power Targeted Adjustment Charge (IPTAC) Contracts

Purchases of power under a 2002 IPTAC contract are subject to the charges specified below.

1. Industrial Firm Power

1.1 Demand Charge

The charge for Demand will be:

The Purchaser's monthly Contract Demand *multiplied by* the Demand Rate from Section II.A.

1.2 Energy Charge

Energy charges will be calculated pursuant to the GRSPs IPTAC at the time of contract negotiations.

1.3 Load Variance Charge

Not applicable to Block purchases unless the customer is also purchasing another product to which Load Variance is applicable as specified by contract.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the 2002 GRSPs. Relevant sections are identified below:

Adjustments, charges, and special rate provisions	2002 GRSP section
Conservation and Renewable Discount	II.A.
Conservation Surcharge	II.B.
Cost-Based Indexed IP Rate	II.C.
Cost Contributions	II.E.
Cost Recovery Adjustment Clause	II.F.
Dividend Distribution Clause	II.H.
Flexible IP Rate Option	II.J.
Green Energy Premium	II.M.
Industrial Firm Power Targeted Adjustment Charge	II.O.
Rate Melding	II.Q.
Supplemental Contingency Reserves Adjustment	II.T.
Unauthorized Increase Charge	II.V.

Section IV. Transmission

All customers will need to obtain transmission for delivery of products listed under this rate schedule unless BPA's Power Business Line (PBL) and the customer negotiate otherwise at time of sale.

NF–02

Nonfirm Power Rate

Section I. Availability

This schedule is available for the purchase of nonfirm energy to be used both inside and outside the United States including sales under the Western Systems Power Pool (WSPP) agreements and sales to consumers. The offer of nonfirm energy under this schedule shall be determined by BPA.

This rate schedule supersedes the NF–96 schedule, which went into effect on October 1, 1996. Sales under the NF–02 rate schedule are subject to BPA's 2002 General Rate Schedule Provisions (2002 GRSPs). For sales under this rate schedule, bills shall be rendered and payments due pursuant to BPA's 2002 GRSPs and billing process.

Section II. Rates, Billing Factors, and Adjustments

The average cost of nonfirm energy is 24.98 mills/kWh. The NF–02 rate schedule provides for upward and downward pricing flexibility from this average nonfirm energy cost.

A. Rates for Nonfirm Energy

1. Standard Rate

The Standard rate is any offered rate not to exceed 29.98 mills/kWh.

2. Market Expansion Rate

The Market Expansion rate is any offered rate below the Standard rate in effect. BPA may have one or more Market Expansion rates in effect simultaneously.

3. Incremental Rate

The Incremental Rate is the Incremental Cost of energy plus 2.00 mills/kWh, where the Incremental Cost is defined as all identifiable costs (expressed in mills/kWh) that BPA would have avoided had it not produced or purchased the energy being sold under this rate.

4. Contract Rate

The Contract Rate is 24.98 mills/kWh.

B. Billing Factor for Nonfirm Energy

The billing factor for nonfirm energy purchased under this rate schedule shall be the Measured Energy unless otherwise specified by contract.

C. Adjustments for Nonfirm Energy

All adjustments are described in the 2002 GRSPs. The applicable sections are identified for each adjustment.

Adjustments, charges, and special rate provisions	2002 GRSP section
Cost Contributions	II.E.
Unauthorized Increase Charge	II.V.

Section III. Determination of the Applicable NF Rate

Any time that BPA has nonfirm energy for sale, the Standard rate, the Market Expansion rate, the Incremental rate, the Contract rate, or any combination of these rates may be in effect.

A. Standard Rate

The Standard rate is available for all purchases of nonfirm energy.

B. Market Expansion Rate

1. Application of the Market Expansion Rate

The Market Expansion rate applies when BPA determines that all markets at the Standard rate have been satisfied and BPA offers additional nonfirm energy.

2. Market Expansion Rate Qualification Criteria

In order to purchase nonfirm energy at the Market Expansion rate, a purchaser must:

a. Have a displaceable resource, displaceable purchase of electricity; or

b. Be an end-user load with a displaceable alternative fuel source. In addition, a purchaser must demonstrate one of the following:

a. Shutdown or reduction of the output of the displaceable resource associated with that purchase, in an amount equal to the amount of Market Expansion rate energy purchased; or

b. Reduction of a displaceable purchase and the output of the resource associated with that purchase, in an amount equal to the amount of Market Expansion rate energy purchased; or

c. Shutdown or reduction of the identified output of the resource(s) indirectly in an amount equal to the amount of Market Expansion rate energy purchased (for example, the purchase may be used to run a pumped storage unit); or

d. Decrease of an end-user alternate fuel source in an amount equivalent to the amount of Market Expansion rate energy purchased.

3. Eligibility Criteria for Market Expansion Rate

a. When only one Market Expansion rate is offered:

Purchasers satisfying the Market Expansion Rate Qualifying Criteria specified in Section III.B.2 above, who purchased nonfirm energy directly from BPA, are eligible to purchase power under the Market Expansion rate offered if the decremental cost of the qualifying resource, purchase, or qualifying alternative fuel source is lower than the Standard rate in effect plus 2.00 mills/kWh.

Purchasers qualifying under Section III.B.2 who purchase nonfirm energy through a third party are eligible to purchase power under the Market Expansion rate offered if the cost of the qualifying alternative fuel source is lower than the Standard rate in effect plus 4.00 mills/kWh.

b. When more than one Market Expansion rate is offered:

Purchasers qualifying under Section III.B.2 who purchase nonfirm energy directly from BPA are eligible to purchase power under the Market Expansion rate if the decremental cost of the qualifying resource, purchase, or qualifying alternative fuel source is lower than the Standard rate in effect plus 2.00 mills/kWh. The rate applicable to a purchaser will be the highest Market Expansion rate offered that is below the purchaser's qualifying decremental cost minus 2.00 mills/kWh.

C. Incremental Rate

The Incremental rate applies to sales of energy:

1. That is produced or purchased by BPA concurrently with the nonfirm energy sale;

2. That BPA may at its option not produce or purchase; and 3. that has an Incremental Cost greater than the Standard rate (plus the Intertie Charge, if applicable) minus 2 mills.

D. Contract Rate

The Contract rate applies to contracts (except power sales contracts offered pursuant to Sections 5(b), 5(c), and 5(g) of the Northwest Power Act) that refer to the Contract rate:

1. For sale of nonfirm energy; or

2. For determining the value of energy.

E. Western Systems Power Pool Transactions (WSPP)

BPA may make available nonfirm energy for transactions under the WSPP agreement. WSPP sales shall be subject to the terms and conditions specified in the WSPP agreement and will be consistent with regional and public preference. The rate for transactions under the WSPP agreement is any rate within the limits specified by the Standard, Market Expansion, and Incremental rates but may not exceed the maximum rate specified in the WSPP agreement. The rate for WSPP sales may differ from the actual rate offered for non-WSPP transactions in any hour. The rate for WSPP transactions is independent of any other rate offered concurrently under this rate schedule outside the agreement.

F. End-User Rate

BPA may agree to a rate formula for nonfirm energy purchases by end-users. Such rate or rate formula will be within the limits specified for the Standard and Market Expansion rates but may differ from the actual rates offered during any hour.

Section IV. Delivery

A. Rate of Delivery

BPA shall determine the amount of nonfirm energy to be made available for each hour. Such determination shall be made for each applicable nonfirm energy rate.

B. Guaranteed Delivery

1. Availability

BPA will determine the amount and duration of nonfirm energy to be offered on a guaranteed basis. Such daily or hourly amounts may be as small as zero or as much as all the nonfirm energy that BPA plans to offer for sale on such days.

2. Conditions

Scheduled amounts of guaranteed nonfirm energy may not be changed except:

a. When BPA and the purchaser mutually agree to increase or decrease the scheduled amounts; or

b. When BPA must reduce nonfirm energy deliveries in order to serve firm loads.

Section V. Transmission

All customers will need to obtain transmission for delivery of products listed under this rate schedule unless BPA's Power Business Line (PBL) and the customer negotiate otherwise at time of sale.

BPA'S 2002 General Rate Schedule Provisions for Power Rates

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General Rate Schedule Provisions

Section I. Adoption of Revised Rate Schedules and General Rate Schedule Provisions

A. Approval of Rates

These 2002 Wholesale Power Rate Schedules and General Rate Schedule Provisions (2002 GRSPs) shall become effective upon interim approval or upon final confirmation and approval by the Federal Energy Regulatory Commission (FERC). Bonneville Power Administration (BPA) has requested that FERC make these rates and 2002 GRSPs effective on October 1, 2001, for customers who are billed by BPA on a calendar month basis and on the first day of the first billing month following that date for all other customers. All rate schedules shall remain in effect until they are replaced or expire on their own terms.

B. General Provisions

These 2002 Wholesale Power Rate Schedules and the 2002 GRSPs associated with these schedules supersede BPA's 1996 rate schedules (which became effective October 1, 1996) to the extent stated in the Availability section of each rate schedule. These schedules and 2002 GRSPs shall be applicable to all BPA contracts, including contracts executed both prior to, and subsequent to, enactment of the Pacific Northwest Electric Power Planning and Conservation Act (Northwest Power Act). All sales under these rate schedules are subject to the following acts as amended: The Bonneville Project Act, the Regional Preference Act (P.L. 88–552), the Federal Columbia River Transmission System (FCRTS) Act (P.L. 93–454), the Northwest Power Act (P.L. 96–501), and the Energy Policy Act of 1992 (P.L. 102–486).

These 2002 rate schedules do not supersede any previously established rate schedule which is required, by agreement, to remain in effect.

If a provision in an executed agreement is in conflict with a provision contained herein, the former shall prevail.

C. Late Payment Provisions

Bills not paid in full on or before close of business on the due date shall be subject to an interest charge of one-twentieth percent (0.05 percent) applied each day to the unpaid amount. This interest charge shall be assessed on a daily basis until such time as the unpaid amount is paid in full.

Remittances will be accepted without assessment of the charges referred to in the preceding paragraph provided payment was received on or before the due date. The due date is the 20th day after the issue date of the bill unless the 20th day is a Saturday, Sunday, or Federal holiday, in which case the due date is the next business day. Whenever a power bill or a portion thereof remains unpaid subsequent to the due date, and after giving 30 days' advance notice in writing, BPA may cancel the contract for service to the Purchaser. However, such cancellation shall not affect the Purchaser's liability for any previously accrued charges under such contract.

D. Notices

For the purpose of determining elapsed time from receipt of a notice applicable to rate schedule and GRSP administration, a notice shall be deemed to have been received at 0000 hours on the first calendar day following actual receipt of the notice.

Section II. Adjustments, Charges, and Special Rate Provisions

A. Conservation and Renewables Discount (C&R Discount)

1. Description of the Discount

To encourage and support the development of conservation projects and renewable resources in the Pacific Northwest, BPA is offering a Conservation and Renewables Discount (C&R Discount) to customers purchasing

under the Priority Firm (PF–02), New Resources (NR–02), and Residential Load (RL–02) rate schedules. Customers purchasing under the Industrial Firm Power Rate (IP–02) will be eligible to the extent that the C&R Discount does not reduce their effective rate below the DSI floor rate. Regional public agency customers with Pre-Subscription contracts with collared pricing provisions may be eligible for the C&R Discount subject to contract provisions. The amount of the Discount will be a fixed monthly amount based on the customer's forecasted purchases from BPA under its Subscription contract. Following the end of the Discount Period (which is the end of the rate period or the customer's contract term, whichever comes first), BPA will evaluate the customer's investments in eligible conservation and renewable resource projects during the Discount Period. Any customer that has not spent at least as much money on eligible activities as the cumulative discount received from BPA must reimburse the difference to BPA.

2. Calculation and Application of the Discount

a. Overview of the Discount

The C&R Discount will be included as a fixed dollar credit in the monthly power bill of each participating customer. The credit will equal the customer's forecasted average monthly Subscription contract (in megawatts) multiplied by the unit discount. (Because the average contract is used, the discount does not vary by month).

b. Determination of the ''Unit Discount''

The unit discount will equal 0.5 mills per kilowatthour (kWh).

c. Determination of Individual Customer Discounts

For a participating customer buying power from BPA under a Subscription contract for the entire five-year rate period, BPA will determine the monthly dollar discount by multiplying the customer's forecasted average monthly power consumption over the rate period by the unit discount.

d. Annual Review of Individual Customer Discounts

At least 30 days prior to the start of each fiscal year, customers will submit adjustments to the section c monthly discounts based on changes to the customers load as specified in their BPA contract.

e. Application of the Discount

The C&R Discount will be applied after BPA has determined all other charges and credits on the participating customer's power bill.

BPA will provide the discount even in those months when the discount amount is larger than the customer's total power bill amount.

3. Qualifying Expenditures

Participating customers shall record all qualifying expenditures to ensure full credit for their conservation and renewable resource activities. Qualifying expenditures are those that meet technical standards developed by the Regional Technical Forum as approved by BPA.

Although BPA will provide the credit on a monthly basis, the customer has no obligation to adhere to any particular expenditure pattern. To retain the full discount provided by BPA, the participating customer must make qualifying expenditures during the Discount Period in an amount equal to, or exceeding, the cumulative C&R Discount received from BPA during the Discount Period.

4. Reporting

a. Interim Conservation and Renewable Reports

Participating customers shall submit to BPA annual Interim Conservation and Renewable Reports at the end of each fiscal year of the rate period (i.e., 10/01/01 to 9/30/02; 10/01/02, to 9/30/03; etc.). The Interim Report shall show the customer's cumulative discounts received to date and their cumulative qualifying expenditures. If the report shows that the customer's qualifying expenditures are less than or equal to its discount receipts by 5 percent or more, the customer must indicate in its report how it plans to adjust its expenditures to ensure that it will retain the full discount after the Discount Period.

b. Final Reconciliation Reports

At the end of the Discount Period the participating customer shall prepare a Final Reconciliation Report. This report shall be submitted and received by BPA one month after the end of the Discount Period (November 1, 2006, for participating customers' purchasing power from BPA for the full five-year rate period).

This report shall identify:

i. The cumulative C&R Discount that the customer has received from BPA during the Discount Period, and

ii. The total qualifying expenditures that the customer has made during the Discount Period segregated into the following four categories:

I. Incremental Conservation

II. Renewable Resources

III. Low Income Weatherization

IV. Support Activities (i.e., administrative, advertising, R&D, and evaluation

c. Certification of Incremental Spending

Each Interim Report and the Final Reconciliation Report shall include language certifying the participating customer's actual incremental spending, such as:

''[Customer] certifies that the expenditures documented in this report are incremental increases in this organization's budget for the current operating year beyond what we planned to spend absent the discount.''

d. Exemption Language for State and Municipal Initiatives

If States, municipalities, or other governmental bodies in the BPA service territory require, by law or regulation, that a utility, which is a participating customer in the C&R Discount, to acquire or invest in new conservation and/or a new renewable resource project, then such acquisitions and investments will be deemed as incremental budget increases for the purposes of section 4.c. above.

5. Reimbursement

a. Customers Whose Expenditures Exceed the Threshold

No reimbursements are required of any participating customer whose total expenditures over the Discount Period equal or exceed the total cumulative C&R Discount received from BPA.

b. Customers Whose Expenditures Fall Below the Threshold

If a participating customer's Final Reconciliation Report shows that the cumulative discount received from BPA exceeds the customer's total qualifying expenditures, the customer may take an additional month (for a total of two months after the end of the Discount Period) to make the necessary qualifying expenditures and prepare a Revised Final Reconciliation Report. The final report is due to BPA within two months of the end of the Discount Period (December 1, 2006, for the five-year customers). If the customer's qualifying expenditures still do not equal or exceed its cumulative discount, the customer must reimburse the difference to BPA. Such reimbursement shall be made within the same two-month grace period and shall be made using the same payment method as the customer uses for paying its wholesale bill.

BPA will not assess interest on any reimbursement paid within the two-month window. However, any payment received after the due date (December 1, 2006, the five-year customers) shall be

subject to a late payment charge as described in their Subscription contract.

6. Revenue Dividends

a. Implementation

If BPA declares that there is a dividend during this rate period, the first $15 million will be allocated to conservation and renewable resource development. BPA will distribute the C&R portion of any declared dividend in the same manner outlined in this section with the following modifications:

1. In order to receive their portion of the C&R dividend, customers must be actively participating in the basic C&R Discount effort; and

2. Participating customers must spend two dollars on eligible activities to receive one dollar of their dividend share (i.e., any C&R dividend will be leveraged on a 2 for 1 basis).

3. The unit discount for participating customers receiving the dividend will set at $0.75 per MWh during the months the dividend is in effect.

B. Conservation Surcharge (PF/NR Only)

The Conservation Surcharge, where implemented shall be applied in accordance with relevant provisions of the Northwest Power Act, BPA's current conservation surcharge policy, and the customer's power sales contract with BPA. The PF and NR rate schedules are subject to the Conservation Surcharge.

C. Cost-Based Indexed IP Rate

The Cost-Based Indexed IP Rate option shall be offered at BPA's discretion to a DSI Purchaser who makes a contractual commitment to purchase power for all five years of the rate period from BPA that is subject to the IP Targeted Adjustment Charge (IPTAC). The charges and billing factors under this option shall be specified by BPA at the time the Administrator offers to make power available to a Purchaser under this option. The actual charges and billing factors will be mutually agreed to by BPA and the Purchaser. The following criteria will be used in establishing any flexible rate:

1. Equivalent Net Present Value Revenues: Forecasted revenues from a Purchaser under this rate option must be equivalent to or greater than, on a net present value basis, the revenues BPA would have received had the IPTAC specified in the IP–02 rate schedule been applied to the same sales.

2. Risk Adjustments: Risk, both credit risk associated with individual customers and price risk associated with power and commodity prices, will be factors in establishing any flexible rate option. Creditworthiness will be determined by BPA consistent with prevailing business standards, and applied consistently to each customer. Such credit risks will be dealt with through a ''margin deposit'' expense charge built into the rates, or other methods acceptable to BPA.

3. Industry Index: The Cost-Based Indexed IP Rate will be adjusted on a regular basis consistent with a negotiated cash or financial index. Adjusting the price of the Cost-Based Indexed IP Rate with the fluctuations in a world aluminum price index would be one use of an industry index.

4. Lower Rate Limit and Upper Rate Limit: A lower and upper rate limit will bound the Cost-Based Index and establish the minimum and maximum prices to be charged during the contract period.

D. Cost-Based Indexed PF Rate

The Cost-Based Indexed PF Rate will be offered to all firm load requirements customers who wish to convert their applicable PF rate under their contracts to a market-indexed or floating price adjusted for BPA's risk. The following are features of this rate:

1. BPA and the customer will choose during contract negotiations a mutually agreed reference point and sponsor for the index used. For example, the California-Oregon border (location) and the Dow Jones cash or the New York Mercantile Exchange futures (sponsor), or some other combination to arrive at an agreed upon index.

2. BPA will base the index pricing on a current market forecast of the market index referenced. The expected Net Present Value (NPV) revenue of the forecast index prices will be adjusted by a HLH and a LLH Market Index Monthly Adjustment (MIMA) to equal the expected NPV of the applicable PF rates. The MIMA reflects BPA's PF equivalent expected revenues at the time the contract is signed, including an insurance premium to ensure revenue sufficiency.

3. Customers must select this rate for the term of their Subscription contract that the 2002–2006 rate period covers. Customers who choose a contract length of less than five years and wish to renew will be subject to rates established under a new rate case.

4. Billing will be based on the index's average of the last 15 days of closing or posted daily prices at the reference point. The MIMA will be calculated as follows:

Index = average of last 15 days of closing or posted daily prices at the reference point.
PF = monthly PF HLH or LLH energy rate
Cost of Insurance = The premium on a physical and financial instrument used to mitigate the risk.
MIMA = Index − PF+Cost of Insurance

E. Cost Contributions

BPA has made the following resource cost determinations:

1. The forecasted average cost of resources available to BPA under average water conditions is 19.12 mills/kWh.

2. The approximate cost contribution of different resource categories to each rate schedule is as shown in Table A:

TABLE A

Rate schedule	Resource cost contribution		
	Federal base system*	Exchange*	New resources*
PF	100	0	0
IP	52.86	43.66	3.48
NR	52.86	43.66	3.48

*In percent.

F. Cost Recovery Adjustment Clause (CRAC)

The CRAC is an upward adjustment to posted power rates for Subscription sales on a temporary basis if Actual Accumulated Net Revenues (AANR) in the generation function fall below a threshold level.

The CRAC applies to power customers under these firm power rate schedules: Priority Firm Power [Preference (PF excluding Slice), Exchange Program, and Exchange

Subscription], IP–02, including under the IPTAC and Cost-Based Index Rate, RL–02 including the financial portion of any Residential Exchange Settlement under this rate schedule, NR–02, and Subscription purchase under FPS. The CRAC does not apply to Pre-Subscription rates or Slice purchases.

1. Formula for the Calculation of the Revenue Amount and CRAC Percentage

If the AANR in any fiscal year 2001 through 2004 falls below the CRAC Threshold for that same fiscal year, the CRAC triggers, and rates will be increased for a 12-month period beginning the following April. The Revenue Amount will be determined by the following formula:

Revenue Amount is the lower of:
CRAC Threshold—AANR; or
The annual Maximum Planned Recovery Amount, shown in Table B below.

Where Revenue Amount is the amount of additional revenue that an increase in rates under CRAC is intended to generate during the period that the rate increase is effective.

Where CRAC Threshold is the ''trigger point'' for invoking a rate increase under the CRAC. The threshold is pre-specified for the end of fiscal years 2001, 2002, 2003, 2004, and 2005 in Table B.

Where AANR is generation function net revenues, as accumulated since 1998, at the end of each of the fiscal years 2001 through 2005. Net revenues for any given fiscal year are accrued revenues less accrued expenses, in accordance with Generally Accepted Accounting Practices. Only generation function revenues and expenses, which is to say accrued revenues and accrued expenses that are associated with the production, acquisition, marketing, and conservation of electric power, will be included in determinations under the CRAC. Accrued revenues and expenses of the transmission function are excluded. The determination of AANR will be confirmed by BPA's independent auditing firm.

Where Maximum Planned Recovery Amount is the maximum amount planned to be recovered through the CRAC beginning in April following the end of a fiscal year in which the AANR falls below the CRAC Threshold.

If the AANR in fiscal year 2005 falls below the CRAC Threshold, the CRAC triggers, and rates will be increased for a six-month period beginning the following April. The Revenue Amount will be determined by the following formula:

Revenue Amount is the lower of:
(CRAC Threshold − AANR) divided by 2; or $87.5 million ($175 million divided by 2)

TABLE B

Fiscal year	CRAC threshold (AANR, $ millions)	Maximum planned recovery amount (beginning following April)
2001	−350	125
2002	−350	135
2003	−200	150
2004	−200	150
2005	−200	87.5

Once the Revenue Amount is determined, that amount will be converted to the CRAC Percentage. The CRAC Percentage is the percentage increase in each of the firm power rate schedules listed above. This percentage will be applied for a period of time to generate the additional (CRAC) revenue. The CRAC Percentage will be determined by the following formula:

CRAC Percentage =
Revenue Amount
Divided by
CRAC Revenue Basis,

Where CRAC Revenue Basis is the total generation revenue for the loads subject to CRAC, plus any Slice loads, for the fiscal year in which the CRAC implementation begins, based on the then most current revenue forecast.

Each non-Slice product's total charge for energy, demand and load variance will be increased by this CRAC Percentage amount.

2. CRAC Adjustment Timing

In January of each year of the rate period, the Administrator will determine whether the AANR at the end of the preceding fiscal year fell below the CRAC Threshold. If the AANR is below the CRAC Threshold, the Administrator will propose, in January, to increase applicable rates effective in the following April. The adjustment is applied to power deliveries beginning April 1. Any such increase beginning in fiscal years 2002–2005 remains in effect through March of the following year. An increase beginning in the final fiscal year of the rate period (2006) will remain in effect through September 2006.

3. CRAC Notification Process

BPA shall follow the following notification procedures:

a. Financial Performance Status Reports

By no later than August 31 of each year, BPA shall post on its electronic information access site (World Wide Web) a forecast of AANR attributable to the generation function for the fiscal year ending September 30. By no later than December 1 of each year, BPA shall also post on its World Wide Web site the unaudited AANR.

b. Notice of CRAC Trigger

BPA shall notify all customers and rate case parties on or about January 15 in each of the fiscal years 2002–2006, if the AANR fell below the CRAC Threshold for that fiscal year and rates will be adjusted under the CRAC. (If the December unaudited AANR report for the generation function indicated that the CRAC Threshold might be reached, and the audited actuals show that it has not triggered, customers and rate case parties will be so notified.) Notification will include the audited AANR for the prior fiscal year, the calculation of the Revenue Amount, and the estimated CRAC Percentage. The notice shall also describe the data and assumptions relied upon by BPA. Such data, assumptions and documentation, if non-proprietary and/or non-privileged, shall be made available for review at BPA upon request. The notice shall also contain the tentative schedule for the remainder of the CRAC implementation process.

On or about February 1 of any of the fiscal years 2002–2006 in which the AANR falls below the CRAC Threshold,

BPA staff shall conduct a public forum to explain the AANR result, the calculation of the Revenue Amount and the CRAC Percentage, and demonstrate that the CRAC has been implemented in accordance with the GRSPs. The forum will provide an opportunity for public comment.

On or about March 1 of any of the fiscal years 2002–2006 in which the AANR falls below the CRAC Threshold, the BPA Administrator shall notify all customers to whom the CRAC applies of the final calculation of the adjustment and the resulting rate increase (as a percentage) applicable to each rate schedule.

G. Demand Adjuster

The Demand Adjuster is applied to a customer's demand billing factor. It is a number less than or equal to one calculated by dividing the customer's Total Retail Load on the Generation System Peak by the customer's Total Retail Load on their system peak. The minimum Demand Adjuster is 0.6 (six tenths). The Demand Adjuster is used with the demand billing factor for the Actual Partial Service Products, and with the demand billing factor for the Block with Factoring.

H. Dividend Distribution Clause (DDC)

The DDC is a clause establishing criteria and public process requirements that the Administrator will use to decide whether dividends should be distributed and the amount that should be distributed. The DDC enables BPA to distribute dividends to customers and other stakeholders. The DDC also establishes the mechanism to be used to make a distribution to certain firm power customers.

The DDC applies to power customers under these firm power rate schedules: Priority Firm Power [Preference (PF excluding Slice), Exchange Program, and Exchange Subscription], IP–02 including under the IPTAC and Cost-Based Index Rate, RL–02 including the financial portion of any Residential Exchange Settlement under this rate schedule, NR–02, and Subscription purchases under FPS. The DDC does not apply to Pre-Subscription rates or Slice purchases, unless those customers participate in the C&R Discount and a distribution is made to eligible participants of that program.

The DDC does not apportion, or establish criteria for apportioning, dividends to customers under the above firm power rate schedules other than to qualifying power customers participating in the C&R Discount, or to other customers and stakeholders.

''Stakeholders'' are groups that have a fundamental policy or financial interest in BPA's generation function. These groups include, but are not limited to, customers subject to the posted firm power rate schedules cited above. A full identification of stakeholders will be provided for comment in the public consultation process.

1. Formula for the Calculation of the Dividend Distribution Amount

The DDC process will be implemented if audited actual accumulated net revenues for the end of any of the fiscal years 2001–2005 are above the DDC Threshold value.

Actual Accumulated Net Revenues (AANR) are generation function net revenues, as accumulated since 1998, at the end of each of the fiscal years 2001 through 2005. Net revenues are accrued revenues less accrued expenses, in accordance with Generally Accepted Accounting Practices. Only generation function revenues and expenses, which is to say accrued revenues and accrued expenses that are associated with the production, acquisition, marketing, and conservation of electric power, are included in determinations under the DDC; accrued revenues and expenses of the transmission function are excluded. The determination of AANR will be confirmed by BPA's independent outside auditing firm.

DDC Threshold is the minimum level of AANR that must be realized before a dividend distribution is considered. The DDC Threshold is $500 million for the end of fiscal years 2001, 2002, 2003, 2004, and 2005.

DDC Amount is the aggregate amount that is available to be distributed to customers and stakeholders. The DDC Amount may be equal to zero and will be determined by the following formula:

DDC Amount is the lower of:
AANR − DDC Threshold; or
Cash in excess of that needed to meet the Treasury Payment Probability (TPP) Standard, based on the Five-Year Forecast

Where the TPP Standard is an 88 percent probability that all planned payments to the U.S. Treasury will be paid on time and in full over the Five-Year Forecast period (or equivalent financial criterion in the event that BPA replaces its TPP Standard); and

Where the Five-Year Forecast is the forecast of accrued revenues and expenses, and the risk analysis and assessment of TPP or any replacement financial criterion, for the current year and subsequent four years that the Administrator prepares and subjects to public review and comment if the DDC Threshold has been met.

The portion of the DDC Amount allocated to power customers (the Power Customers DDC Amount) will be determined according to a plan to be adopted in a public process BPA will conduct (see Section 3 below). The Power Customer DDC Amount will be converted to a percentage (the Power Customer DDC Percentage), which will be applied to all power customer rates subject to the DDC to arrive at the amount to be rebated on power bills for each of the included power customers.

The Power Customer DDC Percentage will be determined by the following formula:

Power Customer DDC Percentage equals:
Power Customer DDC Amount,
Divided by the DDC Revenue Basis

Where DDC Revenue Basis is the total generation revenue for the loads subject to the DDC for the fiscal year in which the DDC implementation begins, based on the then most current revenue forecast.

Each covered power customer will receive a rebate equal to the Power Customer DDC Percentage applied to their total charge for energy, demand and load variance. For any customer or stakeholder entitled to a dividend who is not a power customer, the Administrator will convert the DDC Percentage to a dollar figure.

2. Determination and Timing of a Dividend Distribution

On or about January 15 of each year of the rate period (FY 2002–2006), the Administrator will determine whether the AANR exceeds the DDC Threshold. If the AANR exceeds the DDC Threshold: (1) Customers and rate case parties will be so notified; and (2) the Administrator will prepare a Five-Year Forecast. On or about March 1, the Administrator will propose to distribute or not distribute dividends. The Administrator will issue a final decision on the proposal on or about April 15.

Dividends distributed to customers are included in energy deliveries beginning May 1, and, for any fiscal year 2002–2005, remain in affect for 12 months; i.e., through April 30 of the following year. In the last year of the rate period (FY 2006), the rebate would expire on September 30, 2006.

3. Determining How the Distribution is Allocated

The first $15 million of the DDC Amount, if the DDC Amount exceeds $15 million, or the entire DDC Amount if it equals $15 million or less, will be allocated to qualifying customers participating in the Conservation and Renewables Discount Program (C&R

Discount). The C&R Discount is a rate mechanism designed to encourage incremental conservation and renewable resource development by BPA's power purchasers under PF, IP, RL, and NR rate schedules. See Conservation and Renewables Discount GRSP, Section II.A.

BPA intends to conduct a separate public consultation process by October 1, 2001, to develop the criteria for allocating any remaining DDC Amount (exceeding the $15 million for the C&R Discount) among customers and stakeholders.

4. Dividend Distribution Notification Process

BPA shall follow the following notification procedures:

a. Financial Performance Status Reports

By no later than August 31 of each year, BPA shall post on its electronic information access site (World Wide Web) a forecast of AANR attributable to the generation function for the fiscal year ending September 30. By December 1 of each year, BPA shall post on its World Wide Web site the unaudited AANR.

b. Notice of DDC Trigger

On or about January 15 in each of the fiscal years 2002–2006, BPA will notify all power customers and rate case parties if the AANR exceeds the DDC Threshold. (If the December unaudited AANR report for the generation function indicated that the DDC Threshold might be exceeded, and the audited actuals show that it was not exceeded, customers will also be notified). Notification will include the AANR for the prior fiscal year, the DDC Amount, the calculation of the DDC Amount, and the estimated resulting Power Customer DDC Percentage for each applicable rate schedule. The notice shall also describe the data and assumptions relied upon by BPA. Such data, assumptions, and documentation, if non-proprietary and/or non-privileged, shall be made available for review at BPA upon request. The notice shall also contain the tentative schedule for the remainder of the DDC implementation process.

(1) On or about March 1 of any of the fiscal years 2002–2006 in which the AANR exceeds the DDC Threshold, the Administrator will post the Five-Year Forecast on BPA's World Wide Web site and will propose to distribute or not distribute dividends. During March, BPA will conduct a public review and comment process on the proposal.

(2) On or about April 15 of any of the fiscal years 2002–2006 in which the AANR exceeds the DDC Threshold, BPA shall notify customers to which the DDC applies of the decision on the proposal, the final calculation of the DDC Amount, the allocation of the DDC Amount, and, if applicable, the resulting level of the Power Customer DDC Percentage to be applied to each applicable firm power rate schedule.

I. Excess Factoring Charges

1. Excess Within-Day Factoring Charge

The within-day factoring test compares the hour-by-hour shape of the customer's load to the customer's hour-by-hour energy take from BPA within a day. This test identifies whether or not the hour-by-hour shape of the customer's take from BPA has used more within-day factoring service, measured in kilowatthours, than the underlying load would have used.

Excess Within-Day Factoring Charge, for any hour(s) in the month, applies to that amount of hourly energy in excess of the authorized maximum energy amounts defined by the customer's within-day load shape.

The total amount of Excess Within-Day Factoring Charge during the HLH's of the month shall be billed the greater of:

a. Five (5) mills/kWh;

b. Among all HLH periods of the billing month, the maximum within-day difference between the highest hourly HLH California ISO Supplemental Energy price (NP15) and the lowest hourly HLH California ISO Supplemental Energy price (NP15).

The total amount of Excess Within-Day Factoring Charge during the LLH's of the month shall be billed the greater of:

a. Five (5) mills/kWh;

b. Among all LLH periods of the billing month, the maximum within-day difference between the highest hourly LLH California ISO Supplemental Energy price (NP15) and the lowest hourly LLH California ISO Supplemental Energy price (NP15).

In the event that the index for ISO Supplemental Energy expires, that index will be replaced for the purpose of deriving Excess Within-Day Factoring Charges by another hourly energy index, such as the California PX (NW1 or NW 3), at a hub at which Northwest parties can trade.

2. Excess Within-Month Factoring Charges

The within-month factoring test compares the day-by-day shape of the customer's load to the customer's day-to-day energy take from BPA within a month. This test identifies whether the day-to-day shape of the customer's take from BPA used more within-month factoring service than the underlying load would have used. The within-day factoring test (see above) is not equipped to identify a factoring service issue if, for example, the customer resource deliveries were zero for a particular day. The within-month factoring test is equipped to address that type of instance. The within-month factoring test establishes an upper and lower boundary for each diurnal period of the day. Excess within-month factoring for each diurnal period is the greater of: (1) the sum of the amounts greater than the upper boundary; or (2) the sum of the amounts less than the lower boundary.

Excess Within-Month Factoring Charge applies to that amount of energy take that either exceeds or falls short of a range defined by: (1) a flat load placement on BPA; and (2) a load placement that follows the customer's actual load shape.

The Excess Within-Month Factoring quantities are reduced by any Unauthorized Increase Energy amounts in the like diurnal period, and only the residual is charged the Excess Within-Month Factoring Charge.

The Excess Within-Month Factoring during the HLH's of the month shall be billed the greater of:

a. Five (5) mills/kWh.

b. The highest peak DJ Mid-C Index price for firm power during the month LESS the lowest peak DJ Mid-C Firm Index price for firm power during the month.

c. The highest average HLH California ISO Supplemental Energy price (NP15) (average of hours 7 through 22, excluding Sundays) during the month LESS the lowest average HLH California ISO Supplemental Energy price (NP15) for the same period.

The Excess Within-Month Factoring during the LLH's of the month shall be billed the greater of:

a. Five (5) mills/kWh.

b. The highest offpeak DJ Mid-C Index price for firm power during the month LESS the lowest offpeak DJ Mid-C Index price for firm power;

c. The highest average LLH California ISO Supplemental Energy price (NP15) (average of hours 1 through 6, and 23, and 24 Monday through Saturday; average of hours 1 through 24 Sunday) during the month LESS the lowest average LLH California ISO Supplemental Energy price (NP15) for the same month in the same time period.

In the event that the index for ISO Supplemental Energy or DJ Mid-C Index expires, that index will be replaced for the purpose of deriving Excess Within-

Month Factoring Charges by another hourly or diurnal energy index, such as the California PX (NW1 or NW3), at a hub at which Northwest parties can trade.

J. Flexible IP Rate Option

The Flexible IP rate option will be offered at BPA's discretion to purchasers who make a contractual commitment to purchase under this option for all five years of the rate period. The charges and billing factors under this option will be specified by BPA at the time the Administrator offers to make power available to a Purchaser under this option. The actual charges and billing factors will be mutually agreed to by BPA and the Purchaser subject to satisfying the following condition:

Equivalent Net Present Value Revenues: Forecasted revenues from a Purchaser under the Flexible IP rate option must be equivalent, on a net present value basis, to the revenues BPA would have received had the appropriate charges specified in the IP rate schedule Section II been applied to the same sales.

The Flexible IP rate contract may establish a limit on the amount of power purchased at the Flexible IP rate. In this case, purchases beyond the contractual limit will be billed at the Demand and Energy charges specified in the IP rate schedule Section II unless such power would be charged as an Unauthorized Increase.

Risk Adjustments: Credit risk associated with individual customers will be a factor in establishing any flexible rate option. Creditworthiness will be determined by BPA consistent with prevailing business standards, and applied consistently to each customer. Such credit risks will be dealt with through a ''margin deposit,'' expense charge, built into the rates, or other methods acceptable to BPA.

K. Flexible NR Rate Option

The Flexible NR rate option will be offered at BPA's discretion to purchasers who make a contractual commitment to purchase under this option. The charges and billing factors under this option shall be specified by BPA at the time the Administrator offers to make power available to a Purchaser under this option. The customers purchasing under the Flexible NR rate option purchase the same set of power products and services that they would otherwise purchase under the rate schedule. The actual charges and billing factors will be mutually agreed to by BPA and the Purchaser subject to satisfying the following condition:

Equivalent Net Present Value Revenues: Forecasted revenues from a Purchaser under the Flexible NR rate option must be equivalent, on a net present value basis, to the revenues BPA would have received had the appropriate charges specified in the NR rate schedule Section II been applied to the same sales.

The Flexible NR rate contract may establish a limit on the amount of power purchased at the Flexible NR rate. In this case, purchases beyond the contractual limit will be billed at the Demand and Energy (and Load Variance and SUMY, if appropriate) charges specified in the PF rate schedule Section II, unless such power would be charged as an Unauthorized Increase.

The Flexible NR rate option is only available for development of an energy rate that is stepped up in FY 2005 and 2006.

L. Flexible PF Rate Option

The Flexible PF rate option will be offered at BPA's discretion to purchasers who make a contractual commitment to purchase under this option. The charges and billing factors under this option shall be specified by BPA at the time the Administrator offers to make power available to a Purchaser under this option. The customers purchasing under the Flexible PF rate option purchase the same set of power products and services that they would otherwise purchase under the rate schedule. The actual charges and billing factors will be mutually agreed to by BPA and the Purchaser subject to satisfying the following condition:

Equivalent Net Present Value Revenues: Forecasted revenues from a Purchaser under the Flexible PF rate option must be equivalent, on a net present value basis, to the revenues BPA would have received had the appropriate charges specified in the PF rate schedule Section II been applied to the same sales.

The Flexible PF rate contract may establish a limit on the amount of power purchased at the Flexible PF rate. In this case, purchases beyond the contractual limit will be billed at the Demand and Energy (and Load Variance, and SUMY if appropriate) charges specified in the PF rate schedule Section II, unless such power would be charged as an Unauthorized Increase.

The Flexible PF rate option is only available for development of an energy rate that is stepped up in FY 2005 and 2006.

M. Green Energy Premium

1. Overview of the Premium

The Green Energy Premium (GEP) is a premium ranging from zero to $40/megawatthour (MWh) that a customer elects to pay BPA to ensure that BPA is producing some system power from Environmentally Preferred Power (EPP) resources. The GEP is the difference between the customer's applicable average annual energy charge under the PF–02, RL–02, NR–02, and IP–02 rates and the total cost of the EPP resource selected by the customer. The GEP is applied to the number of EPP MWhs that the customer has elected to purchase. BPA guarantees the customer paying the premium that BPA will produce an amount of EPP equal to the amount of energy subject to this adjustment. The GEP will be charged in a line item on the monthly power bill of each participating.

The costs to be considered in determining the applicable GEP include, but are not limited to:

- Costs of existing EPP resources, over and above the cost of BPA system resources.
- Costs of new EPP resources, over and above the cost of BPA system resources.
- Costs of BPA system resources.
- Endorsement fees for specific EPP resources.
- Market purchases of EPP resources.
- Transmission and other services required to integrate EPP resources into the BPA system.

2. Calculation and Application of the Premium

a. Determination of the Premium

For a customer buying power from BPA under a requirements firm power sales contract, the amount of EPP and the premium will be determined as part of the product selection process and will be completed as part of the power sales contract negotiation during the Subscription window. The charge will not exceed $40 per MWh and may be as low as zero. The premium will be zero if the unit cost of the GEP resource(s) dedicated to the customer is equal to, or less than, the energy charge of the applicable rate. The premium will be equal to the average unit cost of the GEP resource(s) minus the applicable average PF–02, RL–02, NR–02, and IP–02 energy charge.

b. Determination of Individual Customer GEP

(1) During the Subscription window, customers will be provided notice of the availability of specific GEP products and associated premiums. The total GEP

for the customer will be based on the customer's elections of product amounts and content.

(2) The average annual energy charge will be calculated as the average per kilowatthour (kWh) charge for an annual flat undelivered product using the energy charges applicable to the customer. Where customers are purchasing under more than one rate schedule, the average energy charge will be calculated using expected loads and applicable rate schedules.

(3) The individual customer GEP for billing will be the total cost of the product selected by the customer minus the average annual energy charge.

c. Application of the GEP

The GEP will be applied after BPA has determined all other charges and credits except the Conservation and Renewables Discount line item, on the participating customer's power bill.

d. Billing for the Premium

The customer's bill will include a line item showing the kWh amount of EPP purchased times the GEP for the products elected and the total cost. The calculation will appear as:

(EPP amount) kWh * GEP mills/kWh = $XXXXX

N. Guaranteed Delivery Charge (NF only)

A surcharge of 2.00 mills/kWh of Billing Energy is applied whenever BPA guarantees delivery of nonfirm energy to a Purchaser under the NF Standard rate or Market Expansion rate.

O. Industrial Firm Power Targeted Adjustment Charge (IPTAC)

1. Availability

The Industrial Firm Power Targeted Adjustment Charge (IPTAC) pertains to the IP rate schedule. The IPTAC will be applied to Firm Power requirements service of DSIs who take service from a combination of Federal inventory and power purchased from the market during the 2002 rate period.

The maximum total requirements service the IPTAC will be developed for, and applied to, is 1,440 aMW (flat, annual block). The total inventory used to provide this requirement service will be composed of 990 aMW from Federal inventory and 450 aMW of market purchases.

There will be two rates for the IPTAC product. 1210 aMW will be sold at $23.50 per MWh, and 230 aMW sold at $25 per MWh.

P. Low Density Discount

1. Application and Definitions

For eligible Purchasers as defined in section 2 below, a discount shall be applied each billing month to BPA's charges for the following components of Priority Firm Power, New Resources Firm Power and Residential Load Firm Power service: (1) Demand; (2) HLH purchases; (3) LLH purchases; and (4) Load Variance. The Low Density Discount (LDD) shall not be applied to Unauthorized Increase Charges, Excess Factoring Charges, transmission charges or any other charges. The discount shall be revised annually based on data supplied by June 30 of each Calendar Year (CY) for the previous CY and shall become effective on the upcoming October 1.

a. The Kilowatthour/Investment Ratio

The kWh/Investment (K/I) ratio is calculated annually based on the data supplied by June 30 for the previous CY. The K/I ratio is calculated by dividing the Purchaser's Total Retail Load during the CY by the value of the Purchaser's depreciated electric plant (excluding generation plant) at the end of the CY.

b. The Consumers/Mile of Line Ratio

The Consumers/Mile of Line (C/M) ratio is determined annually using the data supplied by June 30 for the previous CY. The C/M ratio is calculated by dividing the maximum number of consumers on the distribution system, in any one month during the CY, by the end of CY number of pole miles of distribution.

Consumer means every billed consumer regardless of usage. Separately billed services for water heating and security lights are not counted as an additional billed consumer.

The number of pole miles of distribution line means the end of CY pole miles. Distribution lines are defined as lines that deliver electric energy from a substation or metering point, at a voltage of 34.5 kilovolt or less, to the point of attachment to the consumer's wiring and include primary, secondary, and service facilities. (Service drops are considered service facilities.)

These calculations shall be based on CY data provided from the Purchaser's annual financial and operating reports. The Purchaser shall certify that the data submitted is correct and that no loads gained as provided in section 6, Retail Access Exclusion, are receiving LDD benefits.

In calculating these ratios, BPA shall compile the data submitted by the Purchaser based on the Purchaser's entire electric utility system in the Pacific Northwest (PNW). For Purchasers with service territories that include any areas outside the PNW, BPA shall compile data submitted by the Purchaser separately on the Purchaser's system in the PNW and on the Purchaser's entire electric utility inside and outside the PNW. BPA will apply the eligibility criteria and discount percentages to the Purchaser's system within the PNW and, where applicable, also to its entire system inside and outside the PNW. The Purchaser's eligibility for the LDD will be determined by the lesser amount of discount applicable to its PNW system or to its combined system inside and outside the PNW. BPA, in its sole discretion, may waive the requirement to submit separate data for the Purchaser with a small amount of its system outside the PNW. Results of the calculations shall not be rounded.

A Purchaser who has not provided BPA with the requisite pieces of data needed to calculate the K/I and C/M ratios by June 30 of each year, for the prior CY, shall be declared ineligible for the LDD, effective the upcoming October 1.

If a Purchaser's data was submitted on time and a revision is necessary to the data, the revised data must be resubmitted no later than 12 months after the original submission date to be considered for an adjustment.

2. Eligibility Criteria

To qualify for a discount, the Purchaser must meet all five of the following eligibility criteria:

a. The Purchaser must serve as an electric utility offering power for resale;

b. The Purchaser must agree to pass the benefits of the discount through to the Purchaser's eligible consumers within the region served by BPA;

c. The Purchaser's average retail rate for the reporting year must exceed the Purchaser's average cost of BPA power purchases under the applicable rate for the qualifying period by at least 10 percent. For CY 2001, the Purchaser's average cost of BPA power purchases under the applicable rate shall be under the applicable 1996 rate for the first nine months and under the applicable 2002 rate for the last three months. For CY 2002 and beyond, the Purchaser's average cost of BPA power purchases under the applicable rate shall be under the applicable rate for all 12 months;

d. The Purchaser's K/I ratio must be less than 100; and

e. The Purchaser's C/M ratio must be less than 12.

3. Discounts

The Purchaser shall be awarded the following discount beginning October 1, 2001, in accordance with section 4 below. The discount will be the sum of the two potential discounts for which the Purchaser qualifies, based on the following Table C. The discount shall not exceed 7 percent.

TABLE C.—LDD PERCENTAGE DISCOUNT TABLE

Percentage discount	Applicable range for KWh/investment (K/I) ratio	Applicable range for consumers/mile (C/M) ratio
0.0	35.0 ≤ X	12.0 ≤ X
0.5	31.5 ≤ X < 35.0	10.8 ≤ X < 12.0
1.0	28.0 ≤ X < 31.5	9.6 ≤ X < 10.83
1.5	24.5 ≤ X < 28.0	8.4 ≤ X < 9.6
2.0	21.0 ≤ X < 24.5	7.2 ≤ X < 8.4
2.5	17.5 ≤ X < 21.0	6.0 ≤ X < 7.2
3.0	14.0 ≤ X < 17.5	4.8 ≤ X < 6.0
3.5	10.5 ≤ X < 14.0	3.6 ≤ X < 4.8
4.0	7.0 ≤ X < 10.5	2.4 ≤ X < 3.6
4.5	3.5 ≤ X < 7.0	1.2 ≤ X < 2.4
5.0	X ≤ 3.5	X < 1.2

4. LDD Phase-Out Adjustment

If the Purchaser satisfies the eligibility criteria (2. a. through e.), and the calculated discount differs from the existing discount by more than one-half of 1 percent, the applicable discount will be:

a. The existing discount plus ½ percent if the calculated discount exceeds the existing discount; or

b. The existing discount minus ½ percent if the calculated discount is less than the existing discount.

The foregoing formula will be applied each October 1 until the then-current calculated discount is fully phased out.

The Purchaser is not eligible to receive any discount, effective each October, if the Purchaser fails to meet the eligibility criteria in section 2. a. through e.

5. Benefits Legislation Exclusion

If the Federal government or a State, or local government adopt(s) a law, regulation or other provision that establishes benefits for low density and/or rural electric systems that are similar to benefits provided by BPA's LDD, then the Purchaser's service territory within that jurisdiction shall no longer be eligible to receive the LDD. The effective date for discontinuation of the LDD and the Phase-Out Adjustment shall be the implementation date of the jurisdiction's benefits provision legislation. BPA will evaluate new provisions and determine, in BPA's judgment, whether they provide benefits similar to the LDD. If BPA concludes that the benefits are similar, BPA will conduct a public comment process before issuing a final decision.

6. Retail Access Exclusion

Load that is gained by a Purchaser as a direct result of retail access rights established by Federal, State, or local legislation, and that would not otherwise have been gained absent such legislation, is not eligible to receive the benefits provided by the LDD. The Purchaser shall not pass the benefits of the LDD to its gained load consumers.

Q. Rate Melding

BPA's rate proposal allows the customers more than one rate choice. Separately tracking and administering the customer's rate choices and maintaining the distinction would increase BPA's overall cost of providing rate choices. For administrative simplicity upon mutual agreement between BPA and the customer, BPA may offer to meld the customer's rate choices into a single composite set of rates that reflects the specific choices made by the customer. BPA will ensure that this melded set of rates will result in a bill that is nearly mathematically equivalent to applying the customer's individual choices throughout the rate period. BPA will provide the affected customer the calculations it used to establish the melded rates and provide 30 days for the customer to review and accept the melding calculation before it implements the melded rates. Melded rates established by BPA will continue until one of the customer's rate choices expires, or a rate adjustment occurs that is provided for under the chosen rate schedules (*e.g.*, Cost Recovery Adjustment Clause), or a significant change in the loads applicable to the rates occurs.

R. Slice True-Up Adjustment

By March 31 of each year, BPA will calculate the final true-up for the previous fiscal year based on the difference between the Slice Revenue Requirement's audited actual expenses (and credits) and those expenses (and credits) forecasted in the 2002 rate case (except for the Inventory Solution which is billed based on the estimate from the 2002 rate case). This true-up will be the True-Up Adjustment Charge and will be applied to the customer's May bill. In addition, an interim true-up adjustment procedure to allow for an intermediate true-up prior to March 31, will be developed in the power sales contracts with the customers.

S. Stepped Up Multiyear Block (SUMY)

The SUMY Block charge applies to Block purchases if the annual amounts increase (i.e., step up) over multiple years of a purchase commitment term due to increases in customer net requirement which are not subject to a Targeted Adjustment Charge (TAC).

The cost for the SUMY Block service is the difference between PF–02 rates and the AURORA On-and Off-Peak market price forecast in the final rate proposal.

The starting basis for computing the SUMY Block quantities will be the purchaser's subscribed block amount for the period October 2001 through September 2002. Costs will be computed for 24 monthly blocks (12 HLH and 12 LLH) for each year of the rate period. Each year's monthly amount above the base year's monthly amount is the stepped up quantity. Total cost is the sum of each month's HLH and LLH stepped up quantities times each month's HLH and LLH costs.

The SUMY charge is the total cost of the SUMY Block service divided by the total Block energy purchase including stepped up amounts. The charge is in addition to the PF and NR energy and demand rates that the customer will pay for these power purchases.

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Table D

BASIS FOR SLICE TRUE-UP ADJUSTMENT CHARGE

Generation Expenses ($thousands)	2002		2003		2004	
Operating Expenses	**Total**	**Slice**	**Total**	**Slice**	**Total**	**Slice**
CSRS Pension Expense	27,600	27,600	17,550	17,550	15,450	15,450
Power Marketing	16,000	16,000	15,700	15,700	8,800	8,800
Wheeling (GTAs)	52,000	50,000	52,000	50,000	52,000	50,000
Power Scheduling	20,900	20,900	12,800	12,800	12,100	12,100
ST Purchased Power/Upstr Benefits	154,900	1,990	151,402	2,050	160,205	2,111
PNCA Interchange	-	-	-	-	-	-
Generation Oversight	2,964	2,964	2,950	2,950	3,050	3,050
Conservation & Consumer Services (incl EE)	29,351	29,351	27,763	27,763	28,063	28,063
Fish & Wildlife	131,700	131,700	138,000	138,000	140,100	140,100
Administrative & Support Services	17,350	17,350	16,650	16,650	16,650	16,650
Planning Council	5,100	5,100	5,100	5,100	5,100	5,100
Corps of Engineers O&M	108,000	108,000	112,000	112,000	112,000	112,000
U.S. Fish & Wildlife O&M	15,400	15,400	16,197	16,197	16,995	16,995
Bureau of Reclamation O&M	47,000	47,000	48,300	48,300	48,300	48,300
Colville Settlement	16,000	16,000	16,000	16,000	16,000	16,000
Renewable Projects	20,302	20,302	20,117	20,117	19,968	19,968
WNP-1 O&M	400	400	384	384	384	384
WNP-2 O&M/Capital Requirements	154,094	154,094	163,824	163,824	170,724	170,724
WNP-3 O&M	3,086	3,086	3,169	3,169	3,169	3,169
Trojan Decommissioning	9,600	9,600	4,200	4,200	2,600	2,600
Between Business Line Expense [1]	151,941	41,662	157,689	45,309	165,524	54,947
LT Power Purchases	26,805	26,805	27,245	27,245	27,682	27,682
Rate Pledge Adjustment						

[1] Includes BPA Generation-Integration (under Ancillary Services), PF Transmission pass-through, PNCA and NTS Transmission, CEA Transmission, and Between Business Line Expenses.

	2005		2006		Rev Req
Operating Expenses	**Total**	**Slice**	**Total**	**Slice**	
CSRS Pension Expense	13,250	13,250	11,600	11,600	85,450
Power Marketing	6,800	6,800	5,000	5,000	52,300
Wheeling (GTAs)	52,000	50,000	52,000	50,000	250,000
Power Scheduling	12,800	12,800	12,700	12,700	71,300
ST Purchased Power/Upstr Benefits	169,125	2,174	176,294	2,240	10,565
PNCA Interchange	-	-	-	-	-
Generation Oversight	3,050	3,050	3,150	3,150	15,163
Conservation & Consumer Services (incl EE)	28,463	28,463	28,763	28,763	142,401
Fish & Wildlife	142,900	142,900	144,400	144,400	697,100
Administrative & Support Services	16,650	16,650	16,650	16,650	83,950
Planning Council	5,100	5,100	5,100	5,100	25,500
Corps of Engineers O&M	112,000	112,000	112,000	112,000	556,000
U.S. Fish & Wildlife O&M	17,892	17,892	18,789	18,789	85,273
Bureau of Reclamation O&M	48,300	48,300	48,300	48,300	240,200
Colville Settlement	16,000	16,000	16,000	16,000	80,000
Renewable Projects	19,885	19,885	19,836	19,836	100,109
WNP-1 O&M	384	384	384	384	1,936
WNP-2 O&M/Capital Requirements	173,824	173,824	179,824	179,824	842,290
WNP-3 O&M	3,169	3,169	3,169	3,169	15,762
Trojan Decommissioning	2,600	2,600	2,600	2,600	21,600
Between Business Line Expense [1]	163,763	55,003	164,130	55,061	251,982
LT Power Purchases	28,279	28,279	28,763	28,763	138,774
Rate Pledge Adjustment					

[1] Includes BPA Generation-Integration (under Ancillary Services), PF Transmission pass-through, PNCA and NTS Transmission, CEA Transmission, and Between Business Line Expenses.

	2002		2003		2004	
Operating Expenses	**Total**	**Slice**	**Total**	**Slice**	**Total**	**Slice**
System Operation & Maintenance	**1,010,492**	**745,303**	**1,009,040**	**745,308**	**1,024,864**	**754,193**
WNP-1	177,704	177,704	167,856	167,856	174,623	174,623
WNP-2	197,442	197,442	244,980	244,980	233,624	233,624
WNP-3	153,720	153,720	152,993	152,993	149,232	149,232
Trojan	9,947	9,947	9,954	9,954	9,964	9,964
Conservation Financing	5,578	5,578	5,577	5,577	5,577	5,577
Renewable Projects	2,880	2,880	2,880	2,880	2,880	2,880
LT Power Purchases	15,917	15,917	15,916	15,916	15,920	15,920
Total Non-Fed. Projects Debt Service	**563,187**	**563,187**	**600,156**	**600,156**	**591,820**	**591,820**
Depreciation	95,288	95,288	97,910	97,910	100,170	100,170
Amort.: Conservation & Fish & Wildlife	80,002	80,002	78,321	78,321	71,755	71,755
Total Federal Projects Depreciation	**175,290**	**175,290**	**176,231**	**176,231**	**171,925**	**171,925**
IOU Payment (in lieu of Residential Exchange)	-		-		-	
Total Operating Expenses	**1,760,119**	**1,483,780**	**1,785,427**	**1,521,695**	**1,788,609**	**1,517,938**
Net Federal Interest Expense	**214,665**	**214,665**	**213,507**	**213,507**	**219,193**	**219,193**
Total Operating & Net Interest Expenses	**1,974,784**	**1,698,445**	**1,998,934**	**1,735,202**	**2,007,802**	**1,737,131**
Miscellaneous Expense [2]						
TOTAL ACCRUED EXPENSES FOR SLICE TRUE-UP		**1,698,445**		**1,735,202**		**1,737,131**

Revenue Credits	2002		2003		2004	
	Total	**Slice**	**Total**	**Slice**	**Total**	**Slice**
Ancillary and Reserve Service Revs.		87,336		87,233		88,072
PBL PF Trans. Pass-Through Revs.		14,190		14,247		14,304
Canadian Entitlement Credit		1,000		1,000		1,000
COE & USBR Project Revenues		8,100		8,100		8,100
4(h)(10)(c)		86,523		90,187		88,258
Colville Credit		4,600		4,600		4,600
FCCF		43,559		27,132		20,387
Sup/Ent Cap; Irr. Pump		938		707		471
Energy Efficiency Revenues		13,046		13,345		13,345
Property Trnfrs & Misc.		3,416		3,416		3,416
Miscellaneous Credits [3]						
Total Revenue Credits		**262,708**		**249,967**		**241,953**

[2] Includes Slice administrative expenses, WNP-2 economic displacement charges, conservation & renewables surcharge expenses, etc. The amounts associated with these expenses will not be determined until they actually are incurred. In some years, the amount for any of these expenses could be zero. In addition, Slice Administrative expenses are shared equally amongst Slice.

[3] Includes potential applicable revenue credits, the type and amount of which will be determined as they are accrued.

	2005		2006		Rev Req
Operating Expenses	**Total**	**Slice**	**Total**	**Slice**	
System Operation & Maintenance	**1,036,234**	**758,523**	**1,049,452**	**764,329**	**3,767,655**
WNP-1	167,910	167,910	179,992	179,992	868,085
WNP-2	187,825	187,825	211,976	211,976	1,075,847
WNP-3	149,480	149,480	147,836	147,836	753,261
Trojan	9,989	9,989	10,009	10,009	49,863
Conservation Financing	5,577	5,577	5,577	5,577	27,886
Renewable Projects	2,880	2,880	2,880	2,880	14,399
LT Power Purchases	15,933	15,933	15,935	15,935	79,621
Total Non-Fed. Projects Debt Service	**539,594**	**539,594**	**574,205**	**574,205**	**2,868,962**
Depreciation	102,215	102,215	104,164	104,164	499,747
Amort.: Conservation & Fish & Wildlife	69,466	69,466	64,950	64,950	364,494
Total Federal Projects Depreciation	**171,681**	**171,681**	**169,114**	**169,114**	**864,241**
IOU Payment (in lieu of Residential Exchange)	-		-		-
Total Operating Expenses	**1,747,509**	**1,469,798**	**1,792,770**	**1,507,647**	**7,500,858**
Net Federal Interest Expense	**224,550**	**224,550**	**221,653**	**221,653**	**1,093,568**
Total Operating & Net Interest Expenses	**1,972,059**	**1,694,348**	**2,014,423**	**1,729,300**	**8,594,426**
Miscellaneous Expense [2]					
TOTAL ACCRUED EXPENSES FOR SLICE TRUE-UP		**1,694,348**		**1,729,300**	**8,594,426**

Revenue Credits	2005		2006		Rev Req
	Total	**Slice**	**Total**	**Slice**	
Ancillary and Reserve Service Revs.		88,023		87,945	438,609
PBL PF Trans. Pass-Through Revs.		14,361		14,418	71,520
Canadian Entitlement Credit		1,000		1,000	5,000
COE & USBR Project Revenues		8,100		8,100	40,500
4(h)(10)(c)		89,687		92,149	446,804
Colville Credit		4,600		4,600	23,000
FCCF		10,600		6,492	108,170
Sup/Ent Cap; Irr. Pump		471		471	3,059
Energy Efficiency Revenues		13,345		13,345	66,426
Property Trnfrs & Misc.		3,416		3,416	17,080
Miscellaneous Credits [3]					
Total Revenue Credits		**233,603**		**231,936**	**1,220,168**

[2] Includes Slice administrative expenses, WNP-2 economic displacement charges, conservation & renewables surcharge expenses, etc. The amounts associated with these expenses will not be determined until they actually are incurred. In some years, the amount for any of these expenses could be zero. In addition, Slice Administrative expenses are shared equally amongst Slice.

[3] Includes potential applicable revenue credits, the type and amount of which will be determined as they are accrued.

Formula for Calculating a Charge for SUMY Block Service

Step 1: Determine HLH MWh of SUMY Block. October 2002 HLH Block minus October 2001 HLH Block = HLH MWh of SUMY Block for October 2002

Step 2: Determine LLH MWh of SUMY Block. October 2002 LLH Block minus October 2001 LLH Block = LLH MWh of SUMY Block for October 2002

Step 3: Determine Cost of HLH SUMY Block service. HLH MWh of SUMY Block * (Aurora October 2002 On-Peak Market Price minus October 2002 PF HLH energy and demand rate) = Total Cost of October 2002 HLH SUMY Block service.

Step 4: Determine Cost of LLH SUMY Block service. LLH MWh of SUMY Block * (Aurora October 2002 Off-Peak Market Price minus October 2002 PF LLH energy rate) = Total Cost of October 2002 LLH SUMY Block service.

Step 5: Determine Cost for all months of the rate period by repeating Steps 1–4 for each month of the remaining purchase period always calculating the MWh difference from the first year and corresponding month. Calculate the price difference using that year's and month's market price and PF rate.

Step 6: Custom Charge: Divide the Net Present Value (NPV) of the stream of costs derived from Steps 1–5 by the NPV of the total block purchase including SUMY Block in MWh for the five-year period. The NPV uses a 6.8 percent discount rate and is present valued to October 2001.

Step 7: Billing Determinant: Custom charge is applied to each MWh of block purchase including the SUMY Block amounts.

T. Supplemental Contingency Reserves Adjustment (SCRA)

The energy charges stated in the IP–02 rate schedule will be adjusted to reflect the negotiated SCRA adjustment. PBL will negotiate with any DSI interested in providing Supplemental Contingency Reserves (Supplemental Reserves). Supplemental Reserves refers to generating capacity, and associated energy, fully available within 10 minutes notice of a system disturbance. PBL has established a flexible rate with a cap that will permit BPA to negotiate a price according to the quality of reserves provided. The maximum amount PBL may pay for Supplemental Reserves from a DSI is capped at $5.92/kW-mo.

The suitability and quality of the Supplemental Reserves will be measured by whether they have certain characteristics, some of which are required and others optional. Any Supplemental Reserves purchased by PBL must be consistent with NERC, WSCC, and NWPP criteria:

1. The interruptible load must be offline within five minutes after a call by BPA;

2. In the event of a system disturbance, the interruptible load must be accessible prior to a request for reserves from other NWPP parties;

3. The interruptible load must be available to be offline for up to 60 minutes.

In addition to these required characteristics, the issues identified below will help define when PBL may pay the maximum value for Supplemental Reserves:

1. The extent to which PBL has the discretion when and how to use all operating reserves and to determine what resources to call on in the event of a system disturbance;

2. Whether there are limitations on the number of times or total minutes the reserves may be utilized.

U. Targeted Adjustment Charge

1. Availability

The Targeted Adjustment Charge (TAC) pertains to the PF rate schedule, except for PF exchange program and PF exchange Subscription rates. The TAC applies to firm power requirements service to regional firm load that results in an unanticipated increase in BPA's projected loads within the rate period. The TAC will be applied to the applicable rate for requirements service requested after the Subscription window closes.

TAC will also apply to subsequent requests made by a customer under a Subscription contract for requirements service for such customer's load(s) that had been previously served by that customer's 5(b)(1)(A) or 5(b)(1)(B) resources.

If a public agency customer that requests requirements service from BPA is annexing or otherwise taking on the obligation of load from another public agency customer and the request to annex or take on load obligation and the reduction in obligation are equal amounts such that BPA's total load obligation does not increase, BPA may exempt the newly acquired load from the TAC and apply PF–02. The TAC will apply if the annexed requirements service has been previously served by that customer's 5(b)(1)(A) or 5(b)(1)(B) resources.

Where a public agency customer annexes residential and small farm load previously served by an IOU and such load was receiving BPA power or financial benefits through Subscription, the public agency customer will receive through assignment the right to the IOUs power and/or financial benefits applicable to the annexed load. BPA will deliver the same amount of firm power that was assigned by the IOU to the annexing public agency customer at the PF–02 rate. Power provided by BPA to the public agency customer to meet the remaining annexed load not covered by the power assigned from the IOU will be subject to the TAC.

The TAC will apply for the duration of the Customer's contract or until 2006, whichever occurs first. For five-year contracts that guarantee rates for a multitude of periods (for example, contracts that have both three-year and five-year components) the TAC applies until the end of the five-year rate period. If a new public requests service, the TAC, if any, must apply until 2006.

If a PF Preference customer is serving a portion of its load with a certifiable renewable resource eligible for the C&R Discount, or contract purchases of certified renewable resource power eligible for the C&R Discount for a period less than the term of the customer's BPA requirements firm power contract, then the customer may request, during the 2002 to 2006 rate period, requirements firm power service for such load at the end of the specified contract period at PF Preference (PF–02) without being subject to the TAC. This limited exception applies to the first 200 aMW in any contract year, or to amounts that BPA specifies in accordance with its Policy on the Determination of Net Requirements.

2. Energy Charge

The TAC is a monthly mills/kWh adjustment to the HLH and LLH energy rates specified in the 2002 rate schedule, and is applied to that portion of the Purchaser's load that is subject to the TAC. The TAC rate adjustment will be established based on the following formula:

TAC = [(Incr $ * Incr Amt)—(Rate $ * Incr Amt)]/TAC Amt

Where:

TAC Amt = The amount of load subject to the TAC, determined monthly.

Rate $ = The monthly PF energy rate shown in the applicable rate schedule.

Inventory Amt=Amount of energy in inventory available to serve this load based on average annual Federal system firm resource capability,

estimated using critical water excluding balancing purchases and purchases for system augmentation, from the 2002 rate case with updates if BPA determines that is necessary.

Incr $=Monthly cost to BPA, including a handling fee, of incremental power purchases expressed in mills/kWh. These costs also may include, where applicable, wheeling, ancillary, and other charges BPA may incur in purchasing power from other entities such as, but not limited to, the California ISO or the California PX.

Incr Amt=Amount of incremental power required, determined monthly and defined as the TAC Amt minus the Inventory Amt. (If there is no available Inventory Amt, the Incr Amt will equal the TAC Amt).

Incr $ is greater than Rate $ (If Incr $ is less than Rate $, the TAC is 0 mills/kWh).

TAC is the monthly rate adjustment in mills/kWh. BPA will calculate the cost (Incr $) per month in mills/kWh of the additional power per month (Incr Amt) for a specific customer request. BPA will establish the cost of the additional power by the following methods:

- BPA will establish the price based on BPA's monthly cost to purchase the incremental load by purchases of resources at market.

V. Unauthorized Increase Charge

1. Charge for Unauthorized Increase in Demand

The amount of Measured Demand during a billing hour that exceeds the amount of demand the purchaser is contractually entitled to take during that hour shall be billed at the greater of:

a. Three (3) times the applicable monthly demand charge;

b. The sum of hourly California ISO Spinning Reserve Capacity prices for all HLHs in the month, at path NW1 (COB); or

c. The sum of hourly California ISO Spinning Reserve Capacity prices for all HLHs in the month, at path NW3 (NOB).

In the event that the hourly California ISO Spinning Reserve Capacity market expires, the Unauthorized Increase Charge for demand shall be the greater of:

a. Three (3) times the applicable monthly demand charge;

b. The sum of hourly or diurnal prices for all HLHs in the month, at a hub at which Northwest parties can trade, established between October 1, 2001, and September 30, 2006.

2. Charge for Unauthorized Increase in Energy

The amount of Measured Energy during a diurnal period of a billing month, day, or hour that exceeds the amount of energy the purchaser is contractually entitled to take during that period shall be billed the greater of:

a. One hundred (100) mills/kWh; or

b. For the month in question, the greater of:

(1) the highest diurnal DJ Mid-C Index price for firm power; or

(2) the highest hourly ISO California Supplemental Energy price (NP15).

In the event that either the ISO California Supplemental Energy price index or the DJ Mid-C Index expires, the index will be replaced for purposes of the Unauthorized Increase Charge for energy by:

(1) The highest price experienced for the month at the California PX, NW1 (COB);

(2) The highest price experienced for the month at the California PX, NW3 (NOB); or

(3) The highest price experienced for the month from any applicable new hourly or diurnal energy index at a hub at which Northwest parties can trade, established between October 1, 2001, and September 30, 2006.

Section III. Definitions

A. Power Products and Services Offered By the Power Business Line of BPA

1. Actual Partial Service Product—Simple/Complex

The Actual Partial Service Products are core Subscription products that are available to purchasers who have a right to purchase from BPA for their requirements. These products are intended for customers who have contractual or generating resources with firm capabilities and therefore require a product other than Full Service. The Simple and Complex versions of this product category differ in that the Complex version is subject to the Factoring Benchmark tests in the billing process and to potential Excess Factoring Charges. The Simple version encompasses several possible approaches to customer resource declaration, all of which obviate the need for the Factoring Benchmark tests.

2. Block Product

The Block Product is a core Subscription product that is available to purchasers who have a right to purchase from BPA for their requirements. This product is available in HLH and LLH quantities per month, with the hourly amount flat for all hours in such periods.

3. Block Product with Factoring

The Block Product with Factoring is a combination of the Block Product with the core Subscription staple-on product for Factoring Service. Factoring provides the service of distributing Block energy to follow Purchaser hourly load needs to the extent of such Block energy.

4. Block Product With Shaping Capacity

The Block Product with Shaping Capacity is a combination of the Block HLH energy product and the core Subscription staple-on product for Shaping capacity. Shaping capacity allows the customer to preschedule Block energy with some limited shape among HLHs within a contractually specified bandwidth.

5. Construction, Test and Start-Up, and Station Service

Power for the purpose of Construction, Test and Start-Up, and Station Service for a generating resource or transmission facility shall be made available to eligible purchasers under the Priority Firm Power (PF–02), New Resources Firm Power (NR–02), and Firm Power Products and Services (FPS–96), rate schedules. Such power is not available for the PF Exchange Program rate, the PF Exchange Subscription rate, and the Residential Load rate.

Construction, Test and Start-Up, and Station Service power must be used in the manner specified below:

a. Power sold for construction is to be used in the construction of the project.

b. Power sold for test and start-up may be used prior to commercial operation, both to bring the project online and to ensure that the project is working properly.

c. Power sold for station service may be purchased at any time following commercial operation of the project. Once the project has been energized for commercial operation, the Purchaser may use station service power for start-up, shutdown, normal operations, and operations during a shutdown period.

d. Power sold for Construction, Test and Start-Up, and Station Service is not available for replacement of lost generation for forced or planned outages or resource underperformance.

6. Core Subscription Products

BPA's Core Subscription Products are described in the BPA Product Catalog. Core Subscription Products are available at the posted rates for customers who have a right to purchase them.

The core products are:

- Actual Partial Service Product—Simple/Complex
- Block Product
- Block Product with Factoring
- Block Product with Shaping Capacity

- Full Service Product

7. Customer System Peak (CSP)

Customer System Peak (CSP) is the largest measured HLH Total Retail Load (TRL) amount in kilowatts for the billing period.

8. Full Service Product

Full Service is a core Subscription product that is available to purchasers who have a right to purchase from BPA for their requirements. This product is available to customers who either have no resources or whose resources meet the criteria for small, non-dispatchable resources.

9. Industrial Firm Power

Industrial Firm Power is electric power that BPA will make continuously available to a direct-service industrial (DSI) purchaser subject to the terms of the Purchaser's power sales contract with BPA. Deliveries may be reduced or interrupted as permitted by the terms of the Purchaser's power sales contract with BPA. Adjustments as provided in the Purchaser's power sales contract shall be made for power restricted to provide reserves.

10. Load Variance

For core Subscription products, Load Variance is defined as the variability in monthly energy consumption within the BPA customer's system. Through the Load Variance charge under the Full and Actual Partial Service Products, the customer's billing factors will follow actual consumption. Load Variance is not applicable to Block Product purchases. For purposes of pricing and rate tests under Pre-Subscription contracts, the Load Variance charge is deemed to correspond to the PF–96 Load Shaping charge.

11. New Resource Firm Power

New Resource Firm Power is electric power (capacity, energy, or capacity and energy) that BPA will make continuously available:

a. For any New Large Single Load (NLSL); and

b. For Firm Power purchased by IOUs pursuant to power sales contracts with BPA.

New Resource Firm Power is to be used to meet the Purchaser's firm power load within the PNW. Deliveries of New Resource Firm Power may be reduced or interrupted as permitted by the terms of the Purchaser's power sales contract with BPA.

New Resource Firm Power is guaranteed to be continuously available to the Purchaser during the period covered by its contractual commitment, except for reasons of certain uncontrollable forces and force majeure events. New Resource Firm Power is power where BPA agrees to provide operating reserves in accordance with the standards established by the NERC, WSCC, and the NWPP.

12. Nonfirm Energy

Nonfirm Energy is energy that is supplied or made available by BPA to a Purchaser under an arrangement that does not have the guaranteed continuous availability feature of Firm Power. Nonfirm energy is sold primarily under the Nonfirm Energy rate schedule, NF–02. Nonfirm energy also may be supplied under the NF–02 rate schedule to the Western Systems Power Pool (WSPP) subject to terms and conditions agreed upon by the members participating in the WSPP and in accordance with BPA policy for such arrangements. Nonfirm Energy that has been purchased under a guarantee provision in the Nonfirm Energy rate schedule shall be provided to the Purchaser in accordance with the provisions of that schedule and the power sales contract if applicable. BPA may make Nonfirm Energy available to purchasers both inside and outside the United States.

13. Priority Firm Power

Priority Firm Power is electric power (capacity, energy, or capacity and energy) that BPA will make continuously available for direct consumption or resale by public bodies, cooperatives, and Federal agencies. Utilities participating in the Residential Exchange under section 5(c) of the Northwest Power Act may purchase Priority Firm Power pursuant to their Residential Exchange contracts with BPA. Priority Firm Power is not available to serve NLSLs. Deliveries of Priority Firm Power may be reduced or interrupted as permitted by the terms of the Purchaser's power sales contract with BPA.

Priority Firm Power is guaranteed to be continuously available to the Purchaser during the period covered by its contractual commitment, except for reasons of certain uncontrollable forces and force majeure events. Priority Firm Power is power where BPA agrees to provide operating reserves in accordance with the standards established by the NERC, WSCC, and NWPP.

14. Regulation and Frequency Response

Regulation and frequency response is the generating capacity of a power system that is immediately responsive to AGC control signals without human intervention. Regulation and frequency response is required to provide AGC response to load and generation fluctuations in an effective manner and to maintain desired compliance with NERC AGC Control Performance

15. Residential Exchange Program Power

Residential Exchange Program Power is power BPA sells to a Purchaser pursuant to the Residential Exchange Program. Under section 5(c) of the Northwest Power Act, BPA ''purchases'' power from PNW utilities at a utility's Average System Cost (ASC). BPA then offers, in exchange, to ''sell'' an equivalent amount of electric power to that customer at BPA's PF rate applicable to exchanging utilities. The amount of power purchased and sold is equal to the utility's eligible residential and small farm load. Benefits must be passed directly to the utility's residential and small farm customers.

16. Slice Product

The Slice product is a power sale based upon an eligible customer's annual net firm requirements load and is shaped to BPA's generation from the Federal system resources over the year. Slice purchasers are entitled to a fixed percentage of the energy generated by the FCRPS. The Slice purchaser's percentage entitlements are set by contract. The Slice product includes both service to net requirements firm load as well as an advance sale of surplus power.

B. Definition of Rate Schedule Terms

1. 2002 Contract

A 2002 contract is a contract for service in the FY 2002 through 2006 rate period that is signed after January 1, 1999.

2. Annual Billing Cycle

The Annual Billing Cycle is the 12 months beginning with the customer's first monthly power bill for deliveries in the first billing month starting on or after October 1.

3. Billing Demand

The Purchaser's Billing Demand is the amount of capacity to which the demand charge specified in the rate schedule is applied. When the rate schedule includes charges for several products, there may be a Billing Demand quantity for each product. The calculation of Billing Demand is described in the customer's contract.

4. Billing Energy

The Purchaser's Billing Energy is the amount of energy to which the energy

charge specified in the rate schedule is applied. When the rate schedule includes charges for several products, there may be a Billing Energy quantity for each product. Billing Energy is divided into HLH and LLH for this rate period.

5. California Independent System Operator (California ISO)

The FERC regulated control area operator of the ISO transmission grid. Its responsibilities include providing non-discriminatory access to the transmission grid, managing congestion, maintaining the reliability and security of the grid, and providing billing and settlement services. The ISO has no affiliation with any market participant.

6. California ISO Spinning Reserve Capacity

The portion of unloaded synchronized generating capacity, controlled by the California ISO, which is capable of being loaded in 10 minutes, and which is capable of running for at least two hours.

7. California ISO Supplemental Energy

Energy from generating units and other resources which have uncommitted capacity following finalization of the hour-ahead schedules and for which scheduling coordinators have submitted bids to the California ISO at least 30 minutes before the commencement of the settlement period.

8. California Power Exchange (California PX)

An independent agency responsible for conducting an auction for the generators seeking to sell energy and for loads which are not otherwise being served by bilateral contracts. The California PX is responsible for scheduling generation in its scheduling (e.g., day-ahead) markets, for determining hourly market clearing prices for its market, and for settlement and billing for suppliers and Utility Distribution Company's (UDC) using its market.

9. Contract Demand

The Contract Demand is the maximum number of kilowatts that the Purchaser agrees to purchase and BPA agrees to make available, subject to any limitations included in the applicable contract between BPA and the Purchaser.

10. Contract Energy

Contract Energy is the maximum number of kilowatthours that the Purchaser agrees to purchase and BPA agrees to make available, subject to any limitations included in the applicable contract between BPA and the Purchaser.

11. Control Area

A Control Area is the electrical (not necessarily geographical) area within which a controlling utility operating under all NERC standards has the responsibility to adjust its generation on an instantaneous basis to match internal load and power flow across interchange boundaries to other Control Areas.

12. Decremental Cost

Unless otherwise specified in a contractual arrangement, Decremental Cost as applied to Nonfirm Energy transactions is defined as:

a. All identifiable costs (expressed in mills/kWh) associated with the use of a displaceable thermal resource or end-use load with alternate fuel source to serve a purchaser's load that the purchaser is able to avoid by purchasing power from BPA, rather than generating the power itself or using an alternate fuel source; or

b. All identifiable costs (expressed in mills/kWh) to serve the load of a displaceable purchase of energy that the purchaser is able to avoid by choosing not to make the alternate energy purchase.

All identifiable costs as used in the above definition may be reduced to reflect costs of purchasing BPA energy such as transmission costs, losses, or loopflow constraints that are agreed to by BPA and the Purchaser.

13. Delivering Party

The entity supplying the capacity and/or energy to be transmitted at Point(s) of Interconnection.

14. Demand Entitlement

For purchases made under contracts for core Subscription products, Demand Entitlement is the largest HLH amount of power in kilowatts that the purchaser is entitled to receive from BPA during the billing period as specified in the contract.

15. Discount Period

The end of the rate period or the customer's contract term, whichever comes first.

16. Dow Jones Mid-C Indexes (DJ Mid-C Indexes)

Peak and offpeak price indexes for sale of firm and nonfirm power traded at the Mid-Columbia Bus.

17. Electric Power

Electric Power is electric peaking capacity (kilowatts) and/or electric energy (kilowatthours).

18. Energy Entitlement

For purchases made under contracts for core Subscription products, HLH and LLH Energy Entitlement is the sum in kilowatthours of amounts for HLH and LLH energy respectively, that the purchaser is entitled to receive from BPA as specified in the contract.

19. Federal System

The Federal System is the generating facilities of the FCRPS, including the Federal generating facilities for which BPA is designated as marketing agent; the Federal facilities under the jurisdiction of BPA; and any other facilities:

a. From which BPA receives all or a portion of the generating capability (other than station service) for use in meeting BPA's loads to the extent BPA has the right to receive such capability. ''BPA's loads'' do not include any of the loads of any BPA customer that are served by a non-Federal generating resource purchased or owned directly by such customer which may be scheduled by BPA;

b. Which BPA may use under contract or license; or

c. To the extent of the rights acquired by BPA pursuant to the 1961 U.S.-Canada Treaty relating to the cooperative development of water resources of the Columbia River Basin.

20. Firm Power (PF–02, IP–02, NR–02, RL–02)

Firm Power is electric power (capacity and energy) that BPA will make continuously available under contracts executed pursuant to Section 5 of the Northwest Power Act.

21. Full Service Customer

A Full Service customer is one who is purchasing power from BPA through the Full Service Product.

22. Generation System Peak

The Generation System Peak is the hour of the largest HLH output of the Federal System that occurs during the customer's billing period.

23. Heavy Load Hours (HLH)

Heavy Load Hours (HLH) are all those hours in the peak period hour ending 7 a.m. to the hour ending 10 p.m., Monday through Saturday, Pacific Prevailing Time (Pacific Standard Time or Pacific Daylight Time, as applicable). There are no exceptions to this definition; that is, it does not matter

whether the day is a normal working day or a holiday.

24. Inventory Solution Costs

Costs associated with BPA's potential actions to supplement the capability of the Federal System Resources, as a result of BPA's Subscription process. It is currently not known whether an Inventory Solution will be necessary, or what form the Inventory Solution will take.

25. Light Load Hours (LLH)

Light Load Hours (LLH) are all those hours in the offpeak period hour ending 11 p.m. to the hour ending 6 a.m., Monday through Saturday and all hours Sunday, Pacific Prevailing Time (Pacific Standard Time or Pacific Daylight Time, as applicable).

26. Measured Demand

The Purchaser's Measured Demand is that portion of its Metered or Scheduled Demand provided by BPA to the Purchaser. If more than one class of power is delivered to any point of delivery, the portion of the measured quantities assigned to any class of power shall be as specified by contract. Any delivery of Federal power not assigned to classes of power delivered under other agreements shall be included in the Measured Demand for PF, NR, or IP power as applicable. The portion of the total Measured Demand so assigned shall constitute the Measured Demand for each such class of power. Any residual quantity, after determination of the Purchaser's contractual entitlement at a particular rate, is considered ''unauthorized.'' Unauthorized increases are billed in accordance with the provisions of these GRSPs.

In determining Measured Demand for any Purchaser who experiences an outage as defined pursuant to the Purchaser's agreement with BPA, BPA shall adjust any abnormal Integrated Demand due to, or resulting from:

a. Emergencies or breakdowns on, or maintenance of, the Federal System Facilities; and

b. Emergencies on the Purchaser's facilities to the extent BPA determines that such facilities have been adequately maintained and prudently operated. BPA will follow its billing process in establishing the Billing Demand should an outage cause an unusual Billing Demand quantity. BPA will not give outage credits for demand.

27. Measured Energy

The Purchaser's Measured Energy is that portion of its Metered or Scheduled Energy that is provided by BPA to the Purchaser during a particular diurnal period (HLH or LLH) in a billing period. If more than one class of power is delivered to any point of delivery, the portion of the measured quantities assigned to any class of power shall be as specified by contract. Any delivery of Federal power not assigned to classes of power delivered under other agreements shall be included in the Measured Energy for PF, NR, or IP power as applicable. The portion of the total Measured Energy so assigned shall constitute the Measured Energy for each such class of power. Any residual quantity, after determination of the Purchaser's contractual entitlement at a particular rate, is considered ''unauthorized.'' Unauthorized increases are billed in accordance with the provisions of these GRSPs.

28. Metered Demand

The Metered Demand in kilowatts shall be the largest of the 60-minute clock-hour Integrated Demands at which electric energy is delivered to a purchaser:

a. At each point of delivery for which the Metered Demand is the basis for determination of the Measured Demand;

b. During each time period specified in the applicable rate schedule; and

c. During any billing period.

Such largest Integrated Demand shall be determined from measurements made in accordance with the provisions of the applicable contract and these GRSPs. This amount shall be adjusted as provided herein and in the applicable agreement between BPA and the Purchaser.

29. Metered Energy

The Metered Energy for a purchaser shall be the number of kilowatthours that are recorded on the appropriate metering equipment, adjusted as specified in the applicable agreement and delivered to a Purchaser:

a. At all points of delivery for which metered energy is the basis for determination of the Measured Energy; and

b. during any billing period.

30. Mid-Columbia Bus (Mid-C Bus)

The switchyards associated with five non-Federal hydroelectric projects, including Rocky Reach, Priest Rapids, Wanapum, Douglas, and McKenzie. The following Federal switchyards which are operated by BPA and interconnected with the non-Federal switchyards are also included: Valhalla, Columbia, Midway, Sickler, and Vantage.

31. Monthly Federal System Peak Load

Monthly Federal System Peak Load is the peak load on the Federal System during a customer's billing month, determined by the largest hourly integrated demand produced from system generating plants in BPA's control area and scheduled imports for BPA's account from other control areas.

32. NP15

The portion of the California ISO's control area north of transmission path 15.

33. NW1 (California-Oregon Border)

California PX and California ISO designation for delivery at COB (Captain Jack/Malin).

34. NW3 (Nevada-Oregon Border)

California PX and California ISO designation for delivery at NOB.

35. Partial Service Customer

A Partial Service customer is any customer that is not a Full Service customer.

36. Point of Delivery (POD)

A Point of Delivery is the contractual interconnection point where power is delivered to the customer. Typically, a point of delivery is located at a substation site, but it could be located at the change of ownership point on a transmission line.

37. Point of Integration (POI)

A Point of Integration is the contractual interconnection point where power is received from the customer. Typically a point of integration is located at a resource site, but it could be located at some other interconnection point to receive system power from the customer.

38. Point of Interconnection (POI)

A Point of Interconnection is a point where the facilities of two entities are interconnected.

39. Points of Metering (POM)

The Points of Metering (POM) shall be those points specified in the contract at which TRL and Metered Amounts are measured.

40. Pre-Subscription Contract

A contract for service in the FY 2002 through 2006 rate period that was signed prior to January 1, 1999, is a Pre-Subscription Contract.

41. Purchaser

Pursuant to the terms of an agreement and applicable rate schedule(s), a Purchaser contracts to pay BPA for providing a product or service.

42. Receiving Party

The entity receiving the capacity and/or energy transmitted by BPA to a Point(s) of Delivery.

43. Retail Access

Retail Access is nondiscriminatory retail distribution access mandated either by Federal or State law which grants retail electric power consumers the right to choose their electricity supplier.

44. Scheduled Demand

For purposes of applying the rates herein to applicable purchases by the Purchaser, the Scheduled Demand in kilowatts is the largest of the hourly demands at which electric energy is scheduled by BPA for delivery to a purchaser:

a. To each system for which Scheduled Demand is the basis for determination of the Measured Demand;

b. During each time period specified in the applicable rate schedule; and

c. During any billing period.

Scheduled Demand is deemed delivered for the purpose of determining Billing Demand.

45. Scheduled Energy

For purposes of applying the rates herein to applicable purchases by the Purchaser, Scheduled Energy in kilowatthours shall be the sum of the hourly demands at which electric energy is scheduled by BPA for delivery to a purchaser:

a. For each system for which Scheduled Energy is the basis for determination of the Measured Energy; and

b. During any billing period.

Scheduled Energy is deemed delivered for the purpose of determining Billing Energy.

46. Slice Administrative Costs

All overhead costs incurred by BPA that are attributable to the implementation of the Slice product.

47. Slice Revenue Requirement

The Slice Revenue Requirement is comprised of all the line items in BPA's PBL revenue requirement as identified in all of the PBL's rate cases that are effective during the term of the Slice Purchaser's contract except for the following items: (1) transmission costs (other than those associated with the fulfillment of System Obligations); (2) power purchase costs (with the exception of those net costs incurred as part of the ''Inventory Solution''); and (3) planned net revenues for risk.

See Table E for Slice Product Costing Table.

48. Subscription

Subscription refers to the Power Subscription Strategy issued by BPA on December 21, 1998, which is BPA's policy power sales beginning FY 2002.

49. Subscription Contract

See 2002 Contract.

50. System Obligations

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Table E

SLICE PRODUCT COSTING TABLE

PBL Costs ($000)	2002	2003	2004	2005	2006	TOTAL
GENERATION COSTS						
Federal Base System						
Hydro	$ 447,800	$ 455,373	$ 468,464	$ 479,149	$ 483,041	$ 2,333,825
Fish and Wildlife	$ 159,425	$ 167,905	$ 172,350	$ 176,722	$ 179,102	$ 855,504
Trojan	$ 19,547	$ 14,154	$ 12,564	$ 12,589	$ 12,609	$ 71,463
WNP #1	$ 178,104	$ 168,240	$ 175,007	$ 168,294	$ 180,376	$ 870,021
WNP #2	$ 351,536	$ 408,804	$ 404,348	$ 361,649	$ 391,800	$ 1,918,137
WNP #3	$ 153,720	$ 152,993	$ 149,232	$ 149,480	$ 147,836	$ 753,261
Total	**$ 1,310,131**	**$ 1,367,469**	**$ 1,381,965**	**$ 1,347,883**	**$ 1,394,764**	**$ 6,802,211**
New Resources						
Idaho Falls	$ 3,740	$ 3,737	$ 3,744	$ 3,754	$ 3,754	$ 18,729
Cowlitz	$ 14,914	$ 14,987	$ 15,051	$ 15,123	$ 15,196	$ 75,271
Firm Purchased Power	$ 17,723	$ 17,953	$ 18,187	$ 18,435	$ 18,681	$ 90,978
Other Acquisitions						
Total	**$ 36,377**	**$ 36,677**	**$ 36,982**	**$ 37,312**	**$ 37,631**	**$ 184,978**
Legacy Conservation	$ 131,799	$ 126,452	$ 114,284	$ 109,498	$ 101,240	$ 583,272
Energy Services Business	$ 11,349	$ 11,353	$ 11,321	$ 11,261	$ 11,227	$ 56,511
Other Generation Costs						
BPA Programs	$ 118,043	$ 98,774	$ 88,465	$ 84,222	$ 80,209	$ 469,713
Other						
WNP #3 Plant	$ 3,086	$ 3,169	$ 3,169	$ 3,169	$ 3,169	$ 15,762
Total	**$ 121,129**	**$ 101,943**	**$ 91,634**	**$ 87,391**	**$ 83,378**	**$ 485,475**
COSA Table Subtotal	**$ 1,610,784**	**$ 1,643,893**	**$ 1,636,185**	**$ 1,593,345**	**$ 1,628,240**	**$ 8,112,447**
CEA Transmission Costs	$ 13,514	$ 17,105	$ 26,685	$ 26,685	$ 26,685	$ 110,675
Ancillary and Reserve Service Costs	$ 8,000	$ 8,000	$ 8,000	$ 8,000	$ 8,000	$ 40,000
PBL PF Trans. Pass-Through Costs	$ 14,190	$ 14,247	$ 14,304	$ 14,361	$ 14,418	$ 71,520
PNCA & NTS Transmission Costs	$ 1,957	$ 1,957	$ 1,957	$ 1,957	$ 1,957	$ 9,785
General Transfer Agreement Costs	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 50,000	$ 250,000
REVENUE REQUIREMENT CHECK	**$ 1,698,445**	**$ 1,735,202**	**$ 1,737,131**	**$ 1,694,348**	**$ 1,729,300** 0	**$ 8,594,426**
PF Conservation and Renewables Credit Costs						$ 96,416
IP Conservation and Renewables Credit Costs						$ 21,693
RL Conservation and Renewables Credit Costs						$ 21,900
LDD	$ 14,000	$ 14,000	$ 14,000	$ 14,000	$ 14,000	$ 70,000
S & I Rate Mitigation Costs	$ 4,000	$ 4,000	$ 4,000	$ 4,000	$ 4,000	$ 20,000
Non-COSA Table Subtotal						$ 230,009
Total PBL Revenue Requirement						**$ 8,824,435**

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Revenue Credits ($000)	2002	2003	2004	2005	2006	TOTAL
Ancillary and Reserve Service Revs.	$ 87,336	$ 87,233	$ 88,072	$ 88,023	$ 87,945	$ 438,610
PBL PF Trans. Pass-Through Revs.	$ 14,190	$ 14,247	$ 14,304	$ 14,361	$ 14,418	$ 71,520
Canadian Entitlement Credit	$ 1,000	$ 1,000	$ 1,000	$ 1,000	$ 1,000	$ 5,000
COE & USBR Project Revenues	$ 8,100	$ 8,100	$ 8,100	$ 8,100	$ 8,100	$ 40,500
4(h)(10)(c)	$ 86,523	$ 90,187	$ 88,258	$ 89,687	$ 92,149	$ 446,804
Colville Credit	$ 4,600	$ 4,600	$ 4,600	$ 4,600	$ 4,600	$ 23,000
FCCF	$ 43,559	$ 27,132	$ 20,387	$ 10,600	$ 6,492	$ 108,170
Sup/Ent Cap; Irr. Pump	$ 938	$ 707	$ 471	$ 471	$ 471	$ 3,059
Energy Efficiency Revenues	$ 13,046	$ 13,345	$ 13,345	$ 13,345	$ 13,345	$ 66,426
Property Trnfrs & Misc.	$ 3,416	$ 3,416	$ 3,416	$ 3,416	$ 3,416	$ 17,080
Total Revenue Credits						**$ 1,220,169**
Power Revenues Needed						**$ 7,604,267**
Firm System Augmentation (1112 aMWs on average	$ 252,064	$ 290,218	$ 253,541	$ 292,433	$ 279,879	$ 1,368,135
DSI Augmentation (450 aMWs)	$ 110,770	$ 110,770	$ 110,770	$ 110,770	$ 110,770	$ 553,851
Subscription Settlement Costs (800 aMWs in $s)	$ 54,310	$ 54,310	$ 54,310	$ 54,310	$ 54,310	$ 271,550
Total Cost of Inventory Solution	**$ 417,144**	**$ 455,298**	**$ 418,621**	**$ 457,513**	**$ 444,959**	**$ 2,193,536**
Revenue 1112 aMWs flat, 450 aMWs to DSIs	$ (301,889)	$ (301,889)	$ (301,889)	$ (301,889)	$ (301,889)	$ (1,509,444)
Net Cost of Inventory Solution	**$ 115,255**	**$ 153,409**	**$ 116,732**	**$ 155,625**	**$ 143,071**	**$ 684,092**

	($000)
Annual Slice Revenue Requirement	**$ 1,657,672**
Monthly Slice Revenue Requirement	**$ 138,139**
One Percent of Monthly Requirement	**$ 1,381.39**

Five Year Total	**$ 8,288,359**

System Obligations include, but are not limited to, the transmission costs associated with the return of the Canadian Entitlement, and transactions related to the Pacific Northwest Coordination Agreement, Mid-Columbia Hourly Coordination, and the Canadian Non-Treaty Storage Agreement.

51. Total Plant Load

Total Plant Load means a DSI customer's total electrical energy load at facilities eligible for BPA service during any given time period whether the customer has chosen to serve its load with BPA power or non-Federal power.

52. Total Retail Load (TRL)

Total Retail Load is all electric power consumption including distribution system losses, within a utility's distribution system as measured at metering points, adjusted for unmetered loads or generation. No distinction is made between load that is served with BPA power and load that is served with power from other sources. For DSIs, Total Retail Load is called Total Plant Load.

53. Utility Distribution Company

A company that owns and maintains the distribution facilities used to serve end-use customers.

BPA's New 1996 General Rate Schedule Provisions for Power Rates

A. Targeted Adjustment Charge for Uncommitted Loads

1. Availability

The Targeted Adjustment Charge for Uncommitted Loads (TACUL) pertains to the PF rate schedule. The TACUL applies after December 7, 2000, to purchases to serve customer loads that were uncommitted during the 1996 rate case which are returned to BPA firm power requirements service during a period prior to FY 2002. Customers subject to the TACUL are those that reduced their purchases from BPA by adding firm resources to serve load under: (1) 1981 power sales contracts that expire on or before July 31, 2001, as may be amended; (2) Amendatory Agreement No. 7 (AA7) to the 1981 power sales contracts, or new ''1996'' power sales contracts where the customer provides BPA notice after December 7, 1998, consistent with the terms of the customer's power sales contract, for requirements service for the period prior to FY 2002. This charge will be in effect through September 30, 2001.

This rate schedule amends the PF–96 rate schedule, which went into effect October 1, 1996.

2. Energy Charge

The TACUL is a monthly mills/kWh adjustment to the HLH and LLH energy rates specified in the 1996 rate schedule, and is applied to that portion of the customer's load that is subject to the TACUL. The TACUL rate adjustment will be established based on the following formula:

TACUL = [(Incr $ * Incr Amt) − (Rate $ * Incr Amt)]/TACUL Amt

Where:

TACUL Amt = The amount of load subject to the TACUL, determined monthly.

Rate $ = The monthly PF energy rate shown in the applicable rate schedule.

Inventory Amt = Amount of energy available to serve this load based on an annual energy Federal system firm resource capability as defined in the Loads and Resources Study, and updated if BPA determines that is necessary.

Incr $ = Monthly cost to BPA, plus a handling fee, of incremental power for HLH and LLH expressed in mills/kWh (see below). These costs also may include where applicable, wheeling, ancillary, and other charges BPA may incur in purchasing power from other entities such as, but not limited to, the California ISO or the California PX.

Incr Amt = Amount of incremental power required, determined monthly and defined as the TACUL Amt minus the Inventory Amt. (If there is no available Inventory Amt, the Incr Amt will equal the TACUL Amt).

Incr $ is greater than Rate $ (If Incr $ is less than Rate $, the TACUL is 0 mills/kWh).

TACUL is the monthly rate adjustment in mills/kWh. BPA will calculate the cost (Incr $) per month in mills/kWh of the additional power per month (Incr Amt) for a specific Customer request. BPA will establish the cost of the additional power by the following methods:

a. BPA will establish the price based on BPA's monthly cost to purchase the incremental load by purchases of resources at market, or the monthly cost of BPA recallable power contracts, averaged, whichever is less.

b. A price plus handling fee calculated based on the following index.

BPA will calculate the price per month for HLH and LLH, based on an index calculated according to the following:

Price of HLH = ⅓ HLH (DJ Mid C) + ⅓ HLH (California PX) + ⅓ (NYMEX Mid C)

Price of LLH = ½ LLH (DJ Mid C) + ½ LLH (PX)

Where the California PX basis is adjusted to DJ Mid C

Where:

DJ Mid C = Dow Jones Firm On-peak (HLH) and Firm Off-peak (LLH) Mid-Columbia Electricity Price Index

California PX = California Power Exchange Day-Ahead Zonal Prices (Constrained)—the average of NW1 (Captain Jack/Malin—COB) and NW3 (NOB) for HLH and LLH

NYMEX Mid C = the New York Mercantile Exchange Futures Electricity Closing Price at Mid-C for the applicable month

California PX prices will be adjusted for basis difference between COB/NOB and the Mid-C using the IS/PTP Rates contained in BPA's 1996 Transmission Rate Schedules.

Issued in Portland, Oregon, on July 30, 1999.

Jack Robertson,

Deputy Administrator.

[FR Doc. 99–20805 Filed 8–12–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Correction of Errors in the Firm Power Products and Services Rate Schedule (FPS–96): Clarifying the Applicability of the FPS–96 Contract Rate to Certain Capacity With Energy Return Contracts, Public Hearing, and Opportunity for Public Review and Comment

AGENCY: Bonneville Power Administration (BPA), Department of Energy (DOE).

ACTION: Notice of Proposed Correction of Errors in the Firm Power Products and Services Rate Schedule (FPS–96): Clarifying the Applicability of the FPS–96 Contract Rate to Certain Capacity With Energy Return Contracts.

SUMMARY: BPA unbundled its wholesale power and transmission products in its 1996 rate case. Pursuant to this unbundling, several of BPA's wholesale power rate schedules included separate rates for sales of firm capacity with energy returns (commonly referred to as capacity without energy). Although clarifying language was mistakenly omitted from the FPS–96 rate schedule, the record established that it was BPA's intent that the firm capacity with energy returns product would be sold at a negotiated price.

Certain BPA contracts executed prior to October 1, 1996, provide that BPA supply capacity without energy at the demand charge in the Contract Rate of

the then applicable surplus firm power rate schedule. BPA erred in the FPS–96 rate schedule when it failed to expressly state in that schedule that the capacity without energy product would be priced at a negotiated rate. The demand charge in the Contract Rate section of FPS–96 was priced to be sold only in conjunction with the purchase of the separate energy product in that section. This action is intended to correct those errors.

DATES: The prehearing conference will be held on August 24, 1999, from 1:00 p.m. to 4:00 p.m., Room 223, 911 N.E. 11th, Portland, Oregon. Written comments by participants must be received by October 13, 1999, to be considered in the Record of Decision (ROD).

ADDRESSES: BPA's initial rate proposal in this proceeding will be available for examination on August 24, 1999 at BPA's Public Information Center, BPA Headquarters Building, 1st Floor, 905 N.E. 11th, Portland, Oregon. Written comments should be submitted to Mr. Michael Hansen, Public Involvement and Information Specialist; Bonneville Power Administration; P.O. Box 12999; Portland, Oregon 97212. The prehearing conference will be held on August 24, 1999, from 1:00 p.m. to 4:00 p.m., Room 223, 911 N.E. 11th, Portland, Oregon. To request documents in this proceeding by telephone, call BPA's document request line: (503) 230–4328 or call toll-free 1–800–622–4519. Please request the document by its listed title. BPA's initial proposal for FPS–96R will also be available on BPA's website at *www.bpa.gov/power/ratecase.*

Responsible Official: Ms. Diane Cherry, Manager for Power Products, Pricing and Rates, is the official responsible for the development of BPA's wholesale power rates.

SUPPLEMENTARY INFORMATION:

Part I—Introduction and Procedural Background

A. Relevant Statutory Provisions Governing This Rate Proceeding

Section 7 of the Northwest Power Act, 16 U.S.C. 839e, contains a number of general directives that the BPA Administrator must consider in establishing rates for the sale of electric energy and capacity. In particular, section 7(a)(1), 16 U.S.C. 839e(a)(1), provides in part that:

> [S]uch rates shall be established and, as appropriate, revised to recover, in accordance with sound business principles, the costs associated with the acquisition, conservation, and transmission of electric power, including the amortization of the Federal investment in the Federal Columbia River Power System (including irrigation costs required to be repaid out of power revenues) over a reasonable period of years and the other costs and expenses incurred by the Administrator pursuant to this Act and other provisions of law.

Rates established by BPA are effective on an interim or final basis when approved by FERC. 16 U.S.C. 839e(a)(2). In addition to the Northwest Power Act, BPA ratemaking is governed by the Bonneville Project Act, 16 U.S.C. Section 832 *et seq.*, the Federal Columbia River Transmission System Act, 16 U.S.C. Section 838 *et seq.*, and the Flood Control Act of 1944, 16 U.S.C. 825s.

Section 7(i) of the Northwest Power Act, 16 U.S.C. 839e(i), requires that BPA's rates be set according to certain procedures. These procedures include issuance of a **Federal Register** notice announcing the proposed rates; one or more hearings; the opportunity to submit written views, supporting information, questions, or arguments; and a decision by the Administrator based on the record developed during the hearing process. This proceeding will be governed by BPA's ''Procedures Governing Bonneville Power Administration Rate Hearings,'' 51 FR 7611 (March 5, 1986), which implement and, in most instances, expand these statutory requirements.

Pursuant to section 1010.3(c) of the Procedures Governing Bonneville Power Administration Rate Hearings (BPA Procedures), this hearing will be conducted under Rule 1010.10, which governs Expedited Rate Proceedings. The expedited procedures will be used rather than the procedures for General Rate Proceedings conducted under Rule 1010.9. The procedures for General Rate Proceedings are intended for use when the Administrator proposes to revise all, or substantially all, of BPA's wholesale power and transmission rates. The proposed correction of the FPS–96 schedule does not impact any other part of the FPS–96 rate schedule, or any other rate schedule, and will be applicable to a very limited number of contracts. Therefore, the issues in this rate proceeding will be fewer and of more limited scope than the issues in a proceeding to adjust all BPA rates. BPA believes that the Expedited Rate Proceeding will be adequate to develop a full and complete record and to receive public comment and argument related to the proposed corrections. If more time is required, the Hearing Officer may request under section 1010.10(b) of the BPA Procedures that the BPA Administrator grant an extension.

B. Background

On July 17, 1995, BPA filed a notice in the **Federal Register** proposing new wholesale power and transmission rates to be effective on October 1, 1996, including the FPS–96 rate schedule. BPA's initial rate proposal was filed on July 10, 1995, and was supported by written testimony and studies. Parties to the proceeding filed their rebuttal to BPA's direct case and their own direct testimony on September 8, 1995. On December 8, 1995, litigants filed rebuttal to the parties' direct cases. BPA also filed a supplemental rate proposal on December 8, 1995, which consisted of written testimony and studies.

Parties filed their direct cases in response to BPA's supplemental rate proposal on January 26, 1996. Testimony responding to the parties' supplemental cases was filed on February 12, 1996. Rebuttal testimony was filed by all litigants on February 14, 1996. Cross-examination began on February 20, 1996. Parties submitted initial briefs on April 22, 1996. Oral argument before the BPA Administrator and Deputy Administrator was held on April 30, 1996. A Draft ROD was published and distributed to parties on May 4, 1996. Parties filed briefs on exceptions on May 30, 1996. BPA published its Final ROD on June 17, 1996.

BPA filed its proposed rates, including the FPS–96 schedule, with FERC on July 26, 1996. On September 25, 1996, FERC granted interim approval of the proposed rates effective October 1, 1996. United States Dept. of Energy-Bonneville Power Administration, 76 FERC ¶ 61,314 (1996). On July 30, 1996, FERC issued an order granting final confirmation and approval of BPA's rates, including the FPS–96 rate schedule. United Stated Dept. of Energy-Bonneville Power Administration, 80 FERC ¶ 61,118 (1997). The FPS–96 rate was approved for a 10-year period ending September 30, 2006.

C. Proposed Schedule Concerning This Rate Proceeding

BPA's initial rate proposal in this proceeding will be available for examination on August 24, 1999, at BPA's Public Information Center, BPA Headquarters Building, 1st Floor; 905 N.E. 11th, Portland, Oregon, and will be provided to parties at the prehearing conference to be held on August 24, 1999, from 1:00 p.m. to 4:00 p.m., Room 223, 911 N.E. 11th, Portland, Oregon.

To request documents in this proceeding by telephone, call BPA's document request line: (503) 230–4328

or call toll-free 1–800–622–4519. Please request the document by its listed title. BPA's initial proposal for FPS–96R will also be available on BPA's website at *www.bpa.gov/power/ratecase.*

As noted above, BPA will release its proposed revisions to the FPS–96 rate schedule on August 24, 1999. BPA expects to publish a final ROD on December 6, 1999. The following proposed schedule is provided for informational purposes. A final schedule will be established by the Hearing Officer at the prehearing conference:

August 24—Prehearing Conference (BPA files Direct Case) and deadline for petitions to intervene.
September 17—Data Requests on BPA's Direct Case Due.
September 24—Data Responses Due.
October 4—Parties' Direct Cases (including rebuttal to BPA's Direct Case).
October 12—Data Requests on Parties' Direct Cases Due.
October 13—Close of Public Comment.
October 19—Data Responses Due.
October 26—Litigants' Rebuttal Cases (no discovery).
November 2—Cross-Examination.
November 9—Initial Briefs.
November 17—Draft Record of Decision.
November 27—Briefs on Exceptions.
December 6—Final Record of Decision.

The procedural schedule established for Docket No. FPS–96R will provide an opportunity for interested persons to review BPA's proposed rates, to participate in the rate hearing, and to submit oral and written comments. During the development of the final rate proposal, BPA will evaluate all written and oral comments received in the rate proceeding. Consideration of comments and more current data may result in the final rate proposal differing from the rates proposed in this Notice.

BPA expects to file its ROD with FERC by January 6, 2000, requesting that the proposed revisions go into effect on or before June 1, 2000.

Part II—Purpose and Scope of Hearing

The purpose of the proposed changes to the Firm Power Products and Services (FPS–96) rate schedule is to clarify and establish the rates that apply to the capacity without energy product.

The FPS–96 rate schedule includes a Contract Rate demand charge section, which contains a rate of $0.87/kW/month. The demand charge in this section was designed and priced to be used exclusively in conjunction with the purchase of the separate energy product included in the same section of FPS–96. The Contract Rate demand charge was not intended to apply to capacity without energy.

The FPS–96 rate schedule is a successor to the Surplus Firm Power (SP–93) rate schedule. However, prior to the product unbundling in the FPS–96 rate schedule, the Contract Rate demand charge in BPA's Surplus Firm Power rate schedules (SP–93, SP–91, SP–89 and SP–86) was priced to provide capacity without energy. The Contract Rate demand charge in each of these Surplus Firm Power rate schedules included: (1) firm energy; (2) firm capacity without energy; and (3) firm power. In addition, the demand charge in the Contract Rate in those schedules was priced to reflect the value of capacity, with or without energy.

Pursuant to BPA's product unbundling in the 1996 rate case, separate sections for the capacity without energy product were included in the Priority Firm Power (PF–96) and New Resource Power (NR–96) rate schedules. Consistent with this product unbundling, the FPS–96 rate schedule was also designed to unbundle capacity and energy products. Although clarifying language was mistakenly omitted from the FPS–96 rate schedule, it was BPA's stated intent that the capacity without energy product would be sold at a negotiated price, not under the Contract Rate demand charge. This is established by BPA's Final 1996 Wholesale Power Rate Development Study (WPRDS), WP–96–FS–BPA–01. Section 4.7 of the WPRDS states in pertinent part that:

> Firm capacity without energy is available under PF–96 and NR–96 rate schedules for Computed Requirements customers purchasing under the 1981 Contract. Firm capacity without energy is also available under the FPS–96 rate schedule, at negotiated prices and terms that may vary from those in the PF and NR rate schedules.

BPA entered into some contracts prior to the establishment of the FPS–96 rate schedule that provide for BPA to supply, under specified circumstances, capacity without energy, and further provide that such product should be priced under the Contract Rate demand charge section of the then applicable Surplus Firm Power rate schedule. As noted previously, the FPS–96 rate schedule is the successor to all prior Surplus Firm Power rate schedules. BPA erred in the FPS–96 rate schedule when it failed to expressly state in that schedule that contracts providing for capacity without energy would no longer be sold at the Contract Rate demand charge, but rather would be priced at a negotiated rate, and that the demand charge in the Contract Rate section in FPS–96 was for a firm power sale product. The fact that an error was made is reflected in the above quoted language from the WPRDS, and in the fact that the $0.87/kW/month price does not, and did not at the time the rate schedule was developed, recover the costs to BPA associated with providing energy during high cost periods and taking energy back during lower cost periods.

Because some contracts may require a posted, as opposed to a negotiated, rate for capacity without energy, BPA is proposing to post seasonally adjusted rates that may be used in instead of a negotiated rate. The posted rates shall be available only for those contracts in effect on or before October 1, 1996, that provide for capacity without energy to be priced at the Contract Rate demand charge in the then applicable Surplus Firm Power rate schedule.

BPA has assessed the potential environmental effects of its rate proposal, as required by the National Environmental Policy Act (NEPA), as part of BPA's Business Plan Environmental Impact Statement (EIS). The analysis includes an evaluation of the environmental impacts of a range of rate design alternatives for BPA's power services and an analysis of the environmental impacts of the rate levels resulting from the rates for such services under the business structure alternatives. BPA's proposal to revise the FPS–96 schedule falls within the range of alternatives evaluated in the Final Business Plan EIS. Comments on the Business Plan EIS were received outside the formal rate hearing process, but will be included in the rate case record and considered by the Administrator in making a final decision establishing BPA's revisions to the 1996 rate schedules. The Business Plan EIS was completed in June 1995.

Pursuant to Rule 1010.3(f) of BPA's Procedures, the Administrator limits the scope of this hearing to issues respecting the correction of the FPS–96 rate schedule as described in section II hereof. Other provisions of the existing FPS–96 rate schedule are not rate matters for the purposes of this hearing.

III. Public Participation

A. Distinguishing Between ''Participants'' and ''Parties'

BPA distinguishes between ''participants in'' and ''parties to'' the hearings. Apart from the formal hearing process, BPA will receive comments, views, opinions, and information from ''participants,'' who are defined in the BPA Procedures as persons who may submit comments without being subject to the duties of, or having the privileges

of, parties. Participants' written and oral comments will be made part of the official record and considered by the Administrator. Participants are not entitled to participate in the prehearing conference; may not cross-examine parties' witnesses, seek discovery, or serve or be served with documents; and are not subject to the same procedural requirements as parties.

Written comments by participants will be included in the record if they are submitted on or before October 13, 1999. Participants' written views, supporting information, questions, and arguments should be submitted to the address noted above. The second category of interest is that of a ''party'' as defined in Rules 1010.2 and 1010.4 of the BPA Procedures. 51 FR 7611 (1986). Parties may participate in any aspect of the hearing process.

B. Petitions for Intervention

Persons wishing to become a party to BPA's rate proceeding must notify BPA in writing. Petitioners may designate no more than two representatives upon whom service of documents will be made. Petitions to intervene shall state the name and address of the person requesting party status and the person's interest in the hearing.

Petitions to intervene as parties in the rate proceeding are due to the Hearing Officer by August 24, 1999. The petitions should be directed to: Christopher Jones, Hearing Clerk—LP, Bonneville Power Administration, 905 N.E. 11th Ave., P.O. Box 12999, Portland, Oregon 97212.

Petitioners must explain their interests in sufficient detail to permit the Hearing Officer to determine whether they have a relevant interest in the hearing. Pursuant to Rule 1010.1(d) of BPA's Procedures, BPA waives the requirement in Rule 1010.4(d) that an opposition to an intervention petition be filed and served 24 hours before the prehearing conference. Any opposition to an intervention petition may instead be made at the prehearing conference. Any party, including BPA, may oppose a petition for intervention. Persons who have been denied party status in any past BPA rate proceeding shall continue to be denied party status unless they establish a significant change of circumstances. All timely applications will be ruled on by the Hearing Officer. Late interventions are strongly disfavored. Opposition to an untimely petition to intervene shall be filed and received by BPA within two days after service of the petition.

C. Developing the Record

Cross-examination will be scheduled by the Hearing Officer as necessary following completion of the filing of all litigants' direct and rebuttal testimony. Parties will have the opportunity to file initial briefs at the close of any cross-examination. After the close of the hearings, and following submission of initial briefs, BPA will issue a Draft ROD that states the Administrator's tentative decision(s). Parties may file briefs on exceptions, or when all parties have previously agreed, oral argument may be substituted for briefs on exceptions. When oral argument has been scheduled in lieu of briefs on exceptions, the argument will be transcribed and made part of the record. The record will include, among other things, the transcripts of any hearings, written material submitted by the participants, and evidence accepted into the record by the Hearing Officer. The Hearing Officer then will review the record, supplement it if necessary, and certify the record to the Administrator for decision.

The Administrator will develop the final corrections to the FPS–96 rate schedule based on the entire record. The basis for the final corrections to the rate schedule will be expressed in the Administrator's Final ROD. The Administrator will serve copies of the ROD on all parties and will file the final proposed rate corrections, together with the record, with FERC for confirmation and approval. See 18 CFR Part 300.

IV. Summary of the Proposal

Below are the proposed corrections intended to the FPS–96 rate schedule.

1. Title to Section II. A. is corrected from ''Firm Power'' to ''Firm Power and Capacity Without Energy Sales'

2. The following language will be added to 1.1 Contract Rate section of FPS–96:

The demand charge in the Contract Rate applies firm power sales. Firm capacity without energy is available under the FPS–96 rate schedule at the prices identified in section 1.3 unless otherwise agreed to by BPA and the Purchaser.

3. New FPS–96 Section 1.3:

1.3 Capacity Without Energy

Unless otherwise agreed to by the parties, the monthly charge for capacity without energy shall be the applicable rate for that month, multiplied by the Purchaser's Contract Demand associated with the purchase of capacity without energy.

Applicable months	Rate
September–December	$15.16/kW-mo.
January–March	11.11/kW-mo.
April	10.10/kW-mo.
May–June	$8.30/kW-mo.
July	13.39/kW-mo.
August	19.93/kW-mo.

The rates in the Contract Rate Section II.A.1.1 of FPS–96 apply only to a firm power sale.

V. The Revised FPS–96 Rate Schedule

The revised FPS rate schedule is set forth below. An interlined version of the revised rate schedule will be available for examination on August 24, 1999, at BPA's Public Information Center, BPA Headquarters Building, 1st Floor; 905 N.E. 11th, Portland, Oregon, and will be provided to parties at the prehearing conference to be held on August 24, 1999, from 1:00 p.m. to 4:00 p.m., Room 223, 911 N.E. 11th, Portland, Oregon. In addition, the interlined version of this revised rate schedule will be posted on BPA's website that same day. The website may be reached via www.bpa.gov/power/ratecase.

Schedule FPS–96

Firm Power Products and Services

Section I. Availability

This rate schedule is available for the purchase of Firm Power, Capacity Without Energy, Supplemental Control Area Services, Shaping Services, and Reservation and Rights to Change Services for use inside and outside the Pacific Northwest during the period beginning October 1, 1996, and ending September 30, 2006.

Products and services available under this rate schedule are described in the reprint of the 1996 GRSPs for FPS–96, Section III.A of Bonneville Power Administration (BPA's) General Rate Schedule Provisions (GRSPs). BPA is not obligated to enter into agreements to sell products and services under this rate schedule or make power or energy available under this rate schedule if such power or energy would displace sales under the PF–96, NR–96, IP–96, or VI–96 rates schedules or their successors. Sales under the FPS–96 rate schedule are subject to BPA's GRSPs. Transmission service over Federal Columbia River Transmission System facilities shall be charged under the applicable transmission rate schedule. Ancillary services shall be available under, or at charges consistent with, the Ancillary Products and Services (APS) rate schedule.

This rate schedule supersedes the Surplus Firm Power (SP–93) and

Emergency Capacity (CE–95) rate schedules. Rates under contracts that contain charges that escalate based on rates listed in this rate schedule shall include applicable transmission charges. For sales under this rate schedule, bills shall be rendered and payments due pursuant to BPA's Billing Procedures and/or as agreed to in purchase agreements.

Section II. Rates, Billing Factors, and Adjustments

For each product, the rate(s) for each product along with the associated billing factor(s) are identified below. Applicable adjustments, charges, and special rate provisions are listed for each product. This rate schedule contains four subsections, corresponding to the products offered under this rate schedule:

Section II.A. Firm Power and Capacity Without Energy
Section II.B. Supplemental Control Area Services
Section II.C. Shaping Services
Section II.D. Reservation and Rights to Change Services

A. Firm Power and Capacity Without Energy

1. Rates and Billing Factors

1.1 Contract Rate

The demand charge in the Contract Rate applies to purchases of a firm capacity with no energy return product exclusively, that is, a firm power sale product. Firm capacity with energy return (Capacity without Energy) is available under the FPS–96 rate schedule at the prices identified in section 1.3. Contracts entered into on or before September 30, 1996, that refer to the demand charge in the Contract Rate section of the then applicable surplus power schedule for pricing this product will be priced under section 1.3.

1.1.1 Demand Charge

The charge for demand shall be $0.87 per kilowatt per month in all months of the year, multiplied by the Contract Demand unless otherwise agreed by BPA and the Purchaser.

1.1.2 Demand Charge—Capacity Without Energy Sales

See section 1.3 for pricing.

1.1.3 Energy Charge

The total monthly charge for energy shall be the sum of (1) and (2):

(1) The applicable Heavy Load Hour (HLH) rate for that month, multiplied by the Purchaser's HLH Contract Energy unless otherwise agreed by BPA and the Purchaser; and

(2) The applicable Light Load Hour (LLH) rate for that month, multiplied by the Purchaser's LLH Contract Energy unless otherwise agreed by BPA and the Purchaser.

Applicable months	HLH rate (mills/kWh)	LLH rate (mills/kWh)
September–December	49.63	46.45
January–March	50.39	47.25
April	44.74	42.73
May–June	24.36	21.21
July	29.94	26.09
August	42.68	37.06

1.2 Flexible Rate

Demand and/or energy charges may be specified at a higher or lower average rate as mutually agreed by BPA and the Purchaser. Billing factors shall be Contract Demand and Contract Energy unless otherwise agreed by BPA and the Purchaser.

1.3 Capacity Without Energy

1.3.1 Flexible Rate

For sales not covered by section 1.3.2 the rate(s) for capacity without energy sales shall be as mutually agreed by BPA and the Purchaser.

1.3.2 Posted Rate

The posted rates are available exclusively for contracts entered into on or before September 30, 1996, that include Capacity without Energy provisions where payment shall be at the demand charge associated with the Contract Rate of the then applicable surplus power rate schedule. For sales pursuant to such contracts the monthly charge for Capacity without Energy shall be the applicable rate for that month, multiplied by the Purchaser's Contract Demand associated with the purchase of Capacity without Energy.

Applicable months	Rate
September–December	$15.16/kW-mo.
January–March	$11.11/kW-mo.
April	$10.10/kW-mo.
May–June	$8.30/kW-mo.
July	$13.39/kW-mo.
August	$19.93/kW-mo.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the GRSPs. Relevant sections are identified below.

2.1 Rate Adjustments

Rate adjustment	Section
Energy Return Surcharge	II.H.
Reactive Power Charge	II.O.
Unauthorized Increase Charge	II.R.

2.2 Special Rate Provisions

Special rate provisions	Section
Cost Contributions	II.D.

B. Supplemental Control Area Services

1. Rates and Billing Factors

The charge for Supplemental Control Area Services shall be the applicable rate(s) times the applicable billing factor(s), pursuant to the agreement between BPA and the Purchaser.

The rate(s) and billing factor(s) for Supplemental Control Area Services shall be as established by BPA or as mutually agreed by BPA and the Purchaser.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the GRSPs. Relevant sections are identified below.

2.1 Rate Adjustments

Rate adjustment	Section
Energy Return Surcharge	II.H.
Reactive Power Charge	II.O.
Unauthorized Increase Charge	II.R.

2.2 Special Rate Provisions

Special rate provisions	Section
Cost Contributions	II.D.

C. Shaping Services

1. Rates and Billing Factors

The charge for Shaping Services shall be the applicable rate(s) times the applicable billing factor(s), pursuant to the agreement between BPA and the Purchaser.

The rate(s) and billing factor(s) for use of Shaping Services shall be as established by BPA or as mutually agreed by BPA and the Purchaser.

2. Adjustments, Charges, and Special Rate Provisions

Adjustments, Charges, and Special Rate Provisions are described in the GRSPs. Relevant sections are identified below.

2.1 Rate Adjustments

Rate adjustment	Section
Energy Return Surcharge	II.H.
Reactive Power Charge	II.O.

Rate adjustment	Section
Unauthorized Increase Charge	II.R.

2.2 Special Rate Provisions

Special rate provisions	Section
Cost Contributions	II.D.

D. Reservation and Rights to Change Services

1. Rates and Billing Factors

The charge for Reservation and Rights to Change Services shall be the applicable rate(s) times the applicable billing factor(s), pursuant to the agreement between BPA and the Purchaser.

The rate(s) and billing factor(s) for Reservation and Rights to Change Services shall be as established by BPA or mutually agreed by BPA and the Purchaser.

2. Adjustments, Charges, and Special Rate Provisions

There are no additional adjustments, charges, or special rate provisions for the Reservation and Rights to Change Services.

Issued in Portland, Oregon, on July 30, 1999.

Jack Robertson,

Deputy Administrator.

[FR Doc. 99–20804 Filed 8–12–99; 8:45 am]

BILLING CODE 6450–01–P

Federal Register

Friday
August 13, 1999

Part IV

Department of the Interior

Fish and Wildlife Service

Draft Planning Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997; Notice

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Planning Policy Pursuant to the National Wildlife Refuge System Improvement Act of 1997

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: We propose to establish requirements and guidance for National Wildlife Refuge System planning, including Comprehensive Conservation Plans (CCPs) and step-down management plans. This policy, which incorporates the CCP provisions of the National Wildlife Refuge System Improvement Act of 1997 (NWRSIA–1997), will replace Part 602 Chapters 1, 2, and 3 of the Fish and Wildlife Service Manual.

Our policy for managing units of the National Wildlife Refuge System (System) is that we will manage all refuges in accordance with an approved CCP that: guides management decisions; sets forth goals, objectives, and strategies for achieving refuge purposes; contributes to the mission of the System; and meets other relevant mandates. We also may require step-down management plans to provide additional details about meeting goals and objectives and implementing management strategies identified in CCPs. Each plan will be consistent with principles of sound fish and wildlife management, available science, legal mandates, and our other policies, guidelines, and planning documents.

DATES: Submit comments on or before October 12, 1999.

ADDRESSES: Send comments concerning this draft planning policy via mail, fax or e-mail to: Chief, Division of Refuges, US Fish and Wildlife Service, 4401 North Fairfax Drive, Room 670, Arlington, Virginia 22203; fax (703) 358–2248; e-mail: Planning__Policy__Comments@fws.gov

FOR FURTHER INFORMATION CONTACT: Liz Bellantoni, Refuge Planning Coordinator, Division of Refuges, US Fish and Wildlife Service, telephone (703) 358–2422.

SUPPLEMENTARY INFORMATION: The NWRSIA–1997 amends and builds upon the National Wildlife Refuge System Administration Act of 1966, providing an ''Organic Act'' for the National Wildlife Refuge System. It clearly establishes that wildlife conservation is the singular mission of the National Wildlife Refuge System; provides guidance to the Secretary of the Interior for management of the National Wildlife Refuge System; reinforces the importance of comprehensive planning for all units of the National Wildlife Refuge System; and gives refuge managers uniform direction and procedures for making decisions regarding wildlife conservation and uses of the National Wildlife Refuge System.

Planning and the NWRSIA–1997

We will develop a CCP for each refuge or related complex of refuges by October 2012 and will revise each plan every 15 years thereafter or sooner as necessary. The NWRSIA–1997 also requires that we provide an opportunity for active public involvement during the preparation and revision of CCPs. These plans will guide management decisions and establish strategies for achieving the mission of the System and the purposes of each refuge unit.

The NWRSIA–1997 includes a number of provisions that specifically address planning. The following is a summary of those provisions and how they apply to us.

In general, we will propose a CCP for each refuge or related complex of refuges. For each proposed plan we will publish a notice of opportunity for public comment in the **Federal Register**. We will issue a final CCP for each planning unit consistent with the provisions of the NWRSIA–1997 and, to the extent practicable, consistent with the fish and wildlife and conservation plans of the State in which the refuge is located. We will revise the CCP every 15 years after issuance or sooner as necessary.

We shall manage each refuge or planning unit under plans in effect on the date of enactment of the NWRSIA–1997, to the extent such plans are consistent with the NWRSIA–1997, until new CCPs revise or supercede these plans. Uses or activities consistent with the NWRSIA–1997 may occur on any refuge or planning unit before we revise existing plans or issue new CCPs. Upon completion of a CCP for a refuge or planning unit, we shall manage the refuge or planning unit in a manner consistent with the CCP and revise the plan at any time if we determine that conditions affecting the refuge or planning unit have changed significantly.

In developing each CCP for a planning unit, the plan shall identify and describe: the purposes of each refuge comprising the planning unit; the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats within the planning unit; the archaeological and cultural values of the planning unit; such areas within the planning unit that are suitable for use as administrative sites or visitor facilities; significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems; and opportunities for compatible wildlife-dependent recreational uses.

In preparing and revising each CCP, we shall, to the maximum extent practicable and consistent with the NWRSIA–1997, consult with adjoining Federal, State, local, and private landowners and affected State conservation agencies. We shall also coordinate the development of the CCP or revision with relevant State conservation plans for fish and wildlife and their habitats.

We shall develop and implement a process to ensure active public involvement in the preparation and revision of CCPs. At a minimum, the publication of any final CCP shall include a summary of the comments made by States, owners of adjacent or potentially affected land, local governments, and any other affected persons, and a statement of the disposition of concerns expressed in those comments.

Prior to the adoption of each CCP, we shall issue a public notice of the draft proposed CCP, make copies of the CCP available at our field and regional offices, and provide opportunity for public comment.

Purpose of This Draft Policy

This draft policy would establish requirements and guidance for National Wildlife Refuge System planning, including CCPs and step-down plans, and ensure that planning efforts comply with the provisions of the NWRSIA–1997. This draft planning policy describes a systematic decision-making process that fulfills the requirements we are establishing for developing a CCP. It is not the intent of this policy to provide step-by-step direction on how to prepare a CCP but rather to establish the requirements and standards to which we will hold all CCPs.

Fish and Wildlife Service Directives System

Because many of our field stations are in remote areas across the United States, it is important that all employees have available and know the current policy and management directives that affect their daily activities. Our Directives System, consisting of the Fish and Wildlife Service Manual, Director's Orders, and National Policy Issuances, is the vehicle for issuing our standing and continuing policy and management

directives. We post new directives on the Internet upon approval, ensuring that all employees have prompt access to the most current guidance.

The Fish and Wildlife Service Manual contains our standing and continuing directives with which our employees must comply and has force and effect within the Service. We use it to implement our authorities and to ''step down'' our compliance with statutes, executive orders, and departmental directives. It establishes the requirements and procedures to assist our employees in carrying out our authorities, responsibilities, and activities.

We limit Director's orders to temporary policy, procedures, delegations of authority, emergency regulations, special assignments of functions, and initial functional statements on the establishment of new organizational units. We convert all Director's orders, as needed, to appropriate parts of the Fish and Wildlife Service Manual. We generally do not issue material appropriate for immediate inclusion in the Fish and Wildlife Service Manual as a Director's order.

National Policy Issuances promulgate the Director's national policies for managing the Service and our programs. These policies are necessarily broad and generally require management discretion or judgment in their implementation. They represent the Director's expectations of how we will act in carrying out our official responsibilities.

The Fish and Wildlife Service Manual, Director's Orders, and National Policy Issuances are available on the Internet at http://www.fws.gov/directives/direct.html. When finalized, we will incorporate this policy on National Wildlife Refuge System planning into the Fish and Wildlife Service Manual as Part 602 Chapters 1, 2, and 3.

Comment Solicitation

If you wish to comment, you may submit your comments by any one of several methods. You may mail comments to: Chief, Division of Refuges, US Fish and Wildlife Service, 4401 North Fairfax Drive, Room 670, Arlington, Virginia 22203. You may comment via the Internet to: Planning__Policy__Comments@fws.gov. Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (703) 358–1744. You may also fax comments to: Chief, Division of Refuges, (703) 358–2248. Finally, you may hand-deliver comments to the address mentioned above.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

We seek public comments on this draft planning policy and will take into consideration comments and any additional information received during the 60-day comment period.

We will send a copy of the draft Fish and Wildlife Service Manual chapters on National Wildlife Refuge System planning to anyone who would like to receive them. In addition, these chapters will be available on the National Wildlife Refuge System web site (http://refuges.fws.gov [select link to ''Library,'' then link to ''Service Manual/Policy—Draft Chapters'']) during the 60-day comment period.

Primary Author: Elizabeth Bellantoni, Fish and Wildlife Biologist (Refuge Planning Coordinator), Division of Refuges, U.S. Fish and Wildlife Service, is the primary author of this notice.

Dated: July 14, 1999.

John G. Rogers,

Director.

Refuge Management

Part 602 National Wildlife Refuge System Planning

Chapter 1 Refuge Planning Overview

602 FW 1

1.1 What is the purpose of Part 602? Part 602 provides guidance for National Wildlife Refuge System (System) planning, including specific chapters on Comprehensive Conservation Plans (CCPs) and step-down management plans. This chapter (602 FW 1) provides an overview of refuge planning.

1.2 What does Part 602 apply to? Part 602 applies to all units of the National Wildlife Refuge System.

1.3 What is our policy for managing refuges? We will manage all refuges in accordance with an approved CCP that guides management decisions and sets forth goals, objectives, and strategies, which when implemented will achieve refuge purposes, contribute to the System mission, and meet all other relevant mandates. We also may require step-down management plans to provide additional details about meeting goals and objectives and implementing management strategies identified in CCPs. Each plan will be consistent with principles of sound fish and wildlife management, available science, legal mandates, and our other policies, guidelines, and planning documents.

1.4 What are our authorities? Authorities listed below include laws that require us to manage units of the System in accordance with approved CCPs and to integrate refuge planning decisions with the National Environmental Policy Act (NEPA) process.

A. National Wildlife Refuge System Administration Act of 1966 as amended by the National Wildlife Refuge System Improvement Act of 1997, 16 U.S.C. 668dd–668ee (Refuge Administration Act). This law states that '' * * * the Secretary shall—(i) propose a comprehensive conservation plan for each refuge or related complex of refuges * * * in the System; (ii) publish a notice of opportunity for public comment in the **Federal Register** on each proposed conservation plan; (iii) issue a final conservation plan for each planning unit consistent with the provisions of this Act and, to the extent practicable, consistent with fish and wildlife conservation plans of the State in which the refuge is located; and (iv) not less frequently than 15 years after the date of issuance of a conservation plan under clause (iii) and every 15 years thereafter, revise the conservation plan as may be necessary.'' This law provides additional detail on conservation planning for the System.

B. Alaska National Interest Lands Conservation Act of 1980 as amended, 16 U.S.C. 140hh–3233, 43 U.S.C. 1602–1784 (ANILCA). Section 304 states, in part, ''The Secretary shall prepare, and from time to time, revise, a comprehensive conservation plan * * * for each refuge.'' Find additional guidance on the content of these plans and on management direction in this and other sections of ANILCA. If any provisions of the Refuge Administration Act conflict with the provisions of

ANILCA, the provisions of ANILCA shall prevail for refuges in Alaska.

C. National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4321–4347, and the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR 1500–1508. NEPA is the basic national charter for the protection of the environment (NEPA, section 2). The procedural provisions in CEQ's regulations require Federal agencies to: integrate the NEPA process with other planning at the earliest possible time in order to provide a systematic interdisciplinary approach; identify and analyze environmental effects of their actions; describe appropriate alternatives to the proposal; involve the affected State and Federal agencies, Indian tribes, and the affected public in the planning and decision making process; and fully integrate all refuge proposals that may have an impact on the environment with the procedural provisions of NEPA (40 CFR 1501.2).

1.5 What are the goals of refuge planning?

A. To help ensure that we manage the System for the conservation of fish, wildlife, plants, and their habitats; and that refuge management accomplishes our policies, the System mission, and the purposes for which we established the refuge.

B. To help ensure that the administration of the System contributes to the conservation of biological diversity and integrity and to the structure and function of the ecosystems of the United States.

C. To help ensure that our other programs; Federal, State, and local agencies; Tribal governments; conservation organizations; adjacent landowners; and the public have opportunities to participate in the refuge planning process.

D. To provide a basis for adaptive management by monitoring progress, evaluating plan implementation, and updating refuge plans accordingly.

E. To promote efficiency, effectiveness, continuity and national consistency in refuge management.

F. To help ensure consistent Systemwide consideration of the six priority general public uses—hunting, fishing, wildlife observation and photography, and environmental education and interpretation—established by the Refuge Administration Act.

1.6 What do the following terms mean? (Quotations are from the Refuge Administration Act)

A. Alternative. Alternatives are different means of accomplishing refuge purposes and goals, contributing to the System mission, and resolving issues.

B. Comprehensive Conservation Plan/CCP. A document that describes the desired future conditions of the refuge and provides long-range guidance and management direction to accomplish the purposes of the refuge, contribute to the mission of the System, and meet other relevant mandates.

C. Coordination Area. A wildlife management area that is made available to a State, by ''(A) cooperative agreement between the United States Fish and Wildlife Service and the State fish and game agency pursuant to section 4 of the Fish and Wildlife Coordination Act (16 U.S.C. 664); or (B) by long-term leases or agreements pursuant to the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U.S.C. 1010 *et seq.*).'' States manage coordination areas but they are part of the Refuge System. We do not require CCPs for Coordination Areas.

D. Goal. Descriptive, open-ended, and often broad statement of desired future conditions that conveys a purpose but does not define measurable units.

E. Issue. Any unsettled matter that requires a management decision, e.g., an initiative, opportunity, resource management problem, threat to the resources of the unit, conflict in uses, public concern, or the presence of an undesirable resource condition.

F. National Wildlife Refuge (refuge). ''A designated area of land, water, or an interest in land or water within the System, but does not include Coordination Areas.'' Find a complete listing of all units of the System in the current *Annual Report of Lands Under Control of the U.S. Fish and Wildlife Service.*

G. National Wildlife Refuge System Mission (mission). ''The mission of the System is to administer a national network of lands and waters for the conservation, management and, where appropriate, restoration of the fish, wildlife and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.''

H. Objective. An objective is a concise statement of what we want to achieve, how much we want to achieve, when and where we want to achieve it, and who is responsible for the work. Objectives derive from goals and provide the basis for determining management strategies, monitoring refuge accomplishments, and evaluating the success of the strategies. Make your objectives attainable and time-specific and state them quantitatively to the extent possible. If you cannot state objectives quantitatively, state them qualitatively.

I. Planning Area. A planning area may include lands outside existing planning unit boundaries currently studied for inclusion in the System and/or partnership planning efforts. It may also include watersheds or ecosystems that affect the planning unit.

J. Planning Team. Planning teams are interdisciplinary in membership and function. Teams generally consist of a Planning Team Leader; Refuge Manager and staff biologists; and other appropriate specialists (e.g., social scientist, ecologist, recreation specialist). Team members may come from our other programs and other Federal, Tribal, and State natural resource agencies. The planning team prepares the CCP.

K. Planning Team Leader. The Planning Team Leader typically is a professional planner or natural resource specialist knowledgeable of the requirements of the National Environmental Policy Act (NEPA) and who has planning experience. The Planning Team Leader manages the refuge planning process.

L. Planning Unit. A single refuge, an ecologically/administratively related refuge complex or distinct unit of a refuge.

M. Purposes of the Refuge. ''The purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.''

N. Refuge Operating Needs System (RONS). The Refuge Operating Needs System is a national database which contains the unfunded operational needs of each refuge. We include projects required to implement approved plans, and meet goals, objectives, and legal mandates.

O. Step-down Management Plans. Step-down management plans deal with specific management subjects (e.g., habitat, public use, fire, safety) or groups of related subjects. Step-down management plans describe management strategies and implementation schedules.

P. Strategy. A specific action, tool or technique or combination of actions, tools, and techniques used to meet unit objectives.

Q. U.S. Fish and Wildlife Service Mission. Our mission is working with

others to conserve, protect, and enhance fish and wildlife and their habitats for the continuing benefit of the American people.

R. Wildlife-Dependent Recreational Use. ''A use of a refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation.'' These uses are the six priority general public uses of the Refuge System as established in the National Wildlife Refuge System Administration Act.

S. Vision Statement. A concise statement of what the planning unit could be, or what we could do, in the next 10 to 15 years, based primarily upon the System mission and specific refuge purposes, and other relevant mandates.

1.7 What is the relationship between the Refuge System, and other planning efforts? Refuge planning should maintain continuity and consistency with other planning initiatives. The relationship between these planning efforts is hierarchical, starting from national plans to regional, State, and ecoregion level plans stepping down to refuge-specific planning. See Exhibit 1. The process of adaptive management uses feedback from refuge research and monitoring, and evaluation of management actions to support or modify goals, objectives, and strategies at all planning levels.

A. National and Regional Plans. Opportunities and issues to address in refuge planning will consider other Service documents that address particular programs, species, habitats, public uses, economic uses, archaeological resources, etc. National and regional goals, objectives, strategies, and policies influence management planning for refuges. Source documents include the Service Manual, the North American Waterfowl Management Plan, National Outreach Strategy, regional resource plans, endangered species recovery plans, migratory bird and flyway plans, fishery resource plans, joint venture plans, Partners in Flight plans, and strategies to promote the conservation of natural biological diversity. The contribution of the refuge to achieving regional and national goals will help implement our mission and ensure the integrity of the System.

B. Service Ecoregion Plans, State Fish and Wildlife Conservation Plans, and Other Landscape Level Plans. Refuge planning will reflect conservation goals and objectives for the landscapes in which the refuges are located. Refuges must review goals and objectives of existing ecosystem plans and determine how the refuge can best contribute to the functioning of the ecosystem. Coordinate refuge planning with State conservation agencies, Tribal governments, other government agencies, and non-governmental organizations. To the extent practicable, the plans will be consistent with the fish and wildlife conservation plans of the State and the conservation programs of Tribal, public, and private partners within the ecosystem.

C. Land Acquisition Planning.

(1) Refuge planning typically begins before the establishment of an area as a unit of the System. Land acquisition planning, (usually resulting in a Land Protection Plan (LPP) and associated NEPA document) is a preliminary step in the continuous, integrated refuge planning process. This process eventually results in completion of a CCP and appropriate refuge step-down plans. Other land use, species, or habitat protection planning efforts, or legislative or executive directive may precede land acquisition planning. Initial refuge establishment documentation (LPP and associated NEPA document) should identify the approved refuge boundary, refuge purpose(s), goals, and general management direction.

(2) Planning for proposed new refuges or major expansions to existing refuges not undergoing a CCP will include the development of a Conceptual Management Plan (CMP) for the new unit. We design the CMP to provide general, interim management direction. The CMP should identify refuge purpose(s), interim goals, and pre-existing compatible wildlife-dependent recreational uses that we may allow to continue on an interim basis. We define the interim period as the duration of time between establishment of a new refuge or refuge expansion and the completion of an approved CCP. Fully integrate land acquisition planning efforts into CCP preparation whenever possible. Some proposed new refuges or refuge expansions may warrant CCP development at the time of acquisition planning. Include appropriate Realty staff on the planning team when considering land acquisition during the CCP process to ensure consistency with land acquisition policy. Also see 341 FW 2.

D. Comprehensive Conservation Plans (CCP). The CCP is a document that describes the desired future conditions of the refuge and provides long-range guidance and management direction for the Refuge Manager to accomplish the purposes of the refuge, contribute to the mission of the System, and to meet other relevant mandates. See 602 FW 2. For refuges established after October 9, 1997, prepare CCPs when the refuge obtains staff and acquires a land base sufficient to accomplish refuge purposes, but no later than 15 years after we establish the refuge. Convert refuge long-range management plans (e.g., master plans and refuge management plans), approved prior to October 9, 1997, into CCPs with appropriate public involvement and NEPA compliance no later than October 2012.

E. Step-down Management Plans. Step-down management plans provide the details necessary to implement management strategies identified in the CCP. CCPs will either incorporate or identify step-down plans required to fully implement the CCP. After completion of the CCP, modify existing step-down plans to accomplish stated objectives as needed. See 602 FW 3.

F. Integration with Budget Development and Implementation. We will use CCPs to guide annual budget requests. We will identify the unfunded costs of implementing strategies in refuge plans using our budget databases, including the Refuge Operating Needs System (RONS), Maintenance Management System (MMS), and Land Acquisition Priority System (LAPS). As we complete or update each plan, we will review and update these databases to incorporate projects identified in refuge plans. The total funding and staffing identified in these databases represents the additional resources required to fully implement the refuge plans.

1.8 Who are the responsible officials?

A. Director. The Director is responsible for providing national policy and ensuring adherence to refuge planning policy.

B. Regional Director. The Regional Director: (1) Ensures compliance with national planning policy, NEPA, and other applicable laws and policies; (2) approves CCPs and associated NEPA and other agency compliance documents; and (3) ensures that we manage refuges in accordance with approved CCPs. The Regional Director or designee approves step-down plans, determines planning priorities and allocates funds to develop and implement plans.

C. Refuge Programmatic Assistant Regional Director (PARD)/Geographic Assistant Regional Director (GARD). The Refuges and Wildlife Program Assistant Regional Directors are responsible for initiating and completing refuge plans, budgeting for planning, ensuring programmatic staff participation, and developing planning priorities with input from the Geographic Assistant Regional

Directors. The Geographic Assistant Regional Directors are responsible for ensuring that ecosystem teams participate in developing plans and implementing approved plans.

D. Refuge Planning Coordinators. The Washington Office, Division of Refuges and each Region will designate a Refuge Planning Coordinator. The Coordinators will periodically meet as a national team to review and recommend changes to planning policy, resolve common planning problems and issues, and help ensure national consistency. In cooperation with representatives of our National Conservation Training Center, the Coordinators will establish and maintain appropriate training courses. Refuge Planning Coordinators will provide guidance and direction to assist regional and field-based planning staff and planning team members. The coordinators are also responsible for maintaining regional planning schedules and updating status reports and funding needs for the planning program.

E. Planning Team Leader. The Planning Team Leader is responsible for initiation of the planning process, preparation and completion of refuge plans, and associated compliance requirements. The Planning Team Leader is responsible for identifying appropriate and proper representation on the interdisciplinary planning team, including core team members, support personnel, and outside or contract assistance. The Refuge Manager and Planning Team Leader submit the final CCP through line supervision for concurrence and approval by the Regional Director.

F. Refuge Supervisor. The Refuge Supervisor is responsible for overseeing participation of the Refuge Manager in CCP preparation and implementation, and for providing direction and guidance on compliance with System policy and regulations.

G. Refuge Manager. The Refuge Manager prepares the CCP working closely with the Planning Team Leader. The Refuge Manager assures that the refuge staff participates in plan development. The Refuge Manager and Planning Team Leader submit the final CCP through line supervision for concurrence and approval by the Regional Director. The Refuge Manager is responsible for making compatibility determinations and ensuring that agency compliance requirements are met and that the CCP, when implemented, will achieve the purposes of the refuge and will contribute to fulfilling the System mission. The Refuge Manager is responsible for implementing approved comprehensive and step-down plans, monitoring progress, and recommending changes to plans based on monitoring and evaluation. The Refuge Manager also reports plan accomplishments through standard reporting mechanisms and budgeting procedures.

H. Planning Team. The planning team, coordinated by the Planning Team Leader, is responsible for the initiation and completion of all planning steps, including public involvement and NEPA compliance, resulting in a refuge CCP. We describe the steps in 602 FW 2.4 C.

I. Regional Environmental (NEPA) Coordinator. The Regional Environmental (NEPA) Coordinator provides technical assistance on NEPA-related matters.

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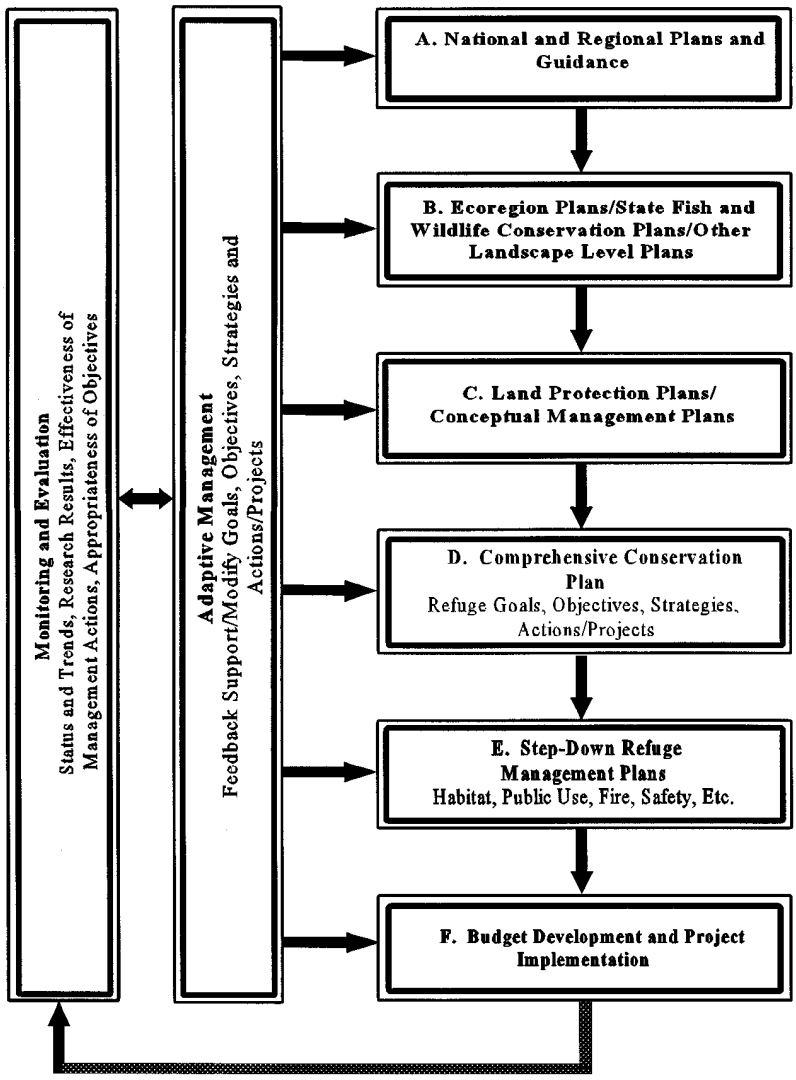
Exhibit 1

Relationships Between Service, System, and Other Planning Efforts



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Refuge Management

Part 602 National Wildlife Refuge System Planning

Chapter 2 Comprehensive Conservation Planning Process

602 FW 2

2.1 What is the purpose of this chapter? Comprehensive Conservation Plans (CCPs) describe the desired future conditions of a refuge, and provide long-range guidance and management direction for the Refuge Manager to accomplish the purposes of the refuge, contribute to the mission of the System, and meet other relevant mandates. The purpose of this chapter is to describe a systematic decision-making process that fulfills the requirements we are establishing for developing a CCP. It is not the intent of this policy to provide step-by-step direction on how to prepare a CCP but rather to establish the requirements and standards to which we will hold all CCPs. Experienced planners lead the CCP process. We strongly encourage the Refuge Manager and other key planning team members to attend the National Conservation Training Center (NCTC) course on Refuge Comprehensive Conservation Planning.

2.2 What is our policy for CCPs? We will prepare a CCP for each refuge in existence as of October 9, 1997, by October 2012. For refuges established after October 9, 1997, we will prepare CCPs when we staff the refuge and acquire a land base sufficient to accomplish refuge purposes, but no later than 15 years after establishment of the refuge. To the extent practicable, we will coordinate the development of CCPs with affected States. We will continue to manage each refuge or planning unit with existing plans effective prior to October 9, 1997, to the extent these plans are consistent with the Refuge Administration Act, until we revise such plans or new CCPs supercede them. Upon completion of a CCP, we will manage the refuge or planning unit in a manner consistent with the CCP. We will revise the CCP every 15 years thereafter, or earlier, if conditions that affect the refuge or planning unit change significantly.

2.3 What are our goals for Comprehensive Conservation Planning?

A. To provide a clear and comprehensive statement of desired future conditions for each refuge or planning unit.

B. To help ensure that we manage each refuge to fulfill the mission of the System as well as the specific purposes for which we established that refuge.

C. To encourage that we conduct refuge planning in concert with an ecosystem approach. This includes conducting concurrent refuge planning for refuges within the same watershed or ecosystem, and to consider the broader goals and objectives of the ecoregion, ecosystems and watersheds in which refuges are located when developing management direction.

D. To support management decisions and their rationale by sound professional judgment.

E. To provide a forum for the public to comment on the type, extent, and compatibility of uses on refuges.

F. To provide a uniform basis for budget requests for operational, maintenance, and capital improvement programs.

G. To ensure public involvement in refuge management decisions by providing a process for effective coordination, interaction, and cooperation with affected parties, including Federal agencies, State conservation agencies, Tribal governments, local governments, conservation organizations, adjacent landowners, and interested members of the public.

2.4 What is the Comprehensive Conservation Planning process?

A. The Comprehensive Conservation Planning process (see Exhibit 1) provides consistent guidelines for developing CCPs. We designed the planning process to result in the development of vision statements, goals, objectives, and management strategies that achieve refuge or planning unit purpose(s), contribute to the fulfillment of the System mission, and meet other relevant mandates.

B. Each CCP will comply with the provisions of the National Environmental Policy Act (NEPA) through the concurrent preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) that will accompany or be integrated with the CCP. We have integrated NEPA compliance requirements directly into the CCP planning process. When preparing an EA, consider integrating it into the draft CCP. When preparing an EIS with a CCP, integrate the documents. See Exhibit 1. Following completion of the final CCP/NEPA document, the product of the Comprehensive Conservation Planning process will be a stand-alone CCP, separate from the EA or EIS.

C. Our Comprehensive Conservation Planning process consists of the following eight steps. Although we display the steps sequentially, CCP planning and NEPA documentation are iterative processes. It is normal to cycle through some of the steps more than once or to have several steps occurring simultaneously. Actions within each of the eight steps may not be sequential.

(1) Preplanning: Plan the Plan

(a) Planning Team. Assemble the planning team, including the Planning Team Leader, the Refuge Manager and key staff members, and appropriate support staff or specialists from both regional and ecosystem teams (e.g., fisheries, cultural resources, endangered species, external affairs/outreach, realty, contaminants, migratory birds, water resources, etc.). The planning team also may include representatives from appropriate State or Tribal conservation agencies, and any agency that may have a direct land management relationship with the refuge.

(b) Identify Planning and Compliance Requirements and Special Designations. The planning team will identify planning and compliance requirements by reviewing our mission statements and those of the System, as well as refuge purposes and establishing legislation of the refuge. See Exhibit 2 for a list of laws and Executive Orders that may apply and Exhibit 3 for a checklist of elements we must include within a CCP. The planning team will identify and review other relevant mandates including laws, executive orders, regulations, and our policies, especially those with compliance requirements. The planning team also will review any existing special designation areas such as wilderness, research natural areas, wild and scenic rivers, wetlands of international importance, Western Hemisphere shorebird reserves, etc., and will specifically address the potential for any new special designations. Concurrent with the CCP process we will conduct a wilderness review and incorporate a summary of the review into the CCP. Refer to the wilderness section of the manual (Part 610) for guidance.

(c) Purpose and Need for the Plan. The purpose of developing the CCP is to provide the Refuge Manager with a 15-year management plan for the conservation of fish, wildlife, and plant resources and their related habitats, while providing opportunities for compatible wildlife-dependent recreational uses. The CCP, when fully implemented, should achieve planning unit purpose(s), contribute to the mission of the System, and address any relevant mandates. The CCP must be specific to the planning unit and identify the overarching wildlife, public, or management needs for the refuge.

(d) Planning Area, Data Needs, and Data Standards. Identify the relationship between the planning unit and its ecosystem(s) as well as relationships between the refuge and any other refuges or protected areas. Identify data available to address issues discussed in Step (g) Internal Scoping. You do not need to develop new data for the CCP; the CCP can identify the need for further data collection as a part of plan implementation and refinement. Identify and describe the following as appropriate (also see Exhibit 3).

(i) Distribution, migration patterns, and abundance of fish, wildlife, and plant populations, including any threatened or endangered species, and related habitats.

(ii) Significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants found within the planning unit and the actions necessary to correct or mitigate the problems.

(iii) Diversity of habitats and natural communities.

(iv) Archaeological and cultural resources.

(v) Land acquisition or habitat protection efforts.

(vi) Habitat management practices.

(vii) Natural and historic role of fire and other major disturbance agents affecting ecological processes.

(viii) Water resources including quality and quantity.

(ix) Known or suspected sources of environmental contaminants and their potential impacts on the planning unit (refer to the Contaminant Assessment Program).

(x) Opportunities for compatible wildlife-dependent recreation.

(xi) Potential need for administrative sites or visitor facilities.

(xii) Existing administrative resources, including staffing, funding, and facilities.

(xiii) Existing special management areas, or the potential for such designations (e.g., wilderness, research natural areas, and wild and scenic rivers).

(e) Review all available information, plans, data, maps, and data standards. Based on this review, determine what the initial planning area should include and identify any additional information and data needs, including mapping and GIS needs. **Note:** All Federal agencies and their contractors must comply with data standards endorsed by the Federal Geographic Data Committee (Executive Order 12906; 59 FR 17671, April 13, 1994). Of particular relevance to refuge planning are the Vegetation Classification Standard (FGDC–STD–005) and the Classification of Wetlands and Deep Water Habitats (FGDC–STD–004). Compliance with these standards will facilitate the sharing and exchange of high-quality vegetation and wetland data among Federal agencies and their partners. We also are developing other data standards, such as cartographic standards for delineation of refuge boundaries and land status.

(f) Vision and Goals. Review the existing planning unit vision statement and goals and determine the need for revision. If these do not exist, prepare draft vision and goals for consideration during public scoping. At a minimum each refuge should develop goals within the following management areas: habitat; fish, wildlife, and plant populations; compatible wildlife-dependent recreation; and other relevant mandates (such as refuge-specific legislation, executive orders, special area designations, etc.). In some cases, one or more of these areas will not require goal statements because opportunities do not exist in the management area. Goals will reflect planning unit purposes, contribute to the mission of the System, and will be consistent with relevant mandates and principles of sound fish and wildlife management. Planning unit goals will also reflect ecosystem goals to the extent these goals do not conflict with the System mission or the purposes for which we established the refuge. We also may develop refuge goals for our relevant mandates. Subsequently, we will develop objectives and strategies for planning unit goals (see 602 FW 2.5 (D)(a) Objective Development). For additional information on developing goals and objectives, see the *Writing Refuge Management Goals and Objectives: A Handbook* (March 1996).

(g) Internal Scoping. The planning team begins the internal scoping process by identifying management concerns, issues, and opportunities to resolve them, as well as any potential impacts and alternatives that we may need to address in the CCP and the NEPA analysis. Identify any significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants found within the planning unit (including candidate, threatened, and endangered species) and the actions necessary to correct or mitigate such problems. Make a preliminary assessment of water quality and quantity issues. See 403 FW1–3. Identify the potential need for administrative sites or visitor facilities, and land acquisition. Review the background, rationale, and the success or failure of any controversial management actions, and determine whether you need more information or data. Identify any additional information and data needed where appropriate.

(h) Public Involvement/Outreach Planning. The planning team will prepare a Public Involvement/Outreach Plan indicating how and when we will invite the affected public to participate in the development of the CCP. Establish a mailing list. Identify appropriate techniques and materials to use in public involvement efforts. Public involvement and outreach are integrated into each step and will continue throughout the planning process. For additional information on public involvement techniques, consult the *Public Participation Handbook* (U.S. Fish and Wildlife Service, 1985) or the NCTC *Refuge Comprehensive Conservation Planning Course Handbook and Reference Notebook.*

(i) Work Plan/Planning Schedule. Establish a work plan or planning schedule for the project. Determine who will be responsible for carrying out identified tasks, gathering information and data, and preparing products identified in the work plan or schedule. Identify all key NEPA compliance steps and public involvement activities. Identify any additional expertise, besides the planning team, required to prepare the CCP. This may include an economist, a facilitator for public and other meetings, contracted professional services, etc.

(j) Planning Record. Establish a Planning Record to document the preparation of the CCP and NEPA compliance, and assign its maintenance to a team member. The Planning Record will serve as a valuable reference source and provide important background and historical information. If there is a legal challenge to the CCP, use the Planning Record to construct the Administrative Record. For additional information on the Planning Record, consult the NCTC *Refuge Comprehensive Conservation Planning Course Handbook and Reference Notebook*.

(2) Initiate Public Involvement and Scoping

(a) Notice of Intent. Prepare a Notice of Intent (NOI) to prepare a CCP, with appropriate NEPA compliance, and publish the notice in the **Federal Register**. The notice initiates public scoping for the CCP/NEPA planning and decision-making process. If we initially determine that we will prepare an EIS for the CCP, the NOI should specify that. If at any time during the planning process we decide to prepare an EIS, we will publish a NOI to prepare an EIS in the **Federal Register**. A 30-day comment period will follow this notice.

(b) Public Scoping. Using news releases to the local media and other appropriate means, notify the affected public of the opportunity to participate in the preparation of the CCP and begin the scoping process. Conduct public involvement activities and gather public comments on any existing planning unit vision statements, goals, and objectives. Encourage the public to help identify potential issues, management actions and concerns, significant problems or impacts, and opportunities or alternatives to resolve them.

(c) Issues and Data Needs. Analyze all comments gathered and recorded during the scoping process. Identify any new issues, concerns, or significant problems, opportunities to resolve them, and potential refinements or revisions of existing planning unit vision statements, goals, and objectives. Based on this analysis, identify any additional information and data needed.

(3) Review Vision Statement and Goals and Determine Significant Issues

(a) Vision and Goals. Review and evaluate the public's comments on the planning unit vision statement and goals. Based on this review, modify the vision and goals for the planning unit as appropriate. See 602 FW2.5A(5).

(b) Determine Significant Issues. Review and evaluate all potential issues, management concerns, and problems and the opportunities to resolve them that the planning team or the public have identified. Identify those issues and concerns that are significant and that the CCP and associated NEPA document will address. Document the rationale for selecting significant issues, as well as the rationale for not selecting the other issues and concerns (e.g., outside the scope of the CCP, does not contribute to meeting refuge purposes/ mission, etc.).

(4) Develop and Analyze Alternatives, Including the Proposed Action. This part of the process is not sequential, it is iterative. Iterations of issue assessment; refinement and development of goals, objectives, and strategies; analysis and comparison of impacts and benefits of management actions; and the packaging or combining of similar themes or programs to develop preliminary alternatives result in the development of alternative management plans, and assessment of their environmental consequences. Start the process by defining the No Action or Continuation of Current Management Alternative. The alternatives should reflect different sets of strategies and actions to achieve refuge purposes, goals and objectives. Consider presenting this information in a matrix comparing issues, impacts, and benefits for each alternative.

(a) No Action Alternative. Define the No Action Alternative, which usually will be a continuation of current planning unit management strategies, fish, wildlife, plant populations, habitat, and public use management with no changes, or changes that would have occurred without the CCP. Develop maps that depict the No Action Alternative and document current management strategies.

(b) A Range of Alternatives. Develop a range of alternatives, or different approaches to planning unit management, that we could reasonably undertake to achieve planning unit goals and resolve any significant issues identified. Combine different sets of objectives and strategies to provide alternatives for management of the refuge. Give an equal effort to each alternative regarding specific objectives and strategies so that the decision-maker can make an informed choice. NEPA requires an equal and full analysis of all alternatives considered for implementation.

(c) Proposed Action. Identify our proposed action. This may be the alternative that best achieves planning unit purpose(s), vision, and goals; contributes to the System mission; addresses the significant issues and relevant mandates, and is consistent with principles of sound fish and wildlife management. Our proposed action is, for all practical purposes, the draft CCP for the planning unit.

(d) Objective Development. Develop objectives to address each goal. Consult our manual chapters on habitat management, populations management, and wildlife-dependent recreation during the development of objectives. The planning team should develop detailed, quantitative objectives when possible, using available information. Developing detailed objectives at this stage will expedite development of step-down plans. Develop objectives for specific refuge habitat types, management units, key species (e.g., migratory birds and threatened and endangered species), wildlife-dependent recreation, monitoring populations of fish, wildlife, and plants and their habitats, and other areas of management. Objectives may also deal with station information needs (for example, including the development of baseline data), administrative needs, and any other issues we need to address to meet the goals of the refuge. Document the rationale which supports each objective. The planning team also should consult *Writing Refuge Management Goals and Objectives: a Handbook* (March 1996). Prepare step-down management plans to provide the specific details of how to implement some strategies, and accomplish some objectives, if needed.

(e) Strategy Development. Develop strategies to identify the specific actions, tools, or techniques which are necessary to accomplish each objective. Strategies represent specific projects that provide the detail required to assess and develop funding, staffing, and partnerships needed to implement the plan. Develop inventory and monitoring strategies to measure implementation results in quantifiable and verifiable ways. We may need step-down management plans to provide the specific details of how to implement some strategies.

(f) Environmental Consequences. Assess the environmental consequences of implementing each alternative as required by NEPA. Compare the consequences of implementing each alternative in relation to the No Action Alternative, which serves as a baseline. Describe the adverse and beneficial impacts of implementing each alternative on fish, wildlife, and plants, and their habitats; any threatened or endangered species; cultural resources; the local economy; the ability to provide opportunities for compatible wildlife-dependent recreational uses; and other issues identified earlier in the planning process. This analysis must provide the level of detail necessary to assess the compatibility of all proposed uses. Describe each alternative's ability to achieve planning unit purpose(s), vision, and goals; contribute to the System mission; and address the significant issues and relevant mandates. This assessment will also identify the funding, staffing, and facilities required for implementation of each alternative.

(5) Prepare Draft Plan and NEPA Document

(a) Draft CCP and NEPA Document. Concurrently prepare the draft CCP and appropriate NEPA documentation. When preparing an EA, consider integrating the draft CCP with the EA. When preparing an EIS with a CCP, integrate the documents. If you decide to prepare separate documents, see Exhibit 4 for a recommended CCP outline. If the documents are separate, the proposed action and alternatives in the EA/EIS must fully contain all of the major actions of the draft CCP. If you decide to merge the CCP and NEPA documents, see Exhibit 5 for a recommended outline. During the process of preparing the plan, refer to Exhibit 3 to ensure that you include all

required elements in the plan. Ensure compliance regarding other programs and policies, including Section 7 of the Endangered Species Act, Section 404 of the Clean Water Act, Section 106 and 110 of the National Historic Preservation Act, Section 14 of the Archaeological Resources Protection Act, Executive Order 13007—Protection of Sacred Sites, Executive Order 11990—Protection of Wetlands, Executive Order 11988—Floodplain Management, etc. See Exhibit 2 for a list of relevant mandates to consider during the planning process.

(b) Compatibility Determinations. Complete or recertify compatibility determinations as part of the CCP process for all individual uses, specific use programs, or groups of uses associated with our proposed action. Prepared concurrently with the CCP, incorporate the draft compatibility determinations into the draft CCP as an appendix. We require public review and comment for all compatibility determinations. We can achieve this concurrently through public review and comment of the draft CCP and NEPA document. While other alternatives do not require formal compatibility determinations, assess the environmental consequences, and, for all practical purposes, compatibility of all uses proposed in those alternatives in the NEPA document. For additional information on compatibility determinations, consult the Service Manual, Part 603, Chapter 3 (603 FW 3).

(c) Interim Compatibility Determinations. If our proposed action includes expanding the planning unit by acquiring new lands, the draft CCP and NEPA documents also must identify any existing wildlife-dependent recreational uses occurring on those lands. Also identify those uses deemed compatible that we may allow to continue on an interim basis once we acquire the lands, pending completion of the CCP. Incorporate these interim compatibility determinations into the draft CCP and NEPA document.

(d) Internal Review. Submit the draft CCP and NEPA document for internal review within the Region following established regional procedures. Also submit these documents for internal review to all Regional Planning Coordinators and the Washington Office Planning Coordinator. Consider all comments received from the internal reviews and make appropriate changes to the draft document. Print the draft CCP and NEPA document and prepare for public review.

(e) Public Notice, Review, and Comment. Prepare a Notice of Availability of the draft CCP and NEPA document and publish it in the **Federal Register**. Notify the affected public of the availability of these documents through other appropriate means, as identified in the Public Involvement/Outreach Plan. Public notices will make clear that we are seeking concurrent review on compatibility determinations. Provide a minimum of 30 days review for a draft CCP with an EA and 60 days for a draft CCP with a draft EIS. Make copies of the draft CCP and NEPA document available to appropriate elected officials; Federal, State, and local agencies; Tribal governments; organizations; libraries; adjacent landowners; and individuals requesting them. Conduct appropriate public involvement activities as called for in the Public Involvement/Outreach Plan. Document all public comments, both written and oral, received on the draft CCP and NEPA document as part of the planning record.

(6) Prepare and Adopt Final Plan

(a) Public Comment, Analysis, and Response. Review and analyze all written and oral comments received from the public on the draft CCP and NEPA document. Determine which comments are substantive and warrant written response. Modify the document(s) as appropriate. Prepare a summary of the public comments received and a statement of the disposition of concerns expressed in those comments, noting where we have changed the document(s) or why we did not make such changes. Incorporate the summary and statement of disposition into the final document(s) (usually in the NEPA document or a CCP appendix).

(b) Final CCP and NEPA Document(s). Identify our preferred alternative and prepare the final CCP and appropriate NEPA documentation. The preferred alternative can be the proposed action, no action alternative, or another alternative discussed in the draft CCP and NEPA document. Following completion of the final CCP/NEPA document, the product of the CCP process is a stand-alone CCP (the preferred alternative for the planning unit). During the process of preparing the final plan, refer to Exhibit 3 to ensure that you include all required elements.

(c) Internal Review. Submit the final document(s) for internal review within the region according to established regional procedures. Consider all comments received from the internal review and make appropriate changes to the final document(s).

(d) Decision Document. The decision document will certify that agency compliance requirements are met and that the CCP, when implemented, will achieve the purposes of the refuge and will contribute to fulfilling the System mission.

(i) CCP with an EA and FONSI. The Refuge Manager and Planning Team Leader submit the final CCP and the FONSI through line supervision for concurrence and approval by the Regional Director. The Regional Director will sign and date both the FONSI and the final CCP. Following approval, print and distribute the final documents and appropriate appendices. Provide the FONSI to all interested and affected parties. Concurrent with distribution of the FONSI, provide the final, approved CCP or a summary to all interested parties. In some cases we may require a 30-day public review period for the FONSI (see 550 FW 3.3 B(4)(c)). In these cases, we may not sign or release the final CCP until the end of the 30-day review.

(ii) CCP with an EIS and ROD. The Refuge Manager and Planning Team Leader submit the final CCP/EIS through line supervision for concurrence and approval to release these documents to the public. Provide the final EIS to interested and affected parties for at least 30 days prior to issuing a ROD. After a minimum of 30 days, submit the ROD through line supervision for concurrence and approval by the Regional Director. The Regional Director will sign and date both the ROD and the final CCP. Following approval, print the final documents and appropriate appendices. Provide the ROD or notification of its availability to all interested and affected parties. Concurrent with the release of the ROD, provide or make available the final, approved CCP or a summary to interested parties. Effective with the signing and release of the ROD, implement the CCP.

(iii) The final product of the CCP process is a stand-alone CCP (the preferred alternative for the planning unit).

(e) Public Notice. Prepare a Notice of Availability of the final approved CCP and NEPA document(s) and publish it in the **Federal Register**. Notify the affected public of the availability of the final document(s) and through other appropriate means, as identified in the Public Involvement/Outreach Plan. Send copies of all final documents to the regional and Washington Office Planning Coordinators. Make copies of the final approved CCP and NEPA document(s) available to appropriate elected officials; Federal, State, and local agencies; Tribal governments; organizations; libraries; adjacent

landowners; and individuals requesting them.

(7) Implement Plan, Monitor, and Evaluate. Following formal adoption of the CCP and public notification of the decision, implementation of the management strategies identified in the CCP may begin. Allocate funding and staff time to the priority management strategies as defined in the CCP. Initiate the monitoring and evaluation process identified in the CCP to determine if we are making progress in achieving the planning unit purpose(s), vision, goals, and objectives. Through adaptive management, evaluation of monitoring and research results may indicate the need to modify refuge objectives or management strategies.

(8) Review and Revise Plan

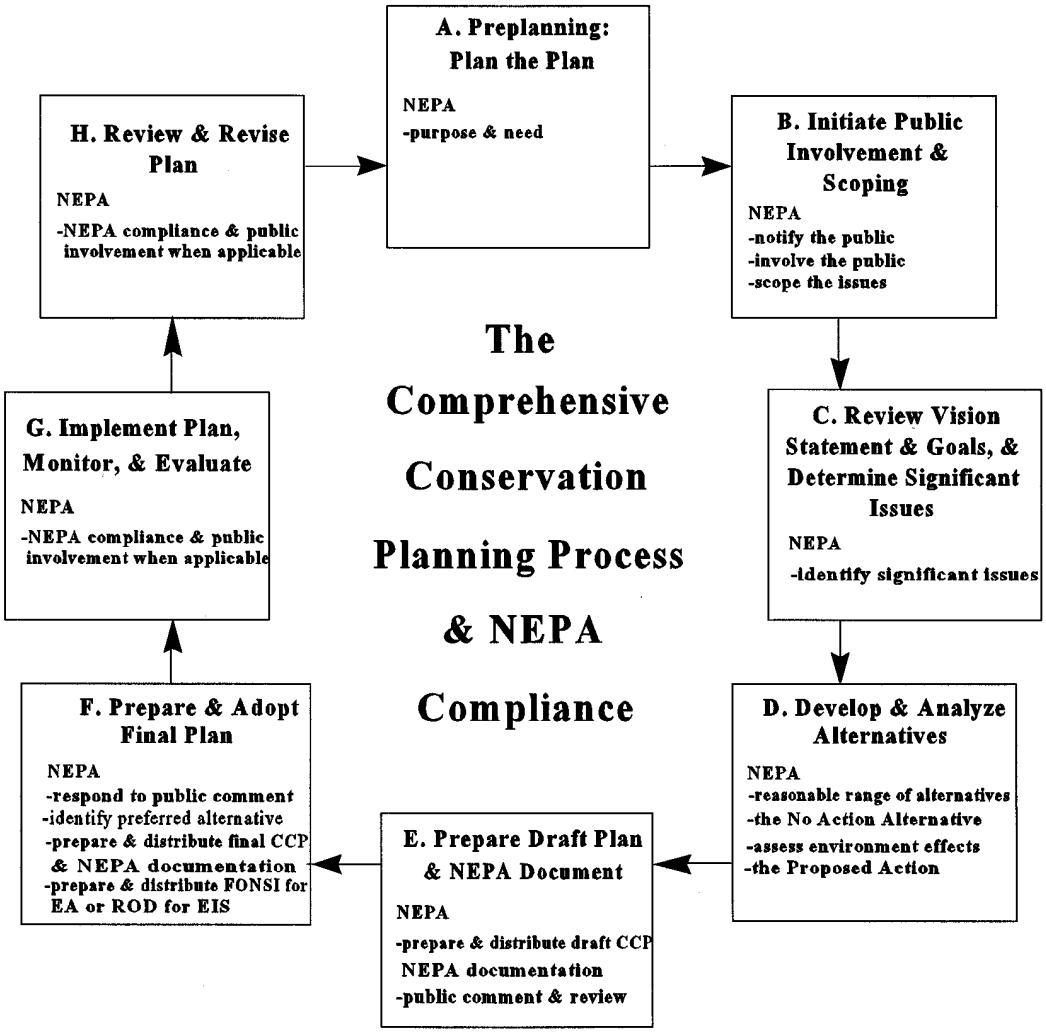
(a) Plan Review. Review the CCP periodically to decide if it requires any revisions. Modify management activities periodically if monitoring and evaluation determine that we need changes to achieve planning unit purpose(s), vision, goals, and objectives.

(b) Plan Revision. As set forth in the Refuge Administration Act, periodically review and revise the CCP at least every 15 years. Make minor plan revisions generally through the use of a categorical exclusion, if applicable. Document minor plan revisions that meet the criteria of a categorical exclusion in an Environmental Action Statement, in accordance with 550 FW 3.3C. Contact the Regional NEPA Coordinator for an up-to-date list of categorical exclusions. If the plan requires a major revision, then the CCP process starts anew at the pre-planning step.

(c) Ongoing Public Involvement. Continue informing and involving the public through appropriate means.

BILLING CODE 4310–55–P

Exhibit 1



Note: Although the steps are sequential, CCP planning and NEPA documentation are iterative processes. It is normal to cycle through some of the steps more than once or to have several steps occurring simultaneously. Actions within each of the eight steps may not be sequential either.

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EXHIBIT 2—MANDATES TO CONSIDER DURING COMPREHENSIVE CONSERVATION PLANNING

	Applicable Yes/No
Statutes	
Alaska National Interest Lands Conservation Act of 1980, as amended	
American Indian Religious Freedom Act of 1978	
Americans with Disabilities Act of 1990	
Anadromous Fish Conservation Act of 1965, as amended	
Antiquities Act of 1906	
Archaeological and Historic Preservation Act of 1974	
Archaeological Resources Protection Act of 1979, as amended	
Bald and Golden Eagle Protection Act of 1940, as amended	
Clean Air Act of 1970	
Clean Water Act of 1974, as amended	
Coastal Zone Management Act of 1972, as amended	
Emergency Wetlands Resources Act of 1986	
Endangered Species Act of 1973, as amended	
Farmland Protection Act of 1981, as amended	
Federal Cave Protection Act of 1988	
Federal Noxious Weed Act of 1990	
Fish and Wildlife Act of 1956	
Fish and Wildlife Coordination Act of 1958	
Fishery (Magnuson) Conservation and Management Act of 1976	
Marine Mammal Protection Act of 1972, as amended	
Migratory Bird Conservation Act of 1929	
Migratory Bird Hunting and Conservation Stamp Act of 1934	
Migratory Bird Treaty Act of 1918, as amended	
National Environmental Policy Act of 1969	
National Historic Preservation Act of 1966, as amended	
National Wildlife Refuge System Administration Act of 1966, as amended	
Native American Graves Protection and Repatriation Act of 1990	
Refuge Recreation Act of 1962, as amended	
Rivers and Harbors Act of 1899	
Water Resources Planning Act of 1965 (sole-source aquifers)	
Wild and Scenic Rivers Act of 1972, as amended	
Wilderness Act of 1964, as amended	
Executive Orders	
Executive Order 11644, Use of Off-Road Vehicles on Public Lands	
Executive Order 11987, Exotic Organisms	
Executive Order 11988, Floodplain Management	
Executive Order 11990, Protection of Wetlands	
Executive Order 12898, Environmental Justice for Minority Populations	
Executive Order 12996, Management and General Public Use of the National Wildlife Refuge System	
Executive Order 13007, Indian Sacred Sites	
Executive Order 13084, Consultation and Coordination with Indian Tribal Governments	

Exhibit 3—Checklist of Required Comprehensive Conservation Plan Elements

____ Short description of the refuge to include:
- ____ Size
- ____ Establishment date
- ____ Regional setting (include area map)
- ____ Status of acquisition
- ____ Current management (including a map)
- ____ Current staffing
- ____ Existing partnerships
- ____ Purpose(s) for which we established the refuge

____ Refuge System mission and goals.
____ Ecosystem goals and objectives.
____ Goals and objectives for other landscape level plans.
____ National goals and objectives for species, species groups, or programs (e.g., shorebirds, an endangered species, priority public use program).
____ Identify any relevant mandates that apply to the area or the proposed plan.
____ Description of the refuge environment:
- ____ the distribution, migration patterns, and abundance of fish wildlife, and plant populations within the planning unit;
- ____ the archaeological and cultural values of the planning unit;
- ____ refuge land status map;
- ____ description of refuge (planning area) vegetation types (map required);
- ____ description of vegetation/land cover and wildlife habitat relationships;
- ____ description of wildlife habitat and species relationships;
- ____ describe the context of the refuge in meeting the habitat needs of fish, wildlife, and plants, as they occur throughout their natural ranges;
- ____ describe the natural and historic role of fire and other ecological processes;
- ____ identify any existing special management areas (e.g., wilderness, wild and scenic rivers);
- ____ the relationship between the planning unit and other refuges and protected areas.

Exhibit 3

____ Document and describe the following:
- ____ the need for administrative sites or visitor facilities and areas within the planning unit that are suitable for such sites;
- ____ significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or

mitigate such problems;
____ summary of management history;
____ water quantity and quality requirements and issues;
____ identify all known or suspected sources of environmental contaminants and their potential impacts (i.e., Contaminant Assessment Program);
____ opportunities for compatible wildlife-dependent recreational uses;
____ other significant issues of management or public concern;
____ the potential for special management areas (e.g., wilderness, wild and scenic rivers, research natural areas).
____ Refuge Vision Statement
____ Refuge goals for at least the following areas:
____ habitat management (including land protection needs as appropriate);
____ fish, wildlife, and plant populations management;
____ wildlife-dependent recreation;
____ others as needed to meet relevant mandates (e.g., wilderness, wild and scenic rivers, cultural resources, etc.).
____ Objectives for each goal, including objectives to monitor the status and trends of fish, wildlife and plants which will evaluate the effectiveness of the plan.
____ Strategies to achieve each objective.
____ Map(s) of desired future conditions (e.g., habitat management areas, facilities, wildlife-dependent recreation sites, etc.).
____ Identify step-down management plans required to fully implement the plan.
____ Prioritized list of projects and estimated project costs (update priorities and cost estimates annually).
____ Staffing required to implement the plan.
____ Potential partnership opportunities.
____ Monitoring plan to evaluate the effectiveness of the plan and project implementation, including monitoring of target fish, wildlife, and plant populations and their habitats.
____ Summary of public involvement process, comments, and consultation and coordination with other Federal agencies, State conservation agencies, and adjacent landowners.
____ Compatibility determinations.
____ Wilderness review.
____ Habitat/Land Protection Plans (if applicable).
____ NEPA documentation.

Note: Some of these required elements may not be available. In these cases, you need to develop objectives or strategies in the plan to acquire that information.

Exhibit 4—Refuge Comprehensive Conservation Plan Recommended Outline

Cover Sheet
Title/Approval Page
Acknowledgments
Table of Contents
Summary
I. Introduction/Background
  Refuge Overview: History of Refuge Establishment, Acquisition and Management
  Purpose of and Need for Plan
  NWRS Mission, Goals and Guiding Principles
  Refuge Purpose(s)
  Refuge Vision Statement
  Legal and Policy Guidance
  Existing Partnerships
II. Planning Process
  Description of Planning Process
  Planning Issues
III. Summary Refuge and Resource Descriptions
  Geographic/Ecosystem Setting
  Refuge Resources, Cultural Values and Uses
  Special Management Areas
IV. Management Direction
  Refuge Management Direction: Goals, Objectives and Strategies/Projects
  Refuge Management Policies and Guidelines
V. Implementation and Monitoring
  Funding and Personnel
  Step-down Management Plans
  Partnership Opportunities
  Monitoring and Evaluation
  Plan Amendment and Revision
Appendices
  Glossary
  Bibliography
  RONS List
  MMS list
  Compatibility Determinations
  Habitat/Land Protection Plan(s)
  Compliance Requirements
  NEPA Documentation
  Summary of Public Involvement/ Comments and Consultation/ Coordination
  Mailing List
  List of Preparers
  Others, as appropriate

Exhibit 5—EA or EIS Incorporating Elements of a CCP Recommended Outline

Cover Sheet
Acknowledgments
Table of Contents
Summary
I. Introduction, Purpose of and Need for Action
  Purpose of and Need for Plan
  NWRS Mission, Goals and Guiding Principles
  History of Refuge Establishment, Acquisition and Management
  Legal and Policy Guidance
  Refuge Purpose(s)
  Refuge Vision Statement
  Refuge Management Direction: Goals
  Refuge Management Policies and Guidelines
  Step-down Management Plans
  Description of Planning Process
  Planning Issues
  Plan Amendment and Revision
II. Alternatives, Including the Service's Proposed Action
  Description of Each Alternative
    Refuge Management Direction: Objectives and Strategies
    Funding and Personnel
    Partnership Opportunities
    Monitoring and Evaluation
  Alternatives Considered, but Eliminated from Detailed Study
  Summary Comparison of Alternatives
III. Affected Environment
    Geographic/Ecosystem Setting
    Refuge Resources, Cultural Values and Uses
IV. Environmental Consequences
  Environmental Effects of Each Alternative
V. List of Preparers
VI. Consultation and Coordination with Others
  Summary of Public Involvement/ Comments
  Mailing List
Appendices
  Glossary
  Bibliography
  RONS List
  MMS List
  Compatibility Determinations
  Habitat/Land Protection Plan(s)
  Compliance Requirements
  Others, as appropriate

Refuge Management

Part 602 National Wildlife Refuge System Planning

Chapter 3 Step-Down Management Planning

602 FW 3

3.1 What is the purpose of this chapter? This chapter provides guidance on step-down management planning.

3.2 What is our policy for step-down management planning? Prepare step-down management plans when required by policy or identified in Comprehensive Conservation Plans (CCPs) and when they may be necessary to provide additional detail for achieving objectives or implementing management strategies identified in

CCPs. Step-down management plans should include public involvement and National Environmental Policy Act (NEPA) compliance documentation, as appropriate. Develop step-down management plans following the planning process guidance in 602 FW 2. (Consult your NEPA Coordinator.)

3.3 What is the applicability of step-down management planning and its relationship to Comprehensive Conservation Plans?

A. Step-down management planning is the formulation of detailed plans that describe management activities necessary to achieve objectives or implement management strategies identified in the CCP.

B. Step-down plans describe the specific management actions we are to follow, ''stepping down'' from general goals, objectives, and strategies. The preparation of new step-down plans or substantial changes to existing step-down plans typically will require further compliance with NEPA and other policies, and opportunity for public review. For public use plans or other step-down plans dealing with proposed uses of the refuge, prepare and append compatibility determinations to the plan.

C. The CCP will identify which step-down management plans are necessary and provide a schedule for their completion. While we require certain step-down plans for all refuges, we may require others, such as fire management and pest management depending on refuge resources, specific program requirements, or the need for additional details to implement management strategies identified in CCPs. In the absence of an approved CCP, we may develop step-down plans to describe goals, objectives, management strategies, and details necessary to implement a management program.

D. As an alternative to separate step-down management plans, we may address management programs in detail during the preparation of the CCP. Determining which programs we can address in detail in the CCP depends on several factors, including the degree of public interest, the amount of available information, and the complexity of the issues.

3.4 How do we combine step-down management plans? Address management subjects individually or combined into a single, integrated step-down plan. This decision rests with the Refuge Manager. Base the decision on management strategies defined in the CCP, the relationship between management program areas, and the complexity of the programs under consideration. Some program areas, such as fire management and habitat management, logically suggest an integrated approach.

3.5 What is the list of potential step-down management plans? Following is the current list of potential refuge step-down management plans. Consider all of these plans during the CCP process. The CCP will document which plans we require for the station.

Step-down management plans	Service manual reference
Occupational Safety and Health (required).	(Part 240)
Safety Program	(240 FW 1–9)
Safety Operations	(241 FW 1–8)
Industrial Hygiene	(242 FW 1–13)
Emergency Spill Response Plan.	(242 FW 6.1)
Compliance Requirements.	(Part 561)
Spill Prevention Control and Countermeasures Plan.	(561 FW 3)
Pollution Prevention Plan.	(560 FW 1 and 560 FW 2)
Hazardous Waste Contingency Plan.	(561 FW 6)
Special Management Areas.	(Part 611)
Research Natural Areas.	(611 FW 1)
Public Use Natural Areas.	(611 FW 2)
Wild and Scenic Rivers.	(611 FW 3)
National Trails	(611 FW 4)
Wilderness Area Management.	(Part 610)
Man in the Biosphere Reserve.	(National Park Service)
Western Hemisphere Shorebird Reserves.	
Ramsar Convention	(International Legal Materials 11:963–976)
Minerals Management	(Part 612)
Minerals and Mining	(612 FW 1)
Oil and Gas	(612 FW 2)
Long-Range Water Management Plan.	(403 FW 1.4)
Cultural Resources Management.	(Part 614)
Habitat Management Plan (HMT).	(Part 620)
Fire Management	(Part 621)
Wildlife-dependent Recreation.	(Part 605)
Hunting (required)	(605 FW 2)
Fishing (required)	(605 FW 3)
Wildlife Observation	(605 FW 4)
Wildlife Photography	(605 FW 5)
Environmental Education.	(605 FW 6)
Interpretation	(605 FW 7)
Law Enforcement	(Parts 440–459)
Populations Management	(Part 701)
Wildlife Inventories	(701 FW 2)
Propagation and Stocking.	(701 FW 3)
Marking and Banding.	(701 FW 4)
Disease Prevention and Control.	(701 FW 7)
Fishery Management	(Part 710)
Trapping	(631 FW 4)
Pest Management	(562 FW 2)
Exotic Species Management.	(Part 751)
Air Quality Management	(563 FW 2)

[FR Doc. 99–20923 Filed 8–12–99; 8:45 am]
BILLING CODE 4310–55–P

Friday
August 13, 1999

Part V

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting: Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999–2000 Season; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AF24

Migratory Bird Hunting; Proposed Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 1999–2000 Season

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter Service or we) proposes special migratory bird hunting regulations for certain tribes on Federal Indian reservations, off-reservation trust lands, and ceded lands for the 1999–2000 migratory bird hunting season.

DATES: To comment on these proposed regulations, you must do so by August 23, 1999.

ADDRESSES: Send your comments to: Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, ms 634–ARLSQ, 1849 C St., NW., Washington, DC 20240. You may inspect comments during normal business hours in Room 634—Arlington Square Building, 4401 N. Fairfax Drive, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Ron W. Kokel, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703/358–1714).

SUPPLEMENTARY INFORMATION: In the May 3, 1999, **Federal Register** (64 FR 23742), we requested proposals from Indian tribes wishing to establish special migratory bird hunting regulations for the 1999–2000 hunting season, under the guidelines described in the June 4, 1985, **Federal Register** (50 FR 23467). We developed guidelines in response to tribal requests for recognition of their reserved hunting rights and, for some tribes, recognition of their authority to regulate hunting by both tribal and non-tribal members on their reservations. The guidelines include possibilities for:

(1) On-reservation hunting by both tribal and non-tribal members, with hunting by non-tribal members on some reservations to take place within Federal frameworks but on dates different from those selected by the surrounding State(s);

(2) On-reservation hunting by tribal members only, outside of usual Federal frameworks for season dates and length, and for daily bag and possession limits; and

(3) Off-reservation hunting by tribal members on ceded lands, outside of usual framework dates and season length, with some added flexibility in daily bag and possession limits.

In all cases, the regulations established under the guidelines must be consistent with the March 10 to September 1 closed season mandated by the 1916 Migratory Bird Treaty with Canada. The guidelines apply to those tribes having recognized reserved hunting rights on Federal Indian reservations (including off-reservation trust lands) and on ceded lands. They also apply to establishing migratory bird hunting regulations for non-tribal members on all lands within the exterior boundaries of reservations where tribes have full wildlife management authority over such hunting or where the tribes and affected States otherwise have reached agreement over hunting by non-tribal members on lands owned by non-Indians within the reservation.

Tribes usually have the authority to regulate migratory bird hunting by nonmembers on Indian-owned reservation lands, subject to Service approval. The question of jurisdiction is more complex on reservations that include lands owned by non-Indians, especially when the surrounding States have established or intend to establish regulations governing hunting by non-Indians on these lands. In such cases, we encourage the tribes and States to reach agreement on regulations that would apply throughout the reservations. When appropriate, we will consult with a tribe and State with the aim of facilitating an accord. We also will consult jointly with tribal and State officials in the affected States where tribes wish to establish special hunting regulations for tribal members on ceded lands.

Because of past questions regarding interpretation of what events trigger the consultation process, as well as who initiates it, we provide the following clarification. We routinely provide copies of **Federal Register** publications to all State Directors, tribes and others interested parties. It is the responsibility of the States, tribes and others to notify us of any concern regarding any feature(s) of any regulations. When we receive such notification, we will initiate consultation.

Our guidelines provide for the continued harvest of waterfowl and other migratory game birds by tribal members on reservations where it has been a customary practice. We do not oppose this harvest, provided it does not take place during the closed season defined by the 1916 Migratory Bird Convention with Canada, and does not adversely affect the status of the migratory bird resource.

Before developing the guidelines, we reviewed available information on the current status of migratory bird populations; reviewed the current status of migratory bird hunting on Federal Indian reservations; and evaluated the potential impact of such guidelines on migratory birds. We concluded that the impact of migratory bird harvest by tribal members hunting on their reservations is minimal.

One area of interest in Indian migratory bird hunting regulations relates to hunting seasons for non-tribal members on dates that are within Federal frameworks, but which are different from those established by the State(s) where the reservation is located. A large influx of non-tribal hunters onto a reservation at a time when the season is closed in the surrounding State(s) could result in adverse population impacts on one or more migratory bird species. The guidelines make this unlikely, however, because tribal proposals must include:

(a) Harvest anticipated under the requested regulations;

(b) Methods that will be employed to measure or monitor harvest (such as bag checks, mail questionnaires, etc.);

(c) Steps that will be taken to limit level of harvest, where it could be shown that failure to limit such harvest would adversely impact the migratory bird resource; and

(d) Tribal capabilities to establish and enforce migratory bird hunting regulations.

We may modify or establish regulations experimentally, after evaluation and confirmation of harvest information obtained by the tribes.

We believe the guidelines provide appropriate opportunity to accommodate the reserved hunting rights and management authority of Indian tribes while ensuring that the migratory bird resource receives necessary protection. The conservation of this important international resource is paramount. The guidelines should not be viewed as inflexible. In this regard, we note that they have been employed successfully since 1985. We believe they have been tested adequately and therefore, made them final beginning with the 1988–89 hunting season. It should be stressed here, however, that use of the guidelines is not mandatory and no action is required if a tribe wishes to observe the hunting regulations established by the State(s) in which the reservation is located.

Population Status

May Breeding Waterfowl and Habitat Survey

In the Western or Traditional survey area, breeding habitat conditions were generally good to excellent, and overall better than conditions in 1998. An early warm spring and plenty of precipitation resulted in abundant ponds and excellent nesting cover in most of the Dakotas, northern Saskatchewan, the Northwest Territories, and western Ontario. The exceptions to these good conditions were southern and central Alberta, central Saskatchewan, and western Montana, where a dry early spring limited nesting habitat; and Alaska, where spring was as much as 2 weeks late. The estimated number of May ponds in the traditional survey area (6.7 million) was 46% greater than that of 1998, and 37% greater than the 1974–98 average. Overall, the traditional survey area was in good to excellent condition this spring and good to excellent waterfowl production is expected this year.

An expanded area of Eastern habitat conditions was included this year in the East. Although these additional areas have been surveyed since 1996, information from them is included this year for the first time. Unlike the Western survey area, habitat conditions in the east were generally poorer this year than last year. Much of the eastern survey area was relatively dry, especially Maine, the Maritimes, southern Quebec, and southern Ontario. Conditions resulted in few temporary ponds and low water levels in permanent water bodies. The northern portions of the east were in good to excellent condition, but lack of brood rearing habitat is expected to also limit production from this area. Overall, the eastern survey area was in fair to good condition, with fair to good production expected this year.

The 1999 total duck population estimate for the traditional survey area was 43.4 million birds, an increase of 11% over that of 1998, and 32% higher than the 1955–98 average. Mallard abundance was 10.8 million, an increase of 12% over last year and 47% greater than the long term average. Blue-winged teal abundance was 7.1 million, similar to 1998, but 65% greater than the long term average. Northern pintail (3.0, +21%), scaup (4.4 million, +27%), green-winged teal (2.6, +26%), and northern shoveler (3.9 million, +22%) increased from 1998 estimates. Gadwall (3.2 million, +110%), green-winged teal (+51%), northern shoveler (+95%), redheads (0.9 million, +60%), and canvasbacks (0.7 million, +29%) were above their respective long term averages, while pintails (−30%) and scaup (−18%) were below their long term averages. In the eastern areas of Canada and the U.S., the total number of ducks (1.3 million) remained unchanged from last year and the 1995–98 average. Abundances of individual species in the east were similar to those of last year, except for increased estimates of goldeneye (+196%). Goldeneye was above it's long term average (+287%), while blue-winged teal (−95%) and scaup (−90%) were below theirs.

Sandhill Cranes

The Mid-Continent Population of Sandhill Cranes appears to have stabilized following dramatic increases in the early 1980's. The Central Platte River Valley 1999 preliminary spring index, uncorrected for visibility, was 222,500. The photo-corrected 3-year average for the 1996–98 period was 477,911, which was 3% above the established population-objective range of 343,000–465,000 cranes. All Central Flyway States, except Nebraska, elected to allow crane hunting in portions of their respective States in 1998–99. About 8,700 hunters participated in these seasons, which was 8% higher than the previous year's seasons. About 21,849 cranes were harvested in 1998–99 in the Central Flyway, a 5% increase from the previous year's high estimate. Harvests from Pacific Flyway, Canada and Mexico are estimated to be about 13,700 for 1998–99 sport-hunting seasons. The total North American sport harvest, including crippling losses, was estimated to be about 41,414 for the Mid-Continent Population.

The fall 1998 pre-migration survey estimate for the Rocky Mountain Population was 18,202, which is similar to the 1997 estimate. Limited special seasons were held during 1998 in portions of Arizona, Idaho, Montana, New Mexico, Utah, and Wyoming, resulting in an estimated harvest of 538 cranes.

Woodcock

Wing-collection and Singing-ground surveys were conducted to assess the population status of the American woodcock (*Scolopax minor*). The 1998 recruitment index for the Eastern Region (1.7 immatures per adult female) equaled the long-term regional average; the recruitment index for the Central Region (1.6 immatures per adult female) was 6% below the long-term regional average. The index of daily hunting success in the Eastern Region increased from 1.8 woodcock per successful hunt in 1997 to 1.9 woodcock per successful hunt in 1998, but seasonal hunting success declined 4%, from 6.9 to 6.6 woodcock per successful hunter in 1997 and 1998, respectively. In the Central Region, the daily success index in 1998 was unchanged from the 1997 index (2.1 woodcock per successful hunt) but the seasonal success index increased from 10.0 to 11.0 (10%) woodcock per successful hunter. Singing-ground Survey data indicated that the number of displaying woodcock in the Eastern Region was unchanged ($P>0.1$) from 1998 levels. In the Central Region, there was a 13.4% decrease in the number of woodcock heard displaying ($P<0.01$) compared to 1998 levels. Trends from the Singing-ground Survey during 1989–99 were negative (−3.3 and −3.7% per year for the Eastern and Central regions, respectively; $P<0.01$). There were long-term (1968–99) declines ($P<0.01$) of 2.4% per year in the Eastern Region and 1.6% per year in the Central Region.

Doves and Band-tailed Pigeons

Analyses of Mourning Dove Call-count Survey data indicated significant declines in doves heard over the most recent 10 years and the entire 34 years of the survey in all 3 management units. White-winged doves in Arizona are maintaining a fairly stable population since the late 1970's. A low harvest is being maintained compared with birds taken several decades ago. In Texas, the phenomenon of the white-winged dove range expansion continues. Birds are now seen in most large cities in north and central Texas. White-tipped doves in Texas are maintaining their population with a relatively low harvest level. For band-tailed pigeons, the Coastal population continues to show a significant decline as indicated by the Breeding Bird Survey (BBS) for the 10 and 32-year periods. In contrast, mineral spring counts at 10 selected sites in Oregon indicate an overall stable population in the state with an increasing trend since 1986. Call-count survey results in Washington show no significant trends in the bandtail population between 1975–98. Washington has not opted to select a hunting season for band-tail pigeons since 1991. The harvest of coastal pigeons is estimated to be less than 20,000 birds out of a population of about 3 million. The Interior band-tailed pigeon population is stable with no trend indicated by the BBS over the short or long-term time periods. Harvest is less than 1,000 birds.

Hunting Season Proposals From Indian Tribes and Organizations

For the 1999–2000 hunting season, we received requests from twenty-three tribes and Indian organizations appropriate for **Federal Register** publication. We actively solicit regulatory proposals from other tribal groups that are interested in working cooperatively for the benefit of waterfowl and other migratory game birds. We encourage tribes to work with us to develop agreements for management of migratory bird resources on tribal lands. It should be noted that this proposed rule includes generalized regulations for both early- and late-season hunting. A final rule will be published in a late-August 1999 **Federal Register** that will include tribal regulations for the early-hunting season. The early season begins on September 1 each year and most commonly includes such species as mourning doves and white-winged doves. A final rule will also be published in a September 1999 **Federal Register** that will include regulations for late-season hunting. The late season begins on or around October 1 and most commonly includes waterfowl species.

In this current rulemaking, because of the compressed time frame for establishing regulations for Indian tribes and because final frameworks dates and other specific information are not available, the regulations for many tribal hunting seasons are described in relation to the season dates, season length and limits that will be permitted when final Federal frameworks are announced for early- and late-season regulations. For example, daily bag and possession limits for ducks on some areas are shown as ''Same as permitted Pacific Flyway States under final Federal frameworks,'' and limits for geese will be shown as the same permitted by the State(s) in which the tribal hunting area is located.

The proposed frameworks for early-season regulations were published in the **Federal Register** on July 22, 1999 (64 FR 38700); early-season final frameworks will be published in mid-August. Proposed late-season frameworks for waterfowl and coots will be published in mid-August, and the final frameworks for the late seasons will be published in mid-September. We will notify affected tribes of season dates, bag limits, etc., as soon as final frameworks are established. As previously discussed, no action is required by tribes wishing to observe migratory bird hunting regulations established by the State(s) where they are located. The proposed regulations for the twenty tribes with proposals that meet the established criteria are shown below.

(a) Colorado River Indian Tribes, Colorado River Indian Reservation, Parker, Arizona (Tribal Members and Non-tribal Hunters)

The Colorado River Indian Reservation is located in Arizona and California. The tribes own almost all lands on the reservation, and have full wildlife management authority.

In their 1999–2000 proposal, dated June 17, 1999, the Colorado River Indian Tribes requested split dove seasons. They propose their early season begin September 1 and end September 15, 1999. Daily bag limits would be 10 mourning or 10 white-winged doves either singly or in the aggregate. The late season for doves is proposed to open November 19, 1999, and close January 3, 2000. A daily bag limit would be 10 mourning doves. The possession limit would be twice the daily bag limit. Shooting hours would be from one-half hour before sunrise to noon in the early season and until sunset in the late season. Other special tribally set regulations would apply.

The tribes also propose duck hunting seasons. The season would likely open October 2, 1999, or on a Saturday and run for the maximum number of days allowed under the Pacific Flyway frameworks. The tribes propose the same season dates for coots and common moorhens. The daily bag limit for ducks, including mergansers, would be the same as that allowed in the Pacific Flyway. The possession limit would be twice the daily bag limit. The daily bag limit for coots and common moorhens would be 25, singly or in the aggregate. The possession limit for coots and common moorhens would be twice the daily bag limit. For geese, the Colorado River Indian Tribes propose a season of November 20, 1999, through January 16, 2000. The daily bag and possession limits for geese would be 4, but could include no more than 3 light geese or 2 dark geese.

In 1996, the tribe conducted a detailed assessment of dove hunting. Results showed approximately 16,100 mourning doves and 13,600 white-winged doves were harvested by approximately 2,660 hunters who averaged 1.45 hunter-days. Field observations and permit sales indicate that fewer than 200 hunters participate in waterfowl seasons. Under the proposed regulations described here and, based upon past seasons, we and the tribes estimate harvest will be similar.

Hunters must have a valid Colorado River Indian Reservation hunting permit in their possession while hunting. As in the past, the regulations would apply both to tribal and non-tribal hunters, and non-toxic shot is required for waterfowl hunting.

We propose to approve the Colorado River Indian Tribes regulations for the 1999–2000 hunting season.

(b) Confederated Salish and Kootenai Tribes, Flathead Indian Reservation, Pablo, Montana (Non-tribal Hunters)

For the past several years, the Confederated Salish and Kootenai Tribes and the State of Montana have entered into cooperative agreements for the regulation of hunting on the Flathead Indian Reservation. The State and the tribes are currently operating under a cooperative agreement signed in 1990 that addresses fishing and hunting management and regulation issues of mutual concern. This agreement enables all hunters to utilize waterfowl hunting opportunities on the reservation. The tribes proposed special regulations for waterfowl hunting were submitted in a June 8, 1999, proposal.

As in the past, tribal regulations for non-tribal members would be at least as restrictive as those established for the Pacific Flyway portion of Montana. Goose season dates would also be at least as restrictive as those established for the Pacific Flyway portion of Montana. Shooting hours for waterfowl hunting on the Flathead Reservation are sunrise to sunset. Steel, bismuth-tin, or other Federally-approved non-toxic shots are the only legal shotgun loads on the reservation for waterfowl or other game birds.

The requested season dates and bag limits are generally similar to past regulations. Harvest levels are not expected to change significantly. Standardized check station data from the 1993–94 and 1994–95 hunting seasons indicated no significant changes in harvest levels and that the large majority of the harvest is by non-tribal hunters.

We propose to approve the tribes' request for special migratory bird regulations for the 1999–2000 hunting season.

(c) Crow Creek Sioux Tribe, Crow Creek Indian Reservation, Fort Thompson, South Dakota (Tribal Members and Non-tribal Hunters)

The Crow Creek Indian Reservation has a checkerboard pattern of land ownership, with much of the land owned by non-Indians. Since the 1993–94 season, the tribe has selected special waterfowl hunting regulations independent of the State of South Dakota. The tribe observes migratory

bird hunting regulations contained in 50 CFR part 20.

In their 1999 proposal, the tribe requested a duck and merganser season of October 9 to December 21, 1999, with a daily bag limit of 6 ducks, including no more that 5 mallards (1 hen mallard), 1 canvasback, 2 redheads, 2 wood ducks, 2 scaup, and 1 pintail. The merganser daily bag limit would be 5 and include no more than 1 hooded merganser. For Canada geese, the tribe proposes an October 9, 1999, to January 9, 2000, season with a 3 bird daily bag limit. For white-fronted geese, the tribe proposes an October 2 to December 12, 1999, season with a daily bag limit of 2. For snow geese, the tribe proposes an October 2 to December 25, 1999, and February 19 to March 10, 2000, season with a daily bag limit of 20. Similar to last year, the tribe also requests a sandhill crane season from September 18 to October 24, 1999, with a daily bag limit of 3. In all cases, except snow geese, the possession limits would be twice the daily bag limit. There would be no possession limit for snow geese. Shooting hours would be from one-half hour before sunrise to sunset.

The season and bag limits would be essentially the same as last year and as such the tribe expects similar harvest. In 1994–95, duck harvest was 48 birds, down from 67 in 1993–94. Goose harvest during recent past seasons has been less than 100 geese.

We propose to approve the tribe's requested seasons. We also remind the tribe that all sandhill crane hunters are required to obtain a Federal sandhill crane permit. As such, the tribe should contact us for further information on obtaining the needed permits. In addition, as with all other groups, we request the tribe continue to survey and report harvest.

(d) Fond du Lac Band of Lake Superior Chippewa Indians, Cloquet, Minnesota (Tribal Members Only)

In 1996, for the first time, the Service and the Fond du Lac Band of Lake Superior Chippewa Indians cooperated to establish special migratory bird hunting regulations for tribal members. The Fond du Lac's June 4, 1999, proposal covers land set apart for the band under the Treaty of 1854 in northeast Minnesota.

The band's proposal for 1999–2000 is essentially the same as that approved last year. Specifically, the Fond du Lac Band proposes a September 11 to November 23, 1999, season on ducks, mergansers, coots and moorhens, and a September 1 to November 28, 1999, season for geese. For sora and Virginia rails, snipe, and woodcock, the Fond du Lac Band proposes a September 1 to November 28, 1999, season. Proposed daily bag limits would consist of the following:

Ducks: 20 ducks, including no more than 10 mallards (only 5 of which may be hens), 4 black ducks, 4 redheads, 4 pintails, and 2 canvasbacks.

Mergansers: 5 mergansers, including no more than 1 hooded merganser.

Geese: 10 geese.

Coots and Common Moorhens (Common Gallinules): 20 coots and common moorhens, singly or in the aggregate.

Sora and Virginia Rails: 25 sora and Virginia rails singly, or in the aggregate.

Common Snipe: 8 common snipe.

Woodcock: 3 woodcock.

The following general conditions apply:

1. While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

2. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR part 20 as to hunting methods, transportation, sale, exportation and other conditions generally applicable to migratory bird hunting.

3. Band members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

4. Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit, unless otherwise noted above. Possession limits are applicable only to transportation and do not include birds which are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of band members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. All migratory birds which fall on reservation lands will not count as part of any off-reservation bag or possession limit.

The Band anticipates harvest will be fewer than 500 ducks and geese and 150 coots.

We propose to approve the request for special migratory bird hunting regulations for the Fond du Lac Band of Lake Superior Chippewas.

(e) Grand Traverse Band of Ottawa and Chippewa Indians, Suttons Bay, Michigan (Tribal Members Only)

In the 1995–96 migratory bird seasons, the Grand Traverse Band of Ottawa and Chippewa Indians and the Service first cooperated to establish special regulations for waterfowl. The Grand Traverse Band is a self-governing, federally recognized tribe located on the west arm of Grand Traverse Bay in Leelanau County, Michigan. The Grand Traverse Band is a signatory tribe of the Treaty of 1836. We have approved special regulations for tribal members of the 1836 treaty's signatory tribes on ceded lands in Michigan since the 1986–87 hunting season.

For the 1999–2000 season, the Grand Traverse Band of Ottawa and Chippewa Indians proposes a tribal member duck season that would run from September 20, 1999, through January 20, 2000. A daily bag limit of 10 would include no more than 1 pintail, 1 canvasback, 1 hooded merganser, 2 black ducks, 2 wood ducks, 2 redheads, and 5 mallards (only 2 of which may be hens). For Canada geese, the tribe proposes a September 1 through November 30, 1999, and a January 1 through February 8, 2000, season. For white-fronted geese, brant, and snow geese, the tribe proposes an October 1 through November 30, 1999, season. The daily bag limit for all geese (including brant) would be 5 birds. Based on our information, it is unlikely that any Canada geese from the Southern James Bay Population would be harvested by the tribe.

For woodcock, snipe, and sora rail, the tribe proposes a September 1 to November 14, 1999, season. The daily bag limit shall not exceed 5 birds per species.

All other Federal regulations contained in 50 CFR part 20 would apply. The tribe proposes to closely monitor harvest through game bag checks, patrols, and mail surveys. In particular, the tribe proposes monitoring the harvest of Southern James Bay Canada geese to assess any impacts of tribal hunting on the population.

We propose to approve the Grand Traverse Band of Ottawa and Chippewa Indian's requested 1999-2000 special migratory bird hunting regulations.

(f) Great Lakes Indian Fish and Wildlife Commission, Odanah, Wisconsin (Tribal Members Only)

Since 1985, various bands of the Lake Superior Tribe of Chippewa Indians have exercised judicially recognized off-reservation hunting rights for migratory birds in Wisconsin. The specific

regulations were established by the Service in consultation with the Wisconsin Department of Natural Resources and the Great Lakes Indian Fish and Wildlife Commission (GLIFWC, which represents the various bands). Beginning in 1986, a tribal season on ceded lands in the western portion of the State's Upper Peninsula was developed in coordination with the Michigan Department of Natural Resources, and we have approved special regulations for tribal members in both Michigan and Wisconsin since the 1986–87, hunting season. In 1987, the GLIFWC requested and we approved special regulations to permit tribal members to hunt on ceded lands in Minnesota, as well as in Michigan and Wisconsin. The States of Michigan and Wisconsin concurred with the regulations, although Wisconsin has raised some concerns each year. Minnesota did not concur with the regulations, stressing that the State would not recognize Chippewa Indian hunting rights in Minnesota's treaty area until a court with jurisdiction over the State acknowledges and defines the extent of these rights. We acknowledge the State's concern, but pointed out that the United States Government has recognized the Indian hunting rights decided in the Voigt case, and that acceptable hunting regulations have been negotiated successfully in both Michigan and Wisconsin even though the Voigt decision did not specifically address ceded land outside Wisconsin. We believe this is appropriate because the treaties in question cover ceded lands in Michigan (and Minnesota), as well as in Wisconsin. Consequently, in view of the above, we have approved special regulations since the 1987–88 hunting season on ceded lands in all three States. In fact, this recognition of the principle of reserved treaty rights for band members to hunt and fish was pivotal in our decision to approve a special 1991–92 season for the 1836 ceded area in Michigan.

Recently, certain GLIFWC member bands have brought suit to resolve the issue of hunting, fishing and gathering rights in the Minnesota ceded areas covered under the 1837 and 1854 treaties. The Federal Government has intervened in support of the bands.

In a June 3, 1999, letter, the GLIFWC proposed off-reservation special migratory bird hunting regulations for the 1999–2000 seasons on behalf of the member tribes of the Voigt Intertribal Task Force of the GLIFWC (for the 1837 and 1842 Treaty areas) and the Bay Mills Indian Community (for the 1836 Treaty area). Member tribes of the Task Force are: the Bad River Band of Lake Superior Tribe of Chippewa Indians, The Lake Oreilles Band of Lake Superior Tribe of Chippewa Indians, the Lac du Flambeau Band of Lake Superior Tribe of Chippewa Indians, the Red Cliff Band of Lake Superior Tribe of Chippewa Indians, the St. Croix Chippewa Indians of Wisconsin, the Sokaogon Chippewa Community (Mole Lake Band), the Mille Lacs Band of Chippewa Indians in Minnesota, the Lac Vieux Desert Band of Chippewa Indians, and the Keweenaw Bay Indian Community in Michigan. Details of the proposed regulations are shown below. In general, the proposal is essentially the same as the regulations approved for the 1998–99 season.

Results of the 1998–99 hunter survey show that 599 ducks and 177 geese were harvested under an anticipated harvest of 3,000 ducks and 900 geese. Under the proposed regulations, harvest is expected to be similar to last year and most likely would not exceed 2,500 ducks and 800 geese.

We believe that regulations advanced by the GLIFWC for the 1999–2000 hunting season are biologically acceptable and recommend approval. If the regulations are finalized as proposed, we would request that the GLIFWC closely monitor the member band duck harvest and take any actions necessary to reduce harvest if locally nesting populations are being significantly impacted.

The Commission and the Service are parties to a Memorandum of Agreement (MOA) designed to facilitate the ongoing enforcement of Service-approved tribal migratory bird regulations. Its intent is to provide long-term cooperative application.

Also, as in recent seasons, the proposal contains references to Chapter 10 of the Migratory Bird Harvesting Regulations of the Model Off-Reservation Conservation Code. Chapter 10 regulations parallel State and Federal regulations and, in effect, are not changed by this proposal.

The GLIFWC's proposed 1999–2000 waterfowl hunting season regulations are as follows:

Ducks

A. Wisconsin and Minnesota 1837 and 1842 Zones

Season Dates: Begin September 15 and end December 1, 1999.

Daily Bag Limit: 20 ducks, including no more than 10 mallards (only 5 of which may be hens), 4 black ducks, 4 redheads, 4 pintails, and 2 canvasbacks.

B. Michigan 1836 and 1842 Treaty Zones

Season Dates: Begin September 15 and end December 1, 1999.

Daily Bag Limit: 10 ducks, including no more than 5 mallards (only 2 of which may be hens), 2 black ducks, 2 redheads, 2 pintails, and 1 canvasback.

Mergansers

A. Wisconsin and Minnesota 1837 and 1842 Zones

Season Dates: Begin September 15 and end December 1, 1999.

Daily Bag Limit: 5 mergansers.

B. Michigan 1836 and 1842 Treaty Zones

Season Dates: Begin September 15 and end December 1, 1999.

Daily Bag Limit: 5 mergansers, including no more than 1 hooded merganser.

Geese: All Ceded Areas:

Season Dates: Begin September 1 and end December 1, 1999.

Daily Bag Limit: 10 geese.

Other Migratory Birds: All Ceded Areas

A. Coots and Common Moorhens (Common Gallinules)

Season Dates: Begin September 15 and end December 1, 1999.

Daily Bag Limit: 20 coots and common moorhens (common gallinules), singly or in the aggregate.

B. Sora and Virginia Rails

Season Dates: Begin September 15 and end December 1, 1999.

Daily Bag Limit: 25 sora and Virginia rails singly, or in the aggregate.

C. Common Snipe

Season Dates: Begin September 15 and end December 1, 1999.

Daily Bag Limit: 8 common snipe.

D. Woodcock

Season Dates: Begin September 7 and end December 1, 1999.

Daily Bag Limit: 5 woodcock.

General Conditions

1. While hunting waterfowl, a tribal member must carry on his/her person a valid tribal waterfowl hunting permit.

2. Except as otherwise noted, tribal members will be required to comply with tribal codes that will be no less restrictive than the provisions of Chapter 10 of the Model Off-Reservation Code. Except as modified by the Service rules adopted in response to this proposal, these amended regulations parallel Federal requirements in 50 CFR Part 20 as to hunting methods, transportation, sale, exportation and

other conditions generally applicable to migratory bird hunting.

3. Tribal members in each zone will comply with State regulations providing for closed and restricted waterfowl hunting areas.

4. Possession limits for each species are double the daily bag limit, except on the opening day of the season, when the possession limit equals the daily bag limit, unless otherwise noted above. Possession limits are applicable only to transportation and do not include birds which are cleaned, dressed, and at a member's primary residence. For purposes of enforcing bag and possession limits, all migratory birds in the possession or custody of tribal members on ceded lands will be considered to have been taken on those lands unless tagged by a tribal or State conservation warden as having been taken on-reservation. In Wisconsin, such tagging will comply with applicable State laws. All migratory birds which fall on reservation lands will not count as part of any off-reservation bag or possession limit.

5. Minnesota and Michigan—Duck Blinds and Decoys. Tribal members hunting in Michigan and Minnesota will comply with tribal codes that contain provisions that parallel applicable State laws concerning duck blinds and/or decoys.

(g) Jicarilla Apache Tribe, Jicarilla Indian Reservation, Dulce, New Mexico (Tribal Members and Non-tribal Hunters)

The Jicarilla Apache Tribe has had special migratory bird hunting regulations for tribal members and nonmembers since the 1986–87 hunting season. The tribe owns all lands on the reservation and has recognized full wildlife management authority. In general, the proposed seasons would be more conservative than allowed by the Federal frameworks of last season and by States in the Pacific Flyway.

In a May 17, 1999, proposal, the tribe proposed a 1999–2000 waterfowl season opening date of October 2 and a closing date of November 30, 1999. Daily bag and possession limits would be the same as Pacific Flyway States. The tribe proposes a season on Canada geese with a 2-bird daily bag limit. Other regulations specific to the Pacific Flyway guidelines for New Mexico would be in effect.

The Jicarilla Game and Fish Department's annual estimate of waterfowl harvest is relatively small. In the 1998–99 season, estimated duck harvest was 608, a significant decrease from 816 in 1997–98. The species composition in the past has included mainly mallards, gadwall, wigeon, and teal. Northern pintail comprised only 3 percent of the total harvest in 1998.

The proposed regulations are essentially the same as were established last year. The tribe anticipates the maximum 1999–2000 waterfowl harvest would be around 600 to 1,000 ducks and 20 to 50 geese.

We propose to approve the tribe's requested 1999–2000 hunting seasons.

(h) Kalispel Tribe, Kalispel Reservation, Usk, Washington (Tribal Members and Non-tribal Hunters)

The Kalispel Reservation was established by Executive Order in 1914, and currently comprises approximately 4,600 acres. The tribe owns all Reservation land and has full management authority. The Kalispel Tribe has a fully developed wildlife program with hunting and fishing codes. The tribe enjoys excellent wildlife management relations with the State. The tribe and the State have an operational Memorandum of Understanding with emphasis on fisheries but also for wildlife. The non-tribal member seasons described below pertain to a 176-acre waterfowl management unit. The tribe is utilizing this opportunity to rehabilitate an area that needs protection because of past land use practices, as well as to provide additional waterfowl hunting in the area. Beginning in 1996, the requested regulations also included a proposal for Kalispel-member only migratory bird hunting on Kalispel-ceded lands within Washington, Montana, and Idaho.

For the 1999–2000 migratory bird hunting seasons, the Kalispel Tribe proposed, in a May 13, 1999, letter, tribal and non-tribal member waterfowl seasons. For non-tribal members, the tribe requests seasons which begin September 1, 1999 and end January 31, 2000. In that period, non-tribal hunters would be allowed to hunt on weekends, holidays and continuously in the month of December and January for a total of about 110 days. Hunters should obtain further information on days from the Kalispel Tribe. Daily bag and possession limits would be the same as those for the State of Washington.

The tribe reports a 1998–99 non-tribal harvest of 74 ducks and 0 geese. Under the proposal, the tribe expects harvest to be similar to last year and less than 100 geese and 200 ducks.

All other State and Federal regulations contained in 50 CFR part 20, such as use of steel shot and possession of a signed migratory bird hunting stamp, would be required.

For tribal members on Kalispel-ceded lands, the Kalispel proposes outside frameworks for ducks and geese of September 1, 1999, through January 31, 2000. However, during that period, the tribe proposes that the season run continuously. Daily bag and possession limits would be the same as those for the States of Washington and Idaho.

The tribe reports that there was no 1998–99 tribal harvest. Under the proposal, the tribe expects harvest to be less than 200 geese and 300 ducks. Tribal members would be required to possess a signed Federal migratory bird stamp and a tribal ceded lands permit.

We propose to approve the regulations requested by the Kalispel Tribe provided that the non-tribal seasons conform to final Federal frameworks for the Pacific Flyway. For the 1999–2000 season, outside Federal frameworks in the Pacific Flyway are October 2, 1999, through January 23, 2000 for ducks and geese with a 107-day maximum season length.

(i) Klamath Tribe, Chiloquin, Oregon (Tribal Members Only)

The Klamath Tribe currently has no reservation, per se. However, the Klamath Tribe has reserved hunting, fishing and gathering rights within its former reservation boundary. This area of former reservation, granted to the Klamaths by the Treaty of 1864, is over 1 million acres. Tribal natural resource management authority is derived from the Treaty of 1864, and carried out cooperatively under the judicially enforced Consent Decree of 1981. The parties to this Consent Decree are the Federal Government, the State of Oregon and the Klamaths. The Klamath Indian Game Commission sets the seasons. The tribal biological staff and tribal Regulatory Enforcement Officers monitor tribal harvest by frequent bag checks and hunter interviews.

In a July 26, 1999, communication, the Klamath Tribe proposed season dates of October 1, 1999, through January 31, 2000. Daily bag limits would be 9 for ducks and 6 for geese with possession limits twice the daily bag limit. The daily bag and possession limit for coots would be 25. Shooting hours would be one-half hour before sunrise to one-half hour after sunset.

Based on the number of birds produced in the Klamath Basin, the tribe expects that this year's harvest will be similar to last year's. Information on tribal harvest suggests that more than 70 percent of the annual goose harvest is local birds produced in the Klamath basin.

We propose to approve the Klamath Tribe's requested regulations.

(j) Leech Lake Band of Ojibwe, Cass Lake, Minnesota (Tribal Members Only)

The Leech Lake Band of Ojibwe is a federally recognized tribe located in Cass Lake, Minnesota. The reservation employs conservation officers to enforce conservation regulations.

For the 1999–2000 season, the tribe proposed in a May 20, 1999 letter a tribal member duck and goose season that would run from September 25 through November 28, 1999. Daily bag limits for both ducks and geese would be 10. Shooting hours are one-half hour before sunrise to one-half hour after sunset.

Based on past harvest surveys, the tribe expects less than 200 tribal hunters to participate and a harvest of less than 2,000 birds.

We propose to approve the Leech Lake Band of Ojibwe's requested 1999–2000 special migratory bird hunting regulations.

(k) Lower Brule Sioux Tribe, Lower Brule Reservation, Lower Brule, South Dakota (Tribal Members and Non-tribal Hunters)

The Lower Brule Sioux Tribe first established tribal migratory bird hunting regulations for the Lower Brule Reservation in 1994. The Lower Brule Reservation is about 214,000 acres in size and is located on and adjacent to the Missouri River, south of Pierre. Land ownership on the reservation is mixed, and until recently, the Lower Brule Tribe had full management authority over fish and wildlife via a MOA with the State of South Dakota. The MOA provided the tribe jurisdiction over fish and wildlife on reservation lands, including deeded and Corps of Engineers taken lands. For the 1999–2000 season, the two parties have come to a tentative agreement and meetings between the Lower Brule Sioux Tribe and the South Dakota Department of Game, Fish and Parks are continuing. It is anticipated that an agreement will be established and management authority clarified to allow the public a clear understanding of the Lower Brule Sioux Wildlife Department license requirements and hunting season regulations. The Lower Brule Reservation waterfowl season is open to tribal and non-tribal hunters.

For the 1999–2000 migratory bird hunting season, the Lower Brule Sioux Tribe proposes a duck and coot season length of 97 days, the same number of days tentatively allowed in the High Plains Management Unit for this season. The tribe's proposed season would run from October 2, 1999, through January 6, 2000. The daily bag limit would be 6 birds, including no more than 5 mallards (only 1 of which may be a hen), 1 pintail, 2 redheads, 2 wood ducks, 1 canvasback, 1 hooded merganser, and 1 mottled duck. The daily bag limit for coots would be 15. Possession limits would be twice the daily bag limits. The tribe also proposes a youth waterfowl hunt on September 25, 1999.

The tribe's proposed Canada goose season would run from October 16, 1999, through January 16, 2000, with a daily bag limit of 3 Canada geese. The tribe's proposed white-fronted goose season would run from October 16 through December 26, 1999, with a daily bag limit of 2 white-fronted geese. The tribe's proposed light goose season would run from October 16, 1999, through January 16, 2000, and February 25 through March 10, 2000. The light goose daily bag limit would be 20. Possession limits would be twice the daily bag limits.

In the 1998–99 season, hunters harvested an estimated 1,971 geese and 355 ducks. In 1994, duck harvest species composition was primarily mallard (57 percent), gadwall (10 percent), and green-winged teal (10 percent). Goose harvest is traditionally 98% Canada geese.

The tribe anticipates a duck harvest similar to last year and a goose harvest below the target harvest level of 3,000 to 4,000 geese. All basic Federal regulations contained in 50 CFR part 20, including the use of steel shot, Migratory Waterfowl Hunting and Conservation Stamp, etc., would be observed by the tribe's proposed regulations. In addition, the Lower Brule Sioux Tribe has an official Conservation Code that was established by Tribal Council Resolution in June 1982 and updated in 1996.

We propose to approve the tribe's requested regulations for the Lower Brule Reservation.

(l) Navajo Nation, Navajo Indian Reservation, Window Rock, Arizona (Tribal Members and Non-tribal Hunters)

Since 1985, we have established uniform migratory bird hunting regulations for tribal members and nonmembers on the Navajo Indian Reservation (in parts of Arizona, New Mexico, and Utah). The nation owns almost all lands on the reservation and has full wildlife management authority.

In a May 28, 1999 proposal, the tribe proposed special migratory bird hunting regulations on the reservation for both tribal and non-tribal members for the 1999–2000 hunting season for ducks (including mergansers), Canada geese, coots, band-tailed pigeons, and mourning doves. For waterfowl, the Navajo Nation requests the earliest opening dates and longest seasons, and the same daily bag and possession limits, permitted Pacific Flyway States under final Federal frameworks.

For both mourning dove and band-tailed pigeons, the Navajo Nation proposes seasons of September 1 through 30. The Navajo Nation also proposes daily bag limits of 10 and 5 for mourning dove and band-tailed pigeon, respectively. Possession limits would be twice the daily bag limits.

In addition, the nation proposes to require tribal members and non-members to comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20 pertaining to shooting hours and manner of taking. In addition, each waterfowl hunter 16 years of age or over must carry on his/her person a valid Migratory Bird Hunting and Conservation Stamp (Duck Stamp) signed in ink across the face. Special regulations established by the Navajo Nation also apply on the reservation.

The tribe anticipates a total harvest of less than 300 mourning doves, 100 band-tail pigeons, 500 ducks, coots, and mergansers, and 300 Canada geese.

We propose to approve the Navajo Nation request for these special regulations for the 1999–2000 migratory bird hunting seasons.

(m) Oneida Tribe of Indians of Wisconsin, Oneida, Wisconsin (Tribal Members Only)

Since 1991–92, the Oneida Tribe of Indians of Wisconsin and the Service have cooperated to establish uniform regulations for migratory bird hunting by tribal and non-tribal hunters within the original Oneida Reservation boundaries. Since 1985, the Oneida Tribe's Conservation Department has enforced their own hunting regulations within those original reservation limits. The Oneida Tribe also has a good working relationship with the State of Wisconsin and the majority of the seasons and limits are the same for the tribe and Wisconsin.

In a May 6, 1999, letter, the tribe proposed special migratory bird hunting regulations. For ducks, the tribe described the general ''outside dates'' as being September 18 through November 19, 1999, inclusive. The tribe proposes a daily bag limit of 6 birds, which could include no more than 5 mallards (1 hen mallard), 5 wood ducks, 1 canvasback, 1 redhead, 2 pintails, and 1 hooded merganser.

For geese, the tribe recommends a season between September 1 and

December 31, 1999, with a daily bag limit of 5 brant, 3 Canada geese, and 5 snow geese. Hunters will be issued 8 tribal tags for geese in order to monitor goose harvest. Additional tags will be issued when birds are registered. The tribe will also close the season during the gun deer season of November 20 to 28, 1999. If a quota of 150 geese is attained before the season concludes, the tribe will recommend closing the season early.

For woodcock, the tribe proposes a season between September 11 and November 19, 1999, with a daily bag and possession limit of 5 and 10, respectively.

The tribe proposes shooting hours be one-half hour before sunrise to sunset. Tribal members and non-tribal members hunting on the Reservation or on lands under the jurisdiction of the tribe will observe all basic Federal migratory bird hunting regulations found in 50 CFR, with the following exceptions: Indian hunters would be exempt from the purchase of the Migratory Waterfowl Hunting and Conservation Stamp (Duck Stamp); and shotgun capacity would not be limited to 3 shells.

The Service proposes to approve the request for special migratory bird hunting regulations for the Oneida Tribe of Indians of Wisconsin. We commend the tribe for their continuing efforts to closely monitor goose harvest and their other conservation efforts.

(n) Point No Point Treaty Tribes, Kingston, Washington (Tribal Members Only)

For the first time in 1996, the Service and the Point No Point Treaty Tribes, consisting of the Skokomish, Port Gamble S'klallam, Jamestown S'klallam, and Elwha S'klallam tribes, cooperated to establish special regulations for migratory bird hunting. The four tribes have reservations located on the Olympic Peninsula in Washington. All four tribes have successfully administered tribal hunting regulations since 1985 and each tribe has a comprehensive hunting ordinance.

The tribes' May 28, 1999, proposal requests seasons for ducks, geese, brant, coots, snipe, and mourning doves. For ducks, coots, geese, brant, and snipe, the tribes request a September 15, 1999, to January 15, 2000, season with a daily bag limit of 7 ducks, 25 coots, 4 geese (including no more than 3 light geese), 2 brant, and 8 snipe. The duck daily bag limit would include mergansers and could include no more than 2 hen mallards, 2 pintails, 1 canvasback, and 2 redheads. The season is closed on harlequin ducks and Aleutian Canada geese. All possession limits would be twice the daily bag limit. For mourning doves, the tribes propose a September 1 to September 30, 1999, season with a daily bag limit of 10.

The tribes require that all hunters authorized to hunt migratory birds on the reservation obtain a tribal hunting permit from the respective tribe. Hunters are also required to adhere to a number of special regulations available at the tribal office. Tribal harvest last year under similar regulations was approximately 212 ducks, 27 geese and 22 coots.

We propose to approve the Point No Point Treaty Tribes requested 1999–2000 regulations.

(o) Seminole Tribe of Florida, Big Cypress Seminole Reservation, Clewiston, Florida (Tribal Members and Non-tribal Hunters)

The Seminole Tribe of Florida and the Service have cooperated since 1995 to establish regulations for the 70,000 acre Big Cypress Seminole Reservation. Located northwest of Miami, the Big Cypress Seminole Reservation is totally tribally owned and the tribe has full wildlife management authority.

For the 1999–2000 season, the Seminole Tribe proposes establishing a mourning dove season from September 18, 1999, through January 20, 2000. Hunting would be allowed for tribal and non-tribal members, but would be on Saturdays only. Daily bag limits would be the same as those allowed within the Federal frameworks for the State of Florida. All other Federal regulations contained in 50 CFR part 20 would apply. In 1997, under identical regulations, hunters harvested 2,078 doves on the reservation. The tribe controls all entry to the hunt area.

We propose to approve the Seminole Tribe's requested 1999–2000 special migratory bird hunting regulations.

(p) Shoshone-Bannock Tribes, Fort Hall Indian Reservation, Fort Hall, Idaho (Non-tribal Hunters)

Almost all of the Fort Hall Indian Reservation is tribally-owned. The tribes claim full wildlife management authority throughout the reservation, but the Idaho Fish and Game Department has disputed tribal jurisdiction, especially for hunting by non-tribal members on reservation lands owned by non-Indians. As a compromise, since 1985, we have established the same waterfowl hunting regulations on the reservation and in a surrounding off-reservation State zone. The regulations were requested by the tribes and provided for different season dates than in the remainder of the State. We agreed to the season dates because they seemed to provide additional protection to mallards and pintails. The State of Idaho concurred with the zoning arrangement. We have no objection to the State's use of this zone again in the 1999–2000 hunting season, provided the duck and goose hunting season dates are the same as on the reservation.

In a May 14, 1999, proposal for the 1999–2000 hunting season, the Shoshone-Bannock Tribes requested a continuous duck (including mergansers) season with the maximum number of days and the same daily bag and possession limits permitted Pacific Flyway States, under final Federal frameworks. The tribes propose that, if the same number of hunting days are permitted as last year, the season would have an opening date of October 4, 1999, and a closing date of January 4, 2000.

Coot and snipe season dates would be the same as for ducks, with the same daily bag and possession limits permitted Pacific Flyway States. The tribes anticipate harvest will be between 2,000 and 5,000 ducks.

The tribes also requested a continuous goose season with the maximum number of days and the same daily bag and possession limits permitted Idaho under Federal frameworks. The tribes propose that, if the same number of hunting days are permitted as in previous years, the season would have an opening date of October 4, 1999, and a closing date of January 11, 2000. The tribes anticipate harvest will be between 4,000 and 6,000 geese.

Non-tribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20, pertaining to shooting hours, use of steel shot, and manner of taking. Special regulations established by the Shoshone-Bannock Tribes also apply on the reservation.

We note that the requested regulations are nearly identical to those of last year and propose they be approved for the 1999–2000 hunting season.

(q) Squaxin Island Tribe, Squaxin Island Reservation, Shelton, Washington (Tribal Members Only)

The Squaxin Island Tribe of Washington and the Service have cooperated since 1995 to establish special tribal migratory bird hunting regulations. These special regulations apply to tribal members on the Squaxin Island Reservation, located in western Washington near Olympia, and all lands within the traditional hunting grounds of the Squaxin Island Tribe.

The Squaxin Island Tribe usually outlines their migratory bird hunting

proposal through the Service's Region 1 Office, however, this year has not provided confirmatory information. The tribe would normally request establishing duck, coot, and snipe seasons that would run from September 15, 1999, through January 15, 2000. The daily bag limit for ducks would be 5 per day and could include only 1 canvasback. The season on harlequin ducks would be closed. For coots and snipe, the daily bag limit would be 25 and 8, respectively. For geese, the tribe would propose establishing a season that would run from September 15, 1999, through January 15, 2000. The daily bag limit for geese would be 4 per day and could include only 2 snow geese and 1 dusky Canada goose. The season on Aleutian and Cackling Canada geese would be closed. For brant, the tribe normally would propose establishing a September 15 to December 31, 1999, season with a daily bag limit of 2 birds per day. The tribe also would propose a September 15 to December 1, 1999, season for band-tailed pigeons with a daily bag limit of 2 per day.

In all cases, the possession limit would be twice the daily bag limit. Shooting hours would be from one-half hour before sunrise to one-half hour after sunset and steel shot would be required for migratory bird hunting. Further, the tribe requires all harvest be reported to their Natural Resources Office within 72 hours.

In 1995, the tribe reported that there was no harvest of any species. Tribal regulations are enforced by the tribe's Law Enforcement Department.

We propose to approve the Squaxin Island Tribe's 1999–2000 special migratory bird hunting regulations, provided the tribe provides the appropriate confirmation for the seasons.

(r) Swinomish Indian Tribal Community, LaConner, Washington (Tribal Members Only)

In 1996, the Service and the Swinomish Indian Tribal Community began cooperating to establish special regulations for migratory bird hunting. The Swinomish Indian Tribal Community is a federally recognized Indian tribe consisting of the Suiattle, Skagit, and Kikialos tribes. The Swinomish Reservation was established by the Point Elliott Treaty of 1855 and lies in the Puget Sound area north of Seattle, Washington.

The Tribal Community usually outlines their migratory bird hunting proposal through the Service's Region 1 Office, however, this year has not provided confirmatory information. The tribe would normally request establishing an off-reservation duck, merganser, Canada goose, brant, and coot season opening on the earliest possible date allowed by the final Federal frameworks for the Pacific Flyway and closing 30 days after the State of Washington closes. Daily bag and possession limits would be the same as those allowed by the State except that the Swinomish request an additional three birds of each species over that allowed by the State.

The Community normally anticipates that the regulations will result in the harvest of approximately 200 to 300 ducks, 25 to 50 Canada geese, 75 mergansers, 100 brant, and 50 coot. The Swinomish also utilize a tag and permit system to monitor harvest and will implement steps to limit harvest where conservation is needed. All tribal regulations will be enforced by tribal fish and game officers.

On reservation, the Tribal Community would propose a hunting season for the above mentioned species beginning on the earliest possible opening date and closing March 9, 1999. The Swinomish manage harvest by a tagging system and anticipate harvest will be similar to that expected off reservation.

We believe the estimated harvest by the Swinomish will be minimal and will not adversely effect migratory bird populations. We propose to approve the Tribal Community's regulations for the 1999–2000 season, provided the tribe provides the appropriate confirmation for the seasons.

(s) The Tulalip Tribes of Washington, Tulalip Indian Reservation, Marysville, Washington (Tribal Members and Non-tribal Hunters)

The Tulalip Tribes are the successors in interest to the tribes and bands signatory to the Treaty of Point Elliott of January 22, 1855. The Tulalip Tribes' government is located on the Tulalip Indian Reservation at Marysville, Washington. The tribes or individual tribal members own all of the land on the reservation, and they have full wildlife management authority. All lands within the boundaries of the Tulalip Tribes Reservation are closed to non-member hunting unless opened by Tulalip Tribal regulations.

In a June 1, 1999, letter, the Tulalip Tribes proposed tribal and non-tribal hunting regulations for the 1999–2000 seasons. For ducks and coot, the proposed season for tribal members would be from September 15, 1999, through February 1, 2000. In the case of non-tribal hunters hunting on the reservation, the season would be the latest closing date and the longest period of time allowed for the State of Washington under final Pacific Flyway Federal frameworks. Daily bag and possession limits for Tulalip Tribal members would be 6 and 12 ducks, respectively, except that for blue-winged teal, canvasback, harlequin, pintail, and wood duck, the bag and possession limits would be the same as those established for the State of Washington in accordance with final Federal frameworks. For non-tribal hunters, bag and possession limits would be the same as those permitted the State of Washington under final Federal frameworks. Non-tribal members should check with the Tulalip tribal authorities regarding additional conservation measures which may apply to specific species managed within the region. For geese, tribal members are proposed to be allowed to hunt from September 15, 1999, through February 1, 2000. Non-tribal hunters would be allowed the longest season and the latest closing date permitted for the State of Washington under final Federal frameworks. For tribal hunters, the goose daily bag and possession limits would be 6 and 12, respectively, except that the bag limits for brant, cackling Canada geese and dusky Canada geese would be those established for the Pacific Flyway in accordance with final Federal frameworks. For non-tribal hunters hunting on reservation lands, the daily bag and possession limits would be those established in accordance with final Federal frameworks for the State of Washington. The Tulalip Tribes also set a maximum annual bag limit on ducks and geese for those tribal members who engage in subsistence hunting.

All hunters on Tulalip Tribal lands are required to adhere to shooting hour regulations set at one-half hour before sunrise to sunset, special tribal permit requirements, and a number of other tribal regulations enforced by the tribe. Non-tribal hunters sixteen years of age and older, hunting pursuant to Tulalip Tribes' Ordinance No. 67, must possess a valid Federal Migratory Bird Hunting and Conservation Stamp and a valid State of Washington Migratory Waterfowl Stamp. Both stamps must be validated by signing across the face.

Although the season length requested by the Tulalip Tribes appears to be quite liberal, harvest information indicates a total take by tribal and non-tribal hunters under 1,000 ducks and 500 geese, annually.

We propose approval of the Tulalip Tribes request for the above seasons. We request that harvest be monitored closely and regulations be reevaluated

for future years if harvest becomes too great in relation to population numbers.

(t) White Earth Band of Chippewa, White Earth, Minnesota (Tribal Members Only)

The White Earth Band of Chippewa is a federally recognized tribe located in northwest Minnesota and encompasses all of Mahnomen County and parts of Becker and Clearwater Counties. The reservation employs conservation officers to enforce conservation regulations. For the first time in the 1999–2000 season, the tribe proposes to establish migratory bird hunting seasons on reservation lands.

In a July 28, 1999, letter, the tribe proposed a duck, merganser, and coot season of September 18 to November 30, 1999. The daily bag limit of 7 would include no more than 2 mallards and 1 canvasback through September 24 and no more than 2 hen mallards and 2 canvasbacks through the remainder of the season. The merganser daily bag limit would be 5 with no more than 2 hooded mergansers, and the coot daily bag limit would be 20. For geese, the tribe proposes a September 1 to November 30, 1999, season with a daily bag limit of 5 geese.

For dove, rail, woodcock, and snipe, the tribe proposes a September 11 to December 1, 1999, season with daily bag limits of 25 rails, 10 snipe, 10 woodcock, and 25 doves. Shooting hours are one-half hour before sunrise to one-half hour after sunset. Non-toxic shot is required.

Based on past harvest surveys, the tribe expects a harvest of less than 500 Canada geese and 1000 ducks.

We propose to approve the White Earth Band of Chippewa's requested 1999–2000 special migratory bird hunting regulations.

(u) White Mountain Apache Tribe, Fort Apache Indian Reservation, Whiteriver, Arizona (Tribal Members and Non-tribal Hunters)

The White Mountain Apache Tribe owns all reservation lands, and the tribe has recognized full wildlife management authority. The White Mountain Apache Tribe has requested regulations that are essentially unchanged from those agreed to since the 1997–98 hunting year.

The hunting zone for waterfowl is restricted and is described as: the entire length of the Black and Salt Rivers forming the southern boundary of the reservation; the White River, extending from the Canyon Day Stockman Station to the Salt River; and all stock ponds located within Wildlife Management Units 4, 6 and 7. Tanks located below the Mogollon Rim, within Wildlife Management Units 2 and 3 will be open to waterfowl hunting during the 1999–2000 season. All other waters of the reservation would be closed to waterfowl hunting for the 1999–2000 season.

For non-tribal and tribal hunters, the tribe proposes a continuous duck, coot, merganser, gallinule and moorhen hunting season, with an opening date of October 23, 1999, and a closing date of January 17, 2000. The tribe proposes a daily duck (including mergansers) bag limit of 4, which may include no more than 2 redheads or 1 canvasback and 1 redhead, 1 pintail, and 3 mallards (including no more than 1 hen mallard). The daily bag limit for coots, gallinules and moorhens would be 25 singly, or in the aggregate. For geese, the season is proposing a season from October 23, 1999, through January 17, 2000. Hunting would be limited to Canada geese, and the daily bag limit would be 3.

Season dates for band-tailed pigeons and mourning doves would run concurrently from September 1 through September 12, 1999, in Wildlife Management Units 7 and 10, only. Proposed daily bag limits for band-tailed pigeons and mourning doves would be 3 and 8, respectively.

Possession limits for the above species are twice the daily bag limits. Shooting hours would be from one-half hour before sunrise to sunset. There would be no open season for sandhill cranes, rails and snipe on the White Mountain Apache lands under this proposal. A number of special regulations apply to tribal and non-tribal hunters, which may be obtained from the White Mountain Apache Tribe Game and Fish Department.

We propose to approve the regulations requested by the tribe for the 1999–2000 seasons.

(v) Yankton Sioux Tribe, Marty, South Dakota (Tribal Members and Non-tribal Hunters)

On May 25, 1999, the Yankton Sioux Tribe submitted a waterfowl hunting proposal for the 1999–2000 season. The Yankton Sioux tribal waterfowl hunting season would be open to both tribal members and non-tribal hunters. The waterfowl hunting regulations would apply to tribal and trust lands within the external boundaries of the reservation.

For duck (including mergansers) and coots, the Yankton Sioux Tribe proposes a season starting October 9, 1999, and running for the maximum amount of days allowed under the final Federal frameworks. Daily bag and possession limits would be the same as those adopted by the State of South Dakota. For geese, the tribe has requested a dark geese (Canada geese, brant, white-fronts) season starting October 30, 1999, and running for the maximum amount of days allowed under the final Federal frameworks. The daily bag limit would be 3 geese (including no more than 1 whitefront or brant). Possession limits would be twice the daily bag limit. For snow geese, the proposed hunting season would start October 30, 1999, and running for the maximum amount of days allowed under the final Federal frameworks. Daily bag and possession limits would be the same as those adopted by the State of South Dakota.

All hunters would have to be in possession of a valid tribal license while hunting on Yankton Sioux trust lands. Tribal and non-tribal hunters must comply with all basic Federal migratory bird hunting regulations in 50 CFR part 20, pertaining to shooting hours and the manner of taking. Special regulations established by the Yankton Sioux Tribe also apply on the reservation.

During the 1998–99 hunting season, the tribe reported that 83 non-tribal hunters took 350 Canada geese, 40 snow geese, and 70 ducks. Tribal members harvested less than 75 geese and 40 ducks.

We concur with the Yankton Sioux proposal for the 1999–2000 hunting season.

Public Comment Invited

We intend that adopted final rules be as responsive as possible to all concerned interests, and therefore desire to obtain the comments and suggestions of the public, other governmental agencies, non-governmental organizations, and other private interests on these proposals. However, special circumstances are involved in the establishment of these regulations which limit the amount of time that we can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) the need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability, before mid-June, of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, we believe that to allow comment periods past the dates specified is contrary to the public interest.

The Department of the Interior's policy is, whenever practicable, to afford the public an opportunity to

participate in the rulemaking process. Accordingly, we invite interested persons to submit written comments, suggestions, or recommendations regarding the proposed regulations. Before promulgation of final migratory game bird hunting regulations, we will take into consideration all comments received. Such comments, and any additional information received, may lead to final regulations that differ from these proposals. We invite interested persons to participate in this rulemaking by submitting written comments to the address indicated under the caption **ADDRESSES**. You may inspect comments received on the proposed annual regulations during normal business hours at the Service's office in room 634, 4401 North Fairfax Drive, Arlington, Virginia. For each series of proposed rulemakings, we will establish specific comment periods. We will consider, but possibly may not respond in detail to, each comment. As in the past, we will summarize all comments received during the comment period and respond to them after the closing date.

Public Comments Received

We received two comments regarding the Notice of Intent published on May 3, 1999, which announced rulemaking on regulations for migratory bird hunting by American Indian tribal members. The Wisconsin Department of Natural Resources (Wisconsin) commented on the GLIFWC's proposal. Wisconsin had no objections to the proposed duck or goose season dates and bag limits. Wisconsin requested that tribal members honor the noon opening for shooting hours for the first day of the State's duck season and comply with the State's open water hunting restrictions. The Michigan Department of Natural Resources commented on the establishment of tribal regulations on 1836 Treaty areas. Michigan believed it was premature of the Service to establish waterfowl regulations in areas covered by the 1835 Treaty until such time as the issue of 1836 Treaty hunting rights are affirmed by a court of competent jurisdiction.

Service Response: Our position is that the Federal Government does recognize the Treaty of 1836 as reserving to the affected tribes or bands hunting rights in the ceded territory. Further, the Federal courts have already confirmed the retention of reserved fishing rights in the territory ceded by the Treaty of 1836 in *United States* v. *Michigan*, 471 F.Supp. 192 (W.D. Mich. 1979), *remanded*, 623 F.2d 448 (6th Cir. 1980), *order modified*, 653 F.2d 277 (6th Cir. 1981), *cert. denied*, 454 U.S. 1124 (1981). That case and cases dealing with other treaty cessions, such as *Lac Courte Oreilles* v. *Wisconsin* (i.e., both the 1837 and the 1842 Treaties), provide persuasive precedent for the belief that hunting as well as fishing rights were reserved by the tribes in the Treaty of 1836. We have not altered our position on this matter.

NEPA Consideration

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(C)), the ''Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES–75–74)'' was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the **Federal Register** on June 13, 1975, (40 FR 25241). A supplement to the final environmental statement, the ''Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (SEIS 88–14)'' was filed on June 9, 1988, and notice of availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582), and June 17, 1988 (53 FR 22727). Copies of these documents are available from us at the address indicated under the caption **ADDRESSES**. In addition, an August 1985 Environmental Assessment titled ''Guidelines for Migratory Bird Hunting Regulations on Federal Indian Reservations and Ceded Lands'' is available from the same address.

Endangered Species Act Considerations

Prior to issuance of the 1999–2000 migratory game bird hunting regulations, we will consider provisions of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531–1543; hereinafter the Act) to ensure that hunting is not likely to jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and that the proposed action is consistent with conservation programs for those species. Consultations under Section 7 of this Act may cause us to change proposals in this and future supplemental proposed rulemakings.

We will include findings from these consultations in a biological opinion and may cause modification of some regulatory measures proposed in this document. The final rule will reflect any modifications. Our biological opinion resulting from its Section 7 consultation are public documents available for public inspection in the Service's Division of Endangered Species and Office of Migratory Bird Management, U.S. Fish and Wildlife Service, at the address indicated under the caption **ADDRESSES**.

Regulatory Flexibility Act

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail and issued a Small Entity Flexibility Analysis (Analysis) in 1998. The Analysis documented the significant beneficial economic effect on a substantial number of small entities. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis was based on the 1996 National Hunting and Fishing Survey and the U.S. Department of Commerce's County Business Patterns from which it was estimated that migratory bird hunters would spend between $429 and $1,084 million at small businesses in 1998. Copies of the Analysis are available upon request.

Executive Order (E.O.) 12866

While this individual supplemental rule was not reviewed by the Office of Management and Budget (OMB), the migratory bird hunting regulations are economically significant and are annually reviewed by OMB under E.O. 12866.

E.O. 12866 requires each agency to write regulations that are easy to understand. We invite comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (5) Is the description of the rule in the ''Supplementary Information'' section of the preamble helpful in understanding the rule? What else could we do to make the rule easier to understand?

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act.

For the reasons outlined above, this rule has an annual effect on the economy of $100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995. We utilize the various recordkeeping and reporting requirements imposed under regulations established in 50 CFR part 20, Subpart K, in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018–0015 (expires 9/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations. OMB has also approved the information collection requirements of the Sandhill Crane Harvest Questionnaire and assigned clearance number 1018–0023 (expires 9/30/2000). The information from this survey is used to estimate the magnitude, the geographical and temporal distribution of harvest, and the portion it constitutes of the total population. A Federal 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.

Unfunded Mandates Reform Act

We have determined and certify, in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this proposed rule, has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Taking Implication Assessment

In accordance with Executive Order 12630, these rules, authorized by the Migratory Bird Treaty Act, do not have significant takings implications and do not affect any constitutionally protected property rights. These rules will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise privileges that would be otherwise unavailable; and, therefore, reduce restrictions on the use of private and public property.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employ guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulations. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 12612, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Government-to-Government Relationship With Tribes

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. Thus, in accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects on Indian trust resources. However, by virtue of the tribal proposals contained in this proposed rule, we have consulted with all the tribes affected by this rule.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Based on the results of soon to be completed migratory game bird studies, and having due consideration for any data or views submitted by interested parties, this proposed rulemaking may result in the adoption of special hunting regulations for migratory birds beginning as early as September 1, 1999, on certain Federal Indian reservations, off-reservation trust lands, and ceded lands. Taking into account both reserved hunting rights and the degree to which tribes have full wildlife management authority, the regulations only for tribal members or for both tribal and non-tribal members may differ from those established by States in which the reservations, off-reservation trust lands, and ceded lands are located. The regulations will specify open seasons, shooting hours, and bag and possession limits for rails, coot, gallinules (including moorhen), woodcock, common snipe, band-tailed pigeons, mourning doves, white-winged doves, ducks (including mergansers) and geese.

The rules that eventually will be promulgated for the 1999–2000 hunting season are authorized under the Migratory Bird Treaty Act (MBTA) of July 3, 1918 (40 Stat. 755; 16 U.S.C. 703 *et seq.*), as amended. The MBTA authorizes and directs the Secretary of the Interior, having due regard for the zones of temperature and for the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds, to determine when, to what extent, and by what means such birds or any part, nest or egg thereof may be taken, hunted, captured, killed, possessed, sold, purchased, shipped, carried, exported or transported.

Dated: August 9, 1999.

Donald Barry,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 99–20963 Filed 8–12–99; 8:45 am]

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H.R. 2565/P.L. 106–46

To clarify the quorum requirement for the Board of Directors of the Export-Import Bank of the United States. (Aug. 11, 1999; 113 Stat. 227)

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