

Journal of Neuroscience



The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see <http://www.nara.gov/fedreg>.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at <http://www.access.gpo.gov/nara>. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type `swais`, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512-1262; or call (202) 512-1530 or 1-888-293-6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday-Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is \$555, or \$607 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is \$220. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is \$8.00 for each issue, or \$8.00 for each group of pages as actually bound; or \$1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954.

There are no restrictions on the republication of material appearing in the **Federal Register**.

How To Cite This Publication: Use the volume number and the page number. Example: 64 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche 202-512-1800
Assistance with public subscriptions 512-1806

General online information 202-512-1530; 1-888-293-6498

Single copies/back copies:

Paper or fiche 512-1800
Assistance with public single copies 512-1803

FEDERAL AGENCIES

Subscriptions:

Paper or fiche 523-5243
Assistance with Federal agency subscriptions 523-5243



Contents

Federal Register

Vol. 64, No. 175

Friday, September 10, 1999

Agency for International Development

NOTICES

Meetings:

Food Security Interim Advisory Committee, 49142
International Food and Agricultural Development Board, 49142

Agency for Toxic Substances and Disease Registry

NOTICES

Senior Executive Service:

Performance Review Board; membership, 49190

Agriculture Department

See Animal and Plant Health Inspection Service

See Forest Service

See Natural Resources Conservation Service

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 49142–49145

Alcohol, Tobacco and Firearms Bureau

RULES

Alcohol, tobacco, and other excise taxes:

Permit proceedings; practice rules—
Technical amendments, 49083–49084

Animal and Plant Health Inspection Service

RULES

Plant-related quarantine, domestic:

Mexican fruit fly, etc.; high-temperature forced-air treatments for citrus fruits, 49079

Army Department

See Engineers Corps

NOTICES

Meetings:

Army Education Advisory Committee, 49167

Blind or Severely Disabled, Committee for Purchase From People Who Are

See Committee for Purchase From People Who Are Blind or Severely Disabled

Census Bureau

NOTICES

Agency information collection activities:

Proposed collection; comment request, 49149–49150

Centers for Disease Control and Prevention

NOTICES

Agency information collection activities:

Proposed collection; comment request, 49188–49189

Meetings:

Attention Deficit Hyperactivity Disorder; Public Health Perspective; conference, 49189
National Institute for Occupational Safety and Health—
Safety and Occupational Health Study Section, 49189–49190

Senior Executive Service:

Performance Review Board; membership, 49190

Commerce Department

See Census Bureau

See International Trade Administration

See National Oceanic and Atmospheric Administration

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 49148–49149

Committee for Purchase From People Who Are Blind or Severely Disabled

NOTICES

Procurement list; additions and deletions, 49147–49148

Committee for the Implementation of Textile Agreements

NOTICES

Cotton, wool, and man-made textiles:

China, 49166

Defense Department

See Army Department

See Engineers Corps

NOTICES

Meetings:

Healthcare Quality Initiatives Review Panel, 49166–49167
National Security Education Board Group of Advisors, 49167

Emergency Oil and Gas Guaranteed Loan Board

NOTICES

Meetings:

Program operations, 49168–49169

Emergency Steel Guarantee Loan Board

NOTICES

Meetings:

Program operations, 49168–49169

Employment and Training Administration

NOTICES

Adjustment assistance:

Cooper Tools, 49240
Goodyear Tire & Rubber Co., 49240
Hoke, Inc., et al., 49240–49241
Starke Uniform Manufacturing Co., 49241–49242
Stonecutter Textiles, Inc., 49242
Stroh Brewery Co., 49242
Tennford Weaving, 49242

Adjustment assistance and NAFTA transitional adjustment assistance:

Torrington Co., 49240

NAFTA transitional adjustment assistance:

Phelps Dodge Magnet Wire et al., 49243–49245

Employment Standards Administration

NOTICES

Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 49245–49246

Energy Department

See Federal Energy Regulatory Commission

NOTICES

Environmental statements; availability, etc.:
Argonne National Laboratory-West, ID, et al.; sodium-bonded spent nuclear fuel treatment and management, 49169-49170

Engineers Corps**NOTICES**

Environmental statements; availability, etc.:
New York and New Jersey, Port of; dredged material management plan, 49167-49168

Environmental Protection Agency**RULES**

Air quality implementation plans; approval and promulgation; various States:
Nevada, 49084-49087

NOTICES

Agency information collection activities:
Proposed collection; comment request, 49180-49181
Submission for OMB review; comment request, 49181-49182

Environmental statements; availability, etc.:
Agency statements—
Comment availability, 49184
Weekly receipts, 49183-49184

Meetings:
National Drinking Water Advisory Council, 49185
Scientific Counselors Board Executive Committee, 49185

Executive Office of the President

See Management and Budget Office
See Presidential Documents
See Trade Representative, Office of United States

Federal Aviation Administration**RULES**

Airworthiness directives:
McDonnell Douglas; correction, 49080-49082

PROPOSED RULES

Airworthiness directives:
Aerospatiale, 49113-49115
Airbus, 49110-49112
Boeing, 49105-49109
Cessna, 49115-49117
Raytheon, 49112-49113

NOTICES

Airport noise compatibility program:
Anchorage International Airport, AK, 49270

Passenger facility charges; applications, etc.:
St. Cloud Regional Airport, MN, 49270-49271

Federal Communications Commission**RULES**

Radio stations; table of assignments:
California, 49089
Colorado, 49087-49089
Hawaii, 49088-49092

PROPOSED RULES

Common carrier services:
Wireless telecommunications services—
Extension to Tribal lands, 49128-49135

Radio stations; table of assignments:

Oregon, 49135

NOTICES

Agency information collection activities:
Proposed collection; comment request, 49185-49186

Federal Energy Regulatory Commission**NOTICES**

Electric rate and corporate regulation filings:
Athens Generating Co., L.P., et al., 49177-49180

Applications, hearings, determinations, etc.:
ANR Pipeline Co., 49170
Colorado Interstate Gas Co., 49170-49171
Discovery Gas Transmission LLC, 49171
Dynegy Midstream Pipeline, Inc., 49171
East Tennessee Natural Gas Co., 49171
Great Lakes Gas Transmission L.P., 49172
Midwestern Gas Transmission Co., 49172
Mobil Energy Services Co., L.L.C.; correction, 49276
Natural Gas Pipeline Co. of America, 49172
Natural Gas Processing Co., 49173
Northwest Pipeline Corp., 49173
ONEOK Gas Storage, L.L.C., et al., 49174
Panhandle Eastern Pipe Line Co., 49174
Questar Pipeline Co.; correction, 49276
Reliant Energy Gas Transmission Co., 49174
Southern Natural Gas Co., 49175-49176
Texas Eastern Transmission Corp., 49176
Texas Gas Transmission Corp., 49176
TransColorado Gas Transmission Co.; correction, 49276
Venice Gathering System, L.L.C., 49176-49177
Viking Gas Transmission Co., 49177
Williams Field Services Group, Inc.; correction, 49276
Williams Gas Pipelines Central, Inc., 49177

Federal Highway Administration**NOTICES**

Environmental statements; notice of intent:
Philadelphia, PA, 49271-49273

Federal Housing Finance Board**NOTICES**

Federal home loan bank system:
Community Mortgage Asset Activities Program—
New York, 49186-49187
Pilot mortgage purchase program—
Cincinnati, Indianapolis, and Seattle, 49187

Federal Reserve System**NOTICES**

Banks and bank holding companies:
Formations, acquisitions, and mergers, 49187

Meetings; Sunshine Act, 49187

Federal Transit Administration**NOTICES**

Environmental statements; notice of intent:
Philadelphia, PA; Roosevelt Boulevard Corridor;
transportation improvements, 49271-49273

Fish and Wildlife Service**PROPOSED RULES**

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and wildlife; subsistence taking, 49277-49320

NOTICES

Comprehensive conservation plans; availability, etc.:
Fish Springs National Wildlife Refuge, UT, 49228-49229

National wildlife refuge system:
Water resource development projects; compensatory mitigation requirements, 49229-49234

Food and Drug Administration**RULES**

Animal drugs, feeds, and related products:

New drug applications—

Doramectin, 49082

Lasalocid and bambarmycins, 49082–49083

NOTICES

Committees; establishment, renewal, termination, etc.:

Medical Devices Advisory Committee, 49190–49191

Meetings:

Antiviral Drugs Advisory Committee, 49192

Medical device quality systems inspection technique;

FDA/industry exchange workshop, 49192–49196

Forest Service**PROPOSED RULES**

Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):

Fish and wildlife; subsistence taking, 49277–49320

NOTICES

Agency information collection activities:

Proposed collection; comment request, 49145–49146

Meetings:

National Urban and Community Forestry Advisory

Council, 49146

Southwest Washington Provincial Advisory Committee, 49146

Health and Human Services Department

See Agency for Toxic Substances and Disease Registry

See Centers for Disease Control and Prevention

See Food and Drug Administration

See Health Care Financing Administration

See National Institutes of Health

NOTICES

Meetings:

Vital and Health Statistics National Committee, 49188

Scientific misconduct findings; administrative actions:

Recknor, Karrie, 49188

Health Care Financing Administration**PROPOSED RULES**

Medicaid:

Tuberculosis-related services to TB-infected individuals; optional coverage, 49121–49128

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 49196–49197

Medicare and Medicaid:

Home health agencies; national accreditation program recognition applications—

Community Health Accreditation Program, 49198–49199

Joint Commission for Accreditation of Healthcare Organizations, 49197–49198

Hospitals; national accreditation program recognition applications—

American Osteopathic Association, 49199–49201

Housing and Urban Development Department**NOTICES**

Grants and cooperative agreements; availability, etc.:

Facilities to assist homeless—

Excess and surplus Federal property, 49203–49228

Interior Department

See Fish and Wildlife Service

See Land Management Bureau

See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service**PROPOSED RULES**

Income taxes:

Capital gains, partnership, Subchapter S, and trust provisions

Correction, 49276

International Trade Administration**NOTICES**

Antidumping:

Steel concrete reinforcing bars from—

Turkey, 49150–49159

Meetings:

U.S. Automotive Parts Advisory Committee, 49159–49160

Justice Department**PROPOSED RULES**

Privacy Act; implementation, 49117–49118

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 49236

Pollution control; consent judgments:

Chemspray Inc. et al., 49236–49237

Privacy Act:

Systems of records, 49237–49238

Labor Department

See Employment and Training Administration

See Employment Standards Administration

See Mine Safety and Health Administration

See Occupational Safety and Health Administration

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 49238–49240

Land Management Bureau**NOTICES**

Closure of public lands:

Oregon, 49234–49235

Public land orders:

Montana, 49235

Recreation management restrictions, etc.:

In-Ko-Pah Mountains, CA; shooting and paintball guns prohibition; supplementary rule, 49235–49236

Legal Services Corporation**NOTICES**

Grant and cooperative agreement awards:

Legal Aid Society of Metropolitan Denver, Inc., 49249

Management and Budget Office**NOTICES**

Budget rescissions and deferrals

Cumulative reports, 49249–49252

Mine Safety and Health Administration**NOTICES**

Safety standard petitions:

PennAmerican Coal L.P. et al., 49246–49247

National Credit Union Administration**RULES**

Reporting and recordkeeping requirements, 49079–49080

National Highway Traffic Safety Administration**RULES**

Motor vehicle safety standards:

Bumper standard—

Technical amendment; correction, 49092

PROPOSED RULES

Motor vehicle safety standards:

Rear impact guards; petition denied, 49135–49139

National Institutes of Health**NOTICES**

Meetings:

National Cancer Institute, 49201

National Eye Institute, 49201–49202

National Institute of Allergy and Infectious Diseases,
49203

National Institute of Environmental Health Sciences,
49202

National Institute on Aging, 49203

Scientific Review Center, 49203

National Oceanic and Atmospheric Administration**RULES**

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Atla mackerel, 49103–49104

License limitation program, 49104

Northern rockfish, 49102–49103

Pacific ocean perch, 49102

Pelagic shelf rockfish, 49103

West Coast States and Western Pacific fisheries—

Pacific Coast groundfish, 49092–49102

PROPOSED RULES

Fishery conservation and management:

Northeastern United States fisheries—

Northeast multispecies and Atlantic sea scallop,
49139–49141

NOTICES

Agency information collection activities:

Proposed collection; comment request, 49160–49162

Grants and cooperative agreements; availability, etc.:

Coastal ocean program; general grant administration
terms and conditions, 49162–49164

Meetings:

Gulf of Mexico Fishery Management Council, 49164–
49165

Permits:

Endangered and threatened species, 49165–49166

Natural Resources Conservation Service**NOTICES**

Field office technical guides; changes:

Florida, 49147

Nuclear Regulatory Commission**RULES**

Acquisition regulations:

Revision, 49321–49348

Occupational Safety and Health Administration**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 49247–49249

Office of Management and Budget

See Management and Budget Office

Office of United States Trade Representative

See Trade Representative, Office of United States

Postal Rate Commission**PROPOSED RULES**

Privacy Act; implementation, 49120–49121

Presidential Documents**PROCLAMATIONS**

Maritime activities; contiguous zone of the U.S. (Proc.
7219)

Correction, 49276

Public Health Service

See Agency for Toxic Substances and Disease Registry

See Centers for Disease Control and Prevention

See Food and Drug Administration

See National Institutes of Health

Securities and Exchange Commission**NOTICES**

Investment Company Act of 1940:

Exemption applications—

Liberty Funds Trust IX et al., 49254–49255

Self-regulatory organizations; proposed rule changes:

Chicago Board Options Exchange, Inc., 49255–49256

National Association of Securities Dealers, Inc., 49256–
49263

Pacific Exchange, Inc., 49263–49267

Applications, hearings, determinations, etc.:

Massachusetts Investors Trust et al., 49252–49254

Small Business Administration**NOTICES**

Agency information collection activities:

Proposed collection; comment request, 49267

Surface Mining Reclamation and Enforcement Office**PROPOSED RULES**

Permanent program and abandoned mine land reclamation
plan submissions:

Louisiana, 49118–49120

Textile Agreements Implementation Committee

See Committee for the Implementation of Textile
Agreements

Toxic Substances and Disease Registry Agency

See Agency for Toxic Substances and Disease Registry

Trade Representative, Office of United States**NOTICES**

Meetings:

North American Free Trade Agreement Sanitary and

Phytosanitary Committee, 49267–49269

Transportation Department

See Federal Aviation Administration

See Federal Highway Administration

See Federal Transit Administration

See National Highway Traffic Safety Administration

See Transportation Statistics Bureau

NOTICES

Meetings:

NAFTA Land Transportation Standards Subcommittee
and Transportation Consultative Group; annual
plenary session, 49269–49270

Transportation Statistics Bureau**NOTICES**

Meetings:

Transportation Statistics Advisory Council, 49273

Treasury Department

See Alcohol, Tobacco and Firearms Bureau

See Internal Revenue Service

NOTICES

Meetings:

International Financial Institution Advisory Commission,
49273

Veterans Affairs Department

NOTICES

Meetings:

Medical Research Service Merit Review Committee,
49273-49274

Prosthetics and Special-Disabilities Programs Advisory
Committee, 49274

Special Medical Advisory Group, 49275

Separate Parts In This Issue

Part II

Department of Agriculture, Forest Service, and Department
of Interior, Fish and Wildlife Service, 49277-49320

Part III

Nuclear Regulatory Commission, 49321-49348

Reader Aids

Consult the Reader Aids section at the end of this issue for
phone numbers, online resources, finding aids, reminders,
and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

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

7 CFR

300.....49079
301.....49079

12 CFR

795.....49079

14 CFR

39.....49080

Proposed Rules:

39 (5 documents)49105,
49110, 49112, 49113, 49115

21 CFR

524.....49082
558.....49082

26 CFR**Proposed Rules:**

1.....49276

27 CFR

200.....49083

28 CFR**Proposed Rules:**

16.....49117

30 CFR**Proposed Rules:**

918.....49118

36 CFR**Proposed Rules:**

242.....49278

39 CFR**Proposed Rules:**

3003.....49120

40 CFR

52.....49084

42 CFR**Proposed Rules:**

435.....49121
436.....49121
440.....49121

47 CFR

73 (14 documents)49087,
49088, 49089, 49090, 49091,
49092

Proposed Rules:

1.....49128
15.....49128
22.....49128
24.....49128
25.....49128
26.....49128
27.....49128
73.....49135
90.....49128
95.....49128
100.....49128
101.....49128

48 CFR

Ch. 20.....49322

49 CFR

581.....49092

Proposed Rules:

571.....49135

50 CFR

660.....49092
679 (5 documents)49102,
49103, 49104

Proposed Rules:

100.....49278
648.....49139

Rules and Regulations

Federal Register

Vol. 64, No. 175

Friday, September 10, 1999

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.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 301

[Docket No. 96-069-4]

High-Temperature Forced-Air Treatments for Citrus

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: On July 13, 1999, the Animal and Plant Health Inspection Service published a direct final rule. (See 64 FR 37663-37665, Docket No. 96-069-3.) The direct final rule notified the public of our intention to amend the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference into the Code of Federal Regulations, to allow navel oranges from Mexico and areas of the United States that are infested with plant pests in the genus *Anastrepha*, which includes *A. ludens*, the Mexican fruit fly, to be treated with a high-temperature forced-air process that was approved for tangerines, oranges other than navel oranges, and grapefruit from these areas. We did not receive any written adverse comments or written notice of intent to submit adverse comments in response to the direct final rule.

EFFECTIVE DATE: The effective date of the direct final rule is confirmed as: September 13, 1999.

FOR FURTHER INFORMATION CONTACT: Ms. Donna West, Import Specialist, Phytosanitary Issues Management, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737-1236; (301) 734-6799.

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

Done in Washington, DC, this 3rd day of September 1999.

Angel Cielo,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99-23521 Filed 9-9-99; 8:45 am]

BILLING CODE 3410-34-P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 795

OMB Control Numbers

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: NCUA is updating its listing displaying the Office of Management and Budget (OMB) control numbers for information collection requirements found in NCUA regulations. The Paperwork Reduction Act mandates NCUA to make these revisions.

DATES: Effective September 10, 1999.

ADDRESSES: National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 2314-3428.

FOR FURTHER INFORMATION CONTACT: Regina M. Metz, Staff Attorney, Division of Operations, Office of General Counsel, at the above address or telephone: (703) 518-6540.

SUPPLEMENTARY INFORMATION:

A. Background

The Paperwork Reduction Act requires that agencies display a current OMB control number for each agency collection requirement found in a regulation. NCUA is revising 795.1(b) to reflect changes in NCUA's information collection requirements and OMB's control numbers for each requirement.

B. Final Rule

The NCUA Board is issuing this regulation as a final rule because of the strong public interest in updating the regulation, in accordance with the requirements of § 3507(f) of the Paperwork Reduction Act. The rule is effective upon publication so that the NCUA can display the current OMB control number for each information collection requirement in NCUA's regulations. Accordingly, for good cause, the Board finds that, pursuant to 5 U.S.C. 553(b)(3)(B), notice and public

procedures are impracticable, unnecessary, and contrary to the public interest; and, pursuant to 5 U.S.C. 553(d)(3), the rule shall be effective immediately and without 30 days advance notice of publication.

C. Regulatory Procedures

1. Regulatory Flexibility Act

The Regulatory Flexibility Act requires NCUA to prepare an analysis to describe any significant economic impact any proposed regulation may have on a substantial number of small entities (primarily those under \$1 million in assets). The NCUA has determined and certifies that this interim rule will not have a significant economic impact on a substantial number of small credit unions. Accordingly, the NCUA has determined that a Regulatory Flexibility Analysis is not required.

2. Paperwork Reduction Act

This proposed rule to update § 795.1(b) does not involve a collection of information under the Paperwork Reduction Act. Accordingly, NCUA has determined that a Paperwork Reduction analysis is not required.

3. Executive Order 12612

Executive Order 12612 requires NCUA to consider the effect of its actions on state interests. The final rule, as does the current rule, applies to all federally insured credit unions, including federally insured state chartered credit unions. However, since the final rule reduces regulatory burden, NCUA has determined that the final rule does not constitute a "significant regulatory action" for purposes of the Executive Order.

4. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121) provides generally for congressional review of agency rules. A reporting requirement is triggered in instances where NCUA issues a final rule as defined by Section 551 of the Administrative Procedures Act. 5 U.S.C. 551. OMB is reviewing this rule to determine whether it is major for purposes of the Small Business Regulatory Enforcement Fairness Act of 1996.

List of Subjects in 12 CFR Part 795

Credit unions, Collection requirements.

By the National Credit Union Administration Board on August 30, 1999.

Becky Baker,
Secretary of the Board.

For the reasons set forth above, National Credit Union Administration amends 12 CFR part 795 as follows:

PART 795—OMB CONTROL NUMBERS

1. The authority citation for part 795 continues to read as follows:

Authority: 12 U.S.C. 1766(a) and 5 U.S.C. 3507(f).

2. In § 795.1 paragraph (b) is revised to read as follows:

§ 795.1 OMB control numbers.

- (a) * * *
- (b) *Display.*

12 CFR part or section where identified and described	Current OMB control No.
701.1	3133-0015
701.6	3133-0142
701.12	3133-0059
701.13	3133-0059
701.14	3133-0121
701.21	3133-0139
701.22	3133-0141
701.26	3133-0149
701.31	3133-0068
701.32	3133-0114
701.33	3133-0130
701.34	3133-0117
703	3133-0133
704	3133-0129
704.11	3133-0149
705	3133-0137
	3133-0138
708a	3133-0153
708b	3133-0024
711	3133-0152
712	3133-0149
714	3133-0151
723	3133-0101
724	3133-0035
725	3133-0061
	3133-0063
	3133-0064
	3133-0136
	3133-0155
	3133-0156
	3133-0157
	3133-0158
	3133-0159
741	3133-0067
741.6	3133-0004
748	3133-0108
	3133-0121
749	3133-0032
760	3133-0143
792	3133-0146

[FR Doc. 99-23498 Filed 9-9-99; 8:45 am]
BILLING CODE 7535-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-49-AD; Amendment 39-11224; AD 99-15-05]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes, and C-9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD) that applies to certain McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes. That AD currently requires a one-time visual inspection to determine if all corners of the aft lower cargo doorjamb have been previously modified. That AD also requires low frequency eddy current inspections to detect cracks of the fuselage skin and doubler at all corners of the aft lower cargo doorjamb, various follow-on repetitive inspections, and modification, if necessary. This amendment corrects two typographical errors involving reference to a certain Principal Structural Element (PSE) and correction of a compliance time. This correction is necessary to ensure that the correct PSE is inspected, and that an appropriate period of time is permitted for compliance with a certain inspection.

DATE: Effective August 18, 1999.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the **Federal Register** as of August 18, 1999 (64 FR 37838, July 14, 1999).

FOR FURTHER INFORMATION CONTACT: Wahib Mina, Aerospace Engineer, Airframe Branch, ANM-120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5324; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: On July 7, 1999, the Federal Aviation Administration (FAA) issued AD 99-15-05, amendment 39-11224 (64 FR 37838, July 14, 1999), which applies to certain McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes. That AD requires a one-time visual inspection to determine if all corners of the aft lower cargo doorjamb have been

previously modified. That AD also requires low frequency eddy current inspections to detect cracks of the fuselage skin and doubler at all corners of the aft lower cargo doorjamb, various follow-on repetitive inspections, and modification, if necessary. That AD was prompted by fatigue cracks found in the fuselage skin and doubler at the corners of the aft lower cargo doorjamb. The actions specified by that AD are intended to detect and correct such fatigue cracking, which could result in rapid decompression of the fuselage and consequent reduced structural integrity of the airplane.

Need for the Correction

The FAA has noted that a typographical error exists in paragraph (d) of the existing AD that involves the compliance time for performing a high frequency eddy current (HFEC) inspection to detect cracks on the skin adjacent to a certain modification of the corners of the right lower cargo doorjamb. That AD specified that the HFEC inspection should be performed "prior to the accumulation of 28,000 landings since accomplishment of that modification, or within 3,500 landings after the effective date of the AD." However, the intent of the FAA was to specify "prior to the accumulation of 28,000 landings since accomplishment of that modification, or within 3,575 landings after the effective date of the AD." Paragraph (d) of the existing AD has been revised to correctly specify 3,575 landings.

Additionally, a typographical error occurred in the identification of the Principle Structural Element (PSE) specified in paragraph (e) of the existing AD. The PSE was identified as "PSE 53.09.033;" however, the appropriate number for the PSE should have been identified as "53.09.035;" That correction has been included in this AD.

Correction of Publication

This document corrects the typographical errors in AD 99-15-05, and correctly adds the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The final rule is being reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains August 18, 1999.

Since this action only identifies the appropriate PSE to be inspected and corrects a compliance time (which actually extends the compliance period somewhat from the existing AD), it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has

determined that notice and public procedures are unnecessary.

List of Subject in 14 CFR Part 39

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

Adoption of the Correction

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 [Corrected]

2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

99-15-05: McDonnell Douglas: Amendment 39-11224. Docket 97-NM-49-AD.

Applicability: Model DC-9-10, -20, -30, -40, and -50 series airplanes, and C-9 (military) airplanes, as listed in McDonnell Douglas DC-9 Service Bulletin DC9-53-278, dated November 4, 1996, or McDonnell Douglas DC-9 Service Bulletin DC9-53-278, Revision 01, dated April 29, 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 (f) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking in the fuselage skin or doubler at the corners of the aft lower cargo doorjamb, which could result in rapid decompression of the fuselage and consequent reduced structural integrity of the airplane, accomplish the following:

Note 2: Where there are differences between the service bulletin and the AD, the AD prevails.

(a) Prior to the accumulation of 48,000 total landings, or within 3,575 landings after the effective date of this AD, whichever occurs later, perform a one-time visual inspection to determine if the corners of the aft lower cargo doorjamb have been modified prior to the effective date of this AD.

(b) If the visual inspection required by paragraph (a) of this AD reveals that the corners of the aft lower cargo doorjamb *have not been modified*: Prior to further flight, perform a low frequency eddy current (LFEC) or x-ray inspection to detect cracks of the fuselage skin and doubler at all corners of the aft lower cargo doorjamb, in accordance with McDonnell Douglas Service Bulletin DC9-53-278, dated November 4, 1996, or Revision 01, dated April 29, 1999.

(1) If no crack is detected during the LFEC or x-ray inspection required by this paragraph, accomplish the requirements of either paragraph (b)(1)(i) or (b)(1)(ii) of this AD.

(i) *Option 1.* Repeat the inspections as follows until paragraph (b)(1)(ii) of this AD is accomplished:

(A) If the immediately preceding inspection was conducted using LFEC techniques, conduct the next inspection within 3,575 landings.

(B) If the immediately preceding inspection was conducted using x-ray techniques, conduct the next inspection within 3,075 landings.

(ii) *Option 2.* Prior to further flight, modify the corners of the aft lower cargo doorjamb, in accordance with either service bulletin. Prior to the accumulation of 28,000 landings after accomplishment of that modification, perform a High Frequency Eddy Current (HFEC) inspection to detect cracks on the skin adjacent to the modification, in accordance with McDonnell Douglas Service Bulletin DC9-53-278, Revision 01, dated April 29, 1999. Repeat the HFEC inspection thereafter at intervals not to exceed 20,000 landings.

(A) If no crack is detected on the skin adjacent to the modification during any HFEC or x-ray inspection required by paragraph (b) of this AD, repeat the HFEC inspection thereafter at intervals not to exceed 20,000 landings.

(B) If any crack is detected on the skin adjacent to the modification during any HFEC or x-ray inspection required by this paragraph, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) If any crack is found during any LFEC or x-ray inspection required by paragraph (b) of this AD and the crack is 2 inches or less in length: Prior to further flight, modify it in accordance with McDonnell Douglas Service Bulletin DC9-53-278, Revision 01, dated April 29, 1999. Prior to the accumulation of 28,000 landings after accomplishment of the modification, perform an HFEC inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(i) If no crack is detected during the HFEC inspection required by this paragraph, repeat the HFEC inspection thereafter at intervals not to exceed 20,000 landings.

(ii) If any crack is detected during the HFEC inspection required by this paragraph, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(3) If any crack is found during any LFEC or x-ray inspection required by this

paragraph and the crack is greater than 2 inches in length: Prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(c) If the visual inspection required by paragraph (a) of this AD reveals that the corners of the aft lower cargo doorjamb *have been modified*, but not in accordance with the DC-9 Structural Repair Manual (SRM) or Service Rework Drawing, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(d) If the visual inspection required by paragraph (a) of this AD reveals that the corners of the aft lower cargo doorjamb *have been modified* in accordance with DC-9 SRM or Service Rework Drawing, prior to the accumulation of 28,000 landings since accomplishment of that modification, or within 3,575 landings after the effective date of this AD, whichever occurs later, perform a HFEC inspection to detect cracks on the skin adjacent to the modification, in accordance with McDonnell Douglas Service Bulletin DC9-53-278, Revision 01, dated April 29, 1999. Repeat the HFEC inspection thereafter at intervals not to exceed 20,000 landings.

(1) If no crack is detected during any HFEC inspection required by this paragraph, repeat the HFEC inspection thereafter at intervals not to exceed 20,000 landings.

(2) If any crack is detected during any HFEC inspection required by this paragraph, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(e) Accomplishment of the actions required by this AD constitutes terminating action for inspections of Principal Structural Element (PSE) 53.09.035 (reference McDonnell Douglas Model DC-9 Supplemental Inspection Document, Report No. L26-008, Section 2 of Volume 1, Revision 5, dated July 1997, as required by AD 96-13-03, amendment 39-9671).

Alternative Methods of Compliance

(f) 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, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permits

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

Incorporation by Reference

(h) Except as provided by paragraphs (b)(1)(ii)(B), (b)(2)(ii), (b)(3), (c), and (d)(2) of this AD, the actions shall be done in accordance with McDonnell Douglas Service

Bulletin DC9-53-278, dated November 4, 1996, and McDonnell Douglas Service Bulletin DC9-53-278, Revision 01, dated April 29, 1999. This incorporation by reference was approved previously by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 as of August 18, 1999 (64 FR 37838, July 14, 1999). Copies may be obtained from The Boeing Company, Douglas Products Division, P.O. Box 1771, Long Beach, California 90846-1771, Attention: Business Unit Manager, Contract Data Management, C1-255 (35-22). 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.

(i) The effective date of this amendment remains August 18, 1999.

Issued in Renton, Washington, on September 3, 1999.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service. [FR Doc. 99-23472 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs; Doramectin

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Pfizer, Inc. The supplemental NADA provides for further use of doramectin in cattle for treatment and control of the gastrointestinal roundworm *Trichostrongylus axei* L4 and for control of and protection from reinfection with *Haemonchus placei* for 35 days after treatment.

EFFECTIVE DATE: September 10, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Letonja, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-7576.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017-5755, filed supplemental NADA 141-095 that provides for topical use of Dectomax® (doramectin) pour-on solution for further use on cattle for treatment and control of *T. axei* L4 and for control of and protection from

reinfection with *H. placei* for 35 days after treatment. The supplemental NADA is approved as of August 10, 1999, and the regulations are amended in 21 CFR 524.770(d)(2) to reflect this approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this supplemental application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this supplemental approval for food-producing animals qualifies for 3 years of marketing exclusivity beginning August 10, 1999, because the supplement contains substantial evidence of the effectiveness of the drug involved, any studies of animal safety or, in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for approval of the supplement and conducted or sponsored by the applicant. Exclusivity applies only to the added indication for use of doramectin topical in cattle for treatment and control of *T. axei* L4 and for control of and protection from reinfection with *H. placei* for 35 days after treatment.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

List of Subjects in 21 CFR Part 524

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 524 is amended as follows:

PART 524—OPHTHALMIC AND TOPICAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 524 continues to read as follows:

Authority: 21 U.S.C. 360b.

2. Section 524.770 is amended by revising paragraph (d)(2) to read as follows:

§ 524.770 Doramectin.

* * * * *

(d) * * *

(2) *Indications for use.* For treatment and control of gastrointestinal roundworms, lungworms, eyeworms, grubs, biting and sucking lice, horn flies, and mange mites. To control infections and to protect from reinfection with *Cooperia oncophora* and *Dictyocaulus viviparus* for 21 days, *Ostertagia ostertagi*, *C. punctata*, and *Oesophagostomum radiatum* for 28 days, and *Haemonchus placei* for 35 days after treatment.

* * * * *

Dated: August 27, 1999.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation.

[FR Doc. 99-23466 Filed 9-9-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid and Bambermycins

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Hoechst Roussel Vet. The NADA provides for combining approved single ingredient lasalocid and bambermycins Type A medicated articles to make Type C medicated broiler feeds to be used for prevention of certain forms of coccidiosis and for increased rate of weight gain and improved feed efficiency.

EFFECTIVE DATE: September 10, 1999.

FOR FURTHER INFORMATION CONTACT: Charles J. Andres, Center for Veterinary Medicine (HFV-28), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-1600.

SUPPLEMENTARY INFORMATION: Hoechst Roussel Vet, 30 Independence Blvd., P.O. Box 4915, Warren, NJ 07059, filed NADA 141-129 that provides for combining approved single ingredient Avatec® (lasalocid) and Flavomycin® (bambermycins) Type A medicated articles to make Type C medicated broiler feeds containing 68 to 113 grams per ton (g/t) lasalocid and 1 to 2 g/t bambermycins. The Type C medicated broiler feeds are used for prevention of coccidiosis caused by *Eimeria tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*, and for increased rate of weight gain and improved feed efficiency in broiler chickens. The NADA is approved as of August 6, 1999, and the regulations are amended in 21 CFR 558.95 by adding paragraph (d)(1)(xiv) and in 21 CFR 558.311 by adding paragraph (e)(4)(ii) to reflect the approval.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

2. Section 558.95 is amended by adding paragraph (d)(1)(xiv) to read as follows:

§ 558.95 Bambermycins.

* * * * *

(d) * * *

(1) * * *

(xiv) *Amount per ton.* Bambermycins 1 to 2 grams, plus lasalocid 68 to 113 grams.

(a) *Indications for use.* For prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*, and for increased rate of weight gain and improved feed efficiency in broiler chickens.

(b) *Limitations.* For broiler chickens only. Feed continuously as sole ration. Lasalocid as provided by No. 063238 in § 510.600(c) of this chapter.

* * * * *

3. Section 558.311 is amended by adding paragraph (e)(4)(ii) to read as follows:

§ 558.311 Lasalocid.

* * * * *

(e) * * *

(4) * * *

(ii) Bambermycins as in § 558.95 of this chapter.

Dated: August 30, 1999.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 99-23467 Filed 9-9-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 200

[T.D. ATF-414]

RIN 1512-AB91

Rules of Practice in Permit Proceedings; Technical Amendments

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Final rule, Treasury decision.

SUMMARY: This Treasury decision amends the provisions of its rules of practice in permit proceedings to change the title designation "District Director" to "Director of Industry Operations (DIO)" wherever it appears, and to make other necessary conforming amendments. All such changes are to provide clarity and uniformity throughout Title 27 Code of Federal Regulations.

EFFECTIVE DATE: September 10, 1999.

FOR FURTHER INFORMATION CONTACT: Nancy M. Kern, Regulations Division,

650 Massachusetts Avenue, NW, Washington, DC 20226, (202-927-8210).

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Alcohol, Tobacco and Firearms (ATF) administers regulations published in Chapter I of Title 27 Code of Federal Regulations. ATF determined that the regulations in part 200 should be revised to reflect the current ATF field structure reorganization, which established the positions of "Director of Industry Operations" for the respective ATF operating Field Divisions, and eliminated the positions of "District Directors" (formerly Regional Directors) for such districts.

These amendments do not make any substantive changes and are only intended to improve the clarity of Title 27.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104-13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because there are no recordkeeping or reporting requirements.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

This final rule is not subject to the requirements of Executive Order 12866 because the regulations make nonsubstantive technical amendments to previously published regulations.

Administrative Procedure Act

Because this final rule merely makes technical amendments and conforming changes to improve the clarity of the regulations, it is unnecessary to issue this final rule with notice and public procedure under 5 U.S.C. 553(b), or with the 30-day delayed effective date under 5 U.S.C. 553(b).

Drafting Information

The principal author of this document is Nancy M. Kern, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR 200

Administrative practice and procedure, Authority delegations.

Authority and Issuance

Title 27, Code of Federal Regulations is amended as follows:

PART 200—RULES OF PRACTICE IN PERMIT PROCEEDINGS

Paragraph 1. The authority citation for part 200 continues to read as follows:

Authority: 26 U.S.C. 7805, 27 U.S.C. 204.

PART 200—[AMENDED]

Par. 2. Section 200.5 is amended as follows:

(a) By revising in alphabetical order, the terms, Attorney for the Government, Director of Industry Operations and Initial Decision.

(b) By removing the term “District director” and by adding in alphabetical order, the term “Director of Industry Operations”.

The additional revision reads as follows:

§ 200.5 Meaning of terms.

* * * * *

Attorney for the Government. The attorney in the appropriate office of Chief Counsel authorized to represent the Director of Industry Operations in the proceeding.

* * * * *

Director of Industry Operations. The principal ATF official in a field operations division responsible for administering the regulations in this part.

* * * * *

Initial decision. The decision of the Director of Industry Operations or administrative law judge in a proceeding on the suspension, revocation or annulment of a permit.

* * * * *

§ 200.25 [Amended]

Par. 3. Section 200.25 is amended by removing the words “Regional Director (compliance)” and by adding the words “Director of Industry Operations (DIO)” in place thereof. Section 200.25 is also amended by removing the words “district director” and by adding the words “director of industry operations” in place thereof.

* * * * *

Par. 4. The following sections of part 200 are amended by removing the words “district director” each place they appear and adding, in place thereof, the words “director of industry operations”:

- (a) Section 200.27;
- (b) Section 200.29;
- (c) Section 200.31;
- (d) Section 200.35;
- (e) Section 200.36;
- (f) Section 200.37;
- (g) Section 200.38;
- (h) Section 200.45;
- (i) Section 200.46;

- (j) Section 200.48, introductory text;
- (k) Section 200.49;
- (l) Section 200.49a, introductory text;
- (m) Section 200.49b, introductory text and paragraph (b);
- (n) Section 200.55(a), introductory text;
- (o) Section 200.57;
- (p) Section 200.59;
- (q) Section 200.60, paragraphs (a), (b), and (c);
- (r) Section 200.61;
- (s) Section 200.62;
- (t) Section 200.64;
- (u) Section 200.65;
- (v) Section 200.70;
- (w) Section 200.71;
- (x) Section 200.72;
- (y) Section 200.73;
- (z) Section 200.75;
- (aa) Section 200.78;
- (bb) Section 200.79, paragraph (b);
- (cc) Section 200.80;
- (dd) Section 200.85, introductory text;
- (ee) Section 200.105;
- (ff) Section 200.106, paragraph (a);
- (gg) Section 200.107;
- (hh) Section 200.109;
- (ii) Section 200.110;
- (jj) Section 200.115;
- (kk) Section 200.116;
- (ll) Section 200.117;
- (mm) Section 200.126;
- (nn) Section 200.129.

§ 200.95 [Amended]

Par. 5. In § 200.95 remove the words “district directors” each place they appear and add, in place thereof, the words “directors of industry operations”.

§§ 200.107 and 200.108 [Amended]

Par. 6. Sections 200.107a(a)(3) and 200.108 are amended by removing the words “district director’s” each place they appear and adding the words “director of industry operations”.

§ 200.27 [Amended]

Par. 7. The section heading for § 200.27 is amended by removing the words “district director” and adding the words “director of industry operations” in place thereof.

§ 200.107 [Amended]

Par. 8. The undesignated heading that precedes § 200.107 is amended by removing the words “District Director” and adding the words “Director of Industry Operations” in place thereof.

§ 200.107a [Amended]

Par. 9. The section heading for § 200.107a is amended by removing the words “District Director’s” and adding the words “Director of Industry Operations” in place thereof.

Signed: July 29, 1999.
John W. Magaw,
Director.
 Approved: August 17, 1999.
John P. Simpson,
Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).
 [FR Doc. 99–23387 Filed 9–9–99; 8:45 am]
 BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–6434–4]

Finding of Failure To Submit a Required State Implementation Plan for Carbon Monoxide; Nevada—Las Vegas Valley

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action in making a finding, under the Clean Air Act (CAA or Act), that Nevada failed to make a carbon monoxide (CO) nonattainment area state implementation plan (SIP) submittal required for the Las Vegas Valley under the Act. Under certain provisions of the Act, states are required to submit SIPs providing for, among other things, reasonable further progress and attainment of the CO national ambient air quality standards (NAAQS) in areas classified as serious. The deadline for submittal of this plan for the Las Vegas Valley was May 3, 1999.

This action triggers the 18-month time clock for mandatory application of sanctions and 2-year time clock for a federal implementation plan (FIP) under the Act. This action is consistent with the CAA mechanism for assuring SIP submissions.

EFFECTIVE DATE: This action is effective as of August 31, 1999.

FOR FURTHER INFORMATION CONTACT: Larry A. Biland, Air Planning Office (AIR–2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California, 94105–3901, Telephone (415) 744–1227.

SUPPLEMENTARY INFORMATION:

I. Background

The CAA Amendments of 1990 were enacted on November 15, 1990. Under section 107(d)(1)(C) of the amended CAA, each CO area designated nonattainment prior to enactment of the 1990 Amendments, such as the Las Vegas Valley area, was designated nonattainment by operation of law upon

enactment of the 1990 Amendments. Under section 186(a) of the Act, each CO area designated nonattainment under section 107(d) was also classified by operation of law as either "moderate" or "serious" depending on the severity of the area's air quality problem. CO areas with design values between 9.1 and 16.4 parts per million (ppm), such as the Las Vegas Valley area, were classified as moderate. These nonattainment designations and classifications were codified in 40 CFR part 81.¹ See 56 FR 56694 (November 6, 1991).

States containing areas that were classified as moderate nonattainment by operation of law under section 107(d) were required to submit SIPs designed to attain the CO NAAQS as expeditiously as practicable but no later than December 31, 1995.² Under section 186(a)(4), Nevada requested and EPA granted a one year extension of the December 31, 1995 attainment deadline (61 FR 57331, November 6, 1996). However, in the first quarter of 1996, Clark County recorded three exceedances of the CO standard at the East Charleston monitoring station. Clark County challenged the validity of the CO data collected at this site. EPA stated it would not disqualify the January to March winter 1996 CO season monitoring data from the East Charleston station without conclusive evidence that it was inaccurate. Therefore Region 9 worked with Clark County and the State of Nevada to properly site and approve a new monitoring site at Sunrise Acres, and worked collaboratively with the State and Clark County to examine whether East Charleston levels correlated with Sunrise Acres (the East Charleston replacement site) levels. Data received for the new Sunrise Acres monitor tracked closely with historical data from East Charleston.

On October 2, 1997 EPA made a final finding that the Las Vegas Valley, CO nonattainment area did not attain the CO NAAQS under the CAA after having received a one year extension from the mandated attainment date of December 31, 1995 for moderate nonattainment areas to December 31, 1996. As a result of that finding, which went into effect on November 3, 1997, (62 FR 51604 October 2, 1997) the Las Vegas Valley, Nevada CO nonattainment area was

reclassified as serious. The State had 18 months or until May 3, 1999 to submit a new State Implementation Plan (SIP) demonstrating attainment of the CO NAAQS as expeditiously as practicable but no later than December 31, 2000, the CAA attainment date for serious areas. The Las Vegas Valley continues to exceed the CO standard with 1 exceedance in 1997 and two in 1998.

Notwithstanding significant efforts by the Clark County Department of Comprehensive Planning to complete their CO SIP, the State has failed to meet the May 3, 1999 deadline for the required SIP submission. EPA is therefore compelled to find that the State of Nevada has failed to make the required SIP submission for the Las Vegas Valley.

The CAA establishes specific consequences if EPA finds that a State has failed to meet certain requirements of the CAA. Of particular relevance here is CAA section 179(a)(1), the mandatory sanctions provision. Section 179(a) sets forth four findings that form the basis for application of a sanction. The first finding, that a State has failed to submit a plan required under the CAA, is the finding relevant to this rulemaking.

If Nevada has not made the required complete submittal by March 2, 2001, pursuant to CAA section 179(a) and 40 CFR 52.31, the offset sanction identified in CAA section 179(b) will be applied in the affected area. If the State has still not made a complete submission by August 31, 2001, then the highway funding sanction will apply in the affected area, in accordance with 40 CFR 52.31.³ In addition, CAA section 110(c) provides that EPA must promulgate a federal implementation plan (FIP).

The sanctions will not take effect if, before March 2, 2001, EPA finds that the State has made a complete submittal of a plan addressing the serious area CO requirements for Las Vegas Valley. In addition, EPA will not promulgate a FIP if the State makes the required SIP submittal and EPA takes final action to approve the submittal before August 31, 2001, (section 110(c)(1) of the Act). EPA encourages the responsible parties in Clark County to continue working together on the CO Plan which can

eliminate the need for potential sanctions and FIP.

II. Final Action

A. Rule

Today, EPA is making a finding of failure to submit for the Las Vegas Valley CO nonattainment area, due to failure of the State to submit a SIP revision addressing the serious area CO requirements of the CAA.

B. Effective Date Under the Administrative Procedures Act

EPA has issued this action as a rulemaking because the Agency has treated this type of action as rulemaking in the past. However, EPA believes that it would have the authority to issue this action in an informal adjudication, and is considering which administrative process—rulemaking or informal adjudication—is appropriate for future actions of this kind.

Because EPA is issuing this action as a rulemaking, the Administrative Procedures Act (APA) applies.

Today's action will be effective on August 31, 1999. Under the APA, 5 U.S.C. 553(d)(3), agency rulemaking may take effect before 30 days after the date of publication in the **Federal Register** if an agency has good cause to mandate an earlier effective date. Today's action concerns a SIP submission that is already overdue and the State is aware of applicable provisions of the CAA relating to overdue SIPs. In addition, today's action simply starts a "clock" that will not result in sanctions for 18 months, and that the State may "turn off" through the submission of a complete SIP submittal. These reasons support an effective date prior to 30 days after the date of publication.

C. Notice-and-Comment Under the Administrative Procedures Act

This notice is a final agency action, but is not subject to the notice-and-comment requirements of the APA, 5 U.S.C. 553(b). EPA believes that because of the limited time provided to make findings of failure to submit regarding SIP submissions, Congress did not intend such findings to be subject to notice-and-comment rulemaking. However, to the extent such findings are subject to notice-and-comment rulemaking, EPA invokes the good cause exception pursuant to the APA, 5 U.S.C. 553(d)(3). Notice and comment are unnecessary because no EPA judgment is involved in making a nonsubstantive finding of failure to submit SIPs required by the CAA. Furthermore, providing notice and comment would

¹ The CO nonattainment area is the "Las Vegas Valley Hydrographic Area 212" within Clark County. 40 CFR 81.329.

² The moderate area SIP requirements are set forth in section 187(a) of the Act and differ depending on whether the area's design value is below or above 12.7 ppm. The Las Vegas Valley area has a design value above 12.7 ppm. 40 CFR 81.329.

³ In a 1994 rulemaking, EPA established the Agency's selection of the sequence of these two sanctions: the offset sanction under section 179(b)(2) shall apply at 18 months, followed 6 months later by the highway sanction under section 179(b)(1) of the Act. EPA does not choose to deviate from this presumptive sequence in this instance. For more details on the timing and implementation of the sanctions, see 59 FR 39832 (August 4, 1994), promulgating 40 CFR 52.31, "Selection of sequence of mandatory sanctions for findings made pursuant to section 179 of the Clean Air Act."

be impracticable because of the limited time provided under the statute for making such determinations. Finally, notice and comment would be contrary to the public interest because it would divert Agency resources from the critical substantive review of submitted SIPs. See 58 FR 51270, 51272, note 17 (October 1, 1993); 59 FR 39832, 39853 (August 4, 1994).

D. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this action from review under Executive Order 12866.

E. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, 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, Executive Order 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, Executive Order 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 is required by the Clean Air Act. Moreover, it does not create a mandate on State, local or tribal governments nor does the rule impose any enforceable duties on these entities. It simply makes an objective finding that the State of Nevada has failed to carry out a duty required by the Clean Air Act. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

F. 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.

G. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly 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, Executive Order 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, Executive Order 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 is required by the Clean Air Act. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule. Moreover, because it finds a failure only by the state government of Nevada, it does not apply to or significantly or uniquely affect the communities of Indian tribal governments.

H. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) 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 rule is not subject to notice and comment rulemaking; therefore, neither a regulatory flexibility analysis nor certification is required under the RFA.

I. 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 annual 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 today's action is not a Federal mandate. The Clean Air Act provisions discussed in this rule requires states to submit implementation plans. This notice merely provides a finding that Nevada has not met that requirement. This document does not, by itself, require any particular action by any State, local, or tribal government, or by the private sector. The consequences of the State's failure are mandated by the Clean Air Act and are not at EPA's discretion.

For the same reasons, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

J. 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 Comptroller General of the United States. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and

established an effective date of August 31, 1999. 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).

K. 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 November 9, 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, Carbon monoxide, Intergovernmental relations.

Dated: August 31, 1999.

David P. Howekamp,

Acting Regional Administrator, Region IX.
[FR Doc. 99-23412 Filed 9-9-99; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1706; MM Docket No. 99-148; RM-9556]

Radio Broadcasting Services; Del Norte, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 242A to Del Norte, Colorado, as that community's first local aural transmission service in response to a petition for rulemaking filed by Mountain West Broadcasting. See 64 FR 26718, May 17, 1999. Coordinates used for Channel 242A at Del Norte are 37-40-36 NL and 106-21-12 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 242A at Del Norte, Colorado, will not be opened at

this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-148, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

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

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23458 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1706; MM Docket No. 99-149; RM-9557]

Radio Broadcasting Services; Dinosaur, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 247C1 to Dinosaur, Colorado, as that community's first local aural transmission service in response to a petition for rulemaking filed by Mountain West Broadcasting. See 64 FR 26718, May 17, 1999. Coordinates used

for Channel 247C1 at Dinosaur are 40-14-42 NL and 109-00-30 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 247C1 at Dinosaur, Colorado, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-149, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Dinosaur, Channel 247C1.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23457 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1706; MM Docket No. 99-150; RM-9558]

Radio Broadcasting Services; Poncha Springs, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 248A to Poncha Springs, Colorado, as that community's first local aural transmission service in response to a petition for rulemaking filed by Mountain West Broadcasting. See 64 FR 26718, May 17, 1999. Coordinates used for Channel 248A at Poncha Springs are 38-30-42 NL and 106-04-42 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 248A at Poncha Springs, Colorado, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-150, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Poncha Springs, Channel 248A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23456 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1706; MM Docket No. 99-152; RM-9560]

Radio Broadcasting Services; Captain Cook, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 226C1 to Captain Cook, Hawaii, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. See 64 FR 26717, May 17, 1999. Coordinates used for Channel 226C1 at Captain Cook are 19-29-49 NL and 155-55-18 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 226C1 at Captain Cook, Hawaii, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-152, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Captain Cook, Channel 226C1.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23455 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1707; MM Docket No. 99-106; RM-9509]

Radio Broadcasting Services; La Jara, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 246A to La Jara, Colorado, rather than Channel 221A, as proposed initially, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. See 64 FR 17140, April 8, 1999. Coordinates used for Channel 246A at La Jara are 37-16-24 NL and 105-57-30 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 246A at La Jara, Colorado, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-106, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding La Jara, Channel 246A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23454 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 99-1707; MM Docket No. 99-110; RM-9513]

Radio Broadcasting Services; Westcliffe, CO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 276A to Westcliffe, Colorado, rather than Channel 257A, as proposed initially, as that community's first local aural transmission service in response to a petition for rulemaking filed by Mountain West Broadcasting. See 64 FR 17138, April 8, 1999. Coordinates used for Channel 276A at Westcliffe are 38-04-28 NL and 105-32-13 WL. With this action, the proceeding is terminated.

DATE: Effective October 12, 1999. A filing window for Channel 276A at Westcliffe, Colorado, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-110, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Colorado, is amended by adding Westcliffe, Channel 276A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23453 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 99-1707; MM Docket No. 99-171; RM-9574]

Radio Broadcasting Services; Carmel Valley, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 290A to Carmel Valley, California, as that community's first local FM transmission service in response to a petition for rulemaking filed by Mountain West Broadcasting. See 64 FR 30290, June 7, 1999. Coordinates used for Channel 290A at Carmel Valley are 36-20-28 NL and 121-42-51 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 290A at Carmel Valley, California, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-171, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257),

445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under California, is amended by adding Carmel Valley, Channel 290A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23452 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[DA 99-1707; MM Docket No. 99-172; RM-9575]

Radio Broadcasting Services; Nanakuli, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 295A to Nanakuli, Hawaii, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. See 64 FR 30290, June 7, 1999. Coordinates used for Channel 295A at Nanakuli are 21-23-30 NL and 158-08-30 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 295A at Nanakuli, Hawaii, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 99-172, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Nanakuli, Channel 295A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23451 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1707; MM Docket No. 99-173; RM-9576]

Radio Broadcasting Services; Wahiawa, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 278A to Wahiawa, Hawaii, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. See 64 FR 30289, June 7, 1999. Coordinates used for Channel 278A at Wahiawa are 21-30-00 NL and 158-02-00 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 278A at Wahiawa, Hawaii, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be

addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-173, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Wahiawa, Channel 278A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23450 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1707; MM Docket No. 99-175; RM-9578]

Radio Broadcasting Services; Hanapepe, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 232C1 to Hanapepe, Hawaii, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. See 64 FR 30289, June 7, 1999. Coordinates used for Channel 232C1 at Hanapepe are 21-

54-43 NL and 159-35-43 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 232C1 at Hanapepe, Hawaii, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-175, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Hanapepe, Channel 232C1.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23449 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1707; MM Docket No. 99-176; RM-9579]

Radio Broadcasting Services; Holualoa, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 221C2 to Holualoa, Hawaii, as that

community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. See 64 FR 30288, June 7, 1999. Coordinates used for Channel 221C2 at Holualoa are 19-37-06 NL and 155-57-00 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 221C2 at Holualoa, Hawaii, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-176, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Holualoa, Channel 221C2.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23448 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1707; MM Docket No. 99-177; RM-9580]

Radio Broadcasting Services; Honokaa, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 275C2 to Honokaa, Hawaii, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. See 64 FR 30292, June 7, 1999. Coordinates used for Channel 275C2 at Honokaa are 20-04-54 NL and 155-28-00 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 275C2 at Honokaa, Hawaii, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-177, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Honokaa, Channel 275C2.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23447 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1707; MM Docket No. 99-178; RM-9581]

Radio Broadcasting Services; Kihei, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 298C2 to Kihei, Hawaii, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. See 64 FR 30292, June 7, 1999. Coordinates used for Channel 298C2 at Kihei are 20-47-00 NL and 156-27-48 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 298C2 at Kihei, Hawaii, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-178, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Kihei, Channel 298C2.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23446 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1707; MM Docket No. 99-179; RM-9582]

Radio Broadcasting Services; Kurtistown, HI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 271A to Kurtistown, Hawaii, as that community's first local aural transmission service in response to a petition for rule making filed by Mountain West Broadcasting. See 64 FR 30291, June 7, 1999. Coordinates used for Channel 271A at Kurtistown are 19-35-36 NL and 155-03-36 WL. With this action, the proceeding is terminated.

DATES: Effective October 12, 1999. A filing window for Channel 271A at Kurtistown, Hawaii, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 99-179, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY-A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

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

Part 73—[Amended]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Hawaii, is amended by adding Kurtistown, Channel 271A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23445 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 581

[Docket No. NHTSA 99-5458]

RIN 2127-AH59

Bumper Standard; Correction

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

ACTION: Final rule; correction to technical amendment.

SUMMARY: This document corrects the technical amendment to S581.5(c)(1) of 49 CFR part 581 *Bumper Standard*, published on April 5, 1999. The technical amendment erroneously referred to "Table 2" of SAE J599 AUG97. The correct reference is to "Table 1."

DATES: The correction is effective September 10, 1999.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA (202-366-5263).

SUPPLEMENTARY INFORMATION: On April 5, 1999, we amended part 581 of Title 49, Code of Federal Regulations, which contains the Federal bumper standard issued under the authority of 49 U.S.C. Chapter 325 (64 FR 16359). As amended, 49 CFR 581.5(c)(1) reads:

(c) *Protective criteria.* (1) Each lamp or reflective device except license plate lamps shall be free of cracks and shall comply with applicable visibility requirements of S5.3.1.1 of Standard No. 108 (Sec. 571.108 of this chapter). The aim of each headlamp installed on the vehicle shall be adjustable to within the beam aim inspection limits specified in Table 2 of SAE Recommended Practice J599 AUG97, measured with the aiming method appropriate for that headlamp.

Koito Manufacturing, Inc., brought to our attention that SAE J599 AUG97 has no Table 2. We examined SAE J599

AUG97 and found that Koito was correct, and that the reference should have been to Table 1. We are amending § 581.5(c) to correct this error.

Because this amendment creates no burdens on any person, we are not required to give notice and afford an opportunity to comment on this rulemaking action. The amendment is effective upon its publication in the **Federal Register**.

List of Subjects in 49 CFR Part 581

Imports, Motor vehicles.

In consideration of the foregoing, FR Doc. 99-8185 published on April 5, 1999 (64 FR 16359) is corrected as follows: amended as follows:

PART 581—BUMPER STANDARD

1. The authority citation for part 581 continues to read as follows:

Authority: 49 U.S.C. 32502; 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.50 and 501.8.

2. The second sentence of § 581.5(c)(1) is corrected:

§ 581.5 Requirements

* * * * *

(c) *Protective criteria.* (1) * * * The aim of each headlamp installed on the vehicle shall be adjustable to within the beam aim inspection limits specified in Table 1 of SAE Recommended Practice J599 AUG97, measured with the aiming method appropriate for that headlamp.

* * * * *

Issued on: August 31, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99-23429 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 990121026-9229-02; I.D. 112498A]

RIN 0648-AL52

Pacific Coast Groundfish Fishery; Amendment 11

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; announcement of partial approval of an amendment to a fishery management plan, and

announcement of stocks characterized as overfished.

SUMMARY: NMFS announces the approval of Amendment 11 to the Pacific Coast Groundfish Fishery Management Plan (FMP) except for the bycatch provisions which were disapproved. NMFS issues this final rule to implement portions of that amendment that define overfished, identify essential fish habitat, and comply with other requirements of the Sustainable Fisheries Act (SFA). This rule also implements Amendment 11's provisions governing the use of fish as compensation for fisher participation in collecting fishery resource information. NMFS also announces that it has informed the Pacific Fishery Management Council (Council) that three stocks managed under the Pacific Coast Groundfish FMP, Pacific ocean perch, lingcod, and bocaccio, are overfished. These regulations are intended to improve the types and amount of scientific information available for use in stock assessments and management of the Pacific Coast groundfish fishery.

DATES: Effective October 12, 1999.

ADDRESSES: Copies of the Environmental Assessment/Regulatory Impact Review (EA/RIR) for Amendment 11 are available from Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW. Fifth Avenue, Suite 224, Portland, OR 97201.

Comments regarding the reporting burden estimate or any other aspect of the collection-of-information requirements contained in this rule should be sent to William Stelle, Jr. Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE. BIN C157000. Seattle, WA 98115-0070 or to Rodney R. McInnis, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503 (ATTN: NOAA Desk Officer).

FOR FURTHER INFORMATION CONTACT: Katherine King or Yvonne de Reynier at 206-526-6140 or the Pacific Fishery Management Council at 503-326-6352.

SUPPLEMENTARY INFORMATION: The Council submitted Amendment 11 to bring the Pacific Coast Groundfish FMP into compliance with the requirements in Section 303 (a) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) that were added by the SFA.

Amendment 11 modifies the FMP framework that defines "optimum yield" (OY) for setting annual groundfish harvest limits; sets framework control rules on defining rates of "overfishing" and levels at which managed stocks are considered "overfished;" identifies Pacific Coast groundfish Essential Fish Habitat (EFH); sets a bycatch management objective and a framework for bycatch reduction measures; establishes a management objective to take the importance of fisheries to fishing communities into account when setting groundfish management measures; provides authority within the FMP for the Council to require groundfish use permits for all groundfish users; authorizes the use of fish for compensation for private vessels conducting NMFS-approved research; removes jack mackerel from the fishery management unit; and updates FMP objectives, definitions, and industry descriptions.

The Pacific Coast Groundfish FMP provides a framework for certain Council actions without requiring cumbersome amendment procedures for those actions. Portions of this amendment that are designed to meet several of the new Magnuson-Stevens Act requirements will change the way the Council manages the groundfish fishery without changing the regulations that implement the FMP. A new definition of OY, specific overfishing and overfished levels, and accounting for the needs of fishing communities in setting fishery management measures will become part of the guidelines the Council uses to set its annual specifications and management measures. Amendment 11 provides a framework to implement fishery management measures to protect groundfish EFH, which the Council will use to, among other things, investigate implementing marine research reserves. Amendment 11 also contains a bycatch management objective; however, NMFS has disapproved the bycatch provisions of Amendment 11 because they do not adequately meet § 303(a)(11) and National Standard 9 of the Magnuson-Stevens Act. These provisions require that conservation and management measures, to the extent practicable, minimize bycatch and bycatch mortality. Section 303(a)(11) also requires the establishment of a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery.

This rule implements the portions of Amendment 11 that authorize the use of fish as compensation for private vessels conducting NMFS-approved research.

This action also makes minor changes to codified definitions of regulatory terms. Amendment 11 includes a provision to remove jack mackerel from the fishery management unit (FMU) of the Pacific Coast Groundfish FMP in order to place it in the FMU of the FMP for Coastal Pelagic Species. Amendment 8 to the Council's Northern Anchovy FMP, which renames that FMP as the Coastal Pelagic Species FMP and incorporates jack mackerel into the Coastal Pelagic Species FMU, was made available for public comment on March 12, 1999 (64 FR 12279) through May 25, 1999. Amendment 8 was partially approved on June 10, 1999. Therefore, jack mackerel has now been removed from the FMU of the Pacific Coast Groundfish FMP and placed in the FMU for the Coastal Pelagic Species FMP.

The notice of availability for Amendment 11 was published on December 1, 1998 (63 FR 66111), and NMFS requested public comments on Amendment 11 through February 1, 1999. A proposed rule to implement those portions of Amendment 11 that authorize the use of fish for compensation for private vessels conducting NMFS-approved research, and that changed some definitions, was published on February 10, 1999 (64 FR 6597). NMFS requested public comments on the proposed rule through March 29, 1999. During the comment period on the notice of availability for Amendment 11, NMFS received seven letters of comment, which are addressed later in the preamble to this final rule. During the comment period on the proposed rule, NMFS received one letter of comment, which is also addressed later in the preamble to this final rule, in the section entitled "Regulatory Definitions of Terms."

Partial Approval of Amendment 11; Disapproval of Bycatch Provisions

On March 3, 1999, NMFS approved all of Amendment 11 to the Pacific Coast Groundfish FMP, except for those portions concerning the reduction of bycatch and bycatch mortality. Amendment 11 addresses bycatch through the FMP's framework mechanism, by revising one of the objectives of the FMP to read, "Strive to reduce the economic incentives and regulatory measures that lead to wastage of fish. Also, develop management measures that minimize bycatch to the extent practicable and, to the extent that bycatch cannot be avoided, minimize the mortality of such bycatch. In addition, promote and support monitoring programs to improve estimates of total fishing-related mortality and bycatch, as well as those

to improve information necessary to determine the extent to which it is practicable to reduce bycatch and bycatch mortality.”

Although NMFS supports the Council's continued use of framework provisions in the FMP's regulatory structure, the bycatch provisions in Amendment 11 fail to respond meaningfully to the bycatch requirements of the Magnuson-Stevens Act. Requirements at Section 303(a)(11) of the Magnuson-Stevens Act clearly state that an FMP must “establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the fishery, and include conservation and management measures that, to the extent practicable and in the following priority—(A) minimize bycatch; and (B) minimize the mortality of bycatch which cannot be avoided.” A framework FMP would not necessarily include regulatory recommendations to reduce bycatch; however, the FMP's bycatch provisions should fully analyze and describe the Council's past efforts and planned future efforts to reduce bycatch and to establish a standardized reporting methodology to assess the amount and type of bycatch occurring in the groundfish fishery, including a discussion of all reasonable alternatives to the current management regime.

The current Amendment 11 analysis on bycatch in the groundfish fisheries basically states that there is very little information on bycatch rates in the groundfish fisheries, and that this lack of information may or may not threaten the long-term health of the fish stocks and the long-term viability of the fishing industries and communities that depend on those stocks. There is no assessment of current bycatch levels in the groundfish fisheries; nor is there an analysis based on the best available scientific information of the biological and socio-economic effects of bycatch under current management measures. The bycatch provisions of Amendment 11 will be complete when the Council has submitted a full analysis of existing and possible future efforts to reduce bycatch in the groundfish fisheries, including a discussion of how bycatch is reduced to the maximum extent practicable under current management measures, a standardized reporting methodology that would be used to assess bycatch rates in the groundfish fishery, and an analysis of all practicable alternatives to the current year-round trip limit management system that could be expected to result in a reduction of bycatch rates.

The bycatch definition in Amendment 11 has also been disapproved because it is inconsistent with the definition of

bycatch provided by the Magnuson-Stevens Act that states, at 16 U.S.C. 1802 (2), “The term ‘bycatch’ means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards and regulatory discards. Such term does not include fish released alive under a recreational catch and release fishery management program.” According to Amendment 11, “[b]ycatch means fish which are harvested in a fishery, but which are not sold or kept for personal use or donated to a charitable organization and includes economic and regulatory discards.” While NMFS does not deny the positive community effects of donating landed bycatch to charitable organizations, the act of donating such fish does not alter the fact that those fish are defined as bycatch by the Magnuson-Stevens Act. The FMP should use the Magnuson-Stevens Act definition of bycatch.

Comments and Responses

NMFS received seven letters of comment on Amendment 11 during the 60-day public comment period for Amendment 11 as established by the Notice of Availability (December 1, 1999, 63 FR 66111). These letters addressed the major Magnuson-Stevens Act issues in Amendment 11. A summary of these comments and NMFS' responses thereto, as well as NMFS' response to one comment received on the proposed rule, appear below in the following responses to public comments. Of the letters received, three letters were from marine-focused environmental advocacy organizations, two letters were from public utilities interests, one letter was from a public wastewater disposal and sanitation interest, and one letter was from a law firm writing on behalf of a variety of unspecified, land-based, commercial interests. Some comments opposed certain aspects of Amendment 11 provisions on overfishing, bycatch, and EFH. The other comments concerned only the EFH portion of Amendment 11. In addition to commenting on the amendment, two of the letters cited concerns with the NMFS consultation process for non-fishing effects on EFH. These comments on the EFH consultation process were not directly on Amendment 11 or on the proposed implementing regulation. NMFS Northwest Regional Office of Habitat Conservation is dealing with these consultation concerns. All comments received on Amendment 11 are summarized and responded to below.

Some of the commenters expressed a concern about, or misunderstanding of, the mechanics of a framework FMP and

frameworking aspects of Amendment 11. The Council has been using the framework process since 1990, when it implemented Amendment 4 to the FMP. By frameworking the goals and actions of the FMP, the Council has maintained the FMP as a statement of principles with standards and procedures that allow a variety of implementing actions. Framework FMPs tend to be less confusing and less cumbersome than FMPs without frameworks. All Council actions, including those implementing the FMP and its amendments, are public processes with multiple opportunities for public review and comment on proposed actions. Public input is not lost under an FMP's framework procedure. On the contrary, FMP frameworks give the Council more flexibility to incorporate public-generated changes and corrections into its proposed actions than FMPs without frameworks. Framework FMPs also give the Council more flexibility in how it responds to problems, which, in turn, brings the public further into the policy-making process as a resource in reaching solutions to those problems. NMFS continues to support the Council's frameworking process as providing a public process.

Comments on Overfishing

Comment 1: Although the Council's default framework for avoiding overfishing is one of the strongest in the nation, the Council adopted two loopholes that allow excessive fishing. One loophole permits higher limits than the Council's own default policy, and the second loophole allows overfishing of single populations in a mixed population fishery. Both of these loopholes need to be deleted.

Response: NMFS disagrees with this suggested alteration of Amendment 11. The Magnuson-Stevens Act requires that FMPs be consistent with 10 national standards, the first of which reads, “Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the OY from each fishery for the United States fishing industry.” Councils are also charged by the Magnuson-Stevens Act with rebuilding overfished fisheries. To meet these requirements, the Council had to amend its process for setting OYs for managed species to ensure that no OY would exceed the maximum sustainable yield (MSY) for a particular stock. In accordance with the national standard guidelines, OY would not exceed the acceptable biological catch (ABC) (or the sum of ABCs for a complex) unless the Council demonstrates that overfishing mixed stock exception criteria have been met.

This overfishing mixed stock exception is not a "loophole," but an implementation of a component of NMFS national standards guidelines, a tool for implementing the Magnuson-Stevens Act's broad policy requirements within the biological, ecological, and socio-economic realities of our nation's fisheries. According to the guidelines at 50 CFR 600.310(d)(6):

Harvesting one species of a mixed-stock complex at its optimum level may result in the overfishing of another stock component in the complex. A Council may decide to permit this type of overfishing only if all of the following conditions are satisfied: (i) It is demonstrated by analysis that such action will result in long-term net benefits to the Nation. (ii) It is demonstrated by analysis that mitigating measures have been considered and that a similar level of long-term net benefits cannot be achieved by modifying fleet behavior, gear selection/configuration, or other technical characteristic in a manner such that no overfishing would occur. (iii) The resulting rate or level of fishing mortality will not cause any species or evolutionarily significant unit thereof to require protection under the ESA.

This careful language is clearly not a loophole, but rather, an acknowledgment that marine ecosystems support a wide variety of different fish species, and that fishing gear is often not selective enough to distinguish between species of healthy stock status and species of troubled stock status.

Amendment 11 calls for numerical OYs for individual species and species groups, and clarifies that the Council will decide on a case-by-case basis whether to establish OYs for individual species and species groups. A non-numerical OY may be retained for some species. For the Council to ensure that its OY recommendations do not exceed MSYs for managed species, it must know the MSYs of those species. Groundfish stock assessment processes are ongoing and primarily focus on the more heavily-targeted species, so for many managed species, there is no known species-specific MSY. Therefore, the Council recommended setting an "MSY control rule" for managed species that allows a conservative rate of fishing on those species for which there is no numerical MSY based on stock assessments. The MSY control rule for Pacific coast groundfish is a constant fishing mortality rate that serves as a limit. The default rate is $F_{40\%}$ for rockfish and $F_{35\%}$ for other species, both of which may be superseded based on better scientific information. ABC is defined as the appropriate F times the current biomass estimate. The default overfished/rebuilding threshold is 25 percent of $B_{unfished}$.

For stocks with biomass smaller than the MSY biomass, OY will be adjusted to be more conservative than ABC. Between B_{msy} and $B_{10\%}$, OY will be adjusted to be increasingly more conservative at lower biomass levels. A stock that is at or below $B_{10\%}$ will have a zero OY. This conservative guideline would serve as a default interim rebuilding adjustment to OY for stocks below their overfished/rebuilding threshold, and would be in effect until a formal rebuilding plan is developed for those stocks. Once the Secretary of Commerce (Secretary) has identified a stock as overfished, the Council has 1 year to develop a rebuilding plan. Based on the definition of "overfished" in Amendment 11, NMFS notified the Council on March 3, 1999, that Pacific ocean perch, lingcod, and bocaccio were considered overfished. The Council has already begun work on rebuilding plans for these stocks.

The Council may set the harvest level for a stock higher than the default control rule, but not higher than the MSY harvest rate, as long as the higher harvest rate is not inconsistent with rebuilding the stock to B_{msy} . Commenters on this issue also identified this exception to the default control rule as a "loophole." Like the mixed-stock exception for overfishing, this exception provides the Council flexibility in dealing with the challenges of managing a mixed-stock complex while meeting the requirement to rebuild overfished stocks. Under this exception, an overfished stock within a mixed-stock complex could be harvested at a rate above the default control rate, but below MSY. Even management measures that keep harvest rates on an overfished stock to the lowest possible incidental interception rates may fall within that range between the default control rate and MSY.

Comments on Bycatch

Comment 2: The bycatch provision is not adequate and needs to be strengthened by including such provisions as: (1) Adopting a mandatory west coast observer program; (2) for some species, adopting an alternative to the year-round fishery and to the use of trip limits—management tools that have been shown to result in increased discards; (3) establishing bycatch caps based on harvest guidelines; (4) allowing stackable permits; and (5) creating incentives for clean fishing by developing "harvest priorities" with options such as extra allocations for fishers with lower bycatch rates.

Response: NMFS agrees that the bycatch provisions in Amendment 11 are not adequate and has disapproved

those provisions. Amendment 11, including the supporting analysis, neither assesses current bycatch rates, nor recommends management measures for reducing bycatch rates or gathering bycatch data. NMFS recognizes that the FMP is a framework FMP that sets the standards and procedures that govern the Council's actions. However, NMFS believes that the Amendment 11 framework objective for bycatch reduction by itself neither assesses bycatch in the groundfish fishery under current management measures nor addresses what steps the Council intends to take to assess and then reduce bycatch rates in the future.

NMFS recognizes that the Council has been exploring several alternatives to its current groundfish management system in order to address the waste issues in the groundfish fishery. There is no "silver bullet" that will solve all of the different problems in the fishery. Several different advisory committees have been formed to develop a suite of solutions to address the many challenges in groundfish management. At its April 1999 meeting, the Council proposed development of an observer program for Pacific Coast groundfish fisheries and appointed an Implementation Committee to design a statistically valid observer program. The Council's Total Catch Determination Committee has concluded that, in addition to an observer program, the fleet should move to enhanced logbook reporting. The Council is also convening a series of legal gear committees, with one committee for each gear group or fishing sector, that will address gear performance standards to reduce bycatch and to minimize gear impacts on EFH. Reducing overall fleet participation and capacity is being considered through development of programs for permit stacking and permit buyback. Many of the new ideas being explored by the Council would require a fundamental shift in how Pacific groundfish fisheries operate. NMFS will be working with the Council to develop new bycatch provisions through an FMP amendment, to implement management measures to minimize bycatch and discard mortality to the extent practicable, and to implement a data gathering system for bycatch.

Comments on EFH

Comment 3: By the terms of the SFA, EFH authorization is limited to "the description and identification of essential fish habitat in fishery management plans." 16 U.S.C. 1855(b)(1)(A). This limitation makes it clear that NMFS and the Council authority applies only to "fisheries".

There is no basis in the Magnuson-Stevens Act for the Councils to address, through plans, nonfishing activities or habitat outside of the Exclusive Economic Zone (EEZ) regulatory jurisdiction of the Council.

Response: NMFS disagrees with the commenter's interpretation of the Magnuson-Stevens Act. "Essential Fish Habitat" is defined at 16 U.S.C. 1802(3)(10) as "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity." The Magnuson-Stevens Act requires at section 16 U.S.C. 1855(b)(1)(A) that NMFS "establish by regulation guidelines to assist the Councils in the description and identification of EFH in the fishery management plans (including adverse impacts on such habitat) and in the consideration of actions to ensure the conservation and enhancement of such habitat." The Council must also identify other actions to conserve EFH, which includes minimizing to the extent practicable adverse effects on EFH caused by fishing. Finally, the statute requires that every Federal agency consult with the Secretary of Commerce on any action (fishing or non-fishing) authorized, funded or undertaken by that agency that may adversely affect EFH. See 16 U.S.C. 1855(b)(3) and 16 U.S.C. 1953(a)(7). The statute and plan amendment make a clear distinction between what NMFS regulates, with Council input, under the plan (fishing that affects EFH) and what the Council and NMFS discuss and provide comments on (other activities that affect EFH). Amendment 11 does not take any regulatory action or require any regulations concerning non-fishing activities.

Comment 4: The EFH designations include "all waters from the mean higher high water line, or the upriver extent of saltwater intrusions into river mouths, along the coasts of Washington, Oregon, and California seaward to the boundary of the U.S. Exclusive Economic Zone (EEZ)." This area is too broad to be effectively managed as EFH. This limitless approach to identifying EFH is unlawful. It renders meaningless the terms "essential" and "necessary" as used in the Magnuson-Stevens Act, and otherwise clearly exceeds Congressional intent. If Congress had intended for EFH to include all waters in the general distribution of a species, it could have and would have done so. The proposed definition is too broad in that it unnecessarily identifies the entire geographic ranges of the managed species.

Response: The Magnuson-Stevens Act defines "essential fish habitat" as "those

waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity" 16 U.S.C. 1802(3)(10). When Congress amended the Magnuson-Stevens Act with the SFA, it did not limit how the phrase "those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity" would apply to the different FMPs in different portions of the U.S. coast. As with the Magnuson-Stevens Act national standards, NMFS had to create a tool to implement these broad policy requirements within the realities of current scientific knowledge about managed fish stocks and their habitats. To address the difficult problem of describing EFH, NMFS issued an interim final rule to implement the EFH provisions of the Magnuson-Stevens Act (62 FR 66531, December 19, 1997; 50 CFR Part 600, Subparts J and K.)

This rule describes an approach for designating EFH under current information conditions and an ultimate goal for information about managed species EFH. Four levels of information range from (1) "Presence/absence distribution data are available for some or all portions of the geographic range of the species," to (4) "Production rates by habitat (for particular species) are available." 62 FR § 6552; 50 CFR § 600.815 (a)(2)(B). Under the Pacific Coast Groundfish FMP, the Council had to describe EFH for 82 different groundfish species, at life history stages ranging from eggs/parturition to adulthood and spawning adulthood. Over 400 EFH identifications were required to provide habitat descriptions for all life stages of all managed species. For most life stages of most species, only very basic presence/absence information was available. For some species, Level 2 information, "Habitat-related densities of the species are available" existed for adult life stages. However, identifying adult life stage EFHs for those species/stages for which there existed Level 2 information did not tend to diminish either the EFH of individual species over their entire life history or the entire EFH under the FMP. NMFS agrees that the Pacific Coast Groundfish FMP EFH is large. However, NMFS believes that the identified EFH is no larger than is supported by current scientific evidence. NMFS and the Council plan to continue research on Pacific Coast groundfish habitat with the aim of achieving the highest possible levels of information for all life stages of all managed species. NMFS cautions the public that while higher information levels will likely result in smaller

specific EFHs for each life stage of each managed species, the cumulative size and shape of the 400+ EFH definitions might not be significantly smaller than the current EFH description.

Comment 5: The highest level information available must be used in EFH designations. It appears that the EFH portion of Amendment 11 gives higher credence to Level 1 information than to Level 2 information. Because the Council dismissed Level 2 information, it does not appear that NMFS and the Council have used the best scientific information available in designating EFH. Furthermore, the EFH portion of Amendment 11 should include a schedule and research plan to fill identified data gaps. The research plan should demonstrate that it will lead to the development of higher level EFH information.

Response: NMFS believes that the Council did not dismiss Level 2 information. On the contrary, EFH descriptions for individual species and life stages provide summaries of the highest level of information available for each species' life stages. NMFS agrees with commenters on the importance of research to provide higher levels of information for all species at all life stages. NMFS expects to continue to conduct research on groundfish habitat, and to keep abreast of similar research being conducted by other Federal agencies, states and tribes, academia, and private organizations. Because information is limited or lacking for many species and/or life stages, further research cannot help but lead to the development of higher level EFH information. Amendment 11 provides research recommendations for further efforts to provide higher and more detailed information on groundfish EFH, as required by 50 CFR 600.815(a)(10). In addition, groundfish EFH research priorities have been adopted into the Council's biennial "Research and Data Needs for 1998-2000," which summarizes the Council's scientific research needs for all fisheries under the Council's authority.

Comment 6: Amendment 11 includes a limited number of broadly defined "composite EFHs" to address the complexity of dealing with numerous individual species and unique life stages. We are concerned that this approach will require consultation on the effects of our activities on species that either do not occur off of our portion of the Pacific Coast, or which are rarely or anomalously observed in our waters. It is clear that not all of the non-fishing activities described will potentially impact all groundfish species.

Response: NMFS agrees that not all of the non-fishing activities described in the EFH portion of Amendment 11 will affect all groundfish species. The approach of using "composite EFHs" is designed to make the consultation process more simple, not more complex. If a particular activity is known to adversely affect only the marine component of the estuarine composite, for example, consultation would be limited to EFH for those species and life stages associated with the estuarine composite in the geographic area of the activity considered.

Comment 7: EFH designations must be updated through FMP amendments, rather than through an administrative process, so that updates of EFH designations include an opportunity for public review and comment.

Response: NMFS disagrees with this comment, for the reasons stated earlier in the discussion on frameworking. Amendment 11 sets the process of updating EFH designations within a framework that allows the Council to include new information more frequently than would be possible if EFH designations were updated through FMP amendments. All discussions by the Council and its advisory bodies concerning EFH will be open to the public, and any decisions made on updating EFH designation will be made only after public comment has been considered. The Council publicly announces all of its meetings, and makes particular effort to keep a wide range of constituents informed of its activities, and of the activities of its advisory bodies.

Comment 8: Effects of non-fishing activities on marine waters are already well regulated at the present time under a wide range of state and Federal programs. No adequate scientific or other justification is presented in the amendment or in supporting materials for adoption of general prescriptive measures against non-fishing activities that may affect EFH. Overgeneralized conclusions about the effects of non-fishing activities on EFH unnecessarily encumber NMFS and the Councils, as well as other Federal and state agencies and a huge number of nonfishing sector enterprises and communities with an overly complex consultation and coordination process. The measures suggested are likely to be redundant or in conflict with measures being pursued under other regulatory programs. Therefore, these suggested conservation and management measures are not in compliance with the Magnuson-Stevens Act national standards, which state that conservation and management measures be based on the best available scientific

information, and that such measures shall, where practicable, minimize costs and avoid unnecessary duplication.

Response: The interim final rule (62 FR 66531, December 19, 1997; 50 CFR Part 600, Subparts J and K) discussed earlier, in the response to Comment 4, requires that FMPs "identify activities that have the potential to adversely affect EFH quantity or quality, or both." 50 CFR Section 600.815(a)(5). FMPs also must "describe options to avoid, minimize, or compensate for the adverse effects identified pursuant to (fishing and non-fishing activities)." 50 CFR Section 600.815(a)(7). The Council does not have regulatory authority over non-fishing activities affecting groundfish EFH. The FMP does not impose management measures on non-fishing interests. It provides the information called for in the statute and regulations, so that it can be used by the public and in the consultation process established in the statute.

The Magnuson-Stevens Act requires all Federal agencies whose activities may adversely affect EFH to consult with NMFS (16 U.S.C. 1855(b)(2)). According to 16 U.S.C. 1855(b)(4), NMFS is required to provide EFH conservation and enhancement recommendations to Federal and state agencies for actions that adversely affect EFH. State agencies and private parties are not required to consult directly with NMFS on their activities with EFH. However, if their activities are authorized, funded or undertaken by a Federal agency, then that Federal agency must consult with NMFS.

The EFH consultation requirements of the Magnuson-Stevens Act will be implemented, to the extent possible, through existing framework of established habitat conservation policies. EFH consultations will be combined with existing interagency consultations and environmental review procedures that may be required under other such statutes as the Endangered Species Act (ESA), Clean Water Act, the National Environmental Policy Act (NEPA), the Fish and Wildlife Coordination Act, the Federal Power Act, and the Rivers and Harbor Act. Combining habitat consultations for multiple laws minimizes possible conflicts between and redundancy in meeting the implementation requirements of those laws. Wherever possible, NMFS will also combine EFH consultations for multiple different projects in order to reduce the regulatory burden of consultation.

Comment 9: Potential effects of municipal wastewater discharge were too general, and, thus, not accurately described in Amendment 11.

Furthermore, conservation measures suggested for wastewater discharge, such as "improved treatment of sewage," are unnecessary and unfeasible, and therefore inappropriate for inclusion in the EFH portion of Amendment 11.

Response: NMFS recognizes that wastewater discharge and water quality standards are already regulated through laws other than the Magnuson-Stevens Act, and that those laws require implementation of a variety of conservation measures. However, as stated in the response to Comment 8, Magnuson-Stevens Act amendments to FMPs must identify activities that may adversely affect EFH quantity or quality, and must further describe options to avoid, minimize, or compensate for those effects. The feasibility of implementing particular conservation measures to avoid, minimize, or compensate for the effects of non-fishing activities on EFH will vary in different areas of the Pacific Coast, depending on the regulatory requirements currently in place for those areas.

Comment 10: The EFH provision is not complete. It does not include any specific measures to reduce the impacts of fishing on EFH. The EFH section lacks the following required elements: (1) identification of habitat areas of particular concern (HAPCs) to help guide the application of habitat protection measures; and (2) adoption of specific and identifiable conservation and management measures to protect habitat from the impacts of harmful fishing practices, such as restrictions on gear or fishing practices, time or area closures, and no-take reserves to preserve habitat or provide base-line information.

Response: Identifying HAPCs is not a required element in implementing the EFH provisions of the Magnuson-Stevens Act. The NMFS interim final rule (62 FR 66531, December 18, 1997; 50 CFR Part 600 subparts J and K) states at § 600.815(a)(9), in part, "FMPs should identify HAPCs within EFH." Identifying HAPCs is NMFS' highest habitat research priority for Pacific Coast groundfish. NMFS anticipates that the Council will incorporate HAPCs into its EFH designations as soon as adequate information is available. Identifying HAPCs should also strengthen EFH description information for several key species managed by the FMP.

In addition to projects that identify HAPCs, NMFS has been working to incorporate EFH information into geographic information system databases, to better map habitats used by Pacific Coast groundfish. NMFS is

also focusing Pacific Coast research on the effects of fishing gear on EFH, and on the habitat needs of different rockfish species assemblages. The NMFS Southwest Fisheries Science Center has been studying whether there are particular rockfish habitats that are already inaccessible to fishing gear, and if so, whether those areas could be used as unaltered habitat baselines for research into the effects of fishing gear on rockfish habitat. Additionally, NMFS is working in partnership with its sister agency, the National Ocean Service, which manages U.S. National Marine Sanctuaries, to conduct habitat surveys of the ocean floor through the use of human-operated and remotely-operated submersible vehicles. All of these efforts, in combination with the research work of other public agencies, academic and private institutions, should greatly improve the level of information available on groundfish EFH. The Magnuson-Stevens Act provisions on EFH have created the impetus to move these projects forward.

At 16 U.S.C. 1853(a)(7), the Magnuson-Stevens Act requires that FMPs include practicable measures that minimize to the extent practicable the adverse effects of fishing on EFH. Amendment 11 includes a consideration of how the effects of fishing activities on EFH could be minimized and provides a framework for the Council to implement future management measures to protect EFH. Through this framework, the Council has already begun investigations into measures that would reduce the effects of fishing gear on EFH, including time and area closures to protect overfished species' habitat, gear alterations to minimize bycatch and habitat damage, and no-take marine reserves. Amendment 11 also describes the dearth of information on the interaction between groundfish fishing gear and Pacific coast groundfish habitat. There is a great deal of uncertainty about the effects of fishing gear on EFH. NMFS and other agencies are working on defining those effects so that the Council may properly evaluate what management measures may be practicable and effective in protecting EFH. NMFS and the Council consider Amendment 11 to be a first step in the development of practicable management measures that minimize the effects of fishing gear on EFH. NMFS will be working with the Council and encouraging swift progress in this area.

Comment 11: The EFH section does not adequately conduct an assessment of the potential adverse effects of all fishing equipment types used in waters described as EFH. The amendment cites lack of information on the effects of

fishing gears on the habitat of Pacific Coast groundfish; however, we question why research from Georges Bank that shows that fishing gear that scrapes the bottom and has detrimental effects on benthic habitats would not be applicable to Pacific Coast groundfish habitat.

Response: The EFH portion of Amendment 11 does contain an assessment of potential adverse impacts of all fishing equipment types used in waters managed by the FMP. While describing these potential adverse effects based on information from other parts of the world, this assessment also discusses the dearth of information specific to Pacific Coast groundfish habitat. Georges Bank, a shallow plain on the continental shelf off eastern New England, is a different type of habitat from the rocky, high-relief habitat off the Pacific coast. Fishing strategies and gears used in Georges Bank are also quite different from fishing strategies off the Pacific coast. For example, there are no vessels using dredge gear in the Pacific Coast EEZ, and there are far fewer bottom trawlers operating off the Pacific coast than off the New England coast. As stated in the response to Comment 10, fishing effects on Pacific Coast groundfish EFH is a NMFS EFH research priority, and the Council has initiated an effort through its legal gear committee to begin considering changes to fishing gear to protect sensitive EFH.

Comment 12: The Council has neglected to evaluate the loss of prey species as an adverse effect on EFH and on a managed species. An evaluation of adverse effects from fishing activities must investigate whether and to what extent loss of prey from direct or indirect (i.e., bycatch) fishing activities is adversely affecting the feeding EFH of managed species.

Response: An evaluation of prey species stock status is not required for implementing the EFH provisions of the Magnuson-Stevens Act. The NMFS interim final rule (62 FR 66531, December 18, 1997) states at § 600.815(a)(8), in part, "FMPs should identify the major prey species for the species in the FMU and generally describe the location of prey species' habitat." Given the time constraints of meeting the October 1998 Magnuson-Stevens Act deadline for amendment approval, and the fact that there are 82 groundfish species in the Pacific Coast Groundfish FMP's fishery management unit, the Council chose to focus its efforts on required EFH elements. A description of EFH for 82 different groundfish species necessarily includes a great deal of marine habitat that is

used both by managed species and by the prey of managed species.

Comment 13: Finalizing EFH amendments to the Pacific Coast Groundfish FMP can await revision of the NMFS interim final regulations and guidelines, which is being vigorously pursued. Amending FMPs in advance of that reform will require redoing the process later, and is likely to lead only to further disagreement and confusion in the meantime.

Response: Section 108(b) of the SFA required that regional fishery management councils submit FMP amendments to the Secretary implementing the SFA amendments to the Magnuson-Stevens Act by October 11, 1998. If the NMFS interim final regulations on implementing EFH are revised in the future, FMPs will reflect those changes as necessary. Additionally, the interim final rule recommends at § 600.815(11) that the Councils conduct a complete review of the EFH provisions of their FMPs at least once every 5 years.

Comments on the Environmental Assessment (EA)

Comment 14: The EA does not adequately evaluate previous relevant actions (such as NMFS having approved excessively high total allowable catches in past years); future relevant actions; and other direct, indirect, and cumulative ecological and economic effects of the selected recommendations in Amendment 11. The EA does not proceed from an appropriate baseline of information—a healthy ecosystem and a healthy fishery, one that has not been so overexploited as to have caused stocks to be overfished or to be approaching an overfished condition.

Response: The Amendment 11 EA did consider the Council's previous relevant actions, proposed future relevant actions, and the effects of actions recommended by Amendment 11, while also discussing the benefits and/or detractions of taking those actions. The current evaluations of past actions are what have shown us that harvest levels on some species have been unsustainably high. The Council's management actions are always based on the most recent available information, including information about and assessments of previous relevant management actions, particularly past harvest rates. Not all future relevant actions can be predicted, but Council decisions do take account of their future expected activities.

Comment 15: The Amendment 11 EA is inadequate as a National Environmental Policy Act document. It does not contain an adequate range of

alternatives for designating EFH. We found neither a discussion of environmental impacts that might result from the amendment's EFH provisions, nor a Regulatory Impact Review (RIR) analysis. Socioeconomic impacts on non-fishing entities and communities are otherwise ignored, with the erroneous assertion that the action proposed is simply to describe and identify EFH for FMP species, which, in and of itself, will have no economic impact. An Environmental Impact Statement (EIS) must be prepared to address the potentially huge effects on the human environment of the pervasive and cumbersome EFH program reflected in the proposed amendment.

Response: NMFS disagrees. Operating under Magnuson-Stevens Act requirements to identify EFH and to describe fishing and non-fishing activities that may affect EFH, the Council considered the sum of the available information on groundfish habitat. The Council did not have the option of waiting to designate EFH until the scientific community builds a thorough database for all of the species managed under the groundfish FMP. As explained in the response to Comment 8, the Council does not have regulatory authority over non-fishing activities affecting groundfish EFH. Also explained in the response to Comment 8, any consultation activities resulting from the designation of Pacific Coast groundfish EFH will be conducted between NMFS and other Federal or state agencies, not between NMFS and private entities. The RIR in Amendment 11 focuses on fishery regulatory activity because the Council addresses fishing activities in the Pacific Coast EEZ.

Amendment 11 Provisions to Provide Fish as Compensation for Participation in Resource Surveys

The Magnuson-Stevens Act authorizes the Secretary to use the private sector to provide vessels, equipment, and services necessary to survey fishery resources and to pay for these surveys through the sale of fish taken during the survey or, if the quality or amount of fish is not adequate, on a subsequent commercial fishing trip (see § 402(e)). Section 303(b)(11) of the Magnuson-Stevens Act further enables the Secretary to "reserve a portion of the allowable biological catch of the fishery for use in scientific research."

The fishing industry, environmental groups, and NMFS have actively explored various ways to expand and improve information used to manage the groundfish fishery and to involve the fishing industry in gathering that information. Amendment 11 includes a provision to allow NMFS to use fish as

compensation for fishers who participate in resource surveys. The preamble to the proposed rule to implement this provision (February 10, 1999, 64 FR 6597) provided a complete discussion of how owners of chartered vessels could be compensated for participation in resource surveys, of how commercial fishing vessel operations could be compensated for collecting resource information, of competitive bid solicitation, of scientific protocols for sample retention, of the issuance process for compensation exempted fishing permits, and of how compensation fish will be accounted for in the Council's annual process of setting ABCs and OYs. During the public comment period on this action, NMFS did not receive any comments addressing this portion of the proposed rule. There are no changes from the proposed rule to the regulatory text on compensation fishing.

Regulatory Definitions of Amendment 11 Terms, Comment and Response, Change from the Proposed Rule

Amendment 11 modified the FMP definitions of several terms, including terms used in groundfish regulations. In the proposed rule to implement Amendment 11, NMFS proposed amending the regulatory definitions of the terms "specification," and "processing or to process" to make those definitions consistent with the new Amendment 11 definitions, and proposed adding a definition for "optimum yield." NMFS received one public comment on the proposed rule to implement Amendment 11. The commenter asked that NMFS include the Amendment 11 definition of "processor" in the codified regulations because the current regulations do not directly regulate processor activities. However, including it in the regulations alerts the affected public, and provides notice to the persons who are newly defined as processors to pay attention to future Council actions that may affect them. Including this definition in the groundfish regulations will not alter the effect or enforcement of current Federal groundfish regulations. The definition of "processor" in Amendment 11 is, "Processor means a person, vessel, or facility that (1) engages in processing; or (2) receives live groundfish directly from a fishing vessel for retail sale without further processing." This definition is necessary to clarify that a person, vessel or facility that receives live fish directly from a fishing vessel for sale without further processing is

considered a processor. This differs from previous use of the term, which was ambiguous with respect to the receipt and subsequent sale of live fish. Including this definition in the codified groundfish regulations does not alter the effect or enforcement of current Federal groundfish regulations.

Classification

The Administrator, Northwest Region, NMFS, determined that Amendment 11 is necessary for the conservation and management of the Pacific Coast groundfish fishery and that it is consistent with the Magnuson-Stevens Act and other applicable laws.

This final rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration when this rule was proposed, that this rule, if adopted as proposed, would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

This rule contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA) that have been approved by OMB, under OMB Control Number 0648-0203 for Federal fishing permits. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number. The public reporting burden for applications for exempted fishery permits. The public reporting burden for applications for exempted fishery permits is estimated at 1 hour per response; the burden for reporting by exempted fishing permittees is estimated at 30 minutes per response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and revising the collection of information. Send comments regarding this burden estimate or any other aspect of the data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSES) and to OMB, Washington, D.C. 20503 (ATTN: NOAA Desk Officer).

NMFS issued Biological Opinions (BOs) under the ESA on August 10, 1990, November 26, 1991, August 28,

1992, September 27, 1993, and May 14, 1996, pertaining to the impacts of the groundfish fishery on Snake River spring/summer chinook, Snake River fall chinook, Sacramento River winter chinook, and on Snake River sockeye. The BOs concluded that implementation of the FMP for the Pacific Coast Groundfish fishery is not expected to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS, or result in the destruction or adverse modification of critical habitat. This rule is within the scope of these consultations. Because the impacts of this action fall within the scope of the impacts considered in these BOs, additional consultations on these species are not required for this action. Since the last BO, additional species have been listed under the ESA, including: coho salmon as threatened (Oregon coast/southern Oregon-northern California/ central California); chinook salmon as threatened (Puget Sound/ lower Columbia River/upper Willamette River) and endangered (upper Columbia River); chum salmon as threatened (Hood Canal/Columbia River); sockeye salmon as threatened (Ozette Lake); steelhead as threatened (middle and lower Columbia River/Snake River Basin/upper Willamette River/central California/south-central California) and endangered (upper Columbia River/ southern California); and, Umpqua River cutthroat trout as endangered.

NMFS has reinitiated consultation under Section 7 of the ESA on the Pacific Coast Groundfish fishery to consider its effect on newly listed species. Review of the available information indicates that these fisheries are not likely to affect listed coho, chum, sockeye, steelhead, or cutthroat trout, as these species are rarely, if ever, encountered in the groundfish fishery. Chinook salmon are caught incidentally to some of the groundfish net fisheries, and those fisheries may take chinook salmon from some of the newly listed runs. However, all four of the newly listed chinook evolutionary significant units are north or far-north migrating species, which greatly limits the potential for take in the groundfish fisheries. NMFS has reviewed the effects of groundfish management under the FMP on newly listed Pacific salmon stocks and has determined that implementation of the Amendment 11 final rule will not result in irretrievable or irreversible commitments of resources that would have the effect of foreclosing the formulation or implementation of any reasonable and prudent alternative

measures that may be developed and deemed necessary for future implementation in the Pacific Coast groundfish fishery.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: September 2, 1999.

Andrew A. Rosenberg,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 660.302, the definitions “Optimum yield” and “Processor” are added in alphabetical order, and the definitions of “Commercial harvest guideline or commercial quota”, “Processing or to process”, and “Specification” are revised to read as follows:

§ 660.302 Definitions.

Commercial harvest guideline or commercial quota means the harvest guideline or quota after subtracting any allocation for the Pacific Coast treaty Indian tribes, for recreational fisheries, and for compensation fishing under § 660.350. Limited entry and open access allocations are based on the commercial harvest guideline or quota.

Optimum yield (OY) means the amount of fish that will provide the greatest overall benefit to the Nation, particularly with respect to food production and recreational opportunities, and, taking into account the protection of marine ecosystems, is prescribed as such on the basis of the MSY from the fishery, as reduced by any relevant economic, social, or ecological factor; and, in the case of an overfished fishery, provides for rebuilding to a level consistent with producing the MSY in such fishery. OY may be expressed numerically (as a harvest guideline, quota, or other specification) or non-numerically.

Processing or to process means the preparation or packaging of groundfish

to render it suitable for human consumption, retail sale, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done.

Processor means person, vessel, or facility that engages in processing; or receives live groundfish directly from a fishing vessel for retail sale without further processing.

Specification is a numerical or descriptive designation of a management objective, including but not limited to: ABC; optimum yield; harvest guideline; quota; limited entry or open access allocation; a set aside or allocation for a recreational or treaty Indian fishery; an apportionment of the above to an area, gear, season, fishery, or other subdivision; DAP, DAH, JVP, TALFF, or incidental bycatch allowances in foreign or joint venture fisheries.

3. In § 660.306, paragraphs (d), (e), and (f) are revised to read as follows:

§ 660.306 Prohibitions.

(d) Fish for groundfish in violation of any terms or conditions attached to an EFP under § 600.745 of this chapter or § 660.350.

(e) Fish for groundfish using gear not authorized under § 660.322 or in violation of any terms or conditions attached to an EFP under § 660.350 or part 600 of this chapter.

(f) Take and retain, possess, or land more groundfish than specified under § 660.321 and § 660.323, or under an EFP issued under § 660.350 or part 600 of this chapter.

4. In § 660.321, paragraph (b) is revised to read as follows:

§ 660.321 Specifications and management measures.

(b) *Annual actions.* The Pacific Coast Groundfish fishery is managed on a calendar year basis. Even though specifications and management measures are announced annually, they may apply for more than 1 year. In general, management measures are designed to achieve, but not exceed, the specifications, particularly optimum yields (harvest guidelines and quotas), commercial harvest guidelines and quotas, limited entry and open access allocations, or other approved fishery allocations.

5. Section 660.350 is added to read as follows:

§ 660.350 Compensation with fish for collecting resource information—exempted fishing permits off Washington, Oregon, and California.

In addition to the reasons stated in § 600.745(b)(1) of this chapter, an EFP may be issued under this subpart G for the purpose of compensating the owner or operator of a vessel for collecting resource information according to a protocol approved by NMFS. NMFS may issue an EFP allowing a vessel to retain fish as compensation in excess of trip limits or to be exempt from other specified management measures for the Pacific coast groundfish fishery.

(a) *Compensation EFP for vessels under contract with NMFS to conduct a resource survey.* NMFS may issue an EFP to the owner or operator of a vessel that conducted a resource survey according to a contract with NMFS. A vessel's total compensation from all sources (in terms of dollars or amount of fish, including fish from survey samples or compensation fish) will be determined through normal Federal procurement procedures. The compensation EFP will specify the maximum amount or value of fish the vessel may take and retain after the resource survey is completed.

(1) *Competitive offers.* NMFS may initiate a competitive solicitation (request for proposals or RFP) to select vessels to conduct resource surveys that use fish as full or partial compensation, following normal Federal procurement procedures.

(2) *Consultation and approval.* At a Council meeting, NMFS will consult with the Council and receive public comment on upcoming resource surveys to be conducted if groundfish could be used as whole or partial compensation. Generally, compensation fish would be similar to surveyed species, but there may be reasons to provide payment with healthier, more abundant, less restricted stocks, or more easily targeted species. For example, NMFS may decline to pay a vessel with species that are, or are expected to be, overfished, or that are subject to overfishing, or that are unavoidably caught with species that are overfished or subject to overfishing. NMFS may also consider levels of discards, bycatch, and other factors. If the Council does not approve providing whole or partial compensation for the conduct of a survey, NMFS will not use fish, other than fish taken during the scientific research, as compensation for that survey. For each proposal, NMFS will present:

(i) The maximum number of vessels expected or needed to conduct the survey,

(ii) An estimate of the species and amount of fish likely to be needed as compensation,

(iii) When the survey and compensation fish would be taken, and

(iv) The year in which the compensation fish would be deducted from the ABC before determining the optimum yield (harvest guideline or quota).

(3) *Issuance of the compensation EFP.* Upon successful completion of the survey, NMFS will issue a "compensation EFP" to the vessel if it has not been fully compensated. The procedures in § 600.745(b)(1) through (b)(4) of this chapter do not apply to a compensation EFP issued under this subpart for the Pacific coast groundfish fishery (50 CFR part 660, subpart G).

(4) *Terms and conditions of the compensation EFP.* Conditions for disposition of bycatch or any excess catch, for reporting the value of the amount landed, and other appropriate terms and conditions may be specified in the EFP. Compensation fishing must occur during the period specified in the EFP, but no later than the end of September of the fishing year following the survey, and must be conducted according to the terms and conditions of the EFP.

(5) *Reporting the compensation catch.* The compensation EFP may require the vessel owner or operator to keep separate records of compensation fishing and to submit them to NMFS within a specified period of time after the compensation fishing is completed.

(6) *Accounting for the compensation catch.* As part of the annual specifications process (§ 660.321), NMFS will advise the Council of the amount of fish authorized to be retained under a compensation EFP, which then will be deducted from the next year's ABCs before setting the HGs or quotas. Fish authorized in an EFP too late in the year to be deducted from the following year's ABC will be accounted for in the next management cycle practicable.

(b) *Compensation for commercial vessels collecting resource information under a standard EFP.* NMFS may issue an EFP to allow a commercial fishing vessel to take and retain fish in excess of current management limits for the purpose of collecting resource information (§ 600.745(b) of this chapter). The EFP may include a compensation clause that allows the participating vessel to be compensated with fish for its efforts to collect resource information according to NMFS' approved protocol. If

compensation with fish is requested in an EFP application, or proposed by NMFS, the following provisions apply in addition to those at § 600.745(b) of this chapter.

(1) *Application.* In addition to the requirements in § 600.745(b) of this chapter, application for an EFP with a compensation clause must clearly state whether a vessel's participation is contingent upon compensation with groundfish and, if so, the minimum amount (in metric tons, round weight) and the species. As with other EFPs issued under § 600.745 of this chapter, the application may be submitted by any individual, including a state fishery management agency or other research institution.

(2) *Denial.* In addition to the reasons stated in § 600.745(b)(3)(iii) of this chapter, the application will be denied if the requested compensation fishery, species, or amount is unacceptable for reasons such as, but not limited to, the following: NMFS concludes the value of the resource information is not commensurate with the value of the compensation fish; the proposed compensation involves species that are (or are expected to be) overfished or subject to overfishing, fishing in times or areas where fishing is otherwise prohibited or severely restricted, or fishing for species that would involve unavoidable bycatch of species that are overfished or subject to overfishing; or NMFS concludes the information can reasonably be obtained at a less cost to the resource.

(3) *Window period for other applications.* If the RA or designee agrees that compensation should be considered, and that more than a minor amount would be used as compensation, then a window period will be announced in the **Federal Register** during which additional participants will have an opportunity to apply. This notification would be made at the same time as announcement of receipt of the application and request for comments required under § 660.745(b). If there are more qualified applicants than needed for a particular time and area, NMFS will choose among the qualified vessels, either randomly, in order of receipt of the completed application, or by other impartial selection methods. If the permit applicant is a state, university, or Federal entity other than NMFS, and NMFS approves the selection method, the permit applicant may choose among the qualified vessels, either randomly, in order of receipt of the vessel application, or by other impartial selection methods.

(4) *Terms and conditions.* The EFP will specify the amounts that may be taken as scientific samples and as compensation, the time period during which the compensation fishing must occur, management measures that NMFS will waive for a vessel fishing under the EFP, and other terms and conditions appropriate to the fishery and the collection of resource information. NMFS may require compensation fishing to occur on the same trip that the resource information is collected.

(5) *Accounting for the catch.* Samples taken under this EFP, as well as any compensation fish, count toward the current year's catch or landings.

[FR Doc. 99-23486 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062-9062-01; I.D. 090299A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of Pacific ocean perch in the Central Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catch of Pacific ocean perch in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 1999 total allowable catch (TAC) of Pacific ocean perch in this area has been achieved.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 3, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson 907-481-1780 or tom.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and

Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The amount of the 1999 TAC of Pacific ocean perch in the Central Regulatory Area of the GOA was established as 6,760 metric tons by the Final 1999 Harvest Specifications of Groundfish for the GOA (64 FR 12094, March 11, 1999). See § 679.20(c)(3)(ii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the 1999 TAC for Pacific ocean perch in the Central Regulatory Area of the GOA has been achieved. Therefore, NMFS is requiring that further catches of Pacific ocean perch in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1999 TAC for Pacific ocean perch in the Central Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the amount of the 1999 TAC for Pacific ocean perch in the Central Regulatory Area of the GOA. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 2, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99-23443 Filed 9-3-99; 3:50 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062-9062-01; I.D. 090199C]

Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of northern rockfish in the Central Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catch of northern rockfish in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 1999 total allowable catch (TAC) of northern rockfish in this area has been achieved.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 3, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson 907-481-1780 or tom.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The amount of the 1999 TAC of northern rockfish in the Central Regulatory Area of the GOA was established as 4,150 metric tons by the Final 1999 Harvest Specifications of Groundfish for the GOA (64 FR 12094, March 11, 1999). See § 679.20(c)(3)(ii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the 1999 TAC for northern rockfish in the Central Regulatory Area of the GOA has been achieved. Therefore, NMFS is requiring that further catches of northern rockfish in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1999 TAC for northern rockfish in the Central Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the amount of the 1999 TAC for northern rockfish in the Central Regulatory Area of the GOA. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 2, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99-23442 Filed 9-3-99; 3:50 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 990304062-9062-01; I.D. 090199D]

Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the Central Regulatory Area of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of pelagic shelf rockfish in the Central Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catch of pelagic shelf rockfish in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 1999 total allowable catch (TAC) of pelagic shelf rockfish in this area has been achieved.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 3, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT:

Thomas Pearson 907-481-1780 or tom.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The amount of the 1999 TAC of pelagic shelf rockfish in the Central Regulatory Area of the GOA was established as 3,370 metric tons by the Final 1999 Harvest Specifications of Groundfish for the GOA (64 FR 12094, March 11, 1999). See § 679.20(c)(3)(ii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the 1999 TAC for pelagic shelf rockfish in the Central Regulatory Area of the GOA has been achieved. Therefore, NMFS is requiring that further catches of pelagic shelf rockfish in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1999 TAC for pelagic shelf rockfish in the Central Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the amount of the 1999 TAC for pelagic shelf rockfish in the Central Regulatory Area of the GOA. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 2, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99-23441 Filed 9-3-99; 3:50 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 990304063-9063-01; I.D. 090399A]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel to Vessels Using "Other Gear" in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel by vessels using "other gear" in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 1999 initial total allowable catch (ITAC) of Atka mackerel allocated to vessels using "other gear" in the Eastern Aleutian District and the Bering Sea subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 7, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907-586-7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP are found at subpart H of 50 CFR part 600 and CFR part 679.

The 1999 ITAC of Atka mackerel allocated to vessels using "other gear" in the Eastern Aleutian District and the Bering Sea subarea was established by the Final 1999 Harvest Specifications for Groundfish (64 FR 12103, March 11, 1999) as 15,568 metric tons (mt). See § 679.20(c)(6) and 679.20(a)(8).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 1999 ITAC of Atka mackerel allocated to vessels using "other gear" in the Eastern Aleutian District and the Bering Sea subarea will be reached. Therefore, the Regional

Administrator is establishing a directed fishing allowance of 15,068 mt, and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel for vessels using "other gear" in the Eastern Aleutian District and the Bering Sea subarea of the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1999 ITAC of Atka mackerel allocated to vessels using "other gear" in the Eastern Aleutian District and the Bering Sea subarea of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 3, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99-23459 Filed 9-3-99; 4:07 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 082599A]

Fisheries of the Exclusive Economic Zone Off Alaska; License Limitation Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of application period.

SUMMARY: NMFS announces an application period for persons applying for a groundfish or crab species license under the License Limitation Program (LLP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Management Area, the Groundfish of the Gulf of Alaska, and the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands. This announcement is necessary to begin the application process to determine eligible participants in the fisheries managed under the LLP and is intended to provide potential eligible applicants with notice of the opportunity to apply for a groundfish or crab species license.

DATES: Applications must be postmarked or delivered to NMFS (see ADDRESSES) during the application period beginning September 13, 1999, and ending at the close of business on December 17, 1999.

ADDRESSES: Applications can be requested from, and must be sent to, Restricted Access Management, NMFS, P.O. Box 21668, Juneau, AK 99802-1668. Hand delivery or courier delivery of applications must be delivered to the Federal Building, 709 West 9th Street, Room 453, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Restricted Access Management, 1-800-304-4846.

SUPPLEMENTARY INFORMATION: In June 1995, the North Pacific Fishery Management Council (Council) recommended that NMFS implement the LLP to address concerns of excess capital and capacity in the groundfish and crab fisheries off Alaska. As the next stage of a multistaged process to reduce capacity and capital in the affected fisheries, the LLP will replace the Vessel Moratorium Program (VMP). NMFS implemented the VMP to impose a temporary moratorium on the entry of new capacity into the groundfish and crab fisheries off Alaska and to define the class of entities that would be eligible for licenses under the LLP. The VMP is scheduled to expire on December 31, 1999. The final rule implementing the LLP (63 FR 52642, October 1, 1998) specifies that fishing

will begin under the LLP on January 1, 2000.

A final rule establishing the application period and the procedures to apply for a license will become effective on September 7, 1999 (64 FR 42826, August 6, 1999). This rule provides at § 679.4(k)(6)(ii) that an application period of no less than 90 days will be specified by notification in the **Federal Register**. This rule also provides at § 679.4(k)(6)(i) that a person may request an application for a groundfish license or a crab species license issued under the LLP.

This notification is intended to comply with the application procedures established in § 679.4(k)(6). An application will be sent to the last known address of a person that appears to be an eligible applicant based on information in the official LLP record. All other persons are hereby notified that they must request an application from Restricted Access Management, NMFS (see ADDRESSES). The application period for groundfish licenses and crab species licenses under the LLP begins on September 13, 1999, and ends at the close of business on December 17, 1999. Incomplete applications will be returned to the applicant with specific kinds of information identified that are necessary to make the application complete. Applications postmarked after December 17, 1999, or delivered after the close of business on December 17, 1999, will be denied.

Classification

This action is taken under 50 CFR 679.4(k)(6) and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 2, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99-23487 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-22-F

Proposed Rules

Federal Register

Vol. 64, No. 175

Friday, September 10, 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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-323-AD]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes Powered by Rolls-Royce RB211-535C/E4/E4B Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 757-200, -200PF, and -200CB series airplanes, that would have required modification of the engine thrust control cable installation, and repetitive inspections to detect certain discrepancies of the cables, pulleys, pulley brackets, and cable travel; and repair, if necessary. That proposal was prompted by reports of failure of certain engine thrust control cables. This new action would revise the proposed rule by extending the compliance time for certain actions, revising certain inspection procedures, and adding a requirement for a one-time inspection to determine the part number of thrust control cable pulleys and replacement of existing pulleys with new pulleys, if necessary. The actions specified by this new proposed AD are intended to prevent failure of certain engine thrust control cables, which could result in a severe asymmetric thrust condition during landing, and consequent reduced controllability of the airplane.

DATES: Comments must be received by October 5, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114,

Attention: Rules Docket No. 98-NM-323-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Kathrine Rask, Aerospace Engineer, Propulsion Branch, ANM-140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-1547; fax (425) 227-1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-323-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-323-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Boeing Model 757-200, -200PF, and -200CB series airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on February 17, 1999 (64 FR 7822). That NPRM would have required modification of the engine thrust control cable installation, and repetitive inspections to detect certain discrepancies of the cables, pulleys, pulley brackets, and cable travel; and repair, if necessary. That NPRM was prompted by reports of failure of certain engine thrust control cables. That condition, if not corrected, could result in a severe asymmetric thrust condition during landing, and consequent reduced controllability of the airplane.

Actions Since Issuance of Previous Proposal

Due consideration has been given to the comments received in response to the NPRM. Certain of these comments and the information they provided have led the FAA to consider making certain significant changes to the proposal. These comments and the changes prompted by them are explained below.

Request to Extend Compliance Time

One commenter requests that the compliance time for the thrust control cable inspection [specified in paragraph (a) of the NPRM] be extended from 18 months or 6,000 flight hours after the effective date of this AD (whichever occurs first) to 24 months or 6,000 flight hours after the effective date of this AD (whichever occurs first). The commenter states that, for some operators, 6,000 flight hours would not closely correspond to 18 months.

The FAA concurs with the commenter's request to extend the compliance time somewhat. The FAA's intent is that the inspection specified in the proposal be performed during a regularly scheduled maintenance visit,

when the airplane is at a base where special equipment and trained personnel are readily available, if necessary. The FAA has determined that an interval of 24 months better corresponds to operators' normal maintenance schedules than an interval of 18 months. The FAA does not consider that such an extension of the compliance time to 24 months would adversely affect safety. Therefore, as the commenter requests, paragraph (a) of this supplemental NPRM has been revised accordingly. Similarly, the repetitive interval for the inspection specified in paragraph (a) of this supplemental NPRM has been revised from the earlier of 18 months or 6,000 flight hours to the earlier of 24 months or 6,000 flight hours, and paragraphs (c) and (d) of this supplemental NPRM [i.e., paragraphs (b) and (c) of the original NPRM] have been revised to incorporate a compliance time of 24 months or 6,000 flight hours after the effective date of this AD, whichever occurs first.

Request To Revise Inspection Procedure

Two commenters request that the "Thrust Control Cable Inspection Procedure," specified in paragraph (a) and described in Appendix 1 of the proposal, be revised to focus on minimizing the possibility of failure of an engine thrust control cable. One of the commenters suggests that the procedure be revised to eliminate all steps that don't contribute to the intent of the AD. The same commenter also suggests that the inspection procedure would be enhanced by adding an inspection of the cable joints.

The FAA concurs with the commenters' request, and the "Thrust Control Cable Inspection Procedure" specified in Appendix 1 of this supplemental NPRM has been revised accordingly.

Request To Add Requirement for Pulley Replacement

One commenter, the airplane manufacturer, suggests that the intent of the proposed AD would be enhanced by inclusion of a requirement for replacement of existing phenolic thrust control cable pulleys in the struts with aluminum pulleys. The commenter states that phenolic pulleys have seized due to delamination and loss of bearing lubrication, which would result in chafing of the engine thrust control cables. The commenter notes that this replacement is described in Boeing Service Letter 757-SL-76-004-A, dated July 21, 1997.

The FAA concurs with the commenter's request. Therefore, a new paragraph (b) has been added to this

supplemental NPRM, which would require, for airplanes having line numbers 1 through 636 inclusive, a one-time inspection of the thrust control cable pulleys in the struts to determine the part number of the pulleys, and replacement of phenolic pulleys with new aluminum pulleys. Such replacement would be required to be accomplished in accordance with the Boeing 757 Airplane Maintenance Manual. A new **Note 2** also has been added to this supplemental NPRM to provide references for the location of the pulleys to be inspected in accordance with paragraph (b) of this proposed AD.

Request To Revise Cost Impact

One commenter, the airplane manufacturer, requests that the "Cost Impact" section of the proposal be revised to remove the statement that the manufacturer will provide certain parts at no cost to the operators. The FAA concurs with the commenter's request and has revised the Cost Impact section of this supplemental NPRM in accordance with new cost data provided by the manufacturer.

Explanation of Additional Change to the Original NPRM

The Cost Impact section in this supplemental NPRM has been revised to increase the number of affected airplanes in the worldwide fleet as well as on the U.S. Register from the numbers stated in the original NPRM. Since the issuance of the NPRM, more airplanes have been delivered by the manufacturer; thus the number of affected airplanes has increased. No change to the applicability statement of the AD has been made or is necessary.

Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 483 airplanes of the affected design in the worldwide fleet. The FAA estimates that 248 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 3 work hours per airplane to accomplish the proposed inspection to verify the integrity of the thrust control cables, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this inspection proposed by this AD on U.S. operators is estimated to be \$44,640, or \$180 per airplane, per inspection cycle.

It would take approximately 1 work hour per airplane to accomplish the proposed inspection to determine the part number of the thrust control cable pulleys, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this inspection proposed by this AD on U.S. operators is estimated to be \$14,880, or \$60 per airplane, per inspection cycle.

For airplanes identified in Boeing Service Bulletin 757-76-1 (8 U.S.-registered airplanes), it would take approximately 2 work hours per airplane to accomplish the proposed guide bracket removal, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$960, or \$120 per airplane.

For airplanes identified in Boeing Service Bulletin 757-76-0005 (14 U.S.-registered airplanes), it would take approximately 14 work hours per airplane to accomplish the proposed replacement, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$1,410 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$31,500, or \$2,250 per airplane.

For airplanes identified in Boeing Alert Service Bulletin 757-30A0018, Revision 1 (167 U.S.-registered airplanes), it would take approximately 2 work hours per airplane to accomplish the proposed installation and adjustment, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$192 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$52,104, or \$312 per airplane.

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

Regulatory Impact

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

For the reasons discussed above, I certify that this proposed regulation (1)

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 98-NM-323-AD.

Applicability: Model 757-200, -200PF, and -200CB series airplanes powered by Rolls-Royce RB211-535C/E4/E4B turbofan engines, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent engine thrust control cable failure, which could result in a severe asymmetric thrust condition during landing, and consequent reduced controllability of the airplane, accomplish the following:

Inspections and Corrective Actions

(a) Within 24 months or 6,000 flight hours after the effective date of this AD, whichever occurs first: Accomplish the "Thrust Control

Cable Inspection Procedure" specified in Appendix 1. (including Figure 1) of this AD to verify the integrity of the thrust control cables. Prior to further flight, repair any discrepancy found in accordance with the procedures described in the Boeing 757 Maintenance Manual. Repeat the inspection thereafter at intervals not to exceed 24 months or 6,000 flight hours, whichever occurs first.

(b) For airplanes having line numbers 1 through 636 inclusive: Within 24 months or 6,000 flight hours after the effective date of this AD, whichever occurs first, perform a one-time inspection of the 8 engine thrust control cable pulleys in the struts (4 in each strut) to determine the part number (P/N) of each pulley. If any pulley having P/N 65B80977-1 is installed, prior to further flight, replace it with a pulley having P/N 255T1232-7, in accordance with the procedures described in the Boeing 757 Airplane Maintenance Manual.

Note 2: The location of the pulleys to be inspected in accordance with paragraph (b) of this AD is specified in Chapters 53-11-53-04, 76-11-52-01, and 76-11-52-02 of the Boeing 757 Illustrated Parts Catalog.

Modifications

(c) For airplanes identified in Boeing Service Bulletin 757-76-1, dated May 18, 1984: Within 24 months or 6,000 flight hours after the effective date of this AD, whichever occurs first, remove the guide bracket of the engine thrust control cable located on the front spar of the right wing in accordance with the service bulletin.

(d) For airplanes identified in Boeing Service Bulletin 757-76-0005, dated May 5, 1988: Within 24 months or 6,000 flight hours after the effective date of this AD, whichever occurs first, remove the engine thrust control cable breakaway stop assemblies, and replace sections of the engine thrust control cables with smaller diameter cables in accordance with the service bulletin.

(e) For airplanes identified in Boeing Alert Service Bulletin 757-30A0018, Revision 1, dated September 17, 1998: Within 60 days after the effective date of this AD, install a support bracket assembly between the window heat wire bundle and the engine thrust control cable; and adjust the wire bundle clearance, as necessary, to parallel the minimum clearance specified in the alert service bulletin.

Alternative Method of Compliance

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

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

Appendix 1.—Thrust Control Cable Inspection Procedure

Special Flight Permits

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199

of the Federal Aviation Regulations (14 CFR) 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished. Issued in Renton, Washington, on September 2, 1999.

1. General

A. Clean the cables, if necessary, for the inspection, in accordance with Boeing 757 Maintenance Manual 12-21-31.

B. Use these procedures to verify the integrity of the thrust control cable system. The procedures must be performed along the entire cable run for each engine. To ensure verification of the portions of the cables which are in contact with pulleys and quadrants, the thrust control must be moved by operation of the thrust and/or the reverse thrust levers to expose those portions of the cables.

C. The first task is an inspection of the control cable wire rope. The second task is an inspection of the control cable fittings. The third task is an inspection of the pulleys.

Note: These three tasks may be performed concurrently at one location of the cable system on the airplane, if desired, for convenience.

2. Inspection of the Control Cable Wire Rope

A. Perform a detailed visual inspection to ensure that the cable does not contact parts other than pulleys, quadrants, cable seals, or grommets installed to control the cable routing. Look for evidence of contact with other parts. Correct the condition if evidence of contact is found.

Note: For the purposes of this procedure, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

B. Perform a detailed visual inspection of the cable runs to detect incorrect routing, kinks in the wire rope, or other damage. Replace the cable assembly if:

(1) One cable strand had worn wires where one wire cross section is decreased by more than 40 percent (see Figure 1),

(2) A kink is found, or

(3) Corrosion is found.

C. Perform a detailed visual inspection of the cable: To check for broken wires, rub a cloth along the length of the cable. The cloth catches on broken wires.

(1) Replace the 7x7 cable assembly if there are two or more broken wires in 12 continuous inches of cable or there are three or more broken wires anywhere in the total cable assembly.

(2) Replace the 7x19 cable assembly if there are four or more broken wires in 12 continuous inches of cable or there are six or more broken wires anywhere in the total cable assembly.

3. Inspection of the Control Cable Fittings

A. Perform a detailed visual inspection to ensure that the means of locking the joints

are intact (wire locking, cotter pins, turnbuckle clips, etc.). Install any missing parts.

B. Perform a detailed visual inspection of the swaged portions of swaged end fittings to detect surface cracks or corrosion. Replace the cable assembly if cracks or corrosion are found.

C. Perform a detailed visual inspection of the unswaged portion of the end fitting. Replace the cable assembly if a crack is visible, if corrosion is present, or if the end fitting is bent more than 2 degrees.

D. Perform a detailed visual inspection of the turnbuckle. Replace the turnbuckle if a crack is visible or if corrosion is present.

4. Inspection of Pulleys

A. Perform a detailed visual inspection to ensure that pulleys are free to rotate. Replace pulleys which are not free to rotate.

BILLING CODE 4910-13-P

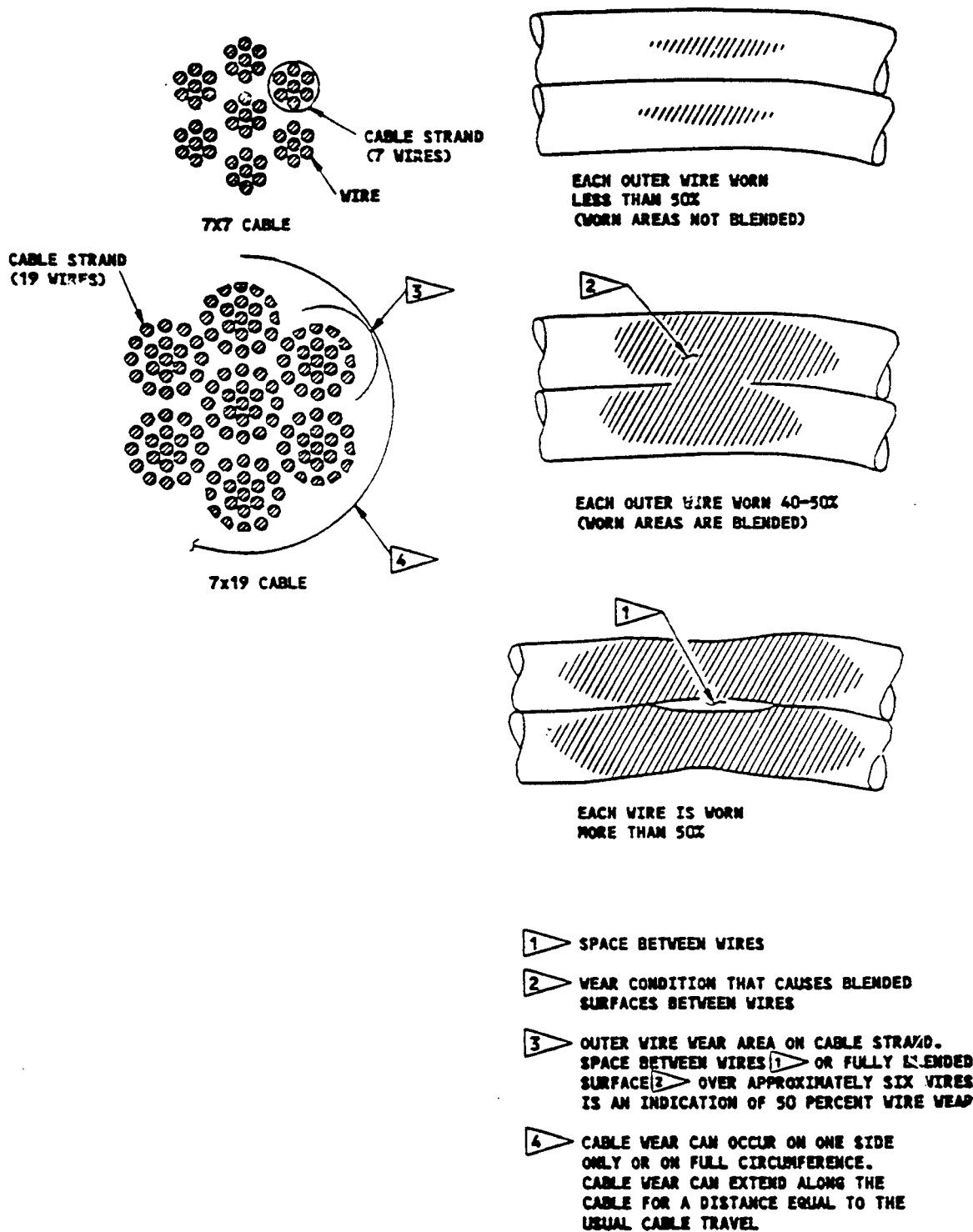


FIGURE 1

Dorenda D. Baker,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.
[FR Doc. 99-23478 Filed 9-9-99; 8:45 am]
BILLING CODE 4910-13-C

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 99-NM-184-AD]

RIN 2120-AA64

Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Airbus Model A330 and A340 series airplanes. This proposal would require repetitive detailed visual inspections to detect cracking of the vertical flange of the inboard Z-stiffeners of the centerline panel of the fuselage belly fairing; and corrective actions, if necessary. This proposed AD also provides for optional terminating action for the repetitive inspections. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct fatigue cracking of the vertical flange of the inboard Z-stiffeners of the centerline panel of the fuselage belly fairing, which could result in reduced structural integrity of the belly fairing.

DATES: Comments must be received by October 12, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-184-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:**Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-184-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-184-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Airbus Model A330 and A340 series airplanes. The DGAC advises that during full-scale fatigue testing, fatigue cracking occurred in one of the inboard Z-stiffeners at the fitting retaining the centerline panel between the main landing gear doors. The cracking initiated in the cut-out radius of the vertical flange and propagated downward. Such fatigue cracking, if not detected and corrected, could result in reduced structural integrity of the belly fairing.

Explanation of Relevant Service Information

The manufacturer has issued Airbus Service Bulletins A330-53-3020 (for Model A330 series airplanes) and A340-53-4029 (for Model A340 series airplanes); each dated November 30, 1995. These service bulletins describe procedures for repetitive detailed visual inspections to detect cracking of the vertical flange of the inboard Z-stiffeners of the centerline panel of the fuselage belly fairing; and corrective actions, if necessary. The detailed visual inspection includes the left- and right-hand sides of the centerline panel between the main landing gear doors. The corrective actions reference the accomplishment of Airbus Service Bulletin A330-53-3019 (for Model A330 series airplanes) or A340-53-4028 (for Model A340 series airplanes); each dated November 30, 1995. These service bulletins describe procedures for modification of the vertical flange of the inboard Z-stiffeners of the centerline panel of the fuselage belly fairing. The modification involves the installation of a new cut-out of the vertical flange of the inboard Z-stiffeners; and installation of an external reinforcement plate (strap), and modification of the assembly (length of fasteners) between the Z-stiffeners and the belly fairing panel.

Accomplishment of the modification of the vertical flange of the inboard Z-stiffeners of the centerline panel of the fuselage belly fairing eliminates the need for the repetitive inspections, provided that all cracking is eliminated. Accomplishment of the actions specified in the applicable service bulletins is intended to adequately address the identified unsafe condition. The DGAC classified Airbus Service Bulletins A330-53-3020 and A340-53-4029 as mandatory and issued French airworthiness directives 96-056-029 (B) (for Model A330 series airplanes), and 96-057-042 (B) (for Model A340 series airplanes); each dated March 13, 1996; in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has

examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this proposed AD would require accomplishment of the actions specified in the service bulletins described previously, except as discussed below. This proposed AD also would provide for optional terminating action for the repetitive inspections.

Operators should note that, in consonance with the findings of the DGAC, the FAA has determined that the repetitive inspections proposed by this AD can be allowed to continue in lieu of accomplishment of a terminating action. In making this determination, the FAA considers that, in this case, long-term continued operational safety will be adequately assured by accomplishing the repetitive inspections to detect cracking before it represents a hazard to the airplane.

Differences Between Proposed Rule and Service Bulletin

Unlike the procedures described in Airbus Service Bulletins A330-53-3020 (for Model A330 series airplanes) and A340-53-4029 (for Model A340 series airplanes), this proposed AD would not permit further flight if cracks are detected of the vertical flange of the inboard Z-stiffeners of the centerline panel of the fuselage belly fairing. The FAA has determined that, because of the safety implications and consequences associated with such cracking, any vertical flange of the inboard Z-stiffener that is found to be cracked must be repaired or modified to eliminate any cracking, or repaired (for any cracking that cannot be eliminated), prior to further flight.

Operators also should note that, although the service bulletins specify that the manufacturer may be contacted for disposition of certain cracking conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA.

Cost Impact

None of the airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this proposed rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not

directly affected by this proposed AD action. However, the FAA considers that this proposed rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Should an affected airplane be imported and placed on the U.S. Register in the future, it would require approximately 1 work hour to accomplish the proposed inspection, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of this AD would be \$60 per airplane, per inspection cycle.

Should an operator elect to accomplish the optional terminating action proposed by this AD, it would require approximately 7 work hours to accomplish the proposed optional terminating action, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$2,350 per airplane. Based on these figures, the cost impact of the optional terminating action is estimated to \$2,770 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 proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation

Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Docket 99-NM-184-AD.

Applicability: Model A330 and A340 series airplanes; except those airplanes on which Airbus Modification 42605, or Airbus Service Bulletin A330-53-3019 (for Model A330 series airplanes) or A340-53-4028 (for Model A340 series airplanes) has been accomplished; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the vertical flange of the inboard Z-stiffeners of the centerline panel of the fuselage belly fairing, which could result in reduced structural integrity of the belly fairing, accomplish the following:

Repetitive Detailed Visual Inspections

(a) Prior to the accumulation of 5,500 total flight cycles, or within 500 flight hours after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracking of the vertical flange of the inboard Z-stiffeners of the centerline panel of the fuselage belly fairing, in accordance with Airbus Service Bulletin A330-53-3020 (for Model A330 series airplanes) or A340-53-4029 (for Model A340 series airplanes); each dated November 30, 1995; as applicable.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required."

(1) If no cracking is detected, repeat the inspection thereafter at intervals not to exceed 5,500 flight cycles, until the requirements of paragraph (b) of this AD are accomplished.

Corrective Actions

(2) If any cracking is detected during any inspection required by this AD, prior to further flight, modify the vertical flange of both inboard Z-stiffeners of the centerline panel of the fuselage belly fairing and re-inspect the modified area to determine if cracking has been eliminated, in accordance with Airbus Service Bulletin A330-53-3019 (for Model A330 series airplanes) or A340-53-4028 (for Model A340 series airplanes); each dated November 30, 1995; as applicable.

(i) If all cracking is not eliminated after accomplishment of the modification, prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate; or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent). For a repair method to be approved by the Manager, International Branch, ANM-116, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

(ii) If all cracking is eliminated after the accomplishment of the modification, no further action is required by this AD.

Optional Terminating Action

(b) Modification of the vertical flange of both inboard Z-stiffeners of the centerline panel of the fuselage belly fairing in accordance with Airbus Service Bulletin A330-53-3019 (for Model A330 series airplanes) or A340-53-4028 (for Model A340 series airplanes); each dated November 30, 1995; as applicable constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

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

Note 4: The subject of this AD is addressed French airworthiness directives 96-056-029 (B) and 96-057-042 (B); each dated March 13, 1996; in order to assure the continued airworthiness of these airplanes in France.

Issued in Renton, Washington, on September 2, 1999.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 99-23477 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-NM-313-AD]

RIN 2120-AA64

Airworthiness Directives; Raytheon Model BAe 125-1000A and Hawker 1000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM); proposed rescission.

SUMMARY: This document proposes to rescind an existing airworthiness directive (AD), applicable to certain Raytheon Model BAe 125-1000A and Hawker 1000 series airplanes, that currently requires inspections of the thrust reverser system for integrity, and correction of any discrepancy found. The actions specified by that AD are intended to prevent a significant reduction in the controllability of the airplane due to an in-flight deployment of a thrust reverser. Since the issuance of that AD, the FAA has issued a separate AD that requires the accomplishment of modifications that terminate the requirements of the existing AD.

DATES: Comments must be received by October 12, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-313-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

Information pertaining to this proposed rule may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 97-NM-313-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 97-NM-313-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On April 20, 1994, the FAA issued AD 94-09-11, amendment 39-8900 (59 FR 22125, April 29, 1994), applicable to certain Raytheon Model BAe 125-1000A and Hawker 1000 series airplanes, to require inspections of the thrust reverser system for integrity, and correction of any discrepancy found. That action was prompted by a report that there is a possibility of failure of the drive links (or attachments) on the thrust reversers of these airplanes due to the single link design concept of the thrust reverser link and lock system. That condition, if not corrected, could result in inadvertent deployment of a thrust reverser during flight. The requirements of that AD are intended to prevent a significant reduction in the controllability of the airplane due to an in-flight deployment of a thrust reverser.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA has issued AD 96-22-03, amendment 39-9792 (61 FR 57295, November 6, 1996), which requires modifications of the thrust reversers on certain Raytheon Model BAe 125-1000A and Model Hawker 1000 series airplanes. AD 96-22-03 became effective on December 11, 1996, and the actions specified in that AD were required to be accomplished within 6 months after that date.

FAA's Conclusions

Since the actions required by AD 96-22-03 were required to be accomplished by June 11, 1997, and because such accomplishment constitutes terminating action for the requirements of AD 94-09-11, the FAA has determined that it is necessary to rescind AD 94-09-11 in order to prevent operators from performing an unnecessary action.

This proposed action would rescind AD 94-09-11. Rescission of AD 94-09-11 would constitute only such action, and, if followed by a final action, would not preclude the agency from issuing another notice in the future, nor would it commit the agency to any course of action in the future.

Cost Impact

The FAA estimates that 14 airplanes of U.S. registry are affected by AD 94-09-11. The actions that are currently required by that AD take approximately 3 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be \$180 per airplane. However, the adoption of this proposed rescission would eliminate those costs.

Regulatory Impact

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

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

on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-8900.

Raytheon Aircraft Company: Amendment 39-. Docket 97-NM-313-AD. Rescinds AD 94-09-11, Amendment 39-8900.

Applicability: Model BAe 125-1000A and Hawker 1000 series airplanes; as listed in Raytheon Corporate Jets Service Bulletin SB 78-12, dated January 4, 1994; certificated in any category.

Issued in Renton, Washington, on September 3, 1999.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-23622 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 98-NM-365-AD]

RIN 2120-AA64

Airworthiness Directives; Aerospatiale Model SN-601 (Corvette) Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all

Aerospatiale Model SN-601 (Corvette) series airplanes. This proposal would require repetitive inspections, and repair if necessary, of the locking indication system of the drag strut jack on the main landing gear (MLG) to detect corrosion and damage resulting from its operation. This proposal would also require replacement of seals and backup rings with new parts. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the locking indication system of the drag strut jack on the MLG due to corrosion. Such corrosion could prevent the MLG from locking and result in the subsequent collapse of the MLG.

DATES: Comments must be received by October 12, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-365-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:

Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION:**Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-365-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-365-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on all Aerospatiale Model SN-601 (Corvette) series airplanes. The DGAC advises that one occurrence of corrosion has been reported in the locking indication system of the drag strut jack on the main landing gear (MLG). Such corrosion could cause failure of the locking indication system of the drag strut jack, which could prevent the MLG from locking and result in the subsequent collapse of the MLG.

Explanation of Relevant Service Information

Messier-Dowty, the manufacturer of the affected MLG, has issued Technical Instruction No. 20403, Issue 2, dated March 1998, which describes procedures for repetitive inspections to detect corrosion and other damage, and repair if necessary, of the locking indication system of the drag strut jack on the MLG. The Technical Instruction also describes procedures for verification of the free displacement of the plungers, replacement of damaged parts with new parts, and replacement of all seals and back up rings with new parts. Accomplishment of the actions specified in the technical instruction is intended to adequately address the identified unsafe condition. The DGAC classified this technical instruction as

mandatory and issued French airworthiness directive 98-179-021(B), dated May 6, 1998, in order to assure the continued airworthiness of these airplanes in France.

FAA's Conclusions

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

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the technical instruction described previously.

Cost Impact

The FAA estimates that 2 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 8 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is \$60 per work hour. The cost of required parts would be minimal. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$960, or \$480 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.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Aerospatiale: Docket 98-NM-365-AD.

Applicability: All Model SN-601 (Corvette) series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the locking indication system of the drag strut jack on the main landing gear (MLG) due to corrosion that could prevent the MLG from locking and result in the subsequent collapse of the MLG, accomplish the following:

(a) Within 3,600 flight hours or 36 months after the effective date of this AD, whichever

occurs first, perform a detailed visual inspection to detect certain discrepancies of the locking indication system on the drag strut jack on the MLG, in accordance with Messier-Dowty Technical Instruction No. 20403, Issue 2, dated March 1998. Prior to reassembling the parts, replace all the seals and backup rings with new parts, in accordance with the Technical Instruction.

(1) If no corrosion is found on either plunger, prior to further flight, inspect for the free displacement of both plungers, in accordance with the Technical Instruction.

(i) If the displacement of both plungers is free without any hard points, repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 72 months.

(ii) If the displacement of either plunger is not free, prior to further flight, replace the plunger with a new plunger, in accordance with the Technical Instruction. Repeat the inspection required by paragraph (a) of this AD thereafter at intervals not to exceed 72 months.

(2) If corrosion is found on either plunger, prior to further flight, replace the plunger with a new plunger, in accordance with the Technical Instruction. Repeat the inspection thereafter at intervals not to exceed 72 months.

(3) If no corrosion, marking, binding, or peening is found on any disassembled part removed from the stacking, other than the plungers, repeat the inspection thereafter at intervals not to exceed 72 months.

(4) If any corrosion, marking, binding or peening is found on any disassembled parts removed from the stacking, other than the plungers, prior to further flight, replace the part with a new part, in accordance with the Technical Instruction. Repeat the inspection thereafter at intervals not to exceed 72 months.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Alternative Methods of Compliance

(b) 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, International Branch, ANM-116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

Special Flight Permits

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

Note 4: The subject of this AD is addressed in French airworthiness directive 98-179-021(B), dated May 6, 1998.

Issued in Renton, Washington, on September 3, 1999.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 99-23621 Filed 9-9-99; 8:45 am]
BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-312-AD]

RIN 2120-AA64

Airworthiness Directives; Cessna Model 560 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain Cessna Model 560 series airplanes, that currently requires revising the FAA-approved Airplane Flight Manual (AFM) to provide the flightcrew with limitations, operational procedures, and performance information to be used during approach and landing when residual ice is present or can be expected. That action was prompted by reports indicating that, while operating in icing conditions or when ice is on the wings, some of these airplanes have experienced uncommanded roll at (or slightly higher than) the speed at which the stall warning system is activated. This action would require revising the AFM and would revise the applicability of the existing AD. This action also would require modification of the stall warning system of the angle-of-attack computer. The actions specified by the proposed AD are intended to prevent uncommanded roll of the airplane during approach and landing when residual ice is present or can be expected.

DATES: Comments must be received by October 25, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport

Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-312-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Cessna Aircraft Co., P.O. Box 7706, Wichita, Kansas 67277. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT:

Carlos Blacklock, Aerospace Engineer, Flight Test and Program Management Branch, ACE-117W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4166; fax (316) 946-4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98-NM-312-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 98-NM-312-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On November 29, 1996, the FAA issued AD 96-24-06, amendment 39-9844 (61 FR 64456, December 5, 1996), applicable to certain Cessna Model 560 series airplanes, to require revising the FAA-approved Airplane Flight Manual (AFM) to provide the flightcrew with limitations, operational procedures, and performance information to be used during approach and landing when residual ice is present or can be expected. That action was prompted by reports indicating that, while operating in icing conditions or when ice is on the wings, some of these airplanes have experienced uncommanded roll at (or slightly higher than) the speed at which the stall warning system is activated. The requirements of that AD are intended to prevent uncommanded roll of the airplane during approach and landing when residual ice is present or can be expected.

Actions Since Issuance of Previous Rule

In the preamble of AD 96-24-06, the FAA indicated that the actions required by that AD were considered "interim action" and that further rulemaking action was being considered. The FAA now has determined that further rulemaking action is indeed necessary; this AD follows from that determination.

The manufacturer has developed a modification to the stall warning system of the angle-of-attack computer, which will increase the stall warning margin during flight in icing conditions. Additionally, the manufacturer has made changes to the AFM, which provide limitations, operational procedures, and performance information to be used during approach and landing when residual ice is present or can be expected.

Explanation of Relevant Service Information

The FAA has reviewed and approved Cessna Model 560 Citation V Ultra, AFM Revision 7, dated July 16, 1998, and Cessna Model 560 Citation V, AFM Revision 11, dated July 16, 1998. These AFM revisions provide the flightcrew with limitations, operational procedures, and performance information to be used during approach and landing when residual ice is present or can be expected.

The FAA also has reviewed and approved Cessna Service Bulletins SB560-34-69, Revision 2, dated July 24, 1998, and SB560-34-70, dated July 14, 1998. These service bulletins describe procedures for modification of the stall warning system of the angle-of-attack computer. This modification involves replacing the angle-of-attack computer with a new, improved computer and installing related wiring. Accomplishment of the action specified in the applicable service bulletin and AFM is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede all the requirements of AD 96-24-06. This proposed AD would require revising the AFM and would revise the applicability of the existing AD to exclude certain airplanes on which the modification was accomplished during manufacturing. This action also would require modification of the stall warning system of the angle-of-attack computer. The actions would be required to be accomplished in accordance with the applicable service bulletin and revision to the AFM described previously.

Cost Impact

There are approximately 437 airplanes of the affected design in the worldwide fleet. The FAA estimates that 327 airplanes of U.S. registry would be affected by this proposed AD.

For all airplanes, the new AFM revision that is proposed in this AD action would take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the AFM revision proposed by this AD on U.S. operators is estimated to be \$19,620, or \$60 per airplane.

For airplanes listed in Cessna Service Bulletin SB560-34-69, the new modification that is proposed in this AD action would take approximately 40 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$8,036 per airplane. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be \$10,436 per airplane.

For airplanes listed in Cessna Service Bulletin SB560-34-70, the new modification that is proposed in this AD action would take approximately 40 work hours per airplane to accomplish,

at an average labor rate of \$60 per work hour. Required parts would cost approximately \$7,762 per airplane. Based on these figures, the cost impact of the modification proposed by this AD on U.S. operators is estimated to be \$10,162 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-9844 (61 FR

64456, December 5, 1996), and by adding a new airworthiness directive (AD), to read as follows:

Cessna Aircraft Company: Docket 98-NM-312-AD. Supersedes AD 96-24-06, Amendment 39-9844.

Applicability: Model 560 series airplanes having serial numbers (S/N) 560-0001 through 560-0437 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent uncommanded roll of the airplane during approach and landing when residual ice is present or can be expected, accomplish the following:

Airplane Flight Manual (AFM) Revisions

(a) Within 10 days after the effective date of this AD, revise the FAA-approved AFM; to provide the flightcrew with limitations, operational procedures, and performance information to be used during approach and landing when residual ice is present or can be expected; in accordance with the applicable revision of the AFM specified in paragraph (a)(1) or (a)(2) of this AD.

(1) For airplanes having S/N's 560-0001 through 560-0259 inclusive: AFM Model 560 Citation V, Revision 11, dated July 16, 1998.

(2) For airplanes having S/N's 560-0260 through 560-0437 inclusive: AFM Model 560 Citation V Ultra, Revision 7, dated July 16, 1998.

Modification

(b) Within 6 months after the effective date of this AD, modify the stall warning system of the angle-of-attack computer of the navigational system, in accordance with paragraph (b)(1) or (b)(2), as applicable, of this AD.

(1) For airplanes having S/N's 560-0001 through 560-0055 inclusive: Modify in accordance with Cessna Service Bulletin SB560-34-70, dated July 14, 1998.

(2) For airplanes having S/N's 560-0056 through 560-0437 inclusive: Modify in accordance with Cessna Service Bulletin SB560-34-69, Revision 2, dated July 24, 1998.

Spares

(c) As of the effective date of this AD, no person shall install on any airplane an angle-of-attack computer having part number C11606-2 or C11606-3.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Issued in Renton, Washington, on September 3, 1999.

Dorenda D. Baker,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-23620 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

28 CFR Part 16

[AAG/A Order No. 174-99]

Exemption of Records System Under the Privacy Act

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Proposed rule.

SUMMARY: The Department of Justice proposes to exempt a Privacy Act system of records from subsection (d) of the Privacy Act, 5 U.S.C. 552a. This system of records, the "Practitioner Complaint/Disciplinary Files," (Justice/EOIR-003) may contain information which relates to official Federal investigations and matters of law and regulatory enforcement of the Executive Office for Immigration Review (EOIR). Accordingly, where applicable, the exemptions are necessary to avoid interference with the law and regulatory enforcement functions of EOIR. Specifically, the exemptions are necessary for the following: To prevent subjects of investigations from frustrating the investigatory process; to preclude the disclosure of investigative techniques; to impede the identification of confidential sources and of law and

regulatory enforcement personnel, as well as to protect their physical safety; to ensure EOIR's ability to obtain facts from information sources; to protect the privacy of third parties; and to safeguard classified information as required by Executive Order 12958.

DATES: Submit any comments by October 12, 1999.

ADDRESSES: Address any comments to Mary E. Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

FOR FURTHER INFORMATION CONTACT: Mary E. Cahill, (202) 307-1823.

SUPPLEMENTARY INFORMATION: In the notice section of today's **Federal Register**, the Department of Justice provides a description of the "Practitioner Complaint/Disciplinary Files (JUSTICE/EOIR 003)."

Regulatory Flexibility Act

This Order relates to individuals rather than small business entities. Nevertheless, pursuant to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601-612, it is hereby stated that the order will not have a "significant economic impact on a substantial number of small entities."

Executive Order 12988

The rule complies with the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order No. 12988.

Executive Order 12866

The Attorney General has determined that this rule is not a significant regulatory action under Executive Order No. 12966, and accordingly, this rule has not been reviewed by the Office of Management and Budget.

List of Subjects in Part 16

Administrative Practices and Procedures, Courts, Freedom of Information Act, Privacy Act, and Government in Sunshine Act.

Dated: August 25, 1999.

Stephen R. Colgate,
Assistant Attorney General for Administration.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order No. 793-78, it is proposed to amend 29 CFR part 16 as follows:

PART 16—[AMENDED]

1. The authority for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

2. It is proposed to amend 28 CFR 16.83 by adding paragraphs (c) and (d) to read as follows:

§ 16.83 Exemption of the Executive Office for Immigration Review System—limited access.

* * * * *

(c) The following system of records is exempted from 5 U.S.C. 552a(d).

(1) Practitioner Complaint/Disciplinary Files (JUSTICE/EOIR 003).

This exemption applies only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2). To the extent that information in a record pertaining to an individual does not relate to national defense or foreign policy, official Federal investigations, and/or law enforcement matters, the exemption does not apply. In addition, where compliance would not appear to interfere with or adversely affect the overall law or regulatory enforcement process, the applicable exemption may be waived by the Executive Office for Immigration Review.

(d) Exemption from subsection (d) is justified for the following reasons:

(1) From the access and amendment provisions of subsection (d) because access to the records contained in this system of records could inform the subject of the investigation of an actual or potential criminal, civil, or regulatory violation or the existence of that investigation; of the nature and scope of the information and evidence obtained as to the subject's activities; of the identity of confidential sources, witnesses, and law enforcement personnel; and of information that may enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law and regulatory enforcement where they prevent the successful completion of the investigation, endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy. Amendment of

the records would interfere with ongoing investigations and law enforcement activities and impose an enormous administrative burden by requiring investigations to be continuously reinvestigated.

[FR Doc. 99-23602 Filed 9-9-99; 8:45 am]
BILLING CODE 4410-CJ-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 918

[SPATS No. LA-018-FOR]

Louisiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of an amendment to the Louisiana regulatory program (Louisiana program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Louisiana proposes revisions to and additions of statutes concerning requirements for permit applications, eligibility requirements for the Small Operator Assistance Program (SOAP), and permit exemptions. Louisiana intends to revise the Louisiana program to be consistent with SMCRA and the Louisiana Surface Mining Regulations.

This document gives the times and locations that the Louisiana program and the amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments until 4:00 p.m., c.d.t., October 12, 1999. If requested, we will hold a public hearing on the amendment on October 5, 1999. We will accept requests to speak at the hearing until 4:00 p.m., c.d.t. on September 27, 1999.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

You may review copies of the Louisiana program, the amendment, a listing of any scheduled public hearings, and all written comments received in

response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office. Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6547, Telephone: (918) 581-6430.

Louisiana Department of Natural Resources, Office of Conservation, Injection and Mining Division, 625 N. 4th Street, P. O. Box 94275, Baton Rouge, LA 70804, Telephone: (504) 342-5540.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581-6430. Internet: mwolfrom@tokgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Louisiana Program

On October 10, 1980, the Secretary of the Interior approved the Louisiana program. You can find background information on the Louisiana program, including the Secretary's findings and the disposition of comments in the October 10, 1980, **Federal Register** (45 FR 67340). You can find later actions concerning the Louisiana program at 30 CFR 918.15 and 918.16.

II. Description of the Proposed Amendment

By letter dated August 23, 1999 (Administrative Record No. LA-364), Louisiana sent us an amendment to its program under SMCRA. Louisiana sent the amendment at its own initiative. Louisiana proposes to amend the Louisiana Surface Mining Act. Below is a summary of the changes proposed by Louisiana. The full text of the program amendment is available for your inspection at the locations listed above under **ADDRESSES**.

A. Section 907, Application Requirements

1. Louisiana proposes to remove the provision at paragraph B(16) that requires an applicant to make information about coal seams, test borings, core samplings, or soil samples available to any person with an interest which is or may be adversely affected. Louisiana then proposes to add this removed provision at new paragraph B(17).

2. Louisiana also proposes to add new paragraph B(18) to require an applicant to submit with his or her permit application a description of the nature of cultural, historical, and archeological

resources listed or eligible for listing on the National Register of Historic Places. This description must be based on all available information, and include a plan that describes the measures the applicant will take to prevent or minimize any adverse impacts the mining operation might have on the resources.

3. Louisiana further proposes to add new paragraph B(19) to require an applicant to submit with his or her permit application a description of fish and wildlife resource information for the permit area and adjacent area. The scope and level of detail for such information will be determined by the office of conservation. However, site specific resource information will be required when the permit area or adjacent area is likely to include endangered or threatened species of plants or animals or their habitats.

4. Louisiana proposes to add new paragraph B(20) to require an applicant to submit with his or her permit application a description of how the operator will minimize disturbances and adverse impacts on fish, wildlife, and related environmental values. The description will apply to the species and habitats identified in new paragraph B(19) and must include the protective measures that the operator will use during the active mining phase of the operation.

5. Finally, Louisiana proposes to revise Subsection C of this section to read as follows:

C. If the commissioner finds that the probable total annual production at all locations of any coal surface mining operator will not exceed three hundred thousand tons, the determination of probable hydrologic consequences, including the engineering analyses and designs necessary for the determination, required by Paragraph B(11) of this Section, cross-section maps and plans required by Paragraph B(14) of this Section, the drilling and statement of the result of test borings or core samplings required by Paragraph B(15) of this Section, the collection of archaeological and historical information and related plans required by Paragraph B(18) of this Section, the collection of site-specific resources information required by Paragraph B(19) of this Section, the production of protection and enhancement plans for fish and wildlife habitats required by Paragraph B(20) of this Section, and information and plans for any other environmental values required by the office of conservation and this Chapter, and pre-blast surveys required by R.S. 30:915(B)(15) shall, upon the written request of the operator, be performed by a qualified public or private laboratory designated by the commissioner and the cost of the preparation of such determination and statement shall be assumed by the commissioner.

B. Section 927, Surface Coal Mining Operations Not Subject to This Chapter.

Louisiana proposes to revise paragraph (2) whereby the requirements of Chapter 9 do not apply to the extraction of coal where coal does not exceed sixteen and two-thirds percent of the total tonnage of coal and other minerals removed for purposes of commercial use or sale.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Louisiana program.

Written Comments

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 administrative record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the administrative 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.

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Tulsa Field Office.

Please submit Internet comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include "Attn: SPATS No. LA-018-FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Tulsa Field Office at (918) 581-6430.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under

FOR FURTHER INFORMATION CONTACT by 4:00 p.m., c.d.t. on September 27, 1999. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodation to attend a public hearing, contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The hearing will not be held if no one requests an opportunity to speak at the public hearing.

You should file a written statement at the time you request the hearing. This will allow us to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with us to discuss the amendment, request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We also make a written summary of each meeting a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10),

decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 918

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 1, 1999.

Ervin J. Barchenger,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 99-23489 Filed 9-9-99; 8:45 am]

BILLING CODE 4310-05-P

POSTAL RATE COMMISSION

39 CFR Part 3003

[Docket No. RM99-4]

Privacy Act; Implementation

AGENCY: Postal Rate Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes revisions to its rules of practice implementing the Privacy Act of 1974. The changes will conform the rules to prevailing law. Editorial changes will improve clarity.

DATES: Comments must be received on or before September 27, 1999.

ADDRESSES: Send comments regarding this document to the attention of Margaret P. Crenshaw, Secretary, Postal Rate Commission, 1333 H Street NW., Washington, DC 20268-0001.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, Postal Rate Commission, 1333 H Street NW., Washington, DC 20268-0001, 202-789-6824.

SUPPLEMENTARY INFORMATION: The Commission proposes revisions in its rules implementing the Privacy Act, contained in 39 CFR part 3003, to clarify their application and to shorten and simplify their language. The Commission's rules implementing the Privacy Act have been amended only in minor respects since their original adoption shortly after the passage of the Act in 1974. While the current rules have operated adequately, it is apparent on review that they are capable of both substantive and editorial improvement. Accordingly, the Commission proposes a redrafted set of rules to replace those currently contained in part 3003.

The substantive changes incorporated in the proposed rules are intended to conform them more closely to prevailing standards of Privacy Act administration without altering the rights of individuals or the obligations of the Commission under the Act. The proposed revision would eliminate the special procedure for access to medical records contained in current § 3003.6, under which access to such records is contingent on the judgment of the Commission's chief administrative officer, in favor of the general access provision in proposed § 3003.4. Proposed § 3003.2 would eliminate unnecessary definitions, cross-reference others to the text of the Privacy Act, and reword other definitions slightly for the sake of clarity. Also for clarification, proposed § 3003.1 would add a statement indicating that the Commission's Privacy Act rules are not

intended either to broaden or narrow the scope of an individual's rights afforded by the Act.

While the proposed rules would alter the substance of the current rules pertaining to requests for individual records and appeals of denials only in minor ways, they would appreciably shorten and simplify those provisions. Language that does not relate directly to the exercise of rights by individuals under the Privacy Act, and thus is unnecessary, would be omitted from the revised rules. Additionally, the language of the current rules generally would be simplified and shortened without affecting individuals' exercise of their rights or the Commission's performance of its obligations under the Privacy Act.

Commission Order No. 1256 was distributed to the service list in Docket No. B97-1. It invited comments on the proposed revisions no later than August 23, 1999. Those not aware of the deadline should contact the Secretary of the Commission for information regarding submission of comments.

Dated: September 2, 1999.

Margaret P. Crenshaw,
Secretary.

List of Subjects in 39 CFR Part 3003

Administrative practice and procedure; Archives and records; Privacy; Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, 39 CFR part 3003 is proposed to be revised to read as follows:

PART 3003—PRIVACY ACT RULES

Sec.

- 3003.1 Purpose and scope.
- 3003.2 Definitions.
- 3003.3 Procedures for requesting inspection, copying, or correction.
- 3003.4 Response to a request.
- 3003.5 Appeals of denials of access or amendment.
- 3003.6 Fees.
- 3003.7 Exemptions.

Authority: Privacy Act of 1974 (Pub.L. 93-579), 5 U.S.C. 552a.

§ 3003.1 Purpose and scope.

This part implements the Privacy Act of 1974 (5 U.S.C. 552a) by establishing Commission policies and procedures that permit individuals to obtain access to and request amendment of information about themselves that is maintained in systems of records. This part does not expand or restrict any rights granted under the Privacy Act of 1974.

§ 3003.2 Definitions.

For purposes of this part:

(a) *Commission* means the Postal Rate Commission.

(b) *Individual, record, and system of records* have the meanings specified in 5 U.S.C. 552a(a).

(c) *Day* means a calendar day and does not include Saturdays, Sundays, and legal holidays.

§ 3003.3 Procedures for requesting inspection, copying, or correction.

(a) An individual who—

(1) Wishes to know whether a Commission system of records contains a record about him or her,

(2) Seeks access to a Commission record about him or her that is maintained in a system of records (including the accounting of disclosures), or

(3) Seeks to amend a record about him or her that is maintained in a system of records, may file a written request with the chief administrative officer of the Commission at the Commission's current address (1333 H Street NW., Suite 300, Washington, DC 20268-0001). The request should state on the outside of the envelope and in the request that it is a Privacy Act request.

(b) A request for amendment must describe the information sought to be amended and the specific reasons for the amendment.

(c) A requester—

(1) May request an appointment to inspect records at the Commission's offices between the hours of 8 a.m. and 4:30 p.m. on any day;

(2) Must present suitable identification, such as a driver's license, employee identification card, or Medicare card;

(3) If accompanied by another individual, must sign a statement, if requested by the chief administrative officer, authorizing discussion of his or her record in the presence of that individual;

(4) Who files a request by mail must include his or her date of birth, dates of employment at the Commission (if applicable), and suitable proof of identity, such as a facsimile of a driver's license, employee identification card, or Medicare card; and

(5) Must, if requested by the chief administrative officer, provide additional proof of identification.

§ 3003.4 Response to a request.

(a) In the case of a request for notice of the existence of a record, the chief administrative officer shall respond within 10 days of receipt of a request and shall inform the individual whether a system of records maintained by the Commission contains such a record.

(b) In the case of a request for access to a record or for a copy of a record, the

chief administrative office shall acknowledge the request within 10 days and shall promptly thereafter—

(1) Fulfill the request by mail or arrange for an inspection by the requester in the Commission's offices; or

(2) If the request is denied, notify the requester of the denial, the reasons for the refusal, the procedures for appealing the refusal, and the name and address of the Chairman of the Commission who will consider an appeal.

(c) In the case of a request for amendment, the chief administrative officer shall

(1) Acknowledge the request in writing within 10 days;

(2) Promptly review the record; and

(3)(i) Make any requested amendment of a record found to be not accurate, relevant, timely, or complete; notify the requester of the change and provide a copy of the corrected record; and notify any previous recipient of the record (excluding Commission staff who obtained the record in the performance of their duties and recipients under the Freedom of Information Act) of any change; or

(ii) Inform the requester of a refusal to amend the record, the reasons for the refusal, the procedures for appealing the refusal, and the name and address of the Chairman of the Commission who will consider an appeal.

§ 3003.5 Appeals of denials of access or amendment.

(a) If a request for access to or amendment of a record is denied, the requester may file a written appeal with the Chairman of the Commission. The Chairman will decide each appeal within 30 days of receipt unless the Chairman has, for good cause, extended the period for another 30 days.

(b) If an appeal is denied, the requester will be notified of the decision, the reasons for the denial, the right to file a concise statement of disagreement, the procedures for filing a statement of disagreement, the subsequent uses of a statement of disagreement, and of the right to seek judicial review in accordance with subsection (g) of the Privacy Act.

§ 3003.6 Fees.

The first copy of any record furnished under the Privacy Act of 1974 will be provided without charge. Additional copies will be charged at the cost of reproduction.

§ 3003.7 Exemptions.

The Postal Rate Commission has not established any exempt system of records.

[FR Doc. 99-23431 Filed 9-9-99; 8:45 am]

BILLING CODE 7710-FW-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 435, 436, and 440

[HCFA-2082-P]

RIN 0938-AG72

Medicaid Program; Optional Coverage of Certain Tuberculosis-Related Services to TB-Infected Individuals

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the existing Medicaid regulations to incorporate statutory provisions that allow States to cover a limited Medicaid service package to an eligibility group of low-income individuals infected with tuberculosis (TB). The services provided under this optional coverage are limited to those related to the treatment of TB. This optional coverage will ensure Medicaid services for the treatment of TB-infected individuals who would otherwise be unlikely to receive coverage under Medicaid. This proposed rule would incorporate and interpret provisions of the Omnibus Budget Reconciliation Act of 1993.

DATES: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on November 9, 1999.

ADDRESSES: Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA-2082-P, P.O. Box 9010, Baltimore, MD 21244-9010.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses: Room 443-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC, or C5-14-03, Central Building, 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-2082-P.

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 5:00 p.m. (phone (202) 690-7890).

For comments that relate to information collection requirements, mail a copy of comments to: Health Care Financing Administration, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards Room N2-14-26, 7500 Security Boulevard, Baltimore, MD 21244-1850, Attn: John Burke, HCFA-2082-P; and Lauren Oliven, HCFA Desk Officer, Office of Information and Regulatory Affairs, Room 3001, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT:
Ingrid Osborne (410) 786-4461, Gerald Zelinger (410) 786-5929.

SUPPLEMENTARY INFORMATION:

I. Background

Because of the emerging recurrence of tuberculosis (TB) in this country, Congress included provisions in its 1993 legislation that allows States, at their option, to extend Medicaid eligibility to low-income individuals infected with TB. The Omnibus Budget Reconciliation Act of 1993 (OBRA '93), Public Law 103-66, amended the Social Security Act (the Act) in several ways to provide for this coverage. Prior to OBRA '93, TB-infected individuals who did not qualify as disabled under the disability definition under the Supplemental Security Income (SSI) program would have been unlikely to receive Medicaid coverage. Even though these individuals might have met the income and resource requirements of the cash assistance programs, they could not meet the categorical requirements necessary to qualify for Medicaid.

Consistent with the addition of the new eligibility group whose eligibility is based on, among other factors, being infected with TB, Congress limited the services available to this new eligibility group. Congress effected this limitation by amending the statutory text following section 1902(a)(10)(F) of the Act to provide for an exception to the comparability rules, which require certain types of eligibility groups to be treated comparably in terms of the services available. The new exception provides that coverage for individuals who are eligible for Medicaid under the optional TB-infected eligibility group is

limited to the TB-related services listed in section 1902(z)(2). Congress amended section 1915(g)(1) to permit States to provide targeted case management services to TB-infected individuals. Section 13603 of OBRA '93 added a new section 1902(z)(2) that specifies the categories of services that eligible TB-infected individuals may receive. The services listed in section 1902(z)(2) include—

- (1) Prescribed drugs;
- (2) Physicians' services and services described in section 1905(a)(2) of the Act (these services include outpatient hospital services, rural health clinic services, and Federally qualified health center services);
- (3) Laboratory and X-ray services (including services to confirm the presence of infection);
- (4) Clinic services and Federally qualified health center services;
- (5) Case management services (as defined in section 1915(g)(2)); and
- (6) Services (other than room and board) designed to encourage completion of regimens of prescribed drugs by outpatients, including services to directly observe the intake of prescribed drugs.

Since the last of these listed services was not previously within the scope of coverable Medicaid services, section 13603 of OBRA '93 amended section 1905(a)(19) of the Act to add to the overall list of coverable Medicaid services the TB-related services described in section 1902(z)(2)(F). Section 1902(z)(2)(F) describes the new services as services (other than room and board) designed to encourage completion of regimens of prescribed drugs by outpatients, including services to directly observe the intake of prescribed drugs.

The amendments made by section 13603 of OBRA '93 apply to medical assistance furnished on or after January 1, 1994, without regard to whether or not final regulations to carry out the amendments had been promulgated by that date.

II. Provisions of the Proposed Regulations

We propose to incorporate the OBRA '93 provisions relating to optional coverage of TB-infected individuals in the Medicaid regulations and provide the following interpretations:

A. Eligibility Requirements

Section 1902(z)(1) of the Act, as added by OBRA '93, describes the low-income individuals infected with TB who may be eligible for Medicaid. We propose to add new §§ 435.219 and 436.219 to incorporate this optional

group and interpret the eligibility requirements.

1. Individuals Who Are Infected with TB

As indicated in the legislative history of section 13603 of OBRA '93, the conference committee intended that eligibility on the basis of the criterion of being infected with TB be interpreted as broadly as possible in order to allow the maximum number of TB-infected persons to receive services. (H. Rept. No. 213, 103rd Cong., 1st Sess. 833 (1993) and H. Rept. No. 111, 103rd Cong., 1st Sess. 219-220 (1993)).

Therefore, we are proposing that, in determining eligibility under this group, States need not rely on "positive" test results for determining who is infected with tuberculosis. The committee recognized that traditional TB tests and diagnostic methods are of questionable value, particularly among persons with low immune function, and may possibly produce both false positive and false negative test results. For purposes of determining eligible individuals infected with TB, we propose to use customary medical criteria that define the symptoms and conditions that differentiate TB from other diseases. We consulted the Centers for Disease Control and Prevention (CDC) regarding the types of medical criteria that physicians use when diagnosing suspected cases of TB. On the basis of the CDC medical advice, we propose to define a TB-infected individual for purposes of the section 1902(z)(1) requirement as any individual who has a positive diagnosis as confirmed by certain tests or a suspicion of TB infection in his or her diagnosis. These individuals could include—

- Any individual with a positive tuberculin skin test using the Mantoux method and who receives treatment for latent TB infection or active tuberculosis;
- Any individual with a negative tuberculin skin test but whose sputum culture or culture from another tissue sample is positive for the tuberculosis organism;
- Any individual who never received a tuberculin skin test but whose sputum culture or culture from another tissue sample is positive for the tuberculin organism;
- Any individual whose TB skin test is negative and whose sputum or other tissue culture for tuberculosis is not or cannot be obtained, but who, in the physician's judgment, requires and is given TB-related drug or surgical therapy or both; and
- Any symptomatic individual with a negative TB skin test who is being

treated with a TB drug regimen while awaiting the TB culture results because the physician suspects the individual may have active TB, and whose cultures turn out to be negative for TB, causing the TB drug regimen to be discontinued.

2. Individuals Who Are Not Eligible as a Mandatory Categorically Needy Group or Special Group

According to the statute, the optional eligibility group of TB-infected individuals does not include any individuals who would be eligible for mandatory coverage because they are (or are deemed to be) cash assistance recipients or are members of special groups described under section 1902(a)(10)(A)(i) of the Act. The statute includes TB-infected persons as an optional categorically needy eligibility group only under the provisions of section 1902(a)(10)(A)(ii).

In terms of the distinction between mandatory and optional categorically needy groups, we believe that the language describing the new eligibility group as "not described as mandatory categorically needy" does not create a problem. This is because if an individual qualifies under a mandatory categorically needy group, the individual would have more services available (including TB-related services that the State elects to provide) than if the individual qualified only under the new TB-infected group. Since the service package available to mandatory categorically needy individuals must include all services otherwise available (under § 1902(a)(10)(b)(i)), these individuals will not lose access to any services.

3. Financial Eligibility Requirements

Sections 1902(z)(1)(B) and (z)(1)(C) of the Act specify the income and resource requirements that individuals must meet in order to be eligible for Medicaid as TB-infected individuals. While the individual need not be "disabled" as described in section 1902(a)(10)(A)(i) in order to be eligible for the optional TB-infected group, section 1902(z)(1)(b) requires that his or her gross income must not exceed the maximum amount a disabled individual may have and remain eligible for Medicaid under the State plan. Disabled individuals are among those eligible for benefits under the SSI program under title XVI of the Act, and among the types of individuals described in section 1902(a)(10)(A)(i) who are eligible for Medicaid because they are individuals to whom SSI benefits are being paid. Reading section 1902(z)(1) in context, we thus concluded that the reference to "disabled individual" in section 1902(z)(1)(B) is properly read to refer to

disabled individuals under the SSI program. To develop a uniform standard for eligibility of TB-infected individuals, we thus looked to financial eligibility for disabled individuals under the SSI program. Many of the SSI income exclusions, however, are linked to circumstances related to particular disabilities. These exclusions would not be appropriate for the TB-infected eligibility group, since that group is generally not disabled, and would thus never qualify for these exclusions.

To give effect to the statutory link between eligibility for TB-infected individuals and the standards of the SSI program applicable to disabled individuals, while recognizing that TB-infected individuals are not disabled, we propose to use a method based on the most generous income exclusions under section 1612(b) of the Act that are not dependent on disabled status. Using this method, we calculate the maximum income level a TB-infected individual may have by determining the maximum income level that an individual hypothetically could have if these income exclusions were applied in full. The resulting amount is a national uniform standard for income eligibility for the TB-infected eligibility group. The income exclusions that we use in the formula to determine the maximum income for TB-infected individuals are the general earned or unearned income exclusions under section 1612(b)(2)(A), the general earned income exclusion under section 1612(b)(4)(B)(i), and the additional earned income exclusion under section 1612(b)(4)(B)(iii). Since these are the most generous income disregards that are not related to disabling conditions and connected expenses, using this methodology will result in the most liberal interpretation possible. The general income exclusion is \$20, the general earned income exclusion is \$65 (for a total of an \$85 general exclusion), and the additional earned income exclusion is 50 percent of additional earned income. The formula that we propose to use to determine the maximum monthly income for eligibility as a TB-infected individual is 2 times the SSI Federal Benefit Rate (FBR) plus \$85 ($2 \times \text{FBR} + \85). (See section 00810.350 of the Program Operations Manual System (POMS SI).) Income above this level would result in countable income in excess of ordinary SSI eligibility standards. We are proposing to require States to apply this SSI break-even point methodology for the income eligibility calculation of TB-infected individuals.

We note that this formula does not represent the actual application of SSI methods and standards to any particular

individual, or even to any particular hypothetical individual, as he or she would apply under the SSI program. For example, under SSI, an individual with earned income sufficient to demonstrate "significant gainful activity" would not be "disabled," and thus the earned income disregard would not ordinarily be applicable to income of a disabled individual above the level to demonstrate significant gainful activity. Since TB-infected individuals are not ordinarily disabled, we did not believe it would be appropriate to limit earned income (and the earned income disregard) to the level showing significant activity in devising an eligibility formula for TB-infected individuals.

We propose to permit States to use the section 1902(r) authority (which permits States to use more liberal income and resource methodologies than those used under the cash assistance programs) to disregard income when making the eligibility determination for the section 1902(z) group. Use of the section 1902(r) authority will permit States to make eligible, under section 1902(z), persons with gross income in excess of the amount derived from the formula set forth above. Because the income eligibility standards are based on standards for disabled SSI recipients, we propose that the income limits set forth at section 1903(f) that limit Federal financial participation for individuals whose eligibility standards are related to the standards for Aid to Families with Dependent Children (in effect as of July 16, 1996) would not apply for TB-infected individuals. Otherwise these limits might render meaningless the financial eligibility standards permitted by section 1902(z)(1)(B).

In cases where both members of a married couple, or more than one member of a family are TB-infected, we have interpreted section 1902(z)(1) to mean that each applicant will be considered as a single *individual* and thus will be subject to income standards independent from his or her spouse or child. Section 1902(z) specifies that each family member should be considered separately by applying the eligibility standard for "a disabled individual."

When only one spouse is eligible or applies for Medicaid, the *other spouse's* income should be deemed to be considered as available income as permitted under the State plan. If the members of a couple were legally separated, or if some of the spouse's income was allocated to other individuals (for example, if the spouse had dependent children for whom the applicant was not legally responsible),

the income would be deemed accordingly.

We propose that the resource eligibility requirements for the optional TB-related group remain consistent with the SSI resource limit of \$2,000 for an individual. However, States would again be permitted under the authority of section 1902(r)(2) to use more liberal resource requirements in making eligibility determinations for TB-infected applicants.

We propose to require section 1902(f) States that use more restrictive requirements than the SSI program uses to disregard SSI payments and optional State supplementation payments when determining financial eligibility of a TB-infected individual under section 1902(z)(1). A section 1902(f) State that includes aged, blind, or disabled individuals as medically needy under its approved plan must allow individuals deemed to be SSI recipients, essential spouses, State supplementation payment recipients, and individuals who are eligible for State supplements but who do not receive them to spend down to the State's more restrictive January 1, 1972 standard or to the SSI income standard. A section 1902(f) State that does not include aged, blind, or disabled individuals as medically needy may allow individuals to spend down only to the income standard that the State would use if there were no optional categorically needy eligibility groups included under its January 1, 1972 approved plan.

We propose to require that territories base their maximum financial eligibility levels for TB-infected individuals on the standards under their State Medicaid plans for disabled individuals, that is, the Aid to the Aged, Blind, or Disabled (AABD) program. The territories must describe in their State plans the financial eligibility standards and methodologies that are applicable to the TB-infected group. Although we recognize that this policy may restrict eligibility for TB-infected individuals in territories that have limited AABD programs, the statutory language specifically ties eligibility for TB-infected individuals to eligibility of disabled individuals under the State plan.

B. Services

1. New Service Category

Section 1905(a)(19) was amended by OBRA '93 to add a new TB-related service category to the overall list of coverable services. The new service category described in section 1902(z)(2)(F) of the Act specifies the

limited services available to eligible individuals who are infected with TB. In order for a State to make this service available to any categorically needy eligible individual, including the new TB-infected group, the State must elect to cover this service under its State plan and make it available to all categorically needy individuals for whom the service is medically necessary. Like most other optional Medicaid services included in section 1905(a), when a State elects to make the service available under its Medicaid plan, the service must be equally available in amount and scope to all individuals in a covered group who need the service. As such, if a State elects this service it must be equally available to TB-infected categorically needy individuals. Similarly, if a State elects this service for its medically needy eligibility group, the service must be equally available to that population as well. However, because this service is described in the statute as a TB-related service it is available only to those individuals who are under a drug treatment regimen for the treatment of TB. We also propose to add a new § 440.164 to incorporate the services provisions. A further discussion of the scope of this benefit is provided below.

2. List of Services and Applicable Limitations

Section 1902(z)(2) lists the following service categories that are available to the group of eligible TB-infected individuals:

- Prescribed drugs;
- Physicians' services, outpatient hospital, rural health clinics, federally qualified health clinic services;
- Laboratory and x-ray services, including services to diagnose and confirm the presence of infection;
- Clinic and federally qualified health center services;
- Targeted case management services; and
- Services, other than room and board, designed to encourage completion of regimens of prescribed drugs by outpatients.

Even though section 1902(z)(2) lists these above services as available to the new eligibility group, the services (except for case management and services designed to encourage the completion of TB-drug regimens) are available only to the extent they are otherwise available to mandatory categorically needy eligibility groups under the State's Medicaid plan. That is, although the statutory material found in the matter following section 1902(a)(10)(F) (which provides exceptions to the Medicaid comparability rules), specifically limits

the services available to the new group to those categories listed above, there is nothing in the exception to the comparability rules that would permit the State to offer the new eligibility groups any more services than are available to all other categorically needy groups.

Some of the services listed in section 1902(z)(2), specifically, physician, outpatient hospital, rural health center, federally qualified health center, laboratory, and x-ray services, are mandated services. This means that States that elect to extend eligibility to the new group of TB-infected individuals must make these categories of services available to the new group to the same extent the services are available under the plan as long as the services are TB-related.

With regard to prescribed drugs and clinic services, the State may only make these service categories available if the service category is already available under the approved State Medicaid plan. That is, a State could not make prescribed drugs available to an individual eligible under the new TB-infected group if the State does not make prescribed drugs available to the categorically needy under its State plan. To do so would violate the Medicaid comparability rules which require that services be available in equal amount, duration, and scope to all categorically needy individuals. Conversely, if a State offers prescribed drugs and clinic services under its plan, the comparability requirements dictate that the State must make these categories available to the new group to the same extent the services are available under the plan as long as the services are TB-related. Any limitations on amount, duration, and scope that otherwise apply under the plan also apply to the new group. For example, if a State limits the number of prescriptions an individual may receive in a month, that same limitation applies to individuals eligible under the new TB-infected group.

With regard to case management services, OBRA '93 also provides that a State may limit case management services to TB-infected individuals. In order to make the services available only to the new eligibility group, the State must identify the new eligibility group as a target group under its State plan. If a State chooses to broaden the target group to encompass all TB-infected individuals, including individuals in other categorically needy groups, it may do so.

As indicated earlier, services designed to encourage completion of drug regimens are not subject to the

comparability rules that require services to be available in the same amount, duration, and scope to all eligibility groups. However, the comparability rules would apply within the covered TB-infected group.

With the exception of services designed to encourage completion of drug regimens, each of the outpatient services must meet the requirements and conditions of the existing regulations and statutory provisions applicable to regular Medicaid. That is—

- Prescribed drugs must meet the definition in § 440.120 and the FFP conditions of sections 1903(i) and 1927 of the Act relating to drug rebates and drug rebate agreements with manufacturers and the FFP limitations of §§ 441.25, 447.331, and 447.332.

- Physicians' services must meet the definition in § 440.50; outpatient hospital services and rural health clinic services must meet the definition in § 440.20; and Federally qualified health center services must meet the definition in section 1905(l)(2) of the Act. We propose to permit States to claim FFP for costs incurred by physicians who diagnose and treat individuals suspected of being infected with TB. Individuals whom a physician suspects are TB-infected are eligible to receive services. If the individual is later determined to not be TB-infected under the specified criteria, eligibility will end on the last day of the month in which the State takes action to terminate eligibility and sends appropriate advance notice.

- Laboratory and X-ray services, including services to confirm the presence of infection, must meet the definition in § 440.30;

- Clinic services must meet the definition in § 440.90, and Federally qualified health center services must meet the definition in section 1905(l)(2) of the Act;

- Case management services must meet the definition in section 1915(g)(2) of the Act.

With respect to the services described in section 1902(z)(2)(F) that are designed to encourage completion of regimens of prescribed drugs by outpatients, including services to directly observe the intake of prescribed drugs, we propose to permit States the option to authorize providers broad latitude in furnishing a limited package of TB-related services to individuals who qualify for Medicaid under the provisions of section 1902(z)(1) of the Act. We believe that services designed to encourage completion of drug regimens will vary among States. Permitting a broad interpretation will

allow States to design the program most appropriate to their needs. Any service related to the completion of a prescribed drug regimen, except for inpatient services and room and board, may be covered. For example, the types of services may include:

(1) Transportation to and from necessary treatment services.

(2) In-home monitoring of the individual's illness and adherence to a prescribed drug regimen.

(3) Patient education and anticipatory guidance. These services are directly related to ensuring the patient's completion of the prescribed drug regimen.

(4) Certain other medical services which are not otherwise included under section 1905(a) that will encourage completion of the drug regimen; for example, coverage of pick up and delivery of prescribed drugs as long as this service is not generally provided for free in the community.

These services may also include other medical services designed to minimize barriers to completion of a prescribed drug regimen. However, nonmedical services would be excluded. For example, nonmedical services would include monetary incentives or gifts used as an incentive to induce recipients to complete drug regimens; these items are not medical nor would they minimize barriers to completion of a drug regimen.

We propose to require a State to specify in its State plan the services that will be made available under the benefit to encourage outpatients to complete regimens of prescribed drugs.

Services available to this new group are available only if they relate to the treatment of TB. We propose to allow the State to make the determination of whether any particular service relates to the treatment of TB on the basis of the individual's circumstances. For example, some prescribed drugs for the treatment of TB can cause side effects that may require additional care by specialists, such as ophthalmologists, and the prescription of additional drugs to treat side effects. Also, inpatient services are not covered, whether for acute care hospitalization or for long-term care (H.R. Rep. No. 111, 103rd Cong., 1st Sess., 219 (1993)).

C. Conforming Changes

We propose to amend §§ 435.201 and 436.201 to specify TB-infected individuals as a separate optional group. In addition, we propose to amend § 440.250 to specify the limitations on services to TB-infected persons.

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 comments in the preamble to that document.

IV. Regulatory Impact Statement

Section 804(2) of title 5, United States Code (as added by section 251 of Public Law 104-121), specifies that a "major rule" is any rule that the Office of Management and Budget finds is likely to result in—

- An annual effect on the economy of \$100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic and export markets.

We estimate that the federal share of Medicaid program costs associated with this proposed rule, contingent upon 100 percent participation by States, is approximately \$100 million in FY 1999. Therefore, this rule is a major rule as defined in Title 5, United States Code, section 804(2).

HCFA has examined the impact of this proposed rule as required by Executive Order 12866 and the Regulatory Flexibility Act (Public Law 96-354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). The Regulatory Flexibility Act requires agencies to analyze options for regulatory relief for small businesses. For purposes of the RFA, States and individuals are not considered small entities. However, we do consider most Medicaid-participating physicians to be small entities if they have revenues of \$5 million or less annually.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural

hospitals. Such an 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 fewer than 50 beds.

This proposed rule would incorporate in regulations statutory changes that are already in effect. The statutory provisions are effective on the statutory established date, regardless of whether or not we have issued final regulations. The statutory changes that expand eligibility groups and coverage of

services will increase Medicaid program expenditures independently of the promulgation of this rule. Program costs associated with these proposed regulations, which are reflected in the following chart, are the result of legislation or due to the interpretation of statutory changes already in effect.

[Dollars in millions rounded to the nearest \$5 million]

	FY 1999	FY 2000	FY 2001	FY 2002	FY 2003
Federal	100	105	115	125	135
State	75	85	90	95	105

These cost estimates are based on Center for Disease Control (CDC) data on active, suspected (where a treatment regimen is begun until infection is ruled out), and inactive (discovered during screenings and are put on a prevention regimen) TB cases. The cost estimates are also based on demographic, coverage, and income data in the Current Population Survey and make assumptions regarding case growth and medical inflation. The details of the cost estimate calculations are available upon request. In addition, Federal administrative costs associated with these proposed regulations are estimated at \$5 million annually. State and local administrative costs are also estimated at \$5 million annually.

For these reasons, we are not preparing analyses for either the RFA or section 1102(b) of the Act because we have determined, and we certify, that this proposed rule would not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

V. Collection of Information Requirements

Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), agencies are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, the Paperwork Reduction Act of 1995 requires that we solicit comment on the following issues:

- Whether the information collection is necessary and useful to carry out the proper functions of the agency;

- The accuracy of the agency's estimate of the information collection burden;
- The quality, utility, and clarity of the information to be collected; and
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

Section 440.164 of this document contains requirements that a State must specify in its State Medicaid plan what services will be provided as TB-related services and describe any services that the State will cover as services designed to encourage completion of regimens of prescribed drugs by outpatients. We estimate that the public reporting burden for this collection of information is approximately 1 hour.

A notice will be published in the **Federal Register** when approval is obtained. Organizations and individuals desiring to submit comments on the information collection and recordkeeping requirements should direct them to the officials whose names appear in the **ADDRESSES** section of this preamble.

List of Subjects

42 CFR Part 435

Aid to Families with Dependent Children, Grant programs-health, Medicaid, Reporting and recordkeeping requirements, Supplemental Security Income (SSI), Wages.

42 CFR Part 436

Aid to Families with Dependent Children, Grant programs-health, Guam, Medicaid, Puerto Rico, Supplemental Security Income (SSI), Virgin Islands.

42 CFR Part 440

Grant programs-health, Medicaid.

42 CFR Chapter IV, Subchapter C, would be amended as follows:

PART 435—ELIGIBILITY IN THE STATES, DISTRICT OF COLUMBIA, THE NORTHERN MARIANA ISLANDS, AND AMERICAN SAMOA

A. Part 435 is amended as follows:
 1. The authority citation for part 435 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. In § 435.201, the introductory text of paragraph (a) is republished, paragraphs (a)(7) and (a)(8) are reserved, and a new paragraph (a)(9) is added, to read as follows:

§ 435.201 Individuals included in optional groups.

(a) The agency may choose to cover as optional categorically needy any group or groups of the following individuals who are not receiving cash assistance and who meet the appropriate eligibility criteria for groups specified in the separate sections of this subpart.

* * * * *

(9) Individuals infected with tuberculosis (as defined in § 435.219).

* * * * *

3. A new § 435.219 is added under the undesignated center heading "Options for Coverage of Families and Children and the Aged, Blind, and Disabled" to read as follows:

§ 435.219 Individuals infected with tuberculosis (TB).

(a) *General rule.* The agency may provide certain tuberculosis (TB) related services (as defined in § 440.164 of this subchapter) as Medicaid to individuals who—

- (1) Are not mandatory categorically needy under subpart B of this part;
- (2) Are infected with tuberculosis, as defined in paragraph (b) of this section; and
- (3) Meet the income and resource requirements specified in paragraph (c) of this section.

(b) *Definition of a TB-infected individual.* An individual is considered

to be TB-infected if any of the following conditions exist:

(1) The individual has a positive tuberculin skin test using the Mantoux method and receives treatment for latent TB infection or active tuberculosis;

(2) The individual has a negative tuberculin skin test but has sputum culture or culture from another tissue sample that is positive for the tuberculosis organism;

(3) The individual has never received a tuberculin skin test but has sputum culture or culture from another tissue sample that is positive for the tuberculin organism;

(4) The individual has a tuberculosis skin test that is negative and whose sputum or other tissue culture for tuberculosis that is not or cannot be obtained, but in the physician's judgment the individual requires and is given TB-related drug or surgical therapy or both; or

(5) The individual has a negative tuberculosis skin test, is being treated with a tuberculosis drug regimen while awaiting the tuberculosis culture results because the physician suspects that the individual may have active tuberculosis, and has cultures that turn out to be negative for tuberculosis, causing the tuberculosis drug regimen to be discontinued.

(c) *Income and resource eligibility criteria.*

(1) Except as provided under paragraph (c)(2) of this section, the individual must have—

(i) Gross monthly income that does not exceed an amount equal to 2 times the SSI Federal Benefit Rate (as specified in 20 CFR §§ 416.105 and 416.410) plus \$85; and

(ii) Resources that do not exceed the SSI resource standard.

(2) The State may use—

(i) More restrictive Medicaid financial eligibility requirements applicable to disabled individuals as specified in §§ 435.121 and 435.230; and

(ii) More liberal income and resource methodologies as specified under § 435.601(d).

B. Part 436 is amended as follows:

PART 436—ELIGIBILITY IN GUAM, PUERTO RICO, AND THE VIRGIN ISLANDS

1. The authority citation for part 436 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. In § 436.201, the introductory text of paragraph (a) is republished, paragraphs (a)(8) and (a)(9) are reserved, and a new paragraph (a)(10) is added, to read as follows:

§ 436.201 Individuals included in optional groups.

(a) The agency may choose to cover as optional categorically needy any group or groups of the following individuals who are not receiving cash assistance and who meet the appropriate eligibility criteria for groups specified in the separate sections of this subpart:

* * * * *

(10) Individuals infected with tuberculosis (as defined in § 436.219).

* * * * *

3. A new § 436.219 is added to read as follows:

§ 436.219 Individuals infected with tuberculosis (TB).

(a) *General rule.* The agency may provide certain tuberculosis (TB) related services (as defined in § 440.164 of this subchapter) as Medicaid to individuals who—

(1) Are not mandatory categorically needy under subpart B under this part;

(2) Are infected with tuberculosis, as defined in paragraph (b) of this section; and

(3) Meet the income and resource requirements specified in paragraph (c) of this section.

(b) *Definition of a TB-infected individual.* An individual is considered to be TB-infected if any of the following conditions exist:

(1) The individual has a positive tuberculin skin test using the Mantoux method and receives treatment for latent TB infection or active tuberculosis;

(2) The individual has a negative tuberculin skin test but has sputum culture or culture from another tissue sample that is positive for the tuberculosis organism;

(3) The individual has never received a tuberculin skin test but has sputum culture or culture from another tissue sample that is positive for the tuberculin organism;

(4) The individual has a tuberculosis skin test that is negative and whose sputum or other tissue culture for tuberculosis that is not or cannot be obtained, but in the physician's judgment the individual requires and is given TB-related drug or surgical therapy or both; or

(5) The individual has a negative tuberculosis skin test, is being treated with a tuberculosis drug regimen while awaiting the tuberculosis culture results because the physician suspects that the individual may have active tuberculosis, and has cultures that turn out to be negative for tuberculosis, causing the tuberculosis drug regimen to be discontinued.

(c) *Income and resource eligibility criteria.*

(1) Except as provided under paragraph (c)(2) of this section, the individual must have—

(i) Gross monthly income that does not exceed the AABD income standard for disabled individuals, applying the maximum income exclusion or disregards that are not dependent on disabled status.

(ii) Resources that do not exceed the AABD resource standard (as applicable to disabled individuals).

(2) The State may use more liberal income and resource methodologies as specified under § 436.601(d).

C. Part 440 is amended as follows:

PART 440—SERVICES: GENERAL PROVISIONS

1. The authority citation for part 440 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

2. A new § 440.164 is added to read as follows:

§ 440.164 Tuberculosis-related services.

Tuberculosis (TB)-related services for individuals described in §§ 435.219 and 436.219 of this subchapter means the following outpatient services—

(a) Prescribed drugs (as defined in § 440.120 and subject to the FFP limitations of §§ 441.25, 447.331 and 447.332 of this subchapter);

(b) Physicians' services (as defined in § 440.50) and services described in section 1905(a)(2) of the Act.

(c) Laboratory and X-ray services including services to confirm the presence of infection (as defined in § 440.30);

(d) Clinic services (as defined in § 440.90) and Federally qualified health center services (as defined in section 1905(l)(2) of the Act).

(e) Case management services (as defined in section 1915(g)(2) of the Act); and

(f) Services (other than room and board) designed to encourage completion of regimens of prescribed drugs by outpatients, including services to observe directly the intake of prescribed drugs.

(1) The agency must specify in its State plan the types of services it will provide under this benefit.

(2) The services may not include nonmedical services, such as monetary incentives or gifts, inpatient services, or room and board.

(3) The services may not include a service that is generally provided free in the community.

3. Section 440.250 is amended by adding a new paragraph (u), to read as follows:

§ 440.250 Limits on comparability of services.

* * * * *

(u) If the agency elects to cover individuals infected with tuberculosis as specified in §§ 435.219 and 436.219 of this subchapter, medical assistance to those individuals is limited to TB-related services described in § 440.164.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 93.778—Medical Assistance Programs)

Dated: September 1, 1998.

Nancy-Ann Min DeParle,
Administrator, Health Care Financing Administration.

Dated: April 28, 1999.

Donna E. Shalala,
Secretary.

[FR Doc. 99-23515 Filed 9-9-99; 8:45 am]

BILLING CODE 4120-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 15, 22, 24, 25, 26, 27, 90, 95, 100, and 101

[WT Docket No. 99-266, FCC 99-205]

Extending Wireless Telecommunications Services to Tribal Lands

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document seeks comment on potential terrestrial wireless and satellite policy initiatives to address the telecommunications needs of Indians living on tribal lands. The Commission has been instructed to help ensure that all Americans have access to affordable telecommunications services. Consistent with that mandate, the Commission seeks to secure for consumers living on tribal lands the same opportunities to take advantage of telecommunications capabilities that other Americans have. In addition, the Commission seeks comment on whether to extend these initiatives to consumers in other unserved areas.

DATES: Comments are due November 9, 1999, and reply comments are due December 9, 1999.

ADDRESSES: Federal Communications Commission, Secretary, 445 Twelfth Street, SW, Room TW-A325, Washington, DC 20554. Comments filed through the Commission's Electronic Comment Filing System (ECFS) can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. See the **SUPPLEMENTARY INFORMATION**

section for additional information about paper and electronic filing.

FOR FURTHER INFORMATION CONTACT: Joel Taubenblatt, Wireless Telecommunications Bureau, at (202) 418-1513.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rulemaking (NPRM)* in WT Docket No. 96-266, adopted August 5, 1999 and released August 18, 1999. The complete text of this *NPRM* is available for inspection and copying during normal business hours in the Commission's Reference Center, room CY-A257, 445 12th Street SW, Washington, DC. This *NPRM* is also available through the Internet at <http://www.fcc.gov/Bureaus/Wireless/Notices/1999/fcc99205.pdf>. The complete text may be purchased from the Commission's duplicating contractor, International Transcription Service, Inc. (ITS, Inc.) at 1231 20th Street NW, Washington, DC 10036, (202) 857-3800.

I. Introduction

1. The Telecommunications Act of 1996 has instructed the Commission to help ensure that all Americans have access to affordable telecommunications services. Consistent with that mandate, the Commission seeks comment on the potential of terrestrial and satellite wireless technologies to provide basic telephone service on tribal lands and other unserved areas, particularly in remote areas where wireline alternatives would be significantly more expensive. The Commission also seeks comment on possible changes to our rules for terrestrial wireless and satellite services that would provide greater incentives for terrestrial wireless and satellite carriers to extend service to tribal lands and other unserved areas.

2. In conjunction with this *NPRM*, the Commission adopted a companion Further Notice of Proposed Rulemaking in CC Docket No. 96-45, FCC 99-204 (to be published at a later date in the **Federal Register**) in which the Commission proposes initiatives to encourage the extension of wireline service to tribal lands and other unserved areas and to expand subsidies for all telecommunications carriers—whether wireline, terrestrial wireless, or satellite—that serve such areas.

II. Background

3. Commission representatives have met with many tribal leaders and other representatives of Indian communities to obtain their insights into the problem of low telecommunications penetration on tribal lands. Earlier this year, the Commission held two public hearings at

which federal and state officials, tribal officials, consumer advocates, and telecommunications service providers addressed issues such as the costs of delivering services to remote areas having very low population densities, the impact of the size of local calling areas on the affordability of service, the quality of telephone service on tribal lands, the complexities of governmental jurisdiction and sovereignty issues, and the effects of low incomes and high unemployment on tribal lands on telephone service.

4. Because many tribal lands, particularly those in the western United States, are geographically isolated, obtaining the lowest cost for providing basic telephone service to the population on the tribal land may often require use of a terrestrial wireless technology, a satellite technology, or a combination of these technologies. Terrestrial wireless technology includes both mobile services, such as cellular and Personal Communications Service (PCS), and fixed "wireless local loop" services (WLL). A hybrid terrestrial/satellite wireless model would involve a satellite providing the communications link between an isolated community and the nation's public switched telephone network for long distance telephony, with a terrestrial wireless loop used to link the individual residents and businesses in a particular community for local telephony. Alternatively, satellites can be used alone for long distance and local telephony through the use of handheld phones that can communicate directly with the satellites.

III. Discussion

5. Accordingly, this *NPRM* seeks comment on whether certain changes to the Commission's rules for terrestrial wireless and satellite services would provide greater incentives for existing carriers to extend these services to tribal lands and other unserved areas. Possible rule changes include: (a) Relaxing power and antenna height limits for wireless services to reduce the number of transmitting facilities required to provide service to a tribal land/unserved area, and thus reduce the cost of providing service to that tribal land/unserved area, without creating a significant risk of interference among wireless systems; (b) creating incentives in our buildout requirements to encourage buildout on tribal lands and other unserved areas (e.g., for services subject to a specific population/geographic coverage requirement, apply a multiplier to the population or land area of a tribal land/unserved area for purposes of meeting the requirement);

(c) under certain conditions, allowing licensees to expand their coverage into adjacent licensing areas in order to provide full coverage to a tribal land, provided that the adjacent licensee has had a reasonable opportunity to extend coverage itself and has not done so, and provided that such coverage does not cause interference to the adjacent licensee's actual operations; (d) modifying restrictions on commercial use of spectrum by certain categories of non-commercial radio licensees in cases where such licensees wish to provide service to tribal lands or other unserved areas; (e) relaxing restrictions on the transfer of "designated entity" licenses to non-designated entities where the non-designated entity commits to provide service to a tribal land or other unserved area; and (f) adopting policies that encourage the use of satellite technology (or combined satellite-wireless technology) to provide service on tribal lands or other unserved areas, where such service would be technologically efficient. The NPRM also seeks comment on whether the grant of additional flexibility to wireless licensees should be conditioned on the existence of a binding agreement between the licensee and relevant tribal authority.

6. In addition to inquiring about incentives for existing terrestrial wireless and satellite carriers to extend service to tribal lands/unserved areas, the NPRM seeks comment on the following ways to encourage service to tribal lands/unserved areas in the Commission's development and licensing of new services: (a) Identifying frequency bands that are not currently allocated for telecommunications service that could potentially be used to provide basic telephone service on tribal lands/unserved areas; (b) allowing "drop-in" licensing of unused channels in otherwise allocated and licensed spectrum to provide service to tribal lands/unserved areas; (c) in new services, establishing licensing area boundaries that will not splinter tribal lands among multiple licensees; (d) adopting technical and operational rules that encourage development of low-cost technology in new services suitable for providing service in sparsely populated areas such as tribal lands; (e) in future auctions, awarding bidding credits to auction winners (regardless of designated entity status) who commit to provide service to tribal lands/unserved areas in their markets; and (f) using licensing authority to encourage the use of satellite technology to serve tribal lands/unserved areas.

IV. Procedural Matters

A. *Ex Parte Rules—Permit-But-Disclose Proceeding*

7. This proceeding is a permit-but-disclose notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. See generally 47 CFR 1.1202, 1.1203 and 1.1206.

B. *Initial Regulatory Flexibility Analysis*

8. As required by the Regulatory Flexibility Act, see 5 U.S.C. 603, the Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") of the possible impact on small entities of the proposals suggested in this NPRM. The IRFA is set forth in the section V. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the NPRM, as set forth in the "DATES" section and they must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Office of Public Affairs, Reference Operations Division, will send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act, see 5 U.S.C. 603(a).

C. *Initial Paperwork Reduction Act of 1995 Analysis*

9. This NPRM contains neither a new nor a modified information collection.

D. *Comment Dates*

10. Pursuant to §§ 1.415 and 1.419 of the Commission's Rules, 47 CFR 1.415, 1.419, comments are due November 9, 1999, and reply comments are due December 9, 1999. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (May 1, 1998).

11. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking

number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

12. Parties who choose to file by paper must file an original and four copies of each filing. If participants would like each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, The Portals, 445 Twelfth Street, S.W., Room TW-A325, Washington, DC 20554.

13. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, The Portals, 445 Twelfth Street, S.W., Room CY-A257, Washington, DC 20554.

V. *Initial Regulatory Flexibility Analysis*

14. As required by the Regulatory Flexibility Act (RFA),¹ the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this Notice of Proposed Rulemaking. Written public comments are requested on this IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the rest of this Notice of Proposed Rulemaking, as set forth in section IV.D of the **SUPPLEMENTARY INFORMATION**, and they must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Office of Public Affairs, Reference Operations Division, will send a copy of this Notice of Proposed Rulemaking, including the IRFA, to the Chief Counsel for Advocacy

¹ See 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 et seq., has been amended by the Contract With America Advancement Act of 1996, Public Law 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

of the Small Business Administration, in accordance with the RFA.²

A. Need for and Objectives of the Proposed Rules

15. We are issuing this Notice of Proposed Rulemaking to seek comment on potential terrestrial wireless and satellite policy initiatives to address the telecommunications needs of consumers living on tribal lands. As stated, the Telecommunications Act of 1996 instructed the Commission to help ensure that all Americans have access to affordable telecommunications services. Consistent with that mandate, we seek to secure for consumers living on tribal lands the same opportunities to take advantage of telecommunications capabilities that other Americans have. In addition, we seek comment on whether to extend these initiatives to consumers in other unserved areas.

16. Specifically, this Notice of Proposed Rulemaking seeks comment on the following potential initiatives for encouraging existing wireless licensees to provide telecommunications service to tribal lands and other unserved areas: (a) Relaxing antenna height and transmitter power limitations applicable to service providers in tribal lands and other unserved areas; (b) establishing flexible buildout requirements for carriers providing telephone service to tribal lands and other unserved areas; (c) permitting licensees to expand coverage into adjacent licensing areas in order to provide full coverage to tribal lands and other unserved areas; (d) allowing licensees in certain private (non-CMRS) services to provide basic telephone service to tribal lands and other unserved areas; (e) lifting restrictions on transfer of wireless licenses awarded to designated entities (DEs) for carriers providing service to tribal lands and other unserved areas; (f) modifying regulations to promote the deployment of satellite technology to tribal lands and other unserved areas; and (g) granting of additional flexibility to carriers providing service to tribal lands and other unserved areas based on the existence of a binding agreement between the carrier and the affected tribe.

17. In addition, this Notice of Proposed Rulemaking seeks comment on the following ways to encourage service to tribal lands/unserved areas in the Commission's development and licensing of new services: (a) Identifying frequency bands that are not currently allocated for telecommunications service that could potentially be used to provide basic telephone service on tribal

lands/unserved areas; (b) allowing "drop-in" licensing of unassigned or unused channels in otherwise allocated and licensed spectrum to provide service to tribal lands/unserved areas; (c) establishing licensing area boundaries for new services that will not splinter tribal lands among multiple licensees; (d) adopting technical and operational rules that encourage development of low-cost technology in new services suitable for providing service in sparsely populated areas such as tribal lands; (e) in future auctions, awarding bidding credits to auction winners (regardless of designated entity status) who commit to provide service to tribal lands/unserved areas in their markets; and (f) using our licensing authority to encourage the provision of satellite-based telecommunication services to tribal lands and other unserved areas.

B. Legal Basis

18. The potential actions on which comment is sought in this Notice of Proposed Rulemaking would be authorized under sections 4(i), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 309(j).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

19. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.³ The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."⁴ In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.⁵ A small business concern is one that: (a) Is independently owned and operated; (b) is not dominant in its field of operation; and (c) satisfies any additional criteria established by the Small Business Administration (SBA).⁶ A small organization is generally "any not-for-

profit enterprise which is independently owned and operated and is not dominant in its field."⁷ Nationwide, as of 1992, there were approximately 275,801 small organizations.⁸ And finally, "Small governmental jurisdiction" generally means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000."⁹ As of 1992, there were approximately 85,006 such jurisdictions in the United States.¹⁰ This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000.¹¹ The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities.

20. We further describe and estimate the number of small business concerns that may be affected by the proposed rules, if adopted, including wireless and satellite service providers. To assist the Commission in analyzing the total number of potentially affected small entities, commenters are requested to provide estimates of the number of small entities that may be affected by any rule changes resulting from this Notice of Proposed Rulemaking.

i. Wireless (Radiotelephone) Providers

21. SBA has developed a definition of small entities for radiotelephone (wireless) companies. The Census Bureau reports that there were 1,176 such companies in operation for at least one year at the end of 1992.¹² According to SBA's definition, a small business radiotelephone company is one employing no more than 1,500 persons.¹³ The Census Bureau also reported that 1,164 of those radiotelephone companies had fewer than 1,000 employees. Thus, even if all of the remaining 12 companies had more than 1,500 employees, there would still be 1,164 radiotelephone companies that might qualify as small entities if they are independently owned and operated. Although it seems certain

⁷ 5 U.S.C. 601(4).

⁸ 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

⁹ 5 U.S.C. 601(5).

¹⁰ U.S. Dept. of Commerce, Bureau of the Census, "1992 Census of Governments."

¹¹ *Id.*

¹² United States Department of Commerce, Bureau of the Census, 1992 Census of Transportation, Communications, and Utilities: Establishment and Firm Size, at Firm Size 1-123 (1995) ("1992 Census").

¹³ 13 CFR 121.201, SIC Code 4812.

³ 5 U.S.C. 603(b)(3).

⁴ *Id.* at 601(6).

⁵ 5 U.S.C. 601(3) (incorporating by reference the definition of "small business concern" in 15 U.S.C. 632). Pursuant to the RFA, the statutory definition of a small business applies "unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**." 5 U.S.C. 601(3).

⁶ Small Business Act, 15 U.S.C. 632.

² See 5 U.S.C. 603(a).

that some of these carriers are not independently owned and operated, we are unable at this time to estimate with greater precision the number of radiotelephone carriers and service providers that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 1,164 small entity radiotelephone companies that may be affected by the policies and rules proposed in this Notice of Proposed Rulemaking. We next attempt to refine further this estimate to correspond with the categories of wireless (radiotelephone) companies that are commonly used under our rules.

22. *Cellular, PCS, SMR and Other Mobile Service Providers.* In an effort to further refine our calculation of the number of radiotelephone companies that may be affected by the policies and rules proposed herein, if adopted, we consider the data that we collect annually in connection with the TRS for the subcategories Wireless Telephony (which includes Cellular, PCS, and SMR) and Other Mobile Service Providers. Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to these broad subcategories, so we will utilize the closest applicable definition under SBA rules—which, for both categories, is for radiotelephone (wireless) companies.¹⁴ To the extent that the Commission has adopted definitions for small entities providing PCS and SMR services, we discuss those definitions. According to our most recent TRS data, 732 companies reported that they are engaged in the provision of Wireless Telephony services and 23 companies reported that they are engaged in the provision of Other Mobile Services.¹⁵ Although it seems certain that some of these carriers are not independently owned and operated, or have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of Wireless Telephony Providers and Other Mobile Service Providers, except as described, that would qualify as small business concerns under SBA's definition. Consequently, we estimate that there are fewer than 732 small entity Wireless

Telephony Providers and fewer than 23 small entity Other Mobile Service Providers that might be affected by the policies and rules proposed in this Notice of Proposed Rulemaking.

23. *Broadband PCS Licensees.* The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined "small entity" for Blocks C and F as an entity that has average gross revenues of less than \$40 million in the three previous calendar years.¹⁶ For Block F, an additional classification for "very small business" was added, and is defined as an entity that, together with its affiliates, has average gross revenues of not more than \$15 million for the preceding three calendar years.¹⁷ These regulations defining "small entity" in the context of broadband PCS auctions have been approved by SBA.¹⁸ No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders won approximately 40% of the 1,479 licenses for Blocks D, E, and F. However, licenses for Blocks C through F have not been awarded fully, therefore there are few, if any, small businesses currently providing PCS services. Based on this information, we estimate that the number of small broadband PCS licenses will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks, for a total of 183 small PCS providers as defined by SBA and the Commissioner's auction rules.

24. *SMR Licensees.* Pursuant to 47 CFR 90.814(b)(1), the Commission has defined "small entity" in auctions for geographic area 800 MHz and 900 MHz SMR licenses as a firm that had average annual gross revenues of less than \$15 million in the three previous calendar years. The definition of a "small entity" in the context of 800 MHz SMR has been approved by the SBA,¹⁹ and

approval for the 900 MHz SMR definition has been sought. The proposed rules may apply to SMR providers in the 800 MHz and 900 MHz bands that either hold geographic area licenses or have obtained extended implementation authorizations. We do not know how many firms provide 800 MHz or 900 MHz geographic area SMR service pursuant to extended implementation authorizations, nor how many of these providers have annual revenues of less than \$15 million. Consequently, we estimate, for purposes of this IRFA, that all of the extended implementation authorizations may be held by small entities, some of which may be affected by the policies and rules proposed in this Notice of Proposed Rulemaking.

25. The Commission recently held auctions for geographic area licenses in the 900 MHz SMR band. There were 60 winning bidders who qualified as small entities in the 900 MHz auction. Based on this information, we estimate that the number of geographic area SMR licensees that may be affected by the policies and rules proposed in this Notice of Proposed Rulemaking includes these 60 small entities. No auctions have been held for 800 MHz geographic area SMR licenses. Therefore, no small entities currently hold these licenses. A total of 525 licenses will be awarded for the upper 200 channels in the 800 MHz geographic area SMR auction. The Commission, however, has not yet determined how many licenses will be awarded for the lower 230 channels in the 800 MHz geographic area SMR auction. There is no basis, moreover, on which to estimate how many small entities will win these licenses. Given that nearly all radiotelephone companies have fewer than 1,000 employees and that no reliable estimate of the number of prospective 800 MHz licensees can be made, we estimate, for purposes of this IRFA, that all of the licenses may be awarded to small entities, some of which may be affected by the policies and rules proposed in this Notice of Proposed Rulemaking.

26. *220 MHz Radio Service—Phase I Licensees.* The 220 MHz service has both Phase I and Phase II licenses. There

Allotted to the Specialized Mobile Radio Pool, PR Docket No. 89-553, Second Order on Reconsideration and Seventh Report and Order, 60 FR 48913 (September 21, 1995), 11 FCC Rcd 2639, 2693-702 (1995); Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band, PR Docket No. 93-144, First Report and Order, Eighth Report and Order, and Second Further Notice of Proposed Rulemaking, 61 FR 6212 (February 16, 1996), 11 FCC Rcd 1463 (1995).

¹⁴ *Id.*

¹⁵ FCC, Carrier Locator: Interstate Service Providers, Figure 1 (Jan. 1999) (Carrier Locator). See also 47 CFR 64.601 *et seq.* (TRS). The most reliable source of information regarding the numbers of commercial wireless entities appears to be data the Commission publishes annually in its Carrier Locator report, derived from filings made in connection with the Telecommunications Relay Service (TRS).

¹⁶ See Amendment of Parts 20 and 24 of the Commission's Rules—Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, Report and Order, 61 FR 33859 (July 1, 1996); FCC 96-278, WT Docket No. 96-59, ¶¶ 57-60 (June 24, 1996), see also 47 CFR 24.720(b).

¹⁷ *Id.*, at ¶ 60.

¹⁸ Implementation of Section 309(j) of the Communications Act—Competitive Bidding, PP Docket No. 93-253, Fifth Report and Order, 59 FR 37566 (July 22, 1994), 9 FCC Rcd.5532, 5581-84 (1994).

¹⁹ See Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896-901 MHz and the 935-940 MHz Bands

are approximately 1,515 such non-nationwide licensees and four nationwide licensees currently authorized to operate in the 220 MHz band. The Commission has not developed a definition of small entities specifically applicable to such incumbent 220 MHz Phase I licensees. To estimate the number of such licensees that are small businesses, we apply the definition under the SBA rules applicable to Radiotelephone Communications companies.²⁰ According to the Bureau of the Census, only 12 radiotelephone firms out of a total of 1,178 firms that operated during 1992 had 1,000 or more employees.²¹ Therefore, if this general ratio continues to 1999 in the context of Phase I 220 MHz licensees, we estimate that nearly all such licensees are small businesses under the SBA's definition.

27. 220 MHz Radio Service—Phase II Licensees. The Phase II 220 MHz service is a new service, and is subject to spectrum auctions. In the 220 MHz *Third Report and Order* we adopted criteria for defining small businesses and very small businesses for purposes of determining their eligibility for special provisions such as bidding credits and installment payments.²² We have defined a small business as an entity that, together with its affiliates and controlling principals, has average gross revenues not exceeding \$15 million for the preceding three years. Additionally, a very small business is defined as an entity that, together with its affiliates and controlling principals, has average gross revenues that are not more than three million dollars for the preceding three years.²³ An auction of Phase II licenses commenced on September 15, 1998, and closed on October 22, 1998.²⁴ 908 licenses were auctioned in three different-sized

geographic areas: three nationwide licenses, 30 Regional Economic Area Group Licenses, and 875 Economic Area (EA) Licenses. Of the 908 licenses auctioned, 693 were sold. Companies claiming small business status won: one of the Nationwide licenses, 67% of the Regional licenses, and 54% of the EA licenses. As of January 22, 1999, the Commission announced that it was prepared to grant 654 of the Phase II licenses won at auction.²⁵ A reauction of the remaining, unsold licenses was completed on June 30, 1999, with 16 bidders winning 222 of the Phase II licenses.²⁶ As a result, we estimate that 16 or fewer of these final winning bidders are small or very small businesses.

28. Paging Licensees. On June 7, 1999, the Wireless Telecommunications Bureau announced the first in a series of auctions of paging licenses, the first to commence on December 7, 1999.²⁷ The Bureau has proposed that the first auction be composed of 2,499 licenses.²⁸ The Commission utilizes a two-tiered definition of small businesses in the context of auctioning licenses in the Common Carrier Paging and exclusive Private Carrier Paging services.²⁹ A small business is defined as either (a) an entity that, together with its affiliates and controlling principals, has average gross revenues for the three preceding years of not more than \$3 million, or (b) an entity that, together with affiliates and controlling principals, has average gross revenues for the three preceding calendar years of not more than \$15 million. The SBA has approved this definition.³⁰ At present, there are approximately 24,000 Private Paging licenses and 74,000 Common Carrier Paging licenses. In addition, according to the most recent *Carrier Locator* data, 137 carriers reported that they were engaged in the provision of either paging or messaging services,

which are placed together in the data.³¹ Because the auction has yet to occur, we do not have data specifying the number of winning bidders that will meet the above small business definition. Also, we will assume that there currently are 137 or fewer small businesses paging carriers.

29. Narrowband PCS Licensees. The Commission has auctioned nationwide and regional licenses for narrowband PCS. There are 11 nationwide and 30 regional licensees for narrowband PCS. The Commission does not have sufficient information to determine whether any of these licensees are small businesses within the SBA-approved definition for radiotelephone companies. At present, there have been no auctions held for the major trading area (MTA) and basic trading area (BTA) narrowband PCS licenses. The Commission anticipates a total of 561 MTA licenses and 2,958 BTA licenses will be awarded by auction. Such auctions have not yet been scheduled, however. Given that nearly all radiotelephone companies have no more than 1,500 employees and that no reliable estimate of the number of prospective MTA and BTA narrowband licensees can be made, we assume, for purposes of this IRFA, that all of the licenses will be awarded to small entities, as that term is defined by the SBA.

30. Rural Radiotelephone Service. The Commission has not adopted a definition of small entity specific to the Rural Radiotelephone Service.³² A significant subset of the Rural Radiotelephone Service is the Basic Exchange Telephone Radio Systems (BETRS).³³ We will use the SBA's definition applicable to radiotelephone companies, *i.e.*, an entity employing no more than 1,500 persons.³⁴ There are approximately 1,000 licensees in the Rural Radiotelephone Service, and we estimate that almost all of them qualify as small entities under the SBA's definition.

31. Air-Ground Radiotelephone Service. The Commission has not adopted a definition of small entity specific to the Air-Ground Radiotelephone Service.³⁵ Accordingly, we will use the SBA's definition applicable to radiotelephone companies, *i.e.*, an entity employing no more than

²⁰ 13 CFR 121.201, SIC Code 4812. This definition provides that a small entity is a radiotelephone company employing no more than 1,500 persons.

²¹ U.S. Bureau of the Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications, and Utilities, UC92-S-1, Subject Series, Establishment and Firm Size, Table 5, Employment Size of Firms; 1992, SIC code 4812 (issued May 1995).

²² Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by Private Land Mobile Radio Service, Third Report and Order and Fifth Notice of Proposed Rulemaking, 12 FCC Rcd 10943, 11068-70, at paras. 291-295 (1997) (220 MHz Third Report and Order) 62 FR 15978 (April 3, 1997). The SBA has approved these definitions. See Letter from A. Alvarez, Administrator, SBA, to D. Phythyon, Chief, Wireless Telecommunications Bureau, FCC (Jan. 6, 1998).

²³ 220 MHz Third Report and Order, 62 FR 15978 (April 3, 1997), 12 FCC Rcd at 11068-69, para. 291.

²⁴ See generally Public Notice, "220 MHz Service Auction Closes," Report No. WT 98-36 (Wireless Telecom. Bur. Oct. 23, 1998).

²⁵ Public Notice, "FCC Announces It Is Prepared to Grant 654 Phase II 220 MHz Licenses After Final Payment Is Made," Report No. AUC-18-H, DA No. 99-229 (Wireless Telecom. Bur. Jan. 22, 1999).

²⁶ Public Notice, "Phase II 220 MHz Service Spectrum Auction Closes," Report No. AUC-99-24-E, DA No. 99-1287 (Wireless Telecom. Bur. July 1, 1999).

²⁷ Public Notice, "First Paging Service Spectrum Auction Scheduled for December 7, 1999," Report No. AUC-99-26-A, DA No. 99-1103, 64 FR 36009 (July 2, 1999), (Wireless Telecommunications Bureau, June 7, 1999).

²⁸ *Id.*

²⁹ See 47 CFR 20.9(a)(1) (noting that private paging services may be treated as common carriage services).

³⁰ See Letter from A. Alvarez, Administrator, SBA, to A.J. Zoslov, Chief, Auctions Division, Wireless Telecommunications Bureau, FCC (Dec. 2, 1998).

³¹ Carrier Locator at Fig. 1.

³² The service is defined in section 22.99 of the Commission's rules, 47 CFR 22.99.

³³ BETRS is defined in sections 22.757 and 22.759 of the Commission's rules, 47 CFR 22.757, 22.759.

³⁴ 13 CFR 121.201, SIC Code 4812.

³⁵ The service is defined in section 22.99 of the Commission's rules, 47 CFR 22.99.

1,500 persons.³⁶ There are approximately 100 licensees in the Air-Ground Radiotelephone Service, and we estimate that almost all of them qualify as small entities under the SBA definition.

32. *Private Land Mobile Radio (PLMR)*. PLMR systems, also known as Private Mobile Radio Service (PMRS) systems, serve an essential role in a range of industrial, business, land transportation, and public safety activities.³⁷ These radios are used by companies of all sizes operating in all U.S. business categories. The Commission has not developed a definition of small entity specifically applicable to PLMR licensees due to the vast array of PLMR users. For the purpose of determining whether a licensee is a small business as defined by the SBA, each licensee would need to be evaluated within its own business area. The Commission is unable at this time to estimate the number of small businesses, if any, that could be impacted by the proposed rules. However, the Commission's 1994 Annual Report on PLMRs³⁸ indicates that at the end of fiscal year 1994 there were 1,087,267 licensees operating 12,481,989 transmitters in the PLMR bands below 512 MHz. Because any entity engaged in a commercial activity is eligible to hold a PLMR license, the proposed rules in this context could potentially impact any small U.S. business that chooses to become licensed in this service. On July 21, 1999, the Wireless Telecommunications Bureau requested public comment on whether the licensing of PMRS frequencies in the 800 MHz band for commercial SMR use would serve the public interest.³⁹

33. *Fixed Microwave Services*. Microwave services include common carrier,⁴⁰ private-operational fixed⁴¹

and broadcast auxiliary radio services.⁴² At present, there are approximately 22,015 common carrier fixed licensees in the microwave services. The Commission has not yet defined a small business with respect to microwave services. For purposes of this IRFA, we will utilize the SBA's definition applicable to radiotelephone companies—*i.e.*, an entity with no more than 1,500 persons.⁴³ We estimate, for this purpose, that all of the Fixed Microwave licensees (excluding broadcast auxiliary licensees) would qualify as small entities under the SBA definition for radiotelephone companies.

34. *Offshore Radiotelephone Service*. This service operates on several UHF TV broadcast channels that are not used for TV broadcasting in the coastal area of the states bordering the Gulf of Mexico.⁴⁴ At present, there are approximately 55 licensees in this service. We are unable at this time to estimate the number of licensees that would qualify as small entities under the SBA's definition for radiotelephone communications.

35. *Wireless Communications Services*. This service can be used for fixed, mobile, radio, location and digital audio broadcasting satellite uses. The Commission defined "small business" for the wireless communications services (WCS) auction as an entity with average gross revenues of \$40 million for each of the three preceding years, and a "very small business" as an entity with average gross revenues of \$15 million for each of the three preceding years. The Commission auctioned geographic area licenses in the WCS service. In the auction, there were seven winning bidders that qualified as very small business entities, and one that qualified as a small business entity. We conclude that the number of geographic area WCS licensees that may be affected by the decisions and rules proposed in the Further Notice includes these eight entities.

36. *Multipoint Distribution Systems (MDS)*. The Commission has defined "small entity" for the auction of MDS as an entity that, together with its affiliates,

has average gross annual revenues that are not more than \$40 million for the preceding three calendar years.⁴⁵ This definition of a small entity in the context of MDS auctions has been approved by the SBA.⁴⁶ The Commission completed its MDS auction in March 1996 for authorizations in 493 basic trading areas (BTAs). Of 67 winning bidders, 61 qualified as small entities.⁴⁷

37. MDS is also heavily encumbered with licensees of stations authorized prior to the auction. The SBA has developed a definition of small entities for pay television services, which includes all such companies generating \$11 million or less in annual receipts.⁴⁸ This definition includes multipoint distribution systems, and thus applies to MDS licensees and wireless cable operators who did not participate in the MDS auction. Information available to us indicates that there are 832 of these licensees and operators that do not generate revenue in excess of \$11 million annually. Therefore, for purposes of this IRFA, we find there are approximately 892 small MDS providers as defined by the SBA and the Commission's auction rules, some which may be affected by the decisions and rules proposed in the Further Notice.

ii. Satellite Providers

38. *International Service Providers*. The Commission has not developed a definition of small entities applicable to licensees in the international services. Therefore, the applicable definition of small entity is the definition under the SBA rules applicable to Communications Services, Not Elsewhere Classified (NEC). This definition provides that a small entity is expressed as one with \$11 million or less in annual receipts.⁴⁹ According to the Census Bureau, there were a total of 848 Communications Services NEC in operation in 1992, and a total of 775 had annual receipts of less than \$9.999

³⁶ 13 CFR 121.201, SIC Code 4812.

³⁷ See 47 CFR 20.9(a)(2) (noting that certain Industrial/Business Pool service may be treated as common carriage service).

³⁸ Federal Communications Commission, *60th Annual Report, Fiscal Year 1994*, at 116.

³⁹ Public Notice, "Wireless Telecommunications Bureau Incorporates Nextel Communications, Inc. Waiver Record into WT Docket No. 99-87: Seeks Comment on Licensing of PMRS Channels in the 800 MHz Band for Use in Commercial SMR Systems," DA 99-1431 (Wireless Telecom. Bureau July 21, 1999).

⁴⁰ 47 CFR 101 *et seq.* (formerly, Part 21 of the Commission's rules).

⁴¹ Persons eligible under Parts 80 and 90 of the Commission's rules can use Private Operational-Fixed Microwave services. See 47 CFR Parts 80 and 90. Stations in this service are called operational-fixed to distinguish them from common carrier and public fixed stations. Only the licensee may use the operational-fixed station, and only for communications related to the licensee's commercial, industrial, or safety operations.

⁴² Auxiliary Microwave Service is governed by Part 74 of the Commission's Rules. See 47 CFR 74 *et seq.* Available to licensees of broadcast stations and to broadcast and cable network entities, broadcast auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes mobile TV pickups, which relay signals from a remote location back to the studio.

⁴³ 13 CFR 121.201, SIC Code 4812.

⁴⁴ This service is governed by Subpart I of Part 22 of the Commission's Rules. See 47 CFR 22.1001-22.1037.

⁴⁵ 47 CFR 21.961(b)(1).

⁴⁶ See Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act—Competitive Bidding, MM Docket No. 94-31 and PP Docket No. 93-253, Report and Order, 60 FR 36524 (July 17, 1999), 10 FCC Rcd 9589 (1995).

⁴⁷ One of these small entities, O'ahu Wireless Cable, Inc., was subsequently acquired by GTE Media Ventures, Inc., which did not qualify as a small entity for purposes of the MDS auction.

⁴⁸ 13 CFR 121.201.

⁴⁹ 13 CFR 120.121, SIC 4899.

million.⁵⁰ We note that those entities providing only international service will not be affected by our proposed rules, if adopted. We do not, however, have sufficient data to estimate with greater detail those entities providing both international and domestic services or only domestic service. Consequently, we estimate that there are fewer than 775 small international service entities potentially impacted by our rules.

39. *Fixed Satellite Transmit/Receive Earth Stations.* Based on actual payments from FY 1998, there are approximately 3,100 earth station authorizations, a portion of which are Fixed Satellite Transmit/Receive Earth Stations.⁵¹ We do not request nor collect annual revenue information, and thus are unable to estimate the number of the earth stations that would constitute a small business under the SBA definition.

40. *Fixed Satellite Small Transmit/Receive Earth Stations.* There are 3,100 earth station authorizations, a portion of which are Fixed Satellite Small Transmit/Receive Earth Stations.⁵² We do not request nor collect annual revenue information, and thus are unable to estimate the number of fixed satellite transmit/receive earth stations that would constitute a small business under the SBA definition.

41. *Fixed Satellite Very Small Aperture Terminal (VSAT) Systems.* These stations operate on a primary basis, and frequency coordination with terrestrial microwave systems is not required. Thus, a single "blanket" application may be filed for a specified number of small antennas and one or more hub stations. The Commission has processed 377 applications.⁵³ We do not request nor collect annual revenue information, and thus are unable to estimate the number of VSAT systems that would constitute a small business under the SBA definition.

42. *Mobile Satellite Earth Stations.* There are 11 licensees.⁵⁴ We do not request or collect annual revenue information, and thus are unable to estimate the number of mobile satellite earth stations that would constitute a small business under the SBA definition.

43. *Radio Determination Satellite Earth Stations.* There are four

licensees.⁵⁵ We do not request nor collect annual revenue information, and thus are unable to estimate the number of radio determination satellite earth stations that would constitute a small business under the SBA definition.

44. *Space Stations (Geostationary).* Commission records show that there are 43 Geostationary Space Station licensees.⁵⁶ We do not request nor collect annual revenue information, and thus are unable to estimate the number of geostationary space stations that would constitute a small business under the SBA definition.

45. *Space Stations (Non-Geostationary).* There are 12 Non-Geostationary Space Station licensees, of which only two systems are operational.⁵⁷ We do not request nor collect annual revenue information, and thus are unable to estimate the number of non-geostationary space stations that would constitute a small business under the SBA definition.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

46. This Notice of Proposed Rulemaking proposes no additional reporting or recordkeeping measures. The Notice of Proposed Rulemaking does seek comment on whether the Commission should permit additional flexibility in its rules to create incentives for the extension of wireless or satellite service to tribal lands or other unserved areas. For example, in section III.A.1 of the Notice of Proposed Rulemaking, we seek comment on whether to relax antenna height and transmitter power limits for providers that commit to serving tribal lands or other unserved areas. In section III.A.2 of the Notice of Proposed Rulemaking, we seek comment on whether to liberalize our buildout rules for providers that commit to serve a tribal land or other unserved area. In section III.A.7 of the Notice of Proposed Rulemaking, we state that to the extent that we grant additional flexibility to providers, we believe it is important to ensure that providers actually provide service to tribal lands or other unserved areas in exchange for such flexibility. We therefore seek comment in that section on whether the grant of additional flexibility to wireless or satellite licensees should be conditioned on the existence of a binding agreement between the licensee and relevant tribal authority in the case of tribal lands, or a binding agreement between the

licensee and another authority in the case of other unserved areas. To the extent that licensees choose to take advantage of any additional flexibility that we adopt, they may be required to comply with requirements to prove the existence of such binding agreements.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

47. As described in Section II of the Notice of Proposed Rulemaking, the Commission held two public hearings earlier this year at which federal and state officials, tribal officials, and telecommunications services providers addressed issues such as the costs of delivering services to remote areas having very low population densities, the impact of the size of local calling areas on the affordability of service, the quality of telephone service on tribal lands, the complexities of governmental jurisdiction and sovereignty issues, and the effects of low incomes and high unemployment on tribal lands on telephone service. Following up on the record developed in those hearings, we have decided to seek comment in this Notice of Proposed Rulemaking on specific potential initiatives that the Commission could adopt to facilitate the provision of telecommunications service to tribal lands and other unserved areas using wireless or satellite technologies.

48. For example, in section III.B.1 of the Notice of Proposed Rulemaking, we seek comment on whether there are unallocated or unlicensed spectrum bands that could be used by telecommunications providers, including small entities, to serve the needs of tribal lands and other unserved areas. In section III.B of the Notice of Proposed Rulemaking, we seek comment on whether there are unused channels in otherwise allocated and licensed spectrum that could be used by telecommunications providers, including small entities, to provide telephone service to tribal lands and other unserved areas. In section III.A.5 of the Notice of Proposed Rulemaking, we seek comment on whether the Commission should modify its restrictions on the transfer of spectrum from "designated entities" (DEs) (entrepreneurs and small businesses) to non-DEs in order to facilitate the provision of telecommunications service to tribal lands or other unserved areas. We believe that at this juncture it is necessary to seek comment on the various alternatives set forth in this Notice of Proposed Rulemaking, including the three listed as examples, for encouraging the provision of telecommunications service to tribal

⁵⁰ United States Dept. of Commerce, Bureau of Census, 1992 Economic Census Industry and Enterprise Receipts Size Report, at Table 2D.

⁵¹ See Assessment and Collection of Regulatory Fees for Fiscal Year 1999, *Report and Order*, FCC 99-146, 64 FR 35831 (July 1, 1999) at Attachment A (released June 18, 1999).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

lands and other unserved areas. We encourage commenters to discuss any other alternatives that would minimize any significant economic impact on small entities.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

49. None.

List of Subjects

47 CFR Part 1

Communications common carriers, Radio, Telecommunications.

47 CFR Parts 15, 95, and 101

Communications equipment, Radio.

47 CFR Part 22

Communications common carriers, Communications equipment, Radio, Rural areas.

47 CFR Part 24

Personal communications services, Radio.

47 CFR Part 25

Communications common carriers, Communications equipment, Radio, Satellites.

47 CFR Part 26

Communications common carriers, Radio.

47 CFR Part 27

Wireless communications service, Radio.

47 CFR Part 90

Common carriers, Communications equipment, Radio.

47 CFR Part 100

Communications equipment, Radio, Satellites.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99-23575 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-1712, MM Docket No. 99-275, RM-9704]

Radio Broadcasting Services; Keno, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Renaissance Community Improvement Association, Inc., seeking the allotment of Channel 235A to Keno, OR, as the community's second local aural service. The Commission also proposes to allow petitioner to amend its pending application (BPED-950206MB) to specify Channel 235A without loss of cut-off protection in order to resolve the mutual exclusivity with the pending application of St. Michael's Catholic Radio (BPED-950206MH). Channel 235A can be allotted to Keno in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 42-07-30 WL; 121-55-42 NL.

DATES: Comments must be filed on or before October 18, 1999, and reply comments on or before November 2, 1999.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Rev. Sandra Soho, President, Renaissance Community Improvement Association, Inc., P.O. Box 111, Klamath Falls, OR 97601-0006 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-275, adopted August 18, 1999, and released August 27, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 99-23461 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket NHTSA-99-5992, Notice 1]

Denial of Petition for Rulemaking; Federal Motor Vehicle Safety Standards Rear Impact Guards

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

ACTION: Denial of petition for rulemaking.

SUMMARY: Federal Motor Vehicle Safety Standard (FMVSS) No. 223 specifies a test procedure for demonstrating that rear impact guards comply with the strength and energy absorption requirements of the standard. This procedure involves a quasi-static test in which the horizontal member of the rear impact guard is slowly pushed for 125 mm, while the amount of resistance it offers is measured. Next, the guard is released and the amount of energy the guard absorbed is calculated.

The Truck Trailer Manufacturers Association (TTMA) submitted a petition for rulemaking requesting three changes to the test procedure. First, TTMA requested that we eliminate the lower bound of the range of acceptable rates of force application, so that the force can be applied in discrete start-stop steps. Second, TTMA requested that the requirement to displace the guard by a full 125 mm be eliminated if it appeared that the guard had met all requirements before that point. Third, TTMA suggested that the elastic rebound from guards that rebound very slowly following removal of the force not be subtracted from the calculated energy absorption. Each of the proposed revisions purports to ease the burden of testing on rear impact guard manufacturers, especially small businesses.

We are denying the petition. TTMA has not demonstrated a need for slower rates of force application. We have already lowered the permissible rate of force application to a level that is not

burdensome, and even allow a manufacturer to specify, within a broad range, the force application rate on which it based its certification. Stopping the test before a displacement of 125 mm is not practical for compliance testing. Since we would have no way of knowing how far a guard would rebound, we could not know, in advance, how much energy the guard would absorb. We have answered TTMA's third request by providing an interpretation of the existing regulatory language. Making that interpretation more explicit in the procedures is not necessary.

FOR FURTHER INFORMATION CONTACT: The following persons at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC, 20590:

For non-legal issues: Mr. Mike Huntley, Office of Crashworthiness Standards (202-366-0029), e-mail: mhuntley@nhtsa.dot.gov

For legal issues: Mr. Taylor Vinson, Office of the Chief Counsel (202-366-5263), e-mail: tvinson@nhtsa.dot.gov

SUPPLEMENTARY INFORMATION:

I. Background

On January 24, 1996, we published a final rule establishing FMVSS No. 223, Rear Impact Guards, which specifies performance requirements that rear impact guards must meet before they can be installed on new trailers and semitrailers. The standard (49 CFR 571.223) specifies strength and energy absorption requirements, as well as the procedures we will use to demonstrate compliance with the standard. Compliance with the standard may be demonstrated on a non-vehicle rigid "test fixture" or on a completed vehicle. We promulgated the energy absorption requirements to address concerns that the rule would permit overly rigid guards that would absorb little or no crash energy. We regarded these guards as undesirable because they would result in a greater likelihood of serious—and possibly fatal—driver and front passenger head and chest injuries by causing a colliding vehicle to stop too suddenly.

To demonstrate compliance with the strength requirements of the standard, the final rule specified a quasi-static test. A guard is tested for strength by slowly pushing it forward, as the guard is oriented on the trailer, with a 203 mm by 203 mm (8 inch by 8 inch) force plate at specified points along the rear side of the horizontal member of the guard. As issued in January 1996, the final rule specified that the guard be moved for a total distance of 125 mm (5 inches) at

a constant rate of not less than 1 mm and not more than 1.5 mm per second (6.0 to 9.0 cm/minute). To pass, the guard must resist the specified force within the first 125 mm of displacement. We specified a quasi-static test, instead of a dynamic test (e.g., a crash test), to reduce the cost of testing for the many smaller firms in the trailer manufacturing industry. Such a firm which typically lacks the engineering capabilities and the sophisticated and expensive test equipment that would be required to properly conduct a dynamic test.

FMVSS No. 223's test for energy absorption is conducted by applying a force in the same manner as in the test for strength, but only at either of two specified test points. The force is recorded at least 10 times per 25 mm (1 inch) of displacement until the 125 mm (5 inch) displacement is reached and the force plate is completely withdrawn from the guard. The guard energy absorption is calculated from a force vs. deflection diagram plotted using the data recorded from the tested location. To discourage the manufacture of overly rigid guards, only plastic deformation (permanent deformation) is counted toward meeting the required amount of energy absorption—elastic rebound of the guard does not count. The minimum guard energy absorption of 5,650 joules (4,170 foot-pounds) is sufficient to absorb about 12 percent of the total kinetic energy of a 48 kph (30 mph) centric collision with a 1,135 kg (2,500 lb) vehicle.

In petitions for reconsideration, Great Dane Trailers, Inc. and STRICK Corporation asked us to reconsider the final rule and to increase the permissible range of force application during the strength and energy absorption tests. Both Great Dane and STRICK said they believed that the requirement to maintain a constant rate of between 1 mm and 1.5 mm per second would require them to invest in new and expensive test equipment to meet this requirement, and that the rate of displacement is not a significant indicator of the performance of the guard. In addition, STRICK petitioned the agency to change the requirement from maintaining a constant rate of displacement to one that is "approximately constant over a time of 1 to 5 minutes."

We published a response to petitions for reconsideration on January 26, 1998, which incorporated slight modifications to the test procedure (63 FR 3654). We accepted the assertions of the petitioners that new and expensive equipment might be required to achieve the original force application rate,

especially when testing stronger guards. Noting that the rate of force application should not make a significant difference in test results when testing guards made of steel (the most common guard material), we significantly broadened the acceptable range of force application to 2.0 to 9.0 cm/minute. We also eliminated the word "constant" from the test procedure, as having to maintain a "constant" designated displacement rate would make it practically impossible for us to conduct compliance testing. Instead, we allowed the guard manufacturer to designate the displacement rate, within the range of 2.0 to 9.0 cm/minute, on which it based its certification. If we conduct compliance tests, we will use the manufacturer's designated rate, plus or minus 10 percent.

II. Summary of the TTMA Petition for Rulemaking

The TTMA petition requests three changes, each of which is intended to ease the burden of testing on guard manufacturers:

A. TTMA recommends eliminating the 2.0 cm/min lower bound for the force application rate. TTMA contends that this would facilitate testing using simple measuring equipment in a "stepped" manner by which a manufacturer could apply a force, measure the force and the corresponding displacement, apply more force, measure the new force and displacement, and continue in this start-and-stop manner until the specified energy absorbed or displacement is achieved. TTMA believes that the 2.0 cm/min lower bound on the force application rate, as a practical matter, prevents manufacturers from using this stepped application of force. Such an application of force could be accomplished using inexpensive test equipment such as manually-controlled pumps and simple measuring devices. A May 27, 1998 memo from TTMA stated that "the step application of the force for the energy absorption test per our petition of March 26, 1998, could be accomplished in under 30 minutes." We assume from this that TTMA would endorse, as an alternative to eliminating the lower bound of the force application rate, a further reduction of the lower bound so that the test could take as long as 30 minutes.

B. TTMA suggests that the test procedures be altered so that it is not necessary to displace the guard the full 125 mm as currently specified in S6.6(c). TTMA believes that if the minimum amount of energy absorption specified in that section has been exceeded during a displacement of less

than 125 mm, and little elastic rebound is anticipated, completion of the test represents an unnecessary expenditure of test resources and money. For example, with a very rigid guard, application of a force sufficient to deflect the guard to 125 mm may destroy the test equipment.

C. TTMA requests the addition of an explicit description to the standard of the point at which the energy absorption test is considered complete. TTMA states that a guard may be designed to displace a material or fluid which, over a period of time, may return the guard to near its original position. TTMA contends that the potential energy stored in this type of guard should not be subtracted from the measured energy absorption in the test per S6.6(c) and Figure 2 of the standard. TTMA suggests that the following phrase be added to the energy absorption test procedures: "any reduction in displacement (rebound) of the guard one second or more after the force has been removed shall not be subtracted from the measured energy absorbed."

III. Analysis of the Petition

A. Stepped Application of Force

The final rule was designed in large part to accommodate the needs of small businesses. In specifying a quasi-static test as opposed to a dynamic (full speed crash) test, we sought to reduce the costs for the many small manufacturers that are common in the trailer manufacturing industry. We did this because we believe that a smaller manufacturer may lack the engineering capabilities and the sophisticated and expensive test equipment that would be required to properly conduct a dynamic test. Moreover, in adopting a standard that applies to equipment, we intended to allow small trailer manufacturers to purchase certified guards on the open market without having to conduct any tests before installing them on their trailers.

Our concern for small businesses was also reflected in our January 1998 response to petitions for reconsideration. Great Dane Trailers and STRICK Corporation expressed concern about the need to purchase expensive and sophisticated precision testing equipment to replace their current devices in order to meet the requirement stated in the final rule to maintain a constant rate of force application of between 1 mm and 1.5 mm per second (6.0 cm and 9.0 cm per minute) during strength and energy absorption tests. In response, we acknowledged that the specified rate of displacement during force application may have been too

narrow to accommodate slow-pumping force application equipment. We accepted Great Dane's and STRICK's assertions that new and expensive equipment would be required for those companies to achieve the specified rate, noting that more powerful hydraulic pumps are required to achieve higher rates of displacement during the test—especially with stronger guards. Accordingly, we revised the lower bound for displacement rate to 0.33 mm/sec (2.0 cm/minute). We stated:

Regarding the lower bound for displacement rate, the agency believes that 6.3 minutes is adequate time to achieve the required displacement *without the need for sophisticated control equipment and powerful pumps*. No petitioner has requested a longer period and, unless the agency is presented with evidence of a problem with this rate, it will consider longer periods as unnecessarily prolonging certification and compliance testing. As explained earlier, reasonably slower displacement rates will probably not make a significant difference in test results anyway. Therefore, NHTSA is granting part of STRICK's request and widening the specified displacement rate range to allow displacement rates as low as 0.33 mm/sec. Testing at this rate will allow a 125 mm (5 inch) test displacement to be achieved in a period of about 6 minutes. (63 FR 3659, emphasis added)

Thus, we have already *significantly broadened* the acceptable range of force application rate from a minimum of 6.0 cm/minute to a minimum of 2.0 cm/minute, to accommodate small manufacturers.

Our establishment of the revised lower bound of 2.0 cm/minute was based, at least in part, on an evaluation of the capabilities of the relatively unsophisticated test equipment used by the Vehicle Research and Test Center (VRTC) test program to evaluate the effectiveness of rear impact guard designs during the development of the final rule. Most modern test equipment is controlled by a computer with a feedback system capable of quickly and automatically adjusting the displacement rate. However, we recognized that precise adjustment of the rate without computer control may be impracticable. In an effort to be sensitive to smaller manufacturers, who may not have computer-controlled equipment, we revised the standard to specify the distance on a per-minute time scale (as opposed to a per-second time scale as initially required) to allow for practical adjustments of the rate of displacement within each minute.

When we conduct compliance testing, we use a continuous application of force, such that the displacement rate of the force application device is the rate,

plus or minus 10 percent, of that designated by the guard manufacturer within the range of 2.0 cm per minute to 9.0 cm per minute. The petitioner does not address whether or how this test protocol would be compared with certification testing using a stepped application of force, versus a continuous application, as currently required. Eliminating the lower bound of force application rate altogether could theoretically allow guard manufacturers to perform a stepped application of force in a certification test over a period of many hours or even days if they believed that the physical properties of the guard material being used would somehow allow it to perform better with the force applied in small increments over extended time periods.

We did not contemplate such a slow application of force when we concluded from the testing leading up to the final rule that a quasi-static test would be an adequate alternative to a dynamic test. It is possible that some brittle materials with low ductility could pass the test under these conditions but fail at a force application rate higher than 2.0 cm/min. Obviously, such materials would not perform adequately as underride guards. Moreover, as we noted in our response to petitions for reconsideration, at some point, the slowing of force application rate creates administrative difficulties because it unnecessarily prolongs compliance testing.

Before we will eliminate or again lower the permissible force application rate specified in FMVSS No. 223, a petitioner must clearly demonstrate that a hardship exists. A petition for rulemaking must "set forth facts which it is claimed establish that an order is necessary" (see 49 CFR 552.4). TTMA's petition does not provide sufficient evidence that a significant number of smaller trailer manufacturers are currently unable to conduct testing because of the expense and sophistication of the test equipment required. It does not provide specific information regarding the number (or percentage) of trailer manufacturers that are being negatively affected, the cost differential between the equipment that is required to meet the current standard versus that which could be used if the proposed amendment were to be adopted, or any other supporting information that would persuade us that a hardship exists. Without such information, we are unable to conclude that there is a need for eliminating or further reducing the minimum force application rate specified in S6.6(a) of FMVSS No. 223.

B. Ending the Energy Absorption Test Prior to Full Guard Displacement

TTMA wants the test procedures revised to specify that the energy absorption test ends before 125 mm of displacement "if 5,650 J of energy absorption has been exceeded." TTMA contends that if the minimum amount of energy absorption required by S6.6(c) has been exceeded during a displacement of less than 125 mm, "and little elastic rebound is anticipated," it is not necessary to fully displace the guard to 125 mm as currently specified in S6.6(c). TTMA presumably believes

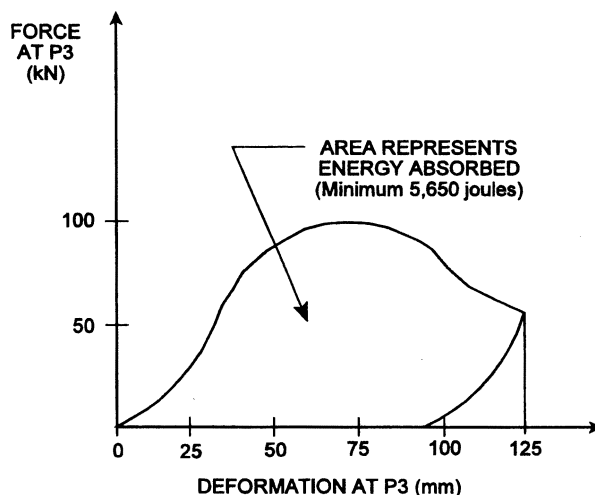
that if little elastic rebound is anticipated, completion of the test to a full 125 mm after the guard has apparently exceeded the amount of energy absorption required would not change the test results, and therefore represents an unnecessary expenditure of test resources and money.

Our compliance test procedure is very explicit regarding how far the guard must be displaced, and is consistent with the final rule. The guard energy absorption portion of our compliance test procedure, TP-223-01, dated October 20, 1997, states:

Apply force to the guard in a forward direction * * * until displacement of the force application device has reached 130 mm, + 0, - 5 mm. Then reduce the load until the guard no longer offers resistance to the force application device. Determine the energy absorbed in the guard by calculating the area bounded by the curve in the force vs. displacement plot. See Figure 2. Record the energy absorbed, and the maximum load and displacement on Data Sheet 3. Include the force vs. displacement plot with the data sheet.

BILLING CODE 4910-59-P

FIGURE 2. GUARD ENERGY ABSORPTION
(TYPICAL FORCE-DEFLECTION CURVE AT P3)



BILLING CODE 490-59-C

(Not actual test data—for illustrative purposes only.)

TTMA's suggested revision is not practicable. As noted earlier, the amount of energy is determined by calculating the area enclosed within the force deflection curve, and the elastic rebound (the small triangle in the lower right of the figure above) is not counted. When we conduct compliance testing, it is impracticable for us to predict the amount of elastic rebound that a given guard design will exhibit. While in some cases a premature end to the test might produce a force-deflection curve with enough area enclosed within it to pass the test, in other cases, it might not. If we ended the test prematurely and the guard unexpectedly exhibited excessive elastic rebound, it might not pass the test. In this case, we would need to conduct another test, pushing the guard to the full 125 mm in order to eliminate the possibility that the guard would experience more plastic deformation during the final centimeters, causing it to rebound less after the force was

removed, and passing the test because of the increased area in the curve.

Moreover, basing a test procedure on assumptions that we make during a particular test would not meet the statutory requirement that our standards be objective. The required performance level must be based on a specific test procedure in order to be objective.

Finally, we note that manufacturers are free to conduct their certification tests in any way they wish. They may follow the test procedures in the FMVSS. Those are the procedures that the agency will follow in conducting its compliance tests. Alternatively, the manufacturers may follow other procedures or they use methods of analysis that do not involve testing, so long as they are reasonably likely to give the same results as the procedures in the FMVSS.

For example, in the specific case of FMVSS No. 223, it is reasonable to believe that a guard that absorbs the required amount of energy when displaced some amount less than 125 mm will absorb more energy when

deflected by the full 125 mm. Therefore, a manufacturer could reasonably certify compliance based on a test that was ended prior to its completion. However, we will follow the test procedures in the FMVSS when conducting compliance tests. Further, the 125 mm requirement was specified based on the energy absorption of a NHTSA designed and built complying guard when subjected to a dynamic crash of a vehicle colliding with the guard at 48 kph (30 mph). Changing the test conditions would result in compromising the level of protection of the occupants of the colliding vehicle.

C. Definition of Termination of Energy Absorption Test

TTMA wants us to include in the energy absorbed any rebound that occurs more than one second after the force has been removed.

After the final rule was issued, we received a request for interpretation on this subject from Mr. Robert S. Toms. He asked whether the requirement that the energy absorption be accomplished by

plastic deformation would preclude the use of a material produced by his company that returns to its original shape (i.e., elastic) very slowly, on the order of approximately 24 hours. In summary, our response to Mr. Toms stated that such slow-rebounding elastomeric materials could be used if the guards equipped with them passed the compliance test procedures.

Our August 4, 1998 response to Mr. Toms explained that the purposes of the standard could be fulfilled using a guard with a slow-rebounding elastomeric material. The requirement that guards absorb energy was intended to ensure that guards were not too rigid during the onset of force in a crash. The requirement that they absorb the energy by plastic deformation was to ensure that the guard did not subsequently return the absorbed energy to the colliding vehicle, because that energy return could increase the risk of death or injury to the occupants. Therefore, any rebound occurring after the crash event, especially slow rebound such as is produced by guards using some slow-acting elastomeric materials, would not, in the real world pose any threat to passenger vehicle occupants. Therefore, for real world safety purposes, the time frame within which a material must retain its deformed shape to be considered "plastic" is the duration of a crash event.

The relevant time period for compliance purposes, however, is longer. Standard No. 223 employs a quasi-static test, not a dynamic test, in testing for compliance with its requirements. We have no way of determining whether a material would rebound within the time frame of the crash. Therefore, if an elastomer reacts in such a way that it passes the test procedure, it will have passed the requirements. Identification of the end of the test is therefore critical in determining whether a material will pass the test. The interpretation defined the end of the test as follows:

A specific event determines when the test ends. The force application/withdrawal portion of the test procedure is over as soon as the guard no longer offers resistance to the force application device. Since S6.6(c) is a list of steps to be performed, it is reasonable to assume that once a certain step is completed, the next step will be commenced. The step of reducing the force proceeds only "until the guard no longer offers resistance." In practical terms, the guard will generally cease to offer resistance when it loses contact with the force application device. NHTSA has no way of determining any small amount of residual force generated by your elastomer after that point. A properly calibrated load cell (a typical load measuring device) should register zero load, and the force deflection

trace should meet the abscissa of the graph upon separation. After that happens, the test itself is completed and all that remains is the computation of the amount of energy absorbed using the area within the force deflection curve.

Therefore, while we generally agree with TTMA that the test should end when the force has been reduced to zero, there is no need to wait for one second to see if the guard re-connects with the test plate. Ending the test immediately when the test plate separates from the guard satisfies TTMA's concern. As explained in the interpretation letter, there is adequate support for that procedure in the existing regulatory text. The current language "[r]educe the force until the guard no longer offers resistance to the force application device" sufficiently describes the completion of the test for purposes of calculating the amount of energy that has been absorbed. We do not believe any change to the text of the standard is necessary to define the end of the test.

IV. Conclusion

For the reasons given above, we conclude that TTMA has not justified the need for further rulemaking on this standard. TTMA has not provided information demonstrating a need for a lower force application rate. It is not practicable or objective for compliance tests to end prematurely based on assumptions that we make about particular guard designs or materials. And, while we agree that the industry needs to understand precisely at what point the energy absorption test ends, the existing regulatory language on this issue has already been clarified through interpretation. We believe it is sufficiently explicit.

In accordance with 49 CFR part 552, this completes the agency's review of the petition. We have concluded that the TTMA has not adequately documented problems with the current procedures. Based on the available information, we believe that there is no reasonable possibility that the actions requested by TTMA would be taken at the conclusion of a rulemaking proceeding and that the problem alleged by TTMA does not warrant the expenditure of agency resources to conduct a rulemaking proceeding. Accordingly, we deny TTMA's petition.

Authority: 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: September 7, 1999.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 99-23520 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 990830239-9239-01; I.D. 082499A]

RIN 0648-AM99

Fisheries of the Northeastern United States; Northeast Multispecies and Atlantic Sea Scallop Fisheries; Northeast Multispecies and Atlantic Sea Scallop Fishery Management Plans

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Advance notice of proposed rulemaking; notice of a control date for the purposes of controlling capacity or latent effort in the Northeast multispecies and Atlantic sea scallop fisheries.

SUMMARY: NMFS announces that it is considering, and is seeking public comment on, proposed rulemaking under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) to control future access to the Northeast multispecies and Atlantic sea scallop fisheries. This notification is intended, in part, to discourage speculative activation of previously unused effort or capacity while the New England Fishery Management Council (Council) and NMFS are considering whether and how to control capacity and latent effort. The date of publication of this notification, September 10, 1999, shall be known as the "control date", and may be used for establishing eligibility criteria for determining levels of future access to the Northeast multispecies and Atlantic sea scallop fisheries subject to Federal authority.

DATES: Comments must be received by October 12, 1999.

ADDRESSES: Comments should be directed to Patricia Kurkul, Regional Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298.

FOR FURTHER INFORMATION CONTACT:

Susan A. Murphy, Fishery Policy Analyst, 978-281-9252.

SUPPLEMENTARY INFORMATION: The Northeast multispecies fishery is a major fishery on the Atlantic coast that extends from Cape Hatteras north to Maine. There are over 1,650 limited access permits and approximately 1,350 open access permits issued in the commercial fishery. Regulations implemented under the Northeast Multispecies Fishery Management Plan (FMP) impose an extensive system of effort controls to control fishing mortality. In addition to a permit moratorium to limit the number of participants in the fishery, vessels are subject to days-at-sea (DAS) restrictions, minimum fish sizes, closed areas, trip limits, and gear restrictions, among other measures.

The status of the individual regulated multispecies stocks varies for each species. Overall, fishing mortality for all species, except Georges Bank yellowtail flounder, witch flounder, and Southern New England winter flounder, is estimated to be too high to prevent overfishing and begin rebuilding biomass to appropriate levels. As necessary, management measures have been implemented to control fishing mortality and rebuild these stocks.

The Atlantic sea scallop fishery is a major commercial fishery that targets sea scallops from Cape Hatteras north to Maine. Regulations implemented under the Atlantic Sea Scallop FMP control fishing mortality through a variety of management measures, including a limit on the number of permits, DAS limitations, gear and crew restrictions, and closed areas. The fishery is presently prosecuted by about 250 vessels, although 365 permits have been issued.

According to the 29th Regional Stock Assessment Workshop, the U.S. Georges Bank stock of sea scallops is not overfished, but its biomass is below the B_{MSY} level (long-term biomass of the stock that will produce maximum sustainable yield on a continuing basis). The Mid-Atlantic stock is at or near the biomass threshold used to determine whether the stock is overfished. While both stocks are below B_{MSY} , the condition of both stocks has improved in recent years.

Many of the measures implemented over the last 5 years, in both the multispecies and sea scallop fisheries, reduced fishing opportunities and revenues for commercial fishers. These measures are working, as many of the stocks are gradually rebuilding to target levels. However, the Council is

concerned because there is an excessive amount of unused harvesting capacity or effort that could jeopardize the continued rebuilding of the stocks. This unused capacity or effort is often referred to as latent effort. As fish stock sizes increase, it is more likely that industry would activate latent effort. If latent effort is activated too quickly, achievement of the objectives of the two FMPs to rebuild stocks could be hampered. This would require the Council and NMFS to impose even more restrictive management measures in order to meet the rebuilding requirements of the Magnuson-Stevens Act.

A review of the activity of multispecies limited access vessels indicates the potential magnitude of this problem. While the level of fishing mortality on most species in the multispecies complex was higher than the levels targeted by the management measures in the 1998 fishing year, about one-third (over 550) of the authorized limited access vessels did not fish for multispecies. On average, those permitted vessels that did fish for multispecies used only half their available DAS. Similarly, in the scallop fishery, 133 permits (51 full-time, 33 part-time, and 49 occasional) did not fish for scallops in 1998. Those permitted vessels (about 250) that did fish for scallops used about 84 percent of their available DAS.

The Council is examining the activity of these permits in detail to determine whether there is a justified concern over unused harvesting capacity. Some of the questions the Council must consider include:

1. What is the definition of latent effort?
2. Are permit holders who have not participated in the multispecies or scallop fisheries participating in another fishery?
3. Are these vessels likely to increase their effort in the multispecies or scallop fisheries or enter these fisheries?
4. Are these permits issued to vessels that can have a significant impact on fishing mortality?
5. Will these permitted vessels enter the fishery faster than rebuilt stocks can support the additional effort?
6. If these permitted vessels are likely to enter the fisheries and if having entered, they adversely impact the fishery, what can be done to mitigate or reverse these impacts?
7. How will limited access permit holders who have stopped fishing on multispecies or scallops or who have reduced their effort on these species (for any reason) be treated by the Council?

8. What will happen to vessels that hold a Confirmation of Permit History?

The Council and NMFS recognize the controversy of limiting access to current permit holders. The Council and public discussion of alternatives to control capacity or latent effort in the absence of a control date may lead members of the fishing industry to reach premature conclusions on how, or whether the Council will choose to address these issues. Permit holders who have unused capacity or effort may believe that they are at risk of losing their opportunity to participate in the multispecies or scallop fisheries in the future if they do not immediately enter the fisheries. A rapid increase in effort may increase fishing mortality and could jeopardize the rebuilding of multispecies and scallop stocks. It would also complicate a reasoned discussion of the available alternatives because the Council would have to act quickly in response to the effort increase. Publication of a control date is intended to discourage speculative activation of previously unused effort or capacity in the Northeast multispecies and Atlantic sea scallop fisheries while potential management regimes to control capacity or latent effort are discussed and possibly developed and implemented. The control date communicates to permit holders that performance or fishing effort after the date of publication may not be treated the same as performance or effort that was expended prior to the control date. Although vessel owners are notified that participation in these fisheries after the control date will not assure them future access to the Northeast multispecies and Atlantic sea scallop fisheries on the grounds of previous participation, additional and/or other qualifying criteria may also be applied. The Council could choose different and variably weighted methods to qualify fishers, based on the type and length of participation in the fishery.

This notification establishes September 10, 1999, as the control date for potential use in determining historical or traditional participation in the Northeast multispecies and Atlantic sea scallop fisheries. Consideration of a control date does not commit the Council or NMFS to any particular management regime or criteria for participation in these fisheries. The Council and NMFS may choose a different control date or may choose a management program that does not make use of such a date. This notification does not prevent any other control date for determining levels of future effort in these fisheries or another method of controlling access and/or

latent effort from being proposed and implemented. Fishers are not guaranteed future participation in the fishery, regardless of their entry date or intensity of participation in these fisheries before or after the control date. Participants who enter, or additional effort expended in, the Northeast multispecies or Atlantic sea scallop fisheries on or after the control date may be treated differently than those with a history in these fisheries prior to the control date. The Council and NMFS may choose to give variably weighted

consideration to fishers active in the fishery before and after the control date. The Council and NMFS may also choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded. Any action by the Council or NMFS will be taken pursuant to the requirements for FMP development established under the Magnuson-Stevens Act.

The public is also advised by this action that interested participants should locate and preserve records that substantiate and verify their

participation in the Northeast multispecies and Atlantic sea scallop fisheries in Federal waters. This control date notification has been determined to be not significant under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 2, 1999.

Andrew A. Rosenberg,

*Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

[FR Doc. 99-23479 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-22-F

Notices

Federal Register

Vol. 64, No. 175

Friday, September 10, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Interim Advisory Committee on Food Security; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the Interim Advisory Committee on Food Security. The meeting will be held from 1:00 p.m. to 4:00 p.m. on October 5, 1999, and from 9:00 a.m. to 4:00 p.m. on October 6, 1999, in the United States Department of Agriculture, Foreign Agricultural Service conference room, 14th & Independence Avenue, SW, Washington, DC 20250-1081.

As part of its agenda, the Interim Advisory Committee on Food Security will review the Department of State's proposed country selections for pilot food security projects; receive an update on the National Community Food Security Initiative; review food security issues for the upcoming November 1999 WTO Round in Seattle, Washington; and receive an update on Africa: Seed of Hope and related legislation. The meeting is open to the public. Any interested person may attend the meeting, may file written statements with the Committee before or after the meeting, or present any oral statements in accordance with procedures established by the Committee, to the extent that time available for the meeting permits.

Those wishing to attend the meeting should contact Mr. Ronald Harvey at the Agency for International Development, Ronald Reagan Building, Office of Agriculture and Food Security, 1300 Pennsylvania Avenue, NW, Room 2.11-044, Washington, DC 20523-2110, telephone (202) 712-1058, fax (202) 216-3060 or internet [rharvey@usaid.gov] with your full name.

Anyone wishing to obtain additional information about the Interim Advisory Committee on Food Security should contact Mr. Ronald Harvey, the

Designated Federal Officer for BIFAD. Write him in care of the Agency for International Development, Ronald Reagan Building, Office of Agriculture and Food Security, 1300 Pennsylvania Avenue, NW, Room 2.11-044, Washington, DC 20523-2110, telephone him at (202) 712-1058 or fax (202) 216-3060.

Ronald Harvey,

USAID Designated Federal Officer, Office of Agriculture and Food Security, Economic Growth Center, Bureau for Global Programs.

[FR Doc. 99-23595 Filed 9-9-99; 8:45 am]

BILLING CODE 6116-01-M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Board for International Food and Agricultural Development One Hundred and Thirtieth Meeting; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the one hundred and thirtieth meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 9:00 a.m. to 5:00 p.m. on October 7, 1999, and from 9:00 a.m. to 4:00 p.m. on October 8, 1999, in the Hemisphere—A meeting room in the Ronald Reagan Building and International Trade Center, located at 1300 Pennsylvania Avenue, NW, Washington, DC 20523.

As part of its agenda, BIFAD will discuss the role of international trade in transferring new production technologies and bolstering economic prosperity in developing countries; U.S. agribusiness interest in developing and expanding international markets; the modernization of agriculture; and a strategic framework for aiding displaced domestic producers. An additional element of the agenda will be a discussion of the Africa: Seeds of Hope Act, a Congressional legislature program whose primary objective is to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa. This Act provides development assistance for programs and projects that improve food security, health and nutrition, trade liberalization, and economic growth in Africa. BIFAD will also discuss the progress it has made in revising institutional arrangements and structure for the former Joint Committee

on Agricultural Research (JCARD) and its predecessor joint committees.

Those wishing to attend the meeting or obtain additional information about BIFAD should contact Mr. Ron Harvey, the Designated Federal Officer for BIFAD. Write him in care of the Agency for International Development, Ronald Reagan Building, Office of Agriculture and Food Security, 1300 Pennsylvania Avenue, NW, Room 2.11-044, Washington DC 20523-2110 or telephone him at (202) 712-1058 or fax (202) 216-3010.

Ronald Harvey,

USAID Designated Federal Officer for BIFAD, Office of Agriculture and Food Security, Economic Growth Center, Bureau for Global Programs.

[FR Doc. 99-23594 Filed 9-9-99; 8:45 am]

BILLING CODE 6116-01-M

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 3, 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, OClO, 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 persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

The Assistant Secretary for Administration, Office of Outreach

Title: Small Farmer Outreach, Training and Technical Assistance.

OMB Control Number: 0560-0163.

Summary of Collection: The Food, Agriculture, Conservation and Trade Act of 1990, title XXV, section 2501 and the Department of Agriculture Appropriation Acts provides funding for the Small Farmer Outreach Training and Technical Assistance Program, and the Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers Program. These Acts provide the Office of Outreach with the authority to make grants and enter into contracts, cooperative agreements, and other agreements with entities to provide outreach, training, and technical assistance; to encourage and assist small limited resource and economically/ socially disadvantaged farmers and ranchers to own and operate farms and ranches; and to increase their participation and accessibility to agricultural programs. Information is collected from organizations who wish to apply for grants. After a grant is awarded, additional information regarding the status of each project must be supplied to the Office of Outreach.

Need and Use of the Information: Information is collected from organizations applying for training and assistance grants to determine eligibility and experience and to evaluate the proposed projects against the goals of the outreach program. Once a grant is awarded, the Office of Outreach uses project reports and other information to ensure that the projects are performing well and achieving the desired goals.

Description of Respondents: Not-for-profit institutions; Farms; State, Local or Tribal Government.

Number of Respondents: 150.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Quarterly; Monthly; Annually.

Total Burden Hours: 5,888.

Rural Business-Cooperative Service

Title: Survey for Local Cooperatives' Role in the Emerging Grain and Feed Industries.

OMB Control Number: 0570-0032.

Summary of Collection: The mission of the Cooperative Services Program (CS) of the Rural Business-Cooperative Service (RBS) is to assist farmer-owned cooperatives in improving the economic well being of their farmer-members. This is accomplished through a comprehensive program of research on structural, operational, and policy issues affecting cooperatives; technical advisory assistance to individual cooperatives and to groups of producers who wish to organize cooperatives; and development of educational and informational material. The interplay between market and agricultural policy has shaped, and continues to shape the potential activities of grain marketing cooperatives. The passage of the Capper-Volstead Act in 1922, the Cooperative Marketing Act of 1926, and the Agricultural Marketing Act of 1929 were responses to the drastic declines in the prices for most agricultural commodities after World War I. The alternative was direct intervention by the federal government to limit supplies on the domestic market in order to raise prices. Cooperatives are found at all levels of the grain marketing industry, but their presence is strongest at the origination stage (procuring grain from farmers), and weakest in grain exporting. RBS will collect information through telephone and personal interviews surveys.

Need and Use of the Information: RBS will collect information through a survey to establish a baseline of cooperative resources and preferences. This information may ultimately provide a basis for structuring the standardized production and marketing grain sector desired by end-users. The information will be used by regional cooperatives to facilitate strategic planning with member local cooperatives.

Description of Respondents: Business or other for-profit.

Number of Respondents: 800.

Frequency of Responses: Reporting; Annually.

Total Burdenhours: 800.

Farm Service Agency

Title: Peanut Quota for 1996 through 2002 Crops—7 CFR 729 & 1446.

OMB Control Number: 0560-0006.

Summary of Collection: The Federal Agriculture Improvement and Reform Act of 1996 amended the Agriculture Adjustment Act of 1938, as amended,

and the Agriculture Act of 1949, as amended which authorized the peanut program. The 1996 Act changed the peanut poundage quota program by reducing the national quota, providing temporary seed quota allocation, removing the carryover of undermarked quota, allowing for the transfer of peanut poundage quota to any other farm within the same State and providing for increasing marketing assessments under certain conditions to cover losses in area marketing pools. The Farm Service Agency (FSA) will collect information using various forms to determine peanut marketing activity and process quota allocations.

Need and Use of the Information: FSA will collect information to monitor and control compliance with the peanut program as outlined in CFR parts 729 and 1446. If the information is not monitored and data not required, the peanut program could not operate and the Act would not be implemented as required by Congress.

Description of Respondents: Not-for-profit institutions; Individuals or households; Federal Government.

Number of Respondents: 50,000.

Frequency of Responses:

Recordkeeping; Reporting: On occasion; Weekly; Monthly; Annually.

Total Burden Hours: 301,690.

Forest Service

Title: Meeting National Forest Recreationists' Needs through a Customer Service Paradigm.

OMB Control Number: 0596-NEW.

Summary of Collection: The Forest and Rangeland Renewable Resources Research Act of 1978 (P.L. 95-307, 92 Stat. 353, as amended: 16 U.S.C. 1600 (note), 1561 (note), 1641-1647) directs the Secretary of Agriculture to research the multiple uses and products, including recreation of forests and rangelands to facilitate their most effective use. Users of urban proximate National Forest wildland areas come from a variety of ethnic/racial, income, age, educational, and other socio-demographic categories. Forest Service (FS) personnel will conduct a study to gain a better understanding of how residents living in an urban environment close to National Forest Systems lands, get or receive information about the recreational opportunities on these land. FS will collect information using mail-in questionnaires, telephone interviews, and face-to-face interviews.

Need and Use of the Information: FS will collect information on gender, age, education, ethnic or racial group affiliation, etc. The information will be used to assist resource managers in their

effective management of recreation activities in the region studied. In addition, the Wildlife Recreation and Urban Cultures Project will use the data to further analyze scientific issues involved, and expand its information base on visitor characteristics, customer service, and management of high quality recreation opportunities. If the information is not collected resource managers will have to make visitor based decisions on very limited, potentially biased, or non-existent information.

Description of Respondents: Individuals or households.

Number of Respondents: 365.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 103.

Forest Service

Title: Communication and Interpretation For Urban Proximate Forest Visitors

OMB Control Number: 0596-NEW.

Summary of Collection: The Forest and Rangeland Renewable Resources Research Act of 1978 (P.L. 95-307, 92 Stat. 353, as amended; 16 U.S.C. 1600 (note), 1561 (note), 1641-1647) directs the Secretary of Agriculture to research the multiple uses and products, including recreation of forests and rangelands to facilitate their most effective use. Users of urban proximate National Forest wildland areas come from a variety of ethnic/racial, income, age, educational, and other socio-demographic categories. Forest Service (FS) personnel will conduct a study to further their understanding of recreationists' needs by applying and improving on existing interpretation and communication practices. A direct benefit to the affected public is anticipated through improvements in communications and interpretative services, more informed recreation management decisions, and increased attention to the diverse customers served by the National Forests. FS will collect information using mail-in questionnaires, telephone interviews, and face-to-face interviews.

Need and Use of the Information: FS will collect information on gender, age, education, ethnic or racial group affiliation, etc. The information will be used to assist resource managers in expanding their information base on communication with visitors, and promote the management of high quality recreation. If the information is not collected resource managers will have to make visitor based decisions on very limited, potentially biased, or non-existent information.

Description of Respondents: Individuals or households.

Number of Respondents: 515.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 145.

Forest Service

Title: Recreation on the San Gabriel Canyon Study.

OMB Control Number: 0596-NEW.

Summary of Collection: The Forest and Rangeland Renewable Resources Research Act of 1978 (P.L. 95-307, 92 Stat. 353, as amended; 16 U.S.C. 1600 (note), 1561 (note), 1641-1647) directs the Secretary of Agriculture to research the multiple uses and products, including recreation of forests and rangelands to facilitate their most effective use. Users of urban proximate San Gabriel Canyon come from a variety of ethnic/racial, income, age, educational, and other socio-demographic categories. The activities pursued, information sources utilized, and site attributes preferred are just some of the items affected by these differences. There is no literature available about use along the entire watershed which includes other areas of the East and West Forks as well as use of the North Fork. Forest Service (FS) personnel will conduct a study to enable more effective management of the watershed. A direct benefit to the affected public is anticipated through improvements in customer service, more informed recreation management decisions, and increased attention to the diverse customers served by the National Forests. FS will collect information using questionnaires and face-to-face interviews.

Need and Use of the Information: FS will collect information on gender, age, education, ethnic or racial group affiliation, etc. The information will be used to assist resource managers in their effective management of recreation activities in the San Gabriel Canyon. If the information is not collected resource managers will have to make visitor based decisions on very limited, potentially biased, or non-existent information.

Description of Respondents: Individuals or households.

Number of Respondents: 400.

Frequency of Responses: Reporting: on occasion.

Total Burden Hours: 100.

Forest Service

Title: Recreational and Management Preferences Survey.

OMB Control Number: 0596-NEW.

Summary of Collection: The Forest and Rangeland Renewable Resources

Research Act of 1978 (P.L. 95-307, 92 Stat. 353, as amended; 16 U.S.C. 1600 (note), 1641-1647) directs the Secretary of Agriculture to research the multiple uses and products, including recreation of forests and rangelands to facilitate their most effective use. Users of urban proximate National Forest wildland areas come from a variety of ethnic/racial, income, age, education, and other socio-demographic categories. The activities pursued, opinions about threatened and endangered species, preferred management approaches, and degree of trust in the agency are just some of the items affected by these differences. Additional challenges include increases in the number of visitors to recreation areas, and an increasing need to protect species and develop effective interventions to address recreational impacts. Without this study the Forest Service (FS) personnel in the southern province will be ill-equipped to handle management changes required to address recreational impacts and protect plant and animals species. A direct benefit to the affected public is anticipated through improvements in customer service, more informed recreation management decisions, and increased attention to the diverse customers served by the National Forests. FS will collect information using questionnaires and face-to-face interviews.

Need and Use of the Information: FS will collect information on gender, age, education, ethnic or racial group affiliation, etc. The information will be used to assist resource managers in their effective management of recreation activities in the region studied. Also, the information will provide further knowledge, from the perspective of the recreating public, on how species and their management are viewed. If the information is not collected resource managers will have to make species management decisions without the views of the recreating public, who will be impacted by many of those choices.

Description of Respondents: Individuals or households.

Number of Respondents: 1,000.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 250.

Forest Service

Title: The Day Use Study.

OMB Control Number: 0596-NEW.

Summary of Collection: The Forest and Rangeland Renewable Resources Research Act of 1978 (P.L. 95-307, 92 Stat. 353, as amended; 16 U.S.C. 1600 (note), 1561 (note), 1641-1647) directs the Secretary of Agriculture to research the multiple uses and products,

including recreation of forests and rangelands to facilitate their most effective use. Users of urban proximate National Forests in Southern California come from a variety of ethnic/racial, income, age, educational, and other socio-demographic categories. The activities pursued, sources utilized, and site attributes preferred are just some of the items affected by these differences. Additional information is needed for the managers of the National Forests in Southern California, in part to validate results and in part because of the continuously changing visitor population recreating on the National Forests of Southern California. Without this study the Forest Service (FS) personnel will be ill-equipped to handle management changes required in response to visitor needs and preferences. A direct benefit to the affected public is anticipated through improvements in customer service, more informed recreation management decisions, and increased attention to the diverse customers served by the National Forests. FS will collect information using questionnaires and face-to-face interviews.

Need and Use of the Information: FS will collect information on gender, age, education, ethnic or racial group affiliation, etc. The information will be used to assist resource managers in their effective management of recreation activities in the region studied. The Wildland Recreation and Urban Cultures Project will use the information to further expand its information base on visitor characteristics, communication, and mitigation of depreciative behaviors, such as vandalism. If the information is not collected resource managers will have to make species management decisions without the views of the recreating public, who will be impacted by many of those choices.

Description of Respondents: Individuals or households.

Number of Respondents: 600.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 150.

Forest Service

Title: Recreational Participation and Environmental Activity Survey.

OMB Control Number: 0596-NEW.

Summary of Collection: The Forest and Rangeland Renewable Resources Research Act of 1978 (P.L. 95-307, 92 Stat. 353, as amended; 16 U.S.C. 1600 (note), 1561 (note), 1641-1647) directs the Secretary of Agriculture to research the multiple uses and products, including recreation of forests and rangelands to facilitate their most

effective use. Users of urban proximate National Forest wildland, regional parks, and state recreation areas come from a variety of ethnic/racial, income, age, educational, and other socio-demographic categories. The activities pursued, amount of recreational participation overall, environmentally focused activities, and preferred site features are just some of the items affected by these differences. Without this study the Forest Service (FS) personnel in the southern province will be less-equipped to address recreational impacts and to understand what role recreation plays in environmental activities. A direct benefit to the affected public is anticipated through improvements in customer service, more informed recreation management decisions, and increased attention to the diverse customers served by the National Forests. FS will collect information using questionnaires and face-to-face interviews.

Need and Use of the Information: FS will collect information on socio-demographic characteristics of visitors including ethnic identity, visitation history and activities, annual recreational patterns, environmentally focused activities on-site and in the home, and preferred site features. The information will be used to further expand its information base on visitor characteristics, the role of ethnicity in environmental action and preferred site development, and the role of recreation in environmental. If the information is not collected resource managers will have to make species management decisions without the views of the recreating public, who will be impacted by many of those choices.

Description of Respondents: Individuals or households.

Number of Respondents: 500.

Frequency of Responses: Reporting: On occasion.

Total Burden Hours: 125.

Barbara LaCour,

Departmental Clearance Officer.

[FR Doc. 99-23495 Filed 9-9-99; 8:45 am]

BILLING CODE 3410-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Request for Comments; Publication Comment Cards

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the

Forest Service announces its intention to establish a new information collection. The collected information will help the Forest Service prepare scientific research publications that better serve those who request them. Information will be collected from individuals, institutions, organizations, and interest groups who receive scientific research publications produced by the Forest Service Southern Research Station.

DATES: Comments must be received in writing on or before November 9, 1999.

ADDRESSES: Send written comments to Marketing, Communications Office, Southern Research Station, Forest Service, USDA, P.O. Box 2680, Asheville, NC 28802.

Comments also may be submitted via facsimile to (828) 257-4840 or by email to mcarlson/srs@fs.fed.us.

The public may inspect comments received at the Southern Research Station, 200 Weaver Boulevard, Asheville, North Carolina. Visitors are urged to call ahead to facilitate entrance into the building.

FOR FURTHER INFORMATION CONTACT: Melissa Carlson, Communications Staff, at (828) 257-4849.

Description of Information Collection

The following describes the new information collection:

Title: Publication Comments Card.

OMB Number: New.

Expiration Date of Approval: New.

Type of Request: This is a new information collection and has not received approval from the Office of Management and Budget.

Abstract: Executive Order 12862, issued September 11, 1993, directed Federal agencies to change the way they do business, to reform their management practices, to provide service to the public that matches or exceeds the best service available in the private sector, and to establish and implement customer service standards to carry out principles of the National Performance Review. In response to this Executive Order, the Forest Service Southern Research Station developed a "Publication Comment" Card for inclusion when distributing scientific research publications.

Since the early 1920's, Southern Research Station scientists have published the results of their studies on temperate and tropical forests, forest resources, and forest products, as well as important conclusions about the dynamics of natural timber stands and plantations, watershed management, and wildlife habitats. These studies have provided long-term data that has

become increasingly valuable to landowners and others involved in natural resource land management. Data from the Publication Comment Card will help the Southern Research Station assess if Station publications meet the customer's expectations and address the customer's needs. The collected information also will help scientists and authors provide relevant information on effective, efficient, responsible land management in the Southern United States.

Forest Service research personnel will enclose Publication Comment Cards when providing publications to recipients in person or by mail. These Cards and some Station publications also will be made available via the Internet. The Card includes the following statements that will be rated on a scale of 1 to 5, with 1 being "Strongly agree" and 5 being "Strongly disagree."

1. The information is what I expected, based on the title and abstract.
2. The publication is well organized.
3. The content is presented clearly.
4. The technical subject matter was explained sufficiently to meet my needs.
5. The graphics (Photographs, tables, charts) were helpful.
6. This research information is useful to me.
7. I will continue to request Southern Research Station publications.

Respondents will complete the Publication Comment Cards and return them in person or mail them back to the Southern Research Station via surface mail or electronically via the Internet.

Data gathered in this information collection is not available from other sources.

Estimate of Burden: 5 minutes.

Type of Respondents: Respondents will include U.S. citizens; citizens of other countries; landowners or land lessees; timber customers; other forest-products customers; research scientists; special-use customers; educators; librarians; historians; writers; representatives of other Federal, State, county, or local Government agencies and representatives of foreign governments.

Estimated Number of Respondents: 19,500.

Estimated Number of Responses per Respondent: 3.

Estimated Total Annual Burden on Respondents: 1,625 hours.

Comment is Invited

The agency invites comments on the following: (a) Whether the proposed collection of information is necessary for the stated purposes and the proper performance of the functions of the

agency, including whether the information will have practical or scientific 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 respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comment

All comments received in response to this notice, including name and address when provided, will become a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: September 2, 1999.

Robert Lewis, Jr.

Deputy Chief for Research and Development.

[FR Doc. 99-23592 Filed 9-9-99; 8:45 am]

BILLING CODE 3410-11-P

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Urban and Community Forestry Advisory Council will meet in Nebraska City, Nebraska, October 21-23, 1999. The purpose of the meeting is to discuss emerging issues in urban and community forestry.

DATES: The meeting will be held October 21-23 1999.

ADDRESSES: The meeting will be held at the Lied Conference Center, 2700 Sylvan Road, Nebraska City, Nebraska. A tour of local projects will be held on October 21 from 1:30 p.m. to 5:00 p.m.

Individuals who wish to speak at the meeting or to propose agenda items must send their names and proposals to Suzanne M. del Villar, Executive Assistant, National Urban and Community Forestry Advisory Council, 20628 Diane Drive, Sonoma, CA 95370.

FOR FURTHER INFORMATION CONTACT: Suzanne M. del Villar, Cooperative Forestry Staff, (209) 536-9201.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Persons who wish to bring urban and

community forestry matters to the attention of the Council may file written statements with the Council staff before or after the meeting. Public input sessions will be provided and individuals who have made written requests by October 8 will have the opportunity to address the Council at those sessions. Council discussion is limited to Forest Service staff and Council members.

Dated: August 27, 1999.

Janice H. McDougle,

Deputy Chief, State and Private Forestry.

[FR Doc. 99-23591 Filed 9-9-99; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Washington Provincial Advisory Committee Meeting Notice

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Washington Provincial Advisory Committee will meet on Friday, September 24, 1999, at the Oak Tree Restaurant meeting room, located at 102 Atlantic, Woodland, Washington. The meeting will begin at 9:30 a.m. and continue until 5 p.m. The purpose of the meeting is to present information about: (1) Managing Recreation within the Northwest Forest Plan; (2) Watershed Councils; and provide for (3) a Public Open Forum. All Southwest Washington Provincial Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend. The "open forum" provides opportunity for the public to bring issues, concerns, and discussion topics to the Advisory Committee. The "open forum" is scheduled as part of agenda item (3) for this meeting. Interested speakers will need to register prior to the open forum period. The committee welcomes the public's written comments on committee business at any time.

FOR FURTHER INFORMATION CONTACT:

Direct question regarding this meeting to Linda Turner, Public Affairs Specialist, at (360) 891-5195, or write Forest Headquarters Office, Gifford Pinchot National Forest, 10600 NE. 51st Circle, Vancouver, WA 98682.

Dated: September 3, 1999.

Claire Lavendel,

Forest Supervisor.

[FR Doc. 99-23619 Filed 9-9-99; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE**Natural Resources Conservation Service****Notice of Proposed Change to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in Florida**

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in Florida for review and comment.

SUMMARY: It is the intention of NRCS in Florida to issue the following conservation practice standards for Florida: Irrigation Water Management (Code 449); Nutrient Management (Code 590); Forage Harvest Management (Code 511); Grazing Land Mechanical Treatment (Code 548); Waste Utilization (Code 633), in Section IV of the FOTG.

DATES: Comments will be received on or before October 12, 1999.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to T. Niles Glasgow, State Conservationist, Natural Resources Conservation Service (NRCS), P.O. Box 141510, Gainesville, Florida 32614-1510. Copies of the practice standards will be made available upon written request.

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agricultural Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS in Florida will receive comments relative to the proposed changes. Following that period a determination will be made by NRCS in Florida regarding disposition of those comments and a final determination of change will be made.

Dated: August 31, 1999.

T. Niles Glasgow,

State Conservationist, Natural Resources Conservation Service, Gainesville, Florida.
[FR Doc. 99-23607 Filed 9-9-99; 8:45 am]

BILLING CODE 3410-16-M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**Procurement List Proposed Additions**

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

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received 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.

COMMENTS MUST BE RECEIVED ON OR BEFORE: October 12, 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.

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

Tape, Pressure-Sensitive Adhesive
7510-00-283-0612
7510-00-290-2024
7510-00-290-2026
7510-00-290-2027
7510-00-297-6655
7510-00-297-6656

NPA: Cincinnati Association for the Blind, Cincinnati, Ohio

*Services**Administrative Services*

Federal Center/Battle Creek, Defense Reutilization & Marketing Service (DRMS), 74 North Washington, Battle Creek, Michigan
NPA: Peckham Vocational Industries, Inc., Lansing, Michigan

Administrative Services

National Advocacy Center, 1620 Pendleton Street, Columbia, South Carolina
NPA: Columbia Vocational Rehabilitation Center, Columbia, South Carolina

Grounds Maintenance

Naval and Marine Corps Reserve Center, 6735 North Basin Avenue, Portland, Oregon
NPA: Portland Habilitation Center, Inc., Portland, Oregon

Janitorial/Custodial

Naval Reserve Center, Fort Harrison, South Avenue, Helena, Montana
NPA: Helena Industries, Inc., Helena, Montana

Mailroom Operation

U.S. Army Space and Missile Defense Command (SMDC), 106 Wynn Drive, Huntsville, Alabama
NPA: Huntsville Rehabilitation Foundation, Huntsville, Alabama

Switchboard Operation

Ellsworth Air Force Base, South Dakota
NPA: BH Services, Inc., Box Elder, South Dakota

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 99-23576 Filed 9-9-99; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED**Procurement List Additions and Deletions**

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

ACTION: Additions to and deletions from the Procurement List.

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

EFFECTIVE DATE: October 12, 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 January 11, and July 30, 1999, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (64 FR 1591, 41373 and 41374) of proposed additions to and deletion from the Procurement List:

Additions

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

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

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

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

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

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

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

Janitorial/Custodial

Buildings 115, 985, 995, 2525, 2765, 2766, P600T and R-19, Naval Air Station, Whidbey Island, Washington

Mailroom Operation

Bureau of the Census, Suitland Federal Center and Metropolitan Area, 4700 Silver Hill Road, Suitland, Maryland

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

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 may not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

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

3. The action may result in authorizing small entities to furnish the commodities to the Government.

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

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

Accordingly, the following commodities are hereby deleted from the Procurement List:

Ladder, Straight (Wood)
5440-00-242-7151
5440-00-814-5084

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 99-23577 Filed 9-9-99; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DoC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Patent and Trademark Office (PTO).

Title: Electronic Application for Patent Examiners—Job Application Rating System (JARS).

Form Number: PTO/2041.

OMB Approval Number: None.

Agency Form Number: None.

Type of Request: New collection.

Burden: 1,850 hours annually.

Number of Respondents: 3,700 responses annually.

Avg. Hours Per Response: Based on estimates and knowledge of the form, the PTO estimates the burden hours required by the public to gather, prepare, and submit Form PTO/2041, Electronic Application for Patent Examiners—Job Application Rating System (JARS), to be approximately 30 minutes. Depending on the situation, it could take as little as 20 minutes or as much as one hour to complete the on-line application.

Needs and Uses: The Electronic Application for Patent Examiners—Job Application Rating System (JARS), Form PTO/2041, will be used by the public to apply for a position as a Patent Examiner in a user-friendly process. The PTO will use the electronic transmission of this information to review and rate applicants on-line almost instantaneously. It will also be used by the PTO to expedite the hiring process by eliminating the time used in the mail distribution process, thereby streamlining labor and reducing costs.

Affected Public: Individuals or households, farms, Federal Government, and state, local, or tribal governments.

Frequency: On occasion.

Respondent's Obligation: Required to obtain a benefit.

OMB Desk Officer: Peter Weiss, (202) 395-3630.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Departmental Forms Clearance Officer, Office of the Chief Information Officer, (202) 482-3272, Department of Commerce, Room 5033, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication to Peter Weiss, OMB Desk Officer, Room 10236, New Executive Office Building, 725 17th Street, NW, Washington, DC 20503.

Dated: September 1, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-23571 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF COMMERCE**Submission for OMB Review;
Comment Request**

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Minority Business Development Agency (MBDA).

Title: Narrative Reporting Requirements.

Agency Form Number: None.

OMB Approval Number: Previously approved under 0640-0007.

Type of Request: Reinstatement of a previously approved collection.

Burden: 2,208 hours.

Number of Respondents: 69 (multiple responses).

Avg. Hours Per Response: 8 hours.

Needs and Uses: MBDA's primary mission is to increase the opportunity for minority entrepreneurs to participate in our national economy through the formation and development of competitive minority-owned firms. To do this MBDA awards grants and cooperative agreements for the delivery of services to help minority firms and individuals. Effective management requires MBDA to evaluate the effectiveness of the services delivered. Thus, the performance reports are needed to evaluate individual projects and overall program performance by comparing accomplishments against planned performance. The information is used to evaluate the overall results of MBDA's funded programs.

Affected Public: Not-for-profit institutions, businesses or other for-profit organizations, individuals, state, local or tribal government.

Frequency: Quarterly.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: David Rostker (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Departmental Forms Clearance Officer, Office of the Chief Information Officer, (202) 482-3272, Department of Commerce, Room 5033, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building,

725 17th Street, NW, Washington, DC 20503.

Dated: September 2, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-23572 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-21-P

DEPARTMENT OF COMMERCE**Census Bureau****Manufacturers' Shipments, Inventories and Orders (M3) Supplement: Unfilled Orders Benchmark Survey**

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 9, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5033, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Lee Wentela, U.S. Census Bureau, Room 2232 FB-4, Washington, DC 20233, on (301) 457-4832.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau presently conducts the Manufacturers' Shipments, Inventories, and Orders (M3) survey under Office of Management and Budget (OMB) control number 0607-0008. The M3 survey collects monthly data on shipments, inventories, and new and unfilled orders from manufacturing companies. The orders, as well as the shipments and inventory data, are used widely and are valuable tools for analysts of business cycle conditions, including members of the Council of Economic Advisers, the Treasury Department, and the business community. The proposed supplement for unfilled orders will collect value of unfilled orders at the end of 1999.

Estimates of unfilled orders will be made for industries classified according to the new North American Industry Classification System (NAICS). These estimates will provide benchmark levels of unfilled orders by NAICS industries for the monthly M3 indicator series.

The monthly M3 estimates are based on a relatively small sample and reflect primarily the month-to-month changes of large companies. There is a clear need for periodic benchmarking of the M3 estimates to reflect the entire manufacturing universe. The Annual Survey of Manufactures (OMB control number 0607-0449) provides annual benchmarks for the shipments and inventory data collected in this monthly survey. However, there is no annual benchmark for new and unfilled orders estimates. Because of the methodology used for the monthly indicator, any discrepancy between the indicator series and statistically derived measures can become exaggerated over time and the results can be misleading to policy makers. The last benchmark survey for unfilled orders estimates was for the year 1986. In addition to the long period between benchmark estimates, the conversion from the Standard Industrial Classification system to NAICS further exacerbates any discrepancy and makes the need for the benchmark survey more critical.

II. Method of Collection

The Census Bureau will use mail out/mail back survey forms to collect the data. Companies will be asked to respond to the survey within 45 days of receipt. Letters encouraging participation will be mailed to companies that have not responded by the designated time.

III. Data

OMB Number: 0607-0561 (to be reinstated).

Form Number: MA-300.

Type of Review: Regular.

Affected Public: Businesses, large and small, or other for profit organizations.

Estimated Number of Respondents: 10,000.

Estimated Time Per Response: .5 hours.

Estimated Total Annual Burden Hours: 5,000.

Estimated Total Annual Cost: \$66,200.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Section 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance

of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 3, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-23512 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

Census Bureau

Survey of Manufacturers' Shipments to Federal Government Agencies

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 9, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5033, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Lee Wentela, U.S. Census Bureau, Room 2232 FB-4, Washington, DC 20233, on (301) 457-4832.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau presently conducts the Manufacturers' Shipments, Inventories, and Orders (M3) survey under Office of Management and Budget (OMB) control number 0607-0008. The M3 survey collects monthly data on shipments, inventories, and new and unfilled orders from manufacturing companies. The orders, as well as the shipments and inventory data, are used widely and are valuable tools for analysts of business cycle conditions, including members of the Council of Economic Advisers, the Treasury Department, and the business community. The proposed Survey of Manufacturers' Shipments to Federal Government Agencies will collect value of shipments from manufacturers in 1999, the value of shipments to Federal agencies under prime contracts by selected agencies, and the value of shipments which are subcontracted from Federal contracts. Estimates of shipments to the Federal government will be made for industries classified according to the new North American Industry Classification System (NAICS). These estimates will provide benchmark levels of shipments for government and nongovernment categories by NAICS industries for the monthly M3 series.

The monthly M3 estimates are based on a relatively small sample and reflect primarily the month-to-month changes of large companies. There is a clear need for periodic benchmarking of the M3 estimates to reflect the entire manufacturing universe. The Annual Survey of Manufactures (OMB control number 0607-0449) provides annual benchmarks for the shipments and inventory data collected in this monthly survey. However, the annual survey does not distinguish between government and non-government shipments. Because of the methodology used for the monthly indicator, any discrepancy between the indicator series and statistically derived measures can become exaggerated over time and the results can be misleading to policy makers. The last benchmark survey for government shipments was for the year 1992. In addition to the long period between benchmark estimates, the conversion from the Standard Industrial Classification system to NAICS further exacerbates any discrepancy and makes the need for the benchmark survey more critical.

II. Method of Collection

The Census Bureau will use mail out/mail back survey forms to collect the data. Companies will be asked to respond to the survey within 45 days of

receipt. Letters encouraging participation will be mailed to companies that have not responded by the designated time.

III. Data

OMB Number: 0607-0763 (to be reinstated).

Form Number: MC-9675.

Type of Review: Regular.

Affected Public: Businesses, large and small, or other for profit organizations.

Estimated Number of Respondents: 2,000.

Estimated Time Per Response: 1 hour.

Estimated Total Annual Burden

Hours: 2,000.

Estimated Total Annual Cost:

\$26,480.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13 U.S.C., Section 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 3, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-23513 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-07-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-489-807]

Certain Steel Concrete Reinforcing Bars From Turkey; Final Results of Antidumping Duty Administrative Review and New Shipper Review

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

SUMMARY: On May 7, 1999, the Department of Commerce published in the **Federal Register** the preliminary results of the administrative review and new shipper review of the antidumping duty order on certain steel concrete reinforcing bars from Turkey. The administrative review covers one manufacturer/exporter of the subject merchandise to the United States, Ekinciler. The new shipper review covers one manufacturer/exporter of the subject merchandise to the United States, ICDAS. The periods of review are October 10, 1996, through March 31, 1998, in the administrative review, and October 10, 1996, through July 31, 1998, in the new shipper review.

We gave interested parties an opportunity to comment on our preliminary results. We have considered the comments received in these final results and have changed the results from those presented in the preliminary results of review.

EFFECTIVE DATE: September 10, 1999.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or Irina Itkin, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482-1776 or (202) 482-0656, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 7, 1999, the Department of Commerce (the Department) published in the **Federal Register** its preliminary results of the 1996-1998 administrative review and new shipper review of the antidumping duty order on certain steel concrete reinforcing bars (rebar) from Turkey (64 FR 24578). The Department has now completed these administrative reviews, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Reviews

The product covered by these reviews is all stock deformed steel concrete reinforcing bars sold in straight lengths and coils. This includes all hot-rolled deformed rebar rolled from billet steel, rail steel, axle steel, or low-alloy steel. It excludes (i) plain round rebar, (ii) rebar that a processor has further worked or fabricated, and (iii) all coated rebar. Deformed rebar is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers 7213.10.000 and 7214.20.000. The HTSUS subheadings are provided for convenience and customs purposes. The written

description of the scope of this proceeding is dispositive.

Periods of Review

The period of review (POR) is October 10, 1996, through March 31, 1998, for Ekinciler Holding A.S. and Ekinciler Demir Celik A.S. (collectively "Ekinciler") and October 10, 1996, through July 31, 1998, for ICDAS Celik Enerji Tersane ve Ulasim Sanayi A.S. (ICDAS).

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Act are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (1998).

Level of Trade and Constructed Export Price Offset

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine normal value (NV) based on sales in the comparison market at the same level of trade as export price (EP) or constructed export price (CEP). The NV level of trade is that of the starting-price sales in the comparison market or, when NV is based on CV, that of the sales from which we derive selling, general and administrative expenses (SG&A) and profit. For EP, the U.S. level of trade is also the level of the starting-price sales, which are usually from the exporter to the unaffiliated U.S. customer. For CEP, it is the level of the constructed sales from the exporter to the importer.

To determine whether NV sales are at a different level of trade than EP or CEP sales, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different level of trade and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the level of trade of the export transaction, we make a level-of-trade adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). See *Notice of*

Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa, 62 FR 61731 (Nov. 19, 1997).

Neither Ekinciler nor ICDAS claimed that it made home market sales at more than one level of trade. Based on the information on the record, no level of trade adjustment was warranted for either company. For a detailed explanation of this analysis, see the memorandum entitled "Preliminary Results of Antidumping Duty Administrative Review and New Shipper Review on Certain Steel Concrete Reinforcing Bars from Turkey," dated April 30, 1999 ("the concurrence memorandum").

Regarding Ekinciler, in order to determine whether NV was established at a level of trade which constituted a more advanced stage of distribution than the level of trade of the CEP, we compared the selling functions performed for home market sales with those performed with respect to CEP transactions, which exclude those functions related to economic activities occurring in the United States, pursuant to section 772(d) of the Act. We found that Ekinciler performed essentially the same selling functions in its sales offices in Turkey for both home market and U.S. sales. Therefore, Ekinciler's sales in Turkey were not at a more advanced stage of marketing and distribution than the constructed U.S. level of trade, which represents an F.O.B. foreign port price after the deduction of expenses associated with U.S. selling activities. Because we find that no difference in level of trade exists between markets, we have not granted a CEP offset to Ekinciler. For further discussion, see the concurrence memorandum noted above.

Comparisons to Normal Value

To determine whether sales of rebar from Turkey were made in the United States at less than NV, we compared the CEP or EP, as appropriate, to the NV. Because Turkey's economy experienced high inflation during the POR (over 70 percent), we limited, as is Department practice, our comparisons to home market sales made during the same month in which the U.S. sale occurred and did not apply the "90/60" contemporaneity rule (see, e.g., *Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Welded Carbon Steel Pipe and Tube from Turkey*, 63 FR 35191 (June 29, 1998) (affirming *Notice of Preliminary Results of Antidumping Duty Administrative Review: Certain Welded Carbon Steel Pipe and Tube from Turkey*, 63 FR 6155, 6158 (Feb. 6, 1998)); and *Certain Porcelain-on-Steel*

Cookware from Mexico: Final Results of Antidumping Duty Administrative Review, 62 FR 42496, 42503 (Aug. 7, 1997)). This methodology minimizes the extent to which calculated dumping margins are overstated or understated due solely to price inflation that occurred in the intervening time period between the U.S. and home market sales.

We first attempted to compare products sold in the U.S. and home markets that were identical with respect to the following hierarchical characteristics: grade, size, ASTM specification, and form. Where there were no home market sales of merchandise that were identical in these respects to the merchandise sold in the United States, we compared U.S. products with the most similar merchandise sold in the home market based on the hierarchy of characteristics listed above.

Export Price/Constructed Export Price

For all U.S. sales by Ekinciler, we used CEP, in accordance with section 772(b) of the Act. For all U.S. sales by ICDAS, we used EP, in accordance with section 772(a) of the Act, because the subject merchandise was sold directly to the first unaffiliated purchaser in the United States prior to importation and CEP methodology was not otherwise warranted based on the facts of record.

A. Ekinciler

We based CEP on packed prices to the first unaffiliated purchaser in the United States. We made deductions from CEP for discounts, as appropriate. We also made deductions for foreign brokerage and handling expenses, inspection fees, ocean freight, marine insurance, U.S. customs duties, discharge expenses (offset by despatch revenue), wharfage expenses, sorting expenses, truck loading expenses, U.S. warehousing expenses and insurance, U.S. inland freight, and U.S. inland insurance, where appropriate, in accordance with section 772(c)(2)(A) of the Act. We based the amount of foreign brokerage and handling expenses on the amount that Ekinciler paid to an affiliated party, because we determined that these expenses were at arm's length. For further discussion, see the concurrence memorandum.

We made additional deductions from CEP, where appropriate, for Exporters' Association fees, bank charges, credit expenses, U.S. indirect selling expenses, including inventory carrying costs, in accordance with section 772(d)(1) of the Act. We recalculated U.S. credit expenses using the weighted average of the U.S. interest rates reported in

Ekinciler's response. This average rate was based on the actual borrowing experience of Ekinciler's affiliated parties for their U.S.-dollar-denominated loans. *See Comment 4.*

Pursuant to section 772(d)(3) of the Act, we further reduced the starting price by an amount for profit, to arrive at CEP. In accordance with section 772(f) of the Act, we calculated the CEP profit rate using the expenses incurred by Ekinciler and its affiliate on their sales of the subject merchandise in the United States and the foreign like product in the home market and the profit associated with those sales.

B. ICDAS

We based EP on packed prices to the first unaffiliated purchaser in the United States. We made deductions for foreign inland freight expenses, ocean freight expenses, inspection fees, and loading charges, where appropriate, in accordance with section 772(c)(2)(A) of the Act.

Normal Value

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (i.e., the aggregate volume of home market sales of the foreign like product is five percent or more of the aggregate volume of U.S. sales), we compared the volume of each respondent's home market sales of the foreign like product to the volume of U.S. sales of subject merchandise, in accordance with section 773(a)(1)(C) of the Act. Based on this comparison, we determined that each respondent had a viable home market during the POR. Consequently, we based NV on home market sales.

Both respondents made sales of rebar to affiliated parties in the home market during the POR. Consequently, we tested these sales to ensure that, on average, they were made at arm's-length prices, in accordance with 19 CFR 351.403(c). To conduct this test, we compared the unit prices of sales to affiliated and unaffiliated customers net of all movement charges, direct selling expenses, and packing. Where prices to the affiliated party were on average 99.5 percent or more of the price to the unaffiliated parties, we determined that sales were made at arm's length (see 19 CFR 351.403(c) and the preamble to the Department's regulations (see *Antidumping Duties; Countervailing Duties; Final rule*, 62 FR 27296, 27355 (May 19, 1997)). Accordingly, for Ekinciler, we only included in our margin analysis those sales to the affiliated party that were made at arm's length. Regarding ICDAS, we did not

include in our analysis any sales made to affiliated parties because they failed the arm's-length test. Pursuant to 19 CFR 351.403(d), we based our analysis on the downstream sales of the affiliates to their unaffiliated customers. *See the memorandum entitled "Arms-Length Test Performed in the Antidumping Duty Administrative New Shipper Review on Rebar from Turkey"* from Irina Itkin to the File, dated September 16, 1998.

A. Ekinciler

Pursuant to section 773(b)(2)(A)(ii) of the Act, there were reasonable grounds to believe or suspect that Ekinciler had made home market sales at prices below their cost of production (COP) in this (the first) review because the Department had disregarded sales below the COP for this company in the LTFV investigation. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Steel Concrete Reinforcing Bars from Turkey*, 62 FR 9737, 9740 (Mar. 4, 1997) (*Rebar from Turkey*). As a result, the Department initiated an investigation to determine whether Ekinciler made home market sales during the POR at prices below their respective COPs.

We calculated the COP based on the sum of Ekinciler's cost of materials and fabrication for the foreign like product, plus amounts for SG&A and packing costs, in accordance with section 773(b)(3) of the Act. We relied on Ekinciler's information as submitted, except in the specific instances discussed below.

(1) We considered Ekinciler to be the manufacturer of all rebar which was rolled by unaffiliated subcontractors because we find that Ekinciler controlled the production of this merchandise. This is consistent with our treatment of Ekinciler's subcontracted production in the LTFV investigation. *See the memorandum entitled "Antidumping Administrative Review on Certain Steel Concrete Reinforcing Bars (Rebar) from Turkey—Determination of Who Is the Producer for Rebar Rolled by Unaffiliated Subcontractors"* from James Maeder to Louis Apple, dated April 30, 1999. *See also Stainless Steel Flanges From India; Notice of Final Determination of Sales at Less Than Fair Value*, 58 FR 68853 (Dec. 29, 1993); and

(2) We revised the calculation of depreciation expenses related to the revaluation of fixed assets in order to use the index published by the Turkish Ministry of Finance. *See World Accounting*, Orsini, Gould, McAllister, & Parikh, Matthew Bender & Co., Inc., 1998, page TRK-30.

As noted above, we determined that the Turkish economy experienced significant inflation during the POR. Therefore, in order to avoid the distortive effect of inflation on our comparison of costs and prices, we requested that Ekinciler submit the product-specific costs of manufacturing (COM) incurred during each month of the POR. We calculated a POR-average COM for each product after indexing the reported monthly costs during the POR to an equivalent currency level using the Turkish Wholesale Price Index from the International Financial Statistics published by the International Monetary Fund. We then restated the POR-average COMs in the currency values of each respective month.

We compared the weighted-average COP figures to home market prices of the foreign like product, as required under section 773(b) of the Act, in order to determine whether sales had been made at prices below the COP. On a product-specific basis, we compared the COP to home market prices, less any applicable movement charges and selling expenses.

In determining whether to disregard home market sales made at prices below the COP, we examined whether such sales were made: (1) In substantial quantities within an extended period of time; and (2) at prices which permitted the recovery of all costs within a reasonable period of time in the normal course of trade. See sections 773(b)(2)(B), (C), and (D) of the Act.

Pursuant to section 773(b)(2)(C)(i) of the Act, where less than 20 percent of Ekinciler's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." Where 20 percent or more of Ekinciler's sales of a given product were at prices below the COP, we found that sales of that model were made in "substantial quantities" within an extended period of time (as defined in section 773(b)(2)(B) of the Act), in accordance with section 773(b)(2)(C)(i) of the Act. In such cases, we also determined that such sales were not made at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act.

Therefore, for purposes of this administrative review, we disregarded the below-cost sales and used the remaining above-cost sales as the basis for determining NV, in accordance with section 773(b)(1) of the Act. Where all sales of a specific product were at prices below the COP, we disregarded all sales of that product.

In all cases, we found that comparison products existed for which there were sales at prices above the COP.

Accordingly, we based NV on ex-factory, ex-warehouse or delivered prices to home market customers. We excluded from our analysis home market re-sales by Ekinciler of merchandise produced by unaffiliated companies. Where appropriate, we added an amount for interest revenue received from home market customers for delayed payment of invoices. Also where appropriate, we made deductions from the starting price for foreign inland freight, inland insurance, and off-site warehousing expenses, in accordance with section 773(a)(6)(B) of the Act. We deducted home market packing costs and added U.S. packing costs, in accordance with section 773(a)(6) of the Act.

Where appropriate, we made adjustments to NV to account for differences in physical characteristics of the merchandise, in accordance with section 773(a)(6)(C)(ii) of the Act and 19 CFR 351.411. We based this adjustment on the difference in the variable costs of manufacturing for the foreign like product and subject merchandise, using POR-average costs as adjusted for inflation for each month of the POR, as described above.

B. ICDAS

We based NV on the starting price to unaffiliated customers. We made deductions for inland freight expenses (offset by freight revenue), where appropriate, pursuant to section 773(a)(6)(B) of the Act. Pursuant to section 773(a)(6)(C)(iii) of the Act and 19 CFR 351.410(c), we made circumstance-of-sale adjustments by deducting home market credit expenses (offset by interest revenue), where appropriate, and adding U.S. credit expenses, bank charges, and Exporters' Association fees. We recalculated home market credit expenses using the interest rates observed at verification. We included bank charges related to short-term loans in our recalculation. See *Comment 14*.

In addition, we deducted home market packing costs and added U.S. packing costs, in accordance with section 773(a)(6) of the Act.

Currency Conversion

The Department's preferred source for daily exchange rates is the Federal Reserve Bank. However, the Federal Reserve Bank does not track or publish exchange rates for Turkish Lira. Therefore, we made currency conversions based on the daily exchange rates from the Dow Jones

News/Retrieval Service. See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Steel Wire Rod from Trinidad & Tobago*, 63 FR 9177, 9181 (Feb. 24, 1998) (*Steel Wire Rod from Trinidad & Tobago*). See *Comment 13*.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received case briefs from Florida Steel Corp. and New Jersey Steel Corp. (the petitioners) and from both respondents. We also received rebuttal briefs from the petitioners and Ekinciler.

A. Ekinciler

Comment 1: Bank Charges Associated with Intra-Company Transfers. During the POR, Ekinciler sold rebar to its U.S. affiliate, Ferromin, which in turn resold the merchandise to unaffiliated customers. Ekinciler incurred certain bank charges related to the payment of the transfer price by Ferromin, and it reported these bank charges in a separate field in its U.S. sales listing. For purposes of the preliminary results, the Department treated these bank charges as CEP selling expenses and deducted them from CEP. Ekinciler argues that this treatment was incorrect, because the charges in question were associated with the payment between affiliated parties. As these transactions were incurred in Turkey and not directly linked to the sale to the first unaffiliated purchaser, Ekinciler asserts that they are indirect expenses which should not be deducted from CEP.

Ekinciler maintains that the Department is prohibited from making adjustments for expenses between affiliated parties under its regulations. Specifically, Ekinciler cites 19 CFR 351.402(b), which directs the Department to make no adjustment to the U.S. selling price for expenses that are related solely to the sale to an affiliated importer in the United States. Ekinciler notes that, in accordance with 19 CFR 351.402(b), the Department's practice is not to make such adjustments. As support for this position, Ekinciler cites *Porcelain-On-Steel Cookware from Mexico: Final Results of Antidumping Duty Administrative Review*, 64 FR 26934 (May 18, 1999) (*Mexican Cookware*), where the Department stated that indirect selling expenses incurred in the home market relating to the sale to the affiliated purchaser are not deducted from CEP.

In any event, Ekinciler asserts that it is the Department's practice to consider any credit-related expenses associated with transfers between affiliates as

indirect selling expenses. As support for this position, Ekinciler cites the *Final Determination of Sales at Less Than Fair Value: Circular Welded Non-Alloy Steel Pipe from Korea*, 57 FR 42942, 42949 (Sept. 17, 1992), which states:

These [bank charges] result from intra-company transfers which occurred before the sale to the first unrelated party, and are not directly tied to individual sales to unrelated customers. The Department considers such expenses to be indirect selling expenses. See, e.g., *Final Results of Antidumping Duty Administrative Review: Color Television Receivers from Korea*, 55 FR 26225 (July 27, 1990).

Ekinciler also cites the *Final Determination of Sales at Less Than Fair Value: Color Television Receivers from Taiwan*, 49 FR 7628 (Mar. 1, 1984), where the Department found that interest expenses between affiliated parties should be treated as indirect selling expenses because they are intra-company expenses not directly related to sales to unrelated U.S. buyers.

According to the petitioners, the bank charges in question are direct selling expenses because they: (1) Are associated with the sale to the first unaffiliated customer; and (2) can be directly tied to the sale of the rebar in question. The petitioners assert that, under 19 CFR 351.402(b), the relevant factor in determining whether an expense should be treated as part of the CEP deduction is where the economic activity associated with the expense occurs. The petitioners assert that, in this case, the relevant activity—the sale—occurred in the United States after importation. Therefore, the petitioners contend that the Department should deduct these expenses from CEP, or, barring that, the Department should treat them as a circumstance-of-sale adjustment to NV.

DOC Position. We agree with Ekinciler. Contrary to the petitioners' assertions, the bank charges in question are not associated with a sale to an unaffiliated customer in the United States. Rather, they relate solely to transactions between Ekinciler and its affiliated U.S. reseller. Moreover, because they cannot be tied directly to a sale to the first unaffiliated purchaser, they are indirect selling expenses.

The Department's regulations provide explicit guidance on the treatment of such expenses. Specifically, 19 CFR 351.402(b) states:

In establishing constructed export price under section 772(d) of the Act, the Secretary will make adjustments for expenses associated with economic activities in the United States that relate to the sale to an unaffiliated purchaser, no matter where or when paid. The Secretary will not make an

adjustment for any expense that is related solely to the sale to an affiliated importer in the United States, although the Secretary may make an adjustment to normal value for such expenses under section 773(a)(6)(C)(iii) of the Act.

This regulation is further explained in the preamble, which states:

The purpose of these changes is to distinguish between selling expenses incurred on the sale to the unaffiliated customer, which may be deducted under 772(d), and those associated with the sale to the affiliated customer in the United States, which may not be deducted. In addition, the phrase "no matter where or when paid" is intended to indicate that if commercial activities occur in the United States and relate to the sale to an unaffiliated purchaser, expenses associated with those activities will be deducted from CEP even if, for example, the foreign parent of the affiliated U.S. importer pays those expenses. Finally, the reference to adjustments normal value reflects our agreement with the comment that the Secretary may adjust for direct selling expenses (as well as assumed expenses) associated with the sale to the affiliated importer under the circumstance of sale provision * * *

62 FR at 27351.

We explained our current practice in this area in a recent decision in *Mexican Cookware*. Specifically, we stated:

The Department's current practice, as indicated by the preamble to the Department's new regulations, is to deduct indirect selling expenses incurred in the home market from the CEP calculation only if they relate to sales to the unaffiliated purchaser in the United States. We do not deduct from the CEP calculation indirect selling expenses incurred in the home market relating to the sale to the affiliated purchaser.

64 FR at 26942-43.

Consequently, in accordance with the Department's regulations and current practice, we have made no adjustment for the bank charges in question for purposes of the final results.

Comment 2: Indirect Selling Expenses Incurred in Turkey. The petitioners contend that the Department should require Ekinciler to report all indirect selling expenses incurred in Turkey to sell rebar in the United States. According to the petitioners, it is implausible that Ekinciler incurred no Turkish indirect selling expenses related to U.S. sales.

Ekinciler notes that, under its regulations and practice, the Department makes no adjustment for foreign indirect selling expenses. See 19 CFR 351.402(b) and *Mexican Cookware*. Therefore, Ekinciler asserts that, if the Department were to include these expenses in its calculations, it would do so only in the calculation of CEP profit. Ekinciler notes that this would result in

the reduction of CEP profit, which would be to Ekinciler's advantage.

DOC Position. We disagree with the petitioners. As Ekinciler correctly notes, the expenses in question would be used only in the calculation of CEP profit because, in accordance with the Department's regulations, indirect selling expenses incurred in the home market relating to the sale to the affiliated purchaser are not deducted from the CEP calculation. See 19 CFR 351.402(b) and *Mexican Cookware*. Therefore, even if Ekinciler had incurred indirect selling expenses in Turkey related to U.S. sales, it was conservative for Ekinciler not to report these expenses. Accordingly, we have not requested any additional information from Ekinciler, nor have we based the amount of these expenses on facts available.

Comment 3: Pre-Sale Freight and Warehousing Expenses. According to the petitioners, the Department should deduct from NV neither any freight expenses incurred on the transportation of merchandise from the factory to Ekinciler's home market distribution warehouse nor the warehousing expenses themselves. The petitioners contend that these expenses should be treated as general expenses because they were incurred prior to the sale to the first unaffiliated customer.

According to Ekinciler, its transportation and warehousing expenses are incurred after the intra-corporate sale of the rebar to the respondent's affiliated trading company and are subsumed in the price to the unaffiliated customer. Ekinciler notes that both the Act and the regulations allow these types of adjustments. Ekinciler cites the preamble to the regulations at 62 FR 27410, which states that the Department is to deduct from NV all movement and related expenses incurred after the merchandise left the place of production.

DOC Position. We agree with Ekinciler. Section 773(a)(6)(B)(ii) of the Act directs the Department to reduce NV by the amount of any expenses incident to bringing the foreign like product from the original place of shipment (i.e., the production facility) to the place of delivery. Moreover, under 19 CFR 351.401(e)(2), the Department considers warehousing expenses incurred after the foreign like product leaves the production facility to be movement expenses. Consequently, in accordance with section 773(a)(6)(B) of the Act and 19 CFR 351.401(e)(2), we have continued to treat the freight and warehousing expenses in question as movement charges and deducted them

from NV for purposes of the final results.

Comment 4: Credit Expenses. For purposes of the preliminary results, the Department based the U.S. interest rate on the weighted average of the interest rates paid by Ekdemir (*i.e.*, the Ekinciler Group's rebar producer) and Ekdis (*i.e.*, the Ekinciler Group's international trading company) on their U.S.-dollar-denominated loans. According to the petitioners, the Department should base the U.S. interest rate only on the rates paid by Ekdemir because this rate is the most reflective of Ekinciler's weighted-average short-term borrowing experience in the currency of the transaction. The petitioners contend that the Department should disregard Ekdis' U.S.-dollar borrowings because Ekdis was not directly involved in making sales to the United States. The petitioners further argue that the Department should recalculate Ekdemir's U.S. interest rate using 365 days, rather than 360, in order to make this calculation consistent with the calculation of the credit period.

Ekinciler agrees that the Department should not base the U.S. interest rate on the weighted average of Ekdemir's and Ekdis' U.S.-dollar borrowings. However, Ekinciler argues that the Department should use the average short-term dollar lending rates calculated by the Federal Reserve, because Ekinciler's U.S. subsidiary, Ferromin, had no borrowings during the POR. Ekinciler asserts that this rate is appropriate because the U.S. subsidiary was the party which would have been required to finance the U.S. sales from the date of shipment from the U.S. warehouse until the date of payment by the U.S. customer. Ekinciler maintains that using the Federal Reserve rate would be consistent with Department practice. To demonstrate this, Ekinciler cites *Certain Corrosion-Resistant Carbon Steel Flat Products and Certain Cut-to-Length Carbon Steel Plate from Canada: Final Results of Antidumping Duty Administrative Reviews*, 63 FR 12725, 12742 (Mar. 16, 1998) (*Carbon Steel Flat Products from Canada*), where the Department based the U.S. interest rate on Federal Reserve data for EP sales, even though the respondent's U.S. subsidiary had actual U.S. dollar borrowings.

Nonetheless, Ekinciler argues that, should the Department decide to use its U.S.-dollar borrowings in Turkey, it would be inappropriate to use only one of the two group companies' borrowing rates. Ekinciler cites *Certain Cut-to-Length Carbon Steel Plate from Sweden: Final Results of Antidumping Duty Administrative Review*, 61 FR 15772,

15779 (Apr. 9, 1996), where the Department stated that calculating interest expense based on a company's consolidated financial statements is appropriate because the cost of capital is fungible.

Finally, Ekinciler maintains that the Department did, in fact, use 365 days in the calculation of U.S. credit. Therefore, Ekinciler asserts that no further change is necessary.

DOC Position. We disagree with the petitioners and with Ekinciler, in part, regarding the appropriate interest rate to use in the U.S. credit calculations. As we stated in Import Administration Policy Bulletin 98-2 (Feb. 23, 1998):

For the purposes of calculating imputed credit expenses, we will use a short-term interest rate tied to the currency in which the sales are denominated. We will base this interest rate on the respondent's weighted-average short-term borrowing experience in the currency of the transaction... In cases where a respondent has no short-term currency borrowings in the currency of the transaction, we will use publicly available information to establish a short-term interest rate applicable to the currency of the transaction.

Contrary to Ekinciler's assertions, this bulletin does not indicate that the source of the U.S. dollar-denominated short-term interest rate must be a bank located in the United States. Rather, this bulletin shows a clear preference for the actual borrowing experience of the respondent.

In this case, there were three parties who were involved in the sale of rebar to the United States. Since the U.S. subsidiary most directly involved in selling the subject merchandise had no U.S. dollar borrowings, and because we have a preference for using actual experience where possible, we have continued to use the average of the rates paid by the other parties involved in making the sale, rather than the Federal Reserve rate. We disagree with the petitioners' contention that we should base the U.S. interest rate solely on the experience of Ekdemir, because Ekdis was also involved in the sale of the subject merchandise.

Moreover, we find that the situation in *Carbon Steel Flat Products from Canada* is factually distinguishable from the circumstances in this case. In that case, unlike here, neither the respondent nor any affiliated party involved directly or indirectly with the sale of the subject merchandise had any borrowings in U.S. dollars (although in *Carbon Steel Flat Products from Canada* the U.S. subsidiary had borrowings in U.S. dollars, it was not involved in the sale of subject merchandise). Thus, because the respondent had no actual

U.S.-dollar-denominated borrowings in that case, we determined that the use of the Federal Reserve rate was appropriate. In contrast, the respondent in this case does have actual U.S. dollar-denominated borrowings, and we relied on these borrowings to determine the U.S. interest rate.

Regarding the calculation of the interest rate, we agree with the petitioners. We find that Ekinciler's methodology understates the annual interest rate, because Ekinciler misstated the portion of the year to which the interest expense applied. Consequently, we have recalculated the U.S. interest rate for purposes of the final results.

Comment 5: Packing Expenses According to the petitioners, the Department should base the amount of Ekinciler's packing expenses on facts available, because Ekinciler's response contains contradictory statements which cannot be reconciled. Specifically, the petitioners assert that Ekinciler made the following statements: (1) The reason the packing material costs differ significantly from month to month is due to changes in material prices and to varying packing requirements depending upon the market in which the product is sold; and (2) packing materials used for U.S. and Turkish sales are very similar, and, consequently, the costs are nearly identical. Moreover, the petitioners contend that Ekinciler failed to index its packing figures, and it also did not include any expenses for packing labor or overhead in its calculations.

Ekinciler argues that the Department should accept its packing expenses as reported. Ekinciler maintains that the statements identified by the petitioners are not contradictory because the differences in packing requirements referenced above relate to third country markets, rather than to the U.S. or home market. Ekinciler asserts that the packing requirements for U.S. and home market sales are virtually identical. Furthermore, Ekinciler notes that, contrary to the petitioners' assertions, it accounted for the effects of inflation in its packing calculations because it reported current costs for its packing materials in accordance with standard Department practice. Finally, regarding packing labor and overhead, Ekinciler notes that it was not possible to segregate these costs from other labor and overhead costs its accounting system. Nonetheless, Ekinciler contends that its inability to report these expenses separately does not affect the margin calculations because these expenses are: (1) extremely small; (2) virtually the

same for the U.S. and home markets; and (3) captured in the reported COM.

DOC Position. Ekinciler consistently described its packing expenses in its response and correctly based the expenses reported on its current cost of materials (*i.e.*, the price of materials in the same month as production). Moreover, we note that, while Ekinciler did not index these costs itself, these costs were indexed in the computer program used to calculate Ekinciler's margin for purposes of the preliminary results.

Regarding labor and overhead, we find that, because the packing process is essentially the same for the U.S. and home markets, there would be no material difference in the amount of labor and overhead allocated to the U.S. and home markets. Consequently, we have continued to rely on the packing data reported by Ekinciler for purposes of the final results.

Comment 6: Offset to Materials Costs. Ekinciler claimed an offset to the materials costs reported in its response for certain materials recovered during the production process (*e.g.*, billet ends and slag). According to the petitioners, Ekinciler understated the value of billet ends because it valued them at the average shredded scrap purchase price for the month in which they were created. The petitioners contend that this approach is only valid if the billet ends are also used in that month. According to the petitioners, the Department should use facts available to account for this error.

In addition, the petitioners contend that the Department should disallow Ekinciler's offset for slag. According to the petitioners, slag cannot be reused in an arc furnace and is typically sold for use in roadbeds and airport runways.

Finally, the petitioners contend that Ekinciler improperly valued other scrap which was recovered during the production process. According to the petitioners, the proper value is not the weighted average of the domestic scrap purchases during the same month, but rather the weighted average of Ekinciler's total scrap purchases within the same month.

Ekinciler contends that the petitioners' argument regarding billet ends is moot because billet ends are recycled daily. Nonetheless, Ekinciler argues that the value of scrap used as an offset should be valued when the scrap is generated, not when it is used. Ekinciler further notes that, had it understated the value of billet ends as the petitioners assert, the result would have been to overstate (not understate) costs, because the offset would have been too low.

Moreover, Ekinciler asserts that the Department should also accept its reported offset for slag. Ekinciler asserts that it is irrelevant whether the slag is used internally by Ekdemir or sold to outside purchasers for use in roadbeds. According to Ekinciler, because the petitioners admit that slag has value, there is no question that Ekinciler properly reported a value for the scrap that it recovered.

Finally, Ekinciler asserts that it provided a detailed description of the various types of scrap and the means that it used to value them in its supplemental questionnaire response. Ekinciler further asserts that it based its reported scrap recovery on the company's monthly records maintained in the ordinary course of business. Therefore, Ekinciler asserts that the petitioners' comments should be disregarded.

DOC Position. Ekinciler's methodology for valuing scrap recovered during the production process is reasonable. Specifically, Ekinciler valued each month's recovered scrap at the average of the purchase prices for scrap during the month. (See pages 21 and 22 of its March 16, 1999, supplemental response.) We do not agree with the petitioners that Ekinciler valued certain types of recovered scrap at the weighted average of the monthly domestic scrap purchases. This is the method by which Ekinciler valued recovered scrap in its accounting system, not the method by which it reported the value of such scrap to the Department. Consequently, we have accepted Ekinciler's data as reported.

Comment 7: Revaluation of Raw Materials Inventories. According to the petitioners, Ekinciler's failure to revalue its monthly raw materials inventories misstated the company's costs by failing to take into account the impact of inflation.

Ekinciler contends that it reported the usage of raw materials at the current monthly acquisition prices, as instructed in the questionnaire. According to Ekinciler, because the petitioners submitted no evidence to the contrary, the Department should disregard the petitioners' unfounded assertion.

DOC Position. In cases involving significant inflation, it is the Department's practice to require respondents to value raw materials using the purchase prices obtained in the month of production. See, *e.g.*, *Rebar from Turkey, Notice of Final Results of Antidumping Duty Administrative Review: Certain Welded Carbon Steel Pipe and Tube from Turkey*, 62 FR 51629, 51631 (Oct. 2,

1997), and *Ferrosilicon from Brazil; Final Results of Antidumping Duty Administrative Review*, 61 FR 59407, 59408 (Nov. 22, 1996). Because Ekinciler did so, we find that its costs appropriately account for the effects of inflation. Consequently, we have accepted these costs for purposes of the final results.

Comment 8: Value of Billets Purchased from an Affiliated Company. The petitioners allege that Ekinciler may have understated the value of certain billets purchased from an affiliated party in the home market. According to the petitioners, the Department cannot find that the transfer prices included a profit margin merely based on the fact that the price paid to the affiliate exceeded the price that the affiliate paid to its supplier. The petitioners note that the higher transfer prices may account for all, or part of, the inflation that occurred during the months between the affiliate's purchase and resale. The petitioners do not suggest a method by which the Department should adjust Ekinciler's billet costs.

Ekinciler maintains that it properly valued the billets in question. Ekinciler notes that, in its questionnaire response, it provided invoices showing that the transfer prices paid to the affiliated party exceeded the affiliate's acquisition cost for the same billet, and that the lag time between the purchase and resale was only a few days. According to Ekinciler, not only is this entirely consistent with the Department's practice, but it was not challenged by the petitioners prior to the briefing stage. Consequently, Ekinciler contends that the Department should accept its billet costs as reported.

DOC Position. In determining whether a transaction occurred at an arm's-length price, the Department compares the transfer price between the affiliated parties and the market price between unaffiliated parties. See, *e.g.*, *Final Results of Antidumping Administrative Review: Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France, Germany, Italy, Japan, Singapore, and the United Kingdom*, 62 FR 2081, 2115 (Jan. 15, 1997).

In its questionnaire response, Ekinciler was able to demonstrate adequately that the transfer price exceeded the affiliate's acquisition price, paid to an unaffiliated supplier, for reasons unrelated to inflation. Accordingly, we find that the transfer price is at arm's length, and we have used the transfer price to value the billet purchased from the affiliated party.

Comment 9: Billet Production Costs. According to the petitioners, Ekinciler

inappropriately allocated fabrication costs in the melt shop using total tonnage produced each month. The petitioners contend that the Department should base Ekinciler's melt shop fabrication costs on facts available because these costs should have been allocated based on processing times. The petitioners provide no suggestions regarding the appropriate source of facts available.

Ekinciler maintains that the Department should accept its costs as reported. According to Ekinciler, because there is only one product produced in the melt shop (*i.e.*, billet), allocating total fabrication costs over total production tonnage is reasonable.

DOC Position. Unlike in the rolling mill, production costs in the melt shop do not vary by processing times. Rather, these costs vary according to the number of tons produced. For example, the same amount of electricity is consumed to produce a billet used in the production of 14 mm rebar as for a billet used to make 32 mm rebar. Consequently, we find that allocating fabrication costs using production quantity is not only reasonable but appropriate, and we have continued to accept Ekinciler's costs as reported for purposes of the final results.

Comment 10: Work-in-Process. According to the petitioners, Ekinciler failed to report work-in-process at the end of its accounting period. The petitioners assert that, although Ekinciler stated that there are no unfinished units at the end of the accounting period, this statement is contradicted by the fact that Ekinciler valued raw materials using the weighted-average purchase price from the previous month (adjusted for inflation) in cases where Ekinciler did not make any purchases in the month when production occurred.

According to Ekinciler, it had no work-in-process at the end of the accounting period. Ekinciler asserts that steel mills do not close their accounting periods in mid-cast or in half-rolled bar, and that the production cycle is so short that the production process is completed by the end of the accounting period. Ekinciler further contends that the statements referenced by the petitioners are not contradictory because the petitioners confused several statements in Ekinciler's response. Specifically, Ekinciler notes that the petitioners appeared to confuse work-in-process (which was referenced in the statement regarding unfinished units) and raw materials (which was referenced in the statement regarding purchases). Accordingly, Ekinciler

asserts that the Department should disregard the petitioners' comments.

DOC Position. We find that Ekinciler consistently described its production process and valuation methodologies in its response. Moreover, we find that Ekinciler appropriately valued the cost of materials, because it based these costs on the company's purchases in each month of the POR. Contrary to the petitioners' implication, the Department's practice in cases involving high inflation is to base COP on the current production costs incurred during each month of the POR. See *Rebar from Turkey*, 62 FR at 9739 and *Notice of Final Determination of Sales at Less Than Fair Value: Certain Pasta from Turkey*, 61 FR 30309, 30314 (June 14, 1996). For this reason, the valuation of work-in-process is irrelevant to the dumping analysis in this case. Accordingly, we have based our final results on the data in Ekinciler's response.

Comment 11: General and Administrative Expenses (G&A). The petitioners contend that Ekinciler improperly calculated G&A. Specifically, the petitioners maintain that Ekinciler divided the G&A of the group's rebar producer (*i.e.*, Ekdemir) over the cost of sales of all companies in the Ekinciler group. In addition, the petitioners assert that Ekinciler improperly included Ekdemir's real estate taxes and factory administrative costs in G&A. According to the petitioners, these actions result in an allocation of rebar-related expenses to non-subject merchandise.

Ekinciler contends that it did, in fact, allocate G&A over Ekdemir's (and not Ekinciler's) cost of sales. According to Ekinciler, the petitioners misread the headings in Ekinciler's G&A worksheets. Ekinciler further contends that, contrary to the petitioners' assertion, it classified factory administrative labor as part of factory overhead. Regarding real estate taxes, Ekinciler asserts that Ekdemir's corporate administrative offices are located at its mill, and, therefore, these costs were properly reported as part of G&A. In any event, Ekinciler notes that the amount of these taxes represents less than 0.001 percent of Ekdemir's rolling mill costs, and, consequently, any reallocation between G&A and COM would result in a *de minimis* adjustment.

DOC Position. We have continued to accept Ekinciler's G&A as reported for purposes of the final results. Ekinciler's G&A worksheets clearly show that Ekdemir's G&A were allocated over Ekdemir's cost of sales. See Exhibit 15 of the July 28, 1998, section A response and Exhibit 30 of the March 16, 1999,

supplemental response. Moreover, Ekinciler's COM worksheets show that Ekinciler included supervisory labor (the largest component of factory administrative costs) as part of COM. See Exhibits 15 and 16 of the August 28, 1998, section D response and Exhibit 25 of the March 16, 1999, supplemental response.

Regarding real estate taxes, while we agree with the petitioners that the portion of the tax related to the rebar production facility should have been included in fixed overhead (rather than G&A), we find that reallocating these taxes in this case would have no material impact on COM. According to section 777A(a)(2) of the Act, the Department may decline to take into account adjustments which are insignificant in relation to the price or value of the merchandise. Consequently, in accordance with section 777A(a)(2) of the Act and 19 CFR 351.413, we have not included these taxes in fixed overhead.

Comment 12: Financing Expenses. According to the petitioners, all interest expenses incurred by Ekinciler should be included in COM. The petitioners reason that the expenses incurred by Ekdemir and Ekdis (*i.e.*, the group trading company) constitute a large portion of the interest expense reported by the Ekinciler Group for 1997 and in that regard resemble a foreign exchange expense incurred by Ekdemir and Ekdis in 1997. The petitioners speculate that these interest expenses relate to the acquisition of raw material outside Turkey and, thus, are associated with the purchase of raw materials. Moreover, the petitioners assert that Ekinciler failed to include gains and losses related to accounts payable transactions in COM, despite the Department's explicit instructions to do so. Therefore, the petitioners argue that the Department should also include all foreign exchange gains and losses in COM.

In addition, the petitioners contend that the Department should disallow offsets to financing expenses for financing income and foreign exchange income because Ekinciler failed to show why the former offset was appropriate and the latter was earned by entities which have no relationship to rebar.

Ekinciler contends that it properly included in COM all costs incurred on the purchase of materials, including bank fees and exchange losses on the purchase of materials. Ekinciler asserts that any other interest costs or exchange losses on payables are classified in the normal course of business as part of financing expenses and were treated as

such for purposes of Ekinciler's responses.

Regarding the offset for short-term interest income, Ekinciler asserts that the Department's practice is to allow offsets to financing expenses for financial income earned on short-term investments of working capital. See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value; Stainless Steel Sheet and Strip in Coils from the United Kingdom*, 64 FR 30688, 30710 (June 8, 1999) (*Sheet and Strip from the UK*). Ekinciler asserts that it submitted substantial evidence that its financial income was earned on short-term uses of working capital. Therefore, Ekinciler asserts that its interest expense factor properly included an offset for this income.

Regarding the offset for foreign exchange gains, Ekinciler asserts that the Department's long-standing treatment of financing expenses is to base the calculation of such expenses on the consolidated corporate entity, due to the fungible nature of financing. Ekinciler notes that, in accordance with this policy, the Department specifically instructed Ekinciler to base its financing expenses on the combined expenses of all companies in the Ekinciler Group. Accordingly, Ekinciler asserts that the petitioners are misguided in contending that exchange gains earned by other entities in the group are irrelevant.

DOC Position. We agree with Ekinciler that it is the Department's practice to classify interest expenses incurred by a company as financing expenses and to calculate the expenses on a consolidated basis. See, e.g., *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Sheet and Strip in Coils From Japan*, 64 FR 30574, 30592 (June 8, 1999). It is also the Department's practice to grant offsets to financing expenses when respondents are able to demonstrate that such offsets are related to short-term interest income. See, e.g., *Sheet and Strip from the UK*. Because Ekinciler calculated its financing expenses in accordance with the Department's practice, we have accepted it for purposes of the final results.

Regarding the petitioners' allegation that Ekinciler improperly excluded exchange losses related to accounts payable transactions from COM, we find no evidence that this has occurred. Accordingly, we have made no adjustment to COM for exchange losses for purposes of the final results.

B. ICDAS

Comment 13: Currency Conversion. The Federal Reserve Bank does not track or publish exchange rates for Turkish

Lira. Consequently, for purposes of the preliminary results, the Department made currency conversions using exchange rates published by the Dow Jones News/Retrieval Service. ICDAS argues that the Department should use the exchange rates published by the Central Bank of the Republic of Turkey for purposes of the final results because these rates better reflect commercial reality in Turkey.

ICDAS acknowledges that the Department generally uses the Dow Jones News/Retrieval Service rates in cases where Federal Reserve Bank rates are not available, including currency conversions in Turkish cases. However, ICDAS argues that the Department has the discretion to use a source other than the Dow Jones News/Retrieval Service when the rates in question are not published by the Federal Reserve Bank, since neither section 773A of the Act nor 19 CFR 351.415 prescribes the precise source to be used in currency conversions.

ICDAS asserts that the Department is not precluded from using the Central Bank rates, despite the fact that it did not raise this exchange rate issue in previous filings, since the rates consist of publicly available data which the Department may add to the record at any time during the proceeding. As support for this position, ICDAS cites the *Notice of Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke Order in Part: Dynamic Random Access Memory Semiconductors of One Megabyte or Above From the Republic of Korea*, 62 FR 39809, 39810 (July 24, 1997) (*DRAMS from Korea*); *Certain Cased Pencils From The People's Republic of China; Amended Final Results Of Antidumping Duty Administrative Review*, 62 FR 36491, 36492 (July 8, 1997) (*Pencils from China*); and *Live Swine From Canada; Final Results of Countervailing Duty Administrative Review*, 59 FR 12243, 12250 (Mar. 16, 1994) (*Live Swine from Canada*).

The petitioners argue that the Department should continue to use the rates published by the Dow Jones News/Retrieval Service because it is a well-established, reliable source of commercially available exchange rates and ICDAS has provided no evidence to show that the Central Bank rates are more reflective of commercial reality. Moreover, the petitioners assert that the use of the Dow Jones News/Retrieval Service rates would be consistent with Department practice. As support for their position, the petitioners cite to *Steel Wire Rod from Trinidad & Tobago*, where the Department rejected the

respondent's argument to use a source other than the Dow Jones News/Retrieval Service in the absence of rates published by the Federal Reserve Bank.

The petitioners further argue that the Department is prohibited from using the Central Bank rates because they constitute new factual information. The petitioners maintain that ICDAS' reliance on the cases cited above is misplaced, because the facts in those cases are not analogous to the facts in the instant review. Specifically, the petitioners note that in *DRAMS from Korea*, the Department reviewed current market conditions at the time of the final results, which could not have been incorporated into the parties' filings prior to that time, while in *Pencils from China* the Department re-opened the administrative record to accept new factual information in conjunction with a remand, not a new shipper review. The petitioners assert that *Live Swine from Canada* makes clear that it is exceptional for the Department to accept new factual information after the date of the preliminary results of review.

DOC Position. In our exchange rate model, it is the Department's normal practice to use exchange rates provided by the Federal Reserve Bank. When the Federal Reserve does not provide exchange rates, the Department uses exchange rates obtained from the Dow Jones News/Retrieval Service because this service is a well-established, reliable source of commercially available exchange rates. See, e.g., *Notice of Final Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Pasta from Turkey*, 63 FR 68429 (Dec. 11, 1998) (affirming *Notice of Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review: Certain Pasta From Turkey*, 63 FR 42373 (Aug. 7, 1998)), *Steel Wire Rod from Trinidad & Tobago, Notice of Final Results of Antidumping Duty Administrative Review: Certain Welded Carbon Steel Pipe and Tube From Turkey*, 61 FR 69067 (Dec. 31, 1996), and *Rebar from Turkey*. For this reason, we find that the exchange rates obtained from the Dow Jones News/Retrieval Service are a reasonable alternative to those obtained from the Federal Reserve.

In this case, although ICDAS has asserted that the Turkish Central Bank rates are more reflective of commercial reality in Turkey, it has provided no evidence to support this assertion. Consequently, we find that ICDAS has provided inadequate reasons for the Department to depart from its established practice of using the Dow Jones rates, and we have continued to

use these rates for purposes of the final results.

Comment 14: Calculation of the Home Market Short-Term Interest Rate. For purposes of the preliminary results, the Department adjusted the calculation of ICDAS' short-term home market interest rate to exclude bank commissions. ICDAS argues that the Department should include these bank commissions in the calculation of the home market short-term interest rate, because the commissions are part of the total cost of borrowing. In support of its position, ICDAS cites the following cases in which the Department included bank fees/charges in its calculation of the short-term borrowing rate: *Certain Corrosion Resistant Carbon Steel Flat Products and Certain Cut-To-Length Carbon Steel Plate From Canada; Final Results of Antidumping Duty Administrative Reviews and Determination To Revoke in Part*, 64 FR 2173, 2178-79 (Jan. 13, 1999) (*Corrosion Resistant Carbon Steel Flat Products from Canada*); *Certain Cold-Rolled Carbon Steel Flat Products From Korea; Final Results of Antidumping Duty Administrative Review*, 62 FR 781, 801 (Jan. 7, 1998) (*Cold-Rolled Carbon Steel Flat Products from Korea*); and *Final Results of Antidumping Duty Administrative Review; Large Power Transformers From Italy*, 52 FR 46806, 46811 (Dec. 10, 1987) (*LPTs from Italy*).

The petitioners argue that the Department should continue to exclude the bank commissions in question from the calculation of the home market short-term interest rate because there is no evidence on the record to indicate that these bank commissions were related to the loan in question or that they were part of the total costs to ICDAS of home market short-term borrowing.

DOC Position. According to the information gathered at verification, the commissions in question are directly related to the amount that the bank charged ICDAS for borrowing money. See Exhibit 16 to the ICDAS sales verification report. Therefore, because we find that these commissions are part of the total cost borrowing of ICDAS, we have revised our calculation of ICDAS' short-term home market borrowing rate to include bank commissions. See *Corrosion Resistant Carbon Steel Flat Products from Canada; Cold Rolled Carbon Steel Flat Products from Korea; and LPTs from Italy*.

Final Results of Review

As a result of comments received, we have revised our analysis and determine that the following margins exist for the respondents during the period October

10, 1996, through March 31, 1998 (for Ekinciler), and October 10, 1996, through July 31, 1998 (for ICDAS):

Manufacturer/producer/exporter	Margin percentage
Ekinciler Holding A.S./ Ekinciler Demir Celik A.S.	0.30
ICDAS Celik Enerji Tersane ve Ulasim Sanayi A.S.	9.67

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We have calculated importer-specific assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of those sales. These rates will be assessed uniformly on all entries of that particular importer made during the POR. Pursuant to 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties all entries for any importer for whom the assessment rate is *de minimis* (i.e., less than 0.50 percent). The Department will issue appraisal instructions directly to the Customs Service.

Further, the following deposit requirements will be effective for all shipments of certain steel concrete reinforcing bars from Turkey entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of these administrative and new shipper reviews, as provided for by section 751(a)(1) of the Act: (1) The cash deposit rate for the ICDAS will be the rate stated above, and the cash deposit rate for Ekinciler will be zero; (2) for previously investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 16.06 percent, the all others rate established in the LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could

result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). See *Antidumping and Countervailing Duty Proceedings: Administrative Protective Order Procedures; Procedures for Imposing Sanction for Violation of a Protective Order*, 63 FR 24391, 24402 (May 4, 1998). Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

These administrative and new shipper reviews are issued and published in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: September 3, 1999.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 99-23630 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Closed Meeting of the U.S. Automotive Parts Advisory Committee (APAC)

AGENCY: International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: The APAC will have a closed meeting on September 24, 1999 at the U.S. Department of Commerce to discuss U.S.-made automotive parts sales in Japanese and other Asian markets.

DATES: September 24, 1999.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Reck, U.S. Department of Commerce, Room 4036, Washington, D.C. 20230, telephone: 202-482-1418.

SUPPLEMENTARY INFORMATION: The U.S. Automotive Parts Advisory Committee (the "Committee") advises U.S. Government officials on matters relating to the implementation of the Fair Trade in Automotive Parts Act of 1998 (Public Law 105-261). The Committee: (1) Reports to the Secretary of Commerce on barriers to sales of U.S.-made automotive parts and accessories in Japanese and other Asian markets; (2) reviews and considers data collected on

sales of U.S.-made auto parts and accessories in Japanese and other Asian markets; (3) advises the Secretary of Commerce during consultations with other Governments on issues concerning sales of U.S.-made automotive parts in Japanese and other Asian markets; and (4) assists in establishing priorities for the initiative to increase sales of U.S.-made auto parts and accessories to Japanese markets, and otherwise provide assistance and direction to the Secretary of Commerce in carrying out the intent of that section; and (5) assists the Secretary of Commerce in reporting to Congress by submitting an annual written report to the Secretary on the sale of U.S.-made automotive parts in Japanese and other Asian markets, as well as any other issues with respect to which the Committee provides advice pursuant to its authorizing legislation. At the meeting, committee members will discuss specific trade and sales expansion programs related to automotive parts trade policy between the United States and Japan and other Asian markets.

The Assistant Secretary for Administration, with the concurrence of the General Counsel formally determined on September 2, 1999, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, that the September 24 meeting of the Committee and of any subcommittee thereof, dealing with privileged or confidential commercial information may be exempt from the provisions of the Act relating to open meeting and public participation therein because these items are concerned with matters that are within the purview of 5 U.S.C. 552b(c)(4) and (9)(B). A copy of the Notice of Determination is available for public inspection and copying in the Department of Commerce Records Inspection Facility, Room 6020, Main Commerce.

Dated: September 2, 1999.

Henry P. Misisco,

Director, Office of Automotive Affairs.

[FR Doc. 99-23596 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090399B]

Requirements for All Marine Mammal Special Exception Permits To Take, Import and Export Marine Mammals; for Maintaining a Captive Marine Mammal Inventory

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 9, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Ann Hochman, Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, (301) 713-2289.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Marine Mammal Protection Act (MMPA), the Fur Seal Act and the Endangered Species Act (ESA) prohibit the taking, import, and export of marine mammals with certain exceptions. Respondents will be applicants for and holders of scientific research and enhancement permits, commercial and educational photograph permits, public display permits for captures and first-time imports, and General Authorizations for Level B scientific research projects. Applicants wanting a permit or authorization to take, import or export must provide certain information to be used as a basis for

determining whether a permit or authorization should be issued. Permit holders and authorized researchers under the General Authorization are required to report periodically on activities conducted, species taken, and to update information as necessary on any marine mammals held captive for purposes of maintaining the marine mammal inventory as required under the 1994 Amendments to the MMPA.

II. Method of Collection

The collection of information will be in the form of applications, annual and final reports, and notifications responding to requirements in regulations and instructions; no forms are required.

III. Data

OMB Number: 0648-0084

Form Number: N/A

Type of Review: Regular submission

Affected public: Non-profit institutions; state, local, or tribal government; businesses or other for-profit; and Federal government. The majority of the affected public will be from the scientific research community, photographic journalists, and public display facilities.

Estimated Number of Respondents: 570

Estimated Time Per Response: 29 hours for permit applications for scientific research (SR), enhancement (EN), public display (PD), Letters of Intent under the General Authorization (GA), and major amendments to permits; 10 hours for applications for photography permits; 3 hours for minor amendments and requests for changes under the GA; 2 hours for requests for the retention or transfer of nonreleasable rehabilitated marine mammals; 12 hours each for reports for SR, EN or projects under the GA; and 2 hours for recordkeeping needs. Public display reports and annual recordkeeping are each estimated at 2 hours. Photography annual reports and recordkeeping are each estimated at 2 hours. Notifications of transports and submission of Marine Mammal Data Sheets have been estimated at one hour and one-half hour, respectively.

Estimated Total Annual Burden Hours: 6,295

Estimated Total Annual Cost to Public: \$580

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the

agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 30, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Chief Information Officer.

[FR Doc. 99-23482 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090399C]

Requirements for Taking Endangered or Threatened Species for Research/ Enhancement Purposes

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 9, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Karen Salvini, Office of

Protected Resources, Room 13603, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226, (301) 713-1401 (x130).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 et. seq.) imposed prohibitions against the taking of endangered species. Section 10 of the ESA allows permits authorizing the taking of endangered species for research/enhancement purposes. The corresponding regulations established procedures for persons to apply for such permits. In addition, the regulations set forth specific reporting requirements for such permit holders.

The required information is used to evaluate the impacts of the proposed activity on endangered species, to make the determinations required by the ESA prior to issuing a permit, and to establish appropriate permit conditions. In order to issue permits as under ESA section 10(a)(1)(A), NMFS must determine that (1) such exceptions were applied for in good faith, (2) if granted and exercised will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in section 2 of the ESA.

II. Method of Collection

The collection of information will be in the form of applications, annual reports, and final reports responding to requirements in regulations and instructions; no forms are required.

III. Data

OMB Number: None

Form Number: N/A

Type of Review: Regular submission

Affected public: Non-profit institutions; state, local, or tribal government; businesses or other for-profit; and Federal government.

Estimated Number of Respondents: 140

Estimated Time Per Response: 40 hours for permit applications, 10 hours for permit modification requests, 10 hours for annual reports, and 20 hours for final reports.

Estimated Total Annual Burden Hours: 4,000

Estimated Total Annual Cost to Public: \$290

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the

agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 30, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Chief Information Officer.

[FR Doc. 99-23483 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090399D]

Application Form for Membership on Sanctuary Advisory Councils for the National Marine Sanctuary Program

AGENCY: National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 9, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at LEngelme@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Elizabeth Moore, Marine

Sanctuaries Division, NOAA, 1305 East West Highway, SSMC4, N/ORM6, Silver Spring, Maryland, 20910.

SUPPLEMENTARY INFORMATION:

I. Abstract

Section 315 of the National Marine Sanctuaries Act (16 U.S.C. 1445a) allows the Secretary to establish one or more advisory councils to provide assistance to the Secretary regarding the designation and management of national marine sanctuaries. Councils are individually chartered for each sanctuary to meet the needs of that specific site. Once a Council has been chartered, the Sanctuary Manager starts a process to recruit members for that Council by providing notice to the public and asking interested parties to apply for the available seats. An application form has been developed to help ease the application process for the public and facilitate the review process for the Sanctuary Manager.

II. Method of Collection

The availability of seats on a Council are announced through various public channels, including local press releases, announcements at local meetings, and posting on the Sanctuary's web page. Interested persons can request the application kit (containing the application form, a copy of the Council's charter, and some information about the Sanctuary itself) by phone, fax, or e-mail. The applicant then completes and returns the form to the Sanctuary office.

III. Data

OMB Number: None

Form Number: None

Type of Review: Regular submission

Affected public: Individuals or households, business or other for profit organizations, and not-for-profit institutions (Councils generally have a membership that reflects the local community and it would likely include all of these categories).

Estimated Number of Respondents: 75

Estimated Time Per Response: 1 hour

Estimated Total Annual Burden

Hours: 75 hours

Estimated Total Annual Cost to Public: \$150

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c)

ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and /or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: August 30, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Chief Information Officer.

[FR Doc. 99-23484 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 990713192-9192-01; I.D. No. 080399D]

RIN 0648-ZA67

General Grant Administration Terms and Conditions of the Coastal Ocean Program

AGENCY: Center for Sponsored Coastal Ocean Research/Coastal Ocean Program (CSCOR), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice for Financial Assistance for Project Research Grants and Cooperative Agreements.

SUMMARY: It is the intent of NOAA/NOS/CSCOR/COP to continue to provide direct financial assistance in the form of discretionary Research Grants and Cooperative Agreements under its own program for the management of coastal ecosystems.

This document does not solicit proposals; but rather describes the general grant administration terms and conditions of the CSCOR/COP program for fiscal year 2000. It is CSCOR/COP's intent to issue supplemental Announcements of Opportunities (AOs) to request proposals on specific projects throughout the year on an as-needed basis. Any Announcements of Funding Opportunity will be issued through the **Federal Register**, the CSCOR/COP Home Page, and CSCOR/COP's e-mail list, and provide specific program descriptions.

CSCOR/COP supports research on critical issues which exist in the

Nation's estuaries, coastal waters and the Great Lakes, and translates its findings into accessible information for coastal managers, planners, lawmakers and the public. CSCOR/COP's projects are multi-disciplinary, large in scale and long in duration (usually 3 to 5 years). Projects covering more than 1 year will usually be funded on an annual basis.

DATES: September 10, 1999.

ADDRESSES: Center for Sponsored Coastal Ocean Research/Coastal Ocean Program, National Oceanic and Atmospheric Administration, 1315 East West Highway, Room 9700, Silver Spring, MD 20910

FOR FURTHER INFORMATION CONTACT: Leslie McDonald, CSCOR/COP Grants Administrator, (301)713-3338/x137.

SUPPLEMENTARY INFORMATION:

(1) *Program Authority(s):* 33 U.S.C. 1121 et seq., 33 U.S.C. 883a et seq., 33 U.S.C. 1442, 16 U.S.C. 1456c, Section 201(c) of P.L. 102-567 and Title VI of P.L. 105-383.

(2) *Catalog of Federal Domestic Assistance (CFDA):* 11.478 Coastal Ocean Program

(3) *Program Description:* NOAA's CSCOR/COP provides predictive capability for managing coastal ecosystems through sponsorship of research. CSCOR/COP seeks to deliver the highest quality science in a timely manner for important coastal decisions. It supports research on critical issues which exist in the Nation's estuaries, coastal waters, and Great Lakes and translates its findings into accessible information for coastal managers, planners, lawmakers, and the public.

Coastal Ecosystem Oceanography

CSCOR/COP supports the conservation and management of marine ecosystems through sponsorship of improved ecological and oceanographic predictions for resource management. Studies focus on: (1) identifying critical processes that control replenishment of fishery resources; (2) determining critical habitat process that influence fishery ecosystems; and (3) quantifying species interactions so models can be used in management decisions. Current efforts support studies dealing with Bering Sea pollack, cod and haddock on Georges Bank, and salmon in the Pacific Northwest.

Cumulative Coastal Impacts

CSCOR/COP sponsors a series of regional watershed projects on the causes and impacts of multiple stresses on coastal ecosystems. Studies focus on: (1) developing indicators of stress; (2) predicting impacts of multiple stresses (3) valuing natural resources in

ecological and economical terms; and (4) predicting the outcomes of management strategies. Current efforts are located in Chesapeake Bay, Florida Bay and the Keys, the Great Lakes and South Carolina.

Harmful Algal Blooms (HABs)

CSCOR/COP also sponsors studies on the ecology and oceanography of harmful algal blooms (HABs), focusing on identifying and modeling linkages between the physiology, ecology, behavior and toxicity of HABs and local/regional circulation patterns and water quality. These results will not only generate greater general knowledge of problematic species in U.S. coastal waters, but provide foundations for development of regional HAB forecasting capabilities, eventually providing a means to assess the effectiveness of prevention, control and mitigation strategies developed in the proframe. Current regional efforts are located in the Gulf of Maine, eastern Long Island, the mid-Atlantic States, and the western coast of Florida.

Benefits of the CSCOR/COP

Continued population pressures on the Nation's coastal areas and on-going changes in the environment will continue to stress our coastal waters, bays and estuaries and the Great Lakes. CSCOR/COP has focused on developing information for longer-range U.S. management and policy at large and complex scales. CSCOR/COP research will help the U.S. respond to the major challenges of the next century and to balance the needs of economic growth with those of conserving the environment.

(4) *Funding Availability:* On average, annual funding for each Announcement of Opportunity is approximately \$1,000,000. Each CSCOR/COP project generally consists of several coordinated investigations with separate awards, ranging from \$5,000 to \$200,000. Actual funding levels will depend upon the final budget appropriations for the fiscal year. AOs will be released with specific applicable dollar amounts.

Financial History of CSCOR/COP Grants: FY97 \$10.00M; FY98 \$8.5M; FY99 \$8.5M. Publication of this notice does not obligate Commerce/NOAA to any specific award or to obligate any part of the entire amount of funds available. Recipients and subrecipients are subject to all Federal laws and agency policies, regulations and procedures applicable to Federal financial assistance awards.

If an application for a financial assistance award is selected for funding, CSCOR/COP has no obligation to

provide any additional prospective funding in connection with that award in subsequent years.

(5) *Matching Requirements:* None

(6) *Type of Funding Instrument:*

Discretionary research grants and cooperative agreements

(7) *Eligibility Criteria:* CSCOR/COP funding opportunities are open to all interested, qualified, non-Federal, and Federal researchers. Non-Federal researchers should comply with their institutional requirements for proposal submission. Non-NOAA Federal applicants will be required to submit certifications or documentation which clearly show that they can receive funds from the Department of Commerce (DOC) for this research. Foreign researchers must subcontract with U.S. proposers. Non-federal researchers affiliated with NOAA-University Joint Institutes should comply with joint institutional requirements and will be funded either through grants to their institutions or joint institutes. Proposals deemed acceptable from Federal researchers will be funded through a mechanism other than a grant or cooperative agreement. DOC requirements will prevail if there is a conflict between DOC requirements and institutional requirements.

(8) *Award Period:* Typically, CSCOR/COP's projects average one to five years. Projects covering more than 1 year will usually be funded on an annual basis.

(9) *Application Forms and Kit:* When applying for financial assistance under a published AO, applicants will be able to obtain a standard NOAA Application Kit at the following World Wide Web address: <http://www.cop.noaa.gov> in a read-only format. If you are unable to access this information, you may also call (301)713-3338 to leave a mail request. At time of submission, the applicant will follow the requirements presented in the funding announcement.

The Standard Forms 424 (Rev July 1997) Application for Federal Assistance; 424A (Rev July 1997); Budget Information-Non-Construction Programs; and 424B (Rev July 1997) Assurances-Non Construction Programs, will be submitted at time of application for financial assistance as part of the initial review process. Applications not adhering to these stated guidelines will be returned to the applicant without further review.

In addition, other forms required as part of a complete application package include the CD-511, Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying; the CD-512, Certification Regarding

Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying (this certification is to remain with the recipient and is not forwarded to the Grants Officer); and SF-LLL, Disclosure of Lobbying Activities (if applicable). These forms may be submitted at time of application, or at a later date if the application is subsequently notified of selection for funding.

(10) *Project Funding Priorities:* Priority considerations will be given to proposals that promote balanced coverage of the science goals, avoid duplication of completed or ongoing work and increase geographic diversity. Additional priorities may be detailed in CSCOR/COP Announcements of Funding Opportunities.

(11) *Evaluation Criteria:* The following criteria and evaluation weightings will be used for evaluating proposals:

(a) *Scientific Merit (20 percent):* Intrinsic scientific value of the proposed work and the likelihood that it will lead to fundamental advancements, new discoveries, or have substantial impact on progress in that field;

(b) *Research Performance Competence (20 percent):* The capability of the investigator and collaborators to complete the proposed work as evidenced by past research accomplishments, previous cooperative work, timely communication, and sharing of findings, data, and other research products;

(c) *Relevance (20 percent):* Likelihood that the research will make substantial contributions or develop products leading to improved management of coastal resources;

(d) *Technical Approach (20 percent):* The proposed work has focused science objectives and a complete but efficient strategy for making measurements and observations in support of the objectives. The approach is sound and logically planned throughout the cycle of the proposed work;

(e) *Linkages (10 percent):* Connections to existing or planned studies, or demonstrated cooperative arrangements to provide or use data or other research results to achieve the objectives.

(f) *Costs (10 percent):* Adequacy of the proposed resources to accomplish the proposed work, and the appropriateness of the requested proportion of the total available funds.

(12) *Selection Procedures:* All proposals will be evaluated and ranked individually in accordance with the assigned weights of the above evaluation criteria by independent peer mail review and/or by independent peer panel review. Both Federal and non-

Federal experts in the field may be used in this process. The peer mail reviewers will be several individuals with expertise in the subjects addressed by particular proposals. Each mail reviewer will see only certain individual proposals within their area of expertise, and rank them individually on a scale of one to five, where scores represent respectively: Excellent, Very Good, Good, Fair, Poor.

The peer panel will be comprised of 8 to 10 individuals, with each individual having expertise in a separate area, so that the panel as a whole covers a range of scientific expertise. The panel will have access to all mail reviews of proposals, and will use the mail reviews in discussion and evaluation of the entire slate of proposals.

The program officer(s) will not vote as part of the independent peer panel. Those proposals receiving an average panel rank of Fair or Poor will not be given further consideration and proposers will be notified of non-selection. For the proposals rated by the panel as either Excellent, Very Good, or Good, the program managers will first select the proposals to be recommended for funding by applying the project funding priorities listed above and in each funding announcement; second, determine the total duration of funding for each proposal; and third, determine the amount of funds available for each proposal. Because of consideration of the project funding priorities, awards may not necessarily be made to the most highly-ranked proposals.

Investigators may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to the award. When a decision has been made (whether an award or declination), verbatim copies of reviews and summaries of review panel deliberations, if any, are available to the proposer.

(13) *Other Requirements:*

(a) **Federal Policies and Procedures:** Recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations and procedures applicable to Federal financial assistance awards.

(b) **Past Performance:** Unsatisfactory performance by a recipient under prior Federal awards may result in an application not being considered for funding.

(c) **Preaward Activities:** If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that they may have

received, there is no obligation on the part of the Department of Commerce to cover pre-award costs unless approved by the Grants Officer as part of the terms when the award is made.

(d) **No Obligation for Future Funding:** If an application is selected for funding, DOC/NOAA has no obligation to provide any additional future funding in connection with that award.

Amendment of an award to increase funding or, unless the award specifically provides to the contrary, to extend the period of performance is at the total discretion of DOC/NOAA.

(e) **Delinquent Federal Debts:** No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until:

(i) The delinquent account is paid in full,

(ii) A negotiated repayment schedule is established and at least one payment is received, or

(iii) Other arrangements satisfactory to the Department of Commerce are made.

(f) **Name Check Review:** All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of, or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

(g) **Debarment, Suspension, Drug-Free Workplace, and Lobbying Provisions:** All applicants must comply with the requirements of 15 CFR part 26, "Government-wide Debarment and Suspension (nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)" and 15 CFR part 28, "New Restrictions on Lobbying," including the submission of required forms and obtaining certifications from lower tier applicants/bidders.

(h) **False Statements:** A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(i) **Intergovernmental Review:** Applications under this program are not subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

(j) This action was determined to be not significant for purposes of Executive Order 12866.

(k) This document involves collections of information subject to the Paperwork Reduction Act (PRA) which have been approved by the Office of Management and Budget (OMB) under

OMB control numbers 0348-0044, 0348-0040 and 0348-0046.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection displays a current valid OMB control number.

Dated: September 2, 1999.

Captain Ted I. Lillestolen,

Deputy Assistant Administrator National Ocean Service.

[FR Doc. 99-23480 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082699A]

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Mississippi/Louisiana Habitat Protection Advisory Panel (AP).

DATES: The meeting will begin at 9:00 a.m. on Thursday, September 23, 1999 and conclude by 3:00 p.m.

ADDRESSES: The meeting will be held at the New Orleans Airport Hilton, 901 Airline Highway, New Orleans, LA 70062; telephone: 504-469-5000.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Jeff Rester, Gulf States Marine Fisheries Commission; telephone: 228-875-5912.

SUPPLEMENTARY INFORMATION: The Louisiana/Mississippi group is part of a three unit Habitat Protection Advisory Panel of the Gulf of Mexico Fishery Management Council. The principal role of the advisory panels is to assist the Council in attempting to maintain optimum conditions within the habitat and ecosystems supporting the marine resources of the Gulf of Mexico. Advisory panels serve as a first alert system to call to the Council's attention proposed projects being developed and other activities which may adversely impact the Gulf marine fisheries and their supporting ecosystems. The panels

may also provide advice to the Council on its policies and procedures for addressing environmental affairs.

At this meeting, the AP will discuss revision of the Council's Habitat Policy to include essential fish habitat (EFH) provisions, an update on EFH assessments in Council fishery management plan amendments, an update on the status of the EFH lawsuit, review of the Turkey Creek Development project in south Mississippi, and an update on the Broadwater Casino expansion project.

Although other issues not on the agenda may come before the AP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. The AP's actions will be restricted to those issues specifically identified in the agenda listed as available by this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see ADDRESSES) by September 16, 1999.

Dated: September 3, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-23485 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082799C]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of an application to modify an enhancement permit (895); issuance of modifications to an existing scientific research permit (1144).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received an application for a modifications to an existing permit from the U.S. Army Corps of Engineers at Walla Walla, WA (Corps) (895); and NMFS has issued a modification to a scientific research permit to Mr. Bruce

D. Peery, Michael J. Bresette and Jonathan C. Gorham (1144).

DATES: Written comments or requests for public hearings on the new modification request must be received on or before October 12, 1999.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

For permit 895: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

For permit 1144: Office of Protected Resources, Endangered Species Division, F/PR3, 1315 East-West Highway, Silver Spring, MD 20910 (301-713-1401).

FOR FURTHER INFORMATION CONTACT:

For permit 895: Robert Koch, Portland, OR (503-230-5424).

For permit 1144: Terri Jordan, Silver Spring, MD (301-713-1401).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting hearings on an application listed in this notice should set out the specific reasons why hearings on that application would be appropriate (see ADDRESSES). The holding of such hearings are at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in this Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice:

Sea Turtles

Green turtle (*Chelonia mydas*), Kemp's ridley turtle (*Lepidochelys kempii*), Loggerhead turtle (*Caretta caretta*).

Fish

Chinook salmon (*Oncorhynchus tshawytscha*): Snake River (SnR) fall, SnR spring/summer, upper Columbia River (UCR) spring.

Sockeye salmon (*Oncorhynchus nerka*): SnR.

Steelhead trout (*Oncorhynchus mykiss*): UCR.

Modification Request Received

The Corps requests a modification to enhancement permit 895. For the modification, the Corps requests an increase in the take of juvenile, threatened, naturally produced, SR spring/summer chinook salmon associated with the juvenile fish transportation program. The increase in take is requested because an unusually large number of wild juvenile spring/summer chinook salmon smolts survived the winter, due to very favorable rearing conditions, and are migrating out of the Snake River and are being collected and transported at the Corps' projects in 1999. The 1998 supplement to the biological opinion prepared by NMFS for the operation of the Federal hydropower system requires the transportation of all juvenile fish at the Snake River projects with transportation facilities. ESA-listed juvenile fish are proposed to be collected at the dams, transported downriver past the dams in aerated barges and trucks, and released below the dams to aid their outmigration to the Pacific Ocean. The Corps is not requesting an increase in ESA-listed juvenile fish indirect mortalities. The permit modification is requested to be valid for the duration of the permit.

Status of Previous Modification Request

Notice was published on April 21, 1999 (64 FR 19515), that an application had been filed by the Corps for a modification to enhancement permit 895. Permit 895 authorizes the Corps annual takes of ESA-listed juvenile fish associated with the operation of the juvenile fish transportation program at four hydroelectric projects on the Snake and Columbia Rivers in the Pacific Northwest. Permit 895 also authorizes the Corps annual incidental takes of ESA-listed adult salmonids associated with fallbacks through the juvenile fish bypass systems at the four dams. The purpose of the modification request was to include takes of juvenile, endangered, naturally produced and artificially propagated, UCR spring chinook salmon in the permit. Since the effective date of the take prohibitions for this endangered species was May 24, 1999, and since the Corps' juvenile fish

transportation program at McNary Dam started in June near the end of the juvenile UCR spring chinook salmon outmigration season, NMFS determined that the take of UCR spring chinook salmon by the Corps would be incidental in 1999 and could be addressed through the section 7 consultation process. Permit 895 expires on December 31, 1999.

Permit Modification Issued

Notice was published on May 13, 1999 (64 FR 25873), that Mr. Bruce D. Peery, Michael J. Bresette and Jonathan C. Gorham applied for a modification to permit 1144. Modification #1 authorizes a 1-year scientific research permit to take listed sea turtles. Up to 75 green, 25 loggerhead and 5 Kemp's ridley turtles will be taken in large mesh tangle nets for the purposes of stock assessment to characterize the sea turtles that utilize the southern Indian River Lagoon System, Florida. Captured turtles will be weighed, photographed, measured, tagged, and released. Notice is hereby given that on June 23, 1998, NMFS issued permit 1144. Modification #1 to Permit 1144 was issued on August 20, 1999, authorizing take of listed species. Permit 1144 expires July 31, 2000.

Dated: September 3, 1999.

Craig Johnson,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 99-23628 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-22-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Wool Textiles and Textile Products Produced or Manufactured in the People's Republic of China

September 8, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: September 10, 1999.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port,

call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.ustreas.gov>. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 67046, published on December 4, 1998.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

September 8, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 30, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on September 10, 1999, you are directed to adjust the limits for the following categories, as provided for under the terms of the current bilateral textile agreement between the Governments of the United States and the People's Republic of China:

Category	Adjusted twelve-month limit ¹
Sublevels in Group I	
336	187,659 dozen.
338/339	2,520,661 dozen of which not more than 1,860,572 dozen shall be in Categories 338-S/339-S ² .
362	7,682,893 numbers.

Category	Adjusted twelve-month limit ¹
410	1,078,970 square meters of which not more than 856,904 square meters shall be in Category 410-A ³ and not more than 856,983 square meters shall be in Category 410-B ⁴ .

¹ The limits have not been adjusted to account for any imports exported after December 31, 1998.

² Category 338-S: all HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018 and 6109.10.0023; Category 339-S: all HTS numbers except 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.

³ Category 410-A: only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.9000, 5111.30.9000, 5111.90.3000, 5111.90.9000, 5212.11.1010, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020.

⁴ Category 410-B: only HTS numbers 5007.10.6030, 5007.90.6030, 5112.11.2030, 5112.11.2060, 5112.19.9010, 5112.19.9020, 5112.19.9030, 5112.19.9040, 5112.19.9050, 5112.19.9060, 5112.20.3000, 5112.30.3000, 5112.90.3000, 5112.90.9010, 5112.90.9090, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516.32.0520, 5516.33.0520 and 5516.34.0520.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.99-23697 Filed 9-9-99; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the DoD Healthcare Quality Initiatives Review Panel

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for the initial meeting of the DoD Healthcare Quality Initiatives Review Panel. The

meeting will be open to the public. Notice of this meeting is required under the Federal Advisory Committee Act, (Pub. L. 92-463).

DATES: September 21, 1999.

ADDRESSES: Sheraton National Hotel, Columbia Pike & Washington Blvd., Arlington, VA.

PROPOSED SCHEDULE AND AGENDA: The DoD Healthcare Quality Initiatives Review Panel will meet in open session from approximately 8:30 am to 5:30 pm on September 21, 1999.

This meeting will include:

- Welcoming remarks and introductions
- Historical overview
- Review of statue
- Review of charter
- Orientation/Overview for Panel
- Suggested process for operation of the Panel; deliverable and timelines
- Twenty minutes for public comments

FOR FURTHER INFORMATION CONTACT: Public seating for this meeting is limited and is available on a first-come, first-served basis. For information please contact Gia Edmonds at (703) 933-8325.

Dated: September 3, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-23492 Filed 9-9-99; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Group of Advisors to the National Security Education Board Meeting

AGENCY: National Defense University.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Public Law 92-463, notice is hereby given of a forthcoming meeting of the Group of Advisors to the National Security Education Board. The purpose of the meeting is to review and make recommendations to the Board concerning requirements established by the David L. Boren National Security Education Act, Title VIII of Public Law 102-183, as amended.

DATES: October 5, 1999.

ADDRESSES: National Security Education Program Office, 1101 Wilson Boulevard—Suite 1210, Arlington, Virginia 22209.

FOR FURTHER INFORMATION CONTACT: Dr. Edmond J. Collier, Deputy Director, National Security Education Program, 1101 Wilson Boulevard, Suite 1210, Rosslyn P.O. Box 20010, Arlington, Virginia 22209-2248; (703) 696-1991. Electronic mail address: colliere@ndu.edu.

SUPPLEMENTARY INFORMATION: The Group of Advisors meeting is open to the public.

Dated: September 3, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison officer,

Department of Defense.

[FR Doc. 99-23491 Filed 9-9-99; 8:45 am]

BILLING CODE 1001-10-M

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee Meeting Notice

AGENCY: U.S. Army Training and Doctrine Command (TRADOC), DoD.

ACTION: Notice of meeting.

SUMMARY: In accordance with Section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name of Committee: Distance Learning/ Training Technology Subcommittee of the Army Education Advisory Committee.

Date: 5-6 October 1999.

Place: Fort Eustis, Virginia.

Time: 0830-1630 (5 Oct 99); 0830-1640 (6 Oct 99).

Proposed Agenda: Swearing in of new members, a Command Overview briefing, and review of The Army Distance Learning Program (TADLP). This will include multimedia authoring standards, DL infrastructure, Deployable Training, Video Teletraining, a demonstration of DL Classroom, and demonstrations of CD ROM and Internet training products.

For Further Information Contact: All communications regarding this subcommittee should be addressed to Mr. Richard Karpinski, at Commander, Headquarters TRADOC, ATTN: ATTG-CF (Mr. Karpinski), Fort Monroe, VA 23651-5000; telephone number (757) 728-5531.

Supplementary Information: Meeting of the advisory committee is open to the public. Because of restricted meeting space, attendance will be limited to those persons who have notified the Advisory Committee Management Office in writing at least five days prior to the meeting of their intention to attend. Contact Mr. Karpinski (757) 728-5531 for meeting agenda and specific locations.

Any member of the public may file a written statement with the committee before, during, or after the meeting. To the extent that time permits, the committee chairman may allow public presentations or oral statements at the meeting.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99-23593 Filed 9-9-99; 8:45 am]

BILLING CODE 3710-08-P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Availability of the Draft Programmatic Environmental Impact Statement (dPEIS) for the Dredged Material Management Plan (DMMP) for the Port of New York/New Jersey (PANY/NJ)

AGENCY: U.S. Army Corps of Engineers, New York District, DOD.

ACTION: Notice of availability.

SUMMARY: The responsible lead agency is the U.S. Army Engineer District New York. The DMMP project area is in and surrounds the Port of New York/New Jersey and includes the New York Bight Apex, the Lower Bay Complex, which includes the Lower Bay, Raritan and Sandy Hook Bays, the Upper Bay Complex which includes the Hudson and East Rivers, Kill Van Kull, and Newark Bay, and the lands contiguous to these water bodies for a radius of approximately 20 miles. The document contains three reports the dPEIS, the DMMP, and the Technical Appendix for the DMMP. The dPEIS explores the available options and the Recommended Course of Action identified in the DMMP.

DATES: Written comments received within 45 days of the publication of the Environmental Protection Agency's Notice of Availability in the **Federal Register** will be considered by the Corps in decision-making for the final PEIS.

FOR FURTHER INFORMATION CONTACT: Questions regarding the scoping process or requests for the draft Programmatic Environmental Impact Statement may be directed to Mr. Robert J. Kurtz, EIS Coordinator, U.S. Army Corps of Engineers, Planning Division-Technical Services, New York District, Jacob K. Javits Federal Building, New York, New York 10278-0090, (212) 264-2230.

SUPPLEMENTARY INFORMATION: Several authorities exist to conduct navigation studies and maintain the New York Harbor, these include the Rivers and Harbors Appropriation Act of 1899 (33 U.S.C. 401-466n), the Federal Water Pollution Control Act of 1972 (Clean Water Act—CWA), and the Marine Protection, Research and Sanctuaries Act of 1972 (MPRSA). With respect to the preparation of the DMMP, Corps planning guidance stated in EC1165-2-200 requires each district to maintain responsibility for preparation of long-term plans to accomplish the mission defined in the above documents.

The linked problems associated with dredging in the Port are that sedimentation creates shallow depths,

and a substantial volume of the material to be dredged contains contaminants at levels that may limit disposal options. The Port of New York/New Jersey has an ambient average depth of about 19 feet. Vessel draft for many years has exceeded this depth, requiring dredging. Furthermore the draft of modern vessels continue to increase. Currently, the newest vessels have drafts in excess of 50 feet. The shallow harbor requires continued dredging and even deepening of channels to accommodate deeper draft vessels. The current estimate for annual dredging averages in excess of 8.2 million cubic yards through 2010. This figure includes both maintenance and new work projects. The second problem is caused by anthropogenic (human generated) industrial activity that adds pollutants to the Port sediments. Currently, between 67 and 75% of the annual dredging volume may contain contaminants at concentrations that require special sites and handling to dispose of the dredged material to protect the marine and estuarine environment and biota.

The Port is a vital economic and environmental resource to the entire region and the nation. Dredging must occur in order that the Port of New York/New Jersey (PANY/NJ) remain a viable port for shipping in the future. Failure to do this, risks the loss of some 166,600 jobs and over \$25 billion in commerce per year. There is also an opportunity to develop plans to safely place dredged material while investigating means of protecting and restoring the Port of New York/New Jersey's estuary. The Port stakeholders have met monthly under the Dredged Material Management Integration Work Group (DMMIWG) for the last several years. This work group represents the Federal and state governments including regulatory and government resources agencies, the State of New York and New Jersey, the Port Authority of the Port of New York/New Jersey, Port users and involved stakeholder organizations. Its purpose has been to provide a forum for input to the planning process for the DMMP, and to coordinate that effort. This effort includes the Harbor Estuary Plan (HEP) and its Comprehensive Conservation and Management Plan (CCMP) signed by all the major agencies with responsibilities for the port and its environment. In addition to this, formal port meetings are held monthly among port planners (NYD, PANY/NJ, States of NY and NJ) to discuss future needs and disposal/management options for the long-term. Other meetings have been held with local interested parties

including working groups assembled by the borough presidents of Brooklyn and Staten Island.

The Corps of Engineers has held scoping meetings with the public on this plan. Public meetings included poster sessions on various options and the overall planning process during February through April 1997. Scoping meetings that included posters explaining the scope of the EIS, followed by question/answer periods and the opportunity to make taped statements, were held during April 1998. Written comments were also solicited and gathered at these meetings. Notices of public meetings held in 1997 and 1998 were sent out to agencies, and to more than 2,000 public officials, repositories and members of the public. Additionally, a Notice of Intent to produce a PEIS including an outline of the scope was published in the **Federal Register** on February 24, 1998. Two reports were circulated prior to the public meetings. The reports are the Interim Report (October 1996) and the Status Report (December 1997). Written comments to these reports, along with verbal comments at the meetings, were considered in revising the EIS scope, and addressing public concerns in the PEIS and DMMP.

Simeon Hook,

Acting Chief, Planning Division.

[FR Doc. 99-23358 Filed 9-9-99; 8:45 am]

BILLING CODE 3710-06-M

EMERGENCY STEEL GUARANTEE LOAN BOARD

EMERGENCY OIL AND GAS GUARANTEED LOAN BOARD

Public Meeting To Receive Input Regarding Operations of the Emergency Steel Guarantee Loan Program and the Emergency Oil and Gas Guaranteed Loan Program

AGENCY: Emergency Steel Guarantee Loan Board; Emergency Oil and Gas Guaranteed Loan Board.

ACTION: Notice; public meeting.

SUMMARY: On August 17, 1999, President Clinton signed Public Law 106-51, an act establishing two loan guarantee programs. One program guarantees loans to qualified steel and iron ore companies and the second guarantees loans to qualified oil and gas companies. The law established two Loan Guarantee Boards (Boards), each comprising the Chairman of the Board of Governors of the Federal Reserve System, as Chair of the Board, the Secretary of Commerce, and the

Chairman of the Securities and Exchange Commission, to oversee the programs. The Boards have certain responsibilities under the law, including the issuance of necessary regulations. To receive public input regarding operations of the two programs, the Boards are holding a public meeting on September 22, 1999.

DATES: The public meeting will take place on Wednesday, September 22, 1999, from 9:30 a.m. to 5:00 p.m., with a lunch break from 12:30 p.m. to 1:30 p.m. Parties interested in participating in the public meeting must register with Dan Fee ((202) 482-6151) by close of business, Friday, September 17, 1999. Those who would like to present oral testimony at the meeting should so inform Mr. Fee when they register. Written comments and written statements of oral testimony must be submitted by September 17, 1999.

ADDRESSES: The public meeting will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Main Auditorium, Washington, DC 20230. Written comments and written statements of oral testimony should be sent to: Dan Fee, Office of the Secretary, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Room 5515, Washington, DC 20230. To enable prompt review and public access, paper submissions should include a version of the document on diskette in WordPerfect or Word format. Diskettes must be labeled with the name of the submitting party and the name and version of the word processing program.

FOR FURTHER INFORMATION CONTACT: Dan Fee, (202) 482-6151.

SUPPLEMENTARY INFORMATION: On August 17, 1999, President Clinton signed into law Public Law 106-51, an act providing authority for guarantees of loans to qualified steel and iron ore companies and to qualified oil and gas companies. Chapter 1 of Public Law 106-51, called the Emergency Steel Loan Guarantee Act of 1999, established a program for guaranteeing loans made by private sector lending institutions to qualified steel and iron ore companies. Chapter 2, called the Emergency Oil and Gas Guaranteed Loan Program Act of 1999, established a program for guaranteeing loans made by private sector lending institutions to qualified oil and gas companies. Each program is overseen by its own Loan Guarantee Board. While the Boards are distinct, the membership on each Board is identical. The Boards are composed of the Chairman of the Board of Governors of the Federal Reserve System, as Chair of

each Board, the Secretary of Commerce, and the Chairman of the Securities and Exchange Commission. The Boards have certain responsibilities under the law, including the issuance of necessary regulations. Funds were appropriated to the Secretary of Commerce to implement and administer the program at the Board's direction.

The meeting will be held on Wednesday, September 22, 1999, at the Department of Commerce. The meeting will consist of parties presenting oral statements to staff of the agencies headed by the members of the Boards. Oral statement should address issues and make suggestions the presenters believe the Board should consider in designing the programs. In making their statements, parties should take into account the purposes of the programs and the specific requirements of Public Law 106-51. Neither written comments nor oral statements should address specific companies or applications.

We will make every effort to accommodate all parties wishing to speak at the meeting. It may, however, be necessary to limit the time available to each speaker. Interested parties not wishing to speak may submit written comments by no later than September 17, 1999. Parties may request to speak at the meeting by making a request when they register and submitting a written statement of their oral presentation to Dan Fee by no later than September 17, 1999, at Office of the Secretary, U.S. Department of Commerce, 14th Street, and Constitution Avenue, NW, Room 5515, Washington, DC 20230.

Under the law, the Boards may guarantee loans provided by private banking or investment companies to qualified steel companies and qualified oil and gas companies. A qualified steel company is defined in the law to mean any company that: (A) Is incorporated under the laws of any State; (B) is engaged in the production and manufacture of a product defined by the American Iron and Steel Institute as a basic steel mill product, including ingots, slab and billets, plates, flat-rolled steel, sections and structural products, bars, rail type products, pipe and tube, and wire rod; and (C) has experienced layoffs, production losses, or financial losses since the beginning of the steel import crisis, in January 1998, or that operates substantial assets of a company that meets these qualifications. An iron ore company incorporated under the laws of any State is treated as a qualified steel company for purposes of the steel program.

A qualified oil and gas company is a company that: (A) is an independent oil

and gas company (within the meaning of section 57(a)(2)(B)(i) of the Internal Revenue Code of 1986) or a small business concern under section 3 of the Small Business Act (15 U.S.C. 632) (or a company based in Alaska, including an Alaska Native Corporation created pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is an oil field service company whose main business is providing tools, products, personnel, and technical solutions on a contractual basis to exploration and production operators that drill, complete wells, and produce, transport, refine, and sell hydrocarbons and their byproducts as the main commercial business of the concern or company; and (B) has experienced layoffs, production losses, or financial losses since the beginning of the oil import crisis, after January 1, 1997.

Under the law, the Boards must make certain determinations in order to guarantee a loan: (A) That credit is not otherwise available to the qualified company under reasonable terms or conditions sufficient to meet its financing needs, as reflected in the financial and business plans of that company; (B) that the prospective earning power of that company, together with the character and value of the security pledged, furnish reasonable assurance of repayment of the loan to be guaranteed in accordance with its terms; (C) that the loan to be guaranteed bears interest at a rate determined by the Boards to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of such loan; (D) that the company agrees to an audit by the General Accounting Office prior to the issuance of the loan guarantee and annually thereafter while the guaranteed loan is outstanding; and (E) in a case of a purchaser of substantial assets of a qualified steel company, that the qualified steel company establishes that it is unable to reorganize itself.

Written comments and statements will be available for public inspection Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. at the Department of Commerce. To the extent technically feasible, all comments received will be made available to the public on the Internet at: <http://www.doc.gov>.

Dated: September 3, 1999.

William M. Daley,

Secretary of Commerce, Member, Emergency Steel Guaranteed Loan Board, Emergency Oil and Gas Guaranteed Loan Board.

[FR Doc. 99-23503 Filed 9-8-99; 10:12 am]

BILLING CODE 3510-24-M

DEPARTMENT OF ENERGY

Draft Environmental Impact Statement (EIS) for the Treatment and Management of Sodium-Bonded Spent Nuclear Fuel; Public Comment Period Extension

AGENCY: Department of Energy (DOE).

ACTION: Extension of public comment period.

SUMMARY: In response to requests from the public, DOE has decided to extend the deadline for the transmittal of public comments on the "Draft Environmental Impact Statement for the Treatment and Management of Sodium-Bonded Spent Nuclear Fuel" (DOE/EIS-0306D) from September 13, 1999, to September 28, 1999.

DATES: Comments should be transmitted or postmarked by September 28, 1999, to ensure consideration. Comments submitted after that date will be considered to the extent practicable.

ADDRESSES: Written comments on the draft EIS, requests to be placed on the EIS distribution list, and questions concerning the project should be sent to: Ms. Susan M. Lesica, EIS Document Manager, Office of Nuclear Facilities Management, Office of Nuclear Energy, Science and Technology, U.S. Department of Energy, NE-40, 19901 Germantown Road, Germantown, Maryland 20874-1290.

Comments and requests may also be submitted by toll-free facsimile to (877) 621-8288 or telephone (877) 450-6904. Comments and requests may also be submitted by electronic mail to sodium.fuel.eis@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: For general information on DOE's NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), Office of Environment, Safety and Health, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0119; or telephone (202) 586-4600 or leave a message at 1-800-472-2756.

SUPPLEMENTARY INFORMATION: On July 30, 1999, DOE published a notice in the **Federal Register** (64 FR 41404) announcing the availability of the draft EIS. DOE received requests from several

parties to extend the comment period. In response to these requests and to ensure that all interested parties have time to comment, the deadline for transmittal of comments has been extended to September 28, 1999. Comments should be postmarked by September 28, 1999, to ensure consideration.

Issued in Washington, DC, this 3rd day of September 1999.

William D. Magwood, IV,

Director, Office of Nuclear Energy, Science and Technology.

[FR Doc. 99-23567 Filed 9-9-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-498-000]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

September 3, 1999.

Take notice that on August 31, 1999, ANR Pipeline Company (ANR), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets proposed to become effective September 1, 1999:

Thirty-Eighth Revised Sheet No. 8
Thirty-Eighth Revised Sheet No. 9
Thirty-Seventh Revised Sheet No. 13
Forty-Sixth Revised Sheet No. 18

ANR states that the above-referenced tariff sheets are being filed to implement recovery of approximately \$2.2 million of above-market costs that are associated with its obligations to Dakota Gasification Company (Dakota). ANR proposes a reservation surcharge applicable to its Part 284 firm transportation customers to collect ninety percent (90%) of the Dakota costs, and an adjustment to the maximum base tariff rates of Rate Schedule ITS and overrun rates applicable to Rate Schedule FTS-2, so as to recover the remaining ten percent (10%). ANR also advises that the proposed changes would decrease current quarterly Above-Market Dakota Cost recoveries from \$2,368,566 to \$2,156,641.

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).

David P. Boergers,
Secretary.

[FR Doc. 99-23540 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-495-000]

Colorado Interstate Gas Company; Notice of Tariff Filing

September 3, 1999.

Take notice that on August 31, 1999, Colorado Interstate Gas Company (CIG), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in on Appendix A to the filing, to be effective October 1, 1999.

CIG states that the purpose of this filing is to comply with its FERC Gas Tariff, First Revised Volume No. 1, Article 20.1 of the General Terms and Conditions. CIG states these tariff sheets reflect the requirements of its FERC Gas Tariff, Article 20.1 and relates to gas quality controls associated with volumes which are delivered on CIG's "Valley Line".

CIG states that copies of the filing have been mailed to all affected customers and state regulatory 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, NE, Washington, DC 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).

David P. Boergers,
Secretary.

[FR Doc. 99-23537 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM00-1-32-000]

Colorado Interstate Gas Company; Notice of Tariff Filing

September 3, 1999.

Take notice that on August 31, 1999, Colorado Interstate Gas Company (CIG), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Fourteenth Revised Sheet No. 11A, reflecting a decrease in its fuel reimbursement percentage for Lost, Unaccounted-For and Other Fuel Gas from 1.53% to 1.43%, reflecting an increase in the fuel reimbursement percentage for Transportation Fuel Gas from 2.38% to 2.47%, and reflecting an increase in the fuel reimbursement percentage for Storage Fuel Gas from 1.29% to 1.32% effective October 1, 1999.

CIG states that copies of this filing have been served on CIG's jurisdictional customers and public bodies.

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, NE, Washington, DC 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).

David P. Boergers,

Secretary.

[FR Doc. 99-23542 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM00-1-160-000]

Discovery Gas Transmission LLC; Notice of Proposed Changes In FERC Gas Tariff

September 3, 1999.

Take notice that on September 1, 1999, Discovery Gas Transmission LLC (Discovery) tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, First Revised Tariff Sheet No. 20, to become effective October 1, 1999.

Discovery states that the purpose of this filing is to implement the Commission's revision to the unit rate of the Annual Charge Adjustment (ACA) clause pursuant to Docket No. RM87-3-000, Order No. 472.

Discovery states that copies of this filing are being mailed to its customers, state commissions and other interested parties.

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).

David P. Boergers,

Secretary.

[FR Doc. 99-23543 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM00-1-171-000]

Dynegy Midstream Pipeline, Inc.; Notice of ACA Charge Tariff Filing

September 3, 1999.

Take notice that on August 31, 1999, Dynegy Midstream Pipeline, Inc. (DMP) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following proposed Tariff sheet, with an effective date of October 1, 1999:

First Revised Sheet No. 5

DMP states that this filing is submitted pursuant to Section 154.402(c) of the Commission's Regulations and Section 11.4 of the General Terms and Conditions of DMP's FERC Gas Tariff. DMP states that this is its first ACA charge filing, and its has revised Sheet No. 5 to reflect the ACA unit charge of \$.0022 per Dekatherm specified by the Commission in Bill No. M9G90002.

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, NE, Washington, DC 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 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).

David P. Boergers,

Secretary.

[FR Doc. 99-23545 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-488-000]

East Tennessee Natural Gas Company; Notice of Tariff Filing

September 3, 1999.

Take notice that on August 31, 1999, East Tennessee Natural Gas Company (East Tennessee), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheets, with an effective date of October 1, 1999:

First Revised Sheet No. 52C
Fourth Revised Sheet No. 53
Sixth Revised Sheet No. 54
Original Sheet No. 54A
Original Sheet No. 54B
Third Revised Sheet No. 55
Fourth Revised Sheet No. 61
Second Revised Sheet No. 62
Original Sheet No. 62A
Original Sheet No. 62B
Sixth Revised Sheet No. 63
Second Revised Sheet No. 64
Second Revised Sheet No. 174

East Tennessee states that by this filing, it proposes to adjust the pricing provisions under the cashout mechanism of its tariff. East Tennessee further states that it currently uses an average month spot price for its monthly cashout reconciliation process. By this filing, East Tennessee proposes to convert to a "High/Low" monthly pricing system in place of using the current average monthly spot price.

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.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99-23530 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. GT99-66-000]

Great Lakes Gas Transmission Limited
Partnership; Notice of Tariff Filing

September 3, 1999.

Take notice that on August 31, 1999, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered as part of its FERC Gas Tariff, Original Volume No. 2, the following tariff sheets, proposed to be effective September 1, 1999:

Forty-Fifth Revised Sheet No. 1

Second Revised Sheet No. 597

Thirty-First Revised Sheet No. 1000

Great Lakes states that the above-referenced tariff sheets are being filed to reflect the cancellation of Rate Schedule T-16 of Volume No. 2 following the request of Northern Minnesota Utilities to convert its Part 157 transportation service to Part 284.

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, NE, Washington, DC 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).

David P. Boergers,*Secretary.*

[FR Doc. 99-23524 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP99-490-000]

Midwestern Gas Transmission
Company; Notice of Tariff Filing

September 3, 1999.

Take notice that on August 31, 1999, Midwestern Gas Transmission Company (Midwestern), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, original and revised tariff sheets pertaining to its pro forma Electronic Data Interchange (EDI) Trading Partner Agreement (TPA).

Midwestern states that this filing will remove its existing pro forma EDI TPA and instead incorporate the Model TPA of the Gas Industry Standards Board (GISB) which GISB filed with the Commission on November 3, 1998 (November 3, 1998 Model TPA). Additionally, the filing will modify Midwestern's Agency Authorization Agreement for EDI to list the relevant data sets and include space for additional GISB data sets. Midwestern further states that the purpose of these changes is to reduce the number of material deviation filings that Midwestern would be required to file under 18 CFR ¶ 154.1(d).

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).

David P. Boergers,*Secretary.*

[FR Doc. 99-23532 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP98-145-004]

Natural Gas Pipeline Company of
America; Notice of Supplement to
Compliance Filing

September 3, 1999.

Take notice that on September 1, 1999, Natural Gas Pipeline Company of America (Natural), tendered for filing a Supplement to its Activity Report for Rate Schedule PALS Service for the period July 1, 1998 through June 30, 1999.

Natural states that on August 13, 1999, it filed its Activity Report for Rate Schedule PALS in compliance with Ordering Paragraph (B) of the Federal Energy Regulatory Commission's order issued June 30, 1998 in Docket No. RP98-145-001. Subsequently, Natural discovered that it had inadvertently omitted the Usage Rate Column for PALS activity for the month of February 1999. In addition, Natural corrected some incorrect totals previously reflected in the months of November 1998 and June 1999. Therefore, Natural submitted a supplement to its PALS Activity Report.

Natural states that copies of the filing have been mailed to all parties set out on the official service list in Docket No. RP98-145.

Any person desiring to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with § 385.211 of the Commission's rules and regulations. All such motions or protests must be filed on or before September 10, 1999. 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).

David P. Boergers,*Secretary.*

[FR Doc. 99-23527 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP99-610-000]

Natural Gas Processing Company; Notice of Application

September 3, 1999.

Take notice that on August 30, 1999, Natural Gas Processing Company (NGP), 101 Division Street, Worland, Wyoming 82401, filed in Docket No. CP99-610-000 an application pursuant to Section 7(f) of the Natural Gas Act (NGA) for a service area determination, a finding that NGP, operating through its division, Zia Natural Gas Company (Zia), qualifies as a local distribution company for purposes of Section 311 of the Natural Gas Policy Act (NGPA), and for a waiver of the Commission's regulatory requirements, including reporting and accounting requirements applicable to natural gas companies under the NGA and NGPA, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

NGP proposes to connect a 4-inch pipeline to its existing distribution system and cross the New Mexico/Texas border, just outside the city limits of Hobbs, in Lea County, to serve an unincorporated subdivision located in Gaines County, Texas and immediately adjacent to the border. The service area, it is said, would be the subdivision NGP proposes to serve through Zia.

NGP states that the grant of the requested service area determination would allow NGP to provide natural gas service to residents of Texas who have not been provided such service by any other entity.

Zia, it is said, would provide the service at the same rates and under the same service rules as it does for its customers in Hobbs. It is further said that Zia has applied for and received the necessary authorizations and permits from the State of Texas to operate a natural gas distribution system in Texas, and it would be subject to the jurisdiction of the Texas Railroad Commission.

It is stated that the total cost of the project is approximately \$95,550.

Any person desiring to participate in the hearing process or to make any protest with reference to said application should on or before September 24, 1999, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington DC

20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party in any proceeding herein must file a motion to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that granting the certificates is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion, believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for NGP to appear or to be represented at the hearing.

David P. Boergers,
Secretary.

[FR Doc. 99-23523 Filed 9-9-99; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-494-000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

September 3, 1999.

Take notice that on August 30, 1999, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed in the Appendix to the filing, to be effective October 1, 1999.

Northwest states that the purpose of this filing is to propose several unrelated changes to Northwest's tariff.

Specifically, Northwest proposes (1) to modify Northwest's rate schedules to specify common types of rate discounts so that service agreements incorporating these discounts will not be considered non-conforming, (2) to afford more flexibility in providing in-field transfers at the Jackson Prairie storage project, (3) to clarify withdrawal obligations when capacity is no longer available for interruptible storage under Rate Schedule SGS-21, (4) to add provisions pertaining to pro-rata allocations of nominated Rate Schedule SGS-21 storage withdrawals and injections, (5) to change the monthly rates for Rate Schedules SGS-21 and LS-21 to daily rates, (6) to revise the annual contract quantity provision in Rate Schedule TF-2, changing the annual contract quantity period from a calendar year to a year ending September 30, (7) to remove the list of marketing affiliates from Northwest's tariff, and (8) to make other minor changes, including various housekeeping and clean-up changes.

Northwest states that a copy of this filing has been served upon Northwest's customers and interested state regulatory 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, NE, Washington, DC 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).

David P. Boergers,
Secretary.

[FR Doc. 99-23536 Filed 9-9-99; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. PR99-19-000]

ONEOK Gas Storage, L.L.C., ONEOK Sayre Storage Company; Notice of Petition for Rate Approval

September 3, 1999.

Take notice that on August 16, 1999, ONEOK Gas Storage, L.L.C. and ONEOK Sayre Storage Company (Applicants), tendered for filing pursuant to § 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable, market-based rates for interruptible storage services performed under section 311(a)(2) of the Natural Gas Policy Act of 1978 (NGPA). The rates for the individual storage services will be negotiated between Applicants and various shippers. Applicants do not propose to have established any maximum or minimum rate for any generic service. Applicants may also retain a percentage of the injected volumes as an allowance for compressor fuel and losses for storage of natural gas.

Applicants' petition states that they are operated together as an intrastate natural gas pipeline company within the meaning of section 2(16) of the NGPA in the State of Oklahoma. Applicants own storage facilities in the State of Oklahoma, which are the subject of this petition and which are located in Creek, Kingfisher, Logan, Muskogee, Okmulgee, Osage and Beckham Counties, Oklahoma.

Pursuant to § 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the market-based negotiated rates for interruptible storage services will be deemed to be fair and equitable and not in excess of an amount which interstate pipelines would be permitted to change for similar service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426 in accordance with §§ 385.211 and 385.214 of the Commission's rules of practice and procedures. All motions must be filed with the Secretary of the Commission on or before September 20, 1999. 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).

David P. Boergers,
Secretary.

[FR Doc 99-23525 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-497-000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

September 3, 1999.

Take notice that on August 31, 1999, Panhandle Eastern Pipe Line Company (Panhandle) rendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective October 1, 1999.

Panhandle states that this filing is to reinstate its Carryover Docket No. RP96-260-000 Settlement Volumetric Surcharge applicable to transportation service provided under Rate Schedules IT and EIT. The Initial Docket No. RP96-260-000 Settlement Volumetric Surcharge was established in a February 12, 1997 Stipulation and Agreement in Docket No. RP96-260-000 (February 12, 1997 Settlement). Panhandle has not fully recovered the Interruptible Docket No. RP96-260-000 Settlement Amount as of June 30, 1999. Accordingly, pursuant to Article I, Section 3(f)(ii) of the February 12, 1997 Settlement, Panhandle is proposing to implement a 1.26¢ per Dt. Carryover Docket No. RP96-260-000 Settlement Volumetric Surcharge to be in effect during the twelve month Docket No. RP96-260-000 Settlement Carryover Period commencing October 1, 1999.

Panhandle states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

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

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 the 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).

David P. Boergers,
Secretary.

[FR Doc. 99-23539 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP96-200-045]

Reliant Energy Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

September 3, 1999.

Take notice that on September 1, 1999, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following revised tariff sheet to be effective September 1, 1999:

Original Sheet No. 8H

REGT states that the purpose of this filing is to reflect the implementation of a negotiated rate contract.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with § 385.211 of the Commission's rules and regulations. All such protests must be filed as provided in § 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).

David P. Boergers,
Secretary.

[FR Doc. 99-23526 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP99-491-000]

**Southern Natural Gas Company;
Notice of Proposed Changes to FERC
Gas Tariff**

September 3, 1999.

Take notice that on August 31, 1999, South Georgia Natural Gas Company (South Georgia), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective October 1, 1999:

First Revised Sheet No. 54a
Third Revised Sheet No. 55

South Georgia states that the purpose of this filing is to revise Sections 8.1 and 8.2 of its tariff in order to permit changes to predetermined allocation (PDA) statements during additional confirmation periods.

South Georgia states that copies of the filing will be served upon its shippers 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).

David P. Boergers,*Secretary.*

[FR Doc. 99-23533 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP99-492-000]

**Southern Natural Gas Company;
Notice of Cost Recovery Filing**

September 3, 1999.

Take notice that on August 31, 1999, Southern Natural Gas Company (Southern), tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following tariff sheets with the proposed effective date of October 1, 1999:

Forty-Eighth Revised Sheet No. 14
Thirty-Fourth Revised Sheet No. 14A
Sixty-Ninth Revised Sheet No. 15
Fortieth Revised Sheet No. 15A
Forty-Eighth Revised Sheet No. 16
Thirty-Fourth Revised Sheet No. 16A
Sixth-Ninth Revised Sheet No. 17
Fortieth Revised Sheet No. 17A

Southern sets forth in the filing its revised demand surcharges for the recovery of Order No. 636 transition costs associated with Southern LNG Inc. from the period May 1, 1999 through July 31, 1999. These costs have arisen as a direct result of restructuring under Order No. 636.

Southern states that copies of the filing were served upon Southern's 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).

David P. Boergers,*Secretary.*

[FR Doc. 99-23534 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory
Commission

[Docket No. RP99-493-000]

**Southern Natural Gas Company;
Notice of Proposed Changes to FERC
Gas Tariff**

September 3, 1999.

Take notice that on August 31, 1999, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets to become effective October 1, 1999:

Fifth Revised Sheet No. 133
Second Revised Sheet No. 135

South Georgia states that the purpose of this filing is to revise Sections 8.1 and 8.2 of its Tariff in order to permit changes to predetermined allocation (PDA) statements during additional confirmation periods.

South Georgia states that copies of the filing will be served upon shippers 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, NE, Washington, DC 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).

David P. Boergers,*Secretary.*

[FR Doc. 99-23535 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-496-000]

Southern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

September 3, 1999.

Take notice that on August 31, 1999, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the tariff sheets in Appendix A to its filing to become effective October 1, 1999.

Southern states that the proposed changes would increase revenue entitlements from jurisdictional service by \$17 million based on the 12-month period ending April 30, 1999, as adjusted.

Southern states that the proposed changes reflect, among other changes, increases in cost of service.

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).

David P. Boergers,
Secretary.

[FR Doc. 99-23538 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-480-001]

Texas Eastern Transmission Corporation; Notice of Errata Filing

September 3, 1999.

Take notice that on August 30, 1999, Texas Eastern Transmission Corporation

(Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following substitute tariff sheet to be effective September 23, 1999:

Sub Second Revised Sheet No. 456

Texas Eastern states that the sole purpose of this filing is to correct an inadvertent typographical error included in one of the tariff sheets filed by Texas Eastern on August 23, 1999 in its filing to include in its tariff a negotiated rates provision pursuant to the Alternative Rates Policy Statement [74 FERC 61,076 (1996)].

Texas Eastern states that copies of this filing have been mailed to all affected customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the 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).

David P. Boergers,
Secretary.

[FR Doc. 99-23529 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. TM00-1-18-000]

Texas Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

September 3, 1999.

Take notice that on August 30, 1999, Texas Gas Transmission Corporation (Texas Gas), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet, with an effective date of November 1, 1999:

Seventh Revised Sheet No. 14

Texas Gas states that the tariff sheet is being filed to establish a revised Effective Fuel Retention Percentage

(EFRP) under the provisions of Section 16 "Fuel Retention" as found in the General Terms and Conditions of Texas Gas's FERC Gas Tariff, First Revised Volume No. 1. The revised EFRP may be in effect for the annual period November 1, 1999, through October 31, 2000. In general, the instant filing results in a minimal overall annual impact on most customers due to the fact each season and each zone of delivery has some EFRPs that increase and some that decrease from percentages charged during the last annual period.

Texas Gas states that copies of the tariff sheet are being mailed to Texas Gas's affected 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 NE, Washington, DC 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 the 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).

David P. Boergers,
Secretary.

[FR Doc. 99-23541 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. TM00-1-161-000]

Venice Gathering System, L.L.C.; Notice of ACA Charge Tariff Filing

September 3, 1999.

Take notice that on August 31, 1999, Venice Gathering System, L.L.C. (VGS), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following proposed tariff sheet, with an effective date of October 1, 1999:

First Revised Sheet No. 4

VGS states that this filing is submitted pursuant to Section 154.402(c) of the

Commission's Regulations and Section 12.4 of the General Terms and Conditions of VGS' FERC Gas Tariff. VGS states that this is its first ACA charge filing, and that it has revised Sheet No. 4 to reflect the ACA unit charge of \$.0022 per Dekatherm specified by the Commission in Bill No. M9G90036.

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).

David P. Boergers,
Secretary.

[FR Doc. 99-23544 Filed 9-9-99; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-489-000]

Viking Gas Transmission Company; Notice of Tariff Filing

September 3, 1999.

Take notice that on August 30, 1999, Viking Gas Transmission Company (Viking), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing. Viking requests an effective date of September 1, 1999 for all of the sheets.

Viking states that the purpose of this filing is to clean-up Viking's tariff by making miscellaneous corrections and updates.

Viking states that copies of the filing have been mailed to all of its jurisdictional customers and to affected state regulatory 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, NE, Washington, DC 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 the 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).

David P. Boergers,
Secretary.

[FR Doc. 99-23531 Filed 9-9-99; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP99-257-002 and RP89-183-094]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

September 3, 1999.

Take notice that on August 27, 1999, Williams Gas Pipelines Central, Inc. (Williams), tendered for filing a part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets with the proposed effective date of September 1, 1999:

Ninth Revised Sheet No. 6
Twelfth Revised Sheet No. 6A

Williams states that the purpose of the instant filing is to permit Williams to place into effect on September 1, 1999, tariff sheets that recover the GSR costs filed in Docket No. RP99-257-000 and RP89-183-085 and accepted and suspended by order dated March 31, 1999. Williams is concurrently filing a motion to place these tariff sheets into effect on September 1, 1999. As noted in that motion, if the Stipulation and Agreement certified to the Commission in this and related dockets on July 28, 1999 is approved without modification and becomes effective as to all parties, the GSR surcharges and rate components on the tariff sheets being submitted herewith would be eliminated.

Williams stated that a copy of its filing was served on all participants

listed on the service lists maintained by the Commission in the dockets referenced above and on all of Williams' jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in § 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).

David P. Boergers,
Secretary.

[FR Doc. 99-23528 Filed 9-9-99; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG99-219-000, et al.]

Athens Generating Company, L.P., et al.; Electric Rate and Corporate Regulation Filings

September 2, 1999.

Take notice that the following filings have been made with the Commission:

1. Athens Generating Company, L.P.

[Docket No. EG99-219-000]

Take notice that on August 27, 1999, Athens Generating Company, L.P. (Athens), a limited partnership with its principal place of business at 7500 Old Georgetown Road, Bethesda, MD 20814, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Athens proposes to construct, own or lease and operate a nominally rated 1080 MW natural gas-fired, combined cycle power plant in the Town of Athens, Greene County, New York. The proposed power plant is expected to commence commercial operation in the first quarter of 2002. All output from the plant will be sold by Athens exclusively at wholesale.

Comment date: September 23, 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.

2. Lake Road Generating Company, L.P.

[Docket No. EG99-220-000]

Take notice that on August 30, 1999, Lake Road Generating Company, L.P. (Lake Road), a Delaware limited partnership with its principal place of business at 7500 Old Georgetown Road, Bethesda, MD 20814, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Lake Road was previously determined to be an EWG in Lake Road Generating Company, L.P., 86 FERC ¶ 62,178 (Letter Order issued March 5, 1999). That order was issued based upon Lake Road's plan, at the time, to construct, own and operate a nominally rated 792 MW natural gas-fired combined cycle power plant in the Town of Killingly, Connecticut (the Facility). It is now planned that the Facility will be owned by an unaffiliated entity, the Lake Road Trust Ltd. (the Trust). Lake Road will lease the Facility from the Trust, and will operate the Facility and sell all capacity and energy from it exclusively at wholesale. The Facility is expected to commence commercial operation in the year 2001.

Comment date: September 23, 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.

3. Lake Road Trust Ltd.

[Docket No. EG99-221-000]

Take notice that on August 31, 1999, Lake Road Trust Ltd., a Delaware business trust with its principal place of business at 1100 North Market Street, Wilmington, Delaware, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Lake Road Trust Ltd. proposes to own a nominally rated 792 MW natural gas-fired combined cycle power plant in the Town of Killingly, Connecticut. Lake Road Trust Ltd. will lease the facility to Lake Road Generating Company, L.P. (LRGC). The proposed power plant is expected to commence commercial operation in the year 2001. All capacity and energy from the plant will be sold exclusively at wholesale by LRGC.

Comment date: September 23, 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.

4. Alliance Strategies

[Docket No. ER95-1381-013]

Take notice that on August 30, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only.

5. Montana Power Company

[Docket No. ER98-2382-003]

Take notice that on August 16, 1999, Montana Power Company tendered for filing a compliance refund report in accordance with the Commission's letter order in Docket No. ER98-2382-003 issued July 2, 1999.

Comment date: September 22, 1999, in accordance with Standard Paragraph E at the end of this notice.

6. SkyGen Energy Marketing LLC

[Docket No. ER99-972-002]

Take notice that on August 26, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only.

7. CLECO Marketing & Trading LLC

[Docket No. ER99-2300-001]

Take notice that on September 1, 1999, the above-mentioned power marketer filed a quarterly report with the Commission in the above-mentioned proceeding for information only.

8. Bangor Hydro-Electric Company

[Docket No. ER99-4248-000]

Take notice that on August 26, 1999, Bangor Hydro-Electric Company filed an executed service agreement for non-firm point-to-point transmission service with Entergy Power Marketing Corp.

Bangor Hydro requests waiver of the Commission's 60-day notice requirements so that the agreement can become effective on August 23, 1999.

Comment date: September 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

9. Bangor Hydro-Electric Company

[Docket No. ER99-4249-000]

Take notice that on August 26, 1999, Bangor Hydro-Electric Company filed an executed service agreement for firm point-to-point transmission service with Entergy Power Marketing Corp.

Bangor Hydro requests that the agreement become effective on August 23, 1999.

Comment date: September 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

10. Consolidated Edison Company of New York, Inc.

[Docket No. ER99-4250-000]

Take notice that on August 26, 1999 Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a service agreement to provide non-firm transmission service pursuant to its Open Access Transmission Tariff to American Electric Power Service Corporation (AEP).

Con Edison states that a copy of this filing has been served by mail upon AEP.

Comment date: September 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

11. Consolidated Edison Company of New York, Inc.

[Docket No. ER99-4251-000]

Take notice that on August 26, 1999, Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a service agreement to provide firm transmission service pursuant to its Open Access Transmission Tariff to Con Edison Solutions (CES).

Con Edison states that a copy of this filing has been served by mail upon CES.

Comment date: September 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

12. Entergy Services, Inc.

[Docket No. ER99-2910-002 and EL98-74-000]

Take notice that on August 30, 1999, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a compliance refund report in accordance with the Commission's letter order in Docket Nos. ER98-2910-000 and EL98-74-000.

Comment date: September 29, 1999, in accordance with Standard Paragraph E at the end of this notice.

13. Consolidated Edison Company of New York, Inc.

[Docket No. ER99-4252-000]

Take notice that on August 26, 1999 Consolidated Edison Company of New York, Inc. (Con Edison) tendered for filing a service agreement to provide non-firm transmission service pursuant to its Open Access Transmission Tariff to Sithe Energies, Inc. (Sithe).

Con Edison states that a copy of this filing has been served by mail upon Sithe.

Comment date: September 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

14. Tucson Electric Power Company

[Docket No. ER99-4253-000]

Take notice that on August 26, 1999, Tucson Electric Power Company (Tucson), tendered for filing an Amendment No. 1 to the Service Agreement between Tucson and Farmington Electric Utility System for power sales under Tucson's Coordination Tariff, FERC Electric Tariff Original Volume No. 1.

Comment date: September 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

15. Consumers Energy Company

[Docket No. ER99-4254-000]

Take notice that on August 26, Consumers Energy Company (Consumers) tendered for filing executed service agreements for unbundled wholesale power service with Constellation Power Source, Inc. pursuant to Consumers' Market Based Power Sales Tariff accepted for filing in Docket No. ER98-4421-000 and Consumers cost based Power Sales Tariff accepted for filing in Docket No. ER97-964-000.

The Service agreements have an effective date of July 27, 1999.

Copies of the filing have been served on the Michigan Public Service Commission and Constellation Power Source, Inc.

Comment date: September 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

16. PECO Energy Company

[Docket No. ER99-4255-000]

Take notice that on August 26, 1999, PECO Energy Company (PECO) filed under Section 205 of the Federal Power Act, 16 U.S.C. S 792 et seq., a Transaction Letter dated August 25, 1999 with Horizon Energy Company d/b/a Exelon Energy (EXELON) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff).

PECO requests an effective date of September 1, 1999, for the Transaction Letter.

PECO states that copies of this filing have been supplied to EXELON and to the Pennsylvania Public Utility Commission.

Comment date: September 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

17. Cinergy Services, Inc.

[Docket No. ER99-4256-000]

Take notice that on August 26, 1999, Cinergy Services, Inc. (Services)

tendered for filing on behalf of its operating companies, PSI Energy, Inc. (PSI) a Second Amendment Agreement, dated August 1, 1999, to the Power Coordination Agreement, as amended, dated March 1, 1996, between Wabash Valley Power Association (Wabash Valley), PSI and Services.

PSI and Wabash Valley have agreed to replace Service Schedule D—Peaking Capacity and Energy.

Copies of the filing were served on Wabash Valley Power Association, Inc. and the Indiana Utility Regulatory Commission.

Comment date: September 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

18. Montaup Electric Company

[Docket No. ER99-4257-000]

Take notice that on August 26, 1999 Montaup Electric Company (Montaup) tendered for filing a notice of cancellation of its System Sale and Exchange Tariff, FERC Electric Tariff, Original Volume No. IV, together with a notice of termination of associated service agreements, to be made effective as of October 31, 1999. Montaup states that notwithstanding such cancellation and termination, it will not terminate, prior to its term, any transaction in effect on October 31st. In such cases, the tariff and service agreement will remain in effect until the transaction terminates at the conclusion of such term.

Notice of the cancellation and termination have been served upon the following:

Aquila Energy Marketing Corporation, ER98-0569-000
 Baltimore Gas & Electric Co., ER97-0800-000
 Bangor Hydro-Electric Company, ER96-1306-000
 Boston Edison Company, ER97-2662-000
 Braintree Electric Light Department, ER96-0437-000
 Catex Vitrol Electric, L.L.C., ER95-1165-000
 Central Maine Power Company, ER95-1527-000
 Cinergy Capital & Trading, Inc., ER98-3350-000
 Cinergy Services, Inc., ER97-2662-000
 Citizens Power LLC, ER95-1165-000
 City of Burlington Electric Department, ER95-1165-000
 CMEX Energy, Inc., ER95-1527-000
 CNG Energy Services Corporation, ER96-0437-000
 Coastal Electric Services Company, ER96-0104-000
 Commonweathl Electric Company, ER95-1165-000
 Constellation Power Source, Inc., ER98-0569-000
 Coral Power, L.L.C., ER97-0800-000
 CPS Capital, Ltd., ER97-4623-000
 CT Municipal Electric Energy Cooperative, ER95-1165-000
 Duke Solutions, Inc., ER96-2817-000

Duke Louis Dreyfus LLC, ER98-0569-000
 Eastern Power Distribution, Inc., ER97-0800-000
 Edison Source, ER97-4623-000
 Electric Clearinghouse, Inc., ER96-0104-000
 Enron Power Marketing Inc., ER95-1165-000
 Equitable Power Services Company, ER97-0800-000
 Federal Energy Sales, Inc., ER97-0800-000
 Fitchburg Gas and Electric Light Company, ER98-1782-000
 FPL Energy Power Marketing, Inc., ER99-0633-000
 Green Mountain Power Corporation, ER96-2306-000
 Griffin Energy Marketing, L.L.C., ER99-0633-000
 Intercoast Power Marketing Company, ER95-1165-000
 KCS Power Marketing, Inc., ER96-0104-000
 Koch Energy Trading, Inc., ER96-0437-000
 LG&E Energy Marketing, Inc., ER96-2306-000
 Long Island Lighting Co., ER95-1165-000
 Louis Dreyfus Electric Power, Inc., ER95-1165-000
 Maine Public Service Company, ER95-1165-000
 Mass Municipal Wholesale Electric Company, ER96-1306-000
 Middleborough Gas and Electric Department, ER96-0437-000
 Morgan Stanley Capital Group, Inc., ER97-2662-000
 New Energy Ventures, Inc., ER97-4623-000
 New England Power Company ER97-1306-000
 New York State Electric & Gas Corporation, ER96-1306-000
 Niagra Mohawk Energy, ER97-2662-000
 Niagra Mohawk Power Corporation, ER95-1165-000
 North American Energy Conservation Inc., ER96-0104-000
 Northeast Energy Services, Inc., ER97-4623-000
 Northeast Utilities Service Company, ER96-2306-000
 NP Energy Inc., ER98-1782-000
 NRG Power Marketing Inc., ER99-0633-000
 PacificCorp Power Marketing, Inc., ER98-1782-000
 PanEnergy Trading and Market Services, L.L.C., ER97-0800-000
 Peco Energy Company, ER96-0104-000
 PG&E Energy Trading, Power, L.P., ER96-2306-000
 Phibro, Inc., ER96-0104-000
 Rainbow Energy Marketing Corp., ER95-1165-000
 Scana Energy Marketing L.P., ER98-3350-000
 Sonat Power Marketing L.P., ER97-4623-000
 Southern Company Energy Marketing L.P., ER97-0800-000
 Taunton Municipal Lighting Plant, ER95-1165-000
 The Power Company of America, L.P., ER97-2662-000
 Tractebel Energy Marketing, Inc., ER97-4623-000
 TransCanada Energy Ltd., ER97-0800-000

United Illuminating Company, ER96-0104-000
 Unital Power Corp., ER98-1782-000
 Vermont Marble Power Division, ER95-1165-000
 Western Power Services, Inc., ER97-2662-000
 Williams Energy Services Company, ER97-4623-000

Comment date: September 15, 1999, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard 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 rule 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).

David P. Boergers,

Secretary.

[FR Doc. 99-23522 Filed 9-9-99; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6436-4]

Agency Information Collection Activities: Continuing Collection; Comment Request; National Health Protection Survey of Beaches

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): National Health Protection Survey of Beaches, EPA ICR No. 1814.02, OMB Control No. 2040-0189, and current expiration date 02/28/2000. Before submitting the ICR to OMB for review and approval, EPA is soliciting

comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before November 9, 1999.

ADDRESSES: Office of Water, Office of Science and Technology, Standards and Applied Science Division (4305), 401 M St. SW, Washington, DC 20460.

Interested persons may obtain a copy of the ICR without charge by contacting EPA staff listed in the section below.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Kovatch at EPA, telephone 202-260-0642, email kovatch.charles@epa.gov, facsimile 202-260-9830.

SUPPLEMENTARY INFORMATION: *Affected entities:* Entities potentially affected by this action are State, County, City, and Tribal representatives with responsibilities for assessing the impact of water contaminated by microbiological pollutants on persons using beaches and related recreational waters.

Title: National Health Protection Survey of Beaches, OMB Control No. 2040-0189, EPA ICR No. 1814.02, expiring 02/28/2000.

Abstract: Bacterial and other microbiological contaminants continue to pose potentially adverse human health problems for the nation's recreational waters, including bathing beaches. These adverse effects have been one of EPA's long-standing concerns and are directly related to such Clean Water responsibilities as water quality standards, surface water quality, and Agency efforts to ensure that the waters of the United States are "fishable" and "swimmable." Recent studies have confirmed that health effects resulting from bathing in contaminated waters. Thus, water quality in bathing beach areas remains an important concern to EPA.

EPA believes there is a need to improve the overall quality and availability of public information about beach health protection activities; these include, but are not limited to, water quality standards, monitoring and assessment activities, and beach closures. Many organizations share responsibility for these activities. Consequently, EPA will survey environmental public health officials from State, Tribal, County, and City agencies, as well as representatives from various interest groups to compile and verify this information. EPA will then assemble it into a format that can be readily analyzed and shared with responsible parties, as well as the public. This information collection effort will involve distributing a

questionnaire to various agencies (e.g., State, Tribal, County, City) to evaluate the condition of bathing beaches at freshwater (the Great Lakes and others) and marine (estuarine and coastal) sites around the Nation. Responses to the questionnaire are required to determine compliance with water quality standards, assess public health risks, and determine what steps EPA should take next, if any. Completion of the questionnaire may be voluntary. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 2 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

(This burden assumes that the number of respondents will continue to increase

as the survey is phased in. For the first two years of the program an average of 350 questionnaires were distributed. EPA assumes the total number of questionnaires to be sent in the next three years as 4,500; 1,000 surveys the first year; 1,500 questionnaires the second year; 2,000 questionnaires the third year.)

Estimated Number of Respondents: 1,500.

Frequency of Response: One time per year.

Estimated Total Annual Hour Burden: 3,000 hours (per year). (13,500 total hours/3 years; 3,000 hours the first year; 4,500 hours the second year; 6,000 hours the third year.)

Dated: September 1, 1999.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 99-23589 Filed 9-9-99; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6435-7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Pollutant Discharge Elimination System and Sewage Sludge Management State Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: National Pollutant Discharge Elimination System and Sewage Sludge Management State Programs, OMB Control Number 2040-0057, which expires on November 30, 1999. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 12, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 260-2740, by email at farmer.sandy@epa.gov, or download a copy of the ICR off the internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 0168.07.

SUPPLEMENTARY INFORMATION: *Title:* National Pollutant Discharge Elimination System (NPDES) and Sewage Sludge Management State

Programs (OMB Control No. 2040-0057; EPA ICR No. 0168.07) which expires on 11/30/99. This is a request for extension of a currently approved collection.

Abstract: Under the NPDES program, States, Federally Recognized Indian Tribes, and U.S. Territories, hereafter referred to as States, may acquire the authority to issue permits. These governments have the option of acquiring authority to issue general permits (permits that cover a category or categories of similar discharges). States with existing NPDES programs must submit requests for program modifications to add Federal facilities, or general permit authority. In addition, as federal statutes and regulations are modified, States must submit program modifications to ensure that their program continues to meet Federal requirements.

States have the option of obtaining a sludge management program. This program may be a component of a State NPDES Program, or it may be administered as a separate program. To obtain a NPDES or sludge program, a State must submit an application that includes a program description, an Attorney General's Statement, draft Memorandum of Agreement (MOA) with the EPA Region, and copies of the State's statutes and regulations.

Once a State obtains authority for an NPDES or sludge program, it becomes responsible for implementing the program in that jurisdiction. The State must retain records on the permittees and perform inspections. In addition, when a State obtains NPDES or sludge authority, EPA must oversee the program. Thus, States must submit permit information and compliance reports to the EPA.

When EPA issues a permit in an unauthorized State, that State must certify that the permit requirements comply with State water laws. According to the Clean Water Act (CWA) (section 510), States may adopt discharge requirements that are equal to or more stringent than requirements in the CWA or Federal regulations.

There are three categories of reporting requirements that are covered by this ICR. The first category, "State Program Requests," includes the activities States must complete to request a new NPDES or sludge program, or to modify an existing program. The second category, "State Program Implementation," includes the activities that approved States must complete to implement an existing program, such as certification of EPA-issued permits by non-NPDES States. The third category, "State Program Oversight," includes activities required of NPDES States so that EPA

may satisfy its statutory requirements for state program oversight.

The information collected by EPA is used to evaluate the adequacy of a State's NPDES or sludge program and to provide EPA with the information necessary to fulfill its statutory oversight functions over State program performance and individual permit actions. EPA will use this information to evaluate State requests for full or partial program approval and program modifications. In order to evaluate the adequacy of a State's proposed program, appropriate information must be provided to ensure that proper procedures, regulations, and statutes are in place and consistent with the CWA requirements.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 6/9/98 (63 FR 31461); no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information ranges from 4 to 2,080 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: states, tribes, territories.

Estimated Number of Respondents: 613.

Frequency of Response: varies.
Estimated Total Annual Hour Burden: 1,140,794 hours.

Estimated Total Annualized Cost Burden (non-labor): \$0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing

respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0168.07 and OMB Control No. 2040-0057 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460; and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: September 3, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99-23586 Filed 9-9-99; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6436-5]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, New Source Performance Standard (NSPS) for Industrial Surface Coating of Large Appliances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: New Source Performance Standard (NSPS) for Industrial Surface Coating of Large Appliances, 40 CFR part 60, subpart SS, OMB Number 2060-0108, expiration 10/31/99. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 12, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260-2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download a copy of the ICR off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 0659.08.

SUPPLEMENTARY INFORMATION:

Title: New Source Performance Standard (NSPS) for Industrial Surface

Coating of Large Appliances, 40 CFR part 60, subpart SS, OMB Number 2060-0108, EPA ICR Number 0659.08, expiration 10/31/99. This is a request for extension of a currently approved collection.

Abstract: The NSPS for Surface Coating of Large Appliances were proposed on December 24, 1980 and promulgated on October 27, 1982. These standards apply to each large appliance surface coating operation in which organic coatings are applied that commenced construction, modification or reconstruction after December 24, 1980. Approximately 255 sources are currently subject to the standard, and it is estimated that 26 sources per year will become subject to the standard while an equal number will go off-line during this time period. It is further assumed that there is an average of four affected facilities per plant. Volatile Organic Compounds (VOCs) are the pollutants regulated under this subpart, and this information is being collected to assure compliance with 40 CFR part 60, subpart SS.

Owners or operators of the affected facilities described must make initial reports when a source becomes subject; conduct and report on a performance test; demonstrate and report on continuous monitor performance; and maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. Semiannual reports of excess emissions are required. These notifications, reports, and records are essential in determining compliance; and are required, in general, of all sources subject to NSPS.

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least 2 years following the date of such measurements, maintenance reports, and records. The estimated total cost of this ICR will be \$3,961,155 over the next three years (including labor hours, operating & maintenance costs, and start up costs; \$1,320,385 per year x 3 years). All reports are sent to the delegated State or Local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was

published on January 1, 1999: no comments were received.

Burden Statement: The annual reporting and record keeping burden for this collection of information is estimated to average 23 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities:

Owners/operators of the Large Appliance Surface Coating Industry.

Estimated Number of Respondents: 294.

Frequency of Response: Initial, quarterly, and semiannual reports.

Estimated Total Annual Hour Burden: 29,564 hours.

Estimated Total Annualized Capital, O&M Cost Burden: \$618,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 0659.08 and OMB Control No. 2060-0108 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460;

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: September 3, 1999.

Richard T. Westlund,

Acting Director,

Regulatory Information Division.

[FR Doc. 99-23590 Filed 9-9-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6245-9]

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 30, 1999 Through September 03, 1999 Pursuant to 40 CFR 1506.9.

EIS No. 990312, Final EIS, COE, OR, WA, Columbia and Lower Willamette River Federal Navigation Channel, Improvement Channel Deepening, OR and WA, Due: October 12, 1999, Contact: Steven J. Stevens (503) 808-4768.

EIS No. 990313, Draft EIS, FHW, WY, Wyoming Forest Highway 23 Project, Louis Lake Road also known as Forest Development Road 300, Improvements from Bruce's Parking Lot to Worthen Meadow Road, Funding, NPDES Permits and COE Section 404 Permit, Shoshone National Forest, Fremont County, WY, Due: October 29, 1999, Contact: Bert McCauley (303) 716-2141.

EIS No. 990314, Final EIS, AFS, CA, Herger-Feinstein Quincy Library Group Forest Recovery Act, Establishing and Conducting a Pilot Project, Lassen, Plumas and Tahoe National Forests, Shasta, Lassen, Tehama, Yuba, Plumas and Battle Counties, CA, Due: October 12, 1999, Contact: David Peters (503) 283-7821.

EIS No. 990315, Final EIS, FHW, PA, US 202 (Section 600) Transportation Corridor, Improvement from Johnson Highway in Norristown to PA 309 in Montgomery Square, Major Investment Study, Montgomery County, PA, Due: October 12, 1999, Contact: Ronald W. Carmichael (717) 221-3461.

EIS No. 990316, Final EIS, AFS, ID, Frank Church—River of No Return Wilderness (FC-RONRW), Implementation for the Future Management of Land and Water Resource, Bitterroot, Boise, Nez Perce, Payette and Salmon-Challis National Forests, ID, Due: October 12, 1999, Contact: Ken Wotring (208) 756-5131. Published FR-09-03-99—Correction to Comment Period.

EIS No. 990317, Draft EIS, COE, OH, Ashtabula River and Harbor Dredging and Disposal Project, Design, Construction, Operation and Maintenance, Ashtabula River Partnership (ARP), Ashtabula County,

OH, Due: October 25, 1999, Contact: John Mahan (440) 964-0277. *EIS No. 990318*, Final Supplement, NIH, MD, National Institutes of Health Bethesda Main Campus Comprehensive Master Plan, Updated and Additional Information for the Revision to the Northwest Sector Plan, Montgomery County, MD, Due: October 12, 1999, Contact: Janyce Hedetniemi (301) 496-3931.

EIS No. 990319, Draft EIS, COE, NY, NJ, Programmatic EIS—Port of New York and New Jersey Dredged Material Management Plan, Implementation Channel Depths and Deepen, NY and NJ, Due: October 25, 1999, Contact: Robert J. Kurtz (212) 264-2230.

EIS No. 990320, Draft EIS, FTA, CA, Downtown Sacramento—Folsom Corridor, To Improve Transit Services, US 50/Folsom Boulevard, COE Section 404 Permit, Transportation Systems Management (TSM) and Light Rail Transit (LRT), City and County of Sacramento, CA, Due: October 25, 1999, Contact: Bob Hom (415) 744-3133.

EIS No. 990321, Final EIS, AFS, ID, North Lochsa Face Landscape and Watershed Assessment Project, Implementation, Clearwater National Forest, Lochsa Ranger District, Idaho County, ID, Due: October 12, 1999, Contact: Kris Hazelbaker (208) 926-4275.

EIS No. 990322, Draft Supplement, FHW, AR, MS, AR, Great River Bridge, Construction, US 65 in Arkansas to MS-8 in Mississippi, Funding, COE Section 404 Permit and US Coast Guard Bridge Permit, Desha and Arkansas Counties, AR and Bolivar County, MS, Due: October 25, 1999, Contact: Elizabeth A. Romero (501) 324-5625.

Amended Notices

EIS No. 990231, Draft EIS, FHW, CO, Colorado Forest Highway 80, Guanella Pass Road (also known 381/Forest Development Road 118) from US 285 in Grant to Georgetown, Improvements, Funding and COE Section 404, NPDES and Special Use Permits Issuance, Park and Clear Creek Counties, CO, Due: October 15, 1999, Contact: Richard Cushing (303) 716-2138. Published FR 07-16-99 Review Period Extended from 08-30-99 to 10-15-99.

EIS No. 990235, Final EIS, AFS, WA, I-90 Land Exchange between Forest Service and Plum Creek, within the Vicinity of the Wenatchee, Mt. Baker-Snoqualmie and Gifford Pinchot National Forests, Kittitas, King, Pierce, Lewis, Cowlitz and Skamania Counties, WA, Due: October 31, 1999,

Contact: Floyd Rogalski (509) 674-4411. Published FR 07-16-99—Review Period extended from 08-16-99 to 10-31-99.

EIS No. 990303, Final EIS, FHW, HI, Saddle Road (HI-200) Improvements between Mamalahoa Highway (HI-190) to Milepost 6 near Hilo, Funding, NPDES and COE Section 404 Permit, Hawaii County, HI, Due: October 04, 1999, Contact: Bert McCauley (303) 716-2141. Published FR-09-03-99 Correction to Comment Period.

EIS No. 990305, Final EIS, AFS, AL, Longleaf Restoration Project, Implement a Systematic Five-Year Program for Restoration of the Native Longleaf Pine, Conecuh National Forest, Conecuh Ranger District, Covington and Escambia Counties, AL, Due: October 04, 1999, Contact: Robert Published FR 07-16-99—Correction to Comment Period.

EIS No. 990306, Final EIS, FHW, IL, IL-315 Federal Aid Primary (FAP) (Illinois-336) Transportation Project, Construction from FAP 315, IL 336 (Southeast of Carthage) to US 136 (Just West of Macomb), Funding, COE 404 Permit and NPDES Permit, Hancock and McDonough Counties, IL, Due: October 04, 1999, Contact: Ronald C. Marshall (217) 492-4640. Published FR-09-03-99—Correction to Comment Period.

EIS No. 990309, Final EIS, FHW, NM, US 84/285 Highway Transportation Improvements from Alamo Drive in Santa Fe to Viarrial Street in Pojoaque, Right-of-Way Acquisition, NPDES Permit and COE Section 404 Permit, Santa Fe County, NM, Due: October 04, 1999, Contact: Gregory D. Rawlings (505) 820-2027. Published—FR 09-03-99—Correction to Comment Period.

EIS No. 990310, Final Supplement, NRC, Generic EIS—License Renewal of Nuclear Plants for the Oconee Nuclear Station, Units 1, 2 and 3, Implementation, Oconee County SC, Due: October 04, 1999, Contact: Donald P. Cleary (301) 415-3903. Published FR 09-03-99—Correction to Comment Period.

EIS No. 990311, Draft EIS, AFS, OR, Ashland Creek Watershed Protection Project, Proposal to Manage Vegetation, Rogue River National Forest, Ashland Ranger District, City of Ashland, Jackson County, OR, Due: October 18, 1999, Contact: Kristi Mastrafini (541) 482-3333. Published FR 09-03-09—Correction to Comment Period.

Dated: September 7, 1999.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99-23616 Filed 9-9-99; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6246-1]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared August 2, 1999 Through August 6, 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 9, 1999 (64 FR 17362).

Draft EISs

ERP No. D-AFS-J65302-UT

Rating EC2, South Manti Timber Salvage, To address Ecological and Economic Values affected by Spruce Beetle Activity in the South Manti Project, Manti-La National Forest, Ferron-Price and Sanpete Ranger Districts, Sanpete and Sevier Counties, UT.

Summary: EPA expressed environmental concerns regarding potential increased sediment loads to several water quality limited streams, and the analysis of potential wetland impacts. EPA recommends that the Forest Service identify and commit to mitigation that would reduce sediment yield to the 303(d) listed streams equal to or greater than the predicted sediment yield from project activities.

ERP No. D-BLM-J02036-WY

Rating EC2, Continental Divide/Wamsutter II Natural Gas Project, Implementation of Natural Gas Exploration and Development, Sweetwater and Carbon Counties, WY.

Summary: EPA expressed environmental concerns about potentially significant adverse impacts to air quality, surface water quality, wildlife, and desert habitat. EPA recommended the development and implementation of an Adaptive Environmental Management Plan (AEMP) to verify, monitor, and modify

proposed mitigation measures to off-set potential adverse impacts.

ERP No. D-BLM-J02037-WY

Rating EC2, South Baggs Natural Gas Development Area, Proposal to Drill and Develop 50 Natural Gas Wells, Application for Permit to Drill and COE Section 404 Permit, Carbon County, WY.

Summary: EPA expressed environmental concerns about potentially significant adverse impacts to air quality, water quality, soils, wildlife and wetlands. EPA recommended the development and implementation of an Adaptive Environmental Management Plan (AEMP) to verify, monitor, and modify proposed mitigation measures to off-set potential adverse impacts.

ERP No. D-BLM-J65304-WY

Rating EC2, Wyodak Coal Bed Methane Project, Implementation of Road Construction, Drilling Operation, Electrical Distribution Line, Powder River Basin, Campbell and Converse Counties, WY.

Summary: EPA expressed environmental concerns related to water quantity and monitoring procedures. EPA requested that additional information on these issues be included in the next document.

ERP No. D-COE-F39036-IL

Rating EO2, Hunter Lake New Supplemental Water Supply Reservoir, Construction, City of Springfield Application for Permit, Sangamon County, IL.

Summary: EPA expressed objection regarding the Purpose and Need/alternatives analysis, potential impact to water quality and wetlands, and the lack of completed mitigation plans.

ERP No. D-FHW-D40299-WV

Rating EC2, Coalfields Expressway Transportation Improvements, Funding, NPDES and COE Section 404 Permits, McDowell, Wyoming and Raleigh Counties, WV.

Summary: EPA expressed environmental concerns that the level of detail provided for a highway corridor is not sufficient for selecting an alignment or footprint within that corridor. The Final EIS should explain whether there will be an opportunity to review and comment on alignments within the selected corridor.

ERP No. D-NOA-A91066-00

Rating EC2, Tilefish Fishery Management Plan (FMP), (Lopholatilus chamaeleonticeps), To Prevent Overfishing and to Rebuild the Resource

of Tilefish, Located along the Atlantic Ocean.

Summary: EPA had environmental concerns about the proposed regulations and the sufficiency of the information in the document. Those concerns focused mainly on the alternatives section of the document.

Final EISs

ERP No. F-EDA-D80026-PA

Lackawanna County New Business Park, Development and Operation, Funding Support from Economic Development Administration (EDA) under Title I, Site Lies Within Moosic Mountain Range, Straddling Jessup and Olyphant Boroughs, Lackawanna County, PA.

Summary: EPA continues to have concerns with the selection of the preferred alternative and its impacts on a rare terrestrial habitat and species of special status.

ERP No. F-NCP-D61050-MD

National Harbor Project, Construction and Operation along the Potomac River on a 534 acre site adjacent to the Capital Beltway and Oxon Hill Manor, COE Section 10 and 404 Permits, Prince George's County, MD.

Summary: EPA has concerns regarding impacts to aquatic resources, air pollution and environmental justice issues. EPA is trying to resolve some of the outstanding issues with the applicant.

ERP No. F-NOA-A91064-00

Atlantic Bluefish Fishery Management, Fishery Management Plan, Implementation, Nova Scotia to Florida, Northwestern Atlantic Ocean.

Summary: EPA expressed a lack of objection to the proposed action.

ERP No. F-USN-K11078-00

Marianas Islands Military Training, Implementation, Marianas Training Plan, Guam, Commonwealth of the Northern Mariana Islands, Asia, Hawaii and Alaska.

Summary: EPA expressed environmental concerns on the effects on coral spawning from military training; the possibility of accidental introduction of Brown Tree Snake to Farallon de Medinilla (FDM); and to requested additional compensatory mitigations for biological resource impacts on FDM.

Dated: September 7, 1999.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 99-23617 Filed 9-9-99; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6435-8]

Health Care Provider Outreach and Education; National Drinking Water Advisory Council; Notice of Conference Call

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Under section 10(a)(2) of Public Law 92-423, "The Federal Advisory Committee Act," notice is hereby given that a conference call of the Health Care Provider Outreach and Education Working Group of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on September 27, 1999, from 2:00-4:00 p.m., Eastern Standard Time, in Room 1209, East Tower, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. The meeting is open to the public, but seating will be limited.

The purpose of this meeting is to provide feedback on a draft strategy and recommendations on health care provider outreach and education, and to discuss plans for presenting them to the National Drinking Water Advisory Council. Statements from the public will be taken if time permits.

For more information, please contact Ron Hoffer, Designated Federal Officer, Health Care Provider Outreach and Education Working Group, U.S. EPA, Office of Ground Water and Drinking Water, Mail Code 4607, 401 M Street SW, Washington, D.C. 20460. The telephone number is (202) 260-7096 or E-mail hoffer.ron@epa.gov.

Dated: September 2, 1999.

Charlene E. Shaw,*Designated Federal Officer, National Drinking Water Advisory Council.*

[FR Doc. 99-23587 Filed 9-9-99; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6436-7]

Board of Scientific Counselors, Executive Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of teleconference.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law

92-463, as amended (5 U.S.C., App. 2) notice is hereby given that the Environmental Protection Agency (EPA), Office of Research and Development (ORD), Board of Scientific Counselors (BOSC), will hold a teleconference on September 21, 1999. The teleconference will begin at 12:00 noon and will adjourn at 2:00 p.m. For those interested, the call in number will be 202/260-8330; 1457# will access the teleconference. All times noted are Eastern Time.

DATES: Tuesday, September 21, 1999.

SUPPLEMENTARY INFORMATION: Agenda items will include, but not limited to: BOSC Upcoming Review of ORD's Particulate Matter Program. The teleconference is open to the public. Any member of the public wishing to make a presentation at the teleconference should contact Shirley Hamilton, Designated Federal Officer, Office of Research and Development (8701R), 401 M Street, S.W., Washington, D.C. 20460; or by telephone at (202) 564-6853. In general, each individual making an oral presentation will be limited to a total of three minutes.

FOR FURTHER INFORMATION CONTACT: Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development, NCERQA (MC 8701R), 401 M Street, S.W., Washington, D.C. 20460, (202) 564-6853.

Dated: August 31, 1999.

Peter W. Preuss,*Director, National Center for Environmental Research and Quality Assurance.*

[FR Doc. 99-23583 Filed 9-9-99; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION**Notice of Public Information Collection(s) being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority, Comments Requested**

September 2, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No

person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before November 9, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, Room 1 A-804, 445 Twelfth Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:*OMB Control Number:* 3060-0176.*Title:* Section 73.1510, Experimental authorizations.*Form Number:* None.*Type of Review:* Extension of currently approved collection.*Respondents:* Business or other for-profit.*Number of Respondents:* 55.*Estimated Time per Response:* 15 minutes (respondent time)—2-5 hours (consulting engineer).*Frequency of Response:* Reporting, on occasion.*Total Annual Burden:* 14 hours.*Total Annual Costs:* \$34,500.

Needs and Uses: Section 73.1510 requires that a licensee of an AM, FM and TV broadcast station file an informal application with the FCC to request an experimental authorization to conduct technical experimentation directed toward improvement of the technical phases of operation and service. This request shall describe the nature and purpose of experimentation to be conducted, the nature of the experimental signal to be transmitted,

and the proposed schedule of hours and duration of the experimentation. The data is used by FCC staff to maintain complete technical information about a broadcast station and to ensure that such experimentation will not cause interference to other stations.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 99-23573 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission, Comments Requested

September 2, 1999.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number.

Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before November 9, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commissions, 445 12th Street, SW, Room 1-A804, Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0161.

Title: Section 73.61 AM Directional Antenna Field Strength Measurements.
Form Number: None.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1,877 AM Licensees.

Estimated Time per Response: 4-50 hours.

Frequency of Response: Recordkeeping.

Total Annual Burden: 36,082.

Total Annual Cost: \$0.

Needs and Uses: Section 73.61 requires that each AM station using directional antennas make field strength measurement as often as necessary to insure proper directional antenna system operation. Stations not having approved sampling systems make field strength measurements every three months. Stations with approved sampling systems must make field strength measurements as often as necessary. Also, all AM stations using directional antennas must make partial proofs of performance as often as necessary. The data is used by FCC staff in field inspections/investigations and by AM licensees with directional antennas to ensure that adequate interference protection is maintained between stations and to ensure proper operation of antennas.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 99-23574 Filed 9-9-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL HOUSING FINANCE BOARD

[99-N-11]

Modification of Approval for the Federal Home Loan Bank of New York's Community Mortgage Asset Activities Program

AGENCY: Federal Housing Finance Board.

ACTION: Notice.

SUMMARY: On August 18, 1999, the Federal Housing Finance Board (Finance Board) adopted Finance Board Resolution No. 99-43 authorizing modifications to the Federal Home Loan Bank of New York's (FHLBank of New

York) Community Mortgage Asset Activities Program (CMAA). The Finance Board originally approved CMAA on July 3, 1996 (Finance Board Resolution No. 96-44). While not obligated to publish notice for these modifications of the previously approved CMAA Pilot Program, the Finance Board, in the spirit of full disclosure, hereby provides notice of the CMAA modifications described herein. Further, the FHLBank of New York will not implement modifications to CMAA until the staff of the Office of Supervision (OS) conducts a pre-implementation examination of the modified CMAA Pilot Program and confirms that appropriate program policies, procedures and controls have been established. In no case shall implementation occur prior to the end of this 30-day notice period.

DATES: Comments must be received in writing on or before October 12, 1999.

ADDRESSES: Individuals wishing to submit comments should provide written comments by mail to: Elaine L. Baker, Secretary to the Board, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006. Comments will be available for public inspection at this address.

Background

On July 3, 1996, the Finance Board approved a request by the FHLBank of New York to establish a pilot program (CMAA) under which the FHLBank of New York proposed to fund up to \$250 million in participation interests in housing and community development loans originated by members and eligible non-member borrowers and meeting the income targets established for the Community Investment Program (CIP). Finance Board approval was subject to certain conditions set forth in Finance Board Resolution No. 96-44.

The FHLBank of New York requested that Finance Board Resolution No. 96-44 be modified to lift the CIP restrictions, define member to include affiliates and subsidiaries of members and allow the FHLBank of New York to purchase mortgages originated by its members (including subsidiaries and affiliates of such members) from that member, pool the mortgages, participate back to the originating member the credit support tranche of the pool, and sell to the originating member or any other member any other tranches of the pool. The Finance Board approved those modifications in Finance Board Resolution No. 99-43.

As modified, the CMAA resolution would authorize the FHLBank of New York to operate a Sequential

Participation Program under which the FHLBank of New York would (i) acquire whole residential mortgage loans, originated by its members (including subsidiaries and affiliates of such members) and eligible non-member borrowers that have an original balance falling within the conforming loan limits established pursuant to 12 U.S.C. 1717(b)(2), (ii) pool those mortgages and divide the mortgage pool into three tranches, consisting of a short cashflow tranche, a longer cashflow tranche, and a credit support tranche that would be sufficient to enhance the pool at least to the level of subordination afforded double-A rated mortgage-backed securities and which would act as first loss coverage for the life of the pool or until the position is exhausted, (iii) sell the credit support tranche of the pool back to the member or eligible non-member borrower that originated (or whose subsidiary or affiliate originated) the loans, and (iv) sell either of the non-credit support tranches to any member or eligible non-member borrower of the FHLBank of New York.

As indicated, while the Finance Board has formally revised Finance Board Resolution No. 96-44 to make the modifications requested, CMAA as modified will not be implemented by the FHLBank of New York until the end of the 30-day notice period, and even then not until the completion of a pre-implementation examination.

FOR FURTHER INFORMATION CONTACT: Christina K. Muradian, Senior Financial Analyst, Office of Policy, Research and Analysis (202) 408-2584, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC.

Bruce A. Morrison,
Chairman.

[FR Doc. 99-23568 Filed 9-9-99; 8:45 am]

BILLING CODE 6725-01-P

FEDERAL HOUSING FINANCE BOARD

[99-N-12]

Pilot Mortgage Program Proposed by the Federal Home Loan Banks of Cincinnati, Indianapolis, and Seattle

AGENCY: Federal Housing Finance Board.

ACTION: Notice of availability.

SUMMARY: As described in a previous notice, 64 FR 44016 (August 12, 1999), the Federal Housing Finance Board (Finance Board) has before it for consideration an application from the FHLBanks of Cincinnati, Indianapolis and Seattle to initiate a pilot program to purchase mortgage loans from member

financial institutions under a credit risk sharing arrangement. The Finance Board is making the application for the proposed Mortgage Purchase Program, or MPP, available through its website (<http://www.fhfb.gov>) in the "What's New" section.

FOR FURTHER INFORMATION CONTACT: Scott Smith, Deputy Director, Office of Policy, Research and Analysis, (202) 408-2991, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC, 20006.

Bruce A. Morrison,
Chairman.

[FR Doc. 99-23569 Filed 9-9-99; 8:45 am]

BILLING CODE 6725-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 7, 1999.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045-0001:

1. *Warwick Community Bancorp, Inc.*, Warwick, New York; to acquire 99.79

percent of the voting shares of The Towne Center Bank, Lodi, New Jersey (in formation).

B. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *FMLB Acquisition, Inc.*, Medicine Lodge, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of First Medicine Lodge Bancshares, Inc., Medicine Lodge, Kansas, and thereby indirectly acquire First National Bank of Medicine Lodge, Medicine Lodge, Kansas.

Board of Governors of the Federal Reserve System, September 7, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99-23631 Filed 9-9-99; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10 a.m., Wednesday, September 15, 1999.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, NW, Washington, DC 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: September 8, 1999.

Robert deV. Frierson,

Associate Secretary of the Board

[FR Doc. 99-23702 Filed 9-8-99; 2:16 pm]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meetings

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Standards and Security Work Group on Computer-based Patient Records.

Times and Dates: 9:00 a.m.–5:30 p.m., September 16, 1999, 9:00 a.m.–5:00 p.m., September 17, 1999.

Place: Conference Room 705A, Hubert H. Humphrey Building, 200 Independence Ave. S.W., Washington, D.C. 20201.

Status: Open.

Purpose: Under the Administrative Simplification provisions of P.L. 104–191, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the National Committee on Vital and Health Statistics (NCVHS) is required to study the issues related to the adoption of uniform data standards for patient medical record information and the electronic interchange of such information, and report to the Secretary of Health and Human Services not later than August 2000 on recommendations and legislative proposals for such standards and electronic interchange. The NCVHS is the Department's federal advisory committee on health data, privacy and health information policy.

The NCVHS Subcommittee on Standards and Security, Working Group on Computer-based Patient Records, will meet on September 16–17, 1999 in Washington, D.C. At the meeting, the Working Group will hear from several panels of experts on health data quality, consider related issues concerning standards for computer-based patient records, and discuss their forthcoming letter to the Secretary relating to recommendations. The tentative agenda for the meeting, as well as a description of the panels of speakers, will be posted on the NCVHS website: <http://aspe.os.dhhs.gov/ncvhs>, when available.

Contact Person for More Information: Substantive program information about the meeting may be obtained from Michael Fitzmaurice (AHCP, 301–594–3938) or Bob Mayes (HCFA, 410–786–6872), lead staff for the Computer-based Patient Record Working Group. Information about the NCVHS is available on the NCVHS home page of the HHS website, or from Marjorie S. Greenberg, Executive Secretary, NCVHS, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 436–7050.

Dated: September 2, 1999.

James Scanlon,

Director, Division of Data Policy, Office of Program Systems, Office of the Assistant Secretary for Planning and Evaluation, and HHS Executive Staff Director NCVHS.

[FR Doc. 99–23490 Filed 9–9–99; 8:45 am]

BILLING CODE 4151–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Scientific Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has made a final finding of scientific misconduct in the following case:

Karrie Recknor, University of Washington: Based on a report dated January 27, 1999, by the University of Washington, Ms. Recknor's admission, and information obtained by ORI during its oversight review, ORI finds that Ms. Karrie Recknor, former Graduate Research Assistant, Department of Psychology, University of Washington, engaged in scientific misconduct arising out of certain biomedical research supported by a National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH), grant.

Specifically, Ms. Recknor admitted to falsifying electronic mail responses presented to the Principal Investigator as part of a project, "Prognosis of Chronic Fatigue Syndrome." Ms. Recknor was responsible for conducting interviews on the impact of life events for six subjects and for assigning preliminary Brown and Harris' Life Events and Difficulties Schedule (B&H) scores to each interview. Ms. Recknor was required to send the interview notes and preliminary scores to a collaborator. The collaborator was to reassess the scores and e-mail the corrected scores or an agreement statement back to Ms. Recknor. Ms. Recknor failed to send the interview notes and preliminary scores for these six interviews to the collaborator for evaluation and instead falsified electronic mail responses to indicate that the collaborator's evaluation had been conducted. Ms. Recknor entered these scores into the research database for the above-mentioned project. The falsified scores did not appear in any publications.

Ms. Recknor has accepted the ORI finding and has entered into a Voluntary Settlement Agreement with ORI in which she has voluntarily agreed, for the two (2) year period beginning August 19, 1999:

- (1) To exclude herself from serving in any advisory capacity to the Public Health Service (PHS), including but not limited to service on any PHS advisory committee, board, and/or peer review committee, or as a consultant; and
- (2) That any institution that submits an application for PHS support for a

research project on which her participation is proposed or which uses her in any capacity on PHS supported research, or that submits a report of PHS-funded research in which she is involved, must concurrently submit a plan for supervision of her duties to the funding agency for approval. The supervisory plan must be designed to ensure the scientific integrity of Ms. Recknor's research contribution. The institution also must submit a copy of the supervisory plan to ORI.

FOR FURTHER INFORMATION CONTACT: Acting Director, Division of Research Investigations, Office of Research Integrity, 5515 Security Lane, Suite 700, Rockville, MD 20852, (301) 443–5330.

Lawrence J. Rhoades,

Acting Director, Office of Research Integrity.

[FR Doc. 99–23463 Filed 9–9–99; 8:45 am]

BILLING CODE 4160–17–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[INFO–99–34]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project: CDC Application for Distance Learning Program, Laboratory Training, and Other Training—Revision—The Public Health Practice Program Office (PHPPO) in conjunction with the Public Health Training Network (PHTN) and the National Laboratory Training Network (NLTN) at CDC includes the Distance Learning Program which offers self-study, computer-based training, satellite broadcast, video courses, instructor-led field courses, and lab courses related to public health professionals worldwide. Employees of hospitals, universities, medical centers, laboratories, state and federal agencies, and state and local health departments apply for training in an effort to learn up-to-date public health procedures. The “Application for Training” forms are the official applications used for all training activities conducted by the CDC. The Continuing Education (CE) Program, which includes CDC’s accreditation to

provide Continuing Medical Education (CME), Continuing Nurse Education (CNE), and Continuing Education Unit (CEU) for almost all training activities, requires a unique identifying number, preferably the respondent’s Social Security Number (SSN), to positively identify and track individuals who have been awarded CE credit. It is often necessary to identify individuals currently enrolled in courses, or to retrieve historical information as to when a particular individual completed a course or several courses over a time period. This information provides the basis for producing a requested transcript or determining if a person is enrolled in more than one course. The use of the SSN is the only positive way of assigning a unique number to a unique individual for this purpose. However, the use of the SSN is voluntary; if a student chooses not to submit a SSN, CDC assigns a unique identifier. The reason the SSN, rather

than an arbitrary assigned number, is preferred is because students are not likely to remember an arbitrary number. A student’s participation in the curriculum of self-study courses sometimes spans a number of years. The SSN is necessary for eliminating duplicate enrollments, for properly crediting students with completed course work who have similar names or have changed addresses, or for generating transcripts of previous completed course work on a cumulative basis. Due to the volume of enrollments, CDC Form 36.5 has been previously approved and used for years as an optical mark scan form. Use of this form, along with the use of the SSN, greatly enhances CDC’s capability to process a much greater volume of enrollments in less time with much greater accuracy. The only cost to the respondent is the time involved to complete the application (3–5 minutes each).

Respondents	No. of respondents	No. of responses/respondent	Avg. burden of response (In hrs.)	Total burden (In hrs.)
Application for Training CDC—0.759A	6,300	1	5/60	525
Application for Laboratory Training—CDC—32.1	10,0001	1	5/60	833
Application for Distance Learning Program—CDC 36.5	40,000	1	10/60	6,667
Total	56,300	.....	.....	8,025

Dated: September 3, 1999.

Nancy Cheal,

Acting Associate Director for Policy Planning and Evaluation, Centers for Disease Control and Prevention.

[FR Doc. 99–23507 Filed 9–9–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Conference on Attention Deficit Hyperactivity Disorder

The Division of Child Development, Disability, and Health (DCDDH) in the National Center for Environmental Health (NCEH) at the Centers for Disease Control and Prevention (CDC) announces the following conference.

Name: A conference entitled, Attention Deficit Hyperactivity Disorder: A Public Health Perspective, jointly sponsored by the Developmental Disabilities Branch, DCDDH, NCEH, CDC and the U.S. Department of Education.

Times and Dates: 8 a.m.–5:30 p.m., Sept. 23, 1999; 8 a.m.–12:30 p.m., Sept. 24, 1999.

Place: The Holiday Inn Select, Hotel and Conference Plaza, 130 Clairemont Avenue, Decatur, Georgia 30030.

Status: Open for participation by anyone with an interest in Public Health issues related to Attention Deficit Hyperactivity Disorder (ADHD), limited only by the space available. Persons wishing to participate must fax their request to (770) 488–7361 or (770) 488–7153 and indicate if they wish to attend.

Matters to be Discussed: The objectives for the conference are: (1) To discuss the public health implications of ADHD in our society, (2) to initiate a dialogue among professionals and across professions about public health concerns in ADHD, (3) to justify and propose potential public health, population-based, research agendas. The objectives will be met while specifically addressing previously identified priority areas and they are:

- Individual, Social, and Economic Burden of ADHD through the Lifespan
- The Epidemiologic Study of ADHD
- Public Health Issues in the Treatment of ADHD

Content and breakout sessions will flow from the three above noted priority areas. The conference will host a variety of professionals to identify the social implications of ADHD from a public health perspective and to explore the direction and mechanisms for related public health research.

Contact persons for more information: Catherine A. Lesesne, M.P.H., telephone

(770) 488–7282, or Marilyn Deal, telephone (770) 488–7695, Division of Division of Child Development, Disability, and Health, NCEH, CDC, 4770 Buford Highway, NE, M/S F–15, Atlanta, Georgia 30341. Fax (770)488–7361.

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 26, 1999.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 99–23504 Filed 9–9–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Safety and Occupational Health Study Section (SOHSS); Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease

Control and Prevention (CDC) announces the following committee meeting:

Name: Safety and Occupational Health Study Section (SOHSS), National Institute for Occupational Safety and Health (NIOSH).

Times and Dates: 8 a.m.–5:30 p.m., October 28, 1999. 8 a.m.–5:30 p.m., October 29, 1999.

Place: Holiday Inn, 480 King Street, Alexandria, VA, 22314.

Status: Open 8 a.m.–8:15 a.m., October 28, 1999. Closed 8:15 a.m.–5:30 p.m., October 28, 1999. Closed 8 a.m.–5:30 p.m., October 29, 1999.

Purpose: The Safety and Occupational Health Study Section will review, discuss, and evaluate grant application(s) received in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health and allied areas.

It is the intent of NIOSH to support broad-based research endeavors in keeping with the Institute's program goals which will lead to improved understanding and appreciation for the magnitude of the aggregate health burden associated with occupational injuries and illnesses, as well as to support more focused research projects which will lead to improvements in the delivery of occupational safety and health services and the prevention of work-related injury and illness. It is anticipated that research funded will promote these program goals.

Matters to be Discussed: The meeting will convene in open session from 8:00–8:15 a.m. on October 28, 1999, to address matters related to the conduct of Study Section business. The remainder of the meeting will proceed in closed session. The purpose of the closed sessions is for the Safety and Occupational Health Study Section to consider safety and occupational health related grant applications. These portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6) title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Pub. L. 92–463.

Agenda items are subject to change as priorities dictate.

Contact person for more information: Pervis C. Major, Ph.D., Scientific Review Administrator, Office of Extramural Coordination and Special Projects, Office of the Director, NIOSH, 1095 Willowdale Road, Morgantown, West Virginia 26505. Telephone 304/285–5979.

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 31, 1999.

John C. Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 99–23505 Filed 9–9–99; 8:45 am]

BILLING CODE 4163–19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Agency for Toxic Substances and Disease Registry

Senior Executive Service; Performance Review Board Members

AGENCY: Centers for Disease Control and Prevention (CDC), and Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Title 5, U.S. Code, Section 4314 (c)(4) of the Civil Service Reform Act of 1978, Public Law 95–454, requires that appointment of Performance Review Board members be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Connie Clayton, Human Resources Management Office, Office of Program Support, Centers for Disease Control and Prevention, 4770 Buford Highway, Mailstop K–07, Atlanta, Georgia 30341–3724, telephone 770–488–1874.

SUPPLEMENTARY INFORMATION: The following persons will serve on the Performance Review Board which oversees the evaluation of performance appraisals of Senior Executive Service members of the Department of Health and Human Services in the Centers for Disease Control and Prevention, and the Agency for Toxic Substances and Disease Registry:

Virginia Shankle Bales, Chairperson
Stephen B. Blount, M.D., M.P.H.
Joseph R. Carter
James M. Hughes, M.D.
Richard J. Jackson, M.D., M.P.H.
James S. Marks, M.D., M.P.H.
Peter J. McCumiskey
Linda Rosenstock, M.D., M.P.H.
Stephen B. Thacker, M.D.

Dated: September 2, 1999.

Jeffrey P. Koplan,

Director, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99–23506 Filed 9–9–99; 8:45 am]

BILLING CODE 4163–18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Request for Nominations for Nonvoting Representatives of Consumer and Industry Interests on Public Advisory Panels or Committees

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for nonvoting consumer representatives and nonvoting industry representatives to serve on certain device panels of the Medical Devices Advisory Committee in the Center for Devices and Radiological Health (CDRH). Nominations will be accepted for current vacancies and for those that will or may occur through July 31, 2000.

FDA has a special interest in ensuring that women, minority groups, individuals with disabilities, and small businesses are adequately represented on advisory committees and, therefore, encourages nominations for appropriately qualified candidates from these groups, as well as nominations from small businesses that manufacture medical devices subject to the regulations.

DATES: Nominations should be received by October 12, 1999, for vacancies listed in this notice.

ADDRESSES: All nominations and curricula vitae for consumer representatives should be submitted in writing to Annette J. Funn (address below). All nominations and curricula vitae (which includes nominee's office address and telephone number) for industry representatives should be submitted in writing to Kathleen L. Walker (address below).

FOR FURTHER INFORMATION CONTACT:

Regarding consumer representatives:
Annette J. Funn, Office of Consumer Affairs (HFE–40), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4421.

Regarding industry representatives:
Kathleen L. Walker, Office of Systems and Management (HFZ–17), CDRH, Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–1283, ext. 114.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for nonvoting members representing consumer and industry interests for the vacancies listed below:

Medical Devices Panels	Approximate Date Representative is Needed	
	Consumer	Industry
Clinical Chemistry and Clinical Toxicology Devices Panel	NV ¹	March 1, 2000
Dental Products Panel (Dental Drug)	NV ¹	November 1, 1999
Gastroenterology and Urology Devices Panel	NV ¹	January 1, 2000
General and Plastic Surgery Devices Panel	NV ¹	IMMED ²
Hematology and Pathology Devices Panel	March 1, 2000	March 1, 2000
Microbiology Devices Panel	NV ¹	March 1, 2000
Radiological Devices Panel	NV ¹	IMMED ²

¹ NV = No vacancy

² IMMED = Immediate vacancy

I. Function

The functions of the medical device panels are to: (1) Review and evaluate data on the safety and effectiveness of marketed and investigational devices and make recommendations for their regulation; (2) advise the Commissioner of Food and Drugs regarding recommended classification or reclassification of these devices into one of three regulatory categories; (3) advise on any possible risks to health associated with the use of devices; (4) advise on formulation of product development protocols; (5) review premarket approval applications for medical devices; (6) review guidelines and guidance documents; (7) recommend exemption to certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act (the act); (8) advise on the necessity to ban a device; (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices; and (10) make recommendations on the quality in the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

II. Consumer and Industry Representation

Section 520(f)(3) of the act (21 U.S.C. 360j(f)(3)), as amended by the Medical Device Amendments of 1976, provides that each medical device panel include as members one nonvoting representative of consumer interests and one nonvoting representative of interests of the medical device manufacturing industry.

III. Nomination Procedures

A. Consumer Representatives

Any interested person may nominate one or more qualified persons as a member of a particular advisory committee or panel to represent consumer interests as identified in this notice. Self-nominations are also

accepted. To be eligible for selection, the applicant's experience and/or education will be evaluated against Federal civil service criteria for the position to which the person will be appointed.

Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory committee or panel or in any advisory committee or panel. The term of office is up to 4 years, depending on the appointment date.

B. Industry Representatives

Any organization in the medical device manufacturing industry (industry interests) wishing to participate in the selection of an appropriate member of a particular panel may nominate one or more qualified persons to represent industry interests. Persons who nominate themselves as industry representatives for the panels will not participate in the selection process. It is, therefore, recommended that all nominations be made by someone with an organization, trade association, or firm who is willing to participate in the selection process.

Nominees shall be full-time employees of firms that manufacture products that would come before the panel, or consulting firms that represent manufacturers. Nominations shall include a complete curriculum vita of each nominee. The term of office is up to 4 years, depending on the appointment date.

IV. Selection Procedures

A. Consumer Representatives

Selection of members representing consumer interests is conducted through procedures which include use of a consortium of consumer organizations which has the responsibility for recommending candidates for the agency's selection. Candidates should possess appropriate qualifications to understand and contribute to the committee's work.

B. Industry Representatives

Regarding nominations for members representing the interests of industry, a letter will be sent to each person that has made a nomination, and to those organizations indicating an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. This letter will state that it is the responsibility of each nominator or organization indicating an interest in participating in the selection process to consult with the others in selecting a single member representing industry interests for the panel within 60 days after receipt of the letter. If no individual is selected within 60 days, the agency will select the nonvoting member representing industry interests.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14, relating to advisory committees.

Dated: August 30, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99-23464 Filed 9-9-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Antiviral Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Antiviral Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 4, 1999, 8 a.m. to 5 p.m., and on October 5, 1999, 8 a.m. to 12 m.

Location: Holiday Inn, The Ballrooms, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Rhonda W. Stover or John B. Schupp, Center for Drug Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-7001, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12531. Please call the Information Line for up-to-date information on this meeting.

Agenda: On October 4, 1999, presentations and committee discussions will address issues related to the potential applicability of information from non-U.S. studies of prevention of perinatal human immunodeficiency virus transmission to U.S. clinical settings.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by September 27, 1999. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. on October 4, 1999.

Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before September 27, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On October 4, 1999, from 2 p.m. to 5 p.m., and on October 5, 1999, from 8 a.m. to 12 m., the meeting will be closed to permit discussion and review of trade secret and/or confidential commercial information relevant to pending investigational new drug applications and drug development plans (5 U.S.C. 552b(c)(4)).

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 2, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99-23465 Filed 9-9-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Food and Drug Administration/Industry Exchange Workshop on Medical Device Quality Systems Inspection Technique; Public Workshops

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of workshops.

SUMMARY: The Food and Drug Administration (FDA), Office of the Commissioner, Office of Regulatory Affairs, Center for Devices and Radiological Health, and the Regional Small Business Assistance Offices in cooperation with the American Society for Quality, Association of Food and Drug Officials, BioFlorida, Inc., Health Industry Manufacturers Association, Medical Alley, New England Biomedical Discussion Group,

Organization of Regulatory and Clinical Associates, Pharmaceutical Quality Institute, and the Regulatory Affairs Professionals Society is announcing a series of workshops on the FDA Quality System Inspection Technique (QSIT). Topics for discussion include: Development of QSIT, Compliance Program and Warning Letter (Pilot), Management Controls, Corrective and Preventative Action, Design Controls, Production and Process Controls, and Industry Perspective of QSIT. Through the workshops, FDA seeks to increase the medical device community's understanding of QSIT, and ensure that the device industry takes appropriate actions to establish effective quality systems, thus preventing regulatory problems when inspections occur.

Date and Time: See Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document.

Location: See Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document.

Registration: Send registration information as listed in the **SUPPLEMENTARY INFORMATION** section of this document, along with the correct payment amount, to the registrar for the site you wish to attend. Fees cover refreshments, organization and site costs, and materials. Space is limited, therefore interested parties are encouraged to register early. If you need special accommodations due to a disability, please inform the registrar for your site at least 7 days in advance of the workshop.

Contact: Herman B. Janiger, Northeast Regional Office (HFRNE-17), Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232, 718-340-7000, ext. 5528.

SUPPLEMENTARY INFORMATION: In the fall of 1999, FDA field offices will begin using the QSIT nationwide as the primary tool for medical device good manufacturing practice/quality system inspections. QSIT was developed using a collaborative effort with stakeholders and tested in three districts. The following workshops are scheduled to increase the medical community's understanding of QSIT:

TABLE 1.

Workshop Address	Date and Local Time	Deadline to Register and Fee	Registrar and Cosponsor	FDA Contact Person
EAST ELMHURST: Crowne Plaza, LaGuardia Airport, 104- 04 Ditmars Blvd., East Elmhurst, NY 11369, 718-457-6300.	Tuesday, October 12, 1999, 8:30 a.m. to 4:30 p.m.	Tuesday, September 28, 1999, \$170.	James Blanchard, Health Industry Manufacturers Association, 1200 G St. NW, suite 400, Wash- ington, DC 20005, 202- 434-7231, FAX 202- 783-8750.	Herman B. Janiger, Small Business Representa- tive, Northeast Regional Office, 718-340-7000, ext. 5528.
PRINCETON: Holiday Inn, US Route 1 & Ridge Rd., Princeton, NJ 08540, 609-452-2400 or 800-465-4329.	Thursday, October 14, 1999, 8:30 a.m. to 4:30 p.m.	Thursday, September 30, 1999, \$145.	Satish Laroia, Pharma- ceutical Quality Institute, 33 Aspen Circle, Edison, NJ 08820, 973-890- 1440, FAX 732-549- 7487.	Marie T. Falcone, Small Business Representa- tive, Central Regional Office, 215-597-2120, ext. 4003.
MINNEAPOLIS: Holiday Inn, Minneapolis West, 9970 Wayzata Blvd., Minneapolis, MN 55426, 612-593-1918 or 800- 465-4329.	Thursday, October 21, 1999, 8:30 a.m. to 4:30 p.m.	Friday, October 15, 1999, \$160 (member), \$235 (nonmember).	Lisa Miller, Medical Alley, 1550 Utica Ave. South St., Louis Park, MN 612-542-3077, FAX 612-542-3088, or "www.medicalalley.org".	Marie T. Falcone, Small Business Representa- tive, Central Regional Office, 215-597-2120, ext. 4003.
ORLANDO: Radisson Or- lando Airport, 5555 Ha- zelline National Dr., Or- lando, FL 32812, 407- 856-0100 or 800-333- 3333.	Thursday, October 28, 1999, 8:30 a.m. to 4:30 p.m.	Thursday, October 14, 1999, \$90.	Larry M. Clark, BioFlorida, Inc., 15205 SW 78th CT, Miami, FL 33157, 305- 971-1495, FAX 305- 971-1496.	Barbara Ward-Groves, Small Business Rep- resentative, Southeast Regional Office, 404- 253-2238.
CAMBRIDGE: Volpe Na- tional Transportation Systems, Center Audito- rium, rm. 1-11, Bldg. 2, Kendall Sq., Cambridge, MA 02142-1093.	Tuesday, November 2, 1999, 8:30 a.m. to 4:30 p.m.	Tuesday, October 19, 1999, \$50.	Terrence Sullivan, New England Biomedical Dis- cussion Group, P.O. Box 1282, Attleboro Falls, MA 02763-0282, 508- 643-0434, FAX 508- 643-2237.	Herman B. Janiger, Small Business Representa- tive, Northeast Regional Office, 718-340-7000, ext. 5528.
HOUSTON: Marriott West Loop, 1750 West Loop South, Houston, TX 77027, 713-960-0111 or 800-228-9290.	Thursday, November 4, 1999, 8:30 a.m. to 4:30 p.m.	Thursday, October 21, 1999, \$170.	Denise Rooney, Associa- tion of Food and Drug Officials, P.O. Box 3425, York, PA 17402, 717- 757-2888, FAX 717- 755-8089.	Brenda C. Baumert, Small Business Representa- tive, Southwest Regional Office, 214-655-8100, ext. 133.
OAK BROOK: Marriott Oak Brook, 1401 West 22d St., Oak Brook, IL 60523, 630-573-8555 or 800-228-9290.	Wednesday, November 10, 1999, 8:30 a.m. to 4:30 p.m.	Wednesday, October 27, 1999, \$80.	Susan B. Jacobs, Amer- ican Society for Quality, 3516 North Wilshire Dr., Palatine, IL 60067, 847- 359-4456, FAX 847- 359-4512.	Marie T. Falcone, Small Business Representa- tive, Central Regional Office, 215-597-2120, ext. 4003.
ATLANTA: Sheraton Col- ony Sq., 188 14th St. NE., Atlanta, GA 30361, 404-892-6000.	Tuesday, November 16, 1999, 8:30 a.m. to 4:30 p.m.	Tuesday, November 2, 1999, \$170.	Denise Rooney, Associa- tion of Food and Drug Officials, P.O. Box 3425, York, PA 17402, 717- 757-2888, FAX 717- 755-8089.	Barbara Ward-Groves, Small Business Rep- resentative, Southeast Regional Office, 404- 253-2238.
FOSTER CITY: Crowne Plaza Hotel, 1221 Chess Dr., Foster City, CA 94404, 650-570-5700.	Thursday, November 18, 1999, 8:30 a.m. to 4:30 p.m.	Thursday, November 4, 1999, \$120.	Courtney Ford, Regulatory Affairs Professionals So- ciety, 12300 Twinbrook Pkwy., suite 350, Rock- ville, MD 20852-1606, 301-770-2920, FAX 301-770-2924.	Acting Small Business Representative, Pacific Regional Office, 510- 637-3980.
BELLEVUE: Rockwell Insti- tute, 13218 North East 20th St., Bellevue, WA 98005, 425-747-7272.	Tuesday, November 23, 1999, 8:30 a.m. to 4:30 p.m.	Sunday, November 7, 1999, \$100.	Jaimie Hansen, Organiza- tion of Regulatory & Clinical Associates, P.O. Box 3490, Redmond, WA 98073-3490, 425- 487-7179, FAX 425- 487-8666.	Acting Small Business Representative, Pacific Regional Office, 510- 637-3980.

The workshops, scheduled above, will help to implement the FDA Plan for

Statutory Compliance (developed under section 406 of the FDA Modernization

Act (21 U.S.C. 393)) through working more closely with stakeholders and

ensuring access to needed scientific and technical expertise. These workshops also comply with the Small Business Regulatory Enforcement Fairness Act (Public Law 104-121) that requires

outreach activities by Government agencies directed to small businesses.

This notice announcing the workshops and a registration form may also be accessed at the CDRH website at

“<http://www.fda.gov/cdrh/fedregin.html>”.

The following information is requested for registration:

REGISTRATION FORM

Quality System Inspection Technique (QSIT)

Regional Medical Device Workshop

Instructions: To register, complete this form and mail with registration fee to the Registrar for the workshop you wish to attend.

Date, _____

Location, _____

Fee enclosed, _____

Name, _____

Title, _____

Company, _____

Address, _____

Telephone, _____

Fax, _____

E-mail _____

Dated: September 2, 1999.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 99-23633 Filed 9-7-99; 4:16 pm]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA-R-13]

Agency Information Collection Activities; Submission For OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Conditions of Coverage for Organ Procurement Organizations (OPOs) and Supporting Regulations in 42 CFR, Section 486.301-325;

Form No.: HCFA-R-13;

Use: An Organ Procurement Organization (OPO) is an entity that performs or coordinates the performance of retrieving, preserving and transporting organs and maintains a system of locating prospective recipients for available organs. OPOs are required to submit accurate data to HCFA concerning population and information on donors and organs on an annual basis in order to assure maximum effectiveness in the procurement and distribution of organs. This information collection lays out the conditions for coverage for OPOs;

Frequency: Annually;

Affected Public: Not-for-profit institutions;

Number of Respondents: 62;

Total Annual Responses: 62;

Total Annual Hours Requested: 1.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: August 19, 1999.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99-23603 Filed 9-9-99; 8:45 am]

BILLING CODE 4120-03-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA-R-281]

Emergency Clearance: Public Information Collection Requirements Submitted to the Office of Management and Budget (OMB)

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

We are, however, requesting an emergency review of the Information collections referenced below. In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we have submitted to the Office of Management and Budget (OMB) the following requirements for emergency review. We are requesting an emergency review because the collection of this information is needed prior to the expiration of the normal time limits under OMB's regulations at 5 CFR, Part 1320. The HCFA-R-281 will be used to evaluate the effects of the "Medicare and You Handbook: 2000" to determine that beneficiaries not only received it and are aware of the information, but whether they understand the information and are able to use it in making informed choices about their Medicare plan. Without this information, HCFA would not be able to obtain the information necessary to determine whether these goals have been met. The Agency cannot reasonably comply with the normal clearance procedures because public harm is likely to result due to the possibility of beneficiaries not being properly informed/educated as to the importance of their Medicare plan choices.

HCFA is requesting OMB review and approval of this collection by 9/10/99, with a 180-day approval period. Written comments and recommendations will be accepted from the public if received by the individuals designated below, by 9/9/99. During this 180-day period, we will publish a separate **Federal Register** notice announcing the initiation of an extensive 60-day agency review and public comment period on these requirements. We will submit the requirements for OMB review and an extension of this emergency approval.

Type of Information Collection Request: Revision of a currently approved collection;

Title of Information Collection: Survey of Medicare Beneficiaries for the National "Medicare and You Handbook: 2000" Evaluation;

Form No.: HCFA-R-281 (OMB #0938-0771);

Use: As part of the National Medicare Education Program (NMEP), HCFA plans a national mailing of the Medicare & You 2000 handbook to the entire Medicare population in September 1999. To evaluate the effects of the handbook, HCFA needs to know not only that beneficiaries received it and are aware of the information, but whether they understand the information and are able to use it in

making informed choices about their Medicare plan.

To quantify whether these goals have been met, measures of what beneficiaries currently know and understand about the Medicare program must be established. It is also necessary to compare attitudes and behavior of beneficiaries who receive the information to those who do not to determine if the print campaign of the NMEP (Medicare & You handbook) has been effective.

This survey will be used to determine the effectiveness of the "Medicare and You Handbook: 2000";

Frequency: Other: one time;

Affected Public: Business or other for-profit, and Individuals or Households;

Number of Respondents: 4,250;

Total Annual Responses: 4,250;

Total Annual Hours: 3,019.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326.

Interested persons are invited to send comments regarding the burden or any other aspect of these collections of Information requirements. However, as noted above, comments on these Information collection and recordkeeping requirements must be mailed and/or faxed to the designees referenced below, by 9/9/99:

Health Care Financing Administration,
Office of Information Services,
Security and Standards Group,
Division of HCFA Enterprise
Standards, Attention: Dawn
Willingham, Room N2-14-26, 7500
Security Boulevard, Baltimore,
Maryland 21244-1850 and Office of
Information and Regulatory Affairs,
Office of Management and Budget,
Room 10235, New Executive Office
Building, Washington, DC 20503, Fax
Number: (202) 395-6974 or (202) 395-
5167, Attn: Allison Herron Eydtt,
HCFA Desk Officer.

Dated: August 31, 1999.

John Parmigiani,

*Manager, HCFA Office of Information
Services, Security and Standards Group,
Division of HCFA Enterprise Standards.*
[FR Doc. 99-23606 Filed 9-9-99; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA-2058-PN]

RIN 0938-AJ68

Medicare and Medicaid Programs; Application of the Joint Commission for Accreditation of Healthcare Organizations (JCAHO) for Continued Approval of Deeming Authority for Home Health Agencies

AGENCY: Health Care Financing
Administration (HCFA), HHS.

ACTION: Proposed notice.

SUMMARY: This notice announces the receipt of an application from the Joint Commission for Accreditation of Healthcare Organizations (JCAHO) for recognition as a national accreditation program for home health agencies (HHAs) that wish to participate in the Medicare or Medicaid programs. The Social Security Act requires that the Secretary publish a notice identifying the national accreditation body making the request for approval, describing the nature of the request, and providing a 30-day public comment period.

DATES: Written comments will be considered if we receive them at the appropriate address, as provided in **ADDRESSES** section, no later than 5 p.m. on October 12, 1999.

ADDRESSES: Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA-2058-PN, P.O. Box 9010, Baltimore, Maryland 21244-9010.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses: Room 445-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5-16-03, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

FOR FURTHER INFORMATION CONTACT: Joan C. Berry, (410) 786-7233.

SUPPLEMENTARY INFORMATION:

Comments

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA-2058-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 445-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).

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a home health agency (HHA) provided certain requirements are met. Sections 1861(o) and 1891 of the Social Security Act (the Act) and part 484 of the Medicare regulations specify the conditions that an HHA must meet in order to participate in the Medicare program.

Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to the activities relating to the survey and certification of facilities are at 42 CFR part 488.

Generally, in order to enter into an agreement, an HHA must first be certified by the State survey agency as complying with the conditions or standards set forth in the statute and part 484 of our regulations. Then, the HHA is subject to regular surveys by a State survey agency to determine whether it continues to meet the requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(b)(1) of the Act permits "accredited" HHAs to be exempt from routine surveys by State survey agencies to determine compliance with Medicare conditions of participation. Section 1865(b)(1) of the Act provides that if the Secretary finds that accreditation of a provider entity by a national accreditation body demonstrates that all applicable conditions are met or exceeded, the Secretary "deems" those requirements to be met by the HHA. Our regulations concerning reapproval of accrediting organizations are set forth at §§ 488.4 and 488.8(d)(3). Section 488.8(d)(3) requires reapplication at least every 6 years and permits the Secretary to determine the required materials from those enumerated in § 488.4, and the deadline to reapply for continued approval of deeming authority. The Joint Commission for Accreditation of Healthcare Organizations (JCAHO) is a currently recognized accreditation organization for HHAs.

II. Approval of Deeming Organizations

Section 1865(b)(2) of the Act further requires that the Secretary's findings concerning review of national accrediting organizations consider, among other factors, the accreditation organization's requirements for accreditation, its survey procedures, its ability to provide adequate resources for conducting required surveys and ability

to supply information for use in enforcement activities, its monitoring procedures for provider entities found out of compliance with the conditions or requirements, and its ability to provide the Secretary with necessary data for validation.

Section 1865(b)(3)(A) of the Act requires that the Secretary publish, within 60 days of the receipt of an organization's complete application, a notice that identifies the national accreditation body making the request, describes the nature of the request, and provides at least a 30-day public comment period. Subsequently, the Secretary has 210 days from the receipt of the request to publish a finding of approval or denial of the application.

The purpose of this notice is to notify the public of JCAHO's request for reapproval and continuation of its deeming authority on the basis that the Secretary find that its separate accreditation programs for HHAs meet or exceed the Medicare conditions. This notice also solicits public comment on the ability of JCAHO requirements to meet or exceed the Medicare conditions of participation for HHAs.

III. Evaluation of Deeming Request

On July 26, 1999, JCAHO submitted all the necessary information concerning its request to be reapproved as a deeming organization for HHAs to permit us to make a determination. Under section 1865(b)(2) of the Act and our regulations at § 488.8 ("Federal review of accreditation organizations"), our review and evaluation of a national accreditation organization will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of JCAHO's requirements for an HHA to our comparable HHA conditions of participation.
- JCAHO's survey processes, to determine the following:
 - The composition of the survey team, surveyor qualifications, and JCAHO's ability to provide continuing surveyor training.
 - The comparability of its implemented processes to those of State agencies, including survey frequency, and its ability to investigate and respond appropriately to complaints against accredited facilities.
 - Its procedures for monitoring HHAs found by JCAHO to be out of compliance with program requirements. (These procedures are used only when JCAHO identifies noncompliance. If noncompliance is identified through validation reviews, the survey agency monitors

corrections as specified at § 488.7(b)(2).)

- Its ability to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.
- The ability of JCAHO to provide us with electronic data in ASCII comparable code and any reports necessary for effective validation and assessment of its survey processes.
- The adequacy of JCAHO's staff and other resources, and its financial viability.
- JCAHO's ability to provide adequate funding for performing required surveys.
- JCAHO's policies with respect to whether surveys are announced or unannounced.
- JCAHO's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require (including corrective action plans).

IV. Notice Upon Completion of Evaluation

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a notice in the **Federal Register** announcing the result of our evaluation.

Authority: Sec. 1865(b)(3)(A) of the Social Security Act (42 U.S.C. 1395bb(b)(3)(A)) (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: September 1, 1999.

Michael M. Hash

Deputy Administrator,

Health Care Financing Administration.

[FR Doc. 99-23624 Filed 9-9-99; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA-2059-PN]

RIN 0938-AJ69

Medicare and Medicaid Programs; Application of the Community Health Accreditation Program, Incorporated (CHAP) for Continued Approval of Deeming Authority for Home Health Agencies

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed notice.

SUMMARY: This notice announces the receipt of an application from the

Community Health Accreditation Program, Incorporated (CHAP) for recognition as a national accreditation program for home health agencies (HHAs) that wish to participate in the Medicare or Medicaid programs. The Social Security Act requires that the Secretary publish a notice identifying the national accreditation body making the request for approval, describing the nature of the request, and providing a 30-day public comment period.

DATES: Written comments will be considered if we receive them at the appropriate address, as provided in **ADDRESSES** section, no later than 5 p.m. on October 12, 1999.

ADDRESSES: Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA-2059-PN, P.O. Box 9010, Baltimore, Maryland 21244-9010.

If you prefer, you may deliver your written comments (one original and three copies) to one of the following addresses:

Room 445-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201, or Room C5-16-03, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

FOR FURTHER INFORMATION CONTACT: Joan C. Berry, (410) 786-7233.

SUPPLEMENTARY INFORMATION:

Comments

Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission. In commenting, please refer to file code HCFA-2059-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 445-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).

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services from a home health agency (HHA) provided certain requirements are met. Sections 1861(o) and 1891 of the Social Security Act (the Act) and part 484 of the Medicare regulations specify the conditions that an HHA must meet in order to participate in the Medicare program.

Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to the activities relating

to the survey and certification of facilities are at 42 CFR part 488.

Generally, in order to enter into an agreement, an HHA must first be certified by the State survey agency as complying with the conditions or standards set forth in the statute and part 484 of our regulations. Then, the HHA is subject to regular surveys by a State survey agency to determine whether it continues to meet the requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(b)(1) of the Act permits "accredited" HHAs to be exempt from routine surveys by State survey agencies to determine compliance with Medicare conditions of participation. Section 1865(b)(1) of the Act provides that if the Secretary finds that accreditation of a provider entity by a national accreditation body demonstrates that all applicable conditions are met or exceeded, the Secretary "deems" those requirements to be met by the HHA. Our regulations concerning reapproval of accrediting organizations are set forth at §§ 488.4 and 488.8(d)(3). Section 488.8(d)(3) requires reapplication at least every 6 years and permits the Secretary to determine the required materials from those enumerated in § 488.4, and the deadline to reapply for continued approval of deeming authority. The Community Health Accreditation Program, Incorporated (CHAP) is a currently recognized accreditation organization for HHAs.

II. Approval of Deeming Organizations

Section 1865(b)(2) of the Act further requires that the Secretary's findings concerning review of national accrediting organizations consider, among other factors, the accreditation organization's requirements for accreditation, its survey procedures, its ability to provide adequate resources for conducting required surveys and ability to supply information for use in enforcement activities, its monitoring procedures for provider entities found out of compliance with the conditions or requirements, and its ability to provide the Secretary with necessary data for validation.

Section 1865(b)(3)(A) of the Act requires that the Secretary publish, within 60 days of the receipt of an organization's complete application, a notice that identifies the national accreditation body making the request, describes the nature of the request, and provides at least a 30-day public comment period. Subsequently, the Secretary has 210 days from the receipt of the request to publish a finding of approval or denial of the application.

The purpose of this notice is to notify the public of CHAP's request for reapproval and continuation of its deeming authority on the basis that the Secretary find that its separate accreditation programs for HHAs meet or exceed the Medicare conditions. This notice also solicits public comment on the ability of CHAP's requirements to meet or exceed the Medicare conditions of participation for HHAs.

III. Evaluation of Deeming Request

On July 15, 1999, CHAP submitted all the necessary information concerning its request to be reapproved as a deeming organization for HHAs to permit us to make a determination. Under section 1865(b)(2) of the Act and our regulations at § 488.8 ("Federal review of accreditation organizations"), our review and evaluation of a national accreditation organization will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of CHAP's requirements for an HHA to our comparable HHA conditions of participation.
- CHAP's survey processes, to determine the following:
 - The composition of the survey team, surveyor qualifications, and CHAP's ability to provide continuing surveyor training.
 - The comparability of its implemented processes to those of State agencies, including survey frequency, and its ability to investigate and respond appropriately to complaints against accredited facilities.
 - Its procedures for monitoring HHAs found by CHAP to be out of compliance with program requirements. (These procedures are used only when CHAP identifies noncompliance. If noncompliance is identified through validation reviews, the survey agency monitors corrections as specified at § 488.7(b)(2).)
 - Its ability to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.
 - The ability of CHAP to provide us with electronic data in ASCII comparable code and any reports necessary for effective validation and assessment of its survey processes.
 - The adequacy of CHAP's staff and other resources, and its financial viability.
 - CHAP's ability to provide adequate funding for performing required surveys.

—CHAP's policies with respect to whether surveys are announced or unannounced.

—CHAP's agreement to provide us with a copy of the most current accreditation survey together with any other information related to the survey as we may require (including corrective action plans).

IV. Notice Upon Completion of Evaluation

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a notice in the **Federal Register** announcing the result of our evaluation.

Authority: Sec. 1865(b)(3)(A) of the Social Security Act (42 U.S.C. 1395bb(b)(3)(A)) (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: September 1, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

[FR Doc. 99-23625 Filed 9-9-99; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA-2057-PN]

Medicare and Medicaid Programs; Reapplication of the American Osteopathic Association (AOA) for Continued Approval of Deeming Authority for Hospitals

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed notice.

SUMMARY: This notice announces the receipt of a renewal application from the American Osteopathic Association (AOA) for continued recognition as a national accreditation program for hospitals that wish to participate in the Medicare or Medicaid programs. Section 1865(b)(3)(A) of the Social Security Act (the Act) requires the Secretary to publish a notice within 60 days of the receipt of an organization's complete application, identifying the national accreditation body making the request, describing the nature of the request, and providing a 30-day public comment period.

DATES: Written comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on October 12, 1999.

ADDRESSES: Mail written comments (one original and three copies) to the following address: Health Care Financing Administration, Department of Health and Human Services, Attention: HCFA-2057-PN, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

If you prefer, you may deliver your written comments (one original and three 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, Maryland 21244-1850.

Because of staffing and resource limitations, we cannot accept audio, visual, or facsimile (FAX) copies of comments. In commenting, please refer to file code HCFA-2057-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: Janice Adams-King, (410) 786-8354.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in a hospital provided certain requirements are met. The regulations specifying the Medicare conditions of participation for hospital care are located in 42 CFR part 482. These conditions implement section 1861(e) of the Social Security Act (the Act), which specifies services covered as hospital care and the conditions that a hospital must meet in order to participate in the Medicare program. Other relevant sections of the Act are section 1811, which specifies eligibility requirements for the individual and the amount of benefits; and sections 1814(l), 1876(h)(2), and 1886(c)(6) of the Act, which contain conditions of payment for hospitals.

Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to the activities relating to the survey and certification of facilities are at 42 CFR part 488. Our regulations at 42 CFR part 482 specify the conditions that a hospital must meet in order to participate in the Medicare program, the scope of covered services, and the conditions for Medicare payment for hospital services.

Generally, in order to enter into an agreement, a hospital must first be certified by a State survey agency as complying with the conditions or standards set forth in part 482 of our regulations. Then, the hospital is subject to regular surveys by a State survey agency to determine whether it continues to meet these requirements. There is an alternative, however, to surveys by State agencies.

Section 1865(b)(1) of the Act permits "accredited" hospitals to be exempt from routine surveys by State survey agencies to determine compliance with Medicare conditions of participation. Section 1865(b)(1) of the Act provides that if a provider entity by a national accreditation body demonstrates that all applicable conditions are met or exceed the Medicare conditions, the Secretary can "deem" the hospital as having met the requirements.

Our regulations concerning reapproval of accrediting organizations are set forth at §§ 488.4 and 488.8(d)(3). The regulations at § 488.8(d)(3) require reapplication at least every 6 years and permit HCFA to determine the required materials from those enumerated in § 488.4, and the deadline to reapply for continued approval of deeming authority.

This organization is currently a recognized accreditation organization for hospitals.

II. Approval of Deeming Organizations

Section 1865(b)(2) of the Act further requires that the Secretary's findings concerning review and reapproval of national accrediting organizations consider, among other factors, the reapplying accreditation organization's requirements for accreditation, its survey procedures, its ability to provide adequate resources for conducting required surveys and ability to supply information for use in enforcement activities, its monitoring procedures for provider entities found out of compliance with the conditions or requirements, and its ability to provide the Secretary with necessary data for validation.

Section 1865(b)(3)(A) of the Act requires that the Secretary publish, within 60 days of the receipt of an organization's complete reapplication, a notice identifying the national accreditation body making the request, describing the nature of the request, and providing at least a 30-day public comment period. Subsequently, the Secretary has 210 days from the receipt of the request to publish a finding of approval or denial of the reapplication.

The purpose of this notice is to notify the public of the request of AOA for

reapproval and continuation of its deeming authority on the basis that the Secretary find that its separate accreditation programs for hospital care meet or exceed the Medicare conditions. This notice also solicits public comment on the ability of each body's requirements to meet or exceed the Medicare conditions of participation.

III. Evaluation of Deeming Request

On 9/1/1999, AOA submitted all the necessary information concerning its request for reapproval as a deeming organization for hospitals to permit us to make a determination. Under section 1865(b)(2) of the Act and our regulations at § 488.8 ("Federal review of accreditation organizations"), our review and evaluation of a national accreditation organization will be conducted in accordance with, but not necessarily limited to, the following criteria:

- The equivalency of AOA's requirements for a hospital to HCFA's comparable hospital requirements.
- AOA's survey process, to determine the following:
 - The composition of the survey team, surveyor qualifications, and AOA's ability to provide continuing surveyor training.
 - The comparability of AOA's implemented process to those of State agencies, including survey frequency, and its ability to investigate and respond appropriately to complaints against accredited facilities;
 - AOA's procedures for monitoring providers or suppliers found to be out of compliance with AOA program requirements. (These procedures are used only when AOA identifies noncompliance. If noncompliance is identified through validation reviews, the survey agency monitors corrections as specified at § 488.7(b)(3).)
 - AOA's ability to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.
 - The ability of AOA to provide us with electronic data in ASCII comparable code and any reports necessary for effective validation and assessment of its survey processes.
 - The adequacy of AOA staff and other resources, and their financial viability.
 - AOA's ability to provide adequate funding for performing required surveys.
 - AOA's policies with respect to whether surveys are announced or unannounced.
 - AOA's agreement to provide us with a copy of its most current

accreditation survey with any other information related to the survey as we may require (including corrective action plans).

IV. Response to Comments and Notice Upon Completion of Evaluation

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.

Upon completion of our evaluation, including evaluation of comments received as a result of this notice, we will publish a notice in the **Federal Register** announcing the result of our evaluation.

Authority: Sec. 1865(b)(3)(A) of the Social Security Act (42 U.S.C. 1395bb(b)(3)(A)) (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance)

Dated: September 1, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

[FR Doc. 99-23626 Filed 9-9-99; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2) notice is hereby given of the meeting of the National Cancer Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals,

the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board.

Dates: September 22-24, 1999.

Name of Committee: National Cancer Advisory Board, Subcommittee on Activities and Agenda.

Closed: September 22, 7:30 p.m.—Recess.

Agenda: To discuss activities related to methodologies for transmission and evaluation of confidential grant information, including demonstrations using live data.

Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20892.

Contact Person: Dr. Marvin R. Kalt, Executive Secretary, National Cancer Institute, NIH, Executive Blvd., MSC 7405, Bethesda, MD 20892-7405, (301) 496-5147.

Name of Committee: National Cancer Advisory Board.

Dates: September 23-24, 1999.

Open: September 23, 9:00 a.m. to 3:30 p.m.; September 24, 9:00 to 11:15 a.m.

Agenda: Program reports and presentations; business of the Board. For detailed agenda: See NCI Homepage/Advisory Board and Groups, <http://deainfor.nci.nih.gov/ADVISORY/boards.htm>; Tentative agenda available 10 working days prior to meetings; Final agenda available 5 working days prior to meetings.

Closed: September 23, 3:45 p.m. to Recess.

Agenda: To review and evaluate grant applications.

Place: Building 31C, Conference Room 10, National Institutes of Health, 3100 Center Drive, Bethesda, MD 20892.

Contact Person: Dr. Marvin R. Kalt, Executive Secretary, National Cancer Institute, National Institutes of Health, Executive Plaza North, Suite 600, 6130 Executive Boulevard, Rockville, MD 20892, (301) 496-5147.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated August 31, 1990.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99-23562 Filed 9-9-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice

is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Mouse Models of Human Cancers Consortium.

Date: September 15-17, 1999.

Time: 7:00 pm to 6:00 pm.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Hilton, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Ray Bramhall, PhD, Scientific Review Administrator, Special Review, Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6130 Executive Blvd, Rockville, MD 20892, (301) 496-3428.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: August 31, 1999.

LaVerne J. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-23563 Filed 9-9-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other

reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Eye Council.

Date: September 16, 1999.

Open: 8:30 am to 11:30 am.

Agenda: Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs and policies.

Place: 6120 Executive Blvd., EPN Conference Room G, Rockville, MD 20852.
Closed: 11:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd., EPN Conference Room G, Rockville, MD 20852.

Contact Person: Lois DeNinno, National Eye Institute, Executive Plaza South, Suite 350, 6120 Executive Blvd., MSC 7167, Bethesda, MD 20892, 301-496-9110.

This notice is being published less than 15 days prior to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: September 1, 1999.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 99-23561 Filed 9-9-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Contract Review: Rodent Disease Diagnostic Laboratory.

Date: September 8, 1999.

Time: 2:00 pm to 4:00 pm.

Agenda: To review and evaluate contract proposals.

Place: NIEHS-East Campus, Building 4401, Conference Room 122, 79 Alexander Drive, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: J. Patrick Mastin, PhD, Scientific Review Administrator, NIEHS, P.O. Box 12233 MD EC-24, Research Triangle Park, NC 27709, (919) 541-1446.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Contract Review: Studies to Evaluate the Toxicologic and Carcinogenic Potential of Chemicals by Oral and Dermal Exposure (RFP-NIH-ES-99-35).

Date: September 24, 1999.

Time: 2:00 pm to 4:00 pm.

Agenda: to review and evaluate contract proposals.

Place: NIEHS-East Campus, 79 TW Alexander Drive, Building 4401, Room 3446, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: J. Patrick Mastin, PhD, Scientific Review Administrator, NIEHS, P.O. Box 12233, MD EC-24, Research Triangle Park, NC 27709, (919) 541-1446.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: September 2, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-23559 Filed 9-9-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Transition to Independent Positions (TIP) Review.

Date: October 14-15, 1999.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Hawthorne Suites, 300 Meredith Drive, Durham, NC 27713.

Contact Person: Linda K. Bass, PhD, Scientific Review Administrator, NIEHS, P.O. Box 12233, EC-24, Research Triangle Park, NC 27709, (919) 541-1307.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: September 1, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-23560 Filed 9-9-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institutes of Allergy and Infectious Diseases; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel HIV Vaccine Design and Development Teams.

Date: October 20–21, 1999.

Time: 8:30 AM to 5:30 PM.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn Bethesda, Maryland Room, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Kevin W. Ryan, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research, 93.856, Microbiology and Infectious diseases Research, National Institutes of Health, HHS)

Dated: August 31, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–23564 Filed 9–9–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institutes on Aging; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel Younkin Program Project.

Date: September 16, 1999.

Time: 1:PM to 4:30 PM.

Agenda: To review and evaluate grant applications.

Place: 7201 Wisconsin Avenue, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Paul Lenz, PhD, Office of Extramural Affairs, National Institute on Aging, Gateway Building, Room 2C212, 7201 Wisconsin Avenue, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: August 30, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–23566 Filed 9–9–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****Center for Scientific Review; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: September 14, 1999.

Time: 2:00 pm to 3:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Joseph Kimm, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5178 MSC 7844, Bethesda, MD 20892, (301) 435–1249.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 31, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–23565 Filed 9–9–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4432–N–36]

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 of the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also

published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable / available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B-41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number). HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available, or suitable/unavailable.

For properties listed as suitable/available, the landholding agency has decided that the property cannot be declared excess or made unavailable 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 Clifford Taffet 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: 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; 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) 686-9200; (These are not toll-free numbers).

Dated: September 2, 1999.

Joseph A. D'Agosta,

Acting General Deputy Assistant Secretary.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM—FEDERAL REGISTER REPORT FOR 9/10/00

Suitable/Available Properties

Buildings (by State)

California

Naval & Marine Corps Readiness
1700 Stadium Way
Los Angeles Co: Los Angeles 90012-
Landholding Agency: GSA
Property Number: 54199910005
Status: Excess

Comment: 133,484 sq. ft., suffered seismic damage, presence of asbestos/lead paint, historic covenants, 45% of property will revert to City

GSA Number: 9-N-CA-1523

Bldg. 105QA

Naval Station, San Diego
Mission Gorge Recreation Center
San Diego CA 92136-
Landholding Agency: Navy
Property Number: 77199830002
Status: Excess

Comment: 1,000 sq. ft., needs repair, most recent use—water treatment facility, off-site use only

Bldg. 102QA

Naval Station, San Diego
Mission Gorge Recreation Center
San Diego CA 92136-
Landholding Agency: Navy
Property Number: 77199830003
Status: Excess

Comment: 6,138 sq. ft., needs repair, most recent use—pro shop, off-site use only

Bldg. 118QA

Naval Station, San Diego
Mission Gorge Recreation Center

San Diego CA 92136-
Landholding Agency: Navy
Property Number: 77199830004
Status: Excess

Comment: 5635 sq. Ft., needs repair, most recent use—coffee shop-grille, off-site use only

Bldg. 119QA

Naval Station, San Diego
Mission Gorge Recreation Center
San Diego CA 92136-
Landholding Agency: Navy
Property Number: 77199830005
Status: Excess

Comment: 1277 sq. ft., needs repair, most recent use—lockers, off-site use only

Bldg. 129QA

Naval Station, San Diego
Mission Gorge Recreation Center
San Diego CA 92136-
Landholding Agency: Navy
Property Number: 77199830006
Status: Excess

Comment: 2832 sq. ft., needs repair, most recent use—patio cover, off-site use only

Bldg. 140QA

Naval Station, San Diego
Mission Gorge Recreation Center
San Diego CA 92136-
Landholding Agency: Navy
Property Number: 77199830007
Status: Excess

Comment: 1648 sq. ft., needs repair, most recent use—golf cart battery shop, off-site use only

Bldg. 176QA

Naval Station, San Diego
Mission Gorge Recreation Center
San Diego CA 92136-
Landholding Agency: Navy
Property Number: 77199830008
Status: Excess

Comment: 5200 sq. ft., needs repair, most recent use—golf cart shelter, off-site use only

Bldg. 193

Naval Station
San Diego, CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830112
Status: Excess

Comment: 780 sq. ft., needs major repairs, most recent use—utility plant, off-site use only

Bldg. 203

Naval Station
San Diego, CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830113
Status: Excess

Comment: 360 sq. ft., needs major repairs, most recent use—valve house, off-site use only

Bldg. 228

Naval Station
San Diego, CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830114
Status: Excess

Comment: 6142 sq. ft., needs major repairs, most recent use—workshop, off-site use only

Bldg. 286

Naval Station

- San Diego, CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830115
Status: Excess
Comment: 23,760 sq. ft., needs major repairs, most recent use—shop, off-site use only
- Bldg. 308
Naval Station
San Diego CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830116
Status: Excess
Comment: 3400 sq. ft., needs major repairs, most recent use—workshop, off-site use only
- Bldg. 314
Naval Station
San Diego CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830117
Status: Excess
Comment: 160 sq. ft., most recent use—water treatment facility, off-site use only
- Bldg. 315
Naval Station
San Diego CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830118
Status: Excess
Comment: 160 sq. ft., needs major repairs, most recent use—water treatment facility, off-site use only
- Bldg. 335
Naval Station
San Diego CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830119
Status: Excess
Comment: 14,000 sq. ft., needs major repairs, most recent use—workshop, off-site use only
- Bldg. 398
Naval Station
San Diego CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830120
Status: Excess
Comment: 1530 sq. ft., needs major repairs, most recent use—admin., off-site use only
- Bldg. 3201
Naval Station
San Diego CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830121
Status: Excess
Comment: 1750 sq. ft., needs major repairs, most recent use—workshop, off-site use only
- Connecticut
Pier 7
Naval Undersea Warfare Center
New London Co: New London CT 06320-5594
Landholding Agency: Navy
Property Number: 77199710063
Status: Excess
Comment: 700' long by 30' wide, rectangular shape reinforced concrete pier
- Bldg. 84, Anx. of Gilmore Hall
Naval Submarine Base New London
Groton Co: New London CT 06349-
Landholding Agency: Navy
Property Number: 77199830009
Status: Excess
Comment: 5400 sq. ft., 2-story, presence of asbestos/lead paint, needs rehab, off-site use only
- Bldg. 150, McNeil Hall
Naval Submarine Base New London
Groton Co: New London CT 06349-
Landholding Agency: Navy
Property Number: 77199830010
Status: Excess
Comment: 27,120 sq. ft., 4-story, presence of asbestos/lead paint, needs rehab, off-site use only
- Bldg. 437, Fife Hall
Naval Submarine Base New London
Groton Co: New London CT 06349-
Landholding Agency: Navy
Property Number: 77199830011
Status: Excess
Comment: 51,790 sq. ft., 3-story, presence of asbestos/lead paint, needs rehab, off-site use only
- Bldg. 295
Naval Submarine Base New London
Groton Co: New London CT 06349-
Landholding Agency: Navy
Property Number: 77199830012
Status: Excess
Comment: presence of asbestos/lead paint, needs rehab, off-site use only
- Facility CH-901
Naval Submarine Base
Co: New London CT
Landholding Agency: Navy
Property Number: 77199830045
Status: Excess
Comment: 6161 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—community center, off-site use only
- 3 Bldgs.
Naval Submarine Base
R121444, R121458, R121469
Ledyard Co: New London CT 06335-
Landholding Agency: Navy
Property Number: 77199910019
Status: Unutilized
Comment: various sq. ft., wood, possible asbestos/lead paint, most recent use—storage, off-site use only
- Hawaii
Bldg. S87, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786-3050
Landholding Agency: Navy
Property Number: 77199240011
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only
- Bldg. 64, Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786-3050
Landholding Agency: Navy
Property Number: 77199310004
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only
- Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolu HI 96860-
Landholding Agency: Navy
Property Number: 77199630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only
- Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy
Property Number: 77199640039
Status: Unutilized
Comment: 3412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible
- Bldg. S181
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy
Property Number: 77199640040
Status: Unutilized
Comment: 4258 sq. ft., 1-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible
- Bldg. 219
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy
Property Number: 77199640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control off-site use only, relocation may not be feasible
- Bldg. 220
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy
Property Number: 77199640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control off-site use only, relocation may not be feasible
- Bldg. 160
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy
Property Number: 77199840002
Status: Unutilized
Comment: 6070 sq. ft., needs rehab, presence of lead paint, most recent use—storage/office, off-site use only
- Maine
Bldg. 22
Naval Air Station
Brunswick Co: Cumberland ME 04011-
Landholding Agency: Navy
Property Number: 77199840008
Status: Excess
Comment: 2687 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only
- Bldg. 36
Naval Air Station
Brunswick Co: Cumberland ME 04011-
Landholding Agency: Navy
Property Number: 77199840009
Status: Excess
Comment: 8840 sq. ft., most recent use—storage, off-site use only
- Bldg. 38
Naval Air Station
Brunswick Co: Cumberland ME 04011-
Landholding Agency: Navy
Property Number: 77199840010
Status: Excess
Comment: 19,612 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only
- Bldg. 234
Naval Air Station

Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77199840011
Status: Excess
Comment: 768 sq. ft., presence of asbestos/
lead paint, most recent use—generator
bldg., off-site use only

Michigan

Parcel 1
Old Lifeboat Station
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 54199730011
Status: Excess
Comment: 2062 sq. ft., station bldg., garage,
boathouse, oilhouse, possible asbestos/lead
paint, eligible for listing on National
Register of Historic Places
GSA Number: 1–UU–MI–500

Minnesota

GAP Filler Radar Site
St. Paul Co: Rice MN 55101–
Landholding Agency: GSA
Property Number: 54199910009
Status: Excess
Comment: 1266 sq. ft., concrete block,
presence of asbestos/lead paint, most
recent use—storage, zoning requirements
GSA Number: 1–GR(1)–MN–475

Army Reserve Center
620 Turill St.
Le Sueur Co: MN 56058–
Landholding Agency: GSA
Property Number: 54199920007
Status: Excess

Comment: 4316 sq. ft., possible asbestos/lead
paint, most recent use—educational and
support facilities
GSA Number: 1–D–MN–568

New Hampshire

Bldg. 246
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199820028
Status: Unutilized
Comment: metal frame structure, off-site use
only

Bldg. 335
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199820029
Status: Unutilized
Comment: 1000 sq. ft., brick, off-site use only

Bldg. 128
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830015
Status: Excess
Comment: 10,900 sq. ft., needs rehab,
presence of asbestos, most recent use—
storage, off-site use only

Bldg. 185
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830016
Status: Excess
Comment: 2310 sq. ft., needs rehab, presence
of asbestos, most recent use—office, off-site
use only

Bldg. 314
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830017
Status: Excess
Comment: cement block bldg., needs rehab,
presence of asbestos, most recent use—
storage, off-site use only

Bldg. 336
Portsmouth Naval Shipyard
Portsmouth NH 03804–5000
Landholding Agency: Navy
Property Number: 77199830018
Status: Excess
Comment: metal bldg w/cement block
foundation, off-site use only

Bldg. H–2
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910044
Status: Unutilized
Comment: 1103 sq. ft., possible asbestos, off-
site use only

Bldg. IY44
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910045
Status: Unutilized
Comment: 1100 sq. ft., possible asbestos,
most recent use—small arms magazine, off-
site use only

Bldg. 160
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199910046
Status: Unutilized.
Comment: 6080 sq. ft., possible asbestos,
most recent use—storage, off-site use only

Bldg. 97
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Landholding Agency: Navy
Property Number: 77199920064
Status: Unutilized.
Comment: 573 sq. ft., most recent use—scale
house/storage, off-site use only

New Jersey
ESMT Manasquan
124 Ocean Ave.
Manasquan Co: Monmouth NJ
Landholding Agency: GSA
Property Number: 54199730025
Status: Excess
Comment: main bldg. (5714 sq. ft.), paint
locker (96 sq. ft.), garage (3880 sq. ft.), need
repairs, presence of asbestos/lead paint,
Coast Guard easement
GSA Number: 1–U–NJ–0632

New York
“Terry Hill”
County Road 51
Manorville, NY
Landholding Agency: GSA
Property Number: 54199830008
Status: Surplus
Comment: 2 block structures, 780/272 sq. ft.,
no sanitary facilities, most recent use—
storage/comm. facility, w/6.19 acres in fee
and 4.99 acre easement, remote area
GSA Number: 1–D–NY–864

Binghamton Depot
Nolans Road
Binghamton Co: NY 00000–
Landholding Agency: GSA
Property Number: 54199910015
Status: Excess
Comment: 45,977 sq. ft., needs repair,
presence of asbestors, most recent use—
office.
GSA Number: 1–G–NY–760A
101 Housing Units
Mitchel Complex
82B Mitchel Avenue
East Meadow Co: Nassau NY 11554–
Landholding Agency: Navy
Property Number: 77199810093
Status: Unutilized.
Comment: 422 sq. ft., frame, 2-story, presence
of asbestos/lead paint, most recent use—
residential, off-site use only

36 Garages
Mitchel Complex
82B Mitchel Avenue
East Meadow Co: Nassau NY 11554–
Landholding Agency: Navy
Property Number: 77199810094
Status: Unutilized.
Comment: 350 sq. ft., Masonary, most recent
use—garage, off-site use only
Naval Reserve Center
201 Third Avenue
Frankfort NY 13340–1419
Landholding Agency: Navy
Property Number: 77199840017
Status: Unutilized.
Comment: 10,000 sq. ft., most recent use—
training facility

Ohio

Lorain Housing
238–240 Augusta Ave.
Lorain OH 44051–
Landholding Agency: GSA
Property Number: 54199840006
Status: Excess
Comment: 3000 sq. ft. duplex, 2-story, good
condition, possible lead based paint,
existing easements
GSA Number: 1–U–OH–814

Pennsylvania

Bldg. 76
Naval Inventory Control
Point
Philadelphia Co: Philadelphia PA 19111–
5098
Landholding Agency: Navy
Property Number: 77199730075
Status: Excess
Comment: 3475 sq. ft., cinder block/metal,
most recent use—child care, needs repair,
off-site use only

Bldg. 44
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830093
Status: Excess
Comment: 2154 sq. ft., needs repair, presence
of asbestos, most recent use—medical
clinic, off-site use only

Bldg. 48
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830094

- Status: Excess
Comment: 2737 sq. ft., needs repair, presence of asbestos, most recent use—admin., off-site use only
- Bldg. 49
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830095
Status: Excess
Comment: 3263 sq. ft., needs repair, presence of asbestos, most recent use—admin., off-site use only
- Bldg. 64
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830096
Status: Excess
Comment: 3157 sq. ft., needs major repairs, presence of asbestos, most recent use—office, off-site use only
- Bldg. 65 U/V
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830097
Status: Excess
Comment: 4829 sq. ft., needs repair, presence of asbestos, most recent use—quarters, off-site use only
- Bldg. 133
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830098
Status: Excess
Comment: 27,600 sq. ft., needs repair, presence of asbestos, most recent use—admin., off-site use only
- Bldg. 337
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830099
Status: Excess
Comment: 1025 sq. ft., needs major repairs, presence of asbestos, most recent use—garage, off-site use only
- Bldg. 418
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830100
Status: Excess
Comment: 2578 sq. ft., needs repair, presence of asbestos, most recent use—quarters, off-site use only
- Bldg. 570
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830101
Status: Unutilized
Comment: 9123 sq. ft., needs repair, presence of asbestos, most recent use—tool room, off-site use only
- Bldg. 605
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830102
Status: Excess
- Comment: 1118 sq. ft., needs repair, presence of asbestos, most recent use—garage, off-site use only
- Rhode Island
- Bldg. 69
Naval Education and Training Center
Newport Co: Newport RI 02841–
Landholding Agency: Navy
Property Number: 77199810052
Status: Unutilized
Comment: 600 sq. ft., concrete, presence of asbestos, most recent use—storage, off-site use only
- Bldg. A33
Navy Hospital Gate 5
Newport RI 02841–
Landholding Agency: Navy
Property Number: 77199810083
Status: Underutilized
Comment: 1512 sq. ft., detached 5 stall garage, needs repair, presence of asbestos, off-site use only
- Facility T
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810175
Status: Unutilized
Comment: 1610 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only
- Facility U
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810176
Status: Unutilized
Comment: 1593 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—maint. shop, off-site use only
- Facility V
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810177
Status: Unutilized
Comment: 1593 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—maint. shop, off-site use only
- Facility W
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810178
Status: Unutilized
Comment: 1593 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—training/office, off-site use only
- Facility X
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810179
Status: Unutilized
Comment: 1593 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only
- Facility Y
Naval Education & Training Center
- Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810180
Status: Unutilized
Comment: 1593 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—admin., off-site use only
- Facility 322
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810181
Status: Unutilized
Comment: 800 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only
- Facility 323
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810182
Status: Unutilized
Comment: 800 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—maint. shop, off-site use only
- Facility 324
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810183
Status: Unutilized
Comment: 800 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—maint. shop, off-site use only
- Facility 325
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810184
Status: Unutilized
Comment: 800 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only
- Facility 326
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810185
Status: Unutilized
Comment: 800 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only
- Facility 327
Naval Education & Training Center
Coddington Park
Newport Co: Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 77199810186
Status: Unutilized
Comment: 800 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—maint. shop, off-site use only
- Bldg. 342
Coddington Park
Naval Education & Training Center
Newport RI 02841–1711
Landholding Agency: Navy
Property Number: 771998101259
Status: Unutilized

Comment: 646 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 340

Coddington Park

Naval Education & Training Center

Newport RI 02841-1711

Landholding Agency: Navy

Property Number: 77199810260

Status: Unutilized

Comment: 96 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—heating plant bldg., off-site use only

Bldg. 697

Coddington Cove

Naval Education & Training Center

Newport RI 02841-1711

Landholding Agency: Navy

Property Number: 77199810262

Status: Unutilized

Comment: 960 sq. ft., presence of asbestos/lead paint, most recent use—self help shop, off-site use only

Bldg. 696

Coddington Cove

Naval Education & Training Center

Newport RI 02841-1711

Landholding Agency: Navy

Property Number: 77199810263

Status: Unutilized

Comment: 960 sq. ft., presence of asbestos/lead paint, most recent use—elec/comm maint. shop, off-site use only

Bldg. 35

Coddington Cove

Naval Education & Training Center

Newport RI 02841-1711

Landholding Agency: Navy

Property Number: 77199810264

Status: Unutilized

Comment: 2880 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—auto storage, off-site use only

Bldg. 70

Naval Station, Newport

Middletown Co: Newport RI 02842-

Landholding Agency: Navy

Property Number: 77199840018

Status: Unutilized

Comment: 1900 sq. ft., most recent use—storage, off-site use only

Bldg. 111

Naval Station, Newport

Middletown Co: Newport RI 02842-

Landholding Agency: Navy

Property Number: 77199840019

Status: Unutilized

Comment: 560 sq. ft., most recent use—storage, off-site use only

Facility 700

Naval Station

Newport RI 02841-

Landholding Agency: Navy

Property Number: 77199840029

Status: Unutilized

Comment: 6230 sq. ft., most recent use—wastewater treatment plant, off-site use only

Facility 994

Naval Station

Newport RI 02841-

Landholding Agency: Navy

Property Number: 77199840030

Status: Unutilized

Comment: 960 sq. ft., most recent use—storage, off-site use only

Facility 449

Naval Station

Newport RI 02841-

Landholding Agency: Navy

Property Number: 77199840031

Status: Unutilized

Comment: 140 sq. ft., most recent use—chlorination shed, off-site use only

Facility 1324

Naval Station

Newport RI 02841-

Landholding Agency: Navy

Property Number: 77199840032

Status: Unutilized

Comment: 107 sq. ft., most recent use—lift station controls shed, off-site use only

Bldg. 118

Naval Undersea Warfare Center

Middletown Co: Newport RI 02841-1708

Landholding Agency: Navy

Property Number 77199920065

Status: Excess

Comment: 1604 sq. ft., presence of asbestos/lead paint, most recent use—offices/storage, off-site use only

Bldg. 136

Naval Undersea Warfare Center

Middletown Co: Newport RI 02841-1708

Landholding Agency: Navy

Property Number: 77199920066

Status: Excess

Comment: 882 sq. ft., presence of asbestos/lead paint, most recent use—operations office, off-site use only

Tennessee

3 Facilities, Guard Posts

Volunteer Army Ammunition Plant

Chattanooga Co: Hamilton TN 37421-

Landholding Agency: GSA

Property Number: 54199930011

Status: Surplus

Comment: 48-64 sq. ft., most recent use—access control

GSA Number: 4-D-TN-594F

4 Bldgs

Volunteer Army Ammunition Plant

Railroad System Facilities

Chattanooga Co: Hamilton TN 37421-

Landholding Agency: GSA

Property Number: 54199930012

Status: Surplus

Comment: 144-2,420 sq. ft., most recent use—storage/rail weighing facilities/dock, potential use/lease restrictions

GSA Number: 4-D-TN-594F

8 Bldgs

Volunteer Army Ammunition Plant

Missile Assembly

Chattanooga Co: Hamilton TN 37421-

Landholding Agency: GSA

Property Number: 54199930013

Status: Surplus

Comment: concrete block bldgs. on approx. 100 acres, most recent use—assembly/storage/buffer, potential use restrictions

GSA Number: 4-D-TN-594F

200 Bunkers

Volunteer Army Ammunition Plant

Storage Magazines

Chattanooga Co: Hamilton TN 37421-

Landholding Agency: GSA

Property Number: 54199930014

Status: Surplus

Comment: 200 concrete bunkers covering a land area of approx. 4000 acres, most recent use—storage/buffer area, potential use restrictions

GSA Number: 4-D-TN-594F

Bldg. 232

Volunteer Army Ammunition Plant

Chattanooga Co: Hamilton TN 37421-

Landholding Agency: GSA

Property Number: 54199930020

Status: Surplus

Comment: 10,000 sq. ft., most recent use—office, presence of asbestos, approx. 5 acres associated w/bldg., potential use restrictions

GSA Number: 4-D-TN-594F

2 Laboratories

Volunteer Army Ammunition Plant

Chattanooga Co: Hamilton TN 37421-

Landholding Agency: GSA

Property Number: 54199930021

Status: Surplus

Comment: 2,000-12,000 sq. ft., potential use/lease restrictions

GSA Number: 4-D-TN-594F

3 Facilities

Volunteer Army Ammunition Plant

Water Distribution Facilities

Chattanooga Co: Hamilton TN 37421-

Landholding Agency: GSA

Property Number: 54199930022

Status: Surplus

Comment: 256-15,204 sq. ft., 35.86 acres associated w/bldgs., most recent use—water distribution system, potential use/lease restrictions

GSA Number: 4-D-TN-594F

Texas

Fairfield Federal Building

E. Main & Keechi St.

Fairfield Co: Freestone TX 75840-1556

Landholding Agency: GSA

Property Number: 54199920006

Status: Excess

Comment: 10,314 sq. ft., needs repair, most recent use—post office/Fed Bldg

GSA Number: 7-G-TX-1051

Virginia

Army Reserve Center

1 West Church St.

Martinsville Co: Henry VA 24112-

Landholding Agency: GSA

Property Number: 54199930010

Status: Excess

Comment: 12,225 sq. ft., 3 stories, most recent use—office, 2,250 sq. ft. leased to Postal Service

GSA Number: 4-D-VA-719

Bldg. SP-63A

Naval Base Norfolk

Norfolk Co: VA 23511-

Landholding Agency: Navy

Property Number: 77199910017

Status: Excess

Comment: 480 sq. ft., needs rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. SP-63

Naval Base Norfolk

Norfolk Co: VA 23511-

Landholding Agency: Navy

Property Number: 7719991018

Status: Excess

- Comment: 1632 sq. ft., presence of asbestos, off-site use only
 Bldg. MCE223
 Naval Station Norfolk
 Norfolk Co: VA 23511-2895
 Landholding Agency: Navy
 Property Number: 77199910053
 Status: Excess
 Comment: 256 sq. ft., presence of asbestos, most recent use—storage, off-site use only
 Bldg. MCE221
 Naval Station Norfolk
 Norfolk Co: VA 23511-2895
 Landholding Agency: Navy
 Property Number: 77199910054
 Status: Excess
 Comment: 4000 sq. ft., presence of asbestos, most recent use—storage, off-site use only
 Structure NH-201
 Atlantic Fleet Hdqts.
 Support Activity
 Norfolk Co: VA 23511-
 Landholding Agency: Navy
 Property Number: 77199920149
 Status: Excess
 Comment: 4922 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only
 Structure NH-203
 Atlantic Fleet Hdqts.
 Support Activity
 Norfolk Co: VA 23511-
 Landholding Agency: Navy
 Property Number: 77199920150
 Status: Excess
 Comment: 1974 sq. ft., presence of asbestos/lead paint, most recent use—maint. shop, off-site use only
 Structure NH-213
 Atlantic Fleet Hdqts.
 Support Activity
 Norfolk Co: VA 23511-
 Landholding Agency: Navy
 Property Number: 77199920151
 Status: Excess
 Comment: 7840 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only
 Washington
 Moses Lake U.S. Army Rsv Ctr
 Grant County Airport
 Moses Lake Co: Grant WA 98837-
 Landholding Agency: GSA
 Property Number: 21199630118
 Status: Surplus
 Comment: 4499 sq. ft./2.86 acres, most recent use—admin.
 GSA Number: 9-D-WA-1141
 149 Duplexes
 Navy Transient Family Accom.
 Eastpark
 90 Magnuson Way
 Bremerton WA 98310-
 Location: Structures 002-148, 150, 152-153, 157
 Landholding Agency: Navy
 Property Number: 77199820118
 Status: Excess
 Comment: 1286 sq. ft./1580 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—housing, off-site use only
 9 Duplexes
 Navy Transient Family Accom.
 Eastpark
 90 Magnuson Way
 Bremerton WA 98310-
 Location: Structures 151, 155-156, 158-163
 Landholding Agency: Navy
 Property Number: 77199820119
 Status: Excess
 Comment: 3082 sq. ft./3192 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—housing, off-site use only
 2 Sixplexes
 Navy Transient Family Accom.
 Eastpark
 90 Magnuson Way
 Bremerton WA 98310-
 Location: Structures 154, 189
 Landholding Agency: Navy
 Property Number: 77199820120
 Status: Excess
 Comment: 4618 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—housing, off-site use only
 1 Single Unit
 Navy Transient Family Accom.
 Eastpark
 90 Magnuson Way
 Bremerton WA 98310-
 Location: Structure 149
 Landholding Agency: Navy
 Property Number: 77199820121
 Status: Excess
 Comment: 790 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—housing, off-site use only
 Storage Building
 Navy Transient Family Accom.
 Eastpark
 90 Magnuson Way
 Bremerton WA 98310-
 Landholding Agency: Navy
 Property Number: 77199820122
 Status: Excess
 Comment: 2160 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only
 Admin. Building, Structure 001
 Navy Transient Family Accom.
 Eastpark
 90 Magnuson Way
 Bremerton WA 98310-
 Landholding Agency: Navy
 Property Number: 77199820123
 Status: Excess
 Comment: 9550 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only
 Wisconsin
 Naval Reserve Center
 215 South Eagle Street
 Oshkosh Co: Winnebago WI 54903-
 Landholding Agency: GSA
 Property Number: 54199830002
 Status: Excess
 Comment: 16,260 sq. ft., excellent condition, presence of asbestos/lead paint, most recent use—office
 GSA Number: 1-N-WI-596
Land (by State)
 New York
 Galeville Army Training Site
 Shawangunk Co: Ulster NY 12589-
 Landholding Agency: GSA
 Property Number: 21199510128
 Status: Excess
 Comment: 55 acres of 622 acres are available, improved w/inactive runways, 234 acres is wetlands and habitat for threatened species
 GSA Number: 2-D-NY-807
 Ohio
 Jersey Tower Site
 Tract No. 100 & 100E
 Jersey Co: Licking OH 00000-
 Landholding Agency: GSA
 Property Number: 54199910013
 Status: Surplus
 Comment: 4.24 acres, subject to preservation of wetlands
 GSA Number: 1-W-OH-813
 Tennessee
 1500 acres
 Volunteer Army Ammunition Plant
 Chattanooga Co: Hamilton TN 37421-
 Landholding Agency: GSA
 Property Number: 54199930015
 Status: Surplus
 Comment: scattered throughout facility, most recent use—buffer area, steep topography, potential use restrictions
 GSA Number: 4-D-TN-594F
Suitable/Unavailable Properties
BUILDINGS (by State)
 Alaska
 10 Office Buildings
 Anchorage Native Medical Center
 225 Gambell St.
 Anchorage Co: Anchorage AK 99501-
 Landholding Agency: GSA
 Property Number: 54199710002
 Status: Surplus
 Comment: high maintenance costs, does not meet Fed. seismic standards, presence of asbestos, PCB's, lead paint
 GSA Number: 9-F-AK-750
 3 Storage Buildings
 Anchorage Native Medical Center
 225 Gambell St.
 Anchorage Co: Anchorage AK 99501-
 Landholding Agency: GSA
 Property Number: 54199710003
 Status: Surplus
 Comment: high maintenance costs, does not meet Fed. seismic standards, presence of asbestos, PCB's, lead paint
 GSA Number: 9-F-AK-750
 1 Hospital
 Anchorage Native Medical Center
 225 Gambell St.
 Anchorage Co: Anchorage AK 99501-
 Landholding Agency: GSA
 Property Number: 54199710004
 Status: Surplus
 Comment: 173,336 sq. ft., high maintenance costs, does not meet Fed. seismic standards, presence of asbestos, PCB's, lead paint
 GSA Number: 9-F-AK-750
 California
 112 Bldgs.—Skaggs Island
 Naval Security Group
 Skaggs Island Co: Sonoma CA
 Landholding Agency: GSA
 Property Number 54199730001
 Status: Excess
 Comment: 32-13,374 sq. ft., temp. quonset huts to perm. wood/concrete most recent use—housing, admin., support facilities,

remote location, below sea level, high maintenance

GSA Number: 9-N-CA-1488

Marine Culture Laboratory
Granite Canyon

34500 Coast Highway

Monterey CA 93940-

Landholding Agency: GSA

Property Number: 54199830011

Status: Surplus

Comment: 3297 sq. ft. office bldg. & lab on 4.553 acres, enviro. clean-up plans scheduled

GSA Number: 9-C-CA-1499

Natl Weather Svc Station

Blue Canyon Airport

Emigrant Gap CA 95715-

Landholding Agency: GSA

Property Number: 54199840007

Status: Surplus

Comment: 3140 sq. ft., presence of asbestos, most recent use—ofc/residential/storage, land agreements w/U.S. Forest Service exist, special use permit

GSA Number: 9-C-CA-1521

Delaware

Unaccompanied Pers. Housing

800 Inlet Road

Rehoboth Beach Co: Sussex DE 19971-2698

Landholding Agency: GSA

Property Number: 54199840009

Status: Excess

Comment: 3600 sq. ft., 2-story, termite damage, most recent use—housing, off-site use only

GSA Number: 4-U-DE-462

Georgia

Phil Landrum Federal Bldg.

35 W. Church Street

Jasper Co: Pickens GA 30143-

Landholding Agency: GSA

Property Number: 54199810008

Status: Surplus

Comment: 9533 sq. ft., 2-story, no elevators/no handicapped ramps, steps need repair, most recent use—postal service with parking lot

GSA Number: 4-G-GA-854

Federal Building

109 N. Main Street

Lafayette Co: Walker GA 30728-

Landholding Agency: GSA

Property Number: 54199910014

Status: Excess

Comment: approx. 4761 sq. ft., does not meet ADA requirements for accessibility, easements/reservations restrictions, historic protective covenants

GSA Number: 4-G-GA-858

Illinois

Radar Communication Link

½ mi east of 116th St.

Co: Will IL

Landholding Agency: GSA

Property Number: 54199820013

Status: Excess

Comment: 297 sq. ft. concrete block bldg. with radar tower antenna, possible lead based paint, most recent use—air traffic control

GSA Number: 2-U-IL-696

Natl Weather Svc. Meter. Obs.

Morris Blacktop Rd.

Miller Township Co: LaSalle IL 61341-

Landholding Agency: GSA

Property Number: 54199820014

Status: Excess

Comment: 1400 sq. ft. office bldg. & 500 sq. ft. garage

GSA Number: 1-C-IL-708

Indiana

Vincennes Federal Building

501 Busseron St.

Vincennes Co: Knox IN 47591-

Landholding Agency: GSA

Property Number: 54199820015

Status: Excess

Comment: 22,000 sq. ft., presence of asbestos, property is historically significant, most recent use—office bldg.

GSA Number: 1-G-IN-592

Former Army Reserve Center

White Oak Park

LaPorte Co: LaPorte IN 00000-

Landholding Agency: GSA

Property Number: 54199920003

Status: Excess

Comment: two—1600 sq. ft. picnic shelters, 4358 sq. ft. paved road, 200 sq. ft. rest room

GSA Number: 1-GR(1)-IN-430E

Kentucky

Site 11

Cannelton Locks and Dams

Brandenburg Co: Meade KY 40108-

Landholding Agency: GSA

Property Number: 54199920004

Status: Surplus

Comment: 320 sq. ft. comfort station on approx. 33.40 acres, most recent use—recreation/park, subject to complete flooding

GSA Number: 4-D-KY-539

Maine

Bldg. 376, Naval Air Station

Topsham Annex

Topsham Co: Sagadahoc ME

Landholding Agency: Navy

Property Number: 77199320011

Status: Unutilized

Comment: 4530 sq. ft., 2-story, most recent use—quarters, needs rehab

Bldg. 383

Topsham Annex, Naval Air Station

Brunswick ME 04011-

Landholding Agency: Navy

Property Number: 77199720025

Status: Unutilized

Comment: 4431 sq. ft., 1-story

Bldg. 382

Topsham Annex, Naval Air Station

Brunswick ME 04011-

Landholding Agency: Navy

Property Number: 77199720026

Status: Unutilized

Comment: 14855 sq. ft., 1-story, subject to contamination

Bldg. 381

Topsham Annex, Naval Air Station

Brunswick ME 04011-

Landholding Agency: Navy

Property Number: 77199720027

Status: Unutilized

Comment: 14057 sq. ft., 1-story

Maryland

Duplex House w/detached garage

710 Trail Ave.

Frederick MD 21702-5000

Landholding Agency: GSA

Property Number: 54199830007

Status: Excess

Comment: total 1230 sq. ft., needs repair, presence of lead-based paint

GSA Number: 4-F-MD-0597

Waldorf Housing

Country Lane and Spruce Street

Waldorf Co: Charles MD

Landholding Agency: GSA

Property Number: 54199840012

Status: Excess

Comment: 12 unit townhouse complex = 5 two bedroom, 1 bath; 5 three bedroom, 1 bath; 2 three bedroom, 2 bath; need rehab

GSA Number: 4-N-MD-0546

Cheltenham Naval Comm. Dtchmt.

9190 Commo Rd., AKA 7700 Redman Rd.

Clinton Co: Prince George MD 20397-5520

Landholding Agency: GSA

Property Number: 77199330010

Status: Excess

Comment: 32 bldgs., various sq. ft., most recent use—admin/com, & 39 family housing units on 230.35 acres, presence of lead paint/asbestos, 20.09 acres leased to County w/improvements

GSA Number: 4-N-MD-544A

Michigan

Detroit Job Corps Center

10401 E. Jefferson & 1438 Garland; 1265 St. Clair

Detroit Co: Wayne MI 42128-

Landholding Agency: GSA

Property Number: 54199510002

Status: Surplus

Comment: Main bldg. is 80,590 sq. ft., 5-story, adjacent parking lot, 2nd bldg. on St. Clair Ave. is 5140 sq. ft., presence of asbestos in main bldg., to be vacated 8/97

GSA Number: 2-L-MI-757

S. Haven Keeper's Dwelling

91 Michigan Ave.

South Haven Co: Van Buren MI 49090-

Landholding Agency: GSA

Property Number: 54199740012

Status: Excess

Comment: 3257 sq. ft., 2-story dwelling and 800 sq. ft. garage, presence of asbestos/lead paint

GSA Number: 1-U-MI-475C

Mississippi

Federal Building

236 Sharkey Street

Clarksdale Co: Coahoma MS 38614-

Landholding Agency: GSA

Property Number: 54199910004

Status: Excess

Comment: 15,233 sq. ft., courthouse

GSA Number: 4-G-MS-553

Nebraska

NE City Repair/Storage Garage

HWY 2

Nebraska City Co: Otoe NE 68410-

Landholding Agency: GSA

Property Number: 54199830003

Status: Excess

Comment: 6400 sq. ft. sheet metal bldg., w/concrete and gravel floor on 1.84 acres of land

GSA Number: 7-D-NE-525

- New York
Reserve Center
Sgt. H. Grover H. O'Connor
USARC
303 N. Lackawanna Street
Wayland Co: Steuben NY 14572-
Landholding Agency: GSA
Property Number: 21199710239
Status: Unutilized
Comment: 2 bldgs., 17,102 sq. ft. and 1,325
sq. ft., 1-story
GSA Number: 1-D-NY-866
- North Carolina
Federal Building
146 North Main Street
Rutherfordton Co: Rutherford NC 28139-
Landholding Agency: GSA
Property Number: 54199730022
Status: Excess
Comment: 4919 sq. ft. more recent use—office,
good condition
GSA Number: 4-G-NC-727
- Tarheel Army Missile Plant
Burlington Co: Alamance NC 27215-
Landholding Agency: GSA
Property Number: 54199820002
Status: Excess
Comment: 31 bldgs., presence of asbestos,
most recent use—admin., warehouse,
production space and 10.04 acres parking
area, contamination at site—environmental
clean up in process
GSA Number: 4-D-NC-593
- Coinjock Station
Canal Road
Coinjock Co: Currituck NC 27293-
Landholding Agency: GSA
Property Number: 54199840010
Status: Excess
Comment: 4 bldgs., most recent use—storage/
office
GSA Number: 4-U-NC-734
- Bodie Island Lighttower
Cape Hatteras
Nags Head Co: Dare NC 27959-
Landholding Agency: GSA
Property Number: 54199910003
Status: Excess
Comment: lighttower, restricted use
GSA Number: 4-U-NC-733
- Ohio
Zanesville Federal Building
65 North Fifth Street
Zanesville Co: Muskingum OH
Landholding Agency: GSA
Property Number: 54199520018
Status: Excess
Comment: 18750 sq. ft., most recent use—
office, possible asbestos, eligible for listing
on the Nat'l Register of Historic Places
GSA Number: 2-G-OH-781A
- Naval & Marine Corps Res. Cntr
315 East LaCleda Avenue
Youngstown OH
Landholding Agency: Navy
Property Number: 77199320012
Status: Unutilized
Comment: 3067 sq. ft. 2 Story, possible
asbestos.
- Oklahoma
Fed. Bldg./Courthouse
N. Washington & Broadway Streets
Ardmore Co: Carter OK 73402-
Landholding Agency: GSA
Property Number: 54199820009
Status: Excess
Comment: 4000 sq. ft. bldg. w/parking, 3
story plus basement, most recent use—
office, subject to historic preservation
covenants
GSA Number: 7-G-TX-559
- NIPER
Natl. Inst. for Petroleum & Energy Research
220 Virginia Ave.
Bartlesville OK 74003-
Landholding Agency: GSA
Property Number: 54199840011
Status: Surplus
Comment: 25 structures on 15.66 acres of
land, most recent use—offices to labs,
environmental issues
GSA Number: 7-B-OK-563
- Oregon
Gus Solomon U.S. Courthouse
620 SW Main Street
Portland Co: Multnomah OR 97205-
Landholding Agency: GSA
Property Number: 54199730023
Status: Underutilized
Comment: 15,775 sq. ft., 7-story, does not
meet Federal seismic requirements,
National Register of Historic Places,
pending lease
GSA Number: 7-G-OR-724
- Puerto Rico
Bldgs. 501 & 502
U.S. Naval Radio Transmitter Facility
State Road No. 2
Juana Diaz PR 00795-
Landholding Agency: Navy
Property Number: 77199530007
Status: Underutilized
Comment: Reinforced concrete structures,
limited access, needs rehab, most recent
use—transmitter and power house
- Texas
Dempsey Strategic Storage Cent
1348 Palo Pinto Hwy
Palo Pinto Co: TX 76484-
Landholding Agency: GSA
Property Number: 54199910012
Status: Surplus
Comment: 51,680 sq. ft., metal bldg w/150
acres of pavement, most recent use—
classrooms, presence of asbestos/lead paint
GSA Number: 7-Z-TX-1060
- Virginia
Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk, VA 23508-
Landholding Agency: Navy
Property Number: 77199010109
Status: Unutilized
Comment: 3665 sq. ft., 1 story, possible
asbestos, most recent use—laundry
- Washington
Vancouver Info Center
Interstate Rt 5
Vancouver Co: Clark WA 98663-
Landholding Agency: GSA
Property Number: 54199740011
Status: Excess
Comment: 1200 sq. ft., most recent use—
visitor info center, excellent condition
GSA Number: 9-GR-WA-514E
- 747 Building Complex
805 Goethals Drive
Richland Co: Benton WA 99352-
Landholding Agency: GSA
Property Number: 54199820005
Status: Surplus
Comment: 4 bldgs. (2 bldgs. utilized w/lease
provisions), most recent use—labs/offices,
presence of asbestos/lead paint
GSA Number: 9-B-WA-1145
- Wisconsin
Natl Weather Svc Forecast Ofc.
3009 W. Fairview Rd.
Neenah Co: Winnebago WI 54956-
Landholding Agency: GSA
Property Number: 54199820004
Status: Excess
Comment: 1755 sq. ft., good condition,
presence of asbestos/lead paint, most
recent use—office
GSA Number: 1-C-WI-594
- Wausau Federal Building
317 First Street
Wausau Co: Marathon WI 54401-
Landholding Agency: GSA
Property Number: 54199820016
Status: Excess
Comment: 30,500 sq. ft., presence of asbestos,
eligible for listing on the Nat'l Register of
Historic Places, most recent use—office
GSA Number: 1-G-WI-593
- Land (by State)*
- California
(P) Camp Elliott
Rosedale Tract
San Diego Co: San Diego CA
Landholding Agency: GSA
Property Number: 54199310008
Status: Surplus
Comment: Parcel 1—0.15 acre, Parcel 2—0.17
acre, located in the narrow median strip
between Murphy Canyon Rd. and State
Highway 15, previously leased by
homeless provider
GSA Number: 9-GR(6)-CA-694A
- Mira Loma Parcel
March Comm. Annex No. 2
Mira Loma Co: Riverside CA
Landholding Agency: GSA
Property Number: 54199910007
Status: Excess
Comment: 0.81 acres, potential utilities
GSA Number: 9-G-CA-1505
- Reclamation Unit LC-2, Par. B
Texas Ave/Old Lewiston Rd
Lewiston Co: Trinity CA-
Landholding Agency: GSA
Property Number: 54199910008
Status: Excess
Comment: 28.3 acres with old barn in poor
condition
GSA Number: 9-I-CA-1509
- Redding Reserve Site
Redding Co: Shasta CA 96049-
Landholding Agency: GSA
Property Number: 54199920001
Status: Unutilized
Comment: 5.13 acres
GSA Number: 9-D-CA-1524
- Florida
13.358 acres
Naval Air Station
Hwy 98 & Perimeter Drive
Pensacola Co: Escambia FL 32508-

Landholding Agency: Navy
 Property Number: 77199820141
 Status: Unutilized
 Comment: paved, abandoned runway, reroute security fencing

Hawaii
 Former S. Point AF Station
 Island of HI Co: Naalehu HI 96772-
 Landholding Agency: GSA
 Property Number: 54199830001
 Status: Excess
 Comment: Parcel #1=5.739 acres w/2 deteriorated bldgs., Parcel #2=0.70 acres, properties are extremely remote
 GSA Number: 9-D-HI-443-B

Indiana
 Portion
 Bureau of Prisons Vigo Farm
 Linden Twp Co: Vigo IN
 Landholding Agency: GSA
 Property Number: 54199620002
 Status: Excess
 Comment: 17.65 acres, most recent use—agriculture
 GSA Number: 2-J-IN-507C

Maine
 GWEN Site (Patten)
 Loring AFB
 Stacyville Co: Herseytown ME 04742-
 Landholding Agency: GSA
 Property Number: 18199640018
 Status: Excess
 Comment: 23.55 acres w/226 sq. ft. relay station
 GSA Number: 1-D-ME-630

Michigan
 Parcel 3, Parcel B
 East Tawas Co: Iosco MI
 Landholding Agency: GSA
 Property Number: 54199730013
 Status: Excess
 Comment: 2.02 acres of land, wooded and primarily wetlands, restricted access
 GSA Number: 1-U-MI-500

North Carolina
 Greenville Relay Station
 Site C
 Greenville Co: Pitt NC
 Landholding Agency: GSA
 Property Number: 54199840013
 Status: Excess
 Comment: 589 acres w/27,830 sq. ft. concrete block bldg., (2 acre chemical waste storage site located on SE portion of property)
 GSA Number: 4-GR-NC-0721-B

Puerto Rico
 La Hueca—Naval Station
 Roosevelt Roads
 Vieques PR 00765-
 Landholding Agency: GSA
 Property Number: 54199420006
 Status: Excess
 Comment: 323 acres, cultural site

Virginia
 Naval Base
 Norfolk Co: Norfolk VA 23508-
 Location: Northeast corner of base, near Willoughby housing area.
 Landholding Agency: Navy
 Property Number: 77199010156
 Status: Unutilized

Comment: 60 acres; most recent use—sandpit; secured area with alternative access.

Land—CD area
 Naval Base Norfolk
 Norfolk VA 23511-2797
 Landholding Agency: Navy
 Property Number: 77199830022
 Status: Unutilized
 Comment: 2 acres, open space

West Virginia
 Segments 11-14
 Matewan Area
 Matewan Co: Mingo WV 25678-
 Landholding Agency: GSA
 Property Number: 54199910002
 Status: Excess
 Comment: 13 acres, 81 tracts, subject to covenants/restrictions
 GSA Number : 4-D-WV-532

Segment 8
 Matewan Redevelopment Site
 Matewan Co: Mingo WV
 Landholding Agency: GSA
 Property Number: 54199910006
 Status: Excess
 Comment: 3.39 acres, subject to covenants/restrictions
 GSA Number : 4-D-WV-533

Suitable/To Be Excessed

Buildings (by State)

New Hampshire
 Naval & Marine Corp. Rsv. Ctr.
 199 North Main St.
 Manchester NH 03102-
 Landholding Agency: Navy
 Property Number: 77199530005
 Status: Excess
 Comment: 3 bldgs. on 2.53 acres of land, limited utilities, limited use prior to environmental cleanup

Puerto Rico
 Bldg. 561
 Former Ramey AFB
 Aguadilla PR 00604-
 Landholding Agency: Navy
 Property Number: 77199630001
 Status: Unutilized
 Comment: 10266 sq. ft. bldg. on 5.006 acres, most recent use—manufacturing, office and freight distribution center, presence of asbestos

Land (by State)

Illinois
 Libertyville Training Site
 Libertyville Co: Lake IL 60048-
 Landholding Agency: Navy
 Property Number: 77199010073
 Status: Excess
 Comment: 114 acres; possible radiation hazard; existing FAA use license.

Unsuitable Properties

Buildings (by State)

Alabama
 Sand Island Light House
 Gulf of Mexico
 Mobile AL
 Landholding Agency: GSA
 Property Number: 54199610001

Status: Excess
 Reason: Inaccessible
 GSA Number: 4-U-AL-763

Alaska
 0.04 acre/dock
 Juneau Dock Natl Guard Site
 Juneau Co: AK 99801-
 Landholding Agency: GSA
 Property Number: 54199910010
 Status: Surplus
 Reasons: Within 2000 ft. of flammable or explosive material Extensive deterioration
 GSA Number: 9-D-AK-538B

Housing Ketchikan (0.27 Acre)
 3615 Baranof Avenue
 Ketchikan Co: Ketchikan AK 99801-
 Landholding Agency: GSA
 Property Number: 87199320005
 Status: Surplus
 Reasons: Within 2000 ft. of flammable or explosive material Extensive deterioration
 GSA Number: 9-U-AK-754

California

Old SF Mint
 88 5th Street
 San Francisco Co: CA 94103-
 Landholding Agency: GSA
 Property Number: 54199910017
 Status: Excess
 Reason: Extensive deterioration
 GSA Number: 9-G-Ca-1531

Bldg. 366
 Naval Air Weapons Station, China Lake
 China Lake Co: Kern CA 93555
 Landholding Agency: Navy
 Property Number: 77199520026
 Status: Unutilized
 Reason: Secured Area

Bldgs. 27, 30, 33, 36
 Naval Command, Control & Ocean Surv. Center
 San Diego CA
 Landholding Agency: Navy
 Property Number: 77199740045
 Status: Excess
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 89, Naval Station
 San Diego CA 92136-
 Landholding Agency: Navy
 Property Number: 77199810001
 Status: Excess
 Reason: unound

Bldg. 164
 Naval Station
 San Diego CA 92136-
 Landholding Agency: Navy
 Property Number: 77199810046
 Status: Excess
 Reason: Extensive deterioration

Bldg. 439
 Naval Station
 San Diego CA 92136-
 Landholding Agency: Navy
 Property Number: 77199810048
 Status: Excess
 Reason: Extensive deterioration

Bldg. 173
 Naval Station
 San Diego CA 92136-
 Landholding Agency: Navy
 Property Number: 77199810050
 Status: Excess

Status: Excess
Reason: Extensive deterioration
Bldgs. 3570-3579
Capehart Housing
China Lake Naval Weapons Station
China Lake Co: Kern CA 93555-
Landholding Agency: Navy
Property Number: 77199820091
Status: Excess
Reason: Extensive deterioration
Bldgs. 3580-3589
Capehart Housing
China Lake Naval Weapons Station
China Lake Co: Kern CA 93555-
Landholding Agency: Navy
Property Number: 77199820092
Status: Excess
Reason: Extensive deterioration
Bldgs. 3590-3599
Capehart Housing
China Lake Naval Weapons Station
China Lake Co: Kern CA 93555-
Landholding Agency: Navy
Property Number: 77199820093
Status: Excess
Reason: Extensive deterioration
Bldgs. 3600-3609
Capehart Housing
China Lake Naval Weapons Station
China Lake Co: Kern CA 93555-
Landholding Agency: Navy
Property Number: 77199820094
Status: Excess
Reason: Extensive deterioration
Bldgs. 3610-3619
Capehart Housing
China Lake Naval Weapons Station
China Lake Co: Kern CA 93555-
Landholding Agency: Navy
Property Number: 77199820095
Status: Excess
Reason: Extensive deterioration
Bldgs. 3620-3629
Capehart Housing
China Lake Naval Weapons Station
China Lake Co: Kern CA 93555-
Landholding Agency: Navy
Property Number: 77199820096
Status: Excess
Reason: Extensive deterioration
Bldgs. 3630-3639
Capehart Housing
China Lake Naval Weapons Station
China Lake Co: Kern CA 93555-
Landholding Agency: Navy
Property Number: 77199820097
Status: Excess
Reason: Extensive deterioration
Bldg. 210
Naval Station, San Diego
San Diego CA 92136-
Landholding Agency: Navy
Property Number: 77199830001
Status: Excess
Reason: Extensive deterioration
Bldg. 444
Naval Station, San Diego
San Diego CA 92136-5294
Landholding Agency: Navy
Property Number: 77199830122
Status: Excess
Reason: Extensive deterioration
Bldg. 209
Naval Station, San Diego
San Diego CA 92136-5065
Landholding Agency: Navy
Property Number: 77199840001
Status: Excess
Reason: Extensive deterioration
Bldg. 311
Naval Air Facility
El Centro Co: Imperial CA 92243-
Landholding Agency: Navy
Property Number: 77199920001
Status: Unutilized
Reason: Extensive deterioration
Bldg. 739
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042-5001
Landholding Agency: Navy
Property Number: 77199920028
Status: Excess
Reason: Extensive deterioration
Bldg. 703
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042-5001
Landholding Agency: Navy
Property Number: 77199920029
Status: Excess
Reason: Extensive deterioration
Bldg. 870
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042-5001
Landholding Agency: Navy
Property Number: 77199920030
Status: Excess
Reason: Extensive deterioration
Bldg. 871
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042-5001
Landholding Agency: Navy
Property Number: 77199920031
Status: Excess
Reason: Extensive deterioration
Bldg. 00431
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920032
Status: Excess
Reason: Extensive deterioration
Bldg. 00483
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920033
Status: Excess
Reason: Extensive deterioration
Bldg. 00484
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920034
Status: Excess
Reason: Extensive deterioration
Bldgs. 00491, 00493
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920035
Status: Excess
Reason: Extensive deterioration
Bldg. 00669
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920036
Status: Excess
Reason: Extensive deterioration
Bldg. 00929
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920037
Status: Excess
Reason: Extensive deterioration
Bldg. 00955
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920038
Status: Excess
Reason: Extensive deterioration
Bldg. 02032
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920039
Status: Excess
Reason: Extensive deterioration
Bldgs. 02294-02297
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920040
Status: Excess
Reason: Extensive deterioration
Bldg. 02309
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920041
Status: Excess
Reason: Extensive deterioration
Bldg. 02330
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920042
Status: Excess
Reason: Extensive deterioration
Bldg. 02338
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920043
Status: Excess
Reason: Extensive deterioration
Bldg. 91065
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920044
Status: Excess
Reason: Extensive deterioration
Bldg. 00032
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920045
Status: Excess
Reason: Extensive deterioration
Bldgs. 00352-00355
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920046
Status: Excess
Reason: Extensive deterioration
Bldg. 00652
Naval Air Weapons Station
China Lake Co: CA 93555-6001

Landholding Agency: Navy
Property Number: 77199920047
Status: Excess
Reason: Extensive deterioration
Bldg. 01026
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920048
Status: Excess
Reason: Extensive deterioration
Bldgs. 02299, 02300
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920049
Status: Excess
Reason: Extensive deterioration
Bldgs. 02328, 02331
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920050
Status: Excess
Reason: Extensive deterioration
Bldg. 02332
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920051
Status: Excess
Reason: Extensive deterioration
Bldgs. 02336, 02337
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920052
Status: Excess
Reason: Extensive deterioration
Bldg. 30702
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920053
Status: Excess
Reason: Extensive deterioration
Bldgs. 30713, 30745
Naval Air Weapons Station
China Lake Co: CA 93555-6001
Landholding Agency: Navy
Property Number: 77199920054
Status: Excess
Reason: Extensive deterioration
Bldg. 675
Naval Surface Reserve Force
Terminal Island Co: CA 89104-
Landholding Agency: Navy
Property Number: 77199920086
Status: Unutilized
Reason: Extensive deterioration
Bldg. 6-2
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042-
Landholding Agency: Navy
Property Number: 77199920095
Status: Unutilized
Reason: Extensive deterioration
Bldg. 83
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042-
Landholding Agency: Navy
Property Number: 77199920096
Status: Unutilized
Reason: Extensive deterioration
Bldg. 619
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042-
Landholding Agency: Navy
Property Number: 77199920097
Status: Unutilized
Reason: Extensive deterioration
Bldg. 707
Naval Air Weapons Station, Point Mugu
Oxnard Co: Ventura CA 93042-
Landholding Agency: Navy
Property Number: 77199920098
Status: Unutilized
Reason: Extensive deterioration
Bldg. 713
Naval Air Weapons Station, Point Mugu
Oxford Co: Ventura CA 93042-
Landholding Agency: Navy
Property Number: 77199920099
Status: Unutilized
Reason: Extensive deterioration
Bldg. 714
Naval Air Weapons Station, Point Mugu
Oxford Co: Ventura CA 93042-
Landholding Agency: Navy
Property Number: 77199920100
Status: Unutilized
Reason: Extensive deterioration
Bldg. 742
Naval Air Weapons Station, Point Mugu
Oxford Co: Ventura CA 93042-
Landholding Agency: Navy
Property Number: 77199920101
Status: Unutilized
Reason: Extensive deterioration
Bldg. 772
Naval Air Weapons Station, Point Mugu
Oxford Co: Ventura CA 93042-
Landholding Agency: Navy
Property Number: 77199920102
Status: Unutilized
Reason: Extensive deterioration
Bldg. 813
Naval Air Weapons Station, Point Mugu
Oxford Co: Ventura CA 93042-
Landholding Agency: Navy
Property Number: 77199920103
Status: Unutilized
Reason: Extensive deterioration
Bldg. 7-818
Naval Air Weapons Station, Point Mugu
Oxford Co: Ventura CA 93042-
Landholding Agency: Navy
Property Number: 77199920104
Status: Unutilized
Reason: Extensive deterioration
Bldg. 00003
Naval Air Weapons Station
China Lake Co: CA 93555-
Landholding Agency: Navy
Property Number: 77199920105
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 52, 989, 1021, 1022, 1025, 1029,
1032, 1033, 1040, 1042
Landholding Agency: Navy
Property Number: 77199920106
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 30960, 30965, 30966, 30976, 30983,
31039, 31059, 31124, 31190, 31191
China Lake Co: CA 93555-
Location: 1178, 2242, 2334, 2335, 2339, 3262,
15816, 15952, 20007, 20055
Landholding Agency: Navy
Property Number: 77199920107
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 20185, 20192, 20195, 20209, 20263,
30140, 30855, 30888, 30929, 30954
Landholding Agency: Navy
Property Number: 77199920108
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 30957, 30964, 30968, 31180, 31559,
31567, 31618, 32538, 50127, 91063
Landholding Agency: Navy
Property Number: 77199920109
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 455, 935, 1097, 1363, 2315, 2316,
2317, 2325, 2612, 2614
Landholding Agency: Navy
Property Number: 77199920110
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 10636, 10637, 10976, 11161, 11693,
15818, 15819, 15953, 16014, 16015
Landholding Agency: Navy
Property Number: 77199920111
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 16082, 20004, 20008, 20032, 20033,
20065, 20066, 20106, 20117, 20120
Landholding Agency: Navy
Property Number: 77199920112
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 20150, 20159, 20162, 20164, 20165,
20200, 20203, 20204, 20205, 20208
Landholding Agency: Navy
Property Number: 77199920113
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 25001, 30710, 30840, 30863, 30879,
30885, 30886, 30902, 30918, 30955
Landholding Agency: Navy
Property Number: 77199920114
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 30960, 30965, 30966, 30976, 30983,
31039, 31059, 31124, 31190, 31191

Landholding Agency: Navy
Property Number: 77199920115
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 31417, 31427, 31483, 31503, 31505,
31511, 31514, 31515, 31518, 31579
Landholding Agency: Navy
Property Number: 77199920116
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 31594, 31595, 31604, 31609, 32022,
32026, 32546, 32555, 32608, 70009
Landholding Agency: Navy
Property Number: 77199920117
Status: Excess
Reason: Extensive deterioration
10 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 70020, 70024, 70025, 70038, 70039,
70045, 70047, 70050, 70051
Landholding Agency: Navy
Property Number: 77199920118
Status: Excess
Reason: Extensive deterioration
9 Bldgs.
Naval Air Weapons Station
China Lake Co: CA 93555-
Location: 70052, 70053, 70060, 70061, 70139,
91040, 91041, 91053, 91054
Landholding Agency: Navy
Property Number: 77199920119
Status: Excess
Reason: Extensive deterioration
Bldg. 529
Naval Warfare Assessment Station
Corona Co: CA 91718-
Landholding Agency: Navy
Property Number: 77199920133
Status: Excess
Reason: Extensive deterioration
Bldg. 535
Naval Warfare Assessment Station
Corona Co: CA 91718-
Landholding Agency: Navy
Property Number: 77199920134
Status: Excess
Reason: Extensive deterioration
Bldg. 540
Naval Warfare Assessment Station
Corona Co: CA 91718-
Landholding Agency: Navy
Property Number: 77199920135
Status: Excess
Reason: deterioration
Bldg. 545
Naval Warfare Assessment Station
Corona Co: CA 91718-
Landholding Agency: Navy
Property Number: 77199920136
Status: Excess
Reason: Extensive deterioration
Bldg. 223/223A
Naval Support Activity
Monterey Bay
Monterey Co: CA 93943-
Landholding Agency: Navy
Property Number: 77199930045
Status: Excess
Reason: Secured Area
Bldg. 224
Naval Support Activity
Monterey Bay
Monterey Co: CA 93943-
Landholding Agency: Navy
Property Number: 77199930046
Status: Excess
Reason: Secured Area
Connecticut
Naval Housing—7 Bldgs.
Naval Submarine Base
New London Co: Groton CT
Landholding Agency: Navy
Property Number: 77199510001
Status: Unutilized
Reason: Secured Area
Bldgs. DG-8, DG-9
Naval Submarine Base
New London
Groton Co: New London CT 06349-
Landholding Agency: Navy
Property Number: 77199720046
Status: Excess
Reason: Extensive deterioration
Dolphin Gardens, DG-8, DG-9
Naval Submarine Base
Groton CT 06349-
Landholding Agency: Navy
Property Number: 77199810084
Status: Underutilized
Reason: Extensive deterioration
Delaware
Mispillion River Light
Milford Co: Sussex DE 19963-
Landholding Agency: GSA
Property Number: 54199740001
Status: Excess
Reason: Extensive deterioration
GSA Number: 4-U-DE-461
Florida
East Martello Bunker #1
Naval Air Station
Key West Co: Monroe FL 33040-
Landholding Agency: Navy
Property Number: 77199010101
Status: Excess
Reason: Within airport runway clear zone
Bldg. 139
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820098
Status: Unutilized
Reason: Secured Area
Bldg. 221
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820099
Status: Unutilized
Reason: Secured Area, Extensive
deterioration
Bldg. 226
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820100
Status: Unutilized
Reason: Secured Area
Bldg. 654
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820101
Status: Unutilized
Reason: Secured Area
Bldg. 701
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820102
Status: Unutilized
Reason: Secured Area
Bldg. 1805
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820103
Status: Unutilized
Reason: Secured Area
Bldg. 1806
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820104
Status: Unutilized
Reason: Secured Area
Bldg. 1971
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820105
Status: Unutilized
Reason: Secured Area
Bldg. 1994
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820106
Status: Unutilized
Reason: Secured Area
Bldg. 2657
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820107
Status: Unutilized
Reason: Secured Area
Bldg. 3213
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820108
Status: Unutilized
Reason: Secured Area
Bldg. 3443
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820109
Status: Unutilized
Reason: Secured Area
Quarters 9
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy
Property Number: 77199820124
Status: Unutilized
Reason: Secured Area, Extensive
deterioration
Quarters 10
Naval Air Station
Pensacola Co: Escambia FL 32508-
Landholding Agency: Navy

Property Number: 77199820125
 Status: Unutilized
 Reasons: Secured Area, Extensive deterioration
 Bldg. 648
 Naval Air Station
 Pensacola Co: Escambia FL 32508-
 Landholding Agency: Navy
 Property Number: 77199920087
 Status: Unutilized
 Reason: Secured Area
 Bldg. 1882
 Naval Air Station
 Pensacola Co: Escambia FL 32508-
 Landholding Agency: Navy
 Property Number: 77199920088
 Status: Unutilized
 Reasons: Secured Area, Extensive deterioration
 Bldg. 3228
 Naval Air Station
 Pensacola Co: Escambia FL 32508-
 Landholding Agency: Navy
 Property Number: 77199920089
 Status: Unutilized
 Reason: Secured Area
 Bldg. 3604
 Naval Air Station
 Pensacola Co: Escambia FL 32508-
 Landholding Agency: Navy
 Property Number: 77199920090
 Status: Unutilized
 Reason: Secured Area
 Bldg. 3605
 Naval Air Station
 Pensacola Co: Escambia FL 32508-
 Landholding Agency: Navy
 Property Number: 77199920091
 Status: Unutilized
 Reason: Secured Area
 Bldg. 3626
 Naval Air Station
 Pensacola Co: Escambia FL 32508-
 Landholding Agency: Navy
 Property Number: 77199920092
 Status: Unutilized
 Reason: Secured Area
 Bldg. 3674
 Naval Air Station
 Pensacola Co: Escambia FL 32508-
 Landholding Agency: Navy
 Property Number: 77199920093
 Status: Unutilized
 Reason: Secured Area
 Georgia
 Bldg. 3012
 Naval Submarine Base
 Kings Bay Co: Camden GA 31547-
 Landholding Agency: Navy
 Property Number: 77199910001
 Status: Unutilized
 Reason: Extensive deterioration
 Guam
 Bldg. 296
 Communications Annex
 Dededo Co: GU 96537-
 Landholding Agency: Navy
 Property Number: 77199920132
 Status: Unutilized
 Reason: Secured Area
 Bldg. 76
 U.S. Naval Forces
 COMNAVMARIANAS

Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930047
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
 Bldg. 264
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930048
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
 Bldg. 2012
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930049
 Status: Unutilized
 Reasons: Secured Area, Extensive deterioration
 Bldg. 3114
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930050
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
 Bldg. 3151
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930051
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
 Bldg. 3152
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930052
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
 Bldg. 3153
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930053
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
 Bldg. 3154
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930054
 Status: Unutilized

Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
 Bldg. 3155
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930055
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
 Bldg. 3268A
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930056
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration
 Bldg. 4400
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930057
 Status: Unutilized
 Reasons: Secured Area, Extensive deterioration
 Bldg. 4402
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930058
 Status: Unutilized
 Reasons: Secured Area, Extensive deterioration
 Bldg. 4414
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930059
 Status: Unutilized
 Reasons: Secured Area, Extensive deterioration
 Bldg. 4425
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930060
 Status: Unutilized
 Reasons: Secured Area, Extensive deterioration
 Bldgs. 4426-4428
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930061
 Status: Unutilized
 Reasons: Secured Area, Extensive deterioration
 Bldg. 5408
 U.S. Naval Forces
 COMNAVMARIANAS
 Waterfront Annex Co: GU 96540-0051
 Landholding Agency: Navy
 Property Number: 77199930062

Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 5540
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540-0051

Landholding Agency: Navy
Property Number: 77199930063

Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. 5541
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540-0051

Landholding Agency: Navy
Property Number: 77199930064

Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Small Craft Bldg.
U.S. Naval Forces
COMNAVMARIANAS
Waterfront Annex Co: GU 96540-0051

Landholding Agency: Navy
Property Number: 77199930065

Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Hawaii

Bldg. 126, Naval Magazine
Waikale Branch

Lualualei Co: Oahu HI 96792-
Landholding Agency: Navy
Property Number: 77199230012

Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material, Extensive deterioration, Secured Area

Bldg. Q75, Naval Magazine
Lualualei Branch

Lualualei Co: Oahu HI 96792-
Landholding Agency: Navy
Property Number: 77199230013

Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 7, Naval Magazine
Lualualei Branch

Lualualei Co: Oahu HI 96792-
Landholding Agency: Navy
Property Number: 77199230014

Status: Unutilized
Reasons: Extensive deterioration, Secured Area

Bldg. 6, Pearl Harbor

Richardson Recreational Area
Honolulu Co: Honolulu HI 96860-
Landholding Agency: Navy

Property Number: 77199410003
Status: Unutilized

Reason: Extensive deterioration

Bldg. 10, Pearl Harbor

Richardson Recreational Area
Honolulu Co: Honolulu HI 96860-
Landholding Agency: Navy

Property Number: 77199410004
Status: Unutilized

Reason: Extensive deterioration

Bldg. 9

Navy Public Works Center
Kolekole Road

Lualualei Co: Honolulu HI 96792-
Landholding Agency: Navy

Property Number: 77199530009
Status: Excess

Reasons: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. X5

Nanumea Road

Pearl Harbor Co: Honolulu HI 96782-
Landholding Agency: Navy

Property Number: 77199530010
Status: Excess

Reason: Secured Area

Bldg. SX30

Nanumea Road

Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy

Property Number: 77199530011
Status: Excess

Reason: Secured Area

Bldg. 98

Pearl Harbor Naval Shipyard

Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy

Property Number: 77199620032
Status: Excess

Reason: Extensive deterioration

Bldg. Q13

Naval Station, Ford Island

Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy

Property Number: 77199640035
Status: Unutilized

Reason: Extensive deterioration

Bldg. Q14

Naval Station, Ford Island

Pearl Harbor Co: Honolulu HI 96860-
Landholding Agency: Navy

Property Number: 77199640036
Status: Unutilized

Reason: Extensive deterioration

Bldg. 40

Naval Magazine Lualualei Co: Honolulu HI
96792-4301

Landholding Agency: Navy

Property Number: 77199830028
Status: Unutilized

Reason: Extensive deterioration

Bldg. 50

Naval Magazine Lualualei Co: Oahu HI
96792-4301

Landholding Agency: Navy

Property Number: 77199830029
Status: Unutilized

Reason: Extensive deterioration

Bldg. Q76

Naval Magazine Lualualei Co: Oahu HI
96792-4301

Landholding Agency: Navy

Property Number: 77199830030
Status: Unutilized

Reason: Extensive deterioration

Bldg. Q334

Naval Magazine Lualualei Co: Oahu HI
96792-4301

Landholding Agency: Navy

Property Number: 77199830031
Status: Unutilized

Reason: Extensive deterioration

Bldg. S380

Naval Magazine Lualualei Co: Oahu HI
96792-4301

Landholding Agency: Navy

Property Number: 77199830032
Status: Unutilized

Reason: Extensive deterioration

Bldg. S381

Naval Magazine Lualualei

Co: Oahu HI 96792-4301

Landholding Agency: Navy

Property Number: 77199830033
Status: Unutilized

Reason: Extensive deterioration

Bldg. Q410

Naval Magazine Lualualei

Co: Oahu HI 96792-4301

Landholding Agency: Navy

Property Number: 77199830034
Status: Unutilized

Reason: Extensive deterioration

Bldg. Q422

Naval Magazine Lualualei

Co: Oahu HI 96792-4301

Landholding Agency: Navy

Property Number: 77199830035
Status: Unutilized

Reason: Extensive deterioration

Bldg. 429

Naval Magazine Lualualei

Co: Oahu HI 96792-4301

Landholding Agency: Navy

Property Number: 77199830036
Status: Unutilized

Reason: Extensive deterioration

Bldg. 431

Naval Magazine Lualualei

Co: Oahu HI 96792-4301

Landholding Agency: Navy

Property Number: 77199830037
Status: Unutilized

Reason: Extensive deterioration

Bldg. 447

Naval Magazine Lualualei

Co: Oahu HI 96792-4301

Landholding Agency: Navy

Property Number: 77199830038
Status: Unutilized

Reason: Extensive deterioration

Facility S-721

Naval Station

Pearl Harbor Co: Honolulu HI 96860-

Landholding Agency: Navy

Property Number: 77199840042
Status: Excess

Reason: Secured Area

Facility S-897

Naval Station

Pearl Harbor Co: Honolulu HI 96860-

Landholding Agency: Navy

Property Number: 77199840043
Status: Excess

Reason: Secured Area

Facility S-937

Naval Station

Pearl Harbor Co: Honolulu HI 96860-

Landholding Agency: Navy

Property Number: 77199840044
Status: Excess

Reason: Secured Area

Facility 19

Naval Station

Pearl Harbor Co: Honolulu HI 96860-

Landholding Agency: Navy

Property Number: 77199840045
Status: Excess

Reason: Secured Area

Facility 63
 Naval Computer & Telecomm. Station
 Wahiawa Co: HI 96786-
 Landholding Agency: Navy
 Property Number: 77199920013
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 442
 Naval Station, Pearl Harbor
 Honolulu Co: HI 96860-
 Landholding Agency: Navy
 Property Number: 77199920014
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material, Secured Area
 Bldg. 453K
 Naval Station, Pearl Harbor
 Honolulu Co: HI 96860-
 Landholding Agency: Navy
 Property Number: 77199920015
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material, Secured Area
 Facility SX30
 Navy Public Works Center
 Pearl Harbor Co: Honolulu HI 96860-
 Landholding Agency: Navy
 Property Number: 77199920027
 Status: Excess
 Reasons: Secured Area, Extensive
 deterioration
 Bldg. 102
 Molokai Training Support Facility
 Molokai Co: HI 96820-
 Landholding Agency: Navy
 Property Number: 77199930066
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 103
 Molokai Training Support Facility
 Molokai Co: HI 96820-
 Landholding Agency: Navy
 Property Number: 77199930067
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 104
 Molokai Training Support Facility
 Molokai Co: HI 96820-
 Landholding Agency: Navy
 Property Number: 77199930068
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 107
 Molokai Training Support Facility
 Molokai Co: HI 96820-
 Landholding Agency: Navy
 Property Number: 77199930069
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 108
 Molokai Training Support
 Facility
 Molokai Co: HI 96820-
 Landholding Agency: Navy
 Property Number: 77199930070
 Status: Unutilized
 Reason: Extensive deterioration
 Idaho
 Admin. Site #2, Lot #3
 Bean Lane
 Salmon Co: Lemhi ID 83467-
 Landholding Agency: GSA
 Property Number: 54199910019
 Status: Surplus
 Reason: Within 2000 ft. of flammable or
 explosive material
 GSA Number: 9-I-ID-543
 Illinois
 Bldg. 415
 Naval Training Center
 201 N. Decatur Ave.
 Great Lakes IL
 Landholding Agency: Navy
 Property Number: 77199840023
 Status: Unutilized
 Reason: Secured Area
 Bldg. 1015
 Naval Training Center
 201 N. Decatur Ave.
 Great Lakes IL
 Landholding Agency: Navy
 Property Number: 77199840024
 Status: Unutilized
 Reason: Secured Area
 Bldg. 1016
 Naval Training Center
 201 N. Decatur Ave.
 Great Lakes IL
 Landholding Agency: Navy
 Property Number: 77199840025
 Status: Unutilized
 Reason: Secured Area
 Bldg. 910
 Naval Training Center
 Great Lakes Co: IL 60088-5000
 Landholding Agency: Navy
 Property Number: 77199920055
 Status: Unutilized
 Reason: Secured Area
 Bldg. 800
 Naval Training Center
 Great Lakes Co: IL 60088-5000
 Landholding Agency: Navy
 Property Number: 77199920056
 Status: Unutilized
 Reason: Secured Area
 Bldg. 1000
 Naval Training Center
 Great Lakes Co: IL 60088-5000
 Landholding Agency: Navy
 Property Number: 77199920057
 Status: Unutilized
 Reason: Secured Area
 Bldg. 1200
 Naval Training Center
 Great Lakes Co: IL 60088-5000
 Landholding Agency: Navy
 Property Number: 77199920058
 Status: Unutilized
 Reason: Secured Area
 Bldg. 1400
 Naval Training Center
 Great Lakes Co: IL 60088-5000
 Landholding Agency: Navy
 Property Number: 77199920059
 Status: Unutilized
 Reason: Secured Area
 Bldg. 1600
 Naval Training Center
 Great Lakes Co: IL 60088-5000
 Landholding Agency: Navy
 Property Number: 77199920060
 Status: Unutilized
 Reason: Secured Area
 Bldg. 2600
 Naval Training Center
 Great Lakes Co: IL 60088-5000
 Landholding Agency: Navy
 Property Number: 77199920061
 Status: Unutilized
 Reason: Secured Area
 Indiana
 5 Bldgs.
 Naval Surface Warfare Center, Crane Div.
 #54, 2530, 2812, 2929, 3031
 Crane Co: Martin IN 41522-
 Landholding Agency: Navy
 Property Number: 77199830046
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material, Secured Area
 Kansas
 Sunflower AAP
 DeSoto Co: Johnson KS 66018-
 Landholding Agency: GSA
 Property Number: 54199830010
 Status: Excess
 Reason: Extensive deterioration
 GSA Number: 7-D-KS-0581
 Maine
 Bldg. 293, Naval Air Station
 Brunswick Co: Cumberland ME 04011-
 Landholding Agency: Navy
 Property Number: 77199240015
 Status: Excess
 Reason: Secured Area
 Bldg. 384
 Naval Air Station Topsham
 Brunswick Co: Sagadahoc ME
 Landholding Agency: Navy
 Property Number: 77199340001
 Status: Unutilized
 Reason: Extensive deterioration
 Aircraft Hanger #2
 Naval Air Station
 Brunswick Co: Cumberland ME 04011-
 Landholding Agency: Navy
 Property Number: 77199810015
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 13
 Naval Air Station
 Brunswick Co: Cumberland ME 04011-
 Landholding Agency: Navy
 Property Number: 77199840005
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 15
 Naval Air Station
 Brunswick Co: Cumberland ME 04011-
 Landholding Agency: Navy
 Property Number: 77199840006
 Status: Excess
 Reason: Extensive deterioration
 Bldg. 16
 Naval Air Station
 Brunswick Co: Cumberland ME 04011-
 Landholding Agency: Navy
 Property Number: 77199840007
 Status: Excess
 Reason: Extensive deterioration
 Maryland
 15 Bldgs.
 Naval Air Warfare Center
 Patuxent River Co: St. Mary's MD 20670-
 5304
 Landholding Agency: Navy
 Property Number: 77199730062
 Status: Unutilized
 Reason: Extensive deterioration

Bldg. 510, Indian Head Div.
Naval Surface Warfare Center
Indian Head Co: Charles MD 20640-
Landholding Agency: Navy
Property Number: 77199740083
Status: Underutilized
Reason: Within 2000 ft. of flammable or
explosive material

Massachusetts

Frederick Murphy Federal Ctr
424 Trapelo Road
Waltham Co: MA 00000-
Landholding Agency: GSA
Property Number: 54199920005
Status: Surplus
Reason: Extensive deterioration
GSA Number: 1-G-MA-0848

Michigan

15 Offshore Lighthouses
Great Lakes MI
Landholding Agency: GSA
Property Number: 54199630014
Status: Excess
Reason: Extensive deterioration
Parcel 14, Boat House
East Tawas Co: Iosco MI
Landholding Agency: GSA
Property Number: 54199730014
Status: Excess
Reason: Extensive deterioration
GSA Number: 1-U-MI-500
Round Island Passage Light
Lake Huron
Lake Huron Co: Mackinac MI
Landholding Agency: GSA
Property Number: 54199730019
Status: Excess
Reason: Inaccessible
GSA Number: 1-U-MI-444B
St. Clair Flats Station
Harsens Island Co: St. Clair MI 48028-
Landholding Agency: GSA
Property Number: 54199730020
Status: Excess
Reasons: Floodway, Inaccessible
GSA Number: 1-U-MI-762
Granite Island Light Station
Lake Superior
Lake Superior MI
Landholding Agency: GSA
Property Number: 54199840001
Status: Excess
Reason: inaccessible
GSA Number: 1-U-MI-791
Tract 100-1
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913-
Landholding Agency: GSA
Property Number: 54199840003
Status: Excess
Reason: no legal access
GSA Number: 1-D-MI-659A
Tract 100-2, 100-3
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913-
Landholding Agency: GSA
Property Number: 54199840004
Status: Excess
Reason: no legal access
GSA Number: 1-D-MI-659A
Bldg. 170
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-

Landholding Agency: Navy
Property Number: 77199820110
Status: Unutilized
Reason: Secured Area
Bldg. 78
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-5001
Landholding Agency: Navy
Property Number: 77199830047
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. 113
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-5001
Landholding Agency: Navy
Property Number: 77199830048
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. 147
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-5001
Landholding Agency: Navy
Property Number: 77199830049
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. 187
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-5001
Landholding Agency: Navy
Property Number: 77199830050
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. 157
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-
Landholding Agency: Navy
Property Number: 77199910035
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. 217
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-
Landholding Agency: Navy
Property Number: 77199910036
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. 371
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-
Landholding Agency: Navy
Property Number: 77199910037
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. C
Naval Station
Pascagoula Co: Jackson MS 39501-
Landholding Agency: Navy
Property Number: 77199910038
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. L
Naval Station
Pascagoula Co: Jackson MS 39501-
Landholding Agency: Navy
Property Number: 77199910039
Status: Unutilized

Reasons: Secured Area, Extensive
deterioration
Bldg. M
Naval Station
Pascagoula Co: Jackson MS 39501-
Landholding Agency: Navy
Property Number: 77199910040
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. N
Naval Station
Pascagoula Co: Jackson MS 39501-
Landholding Agency: Navy
Property Number: 77199910041
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. V
Naval Station
Pascagoula Co: Jackson MS 39501-
Landholding Agency: Navy
Property Number: 77199910042
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. X
Naval Station
Pascagoula Co: Jackson MS 39501-
Landholding Agency: Navy
Property Number: 77199910043
Status: Unutilized
Reasons: Secured Area, Extensive
deterioration
Bldg. 86
Naval Construction Battalion Center
Gulfport Co: Harrison MS 39501-
Landholding Agency: Navy
Property Number: 77199920016
Status: Unutilized
Reasons: Extensive deterioration
Missouri
South Coast Guard Base
Iron Street
St. Louis MO 63111-2536
Landholding Agency: GSA
Property Number: 54199740010
Status: Surplus
Reason: Within 2000 ft. of flammable or
explosive material, Floodway, Extensive
deterioration
GSA Number: 7-U-MO-0576-B
Nevada
Former Weather Service Office
Winnemucca Airport
Winnemucca Co: Humboldt NV 89445-
Landholding Agency: GSA
Property Number: 54199810001
Status: Excess
Reason: Within airport runway clear zone
GSA Number: 9-C-NV-509
New Hampshire
Bldg. 89
Portsmouth Naval Shipyard
Portsmouth NH 03804-5000
Landholding Agency: Navy
Property Number: 77199830086
Status: Unutilized
Reason: Secured Area
Bldg. 93
Portsmouth Naval Shipyard
Portsmouth NH 03804-5000
Landholding Agency: Navy

Property Number: 77199830087
 Status: Unutilized
 Reason: Within 2000 ft. of flammable or explosive material, Secured Area
 Bldg. 99
 Portsmouth Naval Shipyard
 Portsmouth NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199830088
 Status: Unutilized
 Reason: Secured Area
 Bldg. 115
 Portsmouth Naval Shipyard
 Portsmouth NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199830089
 Status: Unutilized
 Reason: Secured Area
 Bldg. 178
 Portsmouth Naval Shipyard
 Portsmouth NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199830090
 Status: Unutilized
 Reason: Secured Area
 Bldg. 298
 Portsmouth Naval Shipyard
 Portsmouth NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199830091
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area
 Bldg. H-21
 Portsmouth Naval Shipyard
 Portsmouth NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199830092
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or explosive material, Secured Area
 Dry Dock 1
 Portsmouth Naval Shipyard
 Portsmouth NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199840012
 Status: Underutilized
 Reason: Secured Area
 Dry Dock 3
 Portsmouth Naval Shipyard
 Portsmouth NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199840013
 Status: Underutilized
 Reason: Secured Area
 Berth 2
 Portsmouth Naval Shipyard
 Portsmouth NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199840014
 Status: Underutilized
 Reason: Secured Area
 Berth 11
 Portsmouth Naval Shipyard
 Portsmouth NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199840015
 Status: Underutilized
 Reason: Secured Area
 Parcel #1
 Portsmouth Naval Shipyard
 Portsmouth Co: NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199910002
 Status: Underutilized
 Reasons: Within 2000 ft. of flammable or explosive material; Secured Area
 Parcel #2
 Portsmouth Naval Shipyard
 Portsmouth Co: NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199910003
 Status: Underutilized
 Reasons: Within 2000 ft. of flammable or explosive material; Secured Area
 Parcel #3
 Portsmouth Naval Shipyard
 Portsmouth Co: NH 03804-5000
 Landholding Agency: Navy
 Property Number: 77199910004
 Status: Underutilized
 Reasons: With 2000 ft. of flammable or explosive material; Extensive deterioration
 New Jersey
 Telephone Repeater Site
 U.S. Coast Guard
 Monmouth Beach Co: Monmouth Beach NJ 07750-
 Landholding Agency: GSA
 Property Number: 54199910001
 Status: Excess
 Reason: Extensive deterioration
 GSA Number: 1-U-NJ-628
 Bldg 329
 Naval Air Engineering Station
 Lakehurst Co: Ocean NJ 08733-5000
 Landholding Agency: Navy
 Property Number: 77199740008
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 116
 Naval Air Engineering Station
 Lakehurst Co: Ocean NJ 08733-5000
 Landholding Agency: Navy
 Property Number: 77199740009
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 188
 Naval Air Engineering Station
 Lakehurst Co: Ocean NJ 08733-5000
 Landholding Agency: Navy
 Property Number: 77199830065
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 473
 Naval Air Engineering Station
 Lakehurst Co: Ocean NJ 08733-5000
 Landholding Agency: Navy
 Property Number: 77199920024
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 474
 Naval Air Engineering Station
 Lakehurst Co: Ocean NJ 08733-5000
 Landholding Agency: Navy
 Property Number: 77199920025
 Status: Unutilized
 Reason: Extensive deterioration
 New York
 Bldg. P-1
 Glen Falls Reserve Center
 Glen Falls Co: Warren NY 12801-
 Location: 67-73 Warren Street
 Landholding Agency: GSA
 Property Number: 21199540015
 Status: Excess
 Reason: Extensive deterioration
 GSA Number: 1-D-NY-865
 2 Offshore Lighthouses
 Great Lakes NY
 Landholding Agency: GSA
 Property Number: 54199630015
 Status: Excess
 Reason: Extensive deterioration
 Galloo Island Light
 Lake Ontario
 Hounsfield Co: Jefferson NY
 Landholding Agency: GSA
 Property Number: 54199740016
 Status: Excess
 Reason: Inaccessible
 GSA Number: 1-U-NY-735C
 Peconic "H" Facility
 Brookhaven Co: Suffolk NY 00000-
 Landholding Agency: GSA
 Property Number: 54199920002
 Status: Excess
 Reason: No public access
 GSA Number: 1-U-NY-641B
 Point AuRoche Light
 Beekmantown Co: Clinton NY 12901-
 Landholding Agency: GSA
 Property Number: 87199420002
 Status: Excess
 Reason: Floodway; Extensive deterioration
 GSA Number: 2-4-NY-817
 North Carolina
 Bldg. M509
 Camp Lejeune
 Camp Lejeune Co: Onslow NC 28542-0004
 Landholding Agency: Navy
 Property Number: 77199810223
 Status: Unutilized
 Reason: Secured Area
 Bldg. 96
 Marine Corps Air Station, Cherry Point
 Havelock Co: Craven NC 28533-
 Landholding Agency: Navy
 Property Number: 77199820111
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Bldg. 97
 Marine Corps Air Station, Cherry Point
 Havelock Co: Craven NC 28533-
 Landholding Agency: Navy
 Property Number: 77199820112
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Bldg. 169
 Marine Corps Air Station, Cherry Point
 Havelock Co: Craven NC 28533-
 Landholding Agency: Navy
 Property Number: 77199820113
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Bldg. 196
 Marine Corps Air Station, Cherry Point
 Havelock Co: Craven NC 28533-
 Landholding Agency: Navy
 Property Number: 77199820114
 Status: Unutilized
 Reasons: Secured Area; Extensive deterioration
 Bldg. 477
 Marine Corps Air Station, Cherry Point
 Havelock Co: Craven NC 28533-
 Landholding Agency: Navy
 Property Number: 77199820115

Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration
Bldg. 3422
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533-
Landholding Agency: Navy
Property Number: 77199820116
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 899
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542-0004
Landholding Agency: Navy
Property Number: 77199830039
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 900
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542-0004
Landholding Agency: Navy
Property Number: 77199830040
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 1300
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542-0004
Landholding Agency: Navy
Property Number: 77199830041
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 1607
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542-0004
Landholding Agency: Navy
Property Number: 77199830042
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. AS-822
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542-0004
Landholding Agency: Navy
Property Number: 77199830043
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. BA115
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542-0004
Landholding Agency: Navy
Property Number: 77199830044
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 908
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542-0004
Landholding Agency: Navy
Property Number: 77199840021
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. TC-849
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542-0004
Landholding Agency: Navy
Property Number: 77199920062
Status: Unutilized

Reasons: Secured Area; Extensive deterioration
Bldg. TC-852
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542-0004
Landholding Agency: Navy
Property Number: 77199920063
Status: Unutilized
Reasons: Secured Area; Extensive deterioration
Bldg. 2159
Marine Corps Air Station,
Cherry Point
Havelock Co: Craven NC 28532-
Landholding Agency: Navy
Property Number: 77199920146
Status: Excess
Reasons: Secured Area; Extensive deterioration
Structure 3758
Marine Corps Air Station,
Cherry Point
Havelock Co: Craven NC 28532-
Landholding Agency: Navy
Property Number: 77199920147
Status: Excess
Reasons: Secured Area; Extensive deterioration
Ohio
Toledo Harbor Lighthouse
Lake Erie
Toledo Co: Lucas OH 43611-
Landholding Agency: GSA
Property Number: 54199710014
Status: Excess
Reason: Inaccessible
GSA Number: 1-U-OH-801
Toledo Federal Building
234 Summit Avenue
Toledo Co: Lucas OH 43604-
Landholding Agency: GSA
Property Number: 54199810014
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1-G-H-804
Oregon
Santo Hall U.S. Army Rsvce Ctr
701 N. Columbus Ave.
Medford Co: Jackson OR 97501-
Landholding Agency: GSA
Property Number: 21199720211
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 9-D-OR-727
Portion, Former Kingsley Field
Air Force Base
Arnold Ave. & Joe Wright Rd.
Klamath Falls Co: Klamath OR 97603-
Landholding Agency: GSA
Property Number: 54199810003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 10-D-OR-434-J
Troutdale Materials Lab
Troutdale Co: Multnomah OR 97060-9501
Landholding Agency: GSA
Property Number: 54199830009
Status: Surplus
Reason: Within 2000 ft. of flammable or explosive material

GSA Number: 9-D-OR-729
Pennsylvania
Rices Landing
Tracts A-L, & 1-4
Old Lock & Dam #
Rices Landing Co: Greene PA 15357-
Landholding Agency: GSA
Property Number: 5419930009
Status: Excess
Reason: Floodway
GSA Number: 4-D-PA-0786
Bldg. 22
Willow Grove Naval Air Station
Willow Grove Co: Montgomery PA 19090-
Landholding Agency: Navy
Property Number: 77199720028
Status: Excess
Reason: Extensive deterioration
Bldg. 11
Naval Inventory Control Point
Philadelphia Co: Philadelphia PA 19111-5098
Landholding Agency: Navy
Property Number: 77199730071
Status: Excess
Reason: Extensive deterioration
Bldg. 30
Naval Inventory Control Point
Philadelphia Co: Philadelphia PA 19111-5098
Landholding Agency: Navy
Property Number: 77199730072
Status: Excess
Reason: Extensive deterioration
Bldg. 31
Naval Inventory Control Point
Philadelphia Co: Philadelphia PA 19111-5098
Landholding Agency: Navy
Property Number: 77199730073
Status: Excess
Reason: Extensive deterioration
Bldg. 39
Naval Inventory Control Point
Philadelphia Co: Philadelphia PA 19111-5098
Landholding Agency: Navy
Property Number: 77199730074
Status: Excess
Reason: Extensive deterioration
Bldg. 022
Naval Inventory Control Point
Mechanicsburg PA 17055-0788
Landholding Agency: Navy
Property Number: 77199740062
Status: Unutilized
Reason: Extensive deterioration
Bldg. 913
Naval Inventory Control Point
Mechanicsburg PA 18055-0788
Landholding Agency: Navy
Property Number: 77199740063
Status: Unutilized
Reason: Extensive deterioration
Bldg. 610
Naval Inventory Control Point
Mechanicsburg PA 17055-0788
Landholding Agency: Navy
Property Number: 77199820140
Status: Unutilized
Reason: Extensive deterioration
Bldg. 524
Naval Systems Engineering Station
Philadelphia PA 19112-

Landholding Agency: Navy
Property Number: 77199830023
Status: Unutilized
Reason: Extensive deterioration
Bldg. 616
Naval Systems Engineering Station
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830024
Status: Unutilized
Reason: Extensive deterioration
Bldg. 707
Naval Systems Engineering Station
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830025
Status: Unutilized
Reason: Extensive deterioration
Bldg. 790
Naval Systems Engineering Station
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830026
Status: Unutilized
Reason: Extensive deterioration
Bldg. 879
Naval Systems Engineering Station
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830027
Status: Unutilized
Reason: Extensive deterioration
Bldg. 434
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830103
Status: Excess
Reason: Extensive deterioration
Bldg. 528
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830104
Status: Excess
Reason: Extensive deterioration
Bldg. 534
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830105
Status: Excess
Reason: Extensive deterioration
Bldg. 637
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830106
Status: Excess
Reason: Extensive deterioration
Bldg. 662
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830107
Status: Excess
Reason: Extensive deterioration
Bldg. 672
Philadelphia Naval Shipyard
Philadelphia PA 19112–
Landholding Agency: Navy
Property Number: 77199830108
Status: Excess
Reason: Extensive deterioration

Bldg. 714
Naval Surface Warfare Center
Philadelphia Co: PA 19112–
Landholding Agency: Navy
Property Number: 77199920148
Status: Unutilized
Reason: Extensive deterioration
Puerto Rico
Dry Dock & Ship Repair Fac.
U.S. Navy
San Juan PR
Landholding Agency: GSA
Property Number: 54199710012
Status: Excess
Reasons: Within 2000 ft. of flammable or
explosive material; Floodway
GSA Number: 1–N–PR–491
NIH Primate Research Facility
Sabena Seca PR
Landholding Agency: GSA
Property Number: 54199720021
Status: Excess
Reason: Landlocked
GSA Number: 1–H–PR–503
Bldg. 433
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830066
Status: Unutilized
Reason: Extensive deterioration
Bldg. 434
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830067
Status: Unutilized
Reason: Extensive deterioration
Bldg. 464
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830069
Status: Unutilized
Reason: Extensive deterioration
Bldg. 762
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830069
Status: Unutilized
Reason: Extensive deterioration
Bldg. 763
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830070
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1927
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830071
Status: Unutilized
Reason: Extensive deterioration
Bldg. 175
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830072
Status: Unutilized
Reason: Extensive deterioration
Former No. 2091

Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830073
Status: Unutilized
Reason: Extensive deterioration
Bldg. 261/1692
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830074
Status: Unutilized
Reason: Extensive deterioration
B–38
Naval Station Roosevelt Roads
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 77199830075
Status: Unutilized
Reason: Extensive deterioration
Bldg. 781
Naval Base Roosevelt Roads
Ceiba Co: PR 00735–
Landholding Agency: Navy
Property Number: 77199910006
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1740
Naval Base Roosevelt Roads
Ceiba Co: PR 00735–
Landholding Agency: Navy
Property Number: 77199910007
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1933
Naval Base Roosevelt Roads
Ceiba Co: PR 00735–
Landholding Agency: Navy
Property Number: 77199910008
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1934
Naval Base Roosevelt Roads
Ceiba Co: PR 00735–
Landholding Agency: Navy
Property Number: 77199910009
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1976
Naval Base Roosevelt Roads
Ceiba Co: PR 00735–
Landholding Agency: Navy
Property Number: 77199910010
Status: Unutilized
Reason: Extensive deterioration
Bldg. 2001
Naval Base Roosevelt Roads
Ceiba Co: PR 00735–
Landholding Agency: Navy
Property Number: 77199910011
Status: Unutilized
Reason: Extensive deterioration
4 Bldgs.
STOP 7½ Compound, Naval Reservation
San Juan Co: PR 34051–
Location: 440, 441, 442, 443
Landholding Agency: Navy
Property Number: 77199920120
Status: Underutilized
Reason: Secured Area
Bldg. 444
STOP 7½ Compound, Naval Reservation
San Jaun Co: PR 34051–
Landholding Agency: Navy

Property Number: 77199920121
Status: Underutilized
Reason: Secured Area

Bldg. 445-447
STOP 7½ Compound, Naval Reservation
San Jaun Co: PR 34051-
Landholding Agency: Navy
Property Number: 77199920122
Status: Underutilized
Reason: Secured Area

6 Bldgs.
STOP 7½ Compound, Naval Reservation
San Jaun Co: PR 34051-
Location: 448, 449, 450, 451, 452, 455
Landholding Agency: Navy
Property Number: 77199920123
Status: Underutilized
Reason: Secured Area

Bldg. 458
STOP 7½ Compound, Naval Reservation
San Jaun Co: PR 34051-
Landholding Agency: Navy
Property Number: 77199920124
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 461, 2157
STOP 7½ Compound, Naval Reservation
San Jaun Co: PR 34051-
Landholding Agency: Navy
Property Number: 77199920125
Status: Underutilized
Reason: Secured Area

Bldgs. 28-29
STOP 7½ Compound, Naval Reservation
San Jaun Co: PR 34051-
Landholding Agency: Navy
Property Number: 77199920126
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 30-31
STOP 7½ Compound, Naval Reservation
San Jaun Co: PR 34051-
Landholding Agency: Navy
Property Number: 77199920127
Status: Unutilized
Reason: Extensive deterioration

Bldg. 104
STOP 7½ Compound, Naval Reservation
San Jaun Co: PR 34051-
Landholding Agency: Navy
Property Number: 77199920128
Status: Unutilized
Reason: Extensive deterioration

Bldg. 459
STOP 7½ Compound, Naval Reservation
San Jaun Co: PR 34051-
Landholding Agency: Navy
Property Number: 77199920129
Status: Unutilized
Reason: Extensive deterioration

Structure 460
STOP 7½ Compound, Naval Reservation
San Juan Co: PR 34051-
Landholding Agency: Navy
Property Number: 77199920130
Status: Underutilized
Reason: Secured Area

Rhode Island
Bldg. 32
Naval Underwater Systems Center
Gould Island Annex
Middletown Co: Newport RI 02840-
Landholding Agency: Navy
Property Number: 77199010273

Status: Excess
Reason: Secured Area
Bldg. W-31
Coddington Point
Naval Education & Training Center
Newport RI 02841-1711
Landholding Agency: Navy
Property Number: 77199810261
Status: Unutilized
Reason: Extensive deterioration

Bldg. 121
Coasters Harbor Island
Naval Education & Training Center
Newport RI 02841-1711
Landholding Agency: Navy
Property Number: 77199810265
Status: Unutilized
Reason: Extensive deterioration

Bldg. 33
Naval Station, Gould Island
Newport RI 02842-
Landholding Agency: Navy
Property Number: 77199910025
Status: Unutilized
Reason: Inaccessible

Bldg. 53
Naval Station, Gould Island
Newport RI 02842-
Landholding Agency: Navy
Property Number: 77199910026
Status: Unutilized
Reason: Inaccessible

Bldg. 54
Naval Station, Gould Island
Newport RI 02842-
Landholding Agency: Navy
Property Number: 77199910027
Status: Unutilized
Reason: Inaccessible

Bldg. 56
Naval Station, Gould Island
Newport RI 02842-
Landholding Agency: Navy
Property Number: 77199910028
Status: Unutilized
Reason: Inaccessible

Bldg. 58
Naval Station, Gould Island
Newport RI 02842-
Landholding Agency: Navy
Property Number: 77199910029
Status: Unutilized
Reason: Inaccessible

Bldg. 59
Naval Station Gould Island
Newport Co: RI 02842-
Landholding Agency: Navy
Property Number: 77199910030
Status: Unutilized
Reason: Inaccessible

Bldg. 60
Naval Station Gould Island
Newport Co: RI 02842-
Landholding Agency: Navy
Property Number: 77199910031
Status: Unutilized
Reason: Inaccessible

Bldg. 70
Naval Station Gould Island
Newport Co: RI 02842-
Landholding Agency: Navy
Property Number: 77199910032
Status: Unutilized
Reason: Inaccessible

Bldg. 91G
Naval Station Gould Island
Newport Co: RI 02842-
Landholding Agency: Navy
Property Number: 77199910033
Status: Unutilized
Reason: Inaccessible

Bldg. 34
Naval Station Gould Island
Newport Co: RI 02841-
Landholding Agency: Navy
Property Number: 77199910047
Status: Unutilized
Reason: Inaccessible

Bldg. 94
Naval Station Gould Island
Newport Co: RI 02841-
Landholding Agency: Navy
Property Number: 77199910048
Status: Unutilized
Reason: Inaccessible

Bldg. 61
Naval Station Gould Island
Newport Co: RI 02841-
Landholding Agency: Navy
Property Number: 77199910049
Status: Unutilized
Reason: Inaccessible

Tennessee
22 Bldgs.
Volunteer Army Ammunition Plant
Warehouses (Southern Portion)
Chattanooga Co: Hamilton TN 37421-
Landholding Agency: GSA
Property Number: 54199930016
Status: Surplus
Reason: Within 2000 ft. of flammable or
explosive material
GSA Number: 4-D-TN-594F

17 Bldgs.
Volunteer Army Ammunition Plant
Acid Production
Chattanooga Co: Hamilton TN 37421-
Landholding Agency: GSA
Property Number: 54199930017
Status: Surplus
Reason: Within 2000 ft. of flammable or
explosive material; contamination
GSA Number: 4-D-TN-594F

41 Facilities
Volunteer Army Ammunition Plant
TNT Production
Chattanooga Co: Hamilton TN 37421-
Landholding Agency: GSA
Property Number: 54199930018
Status: Surplus
Reason: Contamination
GSA Number: 4-D-TN-594F

5 Facilities
Volunteer Army Ammunition Plant
Waste Water Treatment
Chattanooga Co: Hamilton TN 37421-
Landholding Agency: GSA
Property Number: 54199930019
Status: Surplus
Reason: Extensive deterioration
GSA Number: 4-D-TN-594F

6 Bldgs.
Volunteer Army Ammunition Plant
Offices (Southern Portion)
Chattanooga Co: Hamilton TN 37421-
Landholding Agency: GSA
Property Number: 54199930023
Status: Surplus

Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 4-D-TN-594F
15 Bldgs.
Naval Support Activity, Memphis
Millington Co: Shelby TN 38054-
Location: 329, 400-408, 1585, S-159, S-160, S-163, 1278
Landholding Agency: Navy
Property Number: 77199820126
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

18 Bldgs.
Naval Support Activity, Memphis
Millington Co: Shelby TN 38054-
Location: 2001-2002, 2048-2051, 2064-2070, 2107-2111
Landholding Agency: Navy
Property Number: 77199820127
Status: Unutilized
Reason: Secured Area
P-348 (Bldgs. 409-417)
Naval Support Activity, Memphis
Millington Co: Shelby TN 38054-
Landholding Agency: Navy
Property Number: 77199830109
Status: Excess
Reasons: Secured Area; Extensive deterioration

P-349 (12 Bldgs.)
Naval Support Activity, Memphis
Millington Co: Shelby TN 38054-
Landholding Agency: Navy
Property Number: 77199830110
Status: Excess
Reasons: Secured Area; Extensive deterioration

P-350 (16 Bldgs.)
Naval Support Activity, Memphis
Millington Co: Shelby TN 38054-
Landholding Agency: Navy
Property Number: 77199830111
Status: Excess
Reasons: Secured Area; Extensive deterioration

11 Bldgs.
Naval Surface Warfare Center
Carderock Division
Detachment Memphis
Memphis Co: Shelby TN 38113-
Landholding Agency: Navy
Property Number: 77199840022
Status: Unutilized
Reason: Secured Area

Texas
Bldgs. 1561, 1562, 1563
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127-6200
Landholding Agency: Navy
Property Number: 77199820050
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 1190
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127-6200
Landholding Agency: Navy
Property Number: 77199820053
Status: Unutilized
Reason: Secured Area

Bldg. 1820
Naval Air Station Joint Reserve Base
Ft. Worth Co: Tarrant TX 76127-6200

Landholding Agency: Navy
Property Number: 77199820054
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 700
Navy Air Station Kingsville
Kingsville Co: Kleberg TX 78363-
Landholding Agency: Navy
Property Number: 7719980077
Status: Unutilized
Reason: Extensive deterioration

Bldg. 701
Navy Air Station Kingsville
Kingsville Co: Kleberg TX 78363-
Landholding Agency: Navy
Property Number: 7719980078
Status: Unutilized
Reason: Extensive deterioration

Bldg. 704
Navy Air Station Kingsville
Kingsville Co: Kleberg TX 78363-
Landholding Agency: Navy
Property Number: 7719980079
Status: Unutilized
Reason: Extensive deterioration

Facilities 105 and 105C
Naval station
Corpus Christi Co: Nueces TX 78419-5021
Landholding Agency: Navy
Property Number: 77199910012
Status: Unutilized
Reason: Extensive deterioration

Weather Radar Tower
Naval Air Station
Corpus Christi Co: Nueces TX 78419-5021
Landholding Agency: Navy
Property Number: 77199910050
Status: Unutilized
Reasons: Within airport runway clear zone; Extensive deterioration

Virginia
Fleet Training Center
Fire Fighting Training Facility
SDA-323, SDA-324, SDA-325, SDA-326
Norfolk, VA 23511-
Landholding Agency: Navy
Property Number: 77199740010
Status: Unutilized
Reason: Extensive deterioration

Bldg. O2
Naval Weapons Station
Yorktown Co: York VA 23691
Landholding Agency: Navy
Property Number: 77199810073
Status: Excess
Reason: Extensive deterioration

Bldg. 2208
Naval Medical Clinic
Quantico VA
Landholding Agency: Navy
Property Number: 77199820001
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 358, 359
Cheatham Annex
Williamsburg VA 23185-
Landholding Agency: Navy
Property Number: 77199820023
Status: Excess
Reason: Extensive deterioration

Bldg. CAD-43
Cheatham Annex
Williamsburg VA 23185

Landholding Agency: Navy
Property Number: 77199820024
Status: Excess
Reason: Extensive deterioration

Bldg. CAD-102
Cheatham Annex
Williamsburg VA 23185-
Landholding Agency: Navy
Property Number: 77199820025
Status: Excess
Reason: Extensive deterioration

Bldg. CAD-102A
Cheatham Annex
Williamsburg VA 23185-
Landholding Agency: Navy
Property Number: 77199820026
Status: Excess
Reason: Extensive deterioration

Bldg. CAD-127
Cheatham Annex
Williamsburg VA 23185-
Landholding Agency: Navy
Property Number: 77199820027
Status: Excess
Reason: Extensive deterioration

8 Bldgs.
Naval Base Norfolk
Norfolk VA
Location: #NH-A, NH-A1, NH-B, NH-C, NH-C1, NH-D, NH-D1, NH-B1
Landholding Agency: Navy
Property Number: 77199830052
Status: Unutilized
Reason: Extensive deterioration

CAD-40
Cheatham Annex
Williamsburg VA 23185-
Landholding Agency: Navy
Property Number: 77199830084
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

13 Garages
Naval Base Norfolk Complex
Norfolk VA
Location: A-39A, F-32A, F-33E/W, G-31E, G-31W, G-45A, H-7A, SP-18A, SP-19A, SP-20A, SP-21A, SP-24A, SP-26A
Landholding Agency: Navy
Property Number: 77199840016
Status: Excess
Reason: Extensive deterioration

Bldg. 1256
Naval Amphibious Base Little Creek
Norfolk Co: VA 23521-2616
Landholding Agency: Navy
Property Number: 77199910013
Status: Excess
Reason: Extensive deterioration

Bldg. W219
Naval Base Norfolk
Norfolk Co: VA 23511-
Landholding Agency: Navy
Property Number: 77199910014
Status: Excess
Reason: Secured Area

Gym
Naval Air Station, Oceana
Virginia Beach Co: VA 23460-5120
Landholding Agency: Navy
Property Number: 77199910015
Status: Unutilized
Reason: Extensive deterioration

Runway

Naval Air Station, Oceana
Virginia Beach Co: VA 23460-5120
Landholding Agency: Navy
Property Number: 77199910016
Status: Unutilized
Reason: Extensive deterioration
Bldg. SP76AQ
Naval Air Station
Norfolk Co: VA 23511-2797
Landholding Agency: Navy
Property Number: 77199910051
Status: Excess
Reason: Extensive deterioration
Bldg. CA502
Naval Station Norfolk
Norfolk Co: VA 23511-
Landholding Agency: Navy
Property Number: 77199910052
Status: Excess
Reason: Secured Area
Bldg. 3074
Marine Corps Base
Quantico Co: VA 22134-
Landholding Agency: Navy
Property Number: 77199920026
Status: Unutilized
Reason: Extensive deterioration
Bldg. SC-319
Armed Forces Staff College
Norfolk Naval Base
Norfolk Co: VA 23511-1702
Landholding Agency: Navy
Property Number: 77199920067
Status: Excess
Reason: Extensive deterioration
Bldg. 449
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920068
Status: Excess
Reason: Extensive deterioration
Bldg. 450
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920069
Status: Excess
Reason: Extensive deterioration
Bldg. 451
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920070
Status: Excess
Reason: Extensive deterioration
Bldg. 453
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920071
Status: Excess
Reason: Extensive deterioration
Bldg. 454
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920072
Status: Excess
Reason: Extensive deterioration
Bldg. 708
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920073
Status: Excess
Reason: Extensive deterioration
Bldg. 709
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920074
Status: Excess
Reason: Extensive deterioration
Bldg. 710
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920075
Status: Excess
Reason: Extensive deterioration
Bldg. 711
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920076
Status: Excess
Reason: Extensive deterioration
Bldg. 712
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920077
Status: Excess
Reason: Extensive deterioration
Bldg. 713
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920078
Status: Excess
Reason: Extensive deterioration
Bldg. 714
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920079
Status: Excess
Reason: Extensive deterioration
Bldg. 715
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920080
Status: Excess
Reason: Extensive deterioration
Bldg. 716
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920081
Status: Excess
Reason: Extensive deterioration
Bldg. 717
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920082
Status: Excess
Reason: Extensive deterioration
Bldg. 718
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920083
Status: Excess
Reason: Extensive deterioration
Bldg. 1454
Norfolk Naval Shipyard
Portsmouth Co: VA 23709-
Landholding Agency: Navy
Property Number: 77199920084
Status: Excess
Reason: Extensive deterioration
Washington
Bldg. 844
Former Park Place Enlisted Club
808 Burwell St.
Bremerton Co: Kitsap WA 98314-
Landholding Agency: GSA
Property Number: 54199840002
Status: Excess
Reason: Within 2000 ft. of flammable or
explosive material
GSA Number: 9-D-WA-1164
Bldg. 913
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345-7610
Landholding Agency: Navy
Property Number: 77199720014
Status: Unutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Excessive deterioration
Bldg. 6661
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315-6499
Landholding Agency: Navy
Property Number: 77199730039
Status: Unutilized
Reason: Secured Area
Bldg. 1635
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315-6499
Landholding Agency: Navy
Property Number: 77199730040
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 7457
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315-1199
Landholding Agency: Navy
Property Number: 77199730041
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 4446
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315-1199
Landholding Agency: Navy
Property Number: 77199740082
Status: Unutilized
Reasons: Secured Area; Extensive
deterioration
Bldg. 604, Pier 91
Naval Station Everett
Seattle Co: King WA
Landholding Agency: Navy
Property Number: 77199810011
Status: Excess
Reason: Extensive deterioration
Bldg. 1008
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315-1199
Landholding Agency: Navy
Property Number: 77199810012
Status: Unutilized
Reason: Extensive deterioration
Bldg. 1010
Naval Submarine Base, Bangor
Silverdale Co: Kitsap WA 98315-1199
Landholding Agency: Navy

Property Number: 77199810013
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 6460
 Naval Submarine Base, Bangor
 Silverdale Co: Kitsap WA 98315-1199
 Landholding Agency: Navy
 Property Number: 77199810014
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 604
 Manchester Fuel Department
 Port Orchard WA 98366-
 Landholding Agency: Navy
 Property Number: 77199810170
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 288
 Fleet Industrial Supply Center
 Bremerton WA 98314-5100
 Landholding Agency: Navy
 Property Number: 77199810171
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 332
 NAS Whidbey Island
 Whidbey Island WA
 Landholding Agency: Navy
 Property Number: 77199810217
 Status: Excess
 Reason: Secured Area
 Bldg. 2512
 NAS Whidbey Island
 Whidbey Island WA
 Landholding Agency: Navy
 Property Number: 77199810218
 Status: Excess
 Reason: Secured Area
 Bldg. 2536
 NAS Whidbey Island
 Whidbey Island WA
 Landholding Agency: Navy
 Property Number: 77199810219
 Status: Excess
 Reason: Secured Area
 Bldg. 2591
 NAS Whidbey Island
 Whidbey Island WA
 Landholding Agency: Navy
 Property Number: 77199810220
 Status: Excess
 Reason: Secured Area
 Bldg. 47
 Naval Radio Station T Jim Creek
 Arlington Co: Snohomish WA 98223-
 Landholding Agency: Navy
 Property Number: 77199820056
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Bldg. 48
 Naval Radio Station T Jim Creek
 Arlington Co: Snohomish WA 98223-
 Landholding Agency: Navy
 Property Number: 77199820057
 Status: Unutilized
 Reasons: Secured Area; Extensive
 deterioration
 Coal Handling Facilities
 Puget Sound Naval Shipyard
 #908, 919, 926-929
 Bremerton WA 98314-5000
 Landholding Agency: Navy
 Property Number: 77199820142
 Status: Excess
 Reason: Within 2000 ft. of flammable or
 explosive material
 Bldg. 193
 Puget Sound Naval Shipyard
 Bremerton WA 98310-
 Landholding Agency: Navy
 Property Number: 77199820143
 Status: Unutilized
 Reason: Contamination
 Bldg. 202
 Naval Air Station Whidbey Island
 Oak Harbor WA 98278-
 Landholding Agency: Navy
 Property Number: 77199830019
 Status: Excess
 Reason: Within 2000 ft. of flammable or
 explosive material
 Bldg. 2649
 Naval Air Station Whidbey Island
 Oak Harbor WA 98278-
 Landholding Agency: Navy
 Property Number: 77199830020
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material; Extensive deterioration
 Bldg. 2669
 Naval Air Station Whidbey Island
 Oak Harbor WA 98278-
 Landholding Agency: Navy
 Property Number: 77199830021
 Status: Excess
 Reasons: Within 2000 ft. of flammable or
 explosive material; Extensive deterioration
 Bldg. 2559
 Naval Air Station Whidbey Island
 Oak Harbor WA 98278-
 Landholding Agency: Navy
 Property Number: 77199830063
 Status: Excess
 Reason: Extensive deterioration
 Bldgs. 35, 36
 Naval Radio Station T Jim Creek
 Arlington Co: Snohomish WA 98223-
 Landholding Agency: Navy
 Property Number: 77199830076
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 21
 Naval Undersea Warfare Center Div.
 Keyport Co: Kitsap WA 98345-7610
 Landholding Agency: Navy
 Property Number: 77199830083
 Status: Excess
 Reasons: Secured Area; Extensive
 deterioration
 Bldg. 918
 Puget Sound Naval Shipyard
 Bremerton WA 98314-5000
 Landholding Agency: Navy
 Property Number: 77199840020
 Status: Unutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 894
 Naval Undersea Warfare Center
 Keyport Co: Kitsap WA 98345-7610
 Landholding Agency: Navy
 Property Number: 77199920085
 Status: Underutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 73
 Naval Undersea Warfare Center
 Keyport Co: Kitsap WA 98345-
 Landholding Agency: Navy
 Property Number: 77199920152
 Status: Underutilized
 Reasons: Within 2000 ft. of flammable or
 explosive material; Secured Area
 Bldg. 15
 Naval Air Station Whidbey Island
 Oak Harbor Co: WA 98278-3500
 Landholding Agency: Navy
 Property Number: 77199930071
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 119
 Naval Air Station, Whidbey Island
 Oak Harbor Co: WA 98278-3500
 Landholding Agency: Navy
 Property Number: 77199930072
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 853
 Naval Air Station, Whidbey Island
 Oak Harbor Co: WA 98278-3500
 Landholding Agency: Navy
 Property Number: 77199930073
 Status: Unutilized
 Reason: Extensive deterioration
 Bldg. 854
 Naval Air Station, Whidbey Island
 Oak Harbor Co: WA 98278-3500
 Landholding Agency: Navy
 Property Number: 77199930074
 Status: Unutilized
 Reason: Extensive deterioration
 Wisconsin
 2 Offshore Lighthouses
 Great Lakes WI
 Landholding Agency: GSA
 Property Number: 54199630016
 Status: Excess
 Reason: Extensive deterioration
Unsuitable Properties
Land (by State)
 Arkansas
 0.426 acres
 Former Lower Level Windshear Alert Sys #4
 Little Rock Co: Pulaski AR 57501-
 Landholding Agency: GSA
 Property Number: 54199910016
 Status: Surplus
 Reason: Within airport runway clear zone;
 Floodway
 GSA Number: 7-U-AR-555
 California
 Parcel B
 Santa Rosa Co: Sonoma CA
 Landholding Agency: GSA
 Property Number: 54199310016
 Status: Excess
 Reason: Sewage Treatment Plant
 GSA Number: 9-G-CA-580C
 Space Surv. Field Station
 Portion/Off Heritage Road
 San Diego CA 90012-1408
 Landholding Agency: Navy
 Property Number: 77199820049
 Status: Excess
 Reason: Within 2000 ft. of flammable or
 explosive material

Parcel 3
Construction Battalion Center
Port Hueneme Co: Ventura CA 93043–
Landholding Agency: Navy
Property Number: 77199920137
Status: Underutilized
Reason: Within 2000 ft. of flammable or
explosive material; Secured Area

Excess Land at Eureka Housing
Eureka Co: Humboldt CA 95501–
Landholding Agency: GSA
Property Number: 87199540001
Status: Excess
Reason: Inaccessible
GSA Number: 9UCA1527

Florida
Boca Chica Field
Naval Air Station
Key West Co: Monroe FL 23040–
Landholding Agency: Navy
Property Number: 77199010097
Status: Unutilized
Reason: Floodway

Georgia
Tract D-415
Lake Sidney Lanier
Gainesville Co: Hall GA 30501–
Landholding Agency: GSA
Property Number: 54199910011
Status: Excess
Reason: No public access
GSA Number: 4-D-GA-731

Guam
Submerged Lands
Ritidian Point GU
Landholding Agency: GSA
Property Number: 54199640003
Status: Excess
Reason: Inaccessible
GSA Number: 9-N-DU-437

Kentucky
9 Tracts
Daniel Boone National Forest
Co: Owsley KY 37902–
Landholding Agency: GSA
Property Number: 54199620012
Status: Excess
Reason: Floodway
GSA Number: 4-G-KY-607

Maine
37 Acres, Topsham Annex
Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 77199720001
Status: Unutilized
Reason: Secured Area

Land—Triangular Area
NAS Brunswick, Wildwood
Subd. Encroachment
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 77199820117
Status: Excess
Reason: Landlocked

Maryland
5,635 sq. ft. of Land
Solomon's Annex
Solomon's MD
Landholding Agency: Navy
Property Number: 77199230001
Status: Excess
Reason: Drainage Ditch

Govt. Railroad
Naval Surface Warfare Center
Indian Head Div.
Indian Head Co: Charles MD 20640–
Landholding Agency: Navy
Property Number: 77199740084
Status: Underutilized
Reasons: Within 2000 ft. of flammable or
explosive material; Floodway

Michigan
Port/EPA Large Lakes Rsch Lab
Grosse Ile Twp Co: Wayne MI
Landholding Agency: GSA
Property Number: 54199720022
Status: Excess
Reason: Within airport runway clear zone
GSA Number: 1-Z-MI-554-A

New York
Braddock Point Light Land
0.8 acres
Parma Co: NY 10950–
Landholding Agency: GSA
Property Number: 54199910021
Status: Excess
Reason: Inaccessible
GSA Number: 1-U-NY-870

North Carolina
0.85 parcel of land
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28553–
Landholding Agency: Navy
Property Number: 77199740074
Status: Unutilized
Reason: Secured Area

Ohio
Lewis Research Center
Cedar Point Road
Cleveland Co: Cuyahoga OH 44135–
Landholding Agency: GSA
Property Number: 54199610007
Status: Excess
Reasons: Within 200 ft. of flammable or
explosive material; Within airport runway
clear zone
GSA Number: 2-Z-OH-598-I

Pennsylvania
Grays Landing
Tract B, 101-07
Co: Fayette PA
Landholding Agency: GSA
Property Number: 54199810005
Status: Excess
Reason: Landlocked
GSA Number: 4-D-PA-784

Washington
Land-Port Hadlock Detachment
Naval Ordnance Center
Pacific Division
Port Hadlock Co: Jefferson WA 98339–
Landholding Agency: Navy
Property Number: 77199640019
Status: Underutilized
Reasons: Within 200 ft. of flammable or
explosive material; Secured Area

Wyoming
Cody Industrial Area
Cody Co: Park WY 82414–
Landholding Agency: GSA
Property Number: 54199740008
Status: Excess
Reasons: Within 200 ft. of flammable or
explosive material

GSA Number: 7-I-WY-0539

[FR Doc. 99-23296 Filed 9-9-99; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****Intent To Prepare a Comprehensive Conservation Plan and Associated Environmental Document for Fish Springs National Wildlife Refuge, Dugway, UT**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent.

SUMMARY: The U.S. Fish and Wildlife Service intends to gather information necessary to prepare a Comprehensive Conservation Plan and associated environmental document for the Fish Springs National Wildlife Refuge near Dugway, Utah. The Service is issuing this notice in compliance with its policy to advise other organizations and the public of its intentions and to obtain suggestions and information on the scope of issues to be considered in the planning process.

DATES: Written comments should be received by November 1, 1999.

ADDRESSES: Comments and requests for more information should be sent to: Refuge Manager, Fish Springs National Wildlife Refuge, P.O. Box 568, Dugway, Utah 84022. Fax (435) 831-5354. Email: r6rw_fhs@fws.gov.

FOR FURTHER INFORMATION CONTACT: Jay Banta, Refuge Manager, (435) 831-5353, extension 102.

SUPPLEMENTARY INFORMATION: The Service has initiated comprehensive conservation planning for Fish Springs National Wildlife Refuge for the conservation and enhancement of its natural resources. This Refuge is located in the Snake Valley at the southern end of the Great Salt Lake Desert in western Utah and encompasses 17,992 acres between two small mountain ranges.

Comprehensive planning will develop management goals, objectives, and strategies to carry out the purposes of the Refuge and comply with laws and policies governing refuge management and public use of refuges. The Refuge is open to public use.

The Service requests input as to what issues, affecting management or public use, should be addressed during the planning process. The Service is especially interested in receiving public input in the following areas:
—What do you value most about Fish Springs NWR?

- What problems or issues do you see affecting management or public use of the Refuge?
- What improvements do you recommend for the Refuge?
- What changes, if any, would you like to see in the management of the Refuge?

The Service has provided the above questions for your optional use. The Service has no requirement that you provide information. The Planning Team developed these questions to facilitate finding out more information about individual issues and ideas. Comments received by the Planning Team will be used as part of the Planning process; individual comments will not be referenced in our reports or directly responded to.

An opportunity will also be provided for public input at an open house on September 18, 1999, (schedule of activities can be obtained from the Fish Springs National Wildlife Refuge at above address). All information provided voluntarily by mail, phone, or at public meetings becomes part of the official public record (i.e., names, addresses, letters of comment, input recorded during meetings). If requested under the Freedom of Information Act by a private citizen or organization, the Service may provide copies of such information.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), NEPA Regulations (40 CFR parts 1500–1508), other appropriate Federal laws and regulations, Executive Order 12996, the National Wildlife Refuge System Improvement Act of 1997, and Service policies and procedures for compliance with those regulations.

Dated: September 3, 1999.

Elliott Sutta,

Acting Regional Director, Denver, Colorado.

[FR Doc. 99–23509 Filed 9–9–99; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service, Interior

Final Policy on the National Wildlife Refuge System and Compensatory Mitigation Under the Section 10/404 Program

AGENCY: Fish and Wildlife Service, Interior

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service announces the final policy on

the National Wildlife Refuge System and Compensatory Mitigation under the Section 10/404 program. We are establishing guidelines regarding the use of the National Wildlife Refuge System for compensatory mitigation requirements for water resource development projects authorized by the Department of the Army under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The purpose of the policy is to provide guidance to our personnel when they are evaluating whether a National Wildlife Refuge should be considered as a site for wetland restoration, enhancement, or creation to replace wetlands lost to dredge and fill impacts authorized by a Section 10/404 permit.

In general, we will not allow compensatory mitigation on National Wildlife Refuge System lands because these lands are already targeted for restoration, and we will be restoring these lands in the future. We recognize that under some limited and exceptional circumstances, compensatory mitigation on a National Wildlife Refuge may be appropriate. If compatible activities occurring on a National Wildlife Refuge require compensatory mitigation, the mitigation must occur within the boundaries of the National Wildlife Refuge being affected and must meet specific criteria. We will not support the use of National Wildlife Refuge System lands for establishment of mitigation banks. We may accept mitigation banks or mitigation projects as additions to the National Wildlife Refuge System subject to specific criteria. Where habitats have already been protected or restored under other Federal programs designed to increase the Nation's wetlands, we will not support the preservation of such restored wetlands as compensatory mitigation for habitat losses from other projects authorized under the Section 10/404 program, except in limited and exceptional circumstances.

EFFECTIVE DATE: The policy becomes effective on October 12, 1999.

FOR FURTHER INFORMATION CONTACT: U.S. Fish and Wildlife Service, Dr. Benjamin N. Tuggle, Chief, Division of Habitat Conservation, 400 ARLSQ, Washington, D.C. 20240, telephone (703) 358–2161; or Dr. Richard A. Coleman, Chief, Division of Refuges, 600 ARLSQ, Washington, D.C. 20240, telephone (703) 358–1744.

SUPPLEMENTARY INFORMATION:

Background

The national goal of no net loss of wetlands recognizes the importance and the special significance of wetlands to a variety of functions and values

including water quality, flood damage reduction, groundwater recharge, and reduced sedimentation. In addition, wetlands are some of the most important habitats for fish and wildlife resources on the landscape. We (the U.S. Fish and Wildlife Service) strongly support and contribute to this national goal by helping to reduce wetland losses, by restoring lost or degraded wetlands, and by protecting valuable wetlands by bringing them into the National Wildlife Refuge System.

We administer over 92 million acres of land and water within the National Wildlife Refuge System, and we have at least one National Wildlife Refuge in each of the 50 states. The mission of the National Wildlife Refuge 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. We may allow public uses of National Wildlife Refuge System lands, such as wildlife dependent recreation, when they are compatible with the purposes of the refuge. However, the National Wildlife Refuge System was established and is being managed first and foremost for fish, wildlife, and plant conservation.

At times, we have acquired lands that have been disturbed by past human activities. As such, some National Wildlife Refuges contain degraded fish and wildlife habitats. The development community, and others, have asked if these degraded habitats could be used as mitigation sites for wetland and wildlife habitat losses that occur outside the National Wildlife Refuge System. In the past, we have discouraged the use of National Wildlife Refuge System lands for compensatory mitigation, because we are authorized to restore degraded habitats within the National Wildlife Refuge System and we will be restoring these lands in the future, irrespective of off-Refuge development. However, until now, we have not had a specific policy that outlines when, or if, compensatory mitigation on National Wildlife Refuge System lands might be appropriate.

We recognize that allowing compensatory mitigation on a refuge could result in some resource gains within the National Wildlife Refuge System. However, if we were to target the National Wildlife Refuge System for compensatory mitigation, we could be facilitating a significant net loss of wetlands within the watershed. But we also recognize there may be some limited and exceptional circumstances where allowing compensatory

mitigation to be implemented on a refuge may be in the best interest of the fish, wildlife, and wetland resources in the area. Therefore, the policy provides guidance and flexibility to our personnel when they are determining whether, or under what circumstances, we might allow the National Wildlife Refuge System to be used for compensatory mitigation under the Section 10/404 program.

Previous Federal Action

We published the "Draft Policy on the National Wildlife Refuge System and Compensatory Mitigation under the Section 10/404 Program" in the **Federal Register** on July 31, 1998 (60 FR 58605). The public comment period closed on September 29, 1998.

Summary of Modifications

We modified the draft policy in response to the public comments and additional internal review. Here is a summary of the important changes:

1. We clarified how the policy relates to private lands and to wetlands that have been restored under other Federal programs, such as the Partners for Fish and Wildlife Program.

2. We clarified our explanation of why the policy does not apply to impacts to threatened or endangered species. Any impacts associated with these species are addressed separately under the Endangered Species Act.

3. We modified the "grandfather clause" in Part 7 of the policy. We inserted a statement indicating that mitigation projects currently being implemented are exempt from the policy. The policy will only apply to future projects.

4. We rewrote the policy in "Plain Language", updated and modified several definitions, and changed several technical terms for consistency.

Responses to Comments

The following is a summary of the major comments raised during the public comment period. We have included a summary of the comments, our response, and any modifications to the policy.

Comment: Several commenters asked about the scope of the policy, what we mean by "National Wildlife Refuge System land" and whether the policy applies to other forms of compensatory mitigation.

Response. The policy applies to all lands and waters within the National Wildlife Refuge System being considered for use as compensatory mitigation for activities authorized under the Section 10/404 program. The policy does not include lands that are

within the authorized refuge acquisition boundary, unless they are already owned by the Fish and Wildlife Service as part of the NWRS. In addition, we recognize there are other forms of mitigation being conducted on NWRS lands, such as under Section 4(f) of the Department of Transportation Act of 1966; however, the policy only addresses compensatory mitigation required under the Section 10/404 program.

Comment: Several commenters are concerned that we are applying this policy to private lands, particularly wetlands restored under the Conservation Reserve Program, the Wetlands Reserve Program, and the Partners for Fish and Wildlife Program.

Response: This policy provides guidance to Service personnel evaluating compensatory mitigation proposals for activities authorized under the Section 10/404 program. In contrast to circumstances in which mitigation is proposed on lands within the National Wildlife Refuge System and thus under the control of the Service, our recommendations regarding mitigation proposals on private lands are advisory and not controlling upon the permitting agency.

Preservation of existing wetland habitat compensates for permitted wetland loss in only those limited and exceptional circumstances in which a change in ownership or protection status serves to maintain habitat that would otherwise be certain to be lost. We expect that many private landowners who have used Federal conservation programs to restore wetlands on their lands will allow those wetlands to remain after the term of their restoration agreement or easement expires. Accordingly, we will not recommend or support preservation of those restored wetlands as compensatory mitigation, except in the limited and exceptional circumstances in which their future loss is assured in the absence of additional conservation measures.

Comment: Several commenters stated that if wetlands restored under the Partners for Fish and Wildlife Program or the Conservation Reserve Program cannot be used for compensatory mitigation, they may be converted to non-wetland uses (e.g., agriculture) after the 10-year agreement expires. The commenters believe that Section 10/404 permit holders should target these lands for compensatory mitigation (i.e., preservation) to avoid conversion.

Response: We have clarified the policy to indicate that where wetlands have been restored under Federal wetland restoration programs, such as

the Partners for Fish and Wildlife Program, we will not support the use of these lands as compensatory mitigation under the Section 10/404 program, during the term of the agreement (e.g., 10 years). Upon expiration of the wetland restoration agreement, we will not support the preservation of such restored wetlands as compensatory mitigation for wetland losses under the Section 10/404 program, except in limited and exceptional circumstances. This is consistent with our Mitigation Policy and the Federal guidelines for establishing, using, and operating mitigation banks.

Comment: Several commenters asked that we delete the restrictions on adding mitigation bank lands to a refuge.

Response: The policy retains the restrictions on accepting mitigation bank lands. We recognize the policy may necessitate changes in how mitigation banking and wetland restoration is done in conjunction with National Wildlife Refuge System lands. However, the purpose of the policy is to ensure national consistency regarding compensatory mitigation under the Section 10/404 program and the National Wildlife Refuge System.

Comment: Several commenters asked why we are adopting such rigid guidelines for accepting donated mitigation bank lands into the National Wildlife Refuge System since mitigation banking represents an important opportunity to expand our refuges.

Response: We recognize that accepting a mitigation bank into the National Wildlife Refuge System is an opportunity to protect wetlands and other wildlife habitat produced by compensatory mitigation projects. That is why we included specific provisions that allow these transfers to proceed. However, we want to avoid bringing wetlands and other habitats into the National Wildlife Refuge System that are either not fully restored, do not have sufficient operation and maintenance funding, have mitigation credits running, or otherwise diminish the responsibilities of the Section 10/404 program to fulfill its wetland preservation goals. That is, we are willing to accept donated mitigation bank lands only when they are clear of any outstanding mitigation requirements and associated liabilities.

Comment: Several commenters asked why the policy prohibits mitigation banks on National Wildlife Refuge System lands under all circumstances, since mitigation banking is another form of compensatory mitigation.

Response: If we allow mitigation banks to be established on National Wildlife Refuge System lands, it could

result in a net loss of wetlands in the watershed. Since National Wildlife Refuge System lands are already protected and we will be restoring these lands, allowing mitigation banking on National Wildlife Refuge System lands would not replace the off-Refuge wetland functions and values that are lost to permitted development. By establishing mitigation banks on National Wildlife Refuge System lands and selling the mitigation credits, we would be "trading" off-Refuge wetlands for accelerated restoration of on-Refuge wetlands. Although this may result in some short-term habitat gains on National Wildlife Refuge System lands, in the long-term, it could facilitate a net loss of wetlands in the watershed.

In addition, there are several other concerns:

1. There may be an appearance of a conflict of interest if we are also commenting on and developing mitigation options for the permitted development through the Section 10/404 program;

2. If we allow mitigation banking on National Wildlife Refuge System lands, we might be assigned some degree of liability for future operation and maintenance of the bank if the bank sponsor abandons the project prior to satisfying all mitigation responsibilities; and

3. If we allow Section 10/404 permittees to establish mitigation banks on National Wildlife Refuge System lands, this may undermine entrepreneurial (i.e., economically-based) efforts to develop private mitigation banks elsewhere in the watershed.

Comment: One commenter asked why the policy does not apply to threatened or endangered species. The commenter is concerned that if a listed species is adversely affected by development permitted under Section 10/404, we might allow compensatory mitigation for threatened or endangered species to occur on National Wildlife Refuge System lands.

Response: We have clarified the policy to specifically state that consideration of impacts to threatened or endangered species is not within the scope of this policy. Any such concerns are addressed under the Endangered Species Act and its associated regulations at 50 CFR Parts 17, 402, and 424.

Comment: The "grandfather clause" in the policy could allow a significant amount of mitigation activities to be implemented on NWRS lands which are inconsistent with the policy. In the draft policy, the clause states: "The policy does not apply to existing mitigation

agreements with the Service in effect at the time of policy issuance." However, we currently have several long-term agreements with various organizations and agencies that allow compensatory mitigation to be conducted in conjunction with National Wildlife Refuges. These agreements could provide a permanent exemption from the policy.

Response: We have deleted the statement that exempts existing mitigation agreements from the policy. Instead, we have stated that the policy does not apply to existing mitigation projects that are currently being implemented. However, we will review all mitigation agreements, and modify them as necessary, to ensure they are consistent with the policy. In other words, all mitigation projects currently underway are exempt, but any new projects must comply with the policy.

Record of Compliance

We have prepared a Record of Compliance documenting that this rule-making action complies with the various statutory, Executive Order, and Department of the Interior requirements that are applicable to rulemakings. A copy is available upon request. (See **FOR FURTHER INFORMATION CONTACT.**)

The number of acres of wetlands restored on National Wildlife Refuge System lands in FY96 was 79,291, but only approximately 10 acres were restored as compensatory mitigation under the Section 10/404 program. Likewise, of the 60,708 acres of wetlands restored on National Wildlife Refuge System lands in FY97, only 75 acres were restored under the Section 10/404 program. Since the policy was developed to reflect the informal practices currently used by Service personnel, the policy will serve to codify, but not significantly change, agency practice. Therefore, the numbers of acres of wetlands restored on National Wildlife Refuge System lands as mitigation for activities authorized under the Section 10/404 program will probably not change significantly with the policy.

This policy was reviewed under Executive Order 12866. As discussed above, only 85 acres during fiscal years 1996 and 1997 were restored on national wildlife refuges as a result of compensatory mitigation while a more than 130,000 acres were restored. Accordingly, this policy will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Similarly, this policy is not a major rule under 5 U.S.C.

804(2), the Small Business Regulatory Enforcement Fairness Act.

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501, *et seq.*), this policy does not affect State, local, and tribal governments since it only applies to lands and activities within the National Wildlife Refuge System. This policy does not produce a Federal mandate of \$100 million or greater in any year, therefore, it is not a "significant regulatory action" under the Unfunded Mandates Reform Act.

In accordance with Executive Order 12630, the policy does not have significant takings implications. This policy will not result in takings since it only applies to lands and activities within the National Wildlife Refuge System.

In accordance with Executive Order 12612, the policy does not have significant Federalism effects. This policy will not affect other governments since it only applies to lands and activities within the National Wildlife Refuge System. This policy will not affect small governments.

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the policy does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order. This policy does not require any information collection for which Office of Management Budget approval is required under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

We have analyzed this policy in accordance with the criteria of the National Environmental Policy Act and 318 DM 2.2(g) and 6.3(D). This policy does not constitute a major Federal action significantly affecting the quality of the human environment. An environmental impact statement/assessment is not required. We have determined there are no effects on Federally recognized Indian tribes since it only applies to lands and activities within the National Wildlife Refuge System. The action is categorically excluded under Departmental NEPA procedures (516 DM 2, Appendix 1.10), which applies to policies, directives, regulations, and guidelines of an administrative, legal, technical, or procedural nature; or the environmental effects of which are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case.

Final Policy on the National Wildlife Refuge System and Compensatory Mitigation Under the Section 10/404 Permit Program

Part 1. What Is the Purpose of This Policy?

We are establishing a national policy on the National Wildlife Refuge System and compensatory mitigation requirements for water resource development activities administered by the Department of the Army under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Our purpose is to provide guidance to our personnel that have a decision making role for the use of lands within the National Wildlife Refuge System as it applies to the Section 10/404 program.

The mission of the National Wildlife Refuge 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. The Federal government established National Wildlife Refuges for the restoration, preservation, development, and management of wildlife and wildlands habitat; for the protection and preservation of endangered or threatened species and their habitat; and for the management of wildlife and wildlands to obtain the maximum benefits from these resources (50 CFR 25.11(b)). We are currently managing National Wildlife Refuge System lands to obtain the maximum fish, wildlife, and ecological benefits. Therefore, our management and restoration activities will occur regardless of other activities, including those authorized under the Section 10/404 program.

We provide recommendations to the Department of the Army, Corps of Engineers, for mitigation using the Clean Water Act, the Section 404(b)(1) guidelines, the Fish and Wildlife Coordination Act, the National Environmental Policy Act, and our Mitigation Policy (January 23, 1981, 46 FR 7644). These authorities and guidance documents state that the biological impacts must be determined by comparing the environmental conditions with the project in place (the "with-project conditions") against the environmental conditions without the project in place (the "without-project conditions"). Under our Mitigation Policy, we recommend compensatory mitigation for unavoidable adverse impacts to fish and wildlife resources only after project sponsors have taken

all practicable actions to avoid or minimize the impacts.

We will continue to restore wetlands and wildlife habitat on National Wildlife Refuge System lands independent of off-Refuge water resource development activities; therefore, our NWRS restoration activities are part of the environmental conditions that would occur without the development project authorized by the Section 10/404 permit. If we allow wetland restoration activities to occur on National Wildlife Refuge System lands as compensatory mitigation for off-Refuge impacts authorized under Section 10/404, we could be facilitating a long-term net loss of wetlands within the watershed. Therefore, we will not recommend or allow compensatory mitigation on National Wildlife Refuge System lands for activities authorized under the Section 10/404 program, except as provided in this policy.

Part 2. What Are Definitions Used in This Policy?

There are numerous technical terms that are used throughout the policy. We are providing the definitions to ensure clarity and consistency.

Appropriate. The determination of what level of mitigation constitutes "appropriate" is based on the comparison between the functions and values of the aquatic resources that will be impacted and the potential of the proposed creation, restoration, enhancement, and/or preservation at the mitigation site to replace the lost functions and values after subtracting the baseline functions and values of the mitigation site.

Bank sponsor. Any public or private entity responsible for establishing and, in most circumstances, operating a mitigation bank.

Compensatory mitigation. For purposes of Section 10/404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved (Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 FR 58605)).

Credit. A unit of measure representing the accrual or attainment of aquatic functions at a mitigation bank; the measure of function is typically indexed to the number of wetland acres restored, created, enhanced, or preserved (Federal Guidance for the Establishment, Use

and Operation of Mitigation Banks (60 FR 58605)).

Direct effects are caused by the action and occur at the same time and place. (CEQ NEPA regulations; 40 CFR 1508.8(a)).

Director means the Director of the United States Fish and Wildlife Service.

Fish and wildlife resources means birds, fish, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent (U.S. Fish and Wildlife Service Mitigation Policy, Manual Chapter 501 FW 2).

Habitat means the area which provides direct support for a given species, population, or community. It includes all environmental features that comprise an area such as air quality, water quality, vegetation and soil characteristics and water supply, including both surface and groundwater. (U.S. Fish and Wildlife Service Mitigation Policy, Manual Chapter 501 FW 2).

Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable (CEQ NEPA regulations; 40 CFR 1508.8(b)).

Minimize means to reduce to the smallest practicable amount or degree. (U.S. Fish and Wildlife Service Mitigation Policy, Manual Chapter 501 FW 2).

Mitigation includes: (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments." (CEQ NEPA regulations; 40 CFR 1508.20(a-e)).

Mitigation bank. A mitigation bank is a site where wetland and/or other aquatic resources are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to similar resources. For purpose of Section 10/404, use of a mitigation bank may only be authorized when impacts are unavoidable (Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 FR 58605)).

National Wildlife Refuge means a designated area of land, water or an interest in land or water within the

National Wildlife Refuge System, but does not include Coordination Areas (*National Wildlife Refuge System Administration Act of 1966* (16 U.S.C. 668dd–668ee; 80 Stat. 927, as amended).

National Wildlife Refuge System means all lands, waters, and interests administered by the U.S. Fish and Wildlife Service as wildlife refuges, areas for the protection and conservation of fish and wildlife species threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas, and other areas for the protection and conservation of fish and wildlife (*National Wildlife Refuge System Administration Act of 1966* (16 U.S.C. 668dd–668ee; 80 Stat. 927, as amended)).

Practicable. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes (Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 FR 58605)).

Project means any action, planning or approval process relating to an action that will directly or indirectly affect fish and wildlife resources (U.S. Fish and Wildlife Service Mitigation Policy, Manual Chapter 501 FW 2).

Purposes of the refuge means the purposes specified in or derived from law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit (*National Wildlife Refuge System Administration Act of 1966* (16 U.S.C. 668dd–668ee; 80 Stat. 927, as amended)).

Restoration. Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state (Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 FR 58605)).

Part 3. What Are the Restrictions Regarding Compensatory Mitigation on National Wildlife Refuge System Lands?

We will not allow compensatory mitigation for habitat losses authorized through the Section 10/404 program to be implemented on lands and waters within the National Wildlife Refuge System, except under limited and exceptional circumstances. The criteria for considering compensatory mitigation within the National Wildlife Refuge System are as follows:

(a) The proposed water resource development project, including the mitigation plan, is consistent with the

Section 404(b)(1) guidelines, has undergone all appropriate sequencing for avoidance and minimization of impacts, and is consistent with the U.S. Fish and Wildlife Service's Mitigation Policy (Manual Chapter 501 FW 2); and

(b) The proposed mitigation plan supports the mission of the National Wildlife Refuge System, is consistent with the purposes for which the refuge was established, and is consistent with an approved Comprehensive Conservation Plan or other approved management plan(s) for the refuge; and

(c) The mitigation would result in significantly increased natural resource benefits when compared to other appropriate, off-site mitigation options as determined by the Ecological Services Field Office supervisor and the Refuge manager; and

(d) The mitigation plan is written to ensure we are under no obligation to allow compensatory mitigation on any National Wildlife Refuge System lands in the future; and

(e) The Regional Director recommends the mitigation plan to the Director for approval.

Part 4. What Are the Restrictions for Mitigation Banks on National Wildlife Refuge System Lands?

We will not allow use of National Wildlife Refuge System lands for mitigation banks to compensate for the effects of activities authorized by the Section 10/404 program. We may accept mitigation banks as additions to the National Wildlife Refuge System under the following conditions:

(a) The mitigation bank is directly related to the purposes for which the refuge was established and is consistent with an approved Comprehensive Conservation Plan or other approved management plan(s) for the refuge, as determined by the Refuge manager;

(b) The mitigation bank is consistent with the mitigation banking agreement as determined by the appropriate Ecological Services Field Office supervisor;

(c) The bank sponsor fully funds the transfer, management, and protection of the mitigation bank/project as outlined in the "Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks, II. E. Long-Term Management, Monitoring, and Remediation" (November 28, 1995; 60 FR 58605);

(d) The mitigation bank is an established, functioning wetland (or other wildlife habitat as appropriate) and the bank sponsor ensures that all success criteria have been met in accordance with the approved mitigation plan; and

(e) The bank sponsor withdraws or forfeits all mitigation credits before we acquire the bank. The Regional Director may grant exceptions to the requirement that all mitigation credits must be withdrawn or forfeited prior to acquisition. However, if we accept a mitigation bank before all credits are withdrawn, the bank sponsor must remain responsible for meeting the criteria in the mitigation banking agreement and must remain accountable for the mitigation credits.

The Regional Director must approve the addition of a mitigation bank to a National Wildlife Refuge. If lands within the authorized refuge acquisition boundary have been fully acquired, inclusion of a mitigation bank must be approved by the Director.

Part 5. What Are the Requirements for Compensatory Mitigation for Direct Effects on National Wildlife Refuge System Lands?

If we allow development activities under a Section 10/404 permit to occur on a National Wildlife Refuge that require compensatory mitigation, the mitigation must occur on the National Wildlife Refuge being directly affected by the activity. However, before we can authorize these activities on National Wildlife Refuge System lands, the Refuge manager must:

(a) Determine the activity is compatible;

(b) Ensure the project sponsor has made every effort to avoid and minimize the effects before they request compensatory mitigation;

(c) Determine the mitigation activities support the mission of the National Wildlife Refuge System and are consistent with the purposes of the refuge;

(d) Issue a special use permit, if appropriate; and

(e) Coordinate with the appropriate Ecological Services Field Office supervisor.

Part 6. How Do We Treat Lands Protected by Other Federal Wetland Programs?

Where habitats are protected or restored under other Federal programs or activities designed to increase the Nation's wetlands, we will not recommend, support, or advocate the use of these lands as compensatory mitigation, including mitigation banks, for habitat losses authorized under Section 10/404, under any circumstances, during the term of the restoration agreement. These other Federal programs and activities include easement areas associated with inventory and debt restructure

properties under the Food Security Act, lands protected or restored for conservation purposes under fee title transfers, lands protected by a habitat management agreement with the Service, or habitats protected by programs authorized by the Consolidated Farm and Rural Development Act, and the Food Security Act of 1985. After the wetland restoration agreement has expired, we will not recommend, support, or advocate the preservation of such restored wetlands as compensatory mitigation for habitat losses authorized under the Section 10/404 program, except in limited and exceptional circumstances.

Part 7. What Is the Scope of the Policy?

This policy applies to all lands and waters within the National Wildlife Refuge System considered for use as compensatory mitigation for activities authorized under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The policy does not apply to existing mitigation projects currently being implemented. However, we will review all mitigation agreements currently in effect, and modify them as necessary, to ensure consistency with this policy.

The policy does not apply to public lands administered by other government agencies nor does it apply to private lands. However, the purpose of the policy is to provide guidance to our personnel when they are evaluating proposals for compensatory mitigation regarding a proposed Section 10/404 permit. These proposed permits could be for development actions occurring on either public or private lands.

This policy does not apply to threatened or endangered species. The requirements for threatened and endangered species are covered in the Endangered Species Act of 1973 and accompanying regulations at 50 CFR Parts 17, 402, and 424. Under Section 7 of the Endangered Species Act, as amended, all Federal agencies shall ensure that activities authorized, funded, or carried out by them are not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. Mitigating adverse impacts of a project would not in itself be viewed as satisfactory agency compliance with Section 7. Furthermore, it is clear to the Service that Congress considered the traditional concept of mitigation to be inappropriate for Federal activities impacting listed species or their critical habitat.

Part 8. What Are the Authorities for This Policy?

We are establishing this policy in accordance with the following authorities:

Fish and Wildlife Act of 1956 (16 U.S.C. 742(a)-754). This Act authorizes the development and distribution of fish and wildlife information to the public, the Congress, and the President; and the development of policies and procedures that are necessary and desirable to carry out the laws relating to fish and wildlife.

Fish and Wildlife Coordination Act (16 U.S.C. 661-667(e)). This Act authorizes the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, and the State agencies responsible for fish and wildlife resources to investigate all proposed Federal undertakings and non-Federal actions needing a Federal permit or license which would impound, divert, deepen, or otherwise control or modify a stream or other body of water and to make mitigation and enhancement recommendations to the involved Federal agency.

Watershed Protection and Flood Prevention Act (16 U.S.C. 1001-1009). This Act allows the Secretary of the Interior to make surveys, investigation, and “* * * prepare a report with recommendations concerning the conservation and development of wildlife resources on small watershed projects”.

National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347). This Act and its implementing regulations (40 CFR part 1500-1508) requires that Federal agencies, such as the U.S. Fish and Wildlife Service, be notified of all major Federal actions affecting fish and wildlife resources and their views and recommendations solicited. In addition, the Act provides that the Congress authorize and directs that, to the fullest extent possible, all agencies of the Federal Government identify and develop methods and procedures which will ensure that presently unquantified environmental values may be given appropriate consideration in decision making along with economic and technical considerations.

National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-668ee: 80 Stat. 927, as amended). This Act states that the mission of the National Wildlife Refuge 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. The Act requires, among other things, the Secretary of the Interior: to maintain the biological integrity, diversity, and environmental health of the National Wildlife Refuge System; to develop comprehensive conservation plans for National Wildlife Refuges; and not to initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the use has been determined to be compatible.

Part 9. What References Are Cited in This Policy?

Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks, II. E. Long-Term Management, Monitoring, and Remediation (November 28, 1995, 60 FR 58605).

U.S. Fish and Wildlife Service Draft Policy on the National Wildlife Refuge System and Compensatory Mitigation under the Section 10/404 Program; Notice of Draft Policy and request for comments (July 31, 1998, 63 FR 40928-40932).

U.S. Fish and Wildlife Service Mitigation Policy; Notice of Final Policy (January 23, 1981, 46 FR 7644) as corrected.

Dated: March 12, 1999.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 99-23627 Filed 9-9-99; 8:45 am]

BILLING CODE 4310-55-U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-094-09-1920-00-4012: GP9-0303]

Temporary Closure of Public Lands; Lane County, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Temporary closure of public lands in Lane County, Oregon.

SUMMARY: Notice is hereby given that certain public lands in Lane County, Oregon are temporarily closed to all public use, including recreation, parking, camping, shooting, hiking and sightseeing, from September 1, 1999 through October 31, 1999. The closure is made under the authority of 43 CFR 8364.1.

The public lands affected by this temporary closure are specifically identified as follows:

Federal lands located in Section 29, Township 17 South, Range 4 West of the Willamette Meridian, Oregon, more generally described as follows: All

federal lands within the City of Eugene Urban Growth Boundary located in Section 29, Township 17 South, Range 4 West of the Willamette Meridian lying east of Greenhill Road, south of Royal Ave., west of Terry Street and a line running south from the end of Terry Street to the Southern Pacific Railroad tracks, and north of the Southern Pacific Railroad tracks.

Containing approximately 200 acres.

The following persons, operating within the scope of their official duties, are exempt from the provisions of this closure order: Bureau of Eugene, City of Eugene, and Corps of Engineers employees; state, local and federal law enforcement and fire protection personnel; agents for the Cone wetland mitigation sites; the contractor authorized to construct the Lower Amazon Wetland Restoration Project and its subcontractors. Access by additional parties may be allowed, but must be approved in advance in writing by the Authorized Officer.

Any person who fails to comply with the provisions of this closure order may be subject to the penalties provided in 43 CFR 8360.0-7, which include a fine not to exceed \$1,000 and/or imprisonment not to exceed 12 months.

The public lands temporarily closed to public use under this order will be posted with signs at points of public access.

The purpose of this temporary closure is to provide for public safety, facilitate construction of the Lower Amazon Wetland Restoration Project facilities, and protection of property and equipment during the mobilization, construction and de-mobilization phases of the Lower Amazon Wetland Restoration construction project.

DATES: This closure is effective from September 1, 1999 through October 31, 1999.

ADDRESSES: Copies of the closure order and maps showing the location of the closed lands are available from the Eugene District Office, P.O. Box 10226 (2890 Chad Drive), Eugene, Oregon 97440.

FOR FURTHER INFORMATION CONTACT: Diane Chung, Coast Range Field Office Manager, Eugene District Office, at (541) 683-6600.

Dated: August 31, 1999.

Dan M. Howells,

Acting Field Manager, Coast Range Resource Area.

[FR Doc. 99-23283 Filed 9-9-99; 8:45 am]

BILLING CODE 4310-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-924-1430-01; MTM 13213]

Public Land Order No. 7411; Revocation of Executive Order No. 5327 Dated April 15, 1930; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order in its entirety as to approximately 278,734 acres withdrawn for oil shale classification purposes. The lands were classified and are no longer needed for the purpose for which they were withdrawn. This action will open the public lands to surface entry and nonmetalliferous mining subject to other segregations of record. The lands located within the National Forest will be open to such forms of disposition as may by law be made of National Forest System lands and nonmetalliferous mining. The lands have been and remain open to metalliferous mining and mineral leasing.

EFFECTIVE DATE: October 12, 1999.

FOR FURTHER INFORMATION CONTACT: Sandra Ward, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107-6800, 406-255-2949.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. The Executive Order 5327 dated April 15, 1930, which established the oil shale reserve for classification purposes, is hereby revoked in its entirety. The areas involved aggregate approximately 278,734 acres in Beaverhead County.

2. At 9 a.m., on October 12, 1999, the public lands shall be opened to the operation of the public land laws generally and the National Forest System lands shall be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m., on October 12, 1999, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on October 12, 1999, the lands shall be opened to location and entry under the United States mining laws for nonmetalliferous minerals,

subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of the lands that were classified pursuant to the Executive order stated in paragraph 1 under the general mining laws for nonmetalliferous minerals prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: August 20, 1999.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 99-23499 Filed 9-9-99; 8:45 am]

BILLING CODE 4310-DN-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-670-1220]

Recreation Management

AGENCY: Bureau of Land Management, Interior.

ACTION: Establishment of a supplementary rule prohibiting shooting except for the lawful pursuit of game, and prohibiting the use of paintball guns in the In-Ko-Pah mountains.

SUMMARY: This notice affects public lands under the administrative responsibility of the Bureau of Land Management, El Centro Field Office. The area includes all public lands within:

San Bernardino Baseline and Meridian

T.18 S., R.9 E.,
Sec. 4, 5, 7, 8, 9.

All public lands in the above listed lands are hereby closed to the use of paintball guns and all shooting, except for the lawful pursuit of game. This prohibition is designed to reduce negative impacts to the natural environment and to minimize public safety concerns. Notices and signs will be posted in the areas restricted and maps detailing the exact locations will be available at the El Centro BLM office. It should be noted that all of the restrictions recommended do not prohibit legitimate hunting activities,

and therefore do not conflict with State Fish and Game Regulations.

EFFECTIVE DATE: This action will be effective upon publication of this notice in the **Federal Register** and will remain in effect until rescinded.

SUPPLEMENTARY INFORMATION: The authority for this rule is provided for in 43 CFR, 8365.1-6, Supplemental Regulations. Violation of this order is punishable by a fine not to exceed \$100,000.00 and/or imprisonment not to exceed 12 months.

FOR FURTHER INFORMATION CONTACT: Tim Finger, Outdoor Recreation Planner, or Walt Gabler, Law Enforcement Ranger, at the above address or telephone (760) 337-4400. Objections will be reviewed by the State Director, who may sustain, vacate or modify this action. In the absence of any objections, this action will be the final determination of the department of the Interior. Interested parties may submit comments to the Field Manager, El Centro Field Office, 1661 South 4th Street, El Centro, CA 92243.

Dated: August 27, 1999.

Greg Thomsen,
Field Manager.

[FR Doc. 99-23598 Filed 9-9-99; 8:45 am]

BILLING CODE 4310-40-P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; reinstatement, without change, of a previously approved collection for which approval has expired.

SUMMARY: COPS Count Survey.

The Department of Justice, Office of Community Oriented Policing Services, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. Office of Management and Budget approval is being sought for the information collection listed below. This proposed information collection was previously published in the **Federal Register** on March 3, 1999, allowing for a 60-day public comment period.

The purpose of this notice is to allow an additional 30 days for public comment until October 12, 1999. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this

notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to (202) 395-7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Deputy Clearance Officer, Suite 1220, National Place, 1331 F Street, NW, Washington, DC 20530.

Written comments and/or suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;
- (2) 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;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this collection:

- (1) *Type of Information Collection:* New collection.
- (2) *Title of the Form/Collection:* COPS Count Survey.
- (3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: COPS 31/01. Office of Community Oriented Policing Service, U.S. Department of Justice.
- (4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The COPS Count Project surveys agencies who currently have been awarded a Hiring and/or MORE grant from the COPS Office. The information collected provides an accurate up to date account on the status of officers hired/redeployed.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Estimated number of

respondents: 10,813. Estimated time for average respondent to respond: .75 (15 min. × 3 times per year = 45 min.).

(6) *An estimate of the total of public burden (in hours) associated with the collection:* Approximately 8,109.75 annual burden hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 G Street, NW, Washington, DC 20530.

Dated: September 3, 1999.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 99-23497 Filed 9-9-99; 8:45 am]

BILLING CODE 4410-AT-M

DEPARTMENT OF JUSTICE

Notice of Lodging of a Consent Decree Pursuant to The Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that a proposed consent decree in *United States v. Chemspray Inc., et al.*, Civil No. 97-8922 CIV-DIMITROULEAS, was lodged on August 24, 1999, with the United States District Court for the Southern District of Florida ("Chemspray Decree"). The proposed Consent Decree would resolve certain claims under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9607, as amended, brought against defendants Chemspray Incorporated, Glades Formulating Corporation, Juan F. Montalvo, Sr. and John C. Hatton (collectively "Settling Defendants"), to recover response costs incurred by the Environmental Protection Agency in connection with the release of hazardous substances at Chemspray Site in Pahokee, Florida. Under the proposed Consent Decree, the Settling Defendants will pay \$47,000 to the Hazardous Substances Superfund to reimburse the United States for Past Response Costs.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resource Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Chemspray, Inc., et al.*, S.D. Fla., Civil

No. 97-8922 CIV-DIMITROULEAS, DOJ Ref. #90-11-2-1345.

The Consent Decree may be examined at the office of the Region 4 Office of the Environmental Protection Agency, 61 Forsyth Street, SW, Atlanta, GA 30303; and at the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005, (202) 624-0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW, 3rd Floor, Washington, DC 20005. In requesting copies please refer to the referenced case and enclose a check in the amount of \$5.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.
[FR Doc. 99-23599 Filed 9-9-99; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 172-99]

Privacy Act of 1974; Notice of the Removal of a System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Immigration and Naturalization Service (INS), Department of Justice (DOJ) is removing a published Privacy Act system of records entitled "Finance Section Indexes, JUSTICE/INS-020." (JUSTICE/INS-020 was most recently published on May 14, 1997 (62 FR 26557).)

JUSTICE/INS-020 is being removed because the DOJ established a new Department-wide system of records which replaces those which now exist for separate Department components. The new system notice entitled, "Accounting Systems for the Department of Justice (DOJ), DOJ-001" was most recently published on May 28, 1999 (64 FR 29069).

Therefore, JUSTICE/INS-020, "Finance Section Indexes," system notice is removed from the Department's compilation of Privacy Act systems.

Dated: August 25, 1999.

Stephen R. Colgate,

Assistant Attorney General for Administration.

[FR Doc. 99-23600 Filed 9-9-99; 8:45 am]

BILLING CODE 4410-CJ-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 173-99]

Privacy Act of 1974; Notice of New System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a) ("Act"), notice is hereby given that the Department of Justice proposes to establish a new system of records to be maintained by the Executive Office for Immigration Review (EOIR).

The record keeping system, designated as Practitioner Complaint/Disciplinary Files, is a new system of records for which no public notice consistent with the provisions of 5 U.S.C. 552a(e)(4) and (11) has been published to date.

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be given a 30-day period in which to comment on the new routine uses of the system of records; the Office of Management and Budget (OMB), which has oversight responsibility under the Act, requires a 40-day period in which to conclude its review of the system. Therefore, we invite the public, OMB, and the Congress to submit comments within 30 days from the publication date of this notice to Mary E. Cahill, Management and Planning Staff, Justice Management Division, U.S. Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress.

Dated: August 25, 1999.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/EOIR-003

SYSTEM NAME:

Practitioner Complaint/Disciplinary Files.

SYSTEM LOCATION:

United States Department of Justice (DOJ), Executive Office for Immigration Review (EOIR), 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041; and at EOIR field offices as detailed in Justice/EOIR-999, most recently published April 13, 1999 at 64 FR 18051.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys and authorized representatives, as defined under 8 CFR 292.1, who have been subject to disciplinary complaints filed with, or received by, EOIR, including complaints from any source whatsoever; complaints

who file complaints against such attorneys and authorized representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains the following categories of records: Complaints filed by any person or organization; records of state disciplinary authority proceedings; criminal conviction records; investigatory records, including preliminary inquiry reports; communications with individuals and/or outside agencies concerning disciplinary investigations and proceedings; interagency communications; copies of Notices of Intent to Discipline (NID) filed by EOIR and/or the Immigration and Naturalization Service (INS), together with supporting documentation; disciplinary proceeding transcripts; and settlement agreements and other dispositions, including administrative disciplinary decisions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 292 of the Immigration and Nationality Act, as amended at 8 U.S.C. 1362 and 8 CFR part 3.

PURPOSE(S):

Information in the system is used by the office of the General Counsel, EOIR, in conducting disciplinary investigations and instituting disciplinary proceedings against immigration practitioners. The records are used in, and provide documentation of, among other things, disciplinary investigations and formal proceedings instituted by EOIR. The information may be further used to generate statistical reports and various administrative records, including docket printouts.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

EOIR may disclose relevant information as follows:

- (1) To Federal or state agencies as required by law;
- (2) In any proceeding before an adjudicative body before which DOJ, or any DOJ component or subdivision thereof, is authorized to appear and when any of the following is a party to litigation or has an interest in litigation and such records are determined by DOJ, or any component or subdivision thereof, to be arguably relevant to the litigation: DOJ or any DOJ components thereof; any DOJ employee in his/her official capacity; any DOJ employee in his/her individual capacity where DOJ has agreed to represent the employee; or the United States where DOJ, or any DOJ component thereof, determines that

litigation is likely to affect it or any of its subdivisions;

(3) To an actual or potential party, including an immigration practitioner, or to his or her attorney of record, for the purpose of negotiation or discussion on such matters as settlement of a case or matter, conducting informal discovery proceedings involving records in this system, or to otherwise ensure fair representation;

(4) To complainants who file disciplinary complaints, or to their counsel of record;

(5) To Federal, state, and local authorities, including, but not limited to, state bar grievance committees and other attorney discipline authorities for possible disbarment or disciplinary proceedings;

(6) In any disciplinary complaint in which there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, information, including investigatory information, may be disseminated to the appropriate agency (including any Federal, state, local, foreign, or tribal authority) charged with the responsibility of investigating or prosecuting such violation or with enforcing or implementing such law;

(7) To Members of Congress or their staff acting upon the Member's behalf where the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record;

(8) To any Federal agency or to any individual or organization for the purpose of performing audit or oversight operations of DOJ and to meet related reporting requirements;

(9) To the new media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy; and

(10) To the National Archives and Records Administration (NARA) in records management inspections that may be conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders which are stored in filing cabinets. A subset of records are maintained on fixed magnetic disks or removable diskettes which are stored in filing cabinets. All records are stored in secured EOIR office space.

RETRIEVAL:

Records are retrieved by name and/or docket number of the individual who is subject to the disciplinary proceeding.

SAFEGUARDS:

Information maintained in the system is safeguarded in accordance with DOJ rules and procedures. Record files are maintained in file cabinets accessible only to EOIR employees. Automated information is stored on either fixed disks or removable diskette packs which are stored in filing cabinets or computers which may be accessed only through the use of passwords and/or name identifications issued to authorized EOIR employees. All manual and automated mediums are located in EOIR office space accessible only to EOIR employees and locked during off-duty hours.

RETENTION AND DISPOSAL:

Record files are maintained for six months after final disposition of the case, then forwarded to regional Federal Records Centers. Automated records are maintained at EOIR headquarters indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Executive Office for Immigration Review (EOIR), 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041.

NOTIFICATION PROCEDURES:

Same as Records Access Procedures.

RECORDS ACCESS PROCEDURES:

Portions of this system may be exempt from disclosure and contest pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). Any individual desiring to contest or amend information not subject to exemption must direct his/her request to the system manager noted above. In all cases, requests for access to a record shall be made in writing. Written requests may be submitted by mail or in person. Clearly mark the envelope and letter "Privacy Access Request" and provide the full name and notarized signature of the individual who is the subject of the record and any other identifying number or information that may assist in locating the record in accordance with 28 CFR 16.41(d), and a return address.

CONTESTING RECORDS PROCEDURES:

Direct all requests to contest or amend information maintained in the system to the system manager listed above in the manner described above in Records Access Procedures. State clearly and concisely what information is being contested, the reasons for contesting it,

and the proposed amendment to the information.

RECORDS SOURCE CATEGORIES:

Law enforcement agencies, Federal and state courts, state bar licensing authorities, state bar grievance and/or disciplinary agencies, immigration practitioners responses during disciplinary proceedings, and inquiries and/or complaints from witnesses or members of the general public, including supporting documentation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has proposed to exempt certain records of this system from the access provisions of the Privacy Act (5 U.S.C. 552a(d)), pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). Rules have been proposed in accordance with the requirements of 5 U.S.C. 553 (b), (c), and (e), and have been published as of this date in the **Federal Register**.

[FR Doc. 99-23601 Filed 9-9-99; 8:45 am]

BILLING CODE 4410-CJ-M

DEPARTMENT OF LABOR

Office of the Secretary

**Submission for OMB Review;
Comment Request**

September 2, 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 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: Mine Safety and Health Administration.
Title: Preparation and Maintenance of Accurate and Up-to-date Certified Mine Maps for Surface and Underground Coal

Mines; Submittal of Underground Mine Closure Maps; and Notification of MSHA Prior to Opening New Mines or the Reopening of Inactive or Abandoned Mines.

OMB Number: 1219-0073.
Frequency: On Occasion.
Affected Public: Business or other for-profit.

Cite/reference	Total respondents	Frequency	Total responses	Average time per response (hours)	Burden hours
75.1200, 75.1200-1, 75.1201, 75.1202, 75.1202-1, 75.1203, 75.1204, & 75.1204-1.	1,064	Biannual	750	11.28	17,024
75.1204 & 75.1204-1	1,500	On occasion	724	2	1,448
75.373 & 75.1721	1,500	On occasion	210	6	1,260
77,1200, 77.1201 & 77.1202	1,699	Quarterly	424	5	8,480
Totals	3,154	.....	2,108	.....	28,212

Total annual costs (operating/maintaining systems or purchasing services): \$24,006,575.

Description: Requires mine operators to maintain up-to-date mine maps of the mine property drawn to scale, and certified by a registered engineer or surveyor. In addition, mine operators must notify MSHA in writing before an abandoned or inactive mine in reopened.

Ira L. Mills,
Departmental Clearance Officer.
 [FR Doc. 99-23546 Filed 9-9-99; 8:45 am]
 BILLING CODE 4510-43-M

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 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 and Training Administration.

Title: Employment and Training (ETA) Disaster Unemployment Assistance (DUA) Handbook and Program Operation Forms, including ETA 90-2, Disaster Payment Activities UNDER the "Stafford Disaster Relief Act".

OMB Number: 1205-0051.
Frequency: On occasion; Monthly.

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

September 2, 1999.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to

Form #	Affected public	Respondents	Frequency	Average time per response (minutes)	Total manhours
ETA 90-2	Individuals or Households	50	6 Reports	9½	50
Initial Application .....	.....do.	11,000	Once	9½	1,833
Supplemental Form .....	.....do.	3,800	Once	9½-15	633
Weekly Form .....	.....do.	11,000	6 times	50	5,500
Notice of Overpayment .....	.....do.	235	Once	15	59

Total Burden Hours: 8,075.

Total Annualized capital/startup costs: \$0.

Total annual costs (operating/maintaining systems or purchasing services): \$0.

Description: Unemployment compensation claims, final management and data on DUA activity are needed for

timely program evaluation necessary for competent administration of Sections 410 and 423 of the Act. Workload items are also used with fiscal reports to estimate the cost of administering the Act.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 99-23547 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,934 and NAFTA-02989]

The Torrington Company Elberton, Georgia; Notice of Negative Determination Regarding Application for Reconsideration

By application dated July 6, 1999, the company requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA) and NAFTA-Transitional Adjustment Assistance (NAFTA-TAA), applicable to workers and former workers of the subject firm. The denial notices applicable to workers of the Torrington Company located in Elberton, Georgia, were signed on May 13, 1999, and published in the **Federal Register** on June 3, 1999 (64 FR 29888) and (64 FR 29889), respectively.

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

- (1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;
- (2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or
- (3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The TAA petition, filed on behalf of workers of The Torrington Company, Elberton, Georgia, producing automotive camshafts and shaft and yoke assemblies was denied because the "contributed importantly" group eligibility requirement of Section 222(3) of the Trade Act of 1974, as amended, was not met. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. None of the Torrington Company customers reported increased import purchases or articles while decreasing purchases from Torrington's Elberton plant.

The NAFTA-TAA petition for the same worker group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of Section 250 of the Trade Act, as amended, were not met. There were no company imports of automotive camshafts or shaft and yoke assemblies from Mexico or Canada, nor was there a shift in production from the workers' firm to Mexico or Canada. A survey of the major declining customers of the Torrington Company showed that none of the respondents increased import purchases of automotive camshafts or shaft and yoke assemblies from Mexico or Canada.

In support of their application for reconsideration, the company asserts that a domestic manufacturer to whom Torrington lost a contract, has had to rely on imports of some of the parts and articles required in order to meet the specifications of the contract. The Torrington Company concludes that absent the new suppliers' imports, it would still benefit from the contract, and would not have had to layoff employees of the Elberton plant.

Imports of components cannot be considered as a basis for worker group certification. The Department is required to examine imports of the articles produced and sold by the workers' firm, which in this case are camshafts and shaft and yoke assemblies.

Conclusion

After a review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 30th day of August 1999.

Edward a. Tomchick,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-23556 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-36,535]

Cooper Tools, Madison, Maine; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on July 12, 1999, in response to a petition filed on the same date on

behalf of workers at Cooper Tools, Madison, Maine.

The company official submitting the petition has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC this 27th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-23557 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,975]

Goodyear Tire and Rubber Company Logan, Ohio; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Goodyear Tire and Rubber Company, Logan, Ohio. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-35,976; Goodyear Tire and Rubber Company Loan, Ohio (August 24, 1999)

Signed at Washington, DC this 25th day of August 24, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-23553 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has

instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitions or any other persons showing a substantial interest in the

subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than September 20, 1999.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 20, 1999.

The petitions filed in this case are available for inspection at the Office of

the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210.

Signed at Washington, DC this 9th day of August, 1999.

Edward A. Tomchick,
Program Manager, Office of Trade
Adjustment Assistance.

APPENDIX

[Petitions instituted on 8/9/1999]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
36,648	Hoke, Inc. (Wrks)	Cresskill, NJ	7/20/1999	Fluid Flow Valves and Fittings.
36,649	Cabletron Systems, Inc (Wrks)	Ironton, OH	7/29/1999	PC Boards.
36,650	Tektronix, Inc. (Comp)	Wilsonville, OR	5/26/1999	Printers—Computers.
36,651	Chief Supply Corp (Wrks)	Eugene, OR	7/7/1999	Fire and Police Dept Equip. Bags.
36,652	Stewart and Stevenson (Wrks)	Williston, ND	7/09/1999	Gas Compressor Engines..
36,653	URI Industries (Wrks)	Kingsville, TX	7/21/1999	Uranium Oxide (Yellow Cake).
36,654	Milacron Resin Abrasives (USWA)	Carlisle, PA	7/27/1999	Grinding Wheels.
36,655	Akre, Inc. (Comp)	Oldtown, ID	4/15/1999	Logs.
36,656	Scurlock Permian LLC (Wrks)	Kilgore, TX	7/27/1999	Transport and Market Crude Oil.
36,657	Modine Aftermarket (Wrks)	Merced, CA	7/19/1999	Radiators and Radiator Cores.
36,658	Woodward Governor Company (Wrks)	Ft. Collins, Co	7/23/1999	Fuel Controls for Engines.
36,659	Jonner/Sayre Knit (Wrks)	Sayre, PA	7/26/1999	Knit Shirts.
36,660	Aimco Porducts, Inc. (Wrks)	Amherst, NY	7/26/1999	Automotive Brakes.
36,661	American and Efird (Wrks)	Meridian, MS	7/23/1999	Sewing Thread.
36,662	Diversified Trucking Corp (Comp)	Olney, IL	7/19/1999	Trucking Service.
36,663	Excelsior Manufacturing (Wrks)	Chambersburg, PA	7/29/1999	Men's Dress and Casual Pants.
36,664	Harvard industries (Comp)	Ripley, TN	7/28/1999	Automotive Die Castings.
36,665	Supreme Tooling, Inc (Comp)	Fremont, IN	7/23/1999	Die Models, Master Molds.
36,666	Lambda Electronics, Inc. (Comp)	McAllen, TX	7/28/1999	Metal Housing for Power Supplies.
36,667	Heinz Pet Foods (Wrks)	El Paso, TX	7/27/1999	Dog Food.
36,668	Burlington Denim Apparel (Wrks)	Stonewall, MS	7/18/1999	Denim Fabrics.
36,669	Apparel Sales and Print (Comp)	Prattville, AL	7/28/1999	Shirts.
36,670	General Electric Lighting (Comp)	Mattoon, IL	8/2/1999	Speciality Lamps.
36,671	Pride Refining, Inc (Wrks)	Abilene, TX	7/29/1999	Refined Diesel—Gasoline.
36,672	Range Production Co (Comp)	Fairview, OK	7/22/1999	Crude Oil.
36,673	Fina Oil and Chemical (Wrks)	Plano, TX	7/27/1999	Refined Petroleum.
36,674	Bendorf Services & Supply (Comp)	Breckenridge, TX	7/26/1999	Oil and Gas.
36,675	Oilfield Safety, Inc (Comp)	Williston, ND	7/29/1999	Oil Drilling.
36,676	Koch Industries, Inc (Wrks)	Wichita, KS	7/30/1999	Crude Oil.
36,677	Clark Oil Co (Comp)	Ada, OK	7/7/1999	Fuel and Oil.
36,678	Samedan Oil Corp (Wrks)	Denver, Co	7/27/1999	Oil and Gas Exploration.
36,679	ARCO Permian (Wrks)	Longview, TX	7/22/1999	Natural Gas.

[FR Doc. 99-23558 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-36,224]

Starke Uniform Manufacturing Co., Starke, Florida, Including Leased Workers of Accord Human Resources of Florida, Inc., Tampa, Florida; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a

Certification of Eligibility to Apply for Worker Adjustment Assistance on July 30, 1999, applicable to workers of Starke Uniform Manufacturing Co. located in Starke, Florida. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by the State shows that some workers of Starke Uniform Manufacturing Co. were leased from Accord Human Resources of Florida, Inc. to produce work uniforms at the Starke, Florida facility. Based on these findings, the Department is amending the certification to include

workers of Accord Human Resources of Florida, Inc. leased to Starke Uniform Manufacturing Co., Starke, Florida.

The intent of the Department's certification is to include all workers of Starke Uniform Manufacturing Co. adversely affected by imports.

The amended notice applicable to TA-W-36,224 is hereby issued as follows:

All workers of Starke Uniform Manufacturing Co., Starke, Florida and leased workers of Accord Human Resources of Florida, Inc., Tampa, Florida engaged in employment related to the production of work uniforms for Starke Uniform Manufacturing Co., Starke Florida who became totally or partially separated from employment on or after April 21, 1998 through July 30, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 30th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-23552 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment of Training Administration

[TA-W-36,062 and TA-W-36,062A]

Stonecutter Textiles, Inc., Spindale, North Carolina, New York, New York; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on June 17, 1999, applicable to workers of Stonecutter Textiles, Inc., located in Spindale, North Carolina. The notice was published in the **Federal Register** on August 11, 1999 (64 FR 43723).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations occurred at the New York, New York location of Stonecutter Textiles, Inc. when it closed in July, 1999. The New York, New York location served as a showroom and provided sales, design and administrative support function services for Stonecutter's production facility in Spindale, North Carolina. The workers were engaged in employment related to the production of greige goods.

The intent of the department's certification is to include all workers of

Stonecutter Textiles, Inc. who were adversely affected by increased imports. Accordingly, the Department is amending the certification to cover the workers of Stonecutter Textiles, New York, New York.

The amended notice applicable to TA-W-36,062 is hereby issued as follows:

All workers of Stonecutter Textiles, Inc., Spindale, North Carolina (TA-W-36,062) and New York, New York (TA-W-36,062A) who became totally or partially separated from employment on or after March 29, 1998 through June 17, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington DC this 25th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-23551 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,957]

The Stroh Brewery Company, Corporate Headquarters Detroit, MI, Including Field Sales Employees in the Following States: Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 18, 1999, applicable to workers of The Stroh Brewery Company, Corporate Headquarters, Detroit, Michigan. The notice was published in the **Federal Register** on June 30, 1999 (64 FR 35184).

At the request of the company, the Department reviewed the certification for workers of the subject firm. Information received from the company indicates that field sales workers, in numerous states, were separated from employment when the subject firm closed its breweries. These workers are considered part of the Corporate

Headquarters and provide sales and marketing services for the production of beer at The Stroh Brewery Company.

The intent of the Department's certification is to include all workers of The Stroh Brewery Company adversely affected by increased imports of beer.

The amended notice applicable to TA-W-35,957 is hereby issued as follows:

All workers of The Stroh Brewery Company, Corporate Headquarters, Detroit, Michigan, including field sales workers in the States cited below, who became totally or partially separated from employment on or after March 15, 1998 through May 18, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974: Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, North Carolina, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, and Wisconsin.

Signed at Washington, DC this 25th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-23550 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-35,306]

Tennford Weaving Wartburg, Tennessee; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 9018(C) an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at the Tennford Weaving, Wartburg, Tennessee. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA-W-35,306; Tennford Weaving Wartburg, Tennessee (August 20, 1999)

Signed at Washington, DC this 25th day of August, 1999.

Grant D. Beale,

Program Manager, Office of Trade Adjustment Assistance.

[FR Doc. 99-23554 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training
AdministrationInvestigations Regarding Certifications
of Eligibility To Apply for NAFTA
Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub.L. 103-182), hereinafter called (NAFTA-TAA), have been filed with State Governors under Section 250 (b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA-TAA petition has been received, the Director of the Office of

Trade Adjustment Assistance (OTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub.L. 103-182) are eligible to apply for NAFTA-TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of OTAA at the U.S.

Department of Labor (DOL) in Washington, D.C. provided such request if filed in writing with the Director of OTAA not later than September 20, 1999.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of OTAA at the address shown below not later than September 20, 1999.

Petitions filed with the Governors are available for inspection at the Office of the Director, OTAA, ETA, DOL, Room C-4318, 200 Constitution Avenue, N.W. Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of August, 1999.

Grant D. Beale,

*Program Manager, Office of Trade
Adjustment Assistance.*

APPENDIX

Subject firm	Location	Date Received at Governor's Office	Petition No.	Articles produced
Phelps Dodge Magnet Wire (UAW)	Hopkinsville, KY	07/08/1999	NAFTA-3,292 ...	Magnet wire.
Continental Natural Gas (Wkrs)	Spearman, TX	07/09/1999	NAFTA-3,293 ...	Natural gas.
EFTC Corporation (Wkrs)	Greeley, CO	07/08/1999	NAFTA-3,294 ...	Medical, industrial & avionic products.
Dixon Ticonderoga (Co.)	Deer Lake, PA	07/07/1999	NAFTA-3,295 ...	Writing instruments.
Intermedics (Co.)	Angleton, TX	07/06/1999	NAFTA-3,296 ...	Lead.
IBM (Wkrs)	San Jose, CA	06/24/1999	NAFTA-3,297 ...	Hard disk drives & tape products.
Walls Industries (Co.)	Merkel, TX	07/08/1999	NAFTA-3,298 ...	Insulated clothing.
Walls Industries (Co.)	Big Spring, TX	07/08/1999	NAFTA-3,298 ...	Insulated clothing.
Texas Jeans (Wkrs)	El Paso, TX	07/12/1999	NAFTA-3,21999	Denim fabric.
AZT Sewing (Wkrs)	Commerce, CA	07/09/1999	NAFTA-3,300 ...	Denim jeans.
Camco (Co.)	Midland, TX	07/13/1999	NAFTA-3,301 ...	Electrical pumps.
Bachman Company (The) (BCTGM)	Phoenixville, PA	07/14/1999	NAFTA-3,302 ...	Potato chips.
Motorola (Wkrs)	Boynton Beach, FL	06/02/1999	NAFTA-3,303 ...	Pagers.
Gerber Childrenswear (Co.)	Lumberton, NC	07/08/1999	NAFTA-3,304 ...	Children's underwear.
Stuart Entertainment (Co.)	McAllen, TX	07/14/1999	NAFTA-3,305 ...	Bingo cards and bingo ink markers.
Pacific Softwoods—WTD Industries (Wkrs).	Philomath, OR	07/19/1999	NAFTA-3,306 ...	Wood products.
Chief Supply—American Resources (Wkrs).	Eugene, OR	07/19/1999	NAFTA-3,307 ...	Sewn products.
HG Bass (Co.)	S. Portland, ME	07/19/1999	NAFTA-3,308 ...	Footwear.
Newcom (Wkrs)	Westlake Village, CA	07/01/1999	NAFTA-3,309 ...	CD Rom's, modems.
Shaer Shoe (Wkrs)	Farmington, ME	07/19/1999	NAFTA-3,310 ...	Women's shoes.
Locke Insulators (UE)	Baltimore, MD	06/18/1999	NAFTA-3,311 ...	Porcelain high voltage insulators.
Western Gas Resources (Wkrs)	Midland, TX	07/20/1999	NAFTA-3,312 ...	Natural gas.
Bunger Steel (Wkrs)	Phoenix, AZ	07/19/1999	NAFTA-3,313 ...	Machinery.
Southwestern Cutting (Wkrs)	El Paso, TX	07/13/1999	NAFTA-3,314 ...	Garment, jeans.
Justin Boot (Co.)	Fort Worth, TX	07/21/1999	NAFTA-3,315 ...	Western boots.
Contract Apparel (Co.)	El Paso, TX	07/19/1999	NAFTA-3,316 ...	Men's & women's shirts & blouses.
Weathervane Window (Wkrs)	Brighton, MI	07/22/1999	NAFTA-3,317 ...	Glass.
Pabst Engineering (Wkrs)	Onalaska, WI	07/22/1999	NAFTA-3,318 ...	Models and tooling.
Justin Boot (Wkrs)	Cassville, MO	07/26/1999	NAFTA-3,319 ...	Western boots.
Justin Boot (Wkrs)	Carthage, MO	07/26/1999	NAFTA-3,319 ...	Western boots.
Paramount Headware (Wkrs)	Bourbon, MO	07/26/1999	NAFTA-3,320 ...	Headwear, caps, hats.
American National Can (IBT)	Longview, TX	07/26/1999	NAFTA-3,321 ...	Aluminum cans.
Jet Composites (GMP)	Bluffton, TN	07/26/1999	NAFTA-3,322 ...	Hoodliners, dash insulators, heat shield.
Supreme Tooling (Co.)	Fremont, IN	07/23/1999	NAFTA-3,323 ...	Blow molds and fixturing.
Modine Aftermarket Holdings (Wkrs).	Merced, CA	07/26/1999	NAFTA-3,324 ...	Heat transfer equipment.
Levi Strauss (Co.)	Wichita Falls, TX	07/27/1999	NAFTA-3,325 ...	Denim and dockers.
Levi Strauss (Co.)	Harlingen, TX	07/27/1999	NAFTA-3,325 ...	Denim and dockers.

APPENDIX—Continued

Subject firm	Location	Date Received at Governor's Office	Petition No.	Articles produced
Levi Strauss (Co.)	El Paso, TX	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	McAllen, TX	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	Johnson City, TN	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	Mountain City, TN	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	Warsaw, VA	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	Valdosta, GA	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	El Paso, TX	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	Brownsville, TX	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	San Benito, TX	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	San Antonio, TX	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	San Antonio, TX	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	San Francisco, CA	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	Blue Ridge, GA	07/27/1999	NAFTA-3,325	Denim and dockers.
Levi Strauss (Co.)	Powell, TN	07/27/1999	NAFTA-3,325	Denim and dockers.
Alcatel Data Networks (Wkrs)	Mt. Laurel, NJ	07/21/1999	NAFTA-3,326	Printed circuit boards.
AMI DDC (IBEW)	Cedar Knolls, NJ	07/21/1999	NAFTA-3,327	Rivets.
Walker McDonald (Wkrs)	Greenville, TX	07/27/1999	NAFTA-3,328	Tri-cone toller bits.
Total Petroleum (Wkrs)	Alma, MI	06/24/1999	NAFTA-3,329	Crude oil, refined crude oil.
AMP—A TYCO International (Co.)	Lowell, NC	07/28/1999	NAFTA-3,330	Electronic connectors.
Invensys Appliance Controls (USWA)	New Stanton, PA	07/28/1999	NAFTA-3,331	Controls for cooking and refrigeration.
Lincoln Industrial (IAMAW)	St. Louis, MO	07/26/1999	NAFTA-3,332	Screw machine.
Biochem Immunosystems (Wkrs)	Allentown, PA	07/28/1999	NAFTA-3,333	Hematology instruments.
Phelps Dodge Refinery (Co.)	El Paso, TX	07/28/1999	NAFTA-3,334	Copper cathode.
Ransom Industries (Wkrs)	Tyler, TX	07/29/1999	NAFTA-3,335	Cast iron pipe and fittings.
Harvard—Hayes Albion (Co.)	Ripley, TN	08/02/1999	NAFTA-3,336	Aluminum diecasting.
Vison Ease—BMC (Wkrs)	St. Cloud, MN	07/30/1999	NAFTA-3,337	Plastic lenses and glass lenses.
Huck Jacobson (Co.)	Kenilworth, NJ	07/21/1999	NAFTA-3,338	Steel conduit locknuts.
Milacron Resin Abrasives (USWA)	Carlisle, PA	07/30/1999	NAFTA-3,339	Grinding wheels.
Lambda Electronics (Co.)	McAllen, TX	07/29/1999	NAFTA-3,340	Metal housing for power supplies.
Western States Minerals (Wkrs)	Reno, NV	08/05/1999	NAFTA-3,341	Metals.
Heinz Pet Products (Wkrs)	El Paso, TX	07/27/1999	NAFTA-3,342	Dog food.
Talismon Sugar Growers (Wkrs)	Belle Glade, FL	08/09/1999	NAFTA-3,343	Sugar products.
Flynt Fabrics (Wkrs)	Wadesboro, NC	08/03/1999	NAFTA-3,344	Knit fabrics.
Pacific Scientific (Wkrs)	Yorba Linda, CA	08/06/1999	NAFTA-3,345	Safety equipment for aircraft.
Fastrac Railroad Construction (Wkrs)	Nebraska City, KS	08/06/1999	NAFTA-3,346	Copper.
Rexell (Wkrs)	Gaylord, MI	08/02/1999	NAFTA-3,347	Molds.
AMP (Wkrs)	Clearwater, FL	04/15/1999	NAFTA-3,348	Plastic injection molds & dies.
New Tee's (Wkrs)	Greenleyville, SC	08/03/1999	NAFTA-3,349	T-shirts.
Cross Country Apparel (Wkrs)	Savannah, TN	08/06/1999	NAFTA-3,350	Clothing.
Colorado Contract Cut & Sew (Co.)	Denver, CO	08/09/1999	NAFTA-3,351	Baby accessories, apparel.
Henry Silverman Jewelers (Wkrs)	El Paso, TX	08/10/1999	NAFTA-3,352	Fine Jewelry, rings.
Sar Lee Sock (Co.)	High Point, NC	08/11/1999	NAFTA-3,353	Socks.
Placer Come Bald Mountain Mine (Wkrs)	Elko, NV	08/09/1999	NAFTA-3,354	Refining of gold ore.
Citgo Petroleum (Wkrs)	Lake Charles, LA	08/03/1999	NAFTA-3,355	Crude oil.
Micheal Foods—Monark Egg (IBT)	Kansas City, MO	08/13/1999	NAFTA-3,356	Egg products.
AMP (Wkrs)	Harrisburg, PA	08/11/1999	NAFTA-3,357	IMM card edge & amplimite product.
Aimco (IAM)	Amherst, NY	08/12/1999	NAFTA-3,358	Brake products.
Opal Lorraine Wardy Enterprises (Wkrs)	El Paso, TX	08/11/1999	NAFTA-3,359	Jacket, shirts, pants.
Logos Neckwear (Co.)	Pavisbord, NJ	08/13/1999	NAFTA-3,360	Neckwear.
H.L. Mill and Son (Wkrs)	Lola, KS	08/13/1999	NAFTA-3,361	Ladies dresses.

[FR Doc. 99-23555 Filed 9-9-99; 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 way 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

New York
NY990003 (Mar. 12, 1999)
NY990013 (Mar. 12, 1999)
NY990045 (Mar. 12, 1999)

Volume II

Maryland
MD990048 (Mar. 12, 1999)
Pennsylvania
PA990001 (Mar. 12, 1999)
PA990002 (Mar. 12, 1999)
PA990004 (Mar. 12, 1999)
PA990018 (Mar. 12, 1999)
PA990026 (Mar. 12, 1999)
PA990042 (Mar. 12, 1999)

Volume III

Florida
FL990014 (Mar. 12, 1999)
FL990015 (Mar. 12, 1999)
FL990017 (Mar. 12, 1999)
FL990049 (Mar. 12, 1999)
FL990053 (Mar. 12, 1999)
FL990055 (Mar. 12, 1999)

Volume IV

Illinois
IL990018 (Mar. 12, 1999)
IL990025 (Mar. 12, 1999)
Indiana
IN990024 (Mar. 12, 1999)

Volume V

Iowa
IA990002 (Mar. 12, 1999)
IA990003 (Mar. 12, 1999)
IA990004 (Mar. 12, 1999)
IA990005 (Mar. 12, 1999)
IA990010 (Mar. 12, 1999)
IA990016 (Mar. 12, 1999)
IA990024 (Mar. 12, 1999)
IA990025 (Mar. 12, 1999)
IA990029 (Mar. 12, 1999)
IA990031 (Mar. 12, 1999)
IA990032 (Mar. 12, 1999)
IA990034 (Mar. 12, 1999)
IA990038 (Mar. 12, 1999)
IA990047 (Mar. 12, 1999)
IA990071 (Mar. 12, 1999)
IA990078 (Mar. 12, 1999)

Kansas

KS990006 (Mar. 12, 1999)
KS990007 (Mar. 12, 1999)
KS990010 (Mar. 12, 1999)
KS990011 (Mar. 12, 1999)
KS990013 (Mar. 12, 1999)
KS990019 (Mar. 12, 1999)
KS990021 (Mar. 12, 1999)
KS990022 (Mar. 12, 1999)
KS990023 (Mar. 12, 1999)
KS990026 (Mar. 12, 1999)
KS990029 (Mar. 12, 1999)
KS990035 (Mar. 12, 1999)

Texas

TX990003 (Mar. 12, 1999)
TX990005 (Mar. 12, 1999)
TX990007 (Mar. 12, 1999)
TX990010 (Mar. 12, 1999)
TX990018 (Mar. 12, 1999)
TX990033 (Mar. 12, 1999)
TX990034 (Mar. 12, 1999)
TX990037 (Mar. 12, 1999)
TX990081 (Mar. 12, 1999)

Volume VI

None

Volume VII

AZ990001 (Mar. 12, 1999)
AZ990002 (Mar. 12, 1999)
AZ990006 (Mar. 12, 1999)
AZ990007 (Mar. 12, 1999)

California

CA990009 (Mar. 12, 1999)
CA990029 (Mar. 12, 1999)
CA990030 (Mar. 12, 1999)
CA990033 (Mar. 12, 1999)
CA990037 (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 3rd day of September 1999.

Margaret J. Washington,

Acting Chief, Branch of Construction Wage Determinations.

[FR Doc. 99-23426 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. PennAmerican Coal L.P.

[Docket No. M-1999-062-C]

PennAmerican Coal L.P., R.D. #1, Box 119A, Avonmore, Pennsylvania 15618 has filed a petition to modify the application of 30 CFR 75.1100-2(e)(2) (quantity and location of firefighting equipment) to its Burrell Mine (I.D. No. 36-08525) located in Indiana County, Pennsylvania. The petitioner requests a variance from the mandatory standard to permit an alternate compliance method for fire fighting equipment at temporary electrical installations. The petitioner proposes to use two fire extinguishers or one fire extinguisher of

twice the required capacity at all temporary electrical installations instead of one portable fire extinguisher and 240 pounds of rock dust. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

2. Bowie Resources, Ltd.

[Docket No. M-1999-063-C]

Bowie Resources, Ltd., 1855 Old Hwy. 133, P.O. Box 483, Paonia, Colorado 81428 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Bowie Mine No. 2 (I.D. No. 05-04591) located in Delta County, Colorado. The petitioner proposes to use a nominal voltage of longwall power circuits not to exceed 2,400 volts to supply power to the permissible high-voltage longwall mining equipment in the last open crosscut. The petitioner has listed in this petition specific terms and conditions for using its proposed alternative method. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

3. Bowie Resources, Inc.

[Docket No. M-1999-064-C]

Bowie Resources, Inc., 1855 Old Hwy. 133, P.O. Box 483 has filed a petition to modify the application of 30 CFR 75.804(a) (underground high-voltage cables) to its Bowie Mine No. 2 (I.D. No. 05-04591) located in Delta County, Colorado. The petitioner requests a variance from the mandatory standard to use center ground check high-voltage longwall cables as an option for high-voltage longwall cables on longwall diesel equipment. The petitioner states that: (i) these cables will be in compliance with the existing standard or will be CABLEC/BICC Anaconda brand 5KV, 3/C type SHD+GC; Americable Tiger Brand, 3/C, 5KV, type SHD_CGC; Pirelli 5KV, 3/C, type SHD-CENTER-GC; or similar 5000-volt cable with a center ground check conductor, and manufactured to the ICEA standard S-75-381 for Type SHD, three-conductor cables, MSHA accepted as flame-resistant, and the ground check conductor will not be smaller than a No. 16 AWG stranded conductor; (ii) the cable construction will be symmetrical 3/C, 3/G and 1/GC; (iii) the electrical personnel who perform maintenance on the longwall will receive training in the installation, splicing, and repair of the cables before the alternative method is implemented; and (iv) proposed

revisions to its Part 48 training plan will be submitted to the District Manager 60 days after the Proposed Decision and Order becomes final. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

4. Canterbury Coal Company

[Docket No. M-1999-065-C]

Canterbury Coal Company, R.D. #1, Box 119, Avonmore, Pennsylvania 15618 has filed a petition to modify the application of 30 CFR 75.1100-2(e)(2) (quantity and location of firefighting equipment) to its DiAnne Mine (I.D. No. 36-05708) located in Armstrong County, Pennsylvania. The petitioner requests a variance from the mandatory standard to permit an alternate compliance method for fire fighting equipment at temporary electrical installations. The petitioner proposes to use two fire extinguishers or one fire extinguisher of twice the required capacity at all temporary electrical installations instead of using one fire extinguisher and 240 pounds of rock dust. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

5. Hopkins County Coal LLC

[Docket No. M-1999-066-C]

Hopkins County Coal LLC, P.O. Box 711, Madisonville, Kentucky 42431 has filed a petition to modify the application of 30 CFR 75.513 (electric conductor; capacity and insulation) to its Island Mine #1 (I.D. No. 15-17515) located in Hopkins County, Kentucky. The petitioner proposes to use a smaller size cable to power each 300 KW Tag-A-Long rectifier, 315 KVA transformer approximately 379 FLA. The proposed modification would allow type 4/0 AWG 2KV 90°C unshielded copper power cable, rated 329 amperes by I.C.E.A. standards of 100 feet or less instead of a 350 MCM shielded 8KV power cable rated 513 amperes. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

6. Little Man Mining, Inc.

[Docket No. M-1999-067-C]

Little Man Mining, Inc., 11945 No. Big Creek Rd., Hatfield, Kentucky 41514 has filed a petition to modify the application of 30 CFR 75.1710 (canopies or cabs; diesel-powered and electric face equipment) to its No. 2 Mine (I.D. No. 15-18146) located in Pike County, Kentucky. The petitioner requests a

waiver from the mandatory standard to permit the operation of its cutting machine without a canopy in coal seam heights between 42 to 50 inches. The petitioner asserts that using a canopy on the cutting machine will lessen the degree of safety for the machine operator.

7. Peabody Coal Company

[Docket No. M-1999-068-C]

Peabody Coal Company, P.O. Box 120, Morganfield, Kentucky 42437 has filed a petition to modify the application of 30 CFR 75.1909(b)(6) (nonpermissible diesel-powered equipment; design and performance requirements) to its Camp No. 11 Mine (I.D. No. 15-08357) located in Union County, Kentucky. The petitioner requests a variance from the mandatory standard to permit the Getman diesel grader to be used underground with only rear wheel brakes instead of brakes that act on each wheel of the vehicle. The petitioner proposes to limit the diesel grader speed to 10 miles per hour maximum and train grader operators to drop the grader blade if the brakes fail. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

8. The American Coal Company

[Docket No. M-1999-069-C]

The American Coal Company, P.O. Box 727, Harrisburg, Illinois 62946 has filed a petition to modify the application of 30 CFR 75.1909(b)(6) (nonpermissible diesel-powered equipment; design and performance requirements) to its Galatia Mine (I.D. No. 11-02752) located in Saline County, Illinois. The petitioner proposes to operate its Getman Roadbuilders, serial number 6187 and 6547, without front brakes, using instead the factory installed brake system on the four rear wheels. The petitioner asserts that adding brakes to the front wheels of the road grader will result in a diminution of safety to the miners.

9. Cyprus Emerald Resources Corporation

[Docket No. M-1999-070-C]

Cyprus Emerald Resources Corporation, One Oxford Centre, 301 Grant Street, 20th Floor, Pittsburgh, Pennsylvania 15219-1410 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Emerald No. 1 Mine (I.D. No. 36-00952) located in Greene County, Pennsylvania. The petitioner proposes to use trailing cables greater than 500 feet in length for

mining equipment taken in by the last open crosscut. The cables would not exceed 1,000 feet in length. The petitioner has listed specific terms and conditions for using its proposed alternative method. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

10. Turriss Coal Company

[Docket No. M-1999-071-C]

Turriss Coal Company, P.O. Box 21, Elkhart, Illinois 62634 has filed a petition to modify the application of 30 CFR 75.1909(b)(6) (nonpermissible diesel-powered equipment; design and performance requirements) to its Elkhart Mine (I.D. No. 11-02664) located in Logan County, Illinois. The petitioner requests a variance from the mandatory standard to permit an alternate method to installing front brakes on its six wheeled grader. The petitioner proposes to: (i) limit the maximum speed of the grader to less than 10 mph; (ii) provide training for grader operator on lowering the moldboard to provide additional stopping capability in emergencies; (iii) train grader operators on the appropriate speeds to use on different roadway conditions and slopes. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

11. Consolidation Coal Company

[Docket No. M-1999-072-C]

Consolidation Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241-1421 has filed a petition to modify the application of 30 CFR 75.364(b)(1) (weekly examination) to its Loveridge No. 22 Mine (I.D. No. 46-01433) located in Monogalia County, West Virginia. The petitioner requests that paragraph 4 of the Decision and Order (D&O) for its previously granted petition, docket number M-93-275-C, be amended for the aircourses ventilating the No. 3 North seals and the No. 2½ North seals to permit weekly examinations of the five monitoring stations instead of daily examinations. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

12. Canyon Fuel Company, LLC

[Docket No. M-1999-073-C]

Canyon Fuel Company, LLC, HC 35, Box 380, Helper, Utah 84526 has filed a petition to modify the application of 30 CFR 75.1909 (b)(6) (nonpermissible diesel-powered equipment; design and

performance requirements) to its Skyline Mine No. 3 (I.D. No. 42-01566), its Dugout Canyon Mines (I.D. Nos. 42-01888, 42-01889, and 42-01890), and its SUFCO Mine (I.D. No. 42-00089) located in Sevier County, Utah. The petitioner requests a variance from the mandatory standard to permit its motor grader equipment to permit the use of motor graders equipped with OEM braking systems. The petitioner states that application of the mandatory standard will result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the mandatory standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to "comments@msha.gov," or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before October 12, 1999. Copies of these petitions are available for inspection at that address.

Dated: August 30, 1999.

Carol J. Jones,

Acting Director, Office of Standards, Regulations, and Variances.

[FR Doc. 99-23597 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-43-P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

Aerial Lifts (Manufacturer's Certification Record of Modification); Extension of the Office of Management and Budget's (OMB) Approval of an Information Collection (Paperwork) Requirement

AGENCY: Occupational Safety and Health Administration (OSHA); Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning the proposed decrease, and extension of, the information collection requirement contained in the standard on Aerial Lifts (29 CFR 1910.67(b)(2)).

REQUEST FOR COMMENT: The Agency seeks comments on the following issues:

- Whether the information collection requirements are necessary for the proper performance of the Agency's

functions, including whether the information is useful;

- The accuracy of the Agency's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated, electronic, mechanical, and other technological information and transmission collection techniques.

DATES: Submit written comments on or before November 9, 1999.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR-99-24, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693-1648.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3605, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693-2222. A copy of the Agency's Information Collection Request (ICR) supporting the need for the information collection requirement (manufacturer's certification record of modification) contained in the standard on Aerial Lifts (29 CFR 1910.67(b)(2)) is available for inspection and copying in the Docket Office, or mailed on request by telephoning Theda Kenney at (202) 693-2222 or Barbara Bielaski at (202) 693-2444. For electronic copies of the ICR, contact OSHA on the Internet at <http://www.osha.gov/comp-links.html>, and click on "Information Collection Requests."

SUPPLEMENTARY INFORMATION:

I. Background

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 continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and

OSHA's estimate of the information collection burden is correct.

The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents. (29 U.S.C. 657.) In this regard, the standard on Aerial Lifts requires that when aerial lifts are "field modified" for uses other than those intended by the manufacturer, the modification must be certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory to be in conformity with all applicable provisions of ANSI A92.2-1969 and the OSHA standard, to be at least as safe as the equipment was before modification.

II. Proposed Actions

OSHA proposes to decrease its earlier estimate of 72 burden hours to 45 burden hours for the provision pertaining to the manufacturer's certification record in the standard on Aerial Lifts (29 CFR 1910.67(b)(2)).

OSHA will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB to extend the approval of the information collection requirement contained in the above standard.

Type of Review: Extension of currently approved information collection requirement.

Agency: Occupational Safety and Health Administration.

Title: Aerial Lifts, Manufacturer's Certification Record of Modification (29 CFR 1910.67(b)(2)).

OMB Number: 1218-0230.

Affected Public: business or other for-profit; not-for-profit institutions; Federal government, state, local or tribal government.

Number of Respondents: 900.

Frequency: On occasion.

Average Time per Response: 3 minutes (0.05 hour).

Estimated Total Burden Hours: 45.

II. Authority and Signature

Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), Secretary of Labor's Order No. 6-96 (62 FR 111), and 29 CFR part 1911.

Signed at Washington, DC, this 2nd day of September 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99-23548 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR-99-23]

Mechanical Power Presses, Inspection Certification Records; Extension of the Office of Management and Budget's (OMB) Approval of an Information Collection (Paperwork) Requirement

AGENCY: Occupational Safety and Health Administration (OSHA); Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning the proposed decrease in, and extension of, the information collection requirements (inspection certification records) contained in the standard on Mechanical Power Presses, 29 CFR 1910.217.

Request for Comment

The Agency seeks comments on the following issues:

- Whether the information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated, electronic, mechanical, and other technological information and transmission collection techniques.

DATES: Submit written comments on or before November 9, 1999.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR-99-23, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693-1648.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety

Standards Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3605, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693-2222. A copy of the Agency's Information Collection Request (ICR) supporting the need for the information collection requirements (inspection certification records) contained in the standard on Mechanical Power Presses (29 CFR 1910.217) is available for inspection and copying in the Docket Office, or mailed on request by telephoning Theda Kenney at (202) 693-2222 or Barbara Bielaski at (202) 693-2444. For electronic copies of the ICR, contact OSHA on the Internet at <http://www.osha.gov/comp-links.html>, and click on "Information Collection Requests."

SUPPLEMENTARY INFORMATION:

I. Background

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 continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is correct.

The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents. (29 U.S.C. 657.) In this regard, the information collection requirements (the inspection certification records) in the standard on Mechanical Power Presses (29 CFR 1910.217) ensures that information is provided which can be used to properly maintain mechanical power presses and to ensure safe operating conditions for employees.

II. Proposed Actions

OSHA proposes to increase its earlier estimate of 1,372,945 burden hours to 2,063,230 burden hours for the provisions pertaining to the inspection certification records in the standard on Mechanical Power Presses (29 CFR 1910.217).

OSHA will summarize the comments submitted in response to this notice,

and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the above standard.

Type of Review: Extension of currently approved information collection requirement.

Agency: Occupational Safety and Health Administration.

Title: Mechanical Power Presses (Inspection Certification Records) (29 CFR 1910.217(e)(1)(I) and (e)(1)(ii)).

OMB Number: 1218-0229.

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal government; state, local or tribal government.

Number of Respondents: 191,750.

Frequency: Annually.

Average Time per Response: Varies from 10 minutes (0.17 hour) to 20 minutes (0.33 hour).

Estimated Total Burden Hours: 2,063,230.

III. Authority and Signature

Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506), Secretary of Labor's Order No. 6-96 (62 FR 111), and 29 CFR part 1911.

Signed at Washington, DC, this 2 day of September 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99-23549 Filed 9-9-99; 8:45 am]

BILLING CODE 4510-26-M

LEGAL SERVICES CORPORATION

Notice of Intent To Award 1999 Grants to Applicants To Provide Civil Legal Services to Eligible Low-Income Clients in Service Areas CO-1, NCO-1, and MCO in Colorado

AGENCY: Legal Services Corporation.

ACTION: Announcement of 1999 Competitive Grant Awards.

SUMMARY: The Legal Services Corporation (LSC or Corporation) hereby announces its intention to award grants and contracts to provide economical and effective delivery of high quality civil legal services to eligible low-income clients, in service areas CO-2, NCO-1, and MCO, for which competition was reopened in 1999.

DATES: All comments and recommendations must be received on or before the close of business on October 12, 1999.

ADDRESSES: Legal Services Corporation—Competitive Grants, 750 First Street NE, 10th Floor, Washington, D.C. 20002-4250.

FOR FURTHER INFORMATION CONTACT: Michael Genz, Director, Office of Program Performance, (202) 336-8852.

SUPPLEMENTARY INFORMATION: Pursuant to the Corporation's announcement of funding availability on February 19, 1999 (64 FR 8410-8411), LSC will award funds to Legal Aid Society of Metropolitan Denver, Inc. to provide civil legal services in service areas CO-2, NCO-1, and MCO in Colorado.

Dated: September 7, 1999.

Michael A. Genz,

Director, Office of Program Performance.

[FR Doc. 99-23677 Filed 9-9-99; 8:45 am]

BILLING CODE 7050-01-P

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

August 1, 1999.

This report is submitted in fulfillment of the requirement of Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344). Section 1014(e) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of August 1, 1999, of three rescission proposals and three deferrals contained in two special messages for FY 1999. These messages were transmitted to Congress on October 22, 1998, and February 1, 1999.

Rescissions (Attachments A and C)

As of August 1, 1999, three rescission proposals totaling \$35 million have been transmitted to the Congress. Attachment C shows the status of the FY 1999 rescission proposals.

Deferrals (Attachments B and D)

As of August 1, 1999, \$644 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 1999.

Information From Special Messages

The special messages containing information on the rescission proposals and deferrals that are covered by this cumulative report are printed in the editions of the **Federal Register** cited below:

63 FR 63949, Tuesday, November 17, 1998

64 FR 6721, Wednesday, February 10, 1999

Jacob J. Lew,
Director.
 Attachments

ATTACHMENT A.—STATUS OF FY 1999 RESCISSIONS
 [In millions of dollars]

	Budgetary resources
Rescissions proposed by the President	35.0
Rejected by the Congress .....	.....
Amounts rescinded by P.L. 106-31, the FY 1999 Emergency Supplemental Appropriations and Rescissions Act	- 16.8
Currently before the Congress	18.2

ATTACHMENT B.—STATUS OF FY 1999 DEFERRALS
 [In millions of dollars]

	Budgetary resources
Deferrals proposed by the President	1,680.7
Routine Executive releases through June 1999 (OMB/Agency releases of \$1,185.2 million, partially offset by a cumulative positive adjustment of \$148.9 million)	- 1,036.3
Overturned by the Congress .....	.....
Currently before the Congress	644.4

ATTACHMENT C.—STATUS OF FY 1999 RESCISSION PROPOSALS—AS OF AUGUST 1, 1999
 [Amounts in thousands of dollars]

Agency/bureau/account	Rescission No.	Amounts pending before Congress		Date of message	Previously withheld and made available	Date made available	Amount rescinded	Congressional action
		Less than 45 days	More than 45 days					
Department of the Interior: Bureau of Land Management—Management of Lands and Resources.	R99-1	.....	6,800	2-1-99	*	.....	6,800	P.L. 106-31
Executive Office of the President: Unanticipated Needs—Unanticipated Needs for Natural Disasters.	R99-2	.....	10,000	2-1-99	*	.....	10,000	P.L. 106-31
International Assistance Programs: International Security Assistance—Foreign Military Financing Loan Program Account.	R99-3	.....	18,240	2-1-99	*	.....	.....
Total, Rescissions .....		.....	35,040	.....	.....	.....	16,800	

* No funds were withheld.

ATTACHMENT D.—STATUS OF FY 1999 DEFERRALS—AS OF AUGUST 1, 1999

[Amounts in thousands of dollars]

Agency/bureau/account	Deferral No.	Amounts transmitted		Date of message	Releases (—)		Congressional action	Cumulative adjustments	Amount deferred as of 8-1-99
		Original request	Subsequent change (+)		Cumulative OMB/agency	Congressionally required			
Department of State: Other—United States Emergency Refugee and Migration Assistance Fund.	D99-1	82,858	17,724	10-22-98 2-1-99	92,724	.....		.....	7,858
International Assistance Programs: International Security Assistance Economic Support Fund.	D99-2	84,777	1,310,376	10-22-98 2-1-99	922,570	.....		83,606	556,189
Agency for International Development International Disaster Assistance.	D99-3	185,000	.....	2-1-99	169,900	.....		65,260	80,360
Total, Deferrals.		352,635	1,328,100	.....	1,185,194	.....		148,866	644,407

[FR Doc. 99-23493 Filed 9-9-99; 8:45 am]

BILLING CODE 3110-01-P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 23989; 812-11384]

Massachusetts Investors Trust, et al.; Notice of Application

September 2, 1999.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under section 17(d) of the Investment Company Act of 1940 (the "Act") and rule 17d-1 under the Act.

SUMMARY OF APPLICATION: Applicants seek to amend an existing order to permit additional entities to rely on the existing order, which permits certain registered investment companies to pool cash balances in a joint account for the purpose of investing in short-term investments.

APPLICANTS: Massachusetts Investors Trust, MFS Series Trust I, MFS Series Trust II, MFS Series Trust III, MFS Series Trust IV, MFS Series Trust V, MFS Series Trust VI, MFS Series Trust VII, MFS Series Trust VIII, MFS Series Trust IX, MFS Series Trust X, MFS Series Trust XI, MFS Municipal Series Trust, MFS Growth Opportunities Fund, MFS Government Securities Fund, Massachusetts Investors Growth Stock Fund, MFS Government Limited Maturity Fund, MFS Institutional Trust, MFS Municipal Income Trust, MFS Intermediate Income Trust, MFS Multimarket Income Trust, MFS Government Markets Income Trust, MFS Charter Income Trust, MFS Special Value Trust, MFS/Sun Life Series Trust, MFS Variable Insurance Trust (the "MFS Trusts"), Money Market Variable Account, High Yield Variable Account, Capital Appreciation Variable Account, Government Securities Variable Account, World Governments Variable Account, Total Return Variable Account, Managed Sectors Variable Account (the "MFS Variable Funds") (together with the MFS Trusts, the "MFS Funds"). MFS Meridian U.S. Government Bond Fund, MFS Meridian Global Government Fund, MFS Meridian Charter Income Fund, MFS Meridian Limited Maturity Fund, MFS Meridian U.S. Emerging Growth Fund, MFS Meridian Global Equity Fund, MFS Meridian Money Market Fund, MFS Meridian U.S. Equity Fund, MFS Meridian Research Fund, MFS Meridian Global Balanced Fund, MFS Meridian Global Growth Fund, MFS Meridian Emerging Markets Debt Fund, MFS Meridian U.S. High Yield Fund, MFS Meridian Global Asset Allocation Fund,

MFS Meridian Strategic Growth Fund, MFS Meridian Research International Fund (the "Meridian Funds"), MFS American Funds, Massachusetts Financial Services Company ("MFS"), MFS International Ltd. ("MIL"), Vertex Investment Management, Inc. ("Vertex").

FILING DATE: The application was filed on October 29, 1998. Applicants have agreed to file an amendment to the application, the substance of which is reflected in this notice, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 27, 1999, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. Applicants: MFS Trust, MFS, and Vertex, 500 Boylston Street, Boston, MA 02116; MFS Variable Funds, One Sun Life Executive Park, Wellesley Hills, MA 02181; Meridian Funds, Maples and Calder, P.O. Box 309, Grand Cayman, Cayman Islands, British West-Indies; MFS American Funds, 47, Boulevard Royal, c/o State Street Luxembourg, S.A., L-2449 Luxembourg, Grand-Duchy of Luxembourg; MIL, Cedar House, 41 Cedar Avenue, Hamilton HM12, Bermuda.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Staff Attorney, at (202) 942-0634, or Michael W. Mundt, Branch Chief, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549-0102 (tel. (202) 942-8090).

Applicants' Representations

1. Each of the MFS Funds is an open-end or a closed-end management investment company registered under the Act. Each of the Meridian Funds is

an open-end investment company incorporated as an exempt company under the laws of the Cayman Islands. Each of the MFS American Funds is an investment company established in Luxembourg. The Meridian Funds and the MFS American Funds are offered exclusively outside of the United States to non-United States residents and are collectively referred to as the "Offshore Funds."¹

2. MFS, MIL, and Vertex are each registered as an investment adviser under the Investment Advisers Act of 1940. MFS is presently investment adviser to all of the MFS Funds, except for certain series of MFS Series Trust XI, and investment sub-adviser to all of the Offshore Funds. MIL serves as investment adviser to all of the Offshore Funds. Vertex serves as an investment adviser to certain series of MFS Series Trust XI. MIL and Vertex are each a wholly-owned subsidiary of MFS.

3. Pursuant to a prior order, as amended previously (the "Prior Order"),² the MFS Funds are permitted to pool cash balances and reserves in a joint account (the "Joint Account") for the purpose of investing in certain short-term investments ("Short-Term Investments"). The requested order would amend the Prior Order to allow the Offshore Funds to participate in the Joint Account. Applicants propose to continue to operate the Joint Account in the same manner as permitted by the Prior Order.³

4. Applicants request that any relief granted also apply to (i) all existing or future series of the MFS Funds and the Offshore Funds; (ii) all existing or future registered management investment companies for which MFS (or an entity controlling, controlled by, or under common control with MFS) in the future acts as investment adviser or future Offshore Funds ("Future Funds,"

¹ For purposes of the application, the term "Offshore Funds" includes other pooled investment vehicles advised by, or in the future advised by, MFS (or an entity controlling, controlled by, or under common control with MFS) offered exclusively outside of the United States to non-United States residents.

² *MFS Capital Development Fund, et al.*, Investment Company Act Release Nos. 19109 (Nov. 19, 1992) (notice) and 19158 (Dec. 16, 1992) (order), as amended by *Massachusetts Investors Trust, et al.*, Investment Company Act Release Nos. 20354 (Jun. 14, 1994) (notice) and 20395 (Jul. 12, 1994) (order).

³ All entities that currently intend to rely on the requested order are named as applicants. Any entity that relies upon the requested order in the future will company with the terms and conditions contained in the application.

together with the MFS Funds and the Offshore Funds, the "Funds"); and (iii) any existing or future entity controlling, controlled by, or under common control with MFS that in the future serves as investment adviser to any Future Fund (together with MFS, MIL, and Vertex, the "Adviser").

5. The Funds will purchase Short-Term Investments through the Joint Account that are consistent with their investment objectives and policies.⁴ All Short-Term Investments constitute "eligible securities," as defined in rule 2a-7 under the Act. The Offshore Funds will use the same systems and standards for evaluating and acquiring Short-Term Investments as the MFS Funds. Prior to participation by any Offshore Fund in the Joint Account, the board of directors of the Offshore Fund must make findings similar to those made by the boards of trustees/managers of the MFS Funds (together with the Offshore Funds' boards of directors, the "Boards").

Applicants' Legal Analysis

1. Section 17(d) of the Act and rule 17d-1 under the Act prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, acting as principal, for participating in any joint enterprise or arrangement in which that investment company is a participant, unless the SEC has issued an order authorizing the arrangement. In passing on these applications, the SEC considers whether the participation of the registered investment company in the proposed joint arrangement is consistent with the provisions, policies, and purposes of the Act and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

2. Section 2(a)(3)(C) of the Act defines an "affiliated person" or another person to include any person directly or indirectly controlling, controlled by, or under common control with, the other person. Applicants state that the Funds may be considered "affiliated persons" because they may be deemed to be under the common control of the Adviser. Applicants state that the Offshore Funds, by participating with the other Funds in the Joint Account, and the Adviser, by administering the Joint Account, could be deemed to be "joint participants" in a transaction

within the meaning of section 17(d). In addition, applicants state that each Joint Account could be deemed to be a "joint enterprise or other joint arrangement" within the meaning of rule 17d-1.

3. Applicants submit that the proposed amendment to the Prior Order is consistent with the findings required by section 17(d) of the Act and rule 17d-1 for granting orders pursuant to rule 17d-1, including the finding that any Fund would participate in the Joint Account on a basis no different from or less advantageous than that of any other Fund. Applicants state that participation by the Offshore Funds in the Joint Account will not result in any conflicts of interest between any of the Funds or between a Fund and the Adviser. Applicants assert that the Offshore Funds will participate in the Joint Account on the same terms and conditions as the MFS Funds.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. The Joint Account will not be distinguishable from any other accounts maintained by a Fund at its custodian bank, except that monies from the Funds will be deposited in the Joint Account on a commingled basis. The Joint Account will not have a separate existence and will not have indicia of a separate legal entity. The sole function of the Joint Account will be to provide a convenient way of aggregating individual transactions which would otherwise require daily management by each Fund.

2. Cash in the Joint Account will be invested in one or more of the following Short-Term Investments: (i) interest bearing or discounted commercial paper with a remaining maturity of 60 days or less; (ii) repurchase agreements, with maturities not to exceed 60 days, "collateralized fully," as that term is defined in rule 2a-7 under the Act, by U.S. Government Securities; (iii) U.S. Government Securities with remaining maturities of up to 60 days; (iv) tax-exempt variable rate demand notes ("VRDNs") that have demand features providing for maturities of up to 30 days or one month; or (v) securities other than VRDNs exempt from federal and/or state income tax with remaining maturities of up to 60 days.

3. Any investment made through the Joint Account will satisfy the investment criteria of all Funds participating in that investment.

4. All assets held in the Joint Account will be valued on an amortized cost basis to the extent permitted by applicable SEC releases, rules, or orders.

5. Each Fund valuing its net assets in reliance on rule 2a-7 under the Act will use the average maturity of the instruments in the Joint Account in which such Fund has an interest (determined on a dollar weighted basis) for the purpose of computing its average portfolio maturity with respect to its portion of the assets held in a Joint Account on that day.

6. In order to assure that there will be no opportunity for any Fund to use any part of a balance of the Joint Account credited to another Fund, no Fund will be allowed to create a negative balance in the Joint Account for any reason. Each Fund's decision to invest in the Joint Account will be solely at the Fund's option. No Fund will be obligated to invest in the Joint Account or to maintain any minimum balance in the Joint Account. In addition, each Fund will retain the sole rights of ownership of any of its assets held through the Joint Account, including interest payable on such assets.

7. The Adviser and the custodian of each Fund will maintain records documenting, for any given day, each Fund's aggregate investment in the Joint Account and each Fund's pro rata share of each investment made through the Joint Account. The records maintained for each Fund will be maintained in conformity with section 31 of the Act and rules and regulations thereunder. Each Offshore Fund will maintain and make available to the SEC, upon request, books and records containing information related to its participation in the Joint Account.

8. Not every Fund participating in the Joint Account will necessarily have its cash invested in every Short-Term Investment held in the Joint Account. However, to the extent a Fund's cash is applied to a particular Short-Term Investment made through the Joint Account, the Fund will participate in and own a proportionate share of the investment, and the income earned or accrued thereon, based upon the percentage of the investment purchased with monies contributed by the Fund.

9. The Adviser will administer the investments of the Joint Account as part of its duties under its existing or any future investment advisory agreements with the Funds and will not collect any additional fees for the management of the Joint Account.

10. Each Board will adopt procedures pursuant to which the Joint Account will operate, which will be reasonably designed to provide that the requirements of the application will be met. Each Board will make and approve such changes as it deems necessary to ensure that such procedures are

⁴ The Funds will enter into "hold-in-custody" repurchase agreements (i.e., repurchase agreements where the counterparty or one of its affiliated persons may have possession of, or control over, the collateral subject to the agreement) only where cash is received late in the business day and otherwise would be unavailable for investment.

followed. In addition, each Board will determine, no less frequently than annually, that the Joint Account has been operated in accordance with the proposed procedures and will permit a Fund to continue to participate therein only if it determines that there is a reasonable likelihood that the Fund and its shareholders will benefit from the Fund's continued participation.

11. The administration of the Joint Account will be within the fidelity bond coverage required by section 17(g) of the Act and rule 17g-1 under the Act.

12. Short-Term Investments held in the Joint Account generally will not be sold prior to maturity except if: (i) the Adviser believes the investment no longer presents minimal credit risks; (ii) the investment no longer satisfies the investment criteria of all participating Funds in the investment because of a downgrading or otherwise; or (iii) in the case of a repurchase agreement, the counterparty defaults. A Fund may, however, sell any Short-Term Investment (or any fractional portion thereof) prior to the maturity of the investment if the cost of such transaction will be borne solely by the selling Fund and the transaction will not adversely affect other Funds participating in the Short-Term Investment. In no case would an early termination by less than all participating Funds be permitted if it would reduce the principal amount or yield received by other Funds participating in a particular Short-Term Investment or otherwise adversely affect the other participating Funds. Each Fund participating in the Joint Account will be deemed to have consented to such sale and partition of the investments in the Joint Account.

13. Short-Term Investments held through a Joint Account with a remaining maturity of more than seven days, as calculated pursuant to rule 2a-7 under the Act, will be considered illiquid and will be subject to the restriction that a Fund may not invest more than 15% or, in the case of a money market fund, more than 10% (or, in either case, such other percentage as set forth by the SEC from time to time) of its net assets in illiquid securities, if the Fund cannot sell the instrument, or the Fund's fractional interest in the instrument, pursuant to the preceding condition, or if the investment would otherwise be considered illiquid if held by a money market fund.

For the SEC, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-23609 Filed 9-9-99; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-23990, 812-11468]

Liberty Funds Trust IX, et al.; Notice of Application

September 2, 1999.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for an order under section 6(c) of the Investment Company Act of 1940 (the "Act") for an exemption from section 15(a) of the Act and rule 18f-2 under the Act.

SUMMARY OF APPLICATION: Applicants, Liberty Funds Trust IX (the "Trust") and Liberty Asset Management Company ("Adviser"), request an order that would permit applicants to enter into and materially amend subadvisory agreements without obtaining shareholder approval.

FILING DATES: The application was filed on January 13, 1999, and amended on April 28, 1999. Applicants have agreed to file an amendment during the notice period, the substance of which is included in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on September 27, 1999, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549-0609; Liberty Funds Trust IX, One Financial Center, Boston, MA 02111, and Liberty Asset Management Company, Federal Reserve Plaza, 600 Atlantic Avenue, Boston, MA 02210-2214.

FOR FURTHER INFORMATION CONTACT: John K. Forst, Attorney-Advisor, at (202) 942-0549, or Michael W. Mundt, Branch Chief at (202) 942-0564, (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, NW, Washington, DC 20549-0102 (telephone 202-942-8090).

Applicants' Representations

1. The Trust, a Massachusetts business trust, is registered under the Act as an open-end management investment company currently offering one series, the Liberty All-Star Growth and Income Fund ("Fund").¹

2. The Adviser, registered under the Investment Advisers Act of 1940 ("Advisers Act"), serves as the investment adviser to the Fund pursuant to an investment advisory agreement ("Advisory Agreement"). Under the Advisory Agreement, the Adviser, subject to the supervision of the board of trustees of the Trust (the "Board") sets overall investment strategies for the Fund, recommends subadvisers for the Fund, allocates and reallocates the Fund's portfolio among two or more subadvisers, and monitors and evaluates the investment performance of the subadvisers, including their compliance with the Fund's investment objective, policies and restrictions. The Adviser pays the subadvisers' fees out of the fees the Adviser receives from the Fund.

3. Under subadvisory agreements between the subadvisers and the Fund ("Subadvisory Agreements"), the subadvisers' responsibility is limited to the investment management of the respective portions of the Fund's assets assigned to them by the Adviser and related recordkeeping and reporting. The Fund currently has five subadvisers. All subadvisers of the Fund are registered as investment advisers under the Advisers Act.

4. Applicants request an order to permit the Adviser to enter into and materially amend Subadvisory Agreements without obtaining shareholder approval. The requested relief will not extend to a subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust or

¹ Applicants also request relief with respect to future series of the Trust that are advised by the Adviser and operated in substantially the same manner as the Fund and that comply with the terms and conditions contained in the application ("Future Funds").

the Adviser, other than by reason of serving as subadviser to the Fund or a Future Fund ("affiliated Subadviser").

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except under a written contract approved by a majority of the investment company's outstanding voting shares. Rule 18f-2 under the Act provides that each series or class of stock in a series company affected by a matter must approve the matter if the Act requires shareholder approval.

2. Section 6(c) of the Act authorizes the Commission to exempt persons or transactions from the provisions of the Act to the extent that the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act. Applicants believe that their requested relief meets this standard for the reasons discussed below.

3. Applicants assert that the Fund's investors rely on the Adviser to select, monitor, and replace subadvisers best suited to manage the Fund's portfolio. Applicants represent that the Adviser has experience in performing these functions. Applicants submit that, from the perspective of an investor, the role of the subadvisers is comparable to that of individual portfolio managers employed by other investment company advisory firms. Applicants submit that the requested relief will allow the multi-manager structure of the Fund to operate more efficiently. Applicants note that the Advisory Agreement will remain subject to section 15(a) of the Act and rule 18f-2 under the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Future Fund may rely on the requested order, the operation of the Future Fund in the manner described in the application will be approved by its initial shareholder before shares of the Future Fund are made available to the public.

2. The Trust will disclose in its prospectus the existence, substance, and effect of any order granted pursuant to the application. In addition, the Fund and any Future Fund will hold itself out to the public as employing the sub-adviser structure described in the application. The prospectus with respect to the Fund and any Future Fund will prominently disclose that the

Adviser is responsible for overseeing the subadvisers and recommending their hiring, termination, and replacement.

3. Neither the Fund nor any Future Fund will enter into a Subadvisory Agreement with any Affiliated Subadviser, without the Subadvisory Agreement, including the compensation to be paid under that Agreement, being approved by the shareholders of the applicable Fund.

4. At all times, a majority of the Board will be persons each of whom is not an "interested person" of the Fund or any Future Fund as defined in section 2(a)(19) of the Act ("Independent Trustees"), and the nomination of new or additional Independent Trustees will be at the discretion of the then-existing Independent Trustees.

5. No trustee of officer of the Trust or director or officer of the Adviser will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by the trustee, director, or officer) any interest in any subadviser, except for (i) ownership of interests in the Adviser or any other entity that controls, is controlled by, or is under common control with the Adviser; or (ii) ownership of less than one percent of the outstanding securities of any class of equity or debt of a publicly-traded company that is either a subadviser or any entity that controls, is controlled by, or is under common control with a subadviser.

6. When a change of a subadviser is proposed for the Fund or any Future Fund with an Affiliated Subadviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board's minutes, that the change is in the best interests of the Fund or in the Future Fund and its shareholders and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

7. Within 90 days of the hiring of a subadviser for the Fund or any Future Fund, its shareholders will be furnished all information about the subadviser that would be included in a proxy statement, including any change in such disclosure caused by the addition of the new subadviser. The Adviser will meet this condition by providing shareholders, within 90 days of the hiring of a subadviser, with an information statement meeting the requirements of Regulation 14C, Schedule 14C, and Item 22 of Schedule 14A under the Securities Exchange Act of 1934.

8. The Adviser, subject to review and approval by the Board, will provide general investment management services to the Fund and any Future

Fund, including overall supervisory responsibility for the general management and investment of such Fund's portfolio. In this capacity, the Adviser will: (i) set overall investment strategies for the Fund; (ii) recommend subadvisers for the Fund; (iii) when appropriate allocate and reallocate the Fund's assets among subadvisers; and (iv) monitor and evaluate the investment performance of the subadvisers, including their compliance with the Fund's investment objective, policies, and restrictions.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 99-23608 Filed 9-9-99 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41822; File No. SR-CBOE-99-47]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. To Increase the Size of Orders Eligible for Automatic Execution for Certain Classes of Options

September 1, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 23, 1999, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the CBOE. On August 23, 1999, the CBOE submitted Amendment No. 1 to the proposed rule change.³ The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE is proposing to increase the size limit of orders in certain classes of

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In Amendment No. 1, the CBOE makes additional representations regarding trading system and market maker capacity. See letter from Christopher R. Hill, Attorney, CBOE, to Michael A. Walinskas, Associate Director, Division of Market Regulation, Commission, dated August 20, 1999 ("Amendment No. 1").

options contracts which are eligible for entry into the CBOE's Retail Automatic Execution System ("RAES") to 50 contracts, in order to match the size limits of orders which will be eligible for entry into the automatic execution system of the Philadelphia Stock Exchange ("Phlx").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

CBOE Rule 6.8(e) limits the size of RAES orders to twenty or fewer contracts.⁴ As of August 20, 1999, options on Dell Computers (DLQ) are listed only on the Phlx, options on International Business Machines Corp. (IBM), Johnson & Johnson (JNJ), and Coca Cola (KO) are listed only on the CBOE, and Ford Motor Corporation (F) is dually listed on both the CBOE and the Phlx. However, in conformity with procedures of The Options Clearing Corporation ("OCC") established under the Joint Exchange Options Plan ("Plan"), the Phlx recently sent notification to the OCC, the Commission, and the other options exchanges that it is seeking to multiply list options on IBM, JNJ, and KO. The CBOE has done likewise with respect to DLQ. As a result, on Monday, August 23, 1999, pursuant to OCC procedures, the Phlx plans to commence trading options on IBM, JNJ, and KO, and the CBOE plans to commence trading options on DLQ.

On August 19, 1999, the Phlx announced, pursuant to Rule 1080(c), that its order size limit for automatic execution for DLQ, IBM, JNJ, and KO will be 50 contracts. The current size limit for automatic execution of orders in F is already 50 contracts.

⁴ Subsequently, the Commission has approved a proposed rule filing by the CBOE to increase the size limit of all RAES orders to 50 contracts. See Securities Exchange Act Release No. 41821 (September 1, 1999) (SR-CBOE-99-17).

Therefore, pursuant to CBOE Rule 6.8 and Interpretation and Policy .01, the CBOE proposes to increase the RAES order size limit in F, IBM, JNJ, and KO to 50 contracts, and to set the initial order size limit for DLQ at 50 contracts, in order to match the size limits for orders in these option classes which are eligible for automatic execution on the Phlx.

The Exchange represents that RAES has the capacity to accommodate a RAES order limit size of 50 contracts in DLQ, IBM, JNJ, and KO, both in terms of systems capacity as well as the market-making capacity of market-makers participating in RAES.⁵

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Sections 6(b)(5) and 6(b)(8) of the Act in particular, in that it is designed to remove unnecessary burdens on competition, as well as remove impediments to and perfect the mechanism of a free and open market and a national market system, for the benefit of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change constitutes a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the Exchange, it has become effective pursuant to section 19(b)(3)(A)(i) of the Act and subparagraph (f)(1) of Rule 19b-4 thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

⁵ See Amendment No. 1.

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 Room. Copies of such filing also will be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. SR-CBOE-99-47 and should be submitted by October 1, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁶

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-23612 Filed 9-9-99; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41833; File No. SR-NASD-99-07]

Self-Regulatory Organizations; Order Granting Approval to Proposed Rule Change by the National Association of Securities Dealers, Inc. Creating a Discovery Guide for Use in NASD Arbitrations

September 2, 1999.

I. Introduction

On January 29, 1999, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its wholly owned subsidiary NASD Regulation, Inc. ("NASD Regulation"), filed with the Securities and Exchange Commission ("SEC" or "Commission") a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder.² Under its

⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

proposal, NASD Regulation seeks to create a discovery guide for use in NASD arbitrations. Notice of the proposal, as amended by Amendment No. 1 and Amendment No. 2, was published in the **Federal Register** on April 23, 1999 ("Notice").³ The Commission received eight comment letters on the filing.⁴

II. Description of the Proposal

NASD Regulation proposes to create a Discovery Guide to streamline the discovery process in NASD arbitrations involving customers. The Discovery Guide, which contains Document Production Lists, provides parties to an arbitration proceeding guidance on which documents they should exchange without arbitrator or NASD Regulation staff intervention. Further, the Discovery Guide provides arbitrators with guidance in determining which documents should be produced by customers and member firms or associated persons in customer arbitrations.

The Discovery Guide, which includes the Document Production Lists, is intended to function as a guide for parties and arbitrators in the discovery process. It is not intended to bind arbitrators or parties in a particular case. Further, nothing in the Discovery Guide precludes parties from voluntarily agreeing to an exchange of documents in a manner or scope different from that set forth in the Discovery Guide or Document Production Lists. In addition, any party can make a motion objecting to the production of particular documents included on the applicable Document Production List(s) in any arbitration proceeding. Likewise, any party can request that additional documents, not included on any of the Document Production Lists, be produced. However, if an arbitrator

directs compliance with the Discovery Guide in connection with ordering the production of documents, the order, like any other document production order, is binding on the parties.

Background

The Discovery Guide is a consensus document that was developed over a two-year period. In January 1996, the Arbitration Policy Task Force ("Task Force") chaired by former Commission Chairman David Ruder recommended that "[a]utomatic production of essential documents should be required for all parties, and arbitrators should play a much greater role in directing discovery and resolving discovery disputes."⁵ Based on Task Force recommendations, the NASD's National Arbitration and Mediation Committee, together with advisors from various diverse backgrounds, helped to draft the Discovery Guide in an effort to implement these recommendations. Among those contributing to the Discovery Guide were persons who are members of the Securities Industries Conference on Arbitration ("SICA")⁶, members of SIA, directors of PIABA, industry representatives, representatives from major broker-dealers, counsel for claimants, and counsel for the industry. The Discovery Guide reflects a compromise between the various interests of the drafters.

Discovery Guide Features

NASD Regulation proposes that the Discovery Guide be used as a supplement or an addendum to the guidance regarding discovery set forth in *The Arbitrator's Manual*, published by SICA, and particularly the provisions in the section entitled, "Prehearing Conference," at pages 11-16. SICA members compiled *The Arbitrator's Manual* as a guide for arbitrators, and it is designed to supplement and explain the Uniform Code of Arbitration as developed by SICA. The procedures and policies set out in both *The Arbitrator's Manual* and the Discovery Guide are discretionary and may be changed by the arbitrator(s) so long as they are consistent with the rules of the forum. Further, nothing in the Discovery Guide, including the Document Production

Lists, precludes the parties from voluntarily agreeing to an exchange of documents in a manner different from that set forth in the Discovery Guide.

The Discovery Guide consists of introductory and instructional text, and fourteen Document Production Lists. The first two lists, one for firms or associated persons and one for customers, contain documents that are presumptively discoverable in all customer cases, unless the arbitrator(s), in the exercise of discretion, determines that some or all of the documents in the two lists should not be produced. The next twelve lists, which are dispute specific, contain additional documents that should be produced by both customers and firms or associated persons for respectively, claims of churning, failure to supervise, misrepresentation/omissions, negligence/breach of fiduciary duty, unauthorized trading, and unsuitability. For example, a party involved in a churning claim should produce documents from either List One or Two, which apply to all customer cases, and documents from List Three or Four, which apply to churning claims.

NASD Regulation's Office of Dispute Resolution ("ODR") will provide the parties with the Discovery Guide at the time ODR serves the statement of claim. If a particular Document Production List is applicable, the parties should consider those documents to be presumptively discoverable. Unless the party files a timely objection, those documents should be produced not later than 30 calendar days from the date the answer is due or filed, whichever is earlier. Objections to production of any document on a Document Production List, and any responses thereto, are to be considered by the arbitrator(s). The arbitrator(s) then determine whether the objecting party has overcome the presumption of discoverability based upon sufficient reason(s).

In addition to specific document production requirements, the Discovery Guide provides general guidance on other issues such as confidential treatment of documents, additional discovery requests, depositions, admissibility of evidence, arbitrator participation, and sanctions. This guidance is discussed below.

Confidential Treatment. The Discovery Guide provides that parties may stipulate to the confidential treatment of documents. Alternatively, the arbitrator(s) may issue confidentiality orders. However, the Discovery Guide further advises that arbitrator(s) should not issue orders or use confidentiality agreements to require parties to produce documents

³ See Securities Exchange Act Release No. 41302 (April 16, 1999), 64 FR 20036 (File No. SR-NASD-99-07).

⁴ See letters from Cliff Palefsky, National Employment Lawyers Association ("NELA"), to Secretary, Commission, dated May 4, 1999 ("NELA Letter"); Barbara Black, Professor of Law, to Secretary, Commission, dated May 13, 1999 ("Black Letter"); Mark E. Maddox, Public Investors Arbitration Bar Association ("PIABA"), to Jonathan G. Katz, Secretary, Commission, dated May 18, 1999 ("PIABA Letter"); Linda P. Drucker, Charles Schwab & Co. Inc. ("Schwab"), to Jonathan G. Katz, Secretary, Commission, dated May 14, 1999 ("Schwab Letter"); Stephen G. Sneeringer, Securities Industry Association ("SIA"), to Jonathan G. Katz, Secretary, Commission, dated May 14, 1999 ("SIA Letter"); Paul L. Matecki, Raymond James & Associates, Inc. ("Raymond James"), to Jonathan G. Katz, Secretary, Commission, dated May 14, 1999 ("Raymond James Letter"); Norman S. Poser, Professor of Law, to Secretary, Commission, dated May 13, 1999 ("Poser Letter"); Dan Jamieson, to Jonathan G. Katz, Secretary, Commission, dated June 1, 1999 ("Jamieson Letter").

⁵ See *Securities Arbitration Reform: Report of the Arbitration Policy Task Force to the Board of Governors of NASD ("Task Force Report")* at 2.

⁶ SICA was formed to develop and maintain a Uniform Code of Arbitration and to provide a forum for the discussion of new developments in securities arbitration among arbitration self-regulatory organization ("SRO") forums and participants in those forums. The membership includes representatives from the SROs with securities arbitration forums, three or four "public" members, and a representative from the SIA.

otherwise protected by established privileges. As discussed more fully below, a party objecting to discovery on grounds of privilege has the burden to demonstrate that a particular document is privileged.

Additional Discovery Requests. The Discovery Guide states that parties may request documents in addition to those identified in the Document Production Lists, and it provides guidance regarding the timing of such requests. Unless a longer period is allowed by the requesting party, requests should be satisfied or objected to within 30 days from the date of service of the document request. Any response to objections to a request should be served on all parties within 10 days or service of the objection.

The Discovery Guide also provides a mechanism for a party to seek to compel production of documents when the adverse party refuses to produce such documents or offers only to produce alternative documents that are unacceptable to the requesting party. The Discovery Guide instructs that the arbitrator(s) carefully consider such motions, regardless of whether the item requested is on any of the Document Production Lists.

Depositions. The Discovery Guide discusses the arbitrator(s)' authority to permit depositions. It suggests depositions be limited to circumstances such as: (a) To preserve the testimony of ill or dying witnesses; (b) to accommodate essential witnesses who are unable or unwilling to travel long distances for a hearing and may not otherwise be required to participate in the hearing; (c) to expedite large or complex cases; and (d) to address unusual situations where the arbitrator(s) determines that circumstances warrant departure from the general guidance.

Admissibility. Production of documents listed in the Discovery Guide does not create a presumption that the documents are admissible at the arbitration hearing. Nothing in the Discovery Guide prevents a party from objecting to the introduction of any document as evidence at the hearing to the same extent that any other objection may be raised in arbitration.

Arbitrator Participation. Under the Discovery Guide, the NASD arbitrator(s) will participate in the initial and subsequent prehearing conferences to organize the management of the case, set a discovery cut-off date, identify dispositive or other potential motions, schedule hearing dates, determine whether mediation is desirable, and resolve any other preliminary issues. If, at the time of the initial prehearing

conference, the exchange of properly requested discovery has not occurred, the Discovery Guide provides that the arbitrator(s) should order the production of all required documents subject to production

Sanctions. The Discovery Guide instructs arbitration panels to issue sanctions if any party fails to produce documents or information required by a written order, unless the panel⁷ finds that there is "substantial justification" for the failure to produce the documents or information. The Discovery Guide recognizes that panels have wide discretion to address non-compliance with discovery orders. For example, the panel may make an adverse inference against a party or assess adjournment fees, forum fees, costs and expenses, and/or attorneys' fees caused by noncompliance. In extraordinary cases, the Discovery Guide suggests the panel may initiate a disciplinary referral against a registered entity or person who is a party or witness in the proceeding or may, pursuant to Rule 10305(b), dismiss a claim, defense, or proceeding with prejudice as a sanction for intentional failure to comply with an order of the arbitrator(s) if lesser sanctions have proven ineffective.

III. Summary of Comments

The Commission received eight comment letters on the proposal.⁸ One commenter urged the adoption of the Discovery Guide as proposed.⁹ Further, none of the commenters opposed the concept of creating a Discovery Guide for use in customer arbitration.¹⁰ However, most of the commenters had particular criticisms about certain aspects of the Discovery Guide. Additionally, seven of the eight commenters made suggestions on how to improve the Discovery Guide.¹¹ With respect to several specific criticisms, the comments were evenly distributed on both sides of the issue.

Discovery Guide as a Proposed Rule Change

Three commenters assert that the Discovery Guide should not be filed

⁷An arbitration panel's ruling need only be by majority vote; it need not be unanimous.

⁸ See *supra* note 4.

⁹ See PIABA Letter.

¹⁰ Out of the eight commenters, seven stated that they were in favor of the concept of a Discovery Guide. See PIABA Letter, Black Letter, Schwab Letter, SIA Letter, Raymond James Letter, Poser Letter, and Jamieson Letter. The eighth, from NELA, stated that while the desire to facilitate discovery is appropriate, NELA believed that the proposed Discovery Guide is problematic in certain material aspects. See NELA Letter.

¹¹ See NELA Letter, Black Letter, Schwab Letter, SIA Letter, Raymond James Letter, Poser Letter, and Jamieson Letter.

with the Commission as a proposed rule change.¹² They contend that arbitration relies on the flexibility of arbitrators, and adopting the Discovery Guide as a rule would limit arbitrator(s)' discretion. In addition, they argue that because the Discovery Guide will be part of *The Arbitrator's Manual*, which is not a rule, and will only be a "guide," it should not be submitted as a rule under the rule filing process. Finally, the commenters maintain that adopting the Discovery Guide as a rule will give it more importance than what was intended by its drafters. In contrast, another commenter contends that, because the Discovery Guide contains guidelines and not mandates, whether it is issued as a rule is immaterial.¹³ Further, that commenter commends the Commission for allowing the public to comment on the guidelines through the formal rulemaking process.

Customer Personal Financial Information

Three commenters contend that producing certain documents reflecting personal financial information infringes on customers' privacy rights.¹⁴ In particular, these commenters argue that the production of tax returns and other financial information, such as business ownership records, should be limited to certain types of claims, not be required at all, or the firm should have the burden of establishing the relevance of these documents in specific cases. One of these commenters asserts that a customer's right to privacy can only be waived by the customer, and not by the committees who created the Discovery Guide or by the securities industry as a condition of the industry complying with its legal obligation to provide relevant information in an arbitration.¹⁵ The commenter argues that decisions affecting important rights of individual customers (*i.e.*, forced disclosure of personal and private information) should be made on a case-by-case basis, and the information should not be subject to routine disclosure. In addition, another commenter states that the production of statements concerning a customer's net worth is unfair because most customers would have to create these statements.¹⁶

On the other hand, three industry commenters argue that customer tax returns and other financial information are crucial in all types of customer/

¹² See Schwab Letter, SIA Letter, and Raymond James Letter.

¹³ See Jamieson Letter.

¹⁴ See NELA Letter, Black Letter, and Poser Letter.

¹⁵ See NELA Letter.

¹⁶ See Jamieson Letter.

broker disputes.¹⁷ According to one of these commenters, tax returns and information about net worth are often the only pertinent documentation that a customer has.¹⁸ Further, they assert that a customer's entire tax return (not only the portions listed in the Discovery Guide) and the customer items in List 8, such as a resumé, should be produced in every case. These commenters believe that this information is relevant in every dispute.

Production Burden on Firms

The three industry commenters argue that the use of documents dealing with an associated person's disciplinary history violates a basic premise of the *Federal Rules of Evidence*.¹⁹ They maintain that evidence of prior bad acts, such as records of disciplinary history or information reported on Forms U-4 and U-5, should not be used in arbitration to demonstrate an alleged bad act. In response to these comments, another commenter states that production of these records is not prejudicial since an associated person's disciplinary history is already publicly available through the NASD's Public Disclosure Program.²⁰

Additionally, one industry commenter argues that the production of disciplinary history documents would be particularly burdensome for discount and on-line brokers.²¹ The commenter contends that because a customer of a discount broker deals with many associated persons, a firm's production burden would be tremendous for many types of disputes. In response to this problem, the commenter suggests limiting the production of documents to those concerning an associated person who is regularly and permanently assigned to the account, if any. On the other hand, another commenter notes that the materials to be produced by firms under the Discovery Guide are kept in the normal course of a firm's business pursuant to industry recordkeeping requirements.²²

The three industry commenters also argue that firms should not have to produce internal audit reports in failure to supervise claims.²³ They maintain that since failure to supervise can be alleged in almost all claims, internal

audit reports will have to be produced in every case. Moreover, these commenters assert that production might affect the vitality and candor of internal audit reports, and thus harm the "self-policing" obligation of firms.²⁴ Another commenter, however, argues that any increased exposure of internal audit reports will help ensure that the reports' recommendations are followed internally, and that self-policing will thereby be improved.²⁵ Furthermore, one commenter agrees with the Discovery Guide that internal audit reports are likely to be relevant in a failure to supervise case, regardless of whether they focus on a particular associated person.²⁶

Miscellaneous

Most of the commenters make suggestions on how to improve the Discovery Guide and, in particular, the Document Production Lists. For example, one commenter suggests that the first two lists, which apply to all customer cases, be "pruned" to avoid placing an unreasonable burden on the parties.²⁷ In addition, another commenter suggests that confidentiality orders or stipulations be used sparingly because investors already have little information about the arbitration process.²⁸ Another commenter expressed concern that the Discovery Guide's recognition of "privacy" and "confidentiality" as valid objections to document production may encourage parties to make objections to delay the discovery process.²⁹

Several commenters addressed privilege issues. Four commenters contend that the Discovery Guide should not contain a list of privileges because privileges are traditionally governed by state law.³⁰ Similarly, three of these commenters state that because most privileges would only be available to customers, a list of applicable privileges should not be included in the Discovery Guide.³¹ In addition, one commenter recommends that the Discovery Guide contain a requirement that parties produce a privilege log to

identify documents not produced as a result of the assertion of a privilege.³² The commenter believes this will help protect parties from the improper assertion of a privilege.

In addition, one commenter argues that arbitrators should be given more power to sanction parties for non-production of documents.³³ The commenter states that with the current proposal, an arbitrator first needs an order for production before the arbitrator can issue sanctions. The commenter believes that the Discovery Guide should be amended so that if a party fails to produce a listed document, the party should be sanctioned unless the party can provide a substantial justification for not producing the document. Similarly, another commenter contends that the documents on the lists should not be presumptively discoverable, but automatically produced.³⁴ The commenter believes this will help streamline the arbitration process.

IV. Discussion

One commenter states that the Commission should give deference to this proposal because it was reached through compromise by organizations who represent opposing interests.³⁵ The Discovery Guide reflects a compromise between the various interests of the drafters. The Discovery Guide was drafted over a two-year period with the input of organizations who represent different interests within the securities industry. Among those contributing to the Discovery Guide were persons who are members of SICA, members of SIA, directors of PIABA, industry representatives, representatives from major broker-dealers, counsel for claimants, and counsel for the industry. Similarly, the comment letters received by the Commission reflect the views of a cross section of the securities industry, plaintiff representatives, academicians, and others involved in the arbitration process. The Discovery Guide, when considered as a whole, provides useful guidance to arbitrators, claimants, and industry participants in customer arbitrations and fairly balances their respective interests.

As noted above, several commenters assert that the Discovery Guide should not be filed with the Commission as a proposed rule change because arbitration relies on the flexibility of arbitrators, and adopting the Discovery Guide as a rule would limit arbitrators'

¹⁷ See Schwab Letter, SIA Letter, and Raymond James Letter.

¹⁸ See Schwab Letter.

¹⁹ See Schwab Letter, SIA Letter, and Raymond James Letter.

²⁰ See Jamieson Letter.

²¹ See Schwab Letter.

²² See Jamieson Letter.

²³ See Schwab Letter, SIA Letter, and Raymond James Letter.

²⁴ Notwithstanding these comments, the Commission reminds all regulated entities and persons that nothing in the Discovery Guide or Document Production Lists changes or reduces their obligations to monitor compliance with the federal securities laws or rules of self-regulatory organizations.

²⁵ See Jamieson Letter.

²⁶ See Poser Letter.

²⁷ See Poser Letter.

²⁸ See Jamieson Letter.

²⁹ See Black Letter.

³⁰ See Schwab Letter, SIA Letter, Raymond James Letter, and Jamieson Letter.

³¹ See Schwab Letter, SIA Letter, and Raymond James Letter.

³² See NELA Letter.

³³ See Poser Letter.

³⁴ See Black Letter.

³⁵ See PIABA Letter.

discretion.³⁶ In addition, one commenter notes the Discovery Guide states that an arbitration panel should issue sanctions if a party fails to produce documents or information required by a written order, not for non-compliance with the Discovery Guide itself.³⁷ That commenter, therefore, argues that arbitrators should be given more power to sanction parties for non-compliance with the Discovery Guide. Further, another commenter asserts that instead of being presumptively discoverable as they are under the Discovery Guide, the Documents on the document Production Lists should be automatically produced.³⁸

By its terms, the Discovery Guide provides for arbitrator(s) to exercise discretion in tailoring the Discovery Guide to particular cases.³⁹ Arbitrator(s) can change any Provision of the Discovery Guide. Further, nothing in the Discovery Guide shifts the burden of proof a party bears in arbitration, and the mere fact that a document is contained in a Document Production List does not make the document automatically admissible in any arbitration proceeding.

As stated in the Discovery Guide and the Purpose section of NASD Regulation's filing with the Commission, the Discovery Guide (including the Document Production Lists) is intended to function as a guide for arbitrators and parties in the discovery process and is not intended to bind arbitrators or parties in a particular case. While parties should consider the documents on the lists to be presumptively discoverable, the Discovery Guide specifically notes that all of the documents on each list are not required to be produced in every case. Nothing in the Discovery Guide prevents parties from voluntarily agreeing to an exchange of documents in a manner or scope different from that set forth in the Discovery Guide.

Furthermore, parties may also object to the production of any particular document, or seek the production of

additional documents not on any of the Document Production Lists. The arbitrator(s) then makes a determination whether production is required. To the extent that an arbitrator uses the Discovery Guide in connection with ordering the production of documents, the order is binding on the parties. The failure to comply with the Discovery Guide itself does not automatically result in sanctions; rather, sanctions are imposed only after a party has failed to comply with an arbitrator's order. Thus, arbitrators retain their discretion under the Discovery Guide to manage arbitrations as they deem appropriate.

Some commenters objected to the burden on customers to produce certain documents in all customer arbitrations. For example, three commenters contend that producing certain documents infringes on customers' privacy rights.⁴⁰ Conversely, other commenters object to firms' production burdens under the Discovery Guide.⁴¹ The Discovery Guide reflects a fair compromise between the interests of the drafters and will benefit arbitrators in handling document production. Further, we note that the Document Production Lists were drafted to provide parties with information that is reasonably calculated to lead to the discovery of admissible evidence in arbitrations.⁴² Arbitrator(s) should use their discretion to consider whether in a particular case, the documents on the Document Production Lists will lead to the discovery of admissible evidence. Nothing in the Discovery Guide affects a party's ability to object to the production of any particular document or class of documents, or to request additional documents.

Three commenters also assert that firms should not have to produce documents about an associated person's disciplinary history because production would be burdensome and the documents would be inadmissible.⁴³ As one commenter noted, some disciplinary information about firms and associated persons is already available to the public through the NASD's Public Disclosure Program. Furthermore, as stated in the Discovery Guide, the production of documents in discovery under the Discovery Guide does not create a presumption that the documents are admissible in the arbitration proceeding.

In addition, three commenters argue that firms should not have to produce internal audit reports in failure to supervise claims because production might affect the vitality and candor of these reports. Another commenter, however, takes the opposite view—the commenter believes the production of these reports will result in better self-policing. The Discovery Guide is narrowly focused in that it only calls for the production of internal audit reports, if they exist, in failure to supervise claims. In addition, internal audit reports may help a firm defend a failure to supervise claim. Nothing in the Discovery Guide or the Document Production Lists changes firms' obligations to monitor compliance with the federal securities laws or rules of self-regulatory organizations. To the extent a firm objects to the production of such internal audit reports in any particular claim, nothing in the Discovery Guide precludes a firm from filing an objection with the arbitrator(s). In addition, whether such a report is admissible is a decision for the arbitrator(s).

Many of the commenters made specific suggestions on how to improve the Discovery Guide and, in particular, the Document Production Lists. For example, one commenter suggests that confidentiality orders or stipulations be used sparingly because investors already have little information on the arbitration process.⁴⁴ The Discovery Guide does not change current features of the arbitration process. Stipulations are, by definition, made by agreement of the parties and confidentiality orders can only be issued by arbitrator(s) after they fully consider the issue. While a confidentiality order may prevent the public dissemination of particular documents or information, it should not affect the arbitration process. The same commenter also asserts that the production of statements concerning a customer's net worth is unfair because most customers would have to create these statements. Nothing in the Discovery Guide requires customers to create documents that do not otherwise exist. Indeed, the Discovery Guide provides that, if a party has no responsive documents to any document request, the party should provide an affirmation to that effect.

In addition, many of the commenters made specific suggestions to modify one or more aspects of the Document Production Lists. Many of these suggestions may have considerable merit in particular cases. For example, one commenter suggests that the first

³⁶ See Schwab Letter, SIA Letter, and Raymond James Letter.

³⁷ See Poser Letter.

³⁸ See Black Letter.

³⁹ Under Rule 19b-4, a stated policy, practice, or interpretation of the self-regulatory organization shall be deemed to be a proposed rule change unless (1) it is reasonably and fairly implied by an existing rule of the self-regulatory organization or (2) it is concerned solely with the administration of the self-regulatory organization and is not a stated policy, practice, or interpretation with respect to meaning, administration, or enforcement of an existing rule of the self-regulatory organization. 17 CFR 240.19b-4(c). Proposed rule changes submitted under Section 19 of the Act and Rule 19b-4 are subject to a notice and comment period. The Discovery Guide falls within Rule 19b-4.

⁴⁰ See NELA Letter, Black Letter, and Poser Letter.

⁴¹ See Schwab Letter, SIA Letter, and Raymond James Letter.

⁴² See e.g., Fed. R. Civ. P. 26(b)(1).

⁴³ See Schwab Letter, SIA Letter, and Raymond James Letter.

⁴⁴ See Jamieson Letter.

two Document Production Lists be "pruned" to avoid placing an unreasonable burden on the parties. In this regard, if production of a particular document or class of documents called for under an applicable Document Production List is unduly burdensome to a party, that party may object to production on that or any other grounds. The arbitrator(s) retains the ability to modify any request in order to protect against discovery abuses. Furthermore, there is nothing in the Discovery Guide that prevents a party from asking for additional documents such as those suggested by some commenters. We recognize the commenters' intentions to improve the Discovery Guide and the discovery process in general. However, the Discovery Guide reflects a compromise, which was obtained after a long period of negotiation, between various interests of the drafters. For each item that one commenter thought would be burdensome for a customer, another commenter believed a different item would be burdensome to a firm. As adopted, the Discovery Guide will benefit arbitrators and parties in handling document production.

One commenter suggests that parties produce a privilege log to identify documents not produced as a result of the assertion of a privilege. NASD Rule IM-10100 states that "[i]t may be deemed conduct inconsistent with just and equitable principles of trade and a violation of Rule 2110 for a member of * * * fail to appear or to produce any document in his possession or control as directed pursuant to provisions of the NASD Code of Arbitration Procedure * * *". All parties should act in good faith and carefully consider the relevant case law when asserting a privilege, and arbitrators should consider whether a privilege log is necessary to help facilitate the discovery process.⁴⁵ It is expected that the NASD Regulation will take appropriate action against members and registered persons who do not act in good faith or otherwise violate IM-10100.

The Discovery Guide will streamline the discovery process. By creating lists of documents that should be produced in all customer arbitrations as well as particular types of cases, the Discovery Guide will help expedite the discovery process and reduce the number of discovery disputes between parties, which in turn should help lower the

⁴⁵ The Commission agrees with several commenters that applicable privileges, which are usually a matter of state law, should not be specified in the Discovery Guide.

cost of the arbitration discovery process. Further, nothing in the Discovery Guide changes the burden of establishing or defending any aspect of a claim. When considered as a whole, the Discovery Guide provides useful guidance to parties and arbitrators in NASD-sponsored customer arbitrations.

In addition, the Commission finds that the proposal is consistent with the requirements of Section 15A of the Act⁴⁶ and the rules and regulations thereunder that govern the NASD.⁴⁷ In particular, the Commission finds that the proposal is consistent with Section 15A(b)(6) of the Act⁴⁸ which requires, among other things, that the rules of an association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination among customers, issuers, brokers, or dealers.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,⁴⁹ that the proposed rule change (SR-NASD-99-07), as amended, is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁵⁰

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-23610 Filed 9-9-99; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41820; File No. SR-NASD-99-35]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Definition of "Person Associated with a Member"

September 1, 1999.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on August 3, 1999, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission

⁴⁶ 15 U.S.C. 78o-3.

⁴⁷ In addition, pursuant to Section 3(f) of the Act, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

⁴⁸ 15 U.S.C. 78o-3(b)(6).

⁴⁹ 15 U.S.C. 78s(b)(2).

⁵⁰ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Association. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing to amend the definition of "person associated with a member" in the By-Laws of the NASD, NASD Regulation, Inc. ("NASD Regulation"), and The Nasdaq Stock Market, Inc. ("Nasdaq"). The text of the proposed rule change is set forth below. Additions are italicized and deletions are bracketed.

* * * * *

BY-LAWS OF THE NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

ARTICLE I DEFINITIONS

* * * * *

(ee) "person associated with a member" or "associated person of a member" means: (1) a natural person *who is registered or has applied for registration* under the Rules of the Association; [or] (2) a sole proprietor, partner, officer, director, or branch manager of a member, or [a] *other* natural person occupying a similar status or performing similar functions, or a natural person engaged in the investment banking or securities business who is directly or indirectly controlling or controlled by a member, whether or not any such person is registered or exempt from registration with the NASD under these By-Laws or the Rules of the Association; *or*³ (3) *for purposes of Rule 8210, any other person listed in Schedule A of Form BD of a member;*

* * * * *

The NASD proposes conforming changes to Article I(y) of the NASD Regulation By-Laws and Article I(r) of the Nasdaq By-Laws, respectively.

* * * * *

³ The NASD has approved the substitution of the word "or" in place of the word "and" in the proposed text here as it appeared in the NASD's original filing, to make clear that item (3) represents an alternative meaning of "associated person." Telephone conversation between Mary Dunbar, Associate General Counsel, NASD Regulation, and Gordon Fuller, Special Counsel, and Ira L. Brandriss, Attorney, Division of Market Regulation, Commission (August 11, 1999).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections, A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The NASD proposes two amendments to the definition of "person associated with a member" in Article I of the NASD By-Laws, and conforming amendments to the NASD Regulation and Nasdaq By-Laws. The term is currently defined to include: (1) a natural person registered under the Rules of the Association; or (2) a sole proprietor, partner, officer, director, or branch manager of a member, or a natural person occupying a similar status or performing similar functions, or a natural person engaged in the investment banking or securities business who is directly or indirectly controlling or controlled by a member, whether or not any such person is registered or exempt from registration with the NASD under the By-Laws or the Rules of the Association.

Two issues have arisen with respect to the definition. The first issue is whether the definition should be expanded to apply to certain owners of members. Currently, the definition only includes owners who are natural persons engaged in the member's investment banking or securities business and who have a direct or indirect "control" relationship with the member.⁴ While the NASD does not believe that the definition of associated person should include all owners and thereby subject them to all NASD rules, the NASD would like to amend the

⁴The By-Laws do not define the term "control." Form BD defines "control" as the "power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise. Any person that * * * directly or indirectly has the right to vote 25% or more of a class of voting securities or has the power to sell or direct the sale of 25% or more of a class of voting securities; or * * * in the case of a partnership, has the right to receive upon dissolution, or has contributed 25% or more of the capital, is presumed to control that company."

definition with what it views as a modest and incremental expansion to give the staff authority to require the provision of information and testimony under Rule 8210 ("the Rule") from any person—including a natural person or corporate or other entity—who holds a five percent or greater interest in a member firm, regardless of whether they "control" the member firm or are actively engaged in its securities or investment banking business.

The NASD can identify such owners because members must list them in Schedule A of Form BD, which is filed with the NASD and the Commission. For example, if the member is a corporation, the member generally must list each shareholder that directly owns five percent or more of a class of a voting security of the member. If the member is a partnership, the member must list all general partners and those limited and special partners that have contributed, or have the right to receive upon dissolution, five percent or more of the partnership's capital. Members have a continuing obligation to update Schedule A.

The NASD is not recommending any change to the Rule itself, which is one for the staff's primary tools for carrying out its regulatory responsibilities. The Rule authorizes the staff, for the purpose of an investigation, complaint, examination, or proceeding authorized by the NASD By-Laws or rules, to require a member or associated person to provide information or testimony. The Rule also authorizes the staff to inspect and copy the books, records, and accounts of such member or person with respect to any matter involved in the investigation, complaint, examination, or proceeding. The proposed amendment to the definition of associated person would permit the staff to direct a Rule 8210 request to any owner—individual, corporate, partnership, trust, or otherwise—listed in Schedule A of Form BD, whether or not such owner controls the member firm. The NASD does not believe that it is necessary at this time to apply any other NASD rules to this group of owners or to amend Rule 8210; however, an owner who falls within the associated person definition but fails to comply with a Rule 8210 request may be disciplined by the NASD.

The second issue involves an anomaly between the By-Law definition of the term "person associated with a member" and a Form U-4, which is the application form for registration that must be signed by the prospective registered person. The Form U-4 states that by signing the Form, the applicant is subject to the jurisdiction of the

NASD and any state in which he is applying for registration. However, the current definition of "associated person" in the By-Laws does not address applicants for registration. The NASD proposes that the By-Law should be made expressly consistent with the Form U-4 in this respect.

Finally, the word "other" is inserted into subsection 2 of the definition to clarify that the subsection describes only natural persons.

The NASD proposes to make the rule change effective for all members within 45 days after Commission approval. The effective date will be announced at least 15 days in advance in a Notice To Members.

2. Statutory Basis

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6)⁵ of the Act, which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. The NASD believes that the proposed rule change will help it obtain necessary information to conduct its regulatory investigations and proceedings and clarify its jurisdiction over applicants for registration.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days 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 such proposed rule change, or

⁵ 15 U.S.C. 78o-3(b)(6).

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549-0609. 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 Room. Copies of the filing will also be available for inspection and copying at the principal offices of the NASD. All submissions should refer to File No. SR-NASD-99-35 and should be submitted by October 1, 1999.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁶

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 99-23611 Filed 9-9-99; 8:45 am]
BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41824; File No. SR-PCX-99-24]

Self-Regulatory Organizations; Notice of Filing of Amendment No. 2 and Order Granting Partial Accelerated Approval to a Proposed Rule Change by the Pacific Exchange, Inc. Relating to Automated Opening Rotations

September 1, 1999.

I. Introduction

On July 13, 1999, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("Commission" or "SEC") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a

proposed rule change related to automated opening rotations ("AOR"s). On August 4, 1999, the PCX filed with the Commission Amendment No. 1 to the proposal.³ Notice of the proposed rule change appeared in the **Federal Register** on August 30, 1999.⁴ On September 1, 1999, the PCX filed Amendment No. 2 to the proposal.⁵ The Commission is publishing this notice to solicit comments on Amendment No. 2. In addition, for the reasons discussed below, the Commission has determined to grant accelerated approval of PCX's request in Amendment No. 2 to implement automated opening rotations for 16 issues on a thirty day pilot basis.

II. Description of the Proposal

A. Introduction

The Exchange is proposing to adopt a new procedure to facilitate trading of option contracts during the opening rotation.⁶ Opening rotations are held promptly following the opening of the underlying security on the principal market where it is traded.⁷ Opening rotations are conducted by an Order Book Official ("OBO"), who is an Exchange employee.⁸ The PCX rules on opening rotations apply to both index and equity options contracts.⁹

In its initial filing, as amended by Amendment No. 1, the PCX proposed a new process that would allow the Exchange to conduct AORs. The Exchange proposed a procedure to allow the OBO to establish electronically a single price opening for executing eligible market and marketable limit orders in the POETS system. In the event of an imbalance, any remaining orders in the system that are eligible to be executed will be assigned to market makers participating on the Auto-Ex System. The new process involves three basic steps: first, the markets are

established; second, the opening rotation is automatically processed for the majority of series; and finally, any series with manual orders or compilation is opened manually, *i.e.*, pursuant to the current procedures for opening rotations.

More specifically, under the new AOR process, opening rotations on the PCX will occur in the following manner: Prior to the opening, the OBO will determine whether there are any orders in the trading crowd to be executed at the opening. Once the underlying security has opened, the OBO will request from the trading crowd bids and offers in the specific option issue. The trading crowd may determine that the posted bids and offers are accurate, or alternatively, may request by public outcry that certain quotes be modified.¹⁰ Once the bid and asking price in each series has been ascertained, the OBO and AOR system will identify all series that are eligible for the AOR and that can be opened immediately, and will also identify all series that are not eligible for the AOR. Those that are not eligible for the AOR must be opened manually.¹¹

B. Amendment No. 2

In Amendment No. 2, the PCX requests that the Commission grant accelerated approval of a thirty day pilot program ("Pilot") that would allow the Exchange to use automated openings for 16 issues during the pilot period. The 16 issues are Microsoft Corp. (MSQ), Compaq Computer Corp. (CPQ), Sun Microsystems, Inc. (SUQ), Applied Materials (AMAT), 3Com Corp. (THQ), Advanced Micro Devices (AMD), Tellabs, Inc. (TLAB), Schering-Plough Corp. (SGP), McKesson HBOC, Inc. (MCK), ALZA Corp. (AZA), R&B Falcon Corp. (FLC), First Union Corp. (FTU), NIKE, Inc. (Class B) (NKE), Newbridge Networks Corp. (NN), Data General

³ In Amendment No. 1, the Exchange further clarifies the operation of automated openings, provides rule text related to the new procedures, and justifies its request for accelerated approval. See letter from Michael D. Pierson, Director, Regulatory Policy, PCX, to Michael A. Walinskas, Associate Director, Division of Market Regulation ("Division"), SEC, dated August 3, 1999 ("Amendment No. 1").

⁴ See Securities Exchange Act Release No. 41774 (August 20, 1999), 64 FR 47210.

⁵ In Amendment No. 2, the Exchange provides additional details about the operation of automated openings and proposes limited use of such openings for certain issues on a pilot basis. See letter from Michael D. Pierson, Director, Regulatory Policy, PCX, to Richard Strasser, Assistant Director, Division, SEC, dated September 1, 1999 ("Amendment No. 2").

⁶ The Exchange intends to continue to employ the current (manual) procedures for closing rotations.

⁷ See PCX Rule 6.64, Comment .01(a).

⁸ See PCX Rules 6.51 and 6.64.

⁹ See PCX Rule 7.10.

¹⁰ Prior to an automated opening, the members of the trading crowd must establish a bid and offer for each series in a given issue. This occurs basically as follows: The OBO will first display a bid price and an offering price for a particular series. (These prices will have been established either by the Auto-Quote feature of POETS or by a manual process, *i.e.*, a member or members of the trading crowd will vocalize bids and offers that a Market Quote Terminal Operator will enter into the system and display on the overhead screen.) The OBO will then ask the crowd if the displayed prices are "all right" (or other words to that effect). There will then be a short window period when the displayed prices may be adjusted. While the trading crowd is establishing the market, any member may vocalize a bid or offer that improves the market, and the OBO will be required to update the market accordingly. See Amendment No. 1.

¹¹ For a more detailed description of the current and proposed processes, see Securities Exchange Act Release No. 41774 (August 20, 1999), 64 FR 47210 (August 30, 1999).

⁶ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

Corp. (DGN), and Baker Hughes Inc. (BHI). These issues, previously traded only on the PCX, now will be approved for trading on other options exchanges.

Amendment No. 2 also further details how the proposed automated openings would work during the Pilot period and beyond. First, the Exchange clarifies when manual openings will be held. Generally, a series will not be eligible for an AOR if one or more members of the trading crowd has reasonably requested a manual opening rotation in that series. The Exchange anticipates that such requests will fall into two general categories. The first category involves mergers and takeovers. The second category would cover system problems or system limitations. For example, the POETS system may be unable to generate an accurate market because it is unable to take into account the fact that a takeover will occur on the following day, and as such, the system is unable to factor in the correct model. In these situations, the series will be opened manually.

As for the provision allowing manual openings when imbalance thresholds are exceeded, the Exchange proposes to implement this provision in the following manner. Initially, each option issue will have a minimum imbalance threshold of 20 contracts. However, a Lead Market Maker in an issue may increase the imbalance threshold in that issue to a number greater than 20, but not exceeding 999 contracts (due to system constraints). The decision to change the imbalance threshold will be made pursuant to proposed Rule 6.64(b)(2)(D). Language in subsection D was previously in subsection C. The modified rule text follows. Proposed text is italicized.

(C) Series for which one or more members of the trading crowd has reasonably requested that a manual opening rotation be conducted. Two Floor Officials may deny member requests for manual opening rotations in the absence of reasonable justification for doing so.

(D) Series in which the "imbalance threshold" has been exceeded. Prior to the opening, the OBO, in conjunction with the Lead Market Maker in the issue, will set for each option issue a number of contracts that constitutes an imbalance threshold, i.e., a specific number of option contracts to buy in excess of the number of contracts to sell or a specific number of contracts to sell in excess of the number of contracts to buy. The POETS system will not automatically open any series with an imbalance exceeding the threshold for that issue.

Second, the Exchange amends the proposed rule text to explicitly provide for the manual accommodation of non-bookable orders when automated openings occur. The text of additional subsection, PCX Rule 6.64(b)(4), follows. New text is italicized.

(4) Manual Accommodations of Non-Bookable Orders. If a non-bookable order is represented in the trading crowd and disclosed to the Order Book Official prior to the opening rotation, and if the order is either a market order or a limit order with a limit price equal to the opening price of the particular series, then that order will be entitled to an execution immediately following the opening of that series as follows:

(A) If the order is a market order or limit order for a public customer, the order will be filled in its entire size by the Market Makers in the trading crowd (assuming that any contingency accompanying the order is satisfied).

(B) If the order is a limit order for a broker-dealer, the order will be entitled to be filled up to a number of contracts equal to a pro rata share of the number of contracts that the Auto-Ex system assigns to the Market Makers pursuant to subsection (3), above. If a broker is holding more than one order to trade at the same limit price, then that broker is limited to no more than one pro rata share of the number of contracts that the Auto-Ex System assigns to the Market Makers.

III. Discussion

The Commission finds that the proposed rule change relating to the establishment of a Pilot for a 30-day period is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.¹² Specifically, the Commission believes the Pilot is consistent with the Section 6(b)(5)¹³ requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and not be designed to permit unfair discrimination between customers, issuers, brokers or dealers. The proposed rule change represents an effort to facilitate the execution of orders at the opening by providing market-makers with a means of establishing electronically a single opening price. By facilitating an expedited opening of options series

¹² In approving Amendment No. 2, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹³ 15 U.S.C. 78f(b)(5).

included in the Pilot, AOR should remove an impediment to and help perfect the mechanism of a free and open market consistent with the Exchange's responsibilities under Section 6 of the Act.¹⁴ Moreover, by integrating features into AOR, such as the crossing of customer orders, and by providing procedures for handling non-bookable orders in the opening process, the Commission believes that the proposal should promote fair participation in AOR by all market participants.

The Commission finds good cause for approving the Pilot prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission notes that the Pilot will only be for a limited duration and for a limited number of issues. Thus, the Commission believes that accelerated approval of the Pilot will enable the Commission and the Exchange to gain experience with AOR before the Commission considers permanent approval of the Pilot.¹⁵

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 2, including whether Amendment No. 2 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All

¹⁴ 15 U.S.C. 78f.

¹⁵ The Commission notes the issues selected for the Pilot are newly introduced for trading on more than one exchange. ROS, an electronic opening system for the Chicago Board Options Exchange, Inc., has already received Commission approval. The Commission expects the PCX to report back on if and how the existence of automatic opening systems at multiple exchanges for newly multiply listed options affects the efficiency of trading and competition among exchanges.

Approval of the 30-day Pilot period should not be interpreted as suggesting that the Commission is predisposed to approving the proposal on a permanent basis or that the Commission is predisposed to extending the Pilot to all issues.

submissions should refer to File No. SR-PCX-99-24 and should be submitted by October 1, 1999.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,¹⁶ that the Pilot program proposed in Amendment No. 2 to SR-PCX-99-24 be and hereby is approved on an accelerated basis to expire October 1, 1999.¹⁷

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹⁸

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 99-23613 Filed 9-9-99; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-41823; File No. SR-PCX-99-04]

Self-Regulatory Organizations; Order Granting Approval of Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 4 by the Pacific Exchange, Inc. Relating to the Maximum Size of Option Orders That My Be Executed Automatically

September 1, 1999.

I. Introduction

On February 10, 1999, the Pacific Exchange, Inc. ("PCX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change amending its rules on the automatic execution of options orders to increase the maximum number of contracts that may be designated for automatic execution on an issue-by-issue basis. On February 25, 1999 the Exchange submitted Amendment No. 1 to the proposed rule change.³ On May

25, 1999 the Exchange submitted Amendment No. 2 to the proposed rule change.⁴ On July 2, 1999 the Exchange submitted Amendment No. 3 to the proposed rule change.⁵ Notice of the proposal was published in the **Federal Register** on July 22, 1999.⁶ On September 1, 1999 the Exchange filed Amendment No. 4 to the proposed rule change. The Commission received no comment on the proposal. This order approves the proposal.⁷

II. Description of the Proposal

Generally, public customer market and marketable limit orders for up to twenty options contracts may be automatically executed through the Exchange's Auto-Ex system. The Exchange proposes to change its rules on the automatic execution of equity and index option orders by increasing the maximum number of contracts that may be designated for automatic execution, on an issue-by-issue basis, to fifty contracts.⁸ The PCX proposes to

Director, Division of Market Regulation, Commission, dated February 24, 1999.

⁴ In Amendment No. 2 the Exchange proposed to add subsection (k) to PCX Rule 6.87 to address the allocation of Auto-Ex orders. See letter from Robert P. Pacileo, Staff Attorney, PCX, to Michael A. Walinskas, Associate Director, Division of Market Regulation, Commission, dated May 24, 1999.

⁵ In Amendment No. 3 the Exchange replaced the proposal in its entirety to restate and clarify the purpose of the proposal, to address technical modifications to PCX Rule 6.87 made in a separate filing with the Commission (SR-PCX-99-23), and to add a proposal to amend PCX Rule 6.86 regarding trading crowd firm disseminated market quotes. See letter from Robert P. Pacileo, Staff Attorney, PCX, to Michael A. Walinskas, Associate Director, Division of Market Regulation, Commission, dated July 1, 1999.

⁶ See Securities Exchange Act Release No. 41611 (July 9, 1999), 64 FR 39548.

⁷ In Amendment No. 4 the Exchange proposed to allow a notice and comment period for market makers and Lead Market Makers ("LMMs") subject to PCX Rule 6.87(k)(1)(C). See letter from Robert P. Pacileo, Staff Attorney, PCX, to Michael A. Walinskas, Associate Director, Division of Market Regulation, Commission, dated August 31, 1999 ("Amendment No. 4").

⁸ The Commission approved the Pacific Options Exchange Trading System ("POETS") and its Auto-Ex feature as a pilot program in January 1990. See Securities Exchange Act Release No. 27633 (January 18, 1990), 55 FR 2466 (January 24, 1990) (order approving File No. SR-PSE-89-26). On July 30, 1993, the Commission approved the program on a permanent basis. See Securities Exchange Act Release No. 32703 (July 30, 1993), 58 FR 42117 (August 6, 1993). The Auto-Ex system permits eligible market or marketable limit orders sent from member firms to be executed automatically at the displayed bid or offering price. Participating market makers are designated as a contra side to each Auto-Ex order. Participating market makers are assigned by Auto-Ex on a rotating basis, with the first market maker selected at random from the list of signed-on market makers. Auto-Ex preserves Book priority in all options. Automatic executions through Auto-Ex are currently available for public customer orders of ten contracts or less (or in certain issues, for twenty contracts or less) in all series of options traded on the Options Floor of the Exchange.

distinguish between equity and index options for matters relating to increasing the maximum number of contracts that may be designated for automatic execution.⁹ The Exchange proposes to increase the maximum size of equity option orders that the Options Floor Trading Committee ("OFTC") may designate for automatic execution in an increase from twenty to fifty contracts and to allow the OFTC to determine the size of index options orders that are eligible to be executed through Auto-Ex with a maximum order size of fifty contracts for the following Index Options: (1) The PSE Technology Index; (2) the Wilshire Small Cap Index; and (3) the Morgan Stanley Emerging Growth Index.¹⁰

In addition, the Exchange proposes to add subsection (k) to PCX Rule 6.87 to address the allocation of Auto-Ex orders. Specifically, the Exchange proposes that the OFTC will determine, on an issue-by-issue basis, the manner in which orders entered through the Auto-Ex system will be assigned to individual market makers for execution. Each market maker who is participating on the Auto-Ex system will be required to execute a maximum of ten option contracts per Auto-Ex trade, except that the OFTC may permit individual market makers and LMM to be allocated a number of contracts greater than ten and no more than fifty, upon the request of the individual market maker or LMM. Further, the Exchange proposes that, in accordance with the provision of LMMs' guaranteed participation in PCX Rule 6.82(d)92), the LMM in an issue will be required to either (i) participate in every other trade executed on Auto-Ex in that issue or (ii) participate in a percentage of every trade consistent with the amount of the LMM's guaranteed participation.

⁹ Currently, PCX Rule 6.87(c) provides: "The Options Floor Trading Committee may increase the size of Auto-Ex-eligible orders in one or more classes of multiply traded equity options to the extent that other options exchanges permit such larger-size orders in multiply traded equity options of the same class or classes to be entered into their own automated execution systems. If the Options Floor Trading Committee intends to increase the Auto-Ex order size eligibility pursuant to this subsection, the Exchange will notify the Securities and Exchange Commission pursuant to Section 19(b)(3)(A) of the Exchange Act." In addition, PCX Rule 6.28(9) provides that the Exchange may increase the permissible size of orders that may be automatically executed over the Auto-Ex system to up to 50 contracts only during high volume or high volatility emergency situations. See Securities Exchange Act Release No. 41481 (June 4, 1999), 64 FR 31674 (June 11, 1999).

¹⁰ The PCX Technology Department has confirmed that POETS is capable of, and has the capacity to, execute trade at 50-up on an issue-by-issue basis, which can equate to floor-wide 50-up if done for all issues.

¹⁶ 15 U.S.C. 78s(b)(2).

¹⁷ In approving Amendment No. 2, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹⁸ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ In Amendment No. 1 the Exchange proposed to set the maximum order size for execution through its Automatic Execution System ("Auto-Ex") for equity options and for index options on the PSE Technology Index, the Wilshire Small Cap Index, and the Morgan Stanley Emerging Growth Index at fifty contracts. Additionally, in Amendment No. 1 the PCX withdrew SR-PCX-99-05, which was filed with the Commission on February 22, 1999. See Letter from Robert P. Pacileo, Staff Attorney, PCX, to Michael A. Walinskas, Deputy Associate

The Exchange also proposes that the OFTC may require market makers or an LMM who is participating on Auto-Ex in a particular issue to execute a number of contracts greater than ten. Before doing so, however, the OFTC must take into account whether this would place a market maker at undue risk based on that market maker's capitalization. In addition, prior to imposing any requirement to increase to a number of contracts greater than ten under proposed PCX Rule 6.87(k)(1)(C), the Exchange proposes to allow market makers and LMMs a one-day notice and comment period to express their views and opinions on the proposed increase.¹¹

The Exchange proposes that the OFTC seek to assure that each market maker participating on Auto-Ex in a particular issue will be assigned up to the same maximum number of option contracts per Auto-Ex trade. The OFTC may permit exceptions to this procedure only in unusual situations where the OFTC finds good cause for permitting differences in the maximum number of contracts executed by individual market makers.

The Exchange believes that these changes will help it to meet the changing needs of customers in the market place and give the Exchange better means of competing with other options exchanges for order flow, particularly in multiply traded issues. The exchange also believes that the proposal will allow the Exchange to enhance its operational efficiency, particularly during times when large influxes of manual orders create undue congestion in particular trading crowds.

The Exchange also proposes to amend PCX Rule 6.86, governing trading crowd firm disseminated market quotes. Specifically, the Exchange proposes to add subsection (g) to PCX Rule 6.86 to require that, if the OFTC determines, pursuant to PCX Rule 6.87(b), the size of orders in an issue that are eligible to be executed on Auto-Ex will be greater than twenty contracts, then the trading crowd will be required to provide a market depth in that greater amount. The exchange proposes this rule change to update, clarify and keep consistent PCX rules governing size of market orders and market depth.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national

securities exchange.¹² The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 of the Act.¹³ Section 6(b)(5)¹⁴ of the Act states that the rules of an exchange must be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating securities transactions. These rules also must help to remove impediments to and perfect the mechanism of a free and open market.

Moreover, the Commission finds good cause for approving Amendment No. 4 prior to the 30th day after notice of the Amendment is published in the **Federal Register** pursuant to Section 19(b)(2) of the Act.¹⁵ Amendment No. 4 provides that market makers or LMMs must receive notice and the opportunity to comment prior to an OFTC requirement to execute a number of contracts greater than ten under proposed PCX Rule 6.87(k)(1)(C). The Commission finds that accelerated approval of Amendment No. 4 is appropriate due to the immediate need for market makers and LMMs to be informed of and comment on any proposed requirement to execute an increased number of contracts on Auto-Ex.

The Commission does not object at this time to extending the benefits available through the use of the Exchange's Auto-Ex system to larger-size customer orders up to 50 contracts. The Commission believes that increasing to 50 the number of option contracts executable through the Exchange's Auto-Ex order execution system will enable the Exchange to more effectively and efficiently manage increased order flow in actively traded option classes consistent with its obligations under the Act. In addition, this increase should bring to speed and efficiency of automated execution to a greater number of retail orders. We also believe that the PCX should have flexibility to compete for order flow with other exchanges without being limited to responding to increases in automatic execution eligibility levels initiated by those other exchanges. The Commission notes that it has approved similar proposals by other exchanges that increased to fifty the maximum size

of orders that may be executed automatically.¹⁶

The Commission believes, based on representations by the Exchange, that the increase will not expose the Exchange's Auto-Ex system to risk of failure or operational break-down. Our approval of this increase is expressly conditioned on PCX's representation that its systems capacity is sufficient to accommodate the increased number of automatic executions anticipated to result from implementation of this proposal.¹⁷

Although we have a degree of comfort with respect to the proposed increase, we note that any proposed increases above fifty contracts may raise additional issues, including such matters as market maker financial exposure, price improvement, and quote dissemination. Because of these concerns, the Commission welcomes the opportunity to review the Exchange's experience with any increase in maximum order size to fifty contracts. If, in the future, exchanges seek to increase order size levels above fifty contracts, this examination will help us assess whether any such increases are appropriate and, if so, whether we should seek additional assurances regarding such increases.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 4, including whether it 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 Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR-PCX-99-04 and should be submitted by October 1, 1999.

¹² The Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

¹³ 15 U.S.C. 78f.

¹⁴ 15 U.S.C. 78f(b)(5).

¹⁵ 15 U.S.C. 78s(b)(2).

¹⁶ See Securities Exchange Act Release No. 36601 (December 18, 1995), 60 FR 66817 (December 26, 1995) (SR-PHLX-95-39) and Securities Exchange Act Release No. 41821 (September 1, 1999) (SR-CBOE-99-17).

¹⁷ See *supra* note 10.

¹¹ See Amendment No. 4, *supra* note 7.

V. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(5).¹⁸

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,¹⁹ that the proposed rule change (SR-PCX-99-04) is approved; and that Amendment No. 4 is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²⁰

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99-23614 Filed 9-9-99; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intention to request approval on a new and/or currently approved information collection.

DATES: Submit comments on or before November 9, 1999.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Mr. Charles Thomas, Small Business Administration, Office of Financial Assistance, 409 3rd Street SW., Suite 8300, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Charles Thomas, Financial Assistance, 202-205-6656 or Curtis B. Rich, Management Analyst, 202-205-7030.

SUPPLEMENTARY INFORMATION:

Title: SBAExpress/Community Express Borrower Information Form.
Type of Request: New Information Collection.

Form No: SBA Form 1919.
Description of Respondents: Borrowers.

Annual Responses: 12,000.
Annual Burden: 4,800.

Title: Request for SBAExpress/Community Express Loan Number.

Type of Request: New Information Collection.

Form Number: SBA Form 1920.

Description of Respondents: Lenders/Borrowers.

Annual Responses: 12,000.

Annual Burden: 1,200.

Title: Eligibility Information Required for SBAExpress/Community Express Submission.

Type of Request: New Information Collection.

Form Number: SBA Form 2092.

Description of Respondents: Lenders/Borrowers.

Annual Responses: 12,000.

Annual Burden: 12,000.

Title: Supplemental Information for PLP Express/Community Express Processing.

Type of Request: New Information Collection.

Form Number: SBA Form 2093.

Description of Respondents: Lenders/Borrowers.

Annual Responses: 12,000.

Annual Burden: 4,800.

Dated: September 3, 1999.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 99-23496 Filed 9-9-99; 8:45 am]

BILLING CODE 8025-01-P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

North American Free Trade Agreement: Sanitary and Phytosanitary Committee

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of public meeting and request for comments.

SUMMARY: In accordance with legislation implementing the North American Free Trade Agreement, we are informing the public of a meeting to be held Tuesday, September 21, 1999 at the U.S. Department of Agriculture (USDA) in Washington, D.C. The purpose of this meeting is to solicit public comment on proposed agenda items for the next scheduled meeting of the North American Free Trade Agreement (NAFTA) Sanitary and Phytosanitary (SPS) Committee, November 2-3, 1999, in Ottawa, Canada. It is also to seek public input in identifying any new issues of concern that should be considered for the agenda. Representatives from each of the SPS Committee's eight Technical Working Groups (TWGs) will also be present to

apprise the public of each TWG's progress and to respond to questions.

The November meeting will be the Eighth Meeting of the NAFTA SPS Committee and will include co-chairs or other representatives from the TWGs that report to the Committee. The purpose of the NAFTA SPS Committee is to address sanitary and phytosanitary trade issues affecting the entry of agricultural products among the three member countries.

DATES: The public meeting date will take place Tuesday, September 21, 1999, 9:00 a.m. to 11:00 a.m., USDA South Building (at the back of USDA cafeteria, 1st floor), 14th Street and Independence Avenue, SW, Washington, DC. Written comments should be submitted by September 16, 1999.

FOR FURTHER INFORMATION CONTACT: Carolyn T. Cohen, Foreign Agricultural Service, International Trade Policy, Food Safety and Technical Services Division, Room 5545, South Building, 14th Street and Independence Avenue SW, Washington DC, 20250, (202) 720-1301; or e-mail ofsts@fas.usda.gov.

SUPPLEMENTARY INFORMATION: In accordance with Article 722 of NAFTA, the NAFTA SPS Committee is responsible for facilitating: (a) the enhancement of food safety and sanitary and phytosanitary conditions in the territories of the parties; (b) activities of the Parties pursuant to Articles 713 and 714 relating respectively to international standards and equivalence; (c) technical cooperation; and (d) consultation on specific bilateral issues. An SPS issue can be raised by any party and is sent to the Committee for consideration. The Committee will either consider the matter itself or refer the issue to an individual, working group or relevant standard setting organization for technical advice.

Since the entry into force of NAFTA on January 1, 1994, the NAFTA SPS Committee has met on seven separate occasions: March 24, 1994, in Washington, DC; October 6, 1994, in Washington, DC; September 21, 1995, in Mexico City; February 14, 1996, in Mexico City; June 20, 1996, in Ottawa; November 18-19, 1997, in Washington, DC; and November 4-5, 1998, in Mexico City. The Committee meets at least once a year with meetings rotating among the three countries. Starting in 1998, the dates for meetings of the NAFTA SPS Committee are fixed for the first week in November. Each TWG is to send at least one representative to the annual Committee meeting to report on its progress and activity. The eight TWGs under the NAFTA SPS Committee and their points of contacts are as follows:

¹⁸ 15 U.S.C. 78f(b)(5).

¹⁹ 15 U.S.C. 78s(b)(2).

²⁰ 17 CFR 200.30-3(a)(12).

1. Animal Health

A. Point of Contact: Dr. Alfonso Torres, Animal and Plant Health Inspection Service (APHIS), USDA.

B. Status: Bilateral working groups exist within the larger TWG. The North American Animal Health Committee is a trilateral forum.

C. Work in Progress: 1. Harmonization of veterinary biologics licensing processes and standardization of import policies; and 2. Establishing a regional approach on transmissible spongiform encephalopathies (TSEs).

D. Future Work Plan: The North American Animal Health Meeting issues: 1. Harmonization of diagnostic services; 2. common approach for disease freedom recognition; 3. emergency preparedness; 4. approach to evaluate the veterinary services within member countries; 5. North American interaction with OIE; and, 6. management of the North American FMD vaccine bank.

E. Meeting Schedule: The North American Animal Health Committee has been meeting since 1972. The 29th Annual Tripartite meeting took place in Victoria, Canada, on April 20–22, 1999. The next meeting is scheduled for April, 10–14, 2000 in Oaxaca, Mexico.

2. Plant Health, Seeds & Fertilizers

A. Point of Contact: Mr. Ronald Campbell, Phytosanitary Issues Management, APHIS/USDA.

B. Status: Annual bilateral plant protection meetings are held in addition to the North American Plant Protection Organization (NAPPO) which is trilateral.

C. Work in Progress: 1. Harmonization of Japanese beetle regulations; 2. Developing harmonized approach to Asian & European Gypsy Moth; 3. Equivalency of Greenhouse certification; 4. Recognition of accredited laboratories for seed certification; and, 5. Panels on Accreditation, Biological Control, Biotechnology, Citrus, Forestry, Fruit Flies, Grapevines, Grains, Fruit Trees, Pest Risk Analysis, Potatoes, and Standards, to discuss issues of mutual concern in each area.

D. Future Work Plan: 1. Recognition of private laboratories; and 2. NAPPO's priorities for international standards: Regulated non-quarantine pests, Pest Risk Assessments for Quarantine pests, Phytosanitary certificates, Regulated pest lists, Notifications of interceptions and non-compliance, and Wood Dunnage.

E. Meeting Schedule: The 23rd Annual NAPPO meeting will be in Cancun, Mexico, from October 18–22, 1999. There are 3 NAPPO Working

Group meetings and 3 NAPPO Executive Committee Meetings per year. Each panel meets at least once during the year.

3. Fish & Fishery Product Inspection

A. Point of Contact: Dr. Philip Spiller, Office of Seafood, Food and Drug Administration (FDA).

B. Status: This TWG is trilateral and last met March 4–5, 1998 in San Antonio, Texas.

C. Issues Addressed to Date: 1. Development of US-Canada Mutual Recognition Agreement on seafood inspection; 2. Exchange of letters between US and Canada regarding seafood HACCP and inspection; 3. Negotiation of US-Canada equivalence agreement regarding molluscan shellfish inspection programs; 4. Development of criteria for seafood equivalence determination as part of the process for reaching an agreement; and, 5. Approaches for training and accreditation in HACCP/QMP audit and verification.

D. Future Work Plan: 1. Continuation of MRA/Equivalence discussions; 2. Development of a joint protocol on how to conduct audits of inspection systems; 3. Continuation of the work of the SWG on Essential Quality and Composition; and 4. Establishment of "North American Centers of Expertise" that would see Canada, Mexico and the United States potentially combine their efforts on various studies and research development initiatives.

E. Meeting Schedule: The TWG meets annually with the next meeting scheduled for October 1999 in Halifax, Canada.

4. Meat, Poultry & Egg Inspection

A. Point of Contact: Dr. John C. Prucha, Food Safety Inspection Service, USDA.

B. Status: This TWG is trilateral and has met eight times over the last four years.

C. Work in Progress: 1. Achieving and maintaining equivalency; 2. Exchange of information on proposed changes; 3. Exchange of information on foreign system and establishment reviews; 4. Finalizing USDA's position recognizing Mexico's poultry system as equivalent; and 5. Exchange of information on import reinspection procedures, including import inspection standards and inspection procedure for residues of chemical contaminants.

D. Future Work Plan: 1. Harmonization of inspection procedures; 2. Examination of health certificates; 3. Technical Subgroup addressing technical inspection matters; activity report presented at each

meeting; and, 4. Coordination of planning & implementation of changes.

E. Meeting Schedule: This TWG meets approximately twice a year, depending on the availability of its members. It plans to meet again in the fall or winter 1999/2000.

5. Dairy, Fruits, Vegetables and Processed Foods

A. Point of Contact: Dr. Terry Troxell, Office of Plant & Dairy Foods & Beverages, FDA.

B. Status: This TWG is bilateral (US-Canada), as representatives have not yet been identified by Mexico.

C. Issues Addressed to Date: 1. Discussion of equivalence of US-Canada Grade A dairy inspection systems; and 2. Harmonization of US-Canada potato grade system.

D. Future Work Plan: 1. Continuation of Equivalence Discussions, and 2. Full integration of Mexico into the TWG.

E. Meeting Schedule: The first and only meeting of the TWG was in November 1997. A specific date has not been set for a future meeting.

6. Veterinary Drugs & Feed

A. Point of Contact: Dr. Robert Livingstone, Center for Veterinary Medicine, FDA.

B. Status: This TWG is bilateral (US-Canada), as a representatives has not been identified by Mexico. This TWG last met in 1995.

C. Issues Addressed to Date: 1. Methods harmonization; 2. Discussions of equivalence of registration systems; and, 3. Coordination with corresponding Codex activities.

D. Future Work Plan: 1. Equivalence of analytical methods for drug residues; and 2. Integration of Mexico into the TWG.

E. Meeting Schedule: None scheduled at this time.

7. Food Additives and Contaminants

A. Point of Contact: Dr. Alan Rulis, Office of Pre-Market Approval, FDA.

B. Status: This TWG is trilateral.

C. Issues Addressed to Date: 1. Harmonization of US-Canada food additive regulations; and, 2. Discussion of issues and positions for the Codex Committee on Food Additives & Contaminants (CCFAC).

D. Future Work Plan: 1. Development of joint positions for the CCFAC; and, 2. Further exploration of potential for joint reviews of food additives petitions.

E. Meeting Schedule: This TWG last met January 19–20, 1998 in Mexico City. The next session for this TWG has not been scheduled.

8. Pesticides

A. Point of Contact: Ms. Marcia Mulkey, Office of Pesticide Programs, Environmental Protection Agency.

B. Status: This TWG is trilateral, consisting of an Executive Board, a Secretariat, Technical Subcommittee and Project Teams. This TWG last met May 24–26, 1999 in San Antonio, Texas.

C. Issues Addressed to Date: 1. Completed four US/Canada joint reviews (three reduced risk pesticides and one pheromone); 2. Focused cooperative work to reevaluate and reregister older chemical pesticides on organophosphates, carbamates, and B2 carcinogens and agreed to share information on the associated tolerance reassessment process to minimize trade problems; 3. Developed clear categories to trade irritants and a procedure and priority scheme for their resolution; 4. Harmonized 17 environmental fate and toxicology protocols; 5. Completed a prototype ecoregion map that will lead to reduced data development costs for terrestrial field studies; 6. Coordinated development of field residue data among NAFTA countries to support registration of pesticides for minor crops; and 7. Developed stakeholder projects to promote Integrated Pest Management (IPM) strategies for canola and cranberries.

D. Future Work Plan: 1. Develop and implement strategic plan for communicating areas of pesticide regulatory harmonization; 2. Work with the Departments of Agriculture, growers, and industry to identify and prioritize registration needs in NAFTA countries to facilitate equal access to pesticides and avoid potential agricultural impediments to trade; 3. Investigate the impact of EPA's emergency use exemption program on Mexican/Canadian growers; 4. Complete the first trinational review of a pesticide (zoxamide) for use on grapes and potatoes; 5. Work cooperatively to reevaluate and reregister older chemical pesticides; 6. Work toward a harmonized approach to pesticide certification and training; 7. Share information and explore how NAFTA countries might work together on the evaluation and regulation of persistent, bioaccumulative, and toxic substances and endocrine disrupting chemicals; and, 8. Increase interaction between the TWG on Pesticides and the US-Mexico Pesticide Information Exchange Program.

E. Meeting Schedule: The full TWG, which includes stakeholder participation, meets annually. The Executive Board meets formally two times per year. The TWG Executive

Board will meet in January 2000 in Mexico City. The full TWG will have its annual meeting in June 2000 in Ottawa.

Public Meeting

The public meeting date will take place Tuesday, September 21, 1999, 9:00 a.m. to 11:00 a.m., USDA South Building (at the back of USDA cafeteria, 1st floor), 14th Street and Independence Avenue, SW, Washington, DC.

Written Comments

Those persons wishing to submit written comments should provide five (5) typed copies to John Payne, Director for SPS Affairs, Office of the United States Trade Representative, 600 17th St., NW, Room 421; Washington, DC 20508. If the submission contains business confidential information, five copies of a confidential version must also be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked "Confidential" at the top and bottom of the cover page (or letter) and of each succeeding page of the submission. The version that does not contain confidential information should also be clearly marked, at the top and bottom of each page, "public version" or "non-confidential."

Written comments submitted in connection with this request, except for information granted "business confidential" status pursuant to 15 CFR 2003.6, will be available for public inspection in the USTR Reading Room, Room 101, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC. An appointment to review the file may be made by calling Brenda Webb (202) 395-6186. The Reading Room is open to the public from 9:30 a.m. to 12 noon, and from 1 p.m. to 4 p.m., Monday through Friday.

Frederick L. Montgomery,
Chairman, Trade Policy Staff Committee.
[FR Doc. 99-23623 Filed 9-9-99; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Office of The Secretary

[Docket No. OST-95-246]

North American Free Trade Agreement's Land Transportation Standards Subcommittee and Transportation Consultative Group: Annual Plenary Session

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice (1) announces the sixth joint annual plenary session of the North American Free Trade Agreement's (NAFTA) Land Transportation Standards Subcommittee (LTSS) and the Transportation Consultative Group (TCG) and other related meetings; and (2) invites representatives of non-governmental entities with an interest in land transportation issues to participate in a listening session immediately preceding the plenary meeting and to attend a briefing at a later date. Only U.S., Canadian, and Mexican government officials may attend the plenary and working group meetings.

Background

The Land Transportation Standards Subcommittee (LTSS) was established by the North American Free Trade Agreement's (NAFTA) Committee on Standards-Related Measures to examine the land transportation regulatory regimes in the United States, Canada, and Mexico, and to seek to make certain standards more compatible. The Transportation Consultative Group (TCG) was formed by the three countries' departments of transportation to address non-standards-related issues that affect cross-border movements among the countries, but that are not included in the NAFTA's LTSS work program (Annex 913.5.a-1).

Meetings and Deadlines

The sixth joint annual LTSS/TCG plenary session will be held from October 25 to 28, 1999, at the Hilton Baltimore and Towers, 20 West Baltimore Street, Baltimore, Maryland 21201. The following LTSS working groups will meet during the same week and at the same location: (1) Compliance and Driver and Vehicle Standards; (2) Vehicle Weights and Dimensions; and (3) Hazardous Materials Transportation Standards. Similarly, the following TCG working groups are expected to meet: (1) Cross-Border Operations and Facilitation; (2) Rail Safety and Economic Issues; (3) Automated Data Exchange; (4) Science and Technology; and (5) Maritime and Ports Policy.

Also at the same Baltimore site, on October 25, 1999, from 2:00 p.m. to 5:00 p.m., a listening session will be held for representatives of the truck, bus, and rail industries, transportation labor unions, brokers and shippers, chemical manufacturers, insurance industry, public safety advocates, and others who have notified us of their interest to attend and have submitted copies of their presentations, in English and

Spanish, to the address below by October 12, 1999. This is an opportunity for presenters to voice their concerns, provide technical information, and offer suggestions relevant to achieving greater standards compatibility and improving cross-border trade. While written statements may be of any length, oral presentations will be limited to 10 minutes per presenter. After October 12, statements may be submitted for the record, and requests to present oral comments at the listening session will be accommodated only on a time-available basis.

Although participation in the LTSS and TCG plenary and working group meetings is limited to government officials only, representatives of non-governmental entities also are invited to take part in parallel topical discussions, visits to transport facilities, and a final briefing by the heads of the U.S., Canadian, and Mexican delegations to be held on October 28.

Hotel reservations may be arranged by calling the Hilton Baltimore and Towers directly at 1-800-445-8667 or 1-888-466-4644, by electronic mail at www.hilton.com. In order to ensure that they receive the special group rate for guest rooms, callers must identify themselves as delegates to the NAFTA LTSS Conference and make their reservations by September 20, 1999.

A briefing to report on the outcome of the Baltimore meetings will be conducted at DOT at the address below, in Room 3200-04, on November 30, 1999, from 10:00 a.m. to noon. Interested parties may notify DOT of their interest to attend this briefing by calling (202) 366-2892 by November 26.

SUPPLEMENTARY INFORMATION: LTSS-related documents, including past working group reports and statements received by DOT from industry associations, transportation labor unions, public safety advocates, and others are available for review in Docket No. OST-95-246, at the address below, Room PL-401, between 9:00 a.m. and 5:00 p.m., e.s.t., Monday through Friday, except national holidays. The Docket, which is updated periodically, may also be accessed electronically at <http://dms.dot.gov>.

Address and Phone Numbers

Individuals and organizations interested in participating in the listening session on October 25, 1999 must send notice of their interest and copies of their presentations by October 12 to Maria Lameiro, U.S. Department of Transportation, OST/X-20, Room 10300, 400 Seventh Street, SW., Washington, DC 20590. Respondents may also send information by fax at

(202) 366-7417. For additional information, call (202) 366-2892.

Dated: September 3, 1999.

Bernestine Allen,

Acting Director, Office of International Transportation and Trade.

[FR Doc. 99-23517 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-62-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Reopening of the Public Comment Period Regarding the Receipt of Noise Compatibility Program and Request for Review; Anchorage International Airport, Anchorage, Alaska

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Reopening of comment period.

SUMMARY: The Alaskan Region of the Federal Aviation Administration (FAA) announces it has reopened the public comment period regarding the Receipt of Noise Compatibility Program and Request for Review, submitted under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 and 14 CFR Part 150, for Anchorage International Airport, Anchorage, Alaska to allow additional opportunity for public review and comment.

Interested agencies and persons are invited to submit written comments regarding the noise compatibility program.

DATES: In order to be considered, written comments must be received on or before October 6, 1999.

ADDRESSES: Send comments to Ms. Patricia A. Sullivan, Federal Aviation Administration, Airports Division, AAL-600, 222 West 7th Avenue, #14, Anchorage, Alaska, 99513.

Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617 Washington, DC 20591.

Federal Aviation Administration, Alaskan Region, Airports Division, AAL-600, 222 West 7th Avenue, #14, Anchorage, Alaska 99513.

Maryellen Tuttell, Noise Program Manager, Anchorage International Airport, P.O. Box 196960, Anchorage, Alaska 99519-6960.

Issued in Anchorage, Alaska on August 31, 1999.

Ronnie V. Simpson,

Manager, Airports Division, AAL-600, Alaskan Region.

[FR Doc. 99-23519 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at St. Cloud Regional Airport, St. Cloud, Minnesota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at St. Cloud Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before October 12, 1999.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota 55450-2706.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Brian D. Ryks, Airport Manager, of the City of St. Cloud at the following address: St. Cloud Regional Airport, 1550 45th Avenue SE, St. Cloud, Minnesota 56304-9535.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the City of St. Cloud under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A. Huber, Assistant Manager, Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, Minnesota, 55450, telephone (612) 713-4357. The application may be viewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at St. Cloud Regional Airport under the

provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On August 17, 1999, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City of St. Cloud was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than December 11, 1999.

The following is a brief overview of the application.

PFC application number: 99-01-C-000-STC.

Level of the proposed PFC: \$3.00.

Proposed charge effective date: February 1, 2000.

Proposed charge expiration date: August 1, 2020.

Total estimated PFC revenue: \$1,197,200.000.

Brief description of proposed projects: electrical revisions, airline terminal design services, airport issues study, airline terminal building, electrical improvements, snow removal equipment building addition, aircraft rescue and firefighting vehicle and braking meter, snow removal equipment with radios, security fencing, airport master plan update, and aircraft rescue and firefighting building construction, PFC application administration costs.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Ambulance Operators.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the St. Cloud Regional Airport Manager's Office.

Issued in Des Plaines, Illinois, on September 1, 1999.

Cameron Bryan,

Acting Manager, Planning/Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 99-23518 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Federal Highway Administration

Environmental Impact Statement on Transportation Improvements Within the Roosevelt Boulevard Corridor in Philadelphia, Pennsylvania

AGENCY: Federal Transit Administration and Federal Highway Administration, USDOT.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) as federal co-lead agencies, in cooperation with the Pennsylvania Department of Transportation, the City of Philadelphia and the Southeastern Pennsylvania Transportation Authority (SEPTA) as local lead agencies, are issuing this notice to advise interested agencies and the public that an environmental impact statement (EIS) may be prepared for transportation improvements in the Roosevelt Boulevard Corridor in Philadelphia, Pennsylvania. The Philadelphia City Planning Commission, the Mayor's Office of Transportation, and SEPTA are undertaking a Transportation Investment Study (TIS) to consider solutions to the problems of capacity and quality of transportation in the Roosevelt Boulevard Corridor which is marked by congestion and long travel times, especially for public transit riders. The TIS will include the NEPA scoping process, the identification and evaluation of design concept and scope alternatives, and the selection of a preferred alternative or alternatives. Subsequently, if an EIS is prepared, alternative alignments and designs that are consistent with the selected design concept and scope will be addressed in that document. Sponsorship of the EIS will depend on the outcome of the TIS and the alternatives remaining under evaluation. It is important to note that a final decision to prepare an EIS has not been made at this time. This decision will be made at the end of the TIS and will depend upon the nature of the selected concept and its expected impacts.

DATES: Comment Due Date: Written comments on the scope of the alternatives and impacts to be considered should be sent to Andrew Lenton, Project Manager, Philadelphia City Planning Commission, by October 15, 1999. See **ADDRESSES** below. *Scoping Meetings:* Public scoping meetings will be held on Wednesday, September 22,

1999 and Thursday, September 23, 1999, from 7:00 p.m. to 9:00 p.m. See **ADDRESSES** below.

ADDRESSES: Written comments on the scope should be sent to Andrew Lenton, Project Manager, Philadelphia City Planning Commission, 1 Parkway Building, 13th floor, 1515 Arch Street, Philadelphia, PA 19102. Scoping meetings will be held at the following locations:

Public Scoping Meeting #1

Wednesday, September 22, 1999, from 7:00 p.m. to 9:00 p.m., Frankford Group Ministries, Main Meeting Room, Orthodox & Griscom Streets, Philadelphia, PA 19124

Public Scoping Meeting #2

Thursday, September 23, 1999, from 7:00 p.m. to 9:00 p.m., Nazareth Hospital, Physician's Office Building (P.O.B.), 2601 Holme Avenue, Philadelphia, PA 19152.

FOR FURTHER INFORMATION CONTACT: John T. Garrity, Federal Transit Administration, or Carmine M. Fiscina, Federal Highway Administration, at (215) 656-7070.

SUPPLEMENTARY INFORMATION:

I. Scoping

Public scoping meetings will be hosted by the Philadelphia City Planning Commission (PCPC), the Mayor's Office of Transportation (MOT) and the Southeast Pennsylvania Transit Authority (SEPTA) on Wednesday, September 22, 1999, and Thursday, September 23, 1999, between 7:00 p.m. and 9:00 p.m. See **ADDRESSES** above. FTA, FHWA, PCPC, MOT and SEPTA invite interested individuals, organizations and public agencies to attend the scoping meetings and participate in establishing the purpose, alternatives, time framework and analysis approach, as well as an active public involvement program. The public is invited to comment on the alternatives currently proposed and to suggest additional alternatives which are more cost effective or which have less environmental impact while achieving similar transportation objectives. Comments should address the modes and technologies to be evaluated, the alignments and termination points to be considered, the environmental, social and economic impacts to be analyzed, and the evaluation approach to be used to select a locally preferred alternative.

To ensure that a full range of issues is addressed and all significant issues identified, comments and suggestions are invited from all interested parties.

Comments may be provided at the public scoping meetings, verbally and/or in writing. Comments or questions can also be directed to the PCPC (See ADDRESSES above.), or via e-mail to netis@libertynet.org or via telephone to (215) 790-3140. People with special needs should call Andrew Lenton at (215) 683-6429. The Nazareth Hospital site is accessible to people with disabilities.

An information packet is available which describes the purpose of the project, the possible alternatives, the impact areas to be evaluated, the citizen involvement program, and the schedule. The packet will be available at the public scoping meetings. It is also being mailed to affected federal, state and local agencies and to interested parties on record. Others may request the scoping materials by contacting Andrew Lenton, Project Manager, Philadelphia City Planning Commission. See ADDRESSES above.

II. Description of Study Area and its Transportation Needs

The Roosevelt Boulevard Corridor is located in the Northeast portion of Philadelphia, extending approximately 14 miles from Broad Street to the Philadelphia City Line. The Corridor is approximately one mile wide (width varies according to impact under consideration). It serves an area that includes some 400,000 residents of Northeast Philadelphia, including areas adjacent to Bucks and Montgomery Counties, and communities toward Center City, such as Olney, Feltonville, Hunting Park and Logan. Major attractors in the corridor include One & Olney Square, the Friends Hospital, Metropolitan Hospital, Northeast Tower Center, Rising Sun Plaza, Frankford Stadium, the future Frankford Transportation Center, Oxford Circle, the Northeast Regional Library, Roosevelt Mall, Nazareth Hospital, Evangelical and Baptist Homes, the Northeast Shopping Center, Northeast Philadelphia Airport, the Red Lion Shopping Center, the Swenson Skills Center, the Northeast Industrial Park, Boulevard Plaza, Byberry East Industrial Park, Community College of Philadelphia, and the Neshaminy Interplex Business Center. Environmental features include Hunting Park, Tacony Creek, Pennypack Creek, Pennypack Park, and Poquessing Creek.

The area is currently served or crossed by taxicab services, 27 bus routes, the R8 Fox Chase Regional Rail line and the termini of the Market-Frankford Subway-Elevated and the Broad Street Subway lines. Roosevelt Boulevard itself is a right of way nearly

200 feet wide in many sections. It is an attractive parkway with three express lanes and three local lanes in each direction. Traffic may move between the local and express lanes via slip ramps. The Boulevard itself crosses most intersections at grade, but at Oxford Circle, Pennypack Circle and Cottman Avenue, the express lanes are depressed below grade and continue through without grade crossings. The Boulevard serves as the main transportation spine of Northeast Philadelphia.

Travelers in the Boulevard Corridor presently experience quite long travel times, particularly by public transportation. The capacity and quality of transportation have not increased in proportion to the recent growth of population and employment in the corridor. Motorist and pedestrian safety also are primary concerns in the Corridor. Air quality tops the list of general concerns, because of the Philadelphia region's non-attainment of EPA air quality standards. Finally, the changing nature of land uses continues to further separate employment from residential locations, particularly for mobility-constrained households. The Northeast spine therefore presents a considerable need for transportation improvement.

III. Alternatives

It is expected that the scoping meeting and written comments will be a major source of candidate alternatives for consideration in the study. The following briefly describes the general alternatives that are suggested for consideration along the Corridor:

- *No Project.* Certain transportation improvement projects already slated for construction, such as the Woodhaven Expressway Extension and I-95 reconstruction, would proceed. However, no major improvements would occur in the Boulevard Corridor.

- *Transportation System Management (TSM).* TSM would involve making operational and low cost capital improvements to existing roadways and transit facilities. Pursuing this alternative could result in options such as enhancing bus service in the corridor, changing the design and operation of intersections, and improving bus stop waiting areas.

- *Additional Grade Separations.* Additional underpasses—similar to the one at Cottman Avenue—could address the Corridor's transportation needs.

- *Expressway.* This concept would lower the inner travel lanes below the cross streets.

- *Busway.* An exclusive travel lane for limited stop express buses could be implemented along the Boulevard.

- *Light Metro.* Under this concept, rail vehicles would operate at street level along the Boulevard median as an extension of the Broad Street Subway, crossing intersections at grade along the Boulevard. The vehicles would draw electricity from a third rail while in the subway and from overhead wires while on the Boulevard.

- *Broad Street Extension.* The Broad Street Line would extend up the Boulevard from Broad-Erie Station as either a subway or a modern elevated line.

- *Broad Street Extension with Expressway.* The Broad Street Line would operate in the median of the expressway described earlier.

- *Market-Frankford Extension.* The Market-Frankford Line would extend from Frankford Terminal along Bustleton Avenue, and from that point follow the Boulevard alignment. The line could operate as a subway or a modern elevated.

- *Market-Frankford Extension with Expressway.* From Bustleton Avenue northward, the Market-Frankford Line extension could operate in the median of the expressway described earlier.

- *Broad Street Extension with a One-Station Market-Frankford Extension.* In this suggested concept, the Broad Street Line would extend as a subway or elevated, as described above, and would meet a short extension of the Market-Frankford Line.

- *New York Short Line.* Either Broad Street Subway service or the Regional Rail network would be extended along the western portion of the study area, sharing the right-of-way of an existing freight railroad.

Based on public input received during scoping, variations of the above alternatives and additional alternatives suggested during scoping, as well as other transportation-related improvement options, both transit and non-transit, will be considered for the Roosevelt Boulevard Corridor.

IV. Probable Effects

Most of the Corridor runs through densely populated residential neighborhoods, with row homes facing the Boulevard. Also, the Boulevard is an attractive, tree-lined parkway. Issues and impacts to be considered during the study include potential changes to: the physical environment (air quality, noise and vibration, water quality, aesthetics, etc.); the social environment (land use, development, neighborhoods, job accessibility, etc.); parklands and historic resources; transportation system performance, including vehicular and pedestrian circulation and parking; capital, operating and maintenance

costs; financial resources available and financial impact. Evaluation criteria will include consideration of the local goals and objectives established for the study, measures of effectiveness identified during scoping, and criteria established by FTA for "New Start" transit projects.

Issued on: September 7, 1999.

Sheldon A. Kinbar,

Regional Administrator, FTA.

Carmine M. Fiscina,

Technology and Safety Engineer, FHWA.

[FR Doc. 99-23615 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-57-P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Advisory Council on Transportation Statistics

AGENCY: Bureau of Transportation Statistics.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to Section 10(A)(2) of the Federal Advisory Committee Act (Public law 72-363; 5 U.S.C. App.2) notice is hereby given of a meeting of the Bureau of Transportation Statistics (BTS) Advisory Council on Transportation Statistics (ACTS) to be held Friday, September 17, 1999, 10:00 to 4:00 p.m. The meeting will take place at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC in conference room 3328 of the Nassif Building.

The Advisory Council, called for under Section 6007 of Public law 102-240, Intermodal Surface Transportation Efficiency Act of 1991, December 18, 1991, and chartered on June 19, 1995, was created to advise the Director of BTS on transportation statistics and analyses, including whether or not the statistics and analysis disseminated by the Bureau are of high quality and are based upon the best available objective information.

The agenda for this meeting will include an introduction of a new Advisory Council member, Director's programs update, BTS strategic plan, review of staffing, discussion of customer service outreach and marketing, report on focus groups held on BTS publications, update on safety conferences, identification of substantive issues, review of plans and schedule, other items of interest, discussion and agreement of date(s) for

subsequent meetings, and comments from the floor.

Since access to the DOT building is controlled, all persons who plan to attend the meeting must notify Ms. Lillian "Pidge" Chapman, Council Liaison, on (202) 366-1270 prior to September 15. Attendance is open to the interested public but limited to space available. With the approval of the Chair, members of the public may present oral statements at the meeting. Noncommittee members wishing to present oral statements, obtain information, or who plan to access the building to attend the meeting should also contact Ms. Chapman.

Members of the public may present a written statement to the Council at any time.

Persons with a disability requiring special services, such as an interpreter for the hearing impaired, should contact Ms. Chapman (202) 366-1270 at least seven days prior to the meeting.

Issued in Washington, DC, on September 3, 1999.

Ashish Sen,

Director.

[FR Doc. 99-23516 Filed 9-9-99; 8:45 am]

BILLING CODE 4910-FE-P

DEPARTMENT OF THE TREASURY

Departmental Offices; International Financial Institution Advisory Commission

AGENCY: Department of the Treasury.

ACTION: Notice of meeting.

SUMMARY: Under section 603 of the foreign Operations, Export Financing and Related Programs Appropriations Act, 1999, the International Financial Institution Advisory Commission (the "Commission") shall advise and report to the Congress on the future role and responsibilities of the international financial institutions (defined as the International Monetary Fund, International Bank for Reconstruction and Development, European Bank for Reconstruction and Development, International Development Association, International Finance Corporation, Multilateral Investment Guarantee Agency, African Development Bank, African Development Fund, Asian Development Bank, Inter-American Development Bank, and Inter-American Investment Corporation), the World Trade Organization, and the Bank for International Settlements.

DATES: The second meeting of the Advisory Commission will be held on September 28, 1999, beginning at 9:30 a.m. and tentatively ending at 3:30 p.m., in Room H 327 in the U.S. Capitol, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Designated Federal Official: William McFadden Senior Policy Advisory, Office of International Monetary and Financial Policy, Room 4444, Department of the Treasury, 1500 Pennsylvania Avenue N.W., Washington, D.C. 20220. Telephone number 202-622-0343, fax number (202) 622-7664.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda tentatively includes discussion of the following:

- Sources of financial crises and instability; relation of instability to crises; size of bank failures and depth of crises.
- Role and evolving functions of the International Monetary Fund.

Procedural

This meeting is open to the public. Please note that the meeting may close early if all business is finished. Members of the public may submit written comments. If you wish to furnish comments, please provide 16 copies of your written material to the Designated Federal Official. If you wish to have your comments distributed to members of the Commission in advance of the first meeting, 16 copies of any written material should be provided to the Designated Federal Official no later than September 20, 1999.

Dated: September 3, 1999.

William McFadden,

Designated Federal Official.

[FR Doc. 99-23494 Filed 9-9-99; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF VETERANS AFFAIRS

Medical Research Service Merit Review Committee, Notice of Meetings

The Department of Veterans Affairs gives notice under the Federal Advisory Committee Act, 5 U.S.C. App., of the following meetings to be held from 8 a.m. to 5 p.m. as indicated below:

Subcommittee for	Date	Location
Endocrinology	September 16–17, 1999	Washington Plaza.
Nephrology	September 22, 1999	1400 I St, NW, #400.
Epidemiology	September 27, 1999	Holiday Inn Central.
Mental Hlth & Behavioral Sciences	September 30–October 1, 1999	Holiday Inn Central.
Cardiology	October 1, 1999	1400 I St, NW, #400.
Oncology	October 4–5, 1999	Crowne Plaza.
Respiration	October 4, 1999	Holiday Inn Central.
Neurobiology-D	October 14–15, 1999	Holiday Inn Central.
Hematology	October 14, 1999	1400 I St, NW, #400.
Neurobiology-C	October 18, 1999	1400 I St, NW, #400.
Immunology	October 18–19, 1999	Crowne Plaza.
Aging and Clinical Geriatrics	October 18, 1999	1400 I St, NW, #400.
Infectious Diseases	October 21–22, 1999	Holiday Inn Central.
Surgery	October 23, 1999	1400 I St, NW, #400.
Gastroenterology	October 25–26, 1999	1400 I St, NW, #400.
Alcohol and Drug Dependence	October 28, 1999	1400 I St, NW, #400.
General Medical Science	October 28–29, 1999	Holiday Inn Central.
Medical Research Service Merit Review Committee	December 2, 1999	Holiday Inn Central.

The addresses of the hotels are:

Crowne Plaza, 1001–14th Street, NW,
Washington, DC 20005.
Holiday Inn Central, 1501 Rhode Island
Avenue, NW, Washington, DC 20005.
Washington Plaza, 10 Thomas Circle,
NW, Washington, DC 20005.

These subcommittee meetings will be for the purpose of evaluating the scientific merit of research conducted in each specialty by Department of Veterans Affairs (VA) investigators working in VA Medical Centers and Clinics.

The subcommittee meetings will be open to the public for approximately one hour at the start of each meeting to discuss the general status of the program. The remaining portion of each subcommittee meeting will be closed to the public for the review, discussion, and evaluation of initial and renewal projects.

The closed portion of the meetings involves discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of research protocols and similar documents. During this portion of the subcommittee meetings, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which could significantly frustrate implementation of proposed agency action regarding such research projects.

As provided by subsection 10(d) of Pub. L. 92–463, as amended by Pub. L. 94–409, closing portions of these subcommittee meetings is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B). Those who plan to attend or would like to obtain a copy of minutes of the subcommittee meetings and rosters of

the members of the subcommittees should contact Dr. LeRoy Frey, Chief, Program Review Division, Medical Research Service, Department of Veterans Affairs, Washington, DC, (202) 408–3630.

Dated: August 31, 1999.

By Direction of the Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 99–23605 Filed 9–9–99; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Prosthetics and Special-Disabilities Programs, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Pub. L. 92–463 that a meeting of the Advisory Committee on Prosthetics and Special-Disabilities Programs (Committee) will be held Thursday and Friday, September 23–24, 1999. The meeting on September 23 will be held at VA Headquarters, Room 430, 810 Vermont Avenue, NW., Washington, DC, and the meeting on September 24 will be held at the Senate Russell Office Building, Room 418, 1st and Constitution Avenue, NE., Washington, DC. The September 23 session will convene at 8:00 a.m. and adjourn at 4 p.m. and the September 24 session will convene at 9:00 a.m. and adjourn at 12:00 noon. The purpose of the Advisory Committee on Prosthetics and Special-Disabilities Programs is to advise the Department on its prosthetic programs designed to provide state-of-the-art prosthetics and the associated rehabilitation research, development, and evaluation of such technology. The Committee also advises the Department on special disability programs which are

defined as any program administered by the Secretary to serve veterans with spinal cord injury, blindness or vision impairment, loss of or loss of use of extremities, deafness or hearing impairment, or other serious incapacities in terms of daily life functions.

On the morning of September 23, the Committee will receive a status report concerning implementation of an integrated prosthetics organization within each Veterans Integrated Service Network (VISN). The Committee will also receive briefings by the National Program Directors of the Special-Disabilities Programs regarding the status of their activities over the last five months. On the morning of September 24, the Committee will review and discuss with staff members of the House and Senate Veterans' Affairs Committee the Report to Congress on Maintaining Capacity for the Specialized Treatment and Rehabilitative Needs of Disabled Veterans and the Report by the Senate Minority Staff, Committee on Veterans' Affairs, of VA Programs for Veterans with Special Needs.

The meeting is open to the public. For those wishing to attend, contact Kathy Pessagno, Veterans Health Administration (113), phone (202) 273–8512, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, prior to September 17, 1999.

Dated: August 31, 1999.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 99–23604 Filed 9–9–99; 8:45 am]

BILLING CODE 8320–01–M

**DEPARTMENT OF VETERANS
AFFAIRS****Special Medical Advisory Group,
Notice of Meeting**

As required by the Federal Advisory Committee Act, the VA hereby gives notice that the Special Medical Advisory Group has scheduled a meeting on September 28, 1999. The meeting will convene at 8:30 a.m. and end at 2:00 p.m. The meeting will be held in Room 830 at VA Central Office, 810 Vermont Avenue, N.W.,

Washington, D.C. The purpose of the meeting is to advise the Secretary and Under Secretary for Health relative to the care and treatment of disabled veterans, and other matters pertinent to the Department's Veterans Health Administration (VHA).

The agenda for the meeting will include discussion of VA Research Program systemwide, update on the service line principles and recommendations, issues in education and curriculum, and VA efforts in the computerized patient record.

All sessions will be open to the public up to the seating capacity of the meeting room. Those wishing to attend should contact Celestine Brockington, Office of the Under Secretary for Health, Department of Veterans Affairs. Her phone number is 202.273.5878.

Dated: August 27, 1999.

By Direction of the Secretary:

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 99-23500 Filed 9-9-99; 8:45 am]

BILLING CODE 8320-01-M

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.

THE PRESIDENT

3 CFR

Proclamation 7219 of September 2, 1999

Contiguous Zone of the United States

Correction

In Presidential document 99-23460 beginning on page 48701 in the issue of Wednesday, September 8, 1999, the date "August 3, 1999," in the subject heading of the Proclamation was incorrect and should read "September 3, 1999," and the date in the running heads should read "September 8, 1999."

[FR Doc. C9-23460 Filed 9-9-99; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-471-000]

Williams Field Services Group, Inc. v. El Paso Natural Gas Company; Notice of Compliant

Correction

In notice document 99-22136 beginning on page 46668 in the issue of Thursday, August 26, 1999, the docket number should appear as set forth above.

[FR Doc. C9-22136 Filed 9-9-99; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM00-1-55-000]

Questar Pipeline Company; Notice of Tariff Filing

Correction

In notice document 99-22137 beginning on page 46666 in the issue of Thursday, August 26, 1999, the docket number should appear as set forth above.

[FR Doc. C9-22137 Filed 9-9-99; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM00-1-143-000]

TransColorado Gas Transmission Company; Notice of Tariff Filing

Correction

In notice document 99-22138 beginning on page 46667 in the issue of Thursday, August 26, 1999, the docket number should appear as set forth above.

[FR Doc. C9-22138 Filed 9-9-99; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99-4026-000]

Mobile Energy Services Co., L.L.C.; Notice of Filing

Correction

In notice document 99-22140 beginning on page 46665 in the issue of Thursday, August 26, 1999, the docket number should appear as set forth above.

[FR Doc. C9-22140 Filed 9-9-99; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG-106527-98]

RIN 1545-AW22

Capital Gains, Partnership, Subchapter S, and Trust Provisions

Correction

In proposed rule document 99-20368, beginning on page 43117, in the issue of Monday, August 9, 1999, make the following corrections:

§ 1.1(h)-1 [Corrected]

1. On page 43121, in the second column, in § 1.1(h)-1(f), in *Example 1*, the table is corrected to read as follows:

	Assets	
	Adjusted basis	Market value
Cash	\$3,000	\$3,000
Loans owed to partnership	10,000	10,000
Collectibles	1,000	3,000
Other capital assets	6,000	2,000
Capital assets	7,000	5,000
Unrealized receivables	0	14,000
Total	\$20,000	\$32,000
	Liabilities and capital	
Liabilities	\$2,000	\$2,000
Capital:		
A	9,000	15,000
B	9,000	15,000
Total	\$20,000	\$32,000

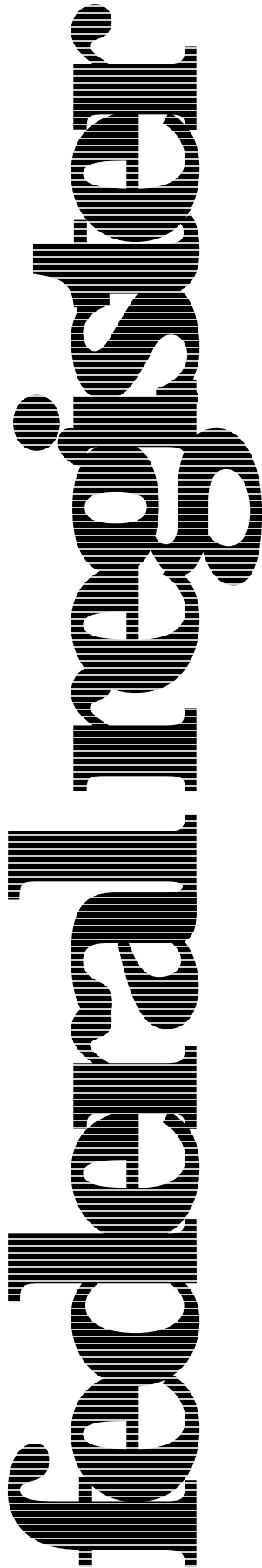
§ 1.1223-3 [Corrected]

2. On page 43123, in the first column, in § 1.1223-3(e), in *Example 4*, the table is corrected to read as follows:

	Assets	
	Adjusted basis	Market value
Cash	\$5,000	\$5,000
Unrealized Receivables	0	6,000
Capital Asset 1	3,000	8,000
Capital Asset 2	2,000	5,000
Capital Assets	5,000	13,000
Total	\$10,000	\$24,000

[FR Doc. C9-20368 Filed 9-9-99; 8:45 am]

BILLING CODE 1505-01-D



Friday
September 10, 1999

Part II

Department of Agriculture

Forest Service
36 CFR Part 242

Department of the Interior

Fish and Wildlife Service
50 CFR Part 100

**Subsistence Management Regulations for
Public Lands in Alaska, Subpart C and
Subpart D—2000—2001 Subsistence
Taking of Fish and Wildlife Regulations;
Proposed Rules**

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018-AF74

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2000–2001 Subsistence Taking of Fish and Wildlife Regulations

AGENCIES: Forest Service, Agriculture; Fish and Wildlife Service, Interior.
ACTION: Proposed rule.

SUMMARY: This proposed rule would revise regulations for seasons, harvest limits, methods, and means related to taking of wildlife for subsistence uses

during the 2000–2001 regulatory year. The rulemaking is necessary because Subpart D is subject to an annual public review cycle. When final, this rulemaking will replace the wildlife regulations included in the “Subsistence Management Regulations for Public Lands in Alaska, Subpart D—1999–2000 Subsistence Taking of Fish and Wildlife Regulations,” which expire on June 30, 2000. This rule would also amend the Customary and Traditional Use Determinations of the Federal Subsistence Board (Section __.24 of Subpart C).

DATES: The Federal Subsistence Board must receive your written public comments and proposals to change this proposed rule no later than November 5, 1999. Federal Subsistence Regional Advisory Councils (Regional Councils) will hold public meetings to receive proposals to change regulations contained in this proposed rule from September 28–October 28, 1999, at

various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for additional information on meetings.
ADDRESSES: You may submit written comments and proposals to the Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas H. Boyd, Office of Subsistence Management; (907) 786–3888. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, (907) 271–2540.

SUPPLEMENTARY INFORMATION:
Meeting Locations and Written Comment Procedures

The Federal Subsistence Board (Board) will hold meetings on this proposed rule at the following locations in Alaska:

Southeast Regional Council	Angoon	October 27, 1999.
Southcentral Regional Council	Anchorage	October 14, 1999.
Kodiak/Aleutians Regional Council	King Cove	September 28, 1999.
Bristol Bay Regional Council	Naknek	October 5, 1999.
Yukon-Kuskokwim Delta Regional Council	Quinhagak	October 12, 1999.
Western Interior Regional Council	Aniak	October 13, 1999.
Seward Peninsula Regional Council	Anchorage	October 18, 1999.
Northwest Arctic Regional Council	Anchorage	October 19, 1999.
Eastern Interior Regional Council	Fort Yukon	October 6, 1999.
North Slope Regional Council	Anchorage	October 19, 1999.

We will publish notice of specific dates, times, and meeting locations in local and statewide newspapers prior to the meetings. We may need to change locations and dates based on weather or local circumstances. The amount of work on each Regional Council’s agenda will determine the length of the Regional Council meetings. We will compile and distribute for additional public review during early November 1999 the written proposals to change Subpart D hunting and trapping regulations and customary and traditional use determinations in Subpart C. A 30-day public comment period will follow distribution of the compiled proposal packet. We will accept written public comments on distributed proposals during the public comment period. You may present comments on published proposals to change hunting and trapping and customary and traditional use determination regulations to the Regional Councils at their winter meetings; locations, dates, and times to be announced. The Board will

deliberate and take final action on proposals received that request changes to this proposed rule at a public meeting to be held in Anchorage during May 2000.

The Board’s review of your comments and proposals will be facilitated by you providing the following information: (a) Your name, address, and telephone number; (b) The section and/or paragraph of the proposed rule for which your change is being suggested; (c) A statement explaining why the change is necessary; (d) The proposed wording change; (e) Any additional information you believe will help the Board in evaluating your proposal. Proposals which fail to include the above information, or proposals which are beyond the scope of authorities in § __.24, Subpart C and § __.25, Subpart D, may be rejected. The Board may defer review and action on some proposals if workload exceeds work capacity of staff, Regional Councils, or Board. These deferrals will be based on recommendations of the affected Regional Council, staff members and on

the basis of least harm to the subsistence user. Proposals should be specific to customary and traditional use determinations or to subsistence hunting and trapping seasons, harvest limits, and/or methods and means.

Public Review Process—Regulation Comments, Proposals, and Public Meetings

You may submit written comments or proposed regulation changes in writing to the address identified at the beginning of this rulemaking by November 5, 1999. You may also present comments or proposals at Regional Council meetings to be held from September 28–October 28, 1999.

The Board Will Not Consider Proposals for Changes Relating to Fish or Shellfish Regulations, and Changes to the Overall Program by at This Time. Fish and shellfish regulations are currently extended through September 30, 1999. A separate rulemaking process resulted from the consolidated “Katie John” litigation and petitions to the Secretaries regarding extended

jurisdiction. Those regulations were published in the **Federal Register** January 8, 1999, (64 FR 1276) and become effective October 1, 1999. The Board will be calling for proposed changes to those regulations early in 2000.

Following public distribution of proposals for changes to the 2000–2001 proposed regulations, we will provide a comment period to allow public review of those proposals that will be considered by the Board. We will also hold a second series of Regional Council meetings in February and March 2000, to assist the Regional Councils in developing recommendations to the Board. You may submit written comments on proposals to the U.S. Fish and Wildlife Service before conclusion of the comment period which is presently scheduled to end on January 14, 2000. The Board will discuss and evaluate proposed changes to this rule during a public meeting scheduled to be held in Anchorage, May 2000. The public may provide additional oral testimony on specific proposals before the Board at that time.

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability which are consistent with ANILCA, and which provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell* versus *State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute, and therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were

published in the **Federal Register** (55 FR 27114–27170). Consistent with Subparts A, B, and C of these regulations, the Departments established a Federal Subsistence Board to administer the Federal subsistence management program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Area Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies have participated in development of regulations for Subparts A, B, and C, and the annual Subpart D regulations. All Board members have reviewed this rule and agree with its substance. Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text would be incorporated into 36 CFR part 242 and 50 CFR part 100.

Applicability of Subparts A, B, and C

Subparts A, B, and C (unless otherwise amended) of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR §§ 100.1 to 100.23 and 36 CFR §§ 242.1 to 242.23, remain effective and apply to this rule. Therefore, all definitions located at 50 CFR § 100.4 and 36 CFR § 242.4 apply to regulations found in this subpart.

Navigable Waters

At this time, Federal subsistence management program regulations apply to all non-navigable waters located on public lands and to navigable waters located on the public lands identified at 50 CFR § 100.3(b) and 36 CFR § 242.3(b) of the Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964) published May 29, 1992. Nothing in these regulations is intended to enlarge or diminish authorities of the Departments to manage submerged lands, title to which is held by the United States government.

The Board recognizes Judge Holland's order granting preliminary relief to the plaintiffs in the case of the *Native Village of Quinhagak et al. versus United States of America et al.* Therefore, to the extent that these regulations would continue any existing restrictions on the taking of rainbow trout by the residents of Quinhagak and Goodnews Bay in the Kanektok, Arolik, and Goodnews Rivers, those regulations

will not be enforced pending completion of proceedings in that case. However, in light of the continuation of the proceedings in the consolidated "Katie John" litigation, a petition to the Secretaries of the Interior and Agriculture addressing jurisdiction in navigable waters, and activities in the State Legislature, no attempt is being made to alter the fish and shellfish portions of the regulations (Sections __.26 and __.27) until final guidance has been received regarding the jurisdictional authority of the Federal government over navigable waters in general, and specifically with respect to the waters at issue in *Native Village of Quinhagak et al. versus United States of America et al.*

Federal Subsistence Regional Advisory Councils

Pursuant to the Record of Decision, Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR 242.11 (1992) and 50 CFR 100 (1992), and for the purposes identified therein, we divide Alaska into ten subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Regional Council). The Regional Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

The Regional Councils have a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, the Council Chairs, or their designated representatives, will present their Council's recommendations at the Board meeting in May 2000.

Proposed Changes from 1999–2000 Seasons and Bag Limit Regulations

Subpart D regulations are subject to an annual cycle and require development of an entire new rule each year. Customary and traditional use determinations are also subject to an annual review process providing for modification each year. The text of the 1999–2000 Subparts C and D Final Rule served as the foundation for the 2000–2001 Subparts C and D proposed rule. The regulations contained in this proposed rule will take effect on July 1, 2000, unless elements are changed by

subsequent Board action following the public review process outlined herein.

Conformance with Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940-22964, published May 29, 1992) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations.

Compliance with Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife

populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but it does not appear that the program may significantly restrict subsistence uses.

Paperwork Reduction Act

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995. They apply to the use of public lands in Alaska. The information collection requirements described below were approved by OMB under 44 U.S.C. 3501 and were assigned clearance number 1018-0075, which expires 5/31/2000. The information requirements described below will be submitted to OMB for approval beyond that date. We will not conduct or sponsor, and you are not required to respond to a collection of information request unless it displays a currently valid OMB control number.

The collection of information will be achieved through the use of the Federal Subsistence Hunt Permit Application. This collection information will establish whether the applicant qualifies to participate in a Federal subsistence hunt on public land in Alaska and will provide a report of harvest and location of harvest.

The likely respondents to this collection of information are rural Alaska residents who wish to participate in specific subsistence hunts on Federal land. The collected information is necessary to determine harvest success and harvest location in order to make management decisions relative to the conservation of healthy wildlife populations. The annual burden of reporting and recordkeeping is estimated to average 0.25 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. The estimated number of likely respondents under this rule is less than 5,000, yielding a total annual reporting and recordkeeping burden of 1,250 hours or less.

Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, D.C. 20240; and the Office of Management and Budget, Paperwork Reduction Project (Subsistence), Washington, D.C.

20503. Additional information collection requirements may be imposed if Local Advisory Committees subject to the Federal Advisory Committee Act are established under Subpart B.

Other Requirements

This rule was not subject to OMB review under 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 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? (A "section" appears in bold type and is preceded by the symbol "\$" and a numbered heading; for example, [§ __.24 Customary and traditional determinations.]) (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. Send a copy of any comments that concern how we could make this rule easier to understand to: USFWS, Office of Subsistence Management, Thomas H. Boyd, 1011 E. Tudor Road, Anchorage, Alaska 99503. You may also e-mail the comments to this address: Bill_Knauer@fws.gov.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as ammunition, snowmachine, and gasoline dealers. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses

of public lands indicates that they will not be significant.

In general, the resources harvested under this rule will be consumed by the local harvester and do not result in a dollar benefit to the economy. However, it is estimated that 2 million pounds of meat are harvested by the local subsistence users annually and, if given a dollar value of \$3.00 per pound, would equate to \$6 million State wide.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to 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 governments or private entities. The implementation of this rule is by Federal agencies and there is no cost involved to any state or local entities or tribal governments.

The Service has determined that these final regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

In accordance with Executive Order 12612, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Title VIII of ANILCA precludes the State from exercising management authority over wildlife resources on Federal lands.

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. The Bureau of Indian Affairs is a participating agency in this rulemaking.

Drafting Information

William Knauer drafted these regulations under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Peggy Fox, Alaska State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Area Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service provided additional guidance.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National

forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, the Federal Subsistence Board proposes to amend Title 36, part 242, and Title 50, part 100, of the Code of Federal Regulations, as set forth below.

PART __—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. We propose for the authority citation for both 36 CFR Part 242 and 50 CFR Part 100 to continue to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

2. We propose to amend Subpart C of 36 CFR part 242 and 50 CFR part 100, by revising § __.24(a)(1) to read as follows:

§ __.24 Customary and traditional use determinations.

(a) * * *

(1) Wildlife determinations.

Area	Species	Determination
Unit 1(C)	Black Bear	Residents of Unit 1(C), 1(D), 3, and residents of Hoonah, Pelican, Point Baker, Sitka, and Tenakee Springs.
1(A)	Brown Bear	Residents of Unit 1(A) except no subsistence for residents of Hyder.
1(B)	Brown Bear	Residents of Unit 1(A), Petersburg, and Wrangell, except no subsistence for residents of Hyder.
1(C)	Brown Bear	Residents of Unit 1(C), Haines, Hoonah, Kake, Klukwan, Skagway, and Wrangell, except no subsistence for residents of Gustavus.
1(D)	Brown Bear	Residents of 1(D).
1(A)	Deer	Residents of 1(A) and 2.
1(B)	Deer	Residents of Unit 1(A), residents of 1(B), 2 and 3.
1(C)	Deer	Residents of 1(C) and (D), and residents of Hoonah, Kake, and Petersburg.
1(D)	Deer	No Federal subsistence priority.
1(B)	Goat	Residents of Units 1(B) and 3.
1(C)	Goat	Residents of Haines, Kake, Klukwan, Petersburg, and Hoonah.
1(B)	Moose	Residents of Units 1, 2, 3, and 4.
1(C) Berner's Bay	Moose	No Federal subsistence priority.
1(D)	Moose	Residents of Unit 1(D).
Unit 2	Brown Bear	No Federal subsistence priority.
2	Deer	Residents of Unit 1(A) and residents of Units 2 and 3.
Unit 3	Deer	Residents of Unit 1(B) and 3, and residents of Port Alexander, Port Protection, Pt. Baker, and Meyer's Chuck.
3, Wrangell and Mitkof Islands	Moose	Residents of Units 1(B), 2, and 3.
Unit 4	Brown Bear	Residents of Unit 4 and Kake.
4	Deer	Residents of Unit 4 and residents of Kake, Gustavus, Haines, Petersburg, Pt. Baker, Klukwan, Port Protection, Wrangell, and Yakutat.

Area	Species	Determination
4	Goat	Residents of Sitka, Hoonah, Tenakee, Pelican, Funter Bay, Angoon, Port Alexander, and Elfin Cove.
Unit 5	Black Bear	Residents of Unit 5(A).
5	Brown Bear	Residents of Yakutat.
5	Deer	Residents of Yakutat.
5	Goat	Residents of Unit 5(A).
5	Moose	Residents of Unit 5(A).
5	Wolf	Residents of Unit 5(A).
Unit 6(A)	Black Bear	Residents of Yakutat and residents of 6(C) and 6(D), except no subsistence for Whittier.
6, remainder	Black Bear	Residents of Unit 6(C) and 6(D), except no subsistence for Whittier.
6	Brown Bear	No Federal subsistence priority.
6(A)	Goat	Residents of Unit 5(A), 6(C), Chenega Bay and Tatitlek.
6(C) and (D)	Goat	Residents of Unit 6(C) and (D).
6(A)	Moose	Unit 6(A)—Residents of Units 5(A), 6(A), 6(B) and 6(C).
6(B) and (C)	Moose	Residents of Units 6(A), 6(B) and 6(C).
6(D)	Moose	No Federal subsistence priority.
6(A)	Wolf	Residents of Units 5(A), 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
6, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 7	Brown Bear	No Federal subsistence priority.
7	Caribou	No Federal subsistence priority.
7, Brown Mountain hunt area	Goat	Residents of Port Graham and English Bay.
7, that portion draining into Kings Bay	Moose	Residents of Chenega Bay and Tatitlek.
7, remainder	Moose	No Federal subsistence priority.
7	Sheep	No Federal subsistence priority.
Unit 8	Brown Bear	Residents of Old Harbor, Akhiok, Larsen Bay, Karluk, Ouzinkie, and Port Lions.
8	Deer	Residents of Unit 8.
8	Elk	Residents of Unit 8.
8	Goat	No Federal subsistence priority.
Unit 9(D)	Bison	No Federal subsistence priority.
9(A) and (B)	Black Bear	Residents of Units 9(A) and (B), and 17(A), (B), and (C).
9(A)	Brown Bear	Residents of Pedro Bay.
9(B)	Brown Bear	Residents of Unit 9(B).
9(C)	Brown Bear	Residents of Unit 9(C).
9(D)	Brown Bear	Residents of Units 9(D) and 10 (Unimak Island).
9(E)	Brown Bear	Residents of Chignik, Chignik Lagoon, Chignik Lake, Egegik, Ivanof Bay, Perryville, Pilot Point, Ugashik, and Port Heiden/Meshik.
9(A) and (B)	Caribou	Residents of Units 9(B), 9(C) and 17.
9(C)	Caribou	Residents of Unit 9(B), 9(C), 17 and residents of Egegik.
9(D)	Caribou	Residents of Unit 9(D), and residents of False Pass.
9(E)	Caribou	Residents of Units 9(B), (C), (E), 17, and residents of Nelson Lagoon and Sand Point.
9(A), (B), (C) and (E)	Moose	Residents of Unit 9(A), (B), (C) and (E).
9(D)	Moose	Residents of Cold Bay, False Pass, King Cove, Nelson Lagoon, and Sand Point.
9(B)	Sheep	Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, and Port Alsworth.
9, remainder	Sheep	No determination.
9	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
9(A), (B), (C), & (E)	Beaver	Residents of Units 9(A), (B), (C), (E), and 17.
Unit 10 Unimak Island	Brown Bear	Residents of Units 9(D) and 10 (Unimak Island)
Unit 10 Unimak Island	Caribou	Residents of False Pass, King Cove, and Sand Point.
10, remainder	Caribou	No determination.
10	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 11	Bison	No Federal subsistence priority.
11, north of the Sanford River	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Tazlina, Tonsina, and Units 11 and 12.
11, remainder	Black Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Tazlina, Tonsina, and Unit 11.
11, north of the Sanford River	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Tazlina, Tonsina, and Units 11 and 12.

Area	Species	Determination
11, remainder	Brown Bear	Residents of Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Tazlina, Tonsina, and Unit 11.
11, north of the Sanford River	Caribou	Residents of Units 11, 12, and 13 (A)–(D) and the residents of Chickaloon, Healy Lake, and Dot Lake.
11, remainder	Caribou	Residents of Units 11 and 13 (A)–(D) and the residents of Chickaloon.
11	Goat	Residents of Unit 11 and the residents of Chitina, Chistochina, Copper Center, Gakona, Glennallen, Gulkana, Mentasta Lake, Tazlina, Tonsina, and Dot Lake.
11, north of the Sanford River	Moose	Residents of Units 11, 12, and 13 (A)–(D) and the residents of Chickaloon, Healy Lake, and Dot Lake.
11, remainder	Moose	Residents of Units 11, 13 (A)–(D), and residents of Chickaloon.
11, north of the Sanford River	Sheep	Residents of Unit 12 and the communities and areas of Chistochina, Chitina, Copper Center, Dot Lake, Gakona, Glennallen, Gulkana, Healy Lake, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/ South Park, Tazlina and Tonsina; residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
11, remainder	Sheep	Residents of the communities and areas of Chisana, Chistochina, Chitina, Copper Center, Gakona, Glennallen, Gulkana, Kenny Lake, Mentasta Lake, Slana, McCarthy/South Wrangell/ South Park, Tazlina and Tonsina; residents along the Tok Cutoff—Milepost 79–110 (Mentasta Pass), residents along the Nabesna Road—Milepost 0–46 (Nabesna Road), and residents along the McCarthy Road—Milepost 0–62 (McCarthy Road).
11	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
11	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
11	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 12, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 12	Brown Bear	Residents of Unit 12 and Dot Lake, Chistochina, Gakona, Mentasta Lake, and Slana.
12	Caribou	Residents of Unit 12 and residents of Dot Lake, Healy Lake, and Mentasta Lake.
12, south of a line from Noyes Mountain, southeast of the confluence of Tatschunda Creek to Nabesna River.	Moose	Residents of Unit 11 north of 62nd parallel (excluding North Slana Homestead and South Slana Homestead); and residents of Unit 12, 13(A)–(D) and the residents of Chickaloon, Dot Lake, and Healy Lake.
12, east of the Nabesna River and Nabesna Glacier, south of the Winter Trail from Pickerel Lake to the Canadian Border.	Moose	Residents of Unit 12 and Healy Lake
12, remainder	Moose	Residents of Unit 12 and residents of Dot Lake, Healy Lake, and Mentasta Lake.
12	Sheep	Residents of Unit 12 and residents of Chistochina, Dot Lake, Healy Lake, and Mentasta Lake.
12	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 13	Brown Bear	Residents of Unit 13.
13(B)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, residents of Unit 20(D) except Fort Greely, and the residents of Chickaloon.
13(C)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, Dot Lake and Healy Lake.
13(A) & (D)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon.
13(E)	Caribou	Residents of Units 11, 12 (along the Nabesna Road), 13, and the residents of Chickaloon, McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13(D)	Goat	No Federal subsistence priority.
13(A) and (D)	Moose	Residents of Unit 13 and the residents of Chickaloon.
13(B)	Moose	Residents of Units 13, 20(D) except Fort Greely, and the residents of Chickaloon.

Area	Species	Determination
13(C)	Moose	Residents of Units 12, 13 and the residents of Chickaloon, Healy Lake, and Dot Lake.
13(E)	Moose	Residents of Unit 13 and the residents of Chickaloon and of McKinley Village, and the area along the Parks Highway between milepost 216 and 239 (except no subsistence for residents of Denali National Park headquarters).
13(D)	Sheep	No Federal subsistence priority.
13	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon, and 16-26.
13	Grouse (Spruce, Blue, Ruffed & Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 & 23.
13	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 & 23.
Unit 14(B) and (C)	Brown Bear	No Federal subsistence priority.
14	Goat	No Federal subsistence priority.
14	Moose	No Federal subsistence priority.
14(A) and (C)	Sheep	No Federal subsistence priority.
Unit 15(C)	Black Bear	Residents of Port Graham and Nanwalek only.
15, remainder	Black Bear	No Federal subsistence priority.
15	Brown Bear	No Federal subsistence priority.
15(C), Port Graham and English Bay hunt areas	Goat	Residents of Port Graham and Nanwalek.
15(C), Seldovia hunt area	Goat	Residents Seldovia area.
15	Moose	Residents of Ninilchik, Nanwalek, Port Graham, and Seldovia.
15	Sheep	No Federal subsistence priority.
15	Ptarmigan (Rock, Willow and White-tailed).	Residents of Unit 15.
15	Grouse (Spruce)	Residents of Unit 15.
15	Grouse (Ruffed)	No Federal subsistence priority.
Unit 16(B)	Black Bear	Residents of Unit 16(B).
16	Brown Bear	No Federal subsistence priority.
16(A)	Moose	No Federal subsistence priority.
16(B)	Moose	Residents of Unit 16(B).
16	Sheep	No Federal subsistence priority.
16	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon, and 16-26.
16	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
16	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22 and 23.
Unit 17(A) and that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake.	Black Bear	Residents of Units 9(A) and (B), 17, and residents of Akiak and Akiachak.
17, remainder	Black Bear	Residents of Units 9(A) and (B), and 17.
17(A)	Brown Bear	Residents of Unit 17, and residents of Akiak, Akiachak, Goodnews Bay and Platinum.
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Brown Bear	Residents of Kwethluk.
17(B), that portion draining into Nuyakuk Lake and Tikchik Lake.	Brown Bear	Residents of Akiak and Akiachak.
17(B) and (C)	Brown Bear	Residents of Unit 17.
17	Caribou	Residents of Units 9(B), 17 and residents of Lime Village and Stony River.
Unit 17(A, that portion west of the Izaveieknik River, Upper Togiak Lake, Togiak Lake, and the main course of the Togiak River.	Caribou	Residents of Goodnews Bay, Platinum, Quinhagak, Eek, Tuntutuliak, and Napakiak.
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Caribou	Residents of Kwethluk.
Unit 17(B), that portion of Togiak National Wildlife Refuge within Unit 17(B).	Caribou	Residents of Bethel, Goodnews Bay, Platinum, Quinhagak, Eek, Tuntutuliak, and Napakiak.
17(A) and (B), those portions north and west of a line beginning from the Unit 18 boundary at the northwest end of Nenevok Lake, to the southern point of upper Togiak Lake, and northeast to the northern point of Nuyakuk Lake, northeast to the point where the Unit 17 boundary intersects the Shotgun Hills.	Moose	Residents of Kwethluk.

Area	Species	Determination
17(A)	Moose	Residents of Unit 17 and residents of Goodnews Bay and Platinum; however, no subsistence for residents of Akiachak, Akiak and Quinhagak.
17(B) and (C)	Moose	Residents of Unit 17, and residents of Nondalton, Levelock, Goodnews Bay, and Platinum.
17	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon, and 16-26.
17	Beaver	Residents of Units 9(A), (B), (C), (E), and 17.
Unit 18	Black Bear	Residents of Unit 18, residents of Unit 19(A) living downstream of the Holokuk River, and residents of Holy Cross, Stebbins, St. Michael, Twin Hills, and Togiak.
18	Brown Bear	Residents of Akiachak, Akiak, Eek, Goodnews Bay, Kwethluk, Mt. Village, Napaskiak, Platinum, Quinhagak, St. Mary's, and Tuluksak.
18	Caribou (Kilbuck caribou herd only).	Interim Determination by Federal Subsistence Board (12/18/91): residents of Tuluksak, Akiak, Akiachak, Kwethluk, Bethel, Oscarville, Napaskiak, Napakiak, Kasigluk, Atmanthluak, Nunapitchuk, Tuntutliak, Eek, Quinhagak, Goodnews Bay, Platinum, Togiak, and Twin Hills.
18, north of the Yukon River	Caribou (except Kilbuck caribou herd).	Residents of Alakanuk, Andreafsky, Chevak, Emmonak, Hooper Bay, Kotlik, Kwethluk, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, St. Michael, Scammon Bay, Sheldon Point, and Stebbins.
18, remainder	Caribou (except Kilbuck caribou herd).	Residents of Kwethluk.
18, that portion of the Yukon River drainage upstream of Russian Mission and that portion of the Kuskokwim River drainage upstream of, but not including the Tuluksak River drainage.	Moose	Residents of Unit 18 and residents of Upper Kalskag, Lower Kalskag, Aniak, and Chuathbaluk.
18, remainder	Moose	Residents of Unit 18 and residents of Upper Kalskag and Lower Kalskag.
18	Muskox	No Federal subsistence priority.
18	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon and 16-26.
Unit 19(C),(D)	Bison	No Federal subsistence priority.
19(A) and (B)	Brown Bear	Residents of Units 19 and 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River.
19(C)	Brown Bear	No Federal subsistence priority.
19(D)	Brown Bear	Residents of Units 19(A) and (D), and residents of Tulusak and Lower Kalskag.
19(A) and (B)	Caribou	Residents of Units 19(A) and 19(B), residents of Unit 18 within the Kuskokwim River drainage upstream from, and including, the Johnson River, and residents of St. Marys, Marshall, Pilot Station, Russian Mission.
19(C)	Caribou	Residents of Unit 19(C), and residents of Lime Village, McGrath, Nikolai, and Telida.
19(D)	Caribou	Residents of Unit 19(D), and residents of Lime Village, Sleetmute, and Stony River.
19(A) and (B)	Moose	Residents of Unit 18 within Kuskokwim River drainage upstream from and including the Johnson River, and Unit 19.
Unit 19(B), west of the Kogruluk River	Moose	Residents of Eek and Quinhagak.
19(C)	Moose	Residents of Unit 19.
19(D)	Moose	Residents of Unit 19 and residents of Lake Minchumina.
19	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon and 16-26.
Unit 20(D)	Bison	No Federal subsistence priority.
20(F)	Black Bear	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20(E)	Brown Bear	Residents of Unit 12 and Dot Lake.
20(F)	Brown Bear	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20(A)	Caribou	Residents of Cantwell, Nenana, and those domiciled between milepost 216 and 239 of the Parks Highway. No subsistence priority for residents of households of the Denali National Park Headquarters.
20(B)	Caribou	Residents of Unit 20(B), Nenana, and Tanana.

Area	Species	Determination
20(C)	Caribou	Residents of Unit 20(C) living east of the Teklanika River, residents of Cantwell, Lake Minchumina, Manley Hot Springs, Minto, Nenena, Nikolai, Tanana, Talida, and those domiciled between milepost 216 and 239 of the Parks Highway and between milepost 300 and 309. No subsistence priority for residents of households of the Denali National Park Headquarters.
20(D) and (E)	Caribou	Residents of 20(D), 20(E), and Unit 12 north of the Wrangell-St. Elias National Park and Preserve.
20(F)	Caribou	Residents of 20(F), 25(D), and Manley.
20(A)	Moose	Residents of Cantwell, Minto, and Nenana, McKinley Village, the area along the Parks Highway between mileposts 216 and 239, except no subsistence for residents of households of the Denali National Park Headquarters.
20(B)	Moose	Minto Flats Management Area—residents of Minto and Nenana.
20(B)	Moose	Remainder—residents of Unit 20(B), and residents of Nenana and Tanana.
20(C)	Moose	Residents of Unit 20(C) (except that portion within Denali National Park and Preserve and that portion east of the Teklanika River), and residents of Cantwell, Manley, Minto, Nenana, the Parks Highway from milepost 300–309, Nikolai, Tanana, Telida, McKinley Village, and the area along the Parks Highway between mileposts 216 and 239. No subsistence for residents of households of the Denali National Park Headquarters.
20(D)	Moose	Residents of Unit 20(D) and residents of Tanacross.
20(F)	Moose	Residents of Unit 20(F), Manley, Minto, and Stevens Village.
20(F)	Wolf	Residents of Unit 20(F) and residents of Stevens Village and Manley.
20, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
20(D)	Grouse, (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
20(D)	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 21	Brown Bear	Residents of Units 21 and 23.
21(A)	Caribou	Residents of Units 21(A), 21(D), 21(E), Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
21(B) & (C)	Caribou	Residents of Units 21(B), 21(C), 21(D), and Tanana.
21(D)	Caribou	Residents of Units 21(B), 21(C), 21(D), and Huslia.
21(E)	Caribou	Residents of Units 21(A), 21(E) and Aniak, Chuathbaluk, Crooked Creek, McGrath, and Takotna.
21(A)	Moose	Residents of Units 21(A), (E), Takotna, McGrath, Aniak, and Crooked Creek.
21(B) and (C)	Moose	Residents of Units 21(B) and (C), Tanana, Ruby, and Galena.
21(D)	Moose	Residents of Units 21(D), Huslia, and Ruby.
21(E)	Moose	Residents of Unit 21(E) and residents of Russian Mission.
21	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
Unit 22(A)	Black Bear	Residents of Unit 22(A) and Koyuk.
22(B)	Black Bear	Residents of Unit 22(B).
22(C), (D), and (E)	Black Bear	No Federal subsistence priority.
22	Brown Bear	Residents of Unit 22.
22(A)	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24, and residents of Kotlik, Emmonak, Hooper Bay, Scammon Bay, Chevak, Marshall, Mountain Village, Pilot Station, Pitka's Point, Russian Mission, St. Marys, Sheldon Point, and Alakanuk.
22, remainder	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, and residents of Units 22 (except residents of St. Lawrence Island), 23, 24.
22	Moose	Residents of Unit 22.
22(B)	Muskox	Residents of Unit 22(B).
22(C)	Muskox	Residents of Unit 22(C).
22(D)	Muskox	Residents of Unit 22(D) excluding St. Lawrence Island.

Area	Species	Determination
22(E)	Muskox	Residents of Unit 22(E) excluding Little Diomedes Island.
22	Wolf	Residents of Units 23, 22, 21(D) north and west of the Yukon River, and residents of Kotlik.
22	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
22	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 23	Black Bear	Residents of Unit 23, Alatna, Allakaket, Bettles, Evansville, Galena, Hughes, Huslia, and Koyukuk.
23	Brown Bear	Residents of Units 21 and 23.
23	Caribou	Residents of Unit 21(D) west of the Koyukuk and Yukon Rivers, residents of Galena, and residents of Units 22, 23, 24 including residents of Wiseman but not including other residents of the Dalton Highway Corridor Management Area, and 26(A).
23	Moose	Residents of Unit 23.
23, south of Kotzebue Sound and west of and including the Buckland River drainage.	Muskox	Residents of Unit 23 South of Kotzebue Sound and west of and including the Buckland River drainage.
23, remainder	Muskox	Residents of Unit 23 east and north of the Buckland River drainage.
23	Sheep	Residents of Point Lay and Unit 23 north of the Arctic Circle.
23	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon, and 16–26.
23	Grouse (Spruce, Blue, Ruffed and Sharp-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
23	Ptarmigan (Rock, Willow and White-tailed).	Residents of Units 11, 13 and the residents of Chickaloon, 15, 16, 20(D), 22, and 23.
Unit 24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Black Bear	Residents of Stevens Village and residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Black Bear	Residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, that portion south of Caribou Mountain, and within the public lands composing or immediately adjacent to the Dalton Highway Corridor Management Area.	Brown Bear	Residents of Stevens Village and residents of Unit 24 and Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24, remainder	Brown Bear	Residents of Unit 24 including Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area.
24	Caribou	Residents of Unit 24 including Wiseman, but not including any other residents of the Dalton Highway Corridor Management Area; residents of Galena, Kobuk, Koyukuk, Stevens Village, and Tanana.
24	Moose	Residents of Unit 24, Koyukuk, and Galena.
24	Sheep	Residents of Unit 24 residing north of the Arctic Circle and residents of Allakaket, Alatna, Hughes, and Huslia.
24	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 25(D)	Black Bear	Residents of Unit 25(D).
25(D)	Brown Bear	Residents of Unit 25(D).
25, remainder	Brown Bear	No Federal subsistence priority.
25(D)	Caribou	Residents of 20(F), 25(D), and Manley.
25(A)	Moose	Residents of Units 25(A) and 25(D).
25(D) West	Moose	Residents of Beaver, Birch Creek, and Stevens Village.
25(D), remainder	Moose	Residents of Remainder of Unit 25.
25(A)	Sheep	Residents of Arctic Village, Chalkytsik, Fort Yukon, Kaktovik, and Venetie.
25(B) and (C)	Sheep	No Federal subsistence priority.
25(D)	Wolf	Residents of Unit 25(D).
25, remainder	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11–13 and the residents of Chickaloon and 16–26.
Unit 26	Brown Bear	Residents of Unit 26 (except the Prudhoe Bay-Deadhorse Industrial Complex) and residents of Anaktuvuk Pass and Point Hope.
26(A)	Caribou	Residents of Unit 26, Anaktuvuk Pass and Point Hope.
26(B)	Caribou	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Caribou	Residents of Unit 26, Anaktuvuk Pass and Point Hope.

Area	Species	Determination
26	Moose	Residents of Unit 26, (except the Prudhoe Bay-Deadhorse Industrial Complex), and residents of Point Hope and Anaktuvuk Pass.
26(A)	Muskox	Residents of Anaktuvuk Pass, Atqasuk, Barrow, Nuiqsut, Point Hope, Point Lay, and Wainwright.
26(B)	Muskox	Residents of Anaktuvuk Pass, Nuiqsut, and Kaktovik.
26(C)	Muskox	Residents of Kaktovik.
26(A)	Sheep	Residents of Unit 26, Anaktuvuk Pass, and Point Hope.
26(B)	Sheep	Residents of Unit 26, Anaktuvuk Pass, Point Hope, and Wiseman.
26(C)	Sheep	Residents of Unit 26, Anaktuvuk Pass, Arctic Village, Chalkytsik, Fort Yukon, Point Hope, and Venetie.
26	Wolf	Residents of Units 6, 9, 10 (Unimak Island only), 11-13 and the residents of Chickaloon and 16-26.

Subpart D—Subsistence Taking of Fish and Wildlife

3. We propose to amend Subpart D of 36 CFR part 242 and 50 CFR part 100, by revising § __.25 effective July 1, 2000, through June 30, 2001, to read as follows:

§ __.25 Subsistence taking of wildlife.

(a) Definitions. The following definitions shall apply to all regulations contained in this section:

ADF&G means the Alaska Department of Fish and Game.

Aircraft means any kind of airplane, glider, or other device used to transport people or equipment through the air, excluding helicopters.

Airport means an airport listed in the Federal Aviation Administration, Alaska Airman's Guide and chart supplement.

Animal means those species with a vertebral column (backbone).

Antler means one or more solid, horn-like appendages protruding from the head of a caribou, deer, elk, or moose.

Antlered means any caribou, deer, elk, or moose having at least one visible antler.

Antlerless means any caribou, deer, elk, or moose not having visible antlers attached to the skull.

Bear means black bear, or brown or grizzly bear.

Bow means a longbow, recurve bow, or compound bow, excluding a crossbow, or any bow equipped with a mechanical device that holds arrows at full draw.

Broadhead means an arrowhead that is not barbed and has two or more steel cutting edges having a minimum cutting diameter of not less than seven-eighths inch.

Brow tine means a tine on the front portion of a moose antler, typically projecting forward from the base of the antler toward the nose.

Buck means any male deer.

Bull means any male moose, caribou, elk, or musk oxen.

Closed season means the time when wildlife may not be taken.

Cub bear means a brown or grizzly bear in its first or second year of life, or a black bear (including cinnamon and blue phases) in its first year of life.

Designated hunter means a Federally qualified, licensed hunter who may take all or a portion of another Federally qualified, licensed hunter's harvest limit(s) only under situations approved by the Board.

Edible meat means the breast meat of ptarmigan and grouse, and, those parts of black bear, brown and grizzly bear, caribou, deer, elk, mountain goat, moose, musk oxen, and Dall sheep that are typically used for human consumption, which are: the meat of the ribs, neck, brisket, front quarters as far as the juncture of the humerus and radius-ulna (elbow), hindquarters as far as the distal joint (bottom) of the tibia-fibula (hock) and that portion of the animal between the front and hindquarters; however, *edible meat* of species listed above does not include: meat of the head, meat that has been damaged and made inedible by the method of taking, bones, sinew, and incidental meat reasonably lost as a result of boning or close trimming of the bones, or viscera.

Federally-qualified subsistence user means a rural Alaska resident qualified to harvest fish or wildlife on Federal public lands in accordance with the Federal Subsistence Management Regulations in this part.

Fifty-inch (50-inch) moose means a bull moose with an antler spread of 50 inches or more.

Full curl horn means the horn of a Dall sheep ram; the tip of which has grown through 360 degrees of a circle described by the outer surface of the horn, as viewed from the side, or that both horns are broken, or that the sheep is at least 8 years of age as determined by horn growth annuli.

Furbearer means a beaver, coyote, arctic fox, red fox, lynx, marten, mink,

weasel, muskrat, river (land) otter, red squirrel, flying squirrel, ground squirrel, marmot, wolf, or wolverine.

Grouse collectively refers to all species found in Alaska, including spruce grouse, ruffed grouse, blue grouse and sharp-tailed grouse.

Hare or hares collectively refers to all species of hares (commonly called rabbits) in Alaska and includes snowshoe hare and tundra hare.

Harvest limit means the number of any one species permitted to be taken by any one person in a Unit or portion of a Unit in which the taking occurs.

Highway means the driveable surface of any constructed road.

Household means that group of people residing in the same residence.

Hunting means the taking of wildlife within established hunting seasons with archery equipment or firearms, and as authorized by a required hunting license.

Marmot collectively refers to all species of marmot that occur in Alaska including the hoary marmot, Alaska marmot, and the woodchuck.

Motorized vehicle means a motor-driven land, air, or water conveyance.

Open season means the time when wildlife may be taken by hunting or trapping; an open season includes the first and last days of the prescribed season period.

Otter means river or land otter only, excluding sea otter.

Permit hunt means a hunt for which State or Federal permits are issued by registration or other means.

Poison means any substance which is toxic, or poisonous upon contact or ingestion.

Possession means having direct physical control of wildlife at a given time or having both the power and intention to exercise dominion or control of wildlife either directly or through another person or persons.

Ptarmigan collectively refers to all species found in Alaska, including

white-tailed ptarmigan, rock ptarmigan, and willow ptarmigan.

Ram means a male Dall sheep.

Registration permit means a permit which authorizes hunting and is issued to a person who agrees to the specified hunting conditions. Hunting permitted by a registration permit begins on an announced date and continues throughout the open season, or until the season is closed by Board action. Registration permits are issued in the order applications are received and/or are based on priorities as determined by 50 CFR 100.17 and 36 CFR 242.17.

Sealing means placing a mark or tag on a portion of a harvested animal by an authorized representative of the ADF&G; sealing includes collecting and recording information about the conditions under which the animal was harvested, and measurements of the specimen submitted for sealing or surrendering a specific portion of the animal for biological information.

Seven-eighths curl horn means the horn of a male Dall sheep, the tip of which has grown through seven-eighths (315 degrees) of a circle, described by the outer surface of the horn, as viewed from the side, or with both horns broken.

Skin, hide, pelt, or fur means any tanned or untanned external covering of an animal's body; excluding bear. The skin, hide, fur, or pelt of a bear shall mean the entire external covering with claws attached.

Spike-fork moose means a bull moose with only one or two tines on either antler; male calves are not spike-fork bulls.

Take or Taking means to pursue, hunt, shoot, trap, net, capture, collect, kill, harm, or attempt to engage in any such conduct.

Tine or antler point refers to any point on an antler, the length of which is greater than its width and is at least one inch.

Transportation means to ship, convey, carry, or transport by any means whatever and deliver or receive for such shipment, conveyance, carriage, or transportation.

Trapping means the taking of furbearers within established trapping seasons and with a required trapping license.

Unclassified wildlife or unclassified species means all species of animals not otherwise classified by the definitions in this paragraph (a), or regulated under other Federal law as listed in paragraph (i) of this section.

Ungulate means any species of hoofed mammal, including deer, caribou, elk, moose, mountain goat, Dall sheep, and musk oxen.

Unit means one of the 26 geographical areas in the State of Alaska known as Game Management Units, or GMU, and collectively listed in this section as Units.

Wildlife means any hare (rabbit), ptarmigan, grouse, ungulate, bear, furbearer, or unclassified species and includes any part, product, egg, or offspring thereof, or carcass or part thereof.

(b) Hunters may take wildlife for subsistence uses by any method, except as prohibited in this section or by other Federal statute. Taking wildlife for subsistence uses by a prohibited method is a violation of this part. Seasons are closed unless opened by Federal regulation. Hunting or trapping during a closed season or in an area closed by this part is prohibited.

(1) Except for special provisions found at paragraphs (k)(1) through (26) of this section, the following methods and means of taking wildlife for subsistence uses are prohibited:

(i) Shooting from, on, or across a highway;

(ii) Using any poison;

(iii) Using a helicopter in any manner, including transportation of individuals, equipment or wildlife; however, this prohibition does not apply to transportation of an individual, gear, or wildlife during an emergency rescue operation in a life threatening situation;

(iv) Taking wildlife from a motorized land or air vehicle, when that vehicle is in motion or from a motor-driven boat when the boat's progress from the motor's power has not ceased;

(v) Using a motorized vehicle to drive, herd, or molest wildlife;

(vi) Using or being aided by use of a machine gun, set gun, or a shotgun larger than 10 gauge;

(vii) Using a firearm other than a shotgun, muzzle-loaded rifle, rifle or pistol using center-firing cartridges, for the taking of ungulates, bear, wolves or wolverine, except that—

(A) An individual in possession of a valid trapping license may use a firearm that shoots rimfire cartridges to take wolves and wolverine;

(B) Only a muzzle-loading rifle of .54-caliber or larger, or a .45-caliber muzzle-loading rifle with a 250-grain, or larger, elongated slug may be used to take brown bear, black bear, elk, moose, musk oxen and mountain goat;

(viii) Using or being aided by use of a pit, fire, artificial light, radio communication, artificial salt lick, explosive, barbed arrow, bomb, smoke, chemical, conventional steel trap with a jaw spread over nine inches, or conibear style trap with a jaw spread over 11 inches;

(ix) Using a snare, except that an individual in possession of a valid hunting license may use nets and snares to take unclassified wildlife, ptarmigan, grouse, or hares; and, individuals in possession of a valid trapping license may use snares to take furbearers;

(x) Using a trap to take ungulates or bear;

(xi) Using hooks to physically snag, impale, or otherwise take wildlife; however, hooks may be used as a trap drag;

(xii) Using a crossbow to take ungulates, bear, wolf, or wolverine in any area restricted to hunting by bow and arrow only;

(xiii) Taking of ungulates, bear, wolf, or wolverine with a bow, unless the bow is capable of casting a 7/8 inch wide broadhead-tipped arrow at least 175 yards horizontally, and the arrow and broadhead together weigh at least one ounce (437.5 grains);

(xiv) Using bait for taking ungulates, bear, wolf, or wolverine; except, you may use bait to take wolves and wolverine with a trapping license, and, you may use bait to take black bears with a hunting license as authorized in Unit-specific regulations at paragraphs (k)(1) through (26) of this section.

Baiting of black bears is subject to the following restrictions:

(A) Before establishing a black bear bait station, you must register the site with ADF&G;

(B) When using bait you must clearly mark the site with a sign reading "black bear bait station" that also displays your hunting license number and ADF&G assigned number;

(C) You may use only biodegradable materials for bait; you may use only the head, bones, viscera, or skin of legally harvested fish and wildlife for bait;

(D) You may not use bait within one-quarter mile of a publicly maintained road or trail;

(E) You may not use bait within one mile of a house or other permanent dwelling, or within one mile of a developed campground, or developed recreational facility;

(F) When using bait, you must remove litter and equipment from the bait station site when done hunting;

(G) You may not give or receive payment for the use of a bait station, including barter or exchange of goods;

(H) You may not have more than two bait stations with bait present at any one time;

(xv) Taking swimming ungulates, bears, wolves or wolverine;

(xvi) Taking or assisting in the taking of ungulates, bear, wolves, wolverine, or other furbearers before 3:00 a.m. following the day in which airborne

travel occurred (except for flights in regularly scheduled commercial aircraft); however, this restriction does not apply to subsistence taking of deer;

(xvii) Taking a bear cub or a sow accompanied by cub(s).

(2) Wildlife taken in defense of life or property is not a subsistence use; wildlife so taken is subject to State regulations.

(3) The following methods and means of trapping furbearers, for subsistence uses pursuant to the requirements of a trapping license are prohibited, in addition to the prohibitions listed at paragraph (b)(1) of this section:

(i) Disturbing or destroying a den, except that you may disturb a muskrat pushup or feeding house in the course of trapping;

(ii) Disturbing or destroying any beaver house;

(iii) Taking beaver by any means other than a steel trap or snare, except that you may use firearms in certain Units with established seasons as identified in Unit-specific regulations found in this subpart;

(iv) Taking otter with a steel trap having a jaw spread of less than five and seven-eighths inches during any closed mink and marten season in the same Unit;

(v) Using a net, or fish trap (except a blackfish or fyke trap);

(vi) Taking beaver in the Minto Flats Management Area with the use of an aircraft for ground transportation, or by landing within one mile of a beaver trap or set used by the transported person;

(vii) Taking or assisting in the taking of furbearers by firearm before 3:00 a.m. on the day following the day on which airborne travel occurred; however, this does not apply to a trapper using a firearm to dispatch furbearers caught in a trap or snare.

(c) Possession and transportation of wildlife. (1) Except as specified in paragraphs (c)(3)(ii) or (c)(4) of this section, or as otherwise provided, you may not take a species of wildlife in any Unit, or portion of a Unit, if your total take of that species already obtained anywhere in the State under Federal and State regulations equals or exceeds the harvest limit in that Unit.

(2) An animal taken under Federal or State regulations by any member of a community with an established community harvest limit for that species counts toward the community harvest limit for that species. Except for wildlife taken pursuant to § __.6(f)(3) or as otherwise provided for by this Part, an animal taken as part of a community harvest limit counts toward every community member's harvest limit for

that species taken under Federal or State of Alaska regulations.

(3) Harvest limits. (i) Harvest limits, including those related to ceremonial uses, authorized by this section and harvest limits established in State regulations may not be accumulated.

(ii) Wildlife taken by a designated hunter for another person pursuant to § __.6(f)(2), counts toward the individual harvest limit of the person for whom the wildlife is taken.

(4) The harvest limit specified for a trapping season for a species and the harvest limit set for a hunting season for the same species are separate and distinct. This means that if you have taken a harvest limit for a particular species under a trapping season, you may take additional animals under the harvest limit specified for a hunting season or vice versa.

(5) A brown/grizzly bear taken in a Unit or portion of a Unit having a harvest limit of one brown/grizzly bear per year counts against a one brown/grizzly bear every four regulatory years harvest limit in other Units; an individual may not take more than one brown/grizzly bear in a regulatory year.

(6) A harvest limit applies to the number of animals that can be taken during a regulatory year; however, harvest limits for grouse, ptarmigan, and caribou (in some Units) are regulated by the number that may be taken per day. Harvest limits of grouse and ptarmigan are also regulated by the number that can be held in possession.

(7) Unless otherwise provided, any person who gives or receives wildlife shall furnish, upon a request made by a Federal or State agent, a signed statement describing the following: names and addresses of persons who gave and received wildlife, the time and place that the wildlife was taken, and identification of species transferred. Where a qualified subsistence user has designated another qualified subsistence user to take wildlife on his or her behalf in accordance with § __.6, the permit shall be furnished in place of a signed statement.

(8) A rural Alaska resident who has been designated to take wildlife on behalf of another rural Alaska resident in accordance with § __.6, shall promptly deliver the wildlife to that rural Alaska resident.

(9) You may not possess, transport, give, receive, or barter wildlife that was taken in violation of Federal or State statutes or a regulation promulgated thereunder.

(10) Evidence of sex and identity.

(i) If subsistence take of Dall sheep is restricted to a ram, you may not possess

or transport a harvested sheep unless both horns accompany the animal.

(ii) If the subsistence taking of an ungulate, except sheep, is restricted to one sex in the local area, you may not possess or transport the carcass of an animal taken in that area unless sufficient portions of the external sex organs remain attached to indicate conclusively the sex of the animal; however, this paragraph (c)(10)(ii) does not apply to the carcass of an ungulate that has been butchered and placed in storage or otherwise prepared for consumption upon arrival at the location where it is to be consumed.

(iii) If a moose harvest limit includes an antler size or configuration restriction, you may not possess or transport the moose carcass or its parts unless both antlers accompany the carcass or its parts. If you possess a set of antlers with less than the required number of brow tines on one antler, you must leave the antlers naturally attached to the unbroken, uncut skull plate; however, this paragraph (c)(10)(iii) does not apply to a moose carcass or its parts that have been butchered and placed in storage or otherwise prepared for consumption after arrival at the place where it is to be stored or consumed.

(11) You must leave all edible meat from caribou and moose harvested in Units 9(B), 17, and 19(B) prior to October 1 on the bones of the front quarters and hind quarters until you remove the meat from the field or process it for human consumption.

(d) If you take an animal that has been marked or tagged for scientific studies, you must, within a reasonable time, notify the ADF&G or the agency identified on the collar or marker, when and where the animal was taken. You also must retain any ear tag, collar, radio, tattoo, or other identification with the hide until it is sealed, if sealing is required; in all cases, you must return any identification equipment to the ADF&G or to an agency identified on such equipment.

(e) Sealing of bear skins and skulls. (1) Sealing requirements for bear shall apply to brown bears taken in all Units, except as specified in this paragraph, and black bears of all color phases taken in Units 1-7, 11-17, and 20.

(2) You may not possess or transport from Alaska, the untanned skin or skull of a bear unless the skin and skull have been sealed by an authorized representative of ADF&G in accordance with State or Federal regulations, except that the skin and skull of a brown bear taken under a registration permit in the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area,

Unit 5, or Unit 9(B) need not be sealed unless removed from the area.

(3) You must keep a bear skin and skull together until a representative of the ADF&G has removed a rudimentary premolar tooth from the skull and sealed both the skull and the skin; however, this provision shall not apply to brown bears taken within the Western Alaska Brown Bear Management Area, the Northwest Alaska Brown Bear Management Area, Unit 5, or Unit 9(B) which are not removed from the Management Area or Unit.

(i) In areas where sealing is required by Federal regulations, you may not possess or transport the hide of a bear which does not have the penis sheath or vaginal orifice naturally attached to indicate conclusively the sex of the bear.

(ii) If the skin or skull of a bear taken in the Western Alaska Brown Bear Management Area is removed from the area, you must first have it sealed by an ADF&G representative in Bethel, Dillingham, or McGrath; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iii) If you remove the skin or skull of a bear taken in the Northwestern Alaska Brown Bear Management Area from the area or present it for commercial tanning within the Management Area, you must first have it sealed by an ADF&G representative in Barrow, Fairbanks, Galena, Nome, or Kotzebue; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(iv) If you remove the skin or skull of a bear taken in Unit 5 from the area, you must first have it sealed by an ADF&G representative in Yakutat; at the time of sealing, the ADF&G representative shall remove and retain the skin of the skull and front claws of the bear.

(4) You may not falsify any information required on the sealing certificate or temporary sealing form provided by the ADF&G in accordance with State regulations.

(f) Sealing of beaver, lynx, marten, otter, wolf, and wolverine. You may not possess or transport from Alaska the untanned skin of a marten taken in Units 1–5, 7, 13(E), and 14–16 or the untanned skin of a beaver, lynx, otter, wolf, or wolverine, whether taken inside or outside the state, unless the skin has been sealed by an authorized representative of ADF&G in accordance with State regulations.

(1) You must seal any wolf taken in Unit 2 on or before the 30th day after the date of taking.

(2) You must leave the radius and ulna of the left foreleg naturally attached to the hide of any wolf taken in Units 1–5 until the hide is sealed.

(g) A person who takes a species listed in paragraph (f) of this section but who is unable to present the skin in person, must complete and sign a temporary sealing form and ensure that the completed temporary sealing form and skin are presented to an authorized representative of ADF&G for sealing consistent with requirements listed in paragraph (f) of this section.

(h) Utilization of wildlife. (1) You may not use wildlife as food for a dog or furbearer, or as bait, except for the following:

(i) The hide, skin, viscera, head, or bones of wildlife;

(ii) The skinned carcass of a furbearer;

(iii) Squirrels, hares (rabbits), grouse, and ptarmigan; however, you may not use the breast meat of grouse and ptarmigan as animal food or bait;

(iv) Unclassified wildlife.

(2) If you take wildlife for subsistence, you must salvage the following parts for human use:

(i) The hide of a wolf, wolverine, coyote, fox, lynx, marten, mink, weasel, or otter;

(ii) The hide and edible meat of a brown bear, except that the hide of brown bears taken in the Western and Northwestern Alaska Brown Bear Management Areas and Units 5 and 9(B) need not be salvaged;

(iii) The hide and edible meat of a black bear;

(iv) The hide or meat of squirrels, hares (rabbits), marmots, beaver, muskrats, or unclassified wildlife.

(3) You must salvage the edible meat of ungulates, bear, grouse and ptarmigan.

(4) Failure to salvage the edible meat may not be a violation if such failure is caused by circumstances beyond the control of a person, including theft of the harvested wildlife, unanticipated weather conditions, or unavoidable loss to another animal.

(i) The regulations found in this section do not apply to the subsistence taking and use of wildlife regulated pursuant to the Fur Seal Act of 1966 (80 Stat. 1091, 16 U.S.C. 1187), the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531–1543), the Marine Mammal Protection Act of 1972 (86 Stat. 1027; 16 U.S.C. 1361–1407), and the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711), or any amendments to these Acts. The taking and use of wildlife, covered by these Acts, will conform to the specific provisions contained in these Acts, as

amended, and any implementing regulations.

(j) Rural residents, non-rural residents, and nonresidents not specifically prohibited by Federal regulations from hunting or trapping on public lands in an area, may hunt or trap on public lands in accordance with the appropriate State regulations.

(k) Unit regulations. You may take for subsistence unclassified wildlife, all squirrel species, and marmots in all Units, without harvest limits, for the period of July 1–June 30. You may not take for subsistence wildlife outside established Unit seasons, or in excess of the established Unit harvest limits, unless otherwise provided for by the Board. You may take wildlife under State regulations on public lands, except as otherwise restricted at paragraphs (k)(1) through (26) of this section. Additional Unit-specific restrictions or allowances for subsistence taking of wildlife are identified at paragraphs (k)(1) through (26) of this section.

(1) *Unit 1.* Unit 1 consists of all mainland drainages from Dixon Entrance to Cape Fairweather, and those islands east of the center line of Clarence Strait from Dixon Entrance to Caamano Point, and all islands in Stephens Passage and Lynn Canal north of Taku Inlet:

(i) Unit 1(A) consists of all drainages south of the latitude of Lemesurier Point including all drainages into Behm Canal, excluding all drainages of Ernest Sound;

(ii) Unit 1(B) consists of all drainages between the latitude of Lemesurier Point and the latitude of Cape Fanshaw including all drainages of Ernest Sound and Farragut Bay, and including the islands east of the center lines of Frederick Sound, Dry Strait (between Sergief and Kadin Islands), Eastern Passage, Blake Channel (excluding Blake Island), Ernest Sound, and Seward Passage;

(iii) Unit 1(C) consists of that portion of Unit 1 draining into Stephens Passage and Lynn Canal north of Cape Fanshaw and south of the latitude of Eldred Rock including Berners Bay, Sullivan Island, and all mainland portions north of Chichagof Island and south of the latitude of Eldred Rock, excluding drainages into Farragut Bay;

(iv) Unit 1(D) consists of that portion of Unit 1 north of the latitude of Eldred Rock, excluding Sullivan Island and the drainages of Berners Bay;

(v) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Public lands within Glacier Bay National Park are closed to all taking of wildlife for subsistence uses;

(B) Unit 1(A)—in the Hyder area, the Salmon River drainage downstream from the Riverside Mine, excluding the Thumb Creek drainage, is closed to the taking of bear;

(C) Unit 1(B)—the Anan Creek drainage within one mile of Anan Creek downstream from the mouth of Anan Lake, including the area within a one mile radius from the mouth of Anan Creek Lagoon, is closed to the taking of black bear and brown bear;

(D) Unit 1(C):

(1) You may not hunt within one-fourth mile of Mendenhall Lake, the U.S. Forest Service Mendenhall Glacier Visitor's Center, and the Center's parking area;

(2) You may not take mountain goat in the area of Mt. Bullard bounded by the Mendenhall Glacier, Nugget Creek from its mouth to its confluence with Goat Creek, and a line from the mouth of Goat Creek north to the Mendenhall Glacier;

(vi) You may not trap furbearers for subsistence uses in Unit 1(C), Juneau area, on the following public lands:

(A) A strip within one-quarter mile of the mainland coast between the end of Thane Road and the end of Glacier Highway at Echo Cove;

(B) That area of the Mendenhall Valley bounded on the south by the Glacier Highway, on the west by the Mendenhall Loop Road and Montana Creek Road and Spur Road to Mendenhall Lake, on the north by

Mendenhall Lake, and on the east by the Mendenhall Loop Road and Forest Service Glacier Spur Road to the Forest Service Visitor Center;

(C) That area within the U.S. Forest Service Mendenhall Glacier Recreation Area;

(D) A strip within one-quarter mile of the following trails as designated on U.S. Geological Survey maps: Herbert Glacier Trail, Windfall Lake Trail, Peterson Lake Trail, Spaulding Meadows Trail (including the loop trail), Nugget Creek Trail, Outer Point Trail, Dan Moller Trail, Perseverance Trail, Granite Creek Trail, Mt. Roberts Trail and Nelson Water Supply Trail, Sheep Creek Trail, and Point Bishop Trail;

(vii) Unit-specific regulations:

(A) You may hunt black bear with bait in Units 1(A), 1(B), and 1(D) between April 15 and June 15;

(B) You may not use boats to take ungulates, bear, wolves, or wolverine, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(1) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing

agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30
Brown Bear: 1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 31.
Deer:	
Unit 1(A)—4 antlered deer	Aug. 1–Dec. 31.
Unit 1(B)—2 antlered deer	Aug. 1–Dec. 31.
Unit 1(C)—4 deer; however, antlerless deer may be taken only from Sept. 15–Dec. 31	Aug. 1–Dec. 31.
Goat:	
Unit 1(A)—Revillagigedo Island only	No open season.
Unit 1(B)—that portion north of LeConte Bay. 1 goat by State registration permit only; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1(B)—that portion between LeConte Bay and the North Fork of Bradfield River/Canal. 2 goats; a State registration permit will be required for the taking of the first goat and a Federal registration permit for the taking of a second goat; the taking of kids or nannies accompanied by kids is prohibited.	Aug. 1–Dec. 31.
Unit 1(A) and Unit 1(B)—remainder—2 goats by State registration permit only	Aug. 1–Dec. 31.
Unit 1(C)—that portion draining into Lynn Canal and Stephens Passage between Antler River and Eagle Glacier and River, and all drainages of the Chilkat Range south of the Endicott River—1 goat by State registration permit only.	Oct. 1–Nov. 30.
Unit 1(C)—that portion draining into Stephens Passage and Taku Inlet between Eagle Glacier and River and Taku Glacier.	No open season.
Unit 1(C)—remainder—1 goat by State registration permit only	Aug. 1–Nov. 30.
Unit 1(D)—that portion lying north of the Katzeihin River and northeast of the Haines highway—1 goat by State registration permit only.	Sept. 15–Nov. 30.
Unit 1(D)—that portion lying between Taiya Inlet and River and the White Pass and Yukon Railroad	No open season.
Unit 1(D)—remainder—1 goat by State registration permit only	Aug. 1–Dec. 31.
Moose:	
Unit 1(A)—1 antlered bull	Sept. 15–Oct. 15.
Unit 1(B)—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit only.	Sept. 15–Oct. 15.

Harvest limits	Open season
Unit 1(C), that portion south of Point Hobart including all Port Houghton drainages—1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler, by State registration permit only.	Sept. 15–Oct. 15.
Unit 1(C)—remainder, excluding drainages of Berners Bay—1 antlered bull by State registration permit only	Sept. 15–Oct. 15.
Unit 1(D)	No open season.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: Unit 1(A), (B), and (C)—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(2) *Unit 2.* Unit 2 consists of Prince of Wales Island and all islands west of the center lines of Clarence Strait and Kashevarof Passage, south and east of the center lines of Sumner Strait, and east of the longitude of the western most point on Warren Island.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not use boats to take ungulates, bear, wolves, or wolverine, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(1) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community

operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer: 4 deer; however, no more than one may be an antlerless deer. Antlerless deer may be taken only during the period Oct. 15–Dec. 31 by Federal registration permit only.	Aug. 1–Dec. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Dec. 1–Mar. 31.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.

Harvest limits	Open season
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Dec. 1–Mar. 31.
Wolverine: No limit	Nov. 10–Apr. 30.

(3) *Unit 3.* (i) Unit 3 consists of all islands west of Unit 1(B), north of Unit 2, south of the center line of Frederick Sound, and east of the center line of Chatham Strait including Coronation, Kuiu, Kupreanof, Mitkof, Zarembo, Kashevarof, Woronkofski, Etolin, Wrangell, and Deer Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Petersburg vicinity, you may not take ungulates, bear, wolves, and wolverine along a strip one-fourth mile wide on each side of the Mitkof Highway from Milepost 0 to Crystal Lake campground;

(B) You may not take black bears in the Petersburg Creek drainage on Kupreanof Island;

(C) You may not hunt in the Blind Slough draining into Wrangell Narrows and a strip one-fourth mile wide on each side of Blind Slough, from the hunting closure markers at the southernmost portion of Blind Island to the hunting closure markers one mile south of the Blind Slough bridge.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not use boats to take ungulates, bear, wolves, or wolverine, unless you are certified as disabled;

(C) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(I) The person organizing the religious ceremony, or designee, contact

the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the

taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(D) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Deer:	
Unit 3—Mitkof Island, Woewodski Island, Butterworth Islands, and that portion of Kupreanof Island which includes Lindenburg Peninsula east of the Portage Bay/Duncan Canal Portage—1 antlered deer by State registration permit only; however, the city limits of Petersburg and Kupreanof are closed to hunting.	Oct. 15–Oct. 31.
Unit 3—remainder—2 antlered deer	Aug. 1–Nov. 30.
Moose: 1 antlered bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler by State registration permit only.	Sept. 15–Oct. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver:	
Unit 3—Mitkof Island—No limit	Dec. 1–Apr. 15.
Unit 3—except Mitkof Island—No limit	Dec. 1–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Dec. 1–Feb. 15.
Mink and Weasel: No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.

Harvest limits	Open season
Wolverine: No limit	Nov. 10.–Apr. 30.

(4) **Unit 4.** (i) Unit 4 consists of all islands south and west of Unit 1(C) and north of Unit 3 including Admiralty, Baranof, Chichagof, Yakobi, Inian, Lemesurier, and Pleasant Islands.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take bears in the Seymour Canal Closed Area (Admiralty Island) including all drainages into northwestern Seymour Canal between Staunton Point and the southernmost tip of the unnamed peninsula separating Swan Cove and King Salmon Bay including Swan and Windfall Islands;

(B) You may not take bears in the Salt Lake Closed Area (Admiralty Island) including all lands within one-fourth mile of Salt Lake above Klutchman Rock at the head of Mitchell Bay;

(C) You may not take brown bears in the Port Althorp Closed Area (Chichagof Island), that area within the Port Althorp watershed south of a line from Point Lucan to Salt Chuck Point (Trap Rock);

(D) You may not use any motorized land vehicle for brown bear hunting in the Northeast Chichagof Controlled Use Area (NECCUA) consisting of all portions of Unit 4 on Chichagof Island north of Tenakee Inlet and east of the drainage divide from the northwest point of Gull Cove to Port Frederick Portage, including all drainages into Port Frederick and Mud Bay;

(E) You may not use any motorized land vehicle for the taking of marten, mink, and weasel on Chichagof Island.

(iii) Unit-specific regulations:

(A) You may not use boats to take bear, wolves, or wolverine, unless you are certified as disabled;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(C) You may take of wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(1) The person organizing the religious ceremony, or designee, contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur.

Harvest limits	Open season
Hunting	
Brown Bear:	
Unit 4—Chichagof Island south and west of a line that follows the crest of the island from Rock Point (58° N. lat., 136° 21' W. long.) to Rodgers Point (57° 35' N. lat., 135° 33' W. long.) including Yakobi and other adjacent islands; Baranof Island south and west of a line which follows the crest of the island from Nismeni Point (57° 34' N. lat., 135° 25' W. long.) to the entrance of Gut Bay (56° 44' N. lat. 134° 38' W. long.) including the drainages into Gut Bay and including Kruzof and other adjacent islands—1 bear every four regulatory years by State registration permit only.	Sept. 15–Dec. 31. Mar. 15–May 31.
Unit 4—that portion in the Northeast Chichagof Controlled Use Area—1 bear every four regulatory years by State registration permit only.	Mar. 15–May 20.
Unit 4—remainder—1 bear every four regulatory years by State registration permit only	Sept. 15–Dec. 31. Mar. 15–May 20.
Deer: 6 deer; however, antlerless deer may be taken only from Sept. 15—Jan. 31	Aug. 1–Jan. 31.
Goat: 1 goat by State registration permit only	Aug. 1–Dec. 31.
Coyote: 2 coyotes.	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black, and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver:	
Unit 4—that portion east of Chatham Strait—No limit	Dec. 1–May 15.
Remainder of Unit 4	No open season.
Coyote: No limit	Dec. 1–Feb. 15.

Harvest limits	Open season
Fox, Red (including Cross, Black, and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten:	
Unit 4—Chichagof Island—No limit	Dec. 1—Dec. 31.
Remainder of Unit 4—No limit	Dec. 1–Feb. 15.
Mink and Weasel:	
Unit 4—Chichagof Island—No limit	Dec. 1–Dec. 31.
Remainder of Unit 4—No limit	Dec. 1–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Dec. 1–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(5) *Unit 5.* (i) Unit 5 consists of all Gulf of Alaska drainages and islands between Cape Fairweather and the center line of Icy Bay, including the Guyot Hills:

(A) Unit 5(A) consists of all drainages east of Yakutat Bay, Disenchantment Bay, and the eastern edge of Hubbard Glacier, and includes the islands of Yakutat and Disenchantment Bays;

(B) Unit 5(B) consists of the remainder of Unit 5.

(ii) You may not take wildlife for subsistence uses on public lands within Glacier Bay National Park.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may not use boats to take ungulates, bear, wolves, or wolverine, except for persons certified as disabled;

(C) You may hunt brown bear in Unit 5 with a Federal registration permit in lieu of a State metal locking tag; if you have obtained a Federal registration permit prior to hunting;

(D) You may take wildlife outside the seasons or harvest limits provided in this part for food in traditional religious ceremonies which are part of a funerary or mortuary cycle, including memorial potlatches, if:

(1) The person organizing the religious ceremony, or designee,

contacts the appropriate Federal land management agency prior to taking or attempting to take game and provides to the appropriate Federal land managing agency the name of the decedent, the nature of the ceremony, the species and number to be taken, and the Unit(s) in which the taking will occur;

(2) The taking does not violate recognized principles of fish and wildlife conservation;

(3) Each person who takes wildlife under this section must, as soon as practicable, and not more than 15 days after the harvest, submit a written report to the appropriate Federal land managing agency, specifying the harvester's name and address, the number, sex and species of wildlife taken, the date and locations of the taking, and the name of the decedent for whom the ceremony was held;

(4) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in that area where the harvesting will occur;

(E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer or moose on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 2 bears, no more than one may be a blue or glacier bear	Sept. 1–June 30.
Brown Bear: 1 bear by Federal registration permit only	Sept. 1–May 31.
Deer:	
Unit 5(A)—1 buck	Nov. 1–Nov. 30.
Unit 5(B)	No open season.
Goat: 1 goat by Federal registration permit only	Aug. 1–Jan. 31.
Moose:	
Unit 5(A), Nunatak Bench—1 moose by State registration permit only. The season will be closed when 5 moose have been taken from the Nunatak Bench.	Nov. 15–Feb. 15.
Unit 5(A), except Nunatak Bench—1 antlered bull by Federal registration permit only. The season will be closed when 60 antlered bulls have been taken from the Unit. The season will be closed in that portion west of the Dangerous River when 30 antlered bulls have been taken in that area. From Oct. 15–Oct. 21, public lands will be closed to taking of moose, except by residents of Unit 5(A).	Oct. 8–Nov. 15.
Unit 5(B)—1 antlered bull by State registration permit only. The season will be closed when 25 antlered bulls have been taken from the entirety of Unit 5(B).	Sept. 1–Dec. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes.	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): 5 hares per day	Sept. 1–Apr. 30.
Lynx: 2 lynx	Dec. 1–Feb. 15.
Wolf: 5 wolves	Aug. 1–Apr. 30.
Wolverine: 1 wolverine	Nov. 10–Feb. 15.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.

Harvest limits	Open season
Trapping	
Beaver: No limit	Nov. 10–May 15.
Coyote: No limit	Dec. 1–Feb. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Dec. 1–Feb. 15.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Nov. 10–Feb. 15.
Mink and Weasel: No limit	Nov. 10–Feb. 15.
Muskrat: No limit	Dec. 1–Feb. 15.
Otter: No limit	Nov. 10–Feb. 15.
Wolf: No limit	Nov. 10–Apr. 30.
Wolverine: No limit	Nov. 10–Apr. 30.

(6) *Unit 6.* (i) Unit 6 consists of all Gulf of Alaska and Prince William Sound drainages from the center line of Icy Bay (excluding the Guyot Hills) to Cape Fairfield including Kayak, Hinchinbrook, Montague, and adjacent islands, and Middleton Island, but excluding the Copper River drainage upstream from Miles Glacier, and excluding the Nellie Juan and Kings River drainages:

(A) Unit 6(A) consists of Gulf of Alaska drainages east of Palm Point near Katalla including Kanak, Wingham, and Kayak Islands;

(B) Unit 6(B) consists of Gulf of Alaska and Copper River Basin drainages west of Palm Point near Katalla, east of the west bank of the Copper River, and east of a line from Flag Point to Cottonwood Point;

(C) Unit 6(C) consists of drainages west of the west bank of the Copper River, and west of a line from Flag Point to Cottonwood Point, and drainages east of the east bank of Rude River and drainages into the eastern shore of Nelson Bay and Orca Inlet;

(D) Unit 6(D) consists of the remainder of Unit 6.

(ii) For the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take mountain goat in the Goat Mountain goat observation area, which consists of that portion of Unit 6(B) bounded on the north by Miles Lake and Miles Glacier, on the south and east by Pleasant Valley River and Pleasant Glacier, and on the west by the Copper River;

(B) You may not take mountain goat in the Heney Range goat observation area, which consists of that portion of Unit 6(C) south of the Copper River Highway and west of the Eyak River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) You may take coyotes in Units 6(B) and 6(C) with the aid of artificial lights.

Harvest limits	Open season
Hunting	
Black Bear: 1 bear	Sept. 1–June 30.
Deer: 4 deer; however, antlerless deer may be taken only from Oct. 1–Dec. 31	Aug. 1–Dec. 31.
Goats:	
Unit 6(A), (B)—1 goat by State registration permit only	Aug. 20–Jan. 31.
Unit 6(C)	No open season.
Unit 6(D) (subareas RG242, RG244, RG249, RG266 and RG252 only)—1 goat by Federal registration permit only In each of the Unit 6(D) subareas, goat seasons will be closed when harvest limits for that subarea are reached. Harvest quotas are as follows: RG242—2 goats, RG244—2 goats, RG249—2 goats, RG266—4 goats, RG252—1 goat.	Aug. 20–Jan. 31.
Unit 6(D) (subareas RG243 and RG245)—The taking of goats is prohibited on all public lands	No open season.
Coyote:	
Unit 6(A) and (D)—2 coyotes	Sept. 1–Apr. 30.
Unit 6(B)—No limit	July 1–June 30.
Unit 6(C)—south of the Copper River Highway and east of the Heney Range—No limit	July 1–June 30.
Unit 6(C)—remainder—No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases):	No open season.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx:	No open season.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 5 per day, 10 in possession	Aug. 1–May 15.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 1–May 15.
Trapping	
Beaver: 20 beaver per season	Dec. 1–Mar. 31.
Coyote:	
Unit 6(A), (B), and (D)—No limit	Nov. 10–Mar. 31.
Unit 6(C)—south of the Copper River Highway and east of the Heney Range—No limit	Nov. 10–Apr. 30.
Unit 6(C)—remainder—No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 1–Feb. 15.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.

Harvest limits	Open season
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(7) *Unit 7.* (i) Unit 7 consists of Gulf of Alaska drainages between Gore Point and Cape Fairfield including the Nellie Juan and Kings River drainages, and including the Kenai River drainage upstream from the Russian River, the drainages into the south side of Turnagain Arm west of and including the Portage Creek drainage, and east of 150° W. long., and all Kenai Peninsula drainages east of 150° W. long., from Turnagain Arm to the Kenai River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Kenai Fjords National Park;

(B) You may not hunt in the Portage Glacier Closed Area in Unit 7, which consists of Portage Creek drainages between the Anchorage-Seward Railroad and Placer Creek in Bear Valley, Portage Lake, the mouth of Byron Creek, Glacier Creek, and Byron Glacier; however, you may hunt grouse, ptarmigan, hares, and squirrels with shotguns after September 1.

(iii) Unit-specific regulations: except in the drainages of Resurrection
 (A) You may use bait to hunt black Creek and its tributaries.
 bear between April 15 and June 15; (B) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: Unit 7—3 bears	July 1–June 30.
Moose:	
Unit 7—that portion draining into Kings Bay—1 bull with spike-fork or 50-inch antlers or 3 or more brow tines on either antler may be taken by the community of Chenega Bay and also by the community of Tatitlek. Public lands are closed to the taking of moose except by eligible rural residents.	Aug. 10–Sept. 20.
Unit 7—remainder	No open season.
Coyote: No limit	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Nov. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Wolf:	
Unit 7—that portion within the Kenai National Wildlife Refuge—2 wolves	Aug. 10–Apr. 30.
Unit 7—Remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: 20 beaver per season	Dec. 1–Mar. 31.
Coyote: No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 1–Feb. 15.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter: No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Feb. 28.
Wolverine: No limit	Nov. 10–Feb. 28.

(8) *Unit 8.* Unit 8 consists of all islands southeast of the centerline of Shelikof Strait including Kodiak, Afognak, Whale, Raspberry, Shuyak, Spruce, Marmot, Sitkalidak, Amook, Uganik, and Chirikof Islands, the Trinity Islands, the Semidi Islands, and other adjacent islands.

(i) If you have a trapping license, you may take beaver with a firearm in Unit 8 from Nov. 10–Apr. 30.

(ii) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take deer on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Brown Bear: 1 bear by Federal registration permit only. Up to 1 permit may be issued in Akiok; up to 1 permit may be issued in Karluk; up to 3 permits may be issued in Larsen Bay; up to 2 permits may be issued in Old Harbor; up to 2 permits may be issued in Ouzinkie; and up to 2 permits may be issued in Port Lions.	Dec. 1–Dec. 15. Apr. 1–May 15.
Deer:	

Harvest limits	Open season
Unit 8—that portion of Kodiak Island north of a line from the head of Settlers Cove to Crescent Lake (57° 52' N. lat., 152° 58' W. long.), and east of a line from the outlet of Crescent Lake to Mount Ellison Peak and from Mount Ellison Peak to Pokati Point at Whale Passage, and that portion of Kodiak Island east of a line from the mouth of Saltery Creek to the mouth at Elbow Creek, and adjacent small islands in Chiniak Bay—1 deer; however, antlerless deer may be taken only from Oct. 25—Oct. 31.	Aug. 1—Oct. 31.
Unit 8—that portion of Kodiak Island and adjacent islands south and west of a line from the head of Terror Bay to the head of the south-western most arm of Ugak Bay—5 deer; however, antlerless deer may be taken only from Oct. 1—Jan. 31.	Aug. 1—Jan. 31.
Unit 8—remainder—5 deer; however, antlerless deer may be taken only from Oct. 1—Jan. 31; no more than 1 antlerless deer may be taken from Oct. 1—Nov. 30.	Aug. 1—Jan. 31.
Elk: Afognak Island above mean high tide—1 elk per household by Federal registration permit only; only 1 elk in possession for each two hunters in a party. Entry for elk hunting shall be from marine waters only. The season will be closed by announcement of the Refuge Manager, Kodiak National Wildlife Refuge when the combined Federal/State harvest reaches 15% of the herd.	Sept. 1—Nov. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1—Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1—June 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10—Apr. 30.
Trapping	
Beaver: 30 beaver per season	Nov. 10—Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10—Mar. 31.
Marten: No limit	Nov. 10—Jan. 31.
Mink and Weasel: No limit	Nov. 10—Jan. 31.
Muskrat: No limit	Nov. 10—June 10.
Otter: No limit	Nov. 10—Jan. 31.

(9) *Unit 9.* (i) Unit 9 consists of the Alaska Peninsula and adjacent islands including drainages east of False Pass, Pacific Ocean drainages west of and excluding the Redoubt Creek drainage; drainages into the south side of Bristol Bay, drainages into the north side of Bristol Bay east of Etolin Point, and including the Sanak and Shumagin Islands:

(A) Unit 9(A) consists of that portion of Unit 9 draining into Shelikof Strait and Cook Inlet between the southern boundary of Unit 16 (Redoubt Creek) and the northern boundary of Katmai National Park and Preserve;

(B) Unit 9(B) consists of the Kvichak River drainage;

(C) Unit 9(C) consists of the Alagnak (Branch) River drainage, the Naknek River drainage, and all land and water within Katmai National Park and Preserve;

(D) Unit 9(D) consists of all Alaska Peninsula drainages west of a line from the southernmost head of Port Moller to the head of American Bay including the Shumagin Islands and other islands of Unit 9 west of the Shumagin Islands;

(E) Unit 9(E) consists of the remainder of Unit 9.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in Katmai National Park;

(B) You may not use motorized vehicles, except aircraft, boats, or snowmobiles used for hunting and transporting a hunter or harvested animal parts from Aug. 1—Nov. 30 in the Naknek Controlled Use Area, which includes all of Unit 9(C) within the Naknek River drainage upstream from and including the King Salmon Creek drainage; however, you may use a motorized vehicle on the Naknek-King Salmon, Lake Camp, and Rapids Camp roads and on the King Salmon Creek trail, and on frozen surfaces of the Naknek River and Big Creek;

(C) If you have a trapping license, you may use a firearm to take beaver in Unit 9(B) from April 1—May 31 and in the remainder of Unit 9 from April 1—April 30;

(D) In Unit 9(B), Lake Clark National Park and Preserve, residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth, may hunt brown bear by Federal registration

permit in lieu of a resident tag; ten permits will be available with at least one permit issued in each community but no more than five permits will be issued in a single community; the season will be closed when four females or ten bears have been taken, whichever occurs first;

(E) Residents of Newhalen, Nondalton, Iliamna, Pedro Bay, and Port

Alsworth may take up to a total of 10 bull moose in Unit 9(B) for ceremonial purposes, under the terms of a Federal registration permit from July 1 through June 30. Permits will be issued to individuals only at the request of a local organization. This 10 moose limit is not cumulative with that permitted for potlatches by the State.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1—June 30.
Brown Bear:	
Unit 9(B)—Lake Clark National Park and Preserve—Rural residents of Nondalton, Iliamna, Newhalen, Pedro Bay, and Port Alsworth only—1 bear by Federal registration permit only.	July 1—June 30.
Unit 9(B), remainder—1 bear by State registration permit only	Sept. 1—May 31.
Unit 9(E)—1 bear by Federal registration permit	Oct. 1—Dec. 31.
	May 10—May 25.
Caribou:	

Harvest limits	Open season
Unit 9(A)—4 caribou; however, no more than 2 caribou may be taken Aug. 10–Sept. 30 and no more than 1 caribou may be taken Oct. 1–Nov. 30.	Aug. 10–Mar. 31.
Unit 9(C), that portion within the Alagnak River drainage—1 caribou	Aug. 1–Mar. 31.
Unit 9(C), remainder—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of caribou except by residents of Units 9(C) and (E).	Aug. 10–Sept. 20. Nov. 15–Feb. 28.
Unit 9(B)—5 caribou; however, no more than 2 bulls may be taken from Oct. 1–Nov. 30	Aug. 1–Apr. 15.
Unit 9(D)—closed to all hunting of caribou	No open season.
Unit 9(E)—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of caribou except by residents of Units 9(C) and (E).	Aug. 10–Sept. 20 Nov. 1–Apr. 30.
Sheep:	
Unit 9(B)—Residents of Iliamna, Newhalen, Nondalton, Pedro Bay, and Port Alsworth only—1 ram with 7/8 curl horn by Federal registration permit only.	Aug. 10–Oct. 10.
Remainder of Unit 9—1 ram with 7/8 curl horn	Aug. 10–Sept. 20.
Moose:	
Unit 9(A)—1 bull	Sept. 1–Sept. 15.
Unit 9(B)—1 bull	Aug. 20–Sept. 15. Dec. 1–Jan. 15.
Unit 9(C)—that portion draining into the Naknek River from the north—1 bull	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(C)—that portion draining into the Naknek River from the south—1 bull. However, during the period Aug. 20–Aug. 31, bull moose may be taken by Federal registration permit only. During the December hunt, antlerless moose may be taken by Federal registration permit only. The antlerless season will be closed when 5 antlerless moose have been taken. Public lands are closed during December for the hunting of moose, except by eligible rural Alaska residents	Aug. 20–Sept. 15. Dec. 1–Dec. 31.
Unit 9(C)—remainder—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31	Sept. 1–Sept. 15. Dec. 1–Dec. 31.
Unit 9(E)—1 bull	Sept. 1–Sept. 20. Dec. 1–Jan. 20.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White): No limit	Dec. 1–Mar. 15.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 9(B)—40 beaver per season; however, no more than 20 may be taken between Apr. 1–May 31	Jan. 1–May 31.
Unit 9—remainder—40 beaver per season; however, no more than 20 may be taken between Apr. 1–Apr. 30	Jan. 1–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White): No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Nov. 10–Feb. 28.
Marten: No limit	Nov. 10–Feb. 28.
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

- (10) *Unit 10.* (i) Unit 10 consists of the Aleutian Islands, Unimak Island, and the Pribilof Islands.
(ii) You may not take any wildlife species for subsistence uses on Otter Island in the Pribilof Islands.

Harvest limits	Open season
Hunting	
Caribou:	
Unit 10—Unimak Island only	No open season.
Unit 10—remainder—No limit	July 1–June 30.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): No limit	July 1–June 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.

Harvest limits	Open season
Mink and Weasel: No limit	Nov. 10–Feb. 28.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(11) *Unit 11.* Unit 11 consists of that area draining into the headwaters of the Copper River south of Suslota Creek and the area drained by all tributaries into the east bank of the Copper River between the confluence of Suslota Creek with the Slana River and Miles Glacier.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 11–1 bear	Sept. 1–May 31.
Caribou: Unit 11	No open season.
Sheep:	
1 sheep	Aug. 10–Sept. 20.
1 sheep by Federal registration permit only by persons 60 years of age or older. No designated hunter permits will be issued for this hunt.	Sept. 21–Oct. 20.
Goat:	
Unit 11—that portion within the Wrangell-St. Elias National Park and Preserve—1 goat by Federal registration permit only. Federal public lands will be closed to the harvest of goats when a total of 45 goats have been harvested between Federal and State hunts.	Aug. 25–Dec. 31.
Moose: 1 antlered bull	Aug. 20–Sept. 20.
Coyote: 10 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Jan. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Jan. 31.

(12) *Unit 12.* Unit 12 consists of the Tanana River drainage upstream from the Robertson River, including all drainages into the east bank of the Robertson River, and the White River drainage in Alaska, but excluding the Ladue River drainage.

(i) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap wolves in Unit 12 during April and October;

(C) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

(ii) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear	Aug. 10–June 30.
Caribou:	

Harvest limits	Open season
Unit 12—that portion west of the Nabesna River within the drainages of Jack Creek, Platinum Creek, and Totschunda Creek—The taking of caribou is prohibited on public lands.	No open season.
Unit 12—that portion lying east of the Nabesna River and Nabesna Glacier, and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—The taking of caribou is prohibited on public lands.	No open season.
Unit 12—remainder—1 bull	Sept. 1–Sept. 20.
1 bull caribou may be taken by a Federal registration permit during a winter season to be announced	Winter season to be announced by the Board. Aug. 10–Sept. 20.
Sheep: 1 ram with full curl horn or larger	
Moose:	
Unit 12—that portion within the Tetlin National Wildlife Refuge and those lands within the Wrangell-St. Elias National Preserve north and east of a line formed by the Pickerel Lake Winter Trail from the Canadian border to the southern boundary of the Tetlin National Wildlife Refuge—1 antlered bull; however during the Aug. 15–Aug. 28 season only bulls with spike/fork antlers may be taken. The November season is open by Federal registration permit only.	Aug. 15–Aug. 28. Sept. 1–Sept. 15. Nov. 20–Nov. 30.
Unit 12—that portion lying east of the Nabesna River and Nabesna Glacier and south of the Winter Trail running southeast from Pickerel Lake to the Canadian border—1 antlered bull; however during the Aug. 15–Aug. 28 season only bulls with spike/fork antlers may be taken.	Aug. 15–Aug. 28. Sept. 1–Sept. 30.
Unit 12—remainder—1 antlered bull; however during the Aug. 15–Aug. 28 season only bulls with spike/fork antlers may be taken.	Aug. 15–Aug. 28. Sept. 1–Sept. 15. Sept. 1–Apr. 30.
Coyote: 10 coyotes; however, no more than 2 coyotes may be taken before October 1	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Mar. 15.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: 15 beaver per season	Nov. 1–Apr. 15.
Coyote: No limit	Nov. 1–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Dec. 1–Feb. 15.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Sept. 20–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Oct. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Feb. 28.

(13) *Unit 13.* (i) Unit 13 consists of that area westerly of the east bank of the Copper River and drained by all tributaries into the west bank of the Copper River from Miles Glacier and including the Slana River drainages north of Suslota Creek; the drainages into the Delta River upstream from Falls Creek and Black Rapids Glacier; the drainages into the Nenana River upstream from the southeast corner of Denali National Park at Windy; the drainage into the Susitna River upstream from its junction with the Chulitna River; the drainage into the east bank of the Chulitna River upstream to its confluence with Tokositna River; the drainages of the Chulitna River (south of Denali National Park) upstream from its confluence with the Tokositna River; the drainages into the north bank of the Tokositna River upstream to the base of the Tokositna Glacier; the drainages into the Tokositna Glacier; the drainages into the east bank of the Susitna River between its confluences with the Talkeetna and Chulitna Rivers; the drainages into the north bank of the Talkeetna River; the drainages into the east bank of the Chickaloon River; the drainages of the Matanuska River above its confluence with the Chickaloon River:

(A) Unit 13(A) consists of that portion of Unit 13 bounded by a line beginning at the Chickaloon River bridge at Mile 77.7 on the Glenn Highway, then along the Glenn Highway to its junction with the Richardson Highway, then south along the Richardson Highway to the foot of Simpson Hill at Mile 111.5, then east to the east bank of the Copper River, then northerly along the east bank of the Copper River to its junction with the Gulkana River, then northerly along the west bank of the Gulkana River to its junction with the West Fork of the Gulkana River, then westerly along the west bank of the West Fork of the Gulkana River to its source, an unnamed lake, then across the divide into the Tyone River drainage, down an unnamed stream into the Tyone River, then down the Tyone River to the Susitna River, then down the southern bank of the Susitna River to the mouth of Kosina Creek, then up Kosina Creek to its headwaters, then across the divide and down Aspen Creek to the Talkeetna River, then southerly along the boundary of Unit 13 to the Chickaloon River bridge, the point of beginning;

(B) Unit 13(B) consists of that portion of Unit 13 bounded by a line beginning at the confluence of the Copper River and the Gulkana River, then up the east bank of the Copper River to the Gakona River, then up the Gakona River and Gakona Glacier to the boundary of Unit 13, then westerly along the boundary of Unit 13 to the Susitna Glacier, then southerly along the west bank of the Susitna Glacier and the Susitna River to the Tyone River, then up the Tyone River and across the divide to the headwaters of the West Fork of the Gulkana River, then down the West Fork of the Gulkana River to the confluence of the Gulkana River and the Copper River, the point of beginning;

(C) Unit 13(C) consists of that portion of Unit 13 east of the Gakona River and Gakona Glacier;

(D) Unit 13(D) consists of that portion of Unit 13 south of Unit 13(A);

(E) Unit 13(E) consists of the remainder of Unit 13.

(ii) Within the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (k)(13) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5—Aug. 25 in the Delta Controlled Use Area, the boundary of which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along

the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Cantwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) Except for access and transportation of harvested wildlife on Sourdough and Haggard Creeks, Meiers Lake trails, or other trails designated by the Board, you may not use motorized vehicles for subsistence hunting, is prohibited in the Sourdough Controlled Use Area. The Sourdough Controlled Use Area consists of that portion of Unit 13(B) bounded by a line beginning at the confluence of Sourdough Creek and the Gulkana River, then northerly along Sourdough Creek to the Richardson Highway at approximately Mile 148,

then northerly along the Richardson Highway to the Meiers Creek Trail at approximately Mile 170, then westerly along the trail to the Gulkana River, then southerly along the east bank of the Gulkana River to its confluence with Sourdough Creek, the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou and moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
HUNTING	
Black Bear: 3 bears.	July 1—June 30.
Brown Bear: 1 bear. Bears taken within Denali National Park must be sealed within 5 days of harvest. That portion within Denali National Park will be closed by announcement of the Superintendent after 4 bears have been harvested.	Aug. 10—May 31.
Caribou: 2 caribou by Federal registration permit only. Hunting within the Trans-Alaska Oil Pipeline right-of-way is prohibited. The right-of-way is identified as the area occupied by the pipeline (buried or above ground) and the cleared area 25 feet on either side of the pipeline.	Aug. 10—Sept. 30. Oct. 21—Mar. 31
Sheep: Unit 13—excluding Unit 13(D) and the Tok Management Area and Delta Controlled Use Area—1 ram with 7/8 curl horn.	Aug 10—Sept. 20.
Moose:	
Unit 13(E)—1 antlered bull moose by Federal registration permit only; only 1 permit will be issued per household.	Aug. 1—Sept. 20.
Unit 13—remainder—1 antlered bull moose by Federal registration permit only	Aug. 1—Sept. 20.
Coyote: 2 coyotes	Sept. 1—Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1—Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1—June 30.
Lynx: 2 lynx	Dec. 15—Jan. 15.
Wolf: 5 wolves	Aug. 10—Apr. 30.
Wolverine: 1 wolverine	Sept. 1—Jan. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10—Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10—Mar. 31.
Trapping	
Beaver: 30 beaver per season	Oct. 10—Apr. 30.
Coyote: No limit	Nov. 10—Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10—Feb. 28.
Lynx: No limit	Dec. 1—Feb. 15.
Marten: No limit	Nov. 10—Jan. 31.
Mink and Weasel: No limit	Nov. 10—Jan. 31.
Muskrat: No limit	Nov. 10—June 10.
Otter: No limit	Nov. 10—Mar. 31.
Wolf: No limit	Nov. 10—Mar. 31.
Wolverine: No limit	Nov. 10—Jan. 31.

(14) *Unit 14.* (i) Unit 14 consists of drainages into the north side of Turnagain Arm west of and excluding the Portage Creek drainage, drainages into Knik Arm excluding drainages of the Chickaloon and Matanuska Rivers in Unit 13, drainages into the north side of Cook Inlet east of the Susitna River, drainages into the east bank of the Susitna River downstream from the Talkeetna River, and drainages into the south bank of the Talkeetna River:

(A) Unit 14(A) consists of drainages in Unit 14 bounded on the west by the Susitna River, on the north by Willow Creek, Peters Creek, and by a line from the head of Peters Creek to the head of the Chickaloon River, on the east by the eastern boundary of Unit 14, and on the south by Cook Inlet, Knik Arm, the south bank of the Knik River from its mouth to its junction with Knik Glacier, across the face of Knik Glacier and along the north side of Knik Glacier to the Unit 6 boundary;

(B) Unit 14(B) consists of that portion of Unit 14 north of Unit 14(A);

(C) Unit 14(C) consists of that portion of Unit 14 south of Unit 14(A).

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) You may not take wildlife for subsistence uses in the Fort Richardson and Elmendorf Air Force Base Management Areas, consisting of the Fort Richardson and Elmendorf Military Reservation;
 (B) You may not take wildlife for subsistence uses in the Anchorage Management Area, consisting of all drainages south of Elmendorf and Fort Richardson military reservations and north of and including Rainbow Creek.
 (iii) Unit-specific regulations:

Harvest limits	Open season
Hunting	
Black Bear: Unit 14(C)—1 bear	July 1—June 30.
Coyote: Unit 14(C)—2 coyotes	Sept. 1—Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): Unit 14(C)—2 foxes	Nov. 1—Feb. 15.
Hare (Snowshoe and Tundra): Unit 14(C)—5 hares per day	Sept. 8—Apr. 30.
Lynx: Unit 14(C)—2 lynx	Dec. 15—Jan. 15.
Wolf: Unit 14(C)—5 wolves	Aug. 10—Apr. 30.
Wolverine: Unit 14(C)—1 wolverine	Sept. 1—Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): Unit 14(C)—5 per day, 10 in possession	Sept. 8—Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): Unit 14(C)—10 per day, 20 in possession.	Sept. 8—Mar. 31.
Trapping	
Beaver: Unit 14(C)—that portion within the drainages of Glacier Creek, Kern Creek, Peterson Creek, the Twentymile River and the drainages of Knik River outside Chugach State Park—20 beaver per season.	Dec. 1—Apr. 15.
Coyote: Unit 14(C)—No limit	Nov. 10—Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): Unit 14(C)—1 fox	Nov. 10—Feb. 28.
Lynx: Unit 14(C)—No limit	Dec. 15—Jan. 15.
Marten: Unit 14(C)—No limit	Nov. 10—Jan. 31.
Mink and Weasel: Unit 14(C)—No limit	Nov. 10—Jan. 31.
Muskrat: Unit 14(C)—No limit	Nov. 10—May 15.
Otter: Unit 14(C)—No limit	Nov. 10—Feb. 28.
Wolf: Unit 14(C)—No limit	Nov. 10—Feb. 28.
Wolverine: Unit 14(C)—No limit	Nov. 10—Feb. 28.

(15) *Unit 15.* (i) Unit 15 consists of that portion of the Kenai Peninsula and adjacent islands draining into the Gulf of Alaska, Cook Inlet, and Turnagain Arm from Gore Point to the point where longitude line 150° 00' W. crosses the coastline of Chickaloon Bay in Turnagain Arm, including that area lying west of longitude line 150° 00' W. to the mouth of the Russian River, then southerly along the Chugach National Forest boundary to the upper end of Upper Russian Lake; and including the drainages into Upper Russian Lake west of the Chugach National Forest boundary:

- (A) Unit 15(A) consists of that portion of Unit 15 north of the Kenai River and Skilak Lake;
- (B) Unit 15(B) consists of that portion of Unit 15 south of the Kenai River and Skilak Lake, and north of the Kasilof River, Tustumena Lake, Glacier Creek, and Tustumena Glacier;
- (C) Unit 15(C) consists of the remainder of Unit 15.

(ii) You may not take wildlife, except for grouse, ptarmigan, and hares that may be taken only from October 1—March 1 by bow and arrow only, in the Skilak Loop Management Area, which consists of that portion of Unit 15(A) bounded by a line beginning at the eastern most junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Lake Campground Road and the Skilak Loop Road to its western most junction with the Sterling Highway, then easterly along the Sterling Highway to the point of beginning.

(iii) Unit-specific regulations:

- (A) You may use bait to hunt black bear between April 15 and June 15;
- (B) You may not trap furbearers for subsistence in the Skilak Loop Wildlife Management Area;
- (C) You may not trap marten in that portion of Unit 15(B) east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier;
- (D) You may not take red fox in Unit 15 by any means other than a steel trap or snare;
- (E) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take moose on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: Unit 15(C)—3 bears	July 1—June 30.
Unit 15—remainder	No open season.
Moose: Unit 15(A)—excluding the Skilak Loop Wildlife Management Area.—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 18—Sept. 20.
Unit 15(A)—Skilak Loop Wildlife Management Area	No open season.
Unit 15(B) and (C)—1 antlered bull with spike-fork or 50-inch antlers or with 3 or more brow tines on either antler, by Federal registration permit only.	Aug. 10—Sept. 20.
Coyote: No limit	Sept. 1—Apr. 30.

Harvest limits	Open season
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Wolf:	
Unit 15—that portion within the Kenai National Wildlife Refuge—2 Wolves	Aug. 10–Apr. 30.
Unit 15—remainder—5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 Wolverine	Sept. 1–Mar. 31.
Grouse (Spruce):	
15 per day, 30 in possession	Aug. 10–Mar. 31.
Grouse (Ruffed):	No open season.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 15 (A) and (B)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 15(C)—20 per day, 40 in possession	Aug. 10–Dec. 31.
Unit 15(C)—5 per day, 10 in possession	Jan. 1–Mar. 31.
Trapping	
Beaver: 20 Beaver per season	Dec. 1–Mar. 31.
Coyote: No limit	Nov. 10–Feb. 28.
Fox, Red (including Cross, Black and Silver Phases): 1 Fox	Nov. 10–Feb. 28.
Lynx: No limit	Jan. 1–Feb. 15.
Marten:	
Unit 15(B)—that portion east of the Kenai River, Skilak Lake, Skilak River, and Skilak Glacier	No open season.
Remainder of Unit 15—No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–May 15.
Otter:	
Unit 15(A), (B)—No limit	Nov. 10–Jan. 31.
Unit 15(C)—No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Feb. 28.
Wolverine: Unit 15(B) and (C)—No limit	Nov. 10–Feb. 28.

(16) *Unit 16.* (i) Unit 16 consists of the drainages into Cook Inlet between Redoubt Creek and the Susitna River, including Redoubt Creek drainage, Kalgin Island, and the drainages on the west side of the Susitna River (including the Susitna River) upstream to its confluence with the Chulitna River; the drainages into the west side of the Chulitna River (including the Chulitna River) upstream to the Tokositna River, and drainages into the south side of the Tokositna River upstream to the base of the Tokositna Glacier, including the drainage of the Kahiltna Glacier:

(A) Unit 16(A) consists of that portion of Unit 16 east of the east bank of the Yentna River from its mouth upstream to the Kahiltna River, east of the east bank of the Kahiltna River, and east of the Kahiltna Glacier;

(B) Unit 16(B) consists of the remainder of Unit 16.

(ii) You may not take wildlife for subsistence uses in the Mount McKinley National Park, as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (k)(16) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears.	July 1–June 30.
Caribou: 1 caribou	Aug. 10–Oct. 31.
Moose:	
Unit 16(B)—Redoubt Bay Drainages south and west of, and including the Kustatan River drainage—1 antlered bull.	Sept. 1–Sept. 15.
Unit 16(B)—remainder—1 moose; however, antlerless moose may be taken only from Sept. 25–Sept. 30 and from Dec. 1–Feb. 28 by Federal registration permit only.	Sept. 1–Sept. 30. Dec. 1–Feb. 28.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 2 foxes	Sept. 1–Feb. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Dec. 15–Jan. 15.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Mar. 31.
Trapping	
Beaver: 30 beaver per season	Nov. 10–Apr. 30.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Feb. 28.
Lynx: No limit	Dec. 15–Jan. 15.
Marten: No limit	Nov. 10–Jan. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.

Harvest limits	Open season
Wolverine: No limit	Nov. 10–Feb. 28.

(17) *Unit 17.* (i) Unit 17 consists of drainages into Bristol Bay and the Bering Sea between Etolin Point and Cape Newenham, and all islands between these points including Hagemeister Island and the Walrus Islands:

(A) Unit 17(A) consists of the drainages between Cape Newenham and Cape Constantine, and Hagemeister Island and the Walrus Islands;

(B) Unit 17(B) consists of the Nushagak River drainage upstream from, and including the Mulchatna River drainage, and the Wood River drainage upstream from the outlet of Lake Beverley;

(C) Unit 17(C) consists of the remainder of Unit 17.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) Except for aircraft and boats and in legal hunting camps, you may not use any motorized vehicle for hunting ungulates, bears, wolves, and wolverine, including transportation of hunters and parts of ungulates, bear, wolves, or wolverine in the Upper Mulchatna Controlled Use Area consisting of Unit 17(B), from Aug. 1–Nov. 1;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 15.

(B) [Reserved]

Harvest limits	Open season
----------------	-------------

Hunting

Black Bear: 2 bears Aug. 1–May 31.

Brown Bear: Unit 17—1 bear by State registration permit only Sept. 1–May 31.

Caribou:

Unit 17(A) and (C)—that portion of 17(A) and (C) consisting of the Nushagak Peninsula south of the Igushik River, Tuklung River and Tuklung Hills, west to Tvativak Bay—2 caribou by Federal registration permit. Public lands are closed to the taking of caribou except by the residents of Togiak, Twin Hills, Manokotak, Aleknagik, Dillingham, Clark's Point, and Ekuk during seasons identified above. Aug. 1–Sept. 30.
Dec. 1–Mar. 31.

Unit 17(B) and (C)—that portion of 17(C) east of the Wood River and Wood River Lakes—5 caribou; however, no more than 2 bulls may be taken from Oct. 1–Nov. 30. Aug. 1–Apr. 15.

Unit 17(A)—remainder and 17(C)—remainder—selected drainages; a harvest limit of up to 5 caribou will be determined at the time the season is announced. Season, harvest limit, and hunt area to be announced by the Togiak National Wildlife Refuge Manager between Aug. 1–Mar. 31.

Sheep: 1 ram with full curl horn or larger Aug. 10–Sept. 20.

Moose:

Unit 17(A) No open season.

Unit 17(B)—that portion that includes all the Mulchatna River drainage upstream from and including the Chilchitna River drainage—1 bull by State registration permit only during the period Aug. 20–Aug. 31. During the period Sept. 1–Sept. 15 only a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket. Aug. 20–Sept. 15.

Unit 17(C)—that portion that includes the lowithla drainage and Sunshine Valley and all lands west of Wood River and south of Aleknagik Lake—1 bull by State registration permit only during the period Aug. 20–Aug. 31. During the period Sept. 1–Sept. 15 only a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket. Aug. 20–Sept. 15.

Unit 17(A)—remainder and 17(C)—remainder—1 bull by State registration permit only during the periods Aug. 20–Aug. 31 and Dec. 1–Dec. 31. During the period Sept. 1–Sept. 15 only a spike/fork bull or a bull with 50-inch antlers or with 3 or more brow tines on one side may be taken with a State harvest ticket. Aug. 20–Sept. 15.
Dec. 1–Dec. 31.

Coyote: 2 coyotes Sept. 1–Apr. 30.

Fox, Arctic (Blue and White Phase): No limit Dec. 1–Mar. 15.

Fox, Red (including Cross, Black and Silver Phases): 2 foxes Sept. 1–Feb. 15.

Hare (Snowshoe and Tundra): No limit July 1–June 30.

Lynx: 2 lynx Nov. 10–Feb. 28.

Wolf: 5 wolves Aug. 10–Apr. 30.

Wolverine: 1 wolverine Sept. 1–Mar. 31.

Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession Aug. 10–Apr. 30.

Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession Aug. 10–Apr. 30.

Trapping

Beaver: Unit 17—40 beaver per season Nov. 10–Feb. 28.

Coyote: No limit Nov. 10–Mar. 31.

Fox, Arctic (Blue and White Phase): No limit Nov. 10–Mar. 31.

Fox, Red (including Cross, Black and Silver Phases): No limit Nov. 10–Mar. 31.

Lynx: No limit Nov. 10–Mar. 31.

Marten: No limit Nov. 10–Feb. 28.

Mink and Weasel: No limit Nov. 10–Feb. 28.

Harvest limits	Open season
Muskrat: 2 muskrats	Nov. 10–Feb. 28.
Otter: No limit	Nov. 10–Feb. 28.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Feb. 28.

(18) *Unit 18.* (i) Unit 18 consists of that area draining into the Yukon and Kuskokwim Rivers downstream from a straight line drawn between Lower Kalskag and Paimiut and the drainages flowing into the Bering Sea from Cape Newenham on the south to and including the Pastolik River drainage on the north; Nunivak, St. Matthew, and adjacent islands between Cape Newenham and the Pastolik River.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public lands:

(A) In the Kalskag Controlled Use Area which consists of that portion of Unit 18 bounded by a line from Lower Kalskag on the Kuskokwim River, northwesterly to Russian Mission on the Yukon River, then east along the north bank of the Yukon River to the old site of Paimiut, then back to Lower Kalskag, you may not use aircraft for hunting any ungulate, bear, wolf, or wolverine, including the transportation of any hunter and ungulate, bear, wolf, or wolverine part; however, this does not apply to transportation of a hunter or ungulate, bear, wolf, or wolverine part by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the Area and points outside the Area;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 18 from Apr. 1–Jun. 10;

(B) A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take caribou south of the Yukon River on his or her behalf. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear by State registration permit only	Sept. 1–May 31.
Caribou:	
Unit 18—that portion south of the Yukon River—A harvest limit of up to 5 caribou will be determined at the time the season is announced and will be based on the management objectives in the “Qavilnguut (Kilbuck) Caribou Herd Cooperative Management Plan.” The season will be closed when the total harvest reaches guidelines as described in the approved “Qavilnguut (Kilbuck) Caribou Herd Cooperative Management Plan”.	Season to be announced by the Yukon Delta National Wildlife Refuge Manager between Aug. 25 and Mar. 31.
Unit 18—that portion north of the Yukon River—5 caribou per day	Aug. 1–Mar. 31.
Moose:	
Unit 18—that portion north and west of a line from Cape Romanzof to Kuzilvak Mountain, and then to Mountain Village, and west of, but not including, the Andreafsky River drainage—1 antlered bull.	Sept. 5–Sept. 25.
Unit 18—south of and including the Kanektok River drainages	No open season.
Unit 18—Kuskokwim River drainage—1 antlered bull. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.	Aug. 25–Sept. 25. Winter season to be announced.
Unit 18—remainder—1 antlered bull. A 10-day hunt (1 bull, evidence of sex required) will be opened by announcement sometime between Dec. 1 and Feb. 28.	Sept. 1–Sept. 30 Winter season to be announced.
Public lands in Unit 18 are closed to the hunting of moose, except by Federally-qualified rural Alaska residents during seasons identified above.	
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 10–Mar. 31.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–May 30.
Trapping	
Beaver: No limit	Nov. 1–June 10.
Coyote: No limit	Nov. 10–Mar. 31.
Fox, Arctic (Blue and White Phase): No limit	Nov. 10–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 10–Mar. 31.
Lynx: No limit	Nov. 10–Mar. 31.
Marten: No limit	Nov. 10–Mar. 31.
Mink and Weasel: No limit	Nov. 10–Jan. 31.

Harvest limits	Open season
Muskrat: No limit	Nov. 10–June 10.
Otter: No limit	Nov. 10–Mar. 31.
Wolf: No limit	Nov. 10–Mar. 31.
Wolverine: No limit	Nov. 10–Mar. 31.

(19) *Unit 19.* (i) Unit 19 consists of the Kuskokwim River drainage upstream from a straight line drawn between Lower Kalskag and Piamtut:

(A) Unit 19(A) consists of the Kuskokwim River drainage downstream from and including the Moose Creek drainage on the north bank and downstream from and including the Stony River drainage on the south bank, excluding Unit 19(B);

(B) Unit 19(B) consists of the Aniak River drainage upstream from and including the Salmon River drainage, the Holitna River drainage upstream from and including the Bakbuk Creek drainage, that area south of a line from the mouth of Bakbuk Creek to the radar dome at Sparrevohn Air Force Base, including the Hoholitna River drainage upstream from that line, and the Stony River drainage upstream from and including the Can Creek drainage;

(C) Unit 19(C) consists of that portion of Unit 19 south and east of a line from Benchmark M#1.26 (approximately 1.26 miles south of the northwest corner of the original Mt. McKinley National Park boundary) to the peak of Lone Mountain, then due west to Big River, including the Big River drainage upstream from that line, and including the Swift River drainage upstream from and including the North Fork drainage;

(D) Unit 19(D) consists of the remainder of Unit 19.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (k)(19) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) In the Upper Kuskokwim Controlled Use Area, which consists of

that portion of Unit 19(D) upstream from the mouth of Big River including the drainages of the Big River, Middle Fork, South Fork, East Fork, and Tonzona River, and bounded by a line following the west bank of the Swift Fork (McKinley Fork) of the Kuskokwim River to 152° 50' W. long., then north to the boundary of Denali National Preserve, then following the western boundary of Denali National Preserve north to its intersection with the Minchumina-Telida winter trail, then west to the crest of Telida Mountain, then north along the crest of Munsatli Ridge to elevation 1,610, then northwest to Dyckman Mountain and following the crest of the divide between the Kuskokwim River and the Nowitna drainage, and the divide between the Kuskokwim River and the Nixon Fork River to Loaf benchmark on Halfway Mountain, then south to the west side of Big River drainage, the point of beginning, you may not use of aircraft

for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the Controlled Use Area, or between a publicly owned airport within the area and points outside the area;

(C) You may hunt brown bear by State registration permit in lieu of a resident tag in the Western Alaska Brown Bear Management Area, which consists of Unit 17(A), that portion of 17(B) draining into Nuyakuk Lake and Tikchik Lake, Unit 18, and that portion of Unit 19(A) and (B) downstream of and including the Aniak River drainage, if you have obtained a State registration permit prior to hunting.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30.

(B) [Reserved]

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 19(A) and (B)—those portions which are downstream of and including the Aniak River drainage—1 bear	Sept. 1–May 31.
Unit 19(A)—remainder, 19(B)—remainder, and Unit 19(D)—1 bear every four regulatory years	Sept. 10–May 25.
Caribou:	
Unit 19(A)—north of Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Feb. 28.
Unit 19(A)—south of the Kuskokwim River and Unit 19(B) (excluding rural Alaska residents of Lime Village)—5 caribou.	Aug. 1–Apr. 15.
Unit 19(C)—1 caribou	Aug. 10–Oct. 10.
Unit 19(D)—south and east of the Kuskokwim River and North Fork of the Kuskokwim River—1 caribou	Aug. 10–Sept. 30. Nov. 1–Jan. 31.
Unit 19(D)—remainder—1 caribou	Aug. 10–Sept. 30.
Unit 19—rural Alaska residents domiciled in Lime Village only—no individual harvest limit but a village harvest quota of 200 caribou; cows and calves may not be taken from Apr. 1–Aug. 9. Reporting will be by a community reporting system.	July 1–June 30.
Sheep: 1 ram with 7/8 curl	Aug. 10–Sept. 20.
Moose:	
Unit 19—Rural Alaska residents of Lime Village only—no individual harvest limit, but a village harvest quota of 40 moose (including those taken under the State Tier II system); either sex. Reporting will be by a community reporting system.	July 1–June 30.

Harvest limits	Open season
Unit 19(A)—that portion north of the Kuskokwim River upstream from, but not including the Kolmakof River drainage and south of the Kuskokwim River upstream from, but not including the Holokuk River drainage—1 moose; however, antlerless moose may be taken only during the Feb. 1–Feb. 10 season.	Sept. 1–Sept. 20. Nov. 20–Nov. 30. Jan. 1–Jan. 10. Feb. 1–Feb. 10.
Unit 19(A)—remainder—1 bull	Sept. 1–Sept. 20. Nov. 20–Nov. 30. Jan. 1–Jan. 10. Feb. 1–Feb. 10.
Unit 19(B)—1 antlered bull	Sept. 1–Sept. 30.
Unit 19(C)—1 antlered bull	Sept. 1–Oct. 10.
Unit 19(C)—1 bull by State registration permit	Jan. 15–Feb. 15.
Unit 19(D)—that portion of the Upper Kuskokwim Controlled Use Area within the North Fork drainage upstream from the confluence of the South Fork to the mouth of the Swift Fork—1 antlered bull.	Sept. 1–Sept. 30.
Unit 19(D)—remainder of the Upper Kuskokwim Controlled Use Area—1 bull	Sept. 1–Sept. 30.
Unit 19(D)—remainder—1 antlered bull	Dec. 1–Feb. 28. Sept. 1–Sept. 30. Dec. 1–Dec. 15.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit	Nov. 1–Jun. 10.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit.	Nov. 1–Mar. 31.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(20) *Unit 20.* (i) Unit 20 consists of the Yukon River drainage upstream from and including the Tozitna River drainage to and including the Hamlin Creek drainage, drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, the Ladue River and Fortymile River drainages, and the Tanana River drainage north of Unit 13 and downstream from the east bank of the Robertson River:

(A) Unit 20(A) consists of that portion of Unit 20 bounded on the south by the Unit 13 boundary, bounded on the east by the west bank of the Delta River, bounded on the north by the north bank of the Tanana River from its confluence with the Delta River downstream to its confluence with the Nenana River, and bounded on the west by the east bank of the Nenana River;

(B) Unit 20(B) consists of drainages into the north bank of the Tanana River from and including Hot Springs Slough upstream to and including the Banner Creek drainage;

(C) Unit 20(C) consists of that portion of Unit 20 bounded on the east by the east bank of the Nenana River and on the north by the north bank of the Tanana River downstream from the Nenana River;

(D) Unit 20(D) consists of that portion of Unit 20 bounded on the east by the east bank of the Robertson River and on the west by the west bank of the Delta River, and drainages into the north bank of the Tanana River from its confluence with the Robertson River downstream to, but excluding the Banner Creek drainage;

(E) Unit 20(E) consists of drainages into the south bank of the Yukon River upstream from and including the Charley River drainage, and the Ladue River drainage;

(F) Unit 20(F) consists of the remainder of Unit 20.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not take wildlife for subsistence uses on lands within Mount McKinley National Park as it existed prior to December 2, 1980. Subsistence uses as authorized by this paragraph (k)(20) are permitted in Denali National Preserve and lands added to Denali National Park on December 2, 1980;

(B) You may not use motorized vehicles or pack animals for hunting from Aug. 5–Aug. 25 in the Delta Controlled Use Area, the boundary of

which is defined as: a line beginning at the confluence of Miller Creek and the Delta River, then west to vertical angle bench mark Miller, then west to include all drainages of Augustana Creek and Black Rapids Glacier, then north and east to include all drainages of McGinnis Creek to its confluence with the Delta River, then east in a straight line across the Delta River to Mile 236.7 Richardson Highway, then north along the Richardson Highway to its junction with the Alaska Highway, then east along the Alaska Highway to the west bank of the Johnson River, then south along the west bank of the Johnson River and Johnson Glacier to the head of the Canwell Glacier, then west along the north bank of the Canwell Glacier and Miller Creek to the Delta River;

(C) You may not use motorized vehicles, except aircraft and boats, and to licensed highway vehicles, snowmobiles, and firearms except as provided below in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway. The use of snowmobiles is authorized only for the subsistence taking of wildlife by residents living within the Dalton Highway Corridor Management Area. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. Only the residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor;

(D) You may not use any motorized vehicle for hunting from August 5–September 20 in the Glacier Mountain Controlled Use Area, which consists of that portion of Unit 20(E) bounded by a line beginning at Mile 140 of the Taylor Highway, then north along the highway to Eagle, then west along the cat trail from Eagle to Crooked Creek, then from Crooked Creek southwest along the west bank of Mogul Creek to its headwaters on North Peak, then west across North Peak to the headwaters of Independence Creek, then southwest along the west bank of Independence Creek to its confluence with the North Fork of the Fortymile River, then easterly along the south bank of the North Fork of the

Fortymile River to its confluence with Champion Creek, then across the North Fork of the Fortymile River to the south bank of Champion Creek and easterly along the south bank of Champion Creek to its confluence with Little Champion Creek, then northeast along the east bank of Little Champion Creek to its headwaters, then northeasterly in a direct line to Mile 140 on the Taylor Highway; however, this does not prohibit motorized access via, or transportation of harvested wildlife on, the Taylor Highway or any airport;

(E) You may by permit only hunt moose on the Minto Flats Management Area, which consists of that portion of Unit 20 bounded by the Elliot Highway beginning at Mile 118, then northeasterly to Mile 96, then east to the Tolovana Hotsprings Dome, then east to the Winter Cat Trail, then along the Cat Trail south to the Old Telegraph Trail at Dunbar, then westerly along the trail to a point where it joins the Tanana River three miles above Old Minto, then along the north bank of the Tanana River (including all channels and sloughs except Swan Neck Slough), to the confluence of the Tanana and Tolovana Rivers and then northerly to the point of beginning;

(F) You may hunt moose by bow and arrow only in the Fairbanks Management Area, which consists of the Goldstream subdivision (SE ¼ SE ¼, Section 28 and Section 33, Township 2 North, Range 1 West, Fairbanks Meridian) and that portion of Unit 20(B) bounded by a line from the confluence of Rosie Creek and the Tanana River,

northerly along Rosie Creek to the divide between Rosie Creek and Cripple Creek, then down Cripple Creek to its confluence with Ester Creek, then up Ester Creek to its confluence with Ready Bullion Creek, then up Ready Bullion Creek to the summit of Ester Dome, then down Sheep Creek to its confluence with Goldstream Creek, then easterly along Goldstream Creek to its confluence with First Chance Creek, then up First Chance Creek to Tungsten Hill, then southerly along Steele Creek to its intersection with the Trans-Alaska Pipeline, then southerly along the pipeline right-of-way to the Chena River, then along the north bank of the Chena River to the Moose Creek dike, then southerly along Moose Creek dike to its intersection with the Tanana River, and then westerly along the north bank of the Tanana River to the point of beginning.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may not use a steel trap, or a snare using cable smaller than 3/32 inch diameter to trap wolves in Unit 20(E) during April and October;

(C) Residents of Unit 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 20(E)—1 bear	Aug. 10–June 30.
Unit 20—remainder—1 bear every four regulatory years	Sept. 1–May 31.
Caribou:	
Unit 20(E)—1 bull by joint State/Federal registration permit only. The fall season will close when a combined State/Federal harvest of 55 bulls has been reached. The winter season will close when the combined fall and winter State/Federal harvest quota of 150 bulls for the Fortymile herd has been reached. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management, after consultation with the National Park Service and Alaska Department of Fish and Game.	Aug. 10–Sept. 30. Nov. 15–Feb. 28.
Unit 20(F)—Tozitna River drainage—1 caribou; however, only bull caribou may be taken Aug. 10–Sept. 30	Aug. 10–Sept. 30. Nov. 26–Dec. 10. Mar. 1–Mar. 15. Dec. 1–Dec. 31.
Unit 20(F)—south of the Yukon River—1 caribou	Aug. 10–Sept. 30.
Remainder of Unit 20(F)—1 bull	Aug. 10–Sept. 30.
Moose:	
Unit 20(A)—1 antlered bull	Sept. 1–Sept. 20.
Unit 20(B)—that portion within the Minto Flats Management Area—1 bull by Federal registration permit only	Sept. 1–Sept. 20. Jan. 10–Feb. 28.
Unit 20(B)—remainder—1 antlered bull	Sept. 1–Sept. 20.
Unit 20(C)—that portion within Denali National Park and Preserve west of the Toklat River, excluding lands within Mount McKinley National Park as it existed prior to December 2, 1980—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–Sept. 30. Nov. 15–Dec. 15.
Unit 20(C)—remainder—1 antlered bull; however, white-phased or partial albino (more than 50 percent white) moose may not be taken.	Sept. 1–Sept. 30.
Unit 20(E)—that portion within Yukon Charley National Preserve—1 bull	Aug. 20–Sept. 30.

Harvest limits	Open season
Unit 20(E)—that portion drained by the Ladue, Sixty-mile, and Forty-mile Rivers (all forks) from Mile 9½ to Mile 145 Taylor Highway, including the Boundary Cutoff Road—1 antlered bull; however during the period Aug. 20–Aug. 28 only a bull with Spike/fork antlers may be taken.	Aug. 20–Aug. 28. Sept. 1–Sept. 15.
Unit 20(F)—that portion within the Dalton Highway Corridor Management Area—1 antlered bull by Federal registration permit only.	Sept. 1–Sept. 25.
Unit 20(F)—remainder—1 antlered bull	Sept. 1–Sept. 25.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx:	
Unit 20(E)—2 lynx	Nov. 1–Jan. 31.
Unit 20—remainder—2 lynx	Dec. 1–Jan. 31.
Wolf: 10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):	
Unit 20(D)—that portion south of the Tanana River and west of the Johnson River—15 per day, 30 in possession, provided that not more than 5 per day and 10 in possession are sharp-tailed grouse.	Aug. 25–Mar. 31.
Unit 20—remainder—15 per day, 30 in possession	Aug. 10–Mar. 31.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 20—those portions within five miles of Alaska Route 5 (Taylor Highway, both to Eagle and the Alaska-Canada boundary) and that portion of Alaska Route 4 (Richardson Highway) south of Delta Junction—20 per day, 40 in possession.	Aug. 10–Mar. 31.
Unit 20—remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Units 20(A), 20(B), Unit 20(C), and 20(F)—No limit	Nov. 1–Apr. 15.
Units 20(D) and (E)—25 beaver	Nov. 1–Apr. 15.
Coyote:	
Unit 20(E)—No limit	Nov. 1–Feb. 28.
Remainder Unit 20—No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx:	
Unit 20(A), (B), (D), (E), and (C) east of the Teklanika River—No limit	Dec. 1–Feb. 15.
Unit 20(F) and the remainder of 20(C)—No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat:	
Unit 20(E)—No limit	Sept. 20–June 10.
Unit 20—remainder—No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf:	
Unit 20(E)—No limit	Oct. 1–Apr. 30.
Unit 20—remainder—No limit	Nov. 1–Mar. 31.
Wolverine: No limit	Nov. 1–Feb. 28.

(21) *Unit 21.* (i) Unit 21 consists of drainages into the Yukon River upstream from Paimiut to, but not including the Tozitna River drainage on the north bank, and to, but not including the Tanana River drainage on the south bank; and excluding the Koyukuk River drainage upstream from the Dulbi River drainage:

(A) Unit 21(A) consists of the Innoko River drainage upstream from and including the Iditarod River drainage, and the Nowitna River drainage upstream from the Little Mud River;

(B) Unit 21(B) consists of the Yukon River drainage upstream from Ruby and east of the Ruby-Poorman Road, downstream from and excluding the Tozitna River and Tanana River drainages, and excluding the Nowitna River drainage upstream from the Little Mud River, and excluding the Melozitna River drainage upstream from Grayling Creek;

(C) Unit 21(C) consists of the Melozitna River drainage upstream from Grayling Creek, and the Dulbi River drainage upstream from and including the Cottonwood Creek drainage;

(D) Unit 21(D) consists of the Yukon River drainage from and including the Blackburn Creek drainage upstream to Ruby, including the area west of the Ruby-Poorman Road, excluding the Koyukuk River drainage upstream from the Dulbi River drainage, and excluding the Dulbi River drainage upstream from Cottonwood Creek;

(E) Unit 21(E) consists of the Yukon River drainage from Paimiut upstream to, but not including the Blackburn Creek drainage, and the Innoko River drainage downstream from the Iditarod River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) The Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65° 57' N. lat., 156° 41'

W. long.), then easterly to the south end of Solsmunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek then southwest to Bishop Rock, then westerly along the north bank of the Yukon River (including Koyukuk

Island) to the point of beginning, is closed during moose-hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or moose part; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(B) The Paradise Controlled Use Area, which consists of that portion of Unit 21 bounded by a line beginning at the old village of Paimiut, then north along the west bank of the Yukon River to Paradise, then northwest to the mouth of Stanstrom Creek on the Bonasila

River, then northeast to the mouth of the Anvik River, then along the west bank of the Yukon River to the lower end of Eagle Island (approximately 45 miles north of Grayling), then to the mouth of the Iditarod River, then down the east bank of the Innoko River to its confluence with Paimiut Slough, then south along the east bank of Paimiut Slough to its mouth, and then to the old village of Paimiut, is closed during moose hunting seasons to the use of aircraft for hunting moose, including transportation of any moose hunter or part of moose; however, this does not apply to transportation of a moose hunter or part of moose by aircraft between publicly owned airports in the Controlled Use Area or between a publicly owned airport within the area and points outside the area.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) If you have a trapping license, you may use a firearm to take beaver in Unit 21(E) from Apr. 1–June 1;

(C) The residents of Unit 20 and 21 may take up to three moose per regulatory year for the celebration known as the Nuchalawoyya Potlatch, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Tanana. This three moose limit is not cumulative with that permitted by the State;

(D) The residents of Unit 21 may take up to three moose per regulatory year for the celebration known as the Kaltag/Nulato Stickdance, under the terms of a Federal registration permit. Permits will be issued to individuals only at the request of the Native Village of Kaltag or Nulato. This three moose limit is not cumulative with that permitted by the State.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: 1 bear every four regulatory years	Sept. 1–May 31.
Caribou:	
Unit 21(A)—1 caribou	Aug. 10–Sept. 30.
Unit 21(B), (C), and (E)—1 caribou	Dec. 10–Dec. 20.
Unit 21(D)—north of the Yukon River and east of the Koyukuk River 1 caribou; however, 2 additional caribou may be taken during a winter season to be announced.	Aug. 10–Sept. 30.
Unit 21(D)—remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30	Aug. 1–Sept. 30.
Unit 21(D)—remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30	Winter season to be announced.
Unit 21(D)—remainder—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Moose:	
Unit 21(A)—1 bull	Aug. 20–Sept. 25.
Unit 21(B) and (C)—1 antlered bull	Nov. 1–Nov. 30.
Unit 21(D)—1 moose; moose may not be taken within one-half mile of the Yukon River during the February season. During the Sept. 1–Sept. 25 season a State registration permit is required within the Koyukuk Controlled Use Area.	Sept. 5–Sept. 25.
Unit 21(E)—1 moose; however, only bulls may be taken from Aug. 20–Sept. 25; moose may not be taken within one-half mile of the Innoko or Yukon River during the February season.	Sept. 1–Sept. 25.
Unit 21(E)—1 moose; however, only bulls may be taken from Aug. 20–Sept. 25; moose may not be taken within one-half mile of the Innoko or Yukon River during the February season.	Feb. 1–Feb. 10.
Coyote: 2 coyotes	Aug. 20–Sept. 25.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Feb. 1–Feb. 10.
Hare (Snowshoe and Tundra): No limit	Sept. 1–Apr. 30.
Lynx: 2 lynx	Sept. 1–Mar. 15.
Wolf: 5 wolves	
Wolverine: 1 wolverine	July 1–June 30.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Nov. 1–Feb. 28.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No Limit	Aug. 10–Apr. 30.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(22) *Unit 22.* (i) Unit 22 consists of Bering Sea, Norton Sound, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from, but excluding, the Pastolik River drainage in southern Norton Sound to, but not including, the Goodhope River drainage in Southern Kotzebue Sound, and all adjacent islands in the Bering Sea between the mouths of the Goodhope and Pastolik Rivers:

(A) Unit 22(A) consists of Norton Sound drainages from, but excluding, the Pastolik River drainage to, and including, the Ungalik River drainage, and Stuart and Besboro Islands;

(B) Unit 22(B) consists of Norton Sound drainages from, but excluding, the Ungalik River drainage to, and including, the Topkok Creek drainage;

(C) Unit 22(C) consists of Norton Sound and Bering Sea drainages from, but excluding, the Topkok Creek drainage to, and including, the Tisuk River drainage, and King and Sledge Islands;

(D) Unit 22(D) consists of that portion of Unit 22 draining into the Bering Sea north of, but not including, the Tisuk River to and including Cape York, and St. Lawrence Island;

(E) Unit 22(E) consists of Bering Sea, Bering Strait, Chukchi Sea, and Kotzebue Sound drainages from Cape York to, but excluding, the Goodhope River drainage, and including Little Diomedede Island and Fairway Rock.

(ii) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears, or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) If you have a trapping license, you may use a firearm to take beaver in Unit 22 during the established seasons;

(B) Coyote, incidentally taken with a trap or snare intended for red fox or wolf, may be used for subsistence purposes.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 22(A)—1 bear by State registration permit by residents of Unit 22(A) only	Sept. 1–May 31.
Unit 22(B)—1 bear by State registration permit by residents of Unit 22(B) only	Sept. 1–May 31.
Unit 22(C)	No open season.
Unit 22—remainder—1 bear by State registration permit.	Sept. 1–May 31.
Caribou: Unit 22(A) and (B)—5 caribou per day; however, cow caribou may not be taken May 16–June 30.	July 1–June 30.
Moose:	
Unit 22(A)—1 bull; however, the period of Dec. 1–Jan. 31 is closed to hunting except by residents of Unit 22(A) only.	Aug. 1–Sept. 30. Dec. 1–Jan. 31.
Unit 22(B)—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf.	Aug. 1–Jan. 31.
Unit 22(C)—1 antlered bull	Sept. 1–Sept. 14.
Unit 22(D)—that portion within the Kuzitrin River drainage—1 antlered bull	Aug. 1–Jan. 31.
Unit 22(D)—remainder—1 moose; however, antlerless moose may be taken only from Dec. 1–Dec. 31; no person may take a cow accompanied by a calf.	Aug. 1–Jan. 31.
Unit 22(E)—1 moose; no person may take a cow accompanied by a calf	Aug. 1–Mar. 31.
Muskox:	
Unit 22(D)—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Twelve Federal permits may be issued in conjunction with the State Tier II hunt; the combined total of Federal and State permits will not exceed 36 permits. Six Federal permits will be issued for National Park Service lands and six for Bureau of Land Management lands.	Aug. 1–Mar. 15.
Unit 22(E)—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Nine Federal permits may be issued in conjunction with the State Tier II hunt; the combined total of Federal and State permits will not exceed 18 permits..	Aug. 1–Mar. 15.
Unit 22—remainder	No open season.
Beaver:	
Unit 22(A), (B), (D), and(E)—50 beaver	Nov. 1–June 10.
Unit 22—remainder	No open season.
Coyote: Federal public lands are closed to the taking of coyotes	No open season.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes.	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	Sept. 1–Apr. 15.
Lynx:	
2 lynx	Nov. 1–Apr. 15.
Marten:	
Unit 22(A) 22(B)—No limit	Nov. 1–Apr. 15.
Unit 22—remainder	No open season.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 15.
Wolverine: 3 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 22(A) and 22(B) east of and including the Niukluk River drainage—40 per day, 80 in possession	Aug. 10–Apr. 30.
Unit 22 Remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	

Harvest limits	Open season
Unit 22(A), (B), (D), and (E)—50 beaver	Nov. 1—June 10.
Unit 22(C)	No open season.
Coyote: Federal public lands are closed to the taking of coyotes	No open season.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1—Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1—Apr. 15.
Lynx: No limit	Nov. 1—Apr. 15.
Marten: No limit	Nov. 1—Apr. 15.
Mink and Weasel: No limit	Nov. 1—Jan. 31.
Muskrat: No limit	Nov. 1—June 10.
Otter: No limit	Nov. 1—Apr. 15.
Wolf: No limit	Nov. 1—Apr. 15.
Wolverine: No limit	Nov. 1—Apr. 15.

(23) *Unit 23.* (i) Unit 23 consists of Kotzebue Sound, Chukchi Sea, and Arctic Ocean drainages from and including the Goodhope River drainage to Cape Lisburne.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use aircraft in any manner either for hunting of ungulates, bear, wolves, or wolverine, or for transportation of hunters or harvested species in the Noatak Controlled Use Area, which consists of that portion of Unit 23 in a corridor extending five miles on either side of the Noatak River beginning at the mouth of the Noatak River, and extending upstream to the mouth of Sapun Creek, is closed for the period August 25–September 15. This does not apply to the transportation of hunters or parts of ungulates, bear, wolves, or wolverine by regularly scheduled flights to communities by carriers that normally provide scheduled air service;

(B) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A); if you have obtained a State registration permit prior to hunting. Aircraft may not be used in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears; however, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may take caribou from a boat under power in Unit 23;

(B) You may take swimming caribou with a firearm using rimfire cartridges;

(C) If you have a trapping license, you may take beaver with a firearm in all of Unit 23 from Nov. 1–Jun. 10;

(D) For the Baird and DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient)

may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a

designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 23—except the Baldwin Peninsula north of the Arctic Circle—1 bear by State registration permit	Sept. 1–May 31.
Unit 23—remainder—1 bear every four regulatory years	Sept. 1–Oct. 10. Apr. 15–May 25.
Caribou: 15 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	
Unit 23—south of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 20 full curl rams, based on a quota to be announced locally after the annual sheep population survey is completed. Federal public lands are closed to the taking of sheep except by Federally-qualified subsistence users.	Aug. 1–Sept. 30. The season will be closed when half of the quota has been harvested.
Unit 23—south of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Cutler and Redstone Rivers (Baird Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 20 full curl rams, based on a quota to be announced locally after the annual sheep population survey is completed. Federal public lands are closed to the taking of sheep except by Federally-qualified subsistence users.	Oct. 1–Apr. 1. The season will be closed when the total quota of sheep has been harvested including those harvested during the Aug. 1–Sept. 30 season.

Harvest limits	Open season
Unit 23—north of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Aniak River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Aug. 1—Sept. 30. The season will be closed when half of the quota has been harvested in the DeLong Mountains.
Unit 23—north of Rabbit Creek, Kyak Creek and the Noatak River, and west of the Aniak River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Oct. 1—Apr. 1. The season will be closed when the total quota of sheep has been harvested in the DeLong Mountains including those harvested during the Aug. 1—Sept. 30 season
Unit 23, remainder (Schwatzka Mountains)—1 ram with 7/8 curl horn or larger	Aug. 10—Sept. 20.
Unit 23, remainder (Schwatzka Mountains)—1 sheep	Oct. 1—Apr. 30.
Moose:	
Unit 23—that portion north and west of and including the Singoalik River drainage, and all lands draining into the Kukpuk and Ipewik Rivers—1 moose; no person may take a cow accompanied by a calf.	July 1—Mar. 31.
Unit 23—that portion lying within the Noatak River drainage—1 moose; however, antlerless moose may be taken only from Nov. 1—Mar. 31; no person may take a cow accompanied by a calf.	Aug. 1—Sept. 15. Oct. 1—Mar. 31.
Unit 23—remainder—1 moose; no person may take a cow accompanied by a calf	Aug. 1—Mar. 31.
Muskox:	
Unit 23—south of Kotzebue Sound and west of and including the Buckland River drainage—1 bull by Federal registration permit or State Tier II permit. Federal public lands are closed to the taking of muskox except by Federally-qualified subsistence users. Eight Federal permits may be issued in conjunction with the State Tier II hunt; the combined total of Federal and State permits will not exceed 10 permits.	Aug. 1—Mar. 15.
Unit 23—remainder	No open season.
Coyote: 2 coyotes	Sept. 1—Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1—Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	Sept. 1—Mar. 15.
Hare: (Snowshoe and Tundra) No limit	July 1—June 30.
Lynx: 2 lynx	Dec. 1—Jan. 15.
Wolf: 5 wolves	Nov. 10—Mar. 31.
Wolverine: 1 wolverine	Sept. 1—Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10—Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10—Apr. 30.
Trapping	
Beaver:	
Unit 23—the Kobuk and Selawik River drainages—50 beaver	Nov. 1—June 10.
Unit 23—remainder—30 beaver	Nov. 1—June 10.
Coyote: No limit	Nov. 1—Apr. 15
Fox, Arctic (Blue and White Phase): No limit	Nov. 1—Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1—Apr. 15.
Lynx: 3 lynx	Dec. 1—Jan. 15.
Marten: No limit	Nov. 1—Apr. 15.
Mink and Weasel: No limit	Nov. 1—Jan. 31.
Muskrat: No limit	Nov. 1—June 10.
Otter: No limit	Nov. 1—Apr. 15.
Wolf: No limit	Nov. 10—Mar. 31.
Wolverine: No limit	Nov. 1—Apr. 15.

(24) *Unit 24.* (i) Unit 24 consists of the Koyukuk River drainage upstream from but not including the Dulbi River drainage.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use motorized vehicles, except aircraft and boats, and licensed highway vehicles, snowmobiles, and firearms in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to

milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor is authorized only for subsistence taking of wildlife;

(B) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Kanuti Controlled Use Area, which consists of that portion of Unit 24 bounded by a line from the Bettles Field VOR to the east side of Fish Creek Lake, to Old Dummy Lake, to the south end of Lake Todatonten (including all waters of these lakes), to the northernmost headwaters of Siruk Creek, to the highest peak of Double Point Mountain, then back to the Bettles Field VOR; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly

owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area;

(C) You may not use aircraft for hunting moose, including transportation of any moose hunter or moose part in the Koyukuk Controlled Use Area, which consists of those portions of Units 21 and 24 bounded by a line from the north bank of the Yukon River at Koyukuk, then northerly to the confluences of the Honhosa and Kateel Rivers, then northeasterly to the confluences of Billy Hawk Creek and the Huslia River (65° 57' N. lat., 156° 41' W. long.), then easterly to the south end of Solismunket Lake, then east to Hughes, then south to Little Indian River, then southwesterly to the crest of Hochandochtla Mountain, then southwest to the mouth of Cottonwood Creek, then southwest to Bishop Rock,

then westerly along the north bank of the Yukon River (including Koyukuk Island) to the point of beginning; however, this does not apply to transportation of a moose hunter or moose part by aircraft between publicly owned airports in the controlled use area or between a publicly owned airport within the area and points outside the area; all hunters on the Koyukuk River passing the ADF&G operated check station at Ella's Cabin (15 miles upstream from the Yukon on the Koyukuk River) are required to stop and report to ADF&G personnel at the check station;

(D) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and

Unit 26(A), if you have obtained a State registration permit prior to hunting. You may not use aircraft in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) Arctic fox, incidentally taken with a trap or snare intended for red fox, may be used for subsistence purposes.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 24—1 bear by State registration permit.	Sept. 1–May 31.
Caribou:	
Unit 24—the Kanuti River drainage upstream from Kanuti, Chalatna Creek, the Fish Creek drainage (including Bonanza Creek)—1 bull.	Aug. 10–Sept. 30.
Remainder of Unit 24—5 caribou per day; however, cow caribou may not be taken May 16–June 30	July 1–June 30.
Sheep:	
Unit 24—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 24—(excluding Anaktuvuk Pass residents)—that portion within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Unit 24—remainder—1 ram with 7/8 curl horn or larger	Aug. 10–Sept. 20.
Moose:	
Unit 24—that portion within the Koyukuk Controlled Use Area—1 moose; however, upstream from Huslia antlerless moose may only be taken during the periods of Sept. 21–Sept. 25, Dec. 1–Dec. 10, and Mar. 1–Mar. 10.	Sept. 1–Sept. 25. Dec. 1–Dec. 10. Mar. 1–Mar. 10.
Unit 24—that portion that includes the John River drainage within the Gates of the Arctic National Park—1 moose.	Aug. 1–Dec. 31.
Unit 24—the Alatna River drainage within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Dec. 31. Mar. 1–Mar. 10.
Unit 24—all drainages to the north of the Koyukuk River upstream from and including the Alatna River to and including the North Fork of the Koyukuk River, except those portions of the John River and the Alatna River drainages within the Gates of the Arctic National Park—1 moose; however, antlerless moose may be taken only from Sept. 21–Sept. 25 and Mar. 1–Mar. 10.	Aug. 25–Sept. 25. Mar. 1–Mar. 10.
Unit 24—that portion within the Dalton Highway Corridor Management Area; except, Gates of the Arctic National Park—1 antlered bull by Federal registration permit only.	Aug. 25–Sept. 25.
Unit 24—remainder—1 antlered bull. Public lands in the Kanuti Controlled Use Area are closed to taking of moose, except by eligible rural Alaska residents	Aug. 25–Sept. 25.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30
Lynx: 2 lynx	Nov. 1–Feb. 28.
Wolf: 5 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver: No limit	Nov. 1–Apr. 15.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Marten: No limit	Nov. 1–Feb. 28.

Harvest limits	Open season
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Mar. 31.

(25) *Unit 25.* (i) Unit 25 consists of the Yukon River drainage upstream from but not including the Hamlin Creek drainage, and excluding drainages into the south bank of the Yukon River upstream from the Charley River:

(A) Unit 25(A) consists of the Hodzana River drainage upstream from the Narrows, the Chandalar River drainage upstream from and including the East Fork drainage, the Christian River drainage upstream from Christian, the Sheenjek River drainage upstream from and including the Thluichohnjik Creek, the Coleen River drainage, and the Old Crow River drainage;

(B) Unit 25(B) consists of the Little Black River drainage upstream from but not including the Big Creek drainage, the Black River drainage upstream from and including the Salmon Fork drainage, the Porcupine River drainage upstream from the confluence of the Coleen and Porcupine Rivers, and drainages into the north bank of the Yukon River upstream from Circle, including the islands in the Yukon River;

(C) Unit 25(C) consists of drainages into the south bank of the Yukon River upstream from Circle to the Subunit 20(E) boundary, the Birch Creek drainage upstream from the Steese Highway bridge (milepost 147), the Preacher Creek drainage upstream from and including the Rock Creek drainage, and the Beaver Creek drainage upstream from and including the Moose Creek drainage;

(D) Unit 25(D) consists of the remainder of Unit 25.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use of motorized vehicles, except aircraft and boats, and licensed highway vehicles, snowmobiles, and firearms in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. Residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor;

(B) The Arctic Village Sheep Management Area consists of that portion of Unit 25(A) north and west of Arctic Village, which is bounded on the east by the East Fork Chandalar River beginning at the confluence of Red Sheep Creek and proceeding southwesterly downstream past Arctic Village to the confluence with Crow Nest Creek, continuing up Crow Nest Creek, through Portage Lake, to its confluence with the Junjik River; then down the Junjik River past Timber Lake and a larger tributary, to a major, unnamed tributary, northwesterly, for approximately 6 miles where the stream forks into 2 roughly equal drainages; the boundary follows the easternmost fork, proceeding almost due north to the headwaters and intersects the Continental Divide; the boundary then follows the Continental Divide easterly, through Carter Pass, then easterly and

northeasterly approximately 62 miles along the divide to the head waters of the most northerly tributary of Red Sheep Creek then follows southerly along the divide designating the eastern extreme of the Red Sheep Creek drainage then to the confluence of Red Sheep Creek and the East Fork Chandalar River.

(iii) Unit-specific regulations:

(A) You may use bait to hunt black bear between April 15 and June 30;

(B) You may take caribou and moose from a boat under power in Unit 25;

(C) The taking of bull moose outside the seasons provided in this part for food in memorial potlatches and traditional cultural events is authorized in Unit 25(D) west provided that:

(1) The person organizing the religious ceremony or cultural event contact the Refuge Manager, Yukon Flats National Wildlife Refuge prior to

taking or attempting to take bull moose and provide to the Refuge Manager the name of the decedent, the nature of the ceremony or cultural event, number to be taken, the general area in which the taking will occur;

(2) Each person who takes a bull moose under this section must submit a written report to the Refuge Manager, Yukon Flats National Wildlife Refuge not more than 15 days after the harvest specifying the harvester's name and address, and the date(s) and location(s) of the taking(s);

(3) No permit or harvest ticket is required for taking under this section; however, the harvester must be an Alaska rural resident with customary and traditional use in Unit 25(D) west;

(4) Any moose taken under this provision counts against the annual quota of 30 bulls.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear: Unit 25(D)—1 bear	July 1–June 30.
Caribou: Unit 25(C)—that portion south and east of the Steese Highway—1 bull by joint State/Federal registration permit only. The fall season will close when a combined State/Federal harvest of 30 bulls has been reached. The winter season will close when the combined fall and winter State/Federal harvest quota of 150 bulls for the Fortymile herd has been reached. The season closures will be announced by the Northern Field Office Manager, Bureau of Land Management after consultation with the National Park Service and Alaska Department of Fish and Game.	Aug. 10–Sept. 30. Nov. 15–Feb. 28.

Harvest limits	Open season
25(C)—that portion north and west of the Steese Highway—1 caribou; however, only bull caribou may be taken during the Aug. 10–Sept. 20 season. During the winter season, caribou may be taken only with a Federal registration permit. The winter season will be closed by announcement of the Northern Field Office, BLM, when the quota of 30 caribou has been taken.	Aug. 10–Sept. 20. Feb. 1–Mar. 31.
Unit 25 (D)—that portion of Unit 25(D) drained by the west fork of the Dall River west of 150° W. long.—1 bull ...	Aug. 10–Sept. 30.
Unit 25(A), (B), and the remainder of Unit 25(D)—10 caribou	Dec. 1–Dec. 31.
Unit 25(A), (B), and the remainder of Unit 25(D)—10 caribou	July 1–Apr. 30.
Sheep:	
Unit 25(A)—that portion within the Dalton Highway Corridor Management Area	No open season.
Units 25(A)—Arctic Village Sheep Management Area—2 rams by Federal registration permit only. Public lands are closed to the taking of sheep except by rural Alaska residents of Arctic Village, Venetie, Fort Yukon, Kaktovik, and Chalkytsik during seasons identified above.	Aug. 10–Apr. 30.
Unit 25(A)—remainder—3 sheep by Federal registration permit only	Aug. 10–Apr. 30.
Moose:	
Unit 25(A)—1 antlered bull	Aug. 25–Sept. 25.
Unit 25(B)—that portion within Yukon Charley National Preserve—1 bull	Dec. 1–Dec. 10.
Unit 25(B)—that portion within the Porcupine River drainage upstream from, but excluding the Coleen River drainage—1 antlered bull.	Aug. 20–Sept. 30.
Unit 25(B)—that portion, other than Yukon Charley National Preserve, draining into the north bank of the Yukon River upstream from and including the Kandik River drainage, including the islands in the Yukon River—1 antlered bull.	Aug. 25–Sept. 30.
Unit 25(B)—remainder—1 antlered bull	Dec. 1–Dec. 10.
Unit 25(C)—1 antlered bull	Sept. 5–Sept. 30.
Unit 25(D)(West)—that portion lying west of a line extending from the Unit 25(D) boundary on Preacher Creek, then downstream along Preacher Creek, Birch Creek and Lower Mouth Birch Creek to the Yukon River, then downstream along the north bank of the Yukon River (including islands) to the confluence of the Hadweenzik River, then upstream along the west bank of the Hadweenzik River to the confluence of Forty and One-Half Mile Creek, then upstream along Forty and One-Half Mile Creek to Nelson Mountain on the Unit 25(D) boundary—1 bull by a Federal registration permit. Alternate permits allowing for designated hunters are available to qualified applicants who reside in Beaver, Birch Creek, or Stevens Village. Moose hunting on public land in this portion of Unit 25(D)(West) is closed at all times except for residents of Beaver, Birch Creek, and Stevens Village during seasons identified above. The moose season will be closed when 30 moose have been harvested in the entirety of Unit 25(D)(West).	Dec. 1–Dec. 15.
Unit 25(D)—remainder—1 antlered moose	Aug. 25–Sept. 25.
Unit 25(D)—remainder—1 antlered moose	Dec. 1–Dec. 15.
Unit 25(D)—remainder—1 antlered moose	Sept. 1–Sept. 15.
Unit 25(D)—remainder—1 antlered moose	Aug. 25–Feb. 28.
Beaver:	
Unit 25, excluding Unit 25(C)—1 beaver per day; 1 in possession	Aug. 25–Sept. 25.
Unit 25(C)	Dec. 1–Dec. 20.
Coyote: 2 coyotes	Apr. 16–Oct. 31.
Fox, Red (including Cross, Black and Silver Phases): 10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1.	No Federal open season.
Hare (Snowshoe and Tundra): No limit	Sept. 1–Apr. 30.
Lynx:	Sept. 1–Mar. 15.
Unit 25(C)—2 lynx	July 1–June 30.
Unit 25—remainder—2 lynx	Dec. 1–Jan. 31.
Wolf:	Nov. 1–Feb. 28.
Unit 25(A)—No limit	Aug. 10–Apr. 30.
Remainder of Unit 25—10 wolves	Aug. 10–Apr. 30.
Wolverine: 1 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed):	
Unit 25(C)—15 per day, 30 in possession	Aug. 10–Mar. 31.
Unit 25—remainder—15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed):	
Unit 25(C)—those portions within 5 miles of Route 6 (Steese Highway)—20 per day, 40 in possession	Aug. 10–Mar. 31.
Unit 25—remainder—20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Beaver:	
Unit 25(C)—No limit	Nov. 1–Apr. 15.
Unit 25—remainder—50 beaver	Nov. 1–Apr. 15.
Coyote: No limit	Nov. 1–Mar. 31.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Feb. 28.
Lynx: No limit	Nov. 1–Feb. 28.
Martens: No limit	Nov. 1–Feb. 28.
Mink and Weasel: No limit	Nov. 1–Feb. 28.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Mar. 31.
Wolverine:	
Unit 25(C)—No limit	Nov. 1–Feb. 28.
Unit 25—remainder—No limit	Nov. 1–Mar. 31.

(26) *Unit 26.* (i) Unit 26 consists of Arctic Ocean drainages between Cape Lisburne and the Alaska-Canada border including the Firth River drainage within Alaska:

(A) Unit 26(A) consists of that portion of Unit 26 lying west of the Itkillik River drainage and west of the east bank of the Colville River between the mouth of the Itkillik River and the Arctic Ocean;

(B) Unit 26(B) consists of that portion of Unit 26 east of Unit 26(A), west of the west bank of the Canning River and west of the west bank of the Marsh Fork of the Canning River;

(C) Unit 26(C) consists of the remainder of Unit 26.

(ii) In the following areas, the taking of wildlife for subsistence uses is prohibited or restricted on public land:

(A) You may not use of aircraft in any manner for moose hunting, including transportation of moose hunters or parts of moose from Aug. 1–Aug. 31 and from Jan. 1–Mar. 31 in Unit 26(A). No hunter may take or transport a moose, or part of a moose in Unit 26(A) after having been transported by aircraft into the unit. However, this does not apply to transportation of moose hunters or moose parts by regularly scheduled flights to and between villages by carriers that normally provide scheduled service to this area, nor does it apply to transportation by aircraft to or between publicly owned airports;

(B) You may not use motorized vehicles, except aircraft and boats, and licensed highway vehicles, snowmobiles, and firearms in the Dalton Highway Corridor Management Area, which consists of those portions of Units 20, 24, 25, and 26 extending five miles from each side of the Dalton Highway from the Yukon River to milepost 300 of the Dalton Highway, except as follows: Residents living within the Dalton Highway Corridor Management Area may use snowmobiles only for the subsistence taking of wildlife. You may use licensed highway vehicles only on designated roads within the Dalton Highway Corridor Management Area. The residents of Alatna, Allakaket, Anaktuvuk Pass, Bettles, Evansville, Stevens Village, and residents living within the Corridor may use firearms within the Corridor;

(C) You may hunt brown bear by State registration permit in lieu of a resident tag in the Northwest Alaska Brown Bear Management Area, which consists of Unit 22, except 22(C), those portions of Unit 23, except the Baldwin Peninsula north of the Arctic Circle, Unit 24, and Unit 26(A), if you have obtained a State registration permit prior to hunting. You may not use aircraft in the Northwest Alaska Brown Bear Management Area in any manner for brown bear hunting under the authority of a brown bear State registration permit, including transportation of hunters, bears or parts of bears. However, this does not apply to transportation of bear hunters or bear parts by regularly scheduled flights to and between communities by carriers

that normally provide scheduled service to this area, nor does it apply to transportation of aircraft to or between publicly owned airports.

(iii) Unit-specific regulations:

(A) You may take caribou from a boat under power in Unit 26;

(B) You may take swimming caribou with a firearm using rimfire cartridges;

(C) In Kaktovik, a Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The

designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time;

(D) For the DeLong Mountain sheep hunts—A Federally-qualified subsistence user (recipient) may designate another Federally-qualified subsistence user to take sheep on his or her behalf unless the recipient is a member of a community operating under a community harvest system. The designated hunter must obtain a designated hunter permit and must return a completed harvest report. The designated hunter may hunt for any number of recipients but may have no more than two harvest limits in his/her possession at any one time.

Harvest limits	Open season
Hunting	
Black Bear: 3 bears	July 1–June 30.
Brown Bear:	
Unit 26(A)—1 bear by State registration permit	Sept. 1–May 31.
Unit 26(B) and (C)—1 bear	Sept. 1–May 31.
Caribou:	
Unit 26(A)—10 caribou per day; however, cow caribou may not be taken May 16–June 30. Federal lands south of the Colville River and east of the Killik River are closed to the taking of caribou by non-Federally qualified subsistence users from Aug. 1–Sept. 30.	July 1–June 30.
Unit 26(B)—10 caribou per day; however, cow caribou may be taken only from Oct. 1–Apr. 30	July 1–June 30.
Unit 26(C)—10 caribou per day	July 1–Apr. 30.
You may not transport more than 5 caribou per regulatory year from Unit 26 except to the community of Anaktuvuk Pass.	
Sheep:	
Unit 26(A) and (B)—(Anaktuvuk Pass residents only)—that portion within the Gates of the Arctic National Park—community harvest quota of 60 sheep, no more than 10 of which may be ewes and a daily possession limit of 3 sheep per person no more than 1 of which may be a ewe.	July 15–Dec. 31.
Unit 26(A)—(excluding Anaktuvuk Pass residents)—those portions within the Gates of the Arctic National Park—3 sheep.	Aug. 1–Apr. 30.
Unit 26(A)—that portion west of Howard Pass and the Etivluk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Aug. 1–Sept. 30. The season will be closed when half of the quota has been harvested in the DeLong Mountains.

Harvest limits	Open season
Unit 26(A)—that portion west of Howard Pass and the Etivluk River (DeLong Mountains)—1 ram with full curl or larger horns by Federal registration permit. The Superintendent of the Western Arctic National Parklands may issue permits for the harvest of up to 10 full curl rams in the DeLong Mountains, Units 23 and 26(A), based on a quota to be announced locally after the annual sheep population survey is completed.	Oct. 1–Apr. 1. The season will be closed when the total quota of sheep has been harvested in the DeLong Mountains including those harvested during the Aug. 1–Sept. 30 season.
Unit 26(B)—that portion within the Dalton Highway Corridor Management Area—1 ram with 7/8 curl horn or larger by Federal registration permit only.	Aug. 10–Sept. 20.
Unit 26(A)—remainder and 26(B)—remainder—including the Gates of the Arctic National Preserve—1 ram with 7/8 curl horn or larger.	Aug. 10–Sept. 20.
Unit 26(C)—3 sheep per regulatory year; the Aug. 10–Sept. 20 season is restricted to 1 ram with 7/8 curl horn or larger. A Federal registration permit is required for the Oct. 1–Apr. 30 season.	Aug. 10–Sept. 20. Oct. 1–Apr. 30.
Moose:	
Unit 26(A)—that portion of the Colville River drainage downstream from the mouth of the Anaktuvuk River—1 bull. Federal public lands are closed to the taking of moose by non-Federally qualified subsistence users.	Aug. 1–31.
Unit 26—remainder	No open season.
Muskox:	
Unit 26(C)—1 muskox by Federal registration permit only; 12 permits for bulls and 3 permits for cows may be issued to rural Alaska residents of the village of Kaktovik only. Public lands are closed to the taking of muskox, except by rural Alaska residents of the village of Kaktovik during open seasons.	Sept. 15–Mar. 31.
Coyote: 2 coyotes	Sept. 1–Apr. 30.
Fox, Arctic (Blue and White Phase): 2 foxes	Sept. 1–Apr. 30.
Fox, Red (including Cross, Black and Silver Phases):	
Unit 26(A) and (B)—10 foxes; however, no more than 2 foxes may be taken prior to Oct. 1	Sept. 1–Mar. 15.
Unit 26(C)—10 foxes	Nov. 1–Apr. 15.
Hare (Snowshoe and Tundra): No limit	July 1–June 30.
Lynx: 2 lynx	Nov. 1–Apr. 15.
Wolf: 15 wolves	Aug. 10–Apr. 30.
Wolverine: 5 wolverine	Sept. 1–Mar. 31.
Grouse (Spruce, Blue, Ruffed, and Sharp-tailed): 15 per day, 30 in possession	Aug. 10–Apr. 30.
Ptarmigan (Rock, Willow, and White-tailed): 20 per day, 40 in possession	Aug. 10–Apr. 30.
Trapping	
Coyote: No limit	Nov. 1–Apr. 15.
Fox, Arctic (Blue and White Phase): No limit	Nov. 1–Apr. 15.
Fox, Red (including Cross, Black and Silver Phases): No limit	Nov. 1–Apr. 15.
Lynx: No limit	Nov. 1–Apr. 15.
Marten: No limit	Nov. 1–Apr. 15.
Mink and Weasel: No limit	Nov. 1–Jan. 31.
Muskrat: No limit	Nov. 1–June 10.
Otter: No limit	Nov. 1–Apr. 15.
Wolf: No limit	Nov. 1–Apr. 30.
Wolverine: No limit	Nov. 1–Apr. 15.

Dated: July 14, 1999.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board, Fish and Wildlife Service.

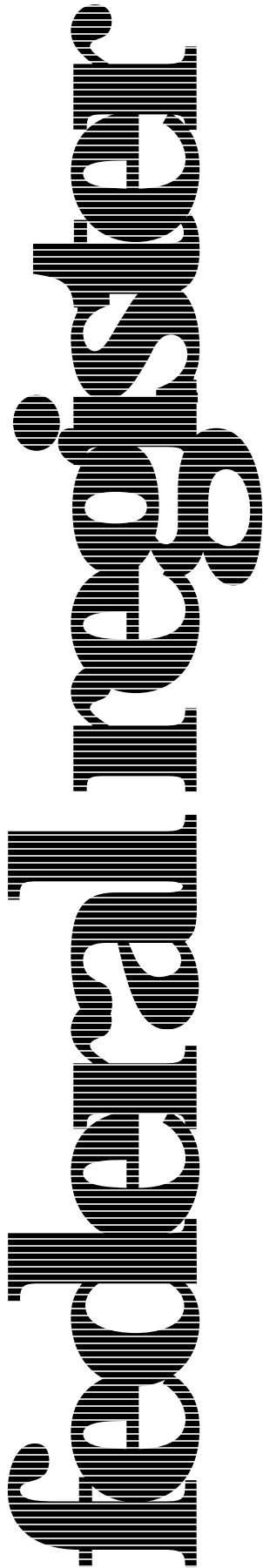
Dated: July 23, 1999.

James A. Caplan,

Acting Regional Forester, USDA-Forest Service.

[FR Doc. 99–22991 Filed 9–9–99; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P



Friday
September 10, 1999

Part III

**Nuclear Regulatory
Commission**

48 CFR Chapter 20
Acquisition Regulation (NRCAR); Final
Rule

NUCLEAR REGULATORY COMMISSION**48 CFR Chapter 20**

RIN 3150-AF52

Acquisition Regulation (NRCAR)

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its regulations governing the procurement of goods and services. The final rule is intended to meet the requirements of Public Law 103-355 (the Federal Acquisition Streamlining Act—FASA) and Public Law 104-106 (the Federal Acquisition Reform Act (FARA), and the Information Technology Management Reform Act (ITMRA.)) Both public laws modify and streamline Federal Acquisition Regulation (FAR) requirements. This final rule eliminates obsolete coverage and makes necessary technical and conforming amendments to the NRCAR. The NRCAR applies to all contracts, including simplified acquisitions where specified, and to modifications that require a justification for other than full and open competition.

EFFECTIVE DATE: The final rule becomes effective October 12, 1999.

FOR FURTHER INFORMATION CONTACT: Timothy F. Hagan, Director, Division of Contracts and Property Management, Office of Administration, Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: (301) 415-7305.

SUPPLEMENTARY INFORMATION:**Background**

The U.S. Nuclear Regulatory Commission Acquisition Regulations (NRCAR) in 48 CFR Chapter 20 implement and supplement the government-wide Federal Acquisition Regulation (FAR) and ensure that the policies governing the procurement of goods and services within the NRC satisfy the needs of the agency. The NRCAR includes policies, procedures, solicitation provisions, and contract clauses needed to ensure the effective and efficient evaluation, negotiation, and administration of procurements.

The Proposed Rule

The NRCAR was published as a proposed rule, the amendments are intended to comply with FAR streamlining requirements and to eliminate obsolete coverage and make necessary technical and conforming amendments to its policies, procedures,

solicitation provisions, and contract clauses.

The proposed rule was published for public comment on December 8, 1998 (63 FR 67726). The comment period on the proposed rule closed February 22, 1999. The NRC did not receive any public comments in response to the proposed rule.

Summary of Changes

The following discussion summarizes the changes made to the NRCAR by this final rule.

1. Part 2002-Definitions—This Part is amended to add language designating Task and Delivery Order Ombudsman in accordance with FASA requirements.

2. Part 2003—Improper business practices and personal conflicts of interest—This Part is amended to cite the Office of Government Ethics (OGE) regulations covering standards of conduct for Federal employees rather than the NRC's regulation in this area. The OGE regulations were published at 61 FR 66830-66851 (December 18, 1996), and took effect on January 17, 1997. The OGE regulations supersede the NRC standards of conduct regulations previously found in 10 CFR Part 0. Standards of conduct and requirements for financial disclosure are now published in 5 CFR Parts 2635, 5801, and 2634 respectively. 10 CFR Part 0 has been eliminated.

3. Part 2009 Contractor Qualifications—Section 2009.1 "Responsible prospective contractors" as amended. The language in § 2009.100 is simplified to enhance understanding of the NRC's policy covering award of contracts to former NRC employees and the award of contracts to firms that employ former NRC employees. The language also clarifies the procurement actions that are considered noncompetitive for the purposes of this policy.

a. The NRC requires information provided under § 2052.209-70 "Current/Former Agency Employee Involvement" to ensure that conflict of interests are avoided and fairness is maintained during the selection process. Section 2052.209-71 "Contractor Organizational Conflicts of Interest (representation)" is required by statute (42 U.S.C. Sec. 2221, Sec. 170A of the Atomic Energy Act of 1954, as amended). The Certification requirement of both sections, which required a high level review within a contractor's organization, is downgraded to a Representation requirement. This action is intended to lessen a contractor's reporting burden under to Section 4301 of Pub. 109-106 (FARA).

4. Part 2009.5—Organizational Conflicts of Interest—This Part is amended to bring the definition of "Subcontractor" in § 2009.570-2 into conformance with Section 170A of the Atomic Energy Act.

5. Part 2010—Specifications, Standards, and Other Purchase Descriptions—This Part, as well as § 2010.004—Brand name products or equal, are deleted in their entirety. FAR Part 10 is now devoted to Market Research. Guidance on the use of brand name products is now found under FAR Part 11. FAR Subpart 11.104 describes brand name products as "Items peculiar to one manufacturer." The FAR now allows some flexibility in acquiring brand name products. This flexibility is now evident in the NRCAR prescription and clause (§ 2052.210-70). Some restriction on ordering brand name products is evident in FAR 6.302-1. This provision requires a sole source justification for brand name product purchases. The basis for not providing for maximum practicable competition must now be documented in the file when the acquisition is awarded through simplified acquisition procedures.

6. Part 2015—Contracting By Negotiation—This Part is amended to reflect changes made under the NRC's Procurement Reinvention Laboratory. Sections 2015.209-70(b) and § 2052.215-75 encourage the contracting officer to ask Offerors to submit technical and management proposals either by an oral presentation or by a written document. Section 2015.209-70(b) further clarifies that proposal preparation instructions be tailored to assure that all sections of the instructions reflect a one-to-one relationship to the evaluation criteria. Section 2015.304 allows the contracting officer flexibility in selection evaluation procedures/criteria (e.g., weighted criteria or evaluations based upon non-weighted narrative evaluations) which are appropriate to the type of solicitation and requirement. Section 2015.304 encourages the contracting officer to use a minimum number of evaluation factors by referencing FAR 15.304(b). This section of the FAR emphasizes that evaluation factors and significant subfactors must represent key areas of importance and emphasis to be considered in the source selection decision.

7. Part 2016—Types of Contracts—This Part is amended to allow the contracting officer the flexibility to negotiate ceiling rates for indirect costs and to streamline task order technical proposal language.

8. Part 2032—Contract Financing—§ 2032.4—This Part is amended to bring its language in line with FAR Part 32.4 which covers advance payments for non-commercial items.

9. Part 2025—Foreign Acquisition—This Part is deleted in its entirety due to a regulatory change in FAR Part 2025. The NRCAR previously required the contracting officer to approve a written determination not to acquire US-produced supplies for public use. The Head of the Contracting Activity (HCA) was required to approve such a determination for acquisitions which exceeded \$1 million. FAR 25.102 has since been revised to give the contracting officer some flexibility in making the nonavailability of US-produced supplies determination. FAR 25.102 has done this by eliminating the requirement and dollar threshold for HCA approval of the contracting officer's determination, and stating that the HCA may (vice "must" under previous FAR language) make a nonavailability determination for any circumstance other than what was considered by the contracting officer. Due to this regulatory change, NRCAR coverage of foreign acquisitions is no longer needed.

10. Part 2033—Protests, Disputes and Appeals—This Part is amended to clarify agency procedures for responding to agency protests and for handling disputes and appeals pursuant to the Contracts Dispute Act. This Part is amended to update the address for the U.S. Department of Energy Board of Contract Appeals.

11. Part 2035 Research and Development Contracting—This Part is amended to give the contracting officer flexibility to choose the evaluation criteria which will be used to select contractors under Broad Agency Announcements.

The Final Rule

The final rule is now updated to meet the requirements of Pub. L. 103-355 (the Federal Acquisition Streamlining Act—FASA) and Pub. L. 104-106 (the Federal Acquisition Reform Act (FARA), and the Information Technology Management Reform Act (ITMRA.)) Both public laws modify and streamline FAR requirements. In the process of updating the NRCAR to comply with FAR acquisition streamlining requirements, the NRC has eliminated obsolete coverage and made necessary technical and conforming amendments to its policies, procedures, solicitation provisions, and contract clauses. The NRC expects that any new reporting burden that would be incurred as a result of these changes would be offset

by elimination of other reporting requirement burdens specific to this agency (e.g., pre-award proposal preparation requirements).

Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995, Pub. L. 104-113, requires that agencies use technical standards that are developed or adopted by voluntary consensus standard bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this final rule, the NRC is amending its regulations that supplement the Federal Acquisition Regulation (FAR) and, in connection with the FAR, govern the procurement of goods and services by the agency. This internal action does not constitute the establishment of a standard that establishes generally-applicable requirements. Furthermore, the NRC has determined that the adoption of consensus standards as an alternative to this final rule is not permitted.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in the categorical exclusion set forth in 10 CFR 51.22(c)(5). Therefore, neither an environmental impact statement nor an environmental assessment is required for this final rule.

Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These requirements were approved by the Office of Management and Budget approval numbers 3150-0169 and 3150-0193.

Public Protection Notification

If an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Regulatory Analysis

This final rule amends the procedures and requirements necessary to implement and supplement the FAR. The final rule presents amendments to the regulations necessary to ensure that the regulations governing the procurement of goods and services within the NRC to satisfy the particular needs and requirements of the NRC. This final rule constitutes an administrative action governing the procurement activities of the NRC. These provisions do not have an adverse

economic impact on any contractor or potential contractor because they merely supplement the requirements applicable to the acquisition of goods and services by the agency. By clearly and explicitly implementing the FAR and presenting those additional provisions necessary to reflect the needs of the NRC, the final rule allows a contractor or potential contractor to understand more easily the regulations used in soliciting, evaluating and awarding contracts for the provision of goods and services. This constitutes the regulatory analysis for this final rule.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission certifies that this final rule will not have a significant economic impact on a substantial number of small entities. The final rule amends the procedures and requirements necessary to implement and supplement the FAR. These regulations govern the acquisition of goods and services by the NRC. To the extent that the final rule affects a small entity, it sets out provisions applicable to small business, small, disadvantaged business, and women-owned business concerns.

Backfit Analysis

The NRC has determined that a backfit analysis does not apply to this final rule because it does not involve any provision which imposes backfits as defined in 10 CFR 50.109(a)(1).

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and has verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects

48 CFR Parts 2001, 2002, 2003, 2004, and 2005

Government procurement, Nuclear Regulatory Commission Acquisition Regulations.

48 CFR Part 2009

Government procurement, Nuclear Regulatory Commission Acquisition Regulations, Reporting and recordkeeping requirements.

48 CFR Parts 2011 and 2013

Government procurement, Nuclear Regulatory Commission Acquisition Regulations.

48 CFR Parts 2014 and 2015

Government procurement, Nuclear Regulatory Commission Acquisition Regulations, Reporting and recordkeeping requirements.

48 CFR Parts 2016 and 2017

Government procurement, Nuclear Regulatory Commission Acquisition Regulations.

48 CFR Part 2019

Government procurement, Nuclear Regulatory Commission Acquisition Regulations, Reporting and recordkeeping requirements.

48 CFR Parts 2022 and 2024

Government procurement, Nuclear Regulatory Commission Acquisition Regulations.

48 CFR Part 2027

Government procurement, Nuclear Regulatory Commission Acquisition Regulations, Reporting and recordkeeping requirements.

48 CFR Parts 2030, 2031, 2032, 2033, and 2035

Government procurement, Nuclear Regulatory Commission Acquisition Regulations.

48 CFR Part 2042

Government procurement, Nuclear Regulatory Commission Acquisition Regulations, Reporting and recordkeeping requirements.

48 CFR Part 2045

Government procurement, Nuclear Regulatory Commission Acquisition Regulations Reporting and recordkeeping requirements.

48 CFR Part 2052

Government procurement, Nuclear Regulatory Commission Acquisition Regulations, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, 5 U.S.C. 553, and FAR Subpart 1.3, the NRC is revising Chapter 20 to Title 48 of the Code of Federal Regulations in its entirety to read as follows:

CHAPTER 20—NUCLEAR REGULATORY COMMISSION**SUBCHAPTER A—GENERAL****PART 2001—NUCLEAR REGULATORY COMMISSION ACQUISITION REGULATION SYSTEM****Subpart 2001.1—Purpose, Authority, Issuance**

Sec.

2001.101 Purpose.

2001.102 Authority.

2001.103 Applicability.

2001.104 Issuance.

2001.104–1 Publication and code arrangement.

2001.104–2 Arrangement of the regulations.

2001.104–3 Copies.

2001.105 Information collection requirements: OMB approval.

Subpart 2001.3—Agency Acquisition Regulations

2001.301 Policy.

2001.303 Public participation.

Subpart 2001.4—Deviations from the FAR and the NRCAR

2001.402 Policy.

2001.403 Individual deviations.

2001.404 Class deviations.

Subpart 2001.6—Contracting Authority and Responsibilities

2001.600–70 Scope of subpart.

2001.601 General.

2001.602–3 Ratification of unauthorized commitments.

2001.603 Selection, appointment, and termination of appointment.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2001.1—Purpose, Authority, Issuance**2001.101 Purpose.**

This subpart establishes Chapter 20, the Nuclear Regulatory Commission Acquisition Regulation (NRCAR), and provides for the codification and publication of uniform policies and procedures for acquisitions by the NRC. The NRCAR is not, by itself, a complete document. It must be used in conjunction with the Federal Acquisition Regulation (FAR) (48 CFR Chapter 1).

2001.102 Authority.

The NRCAR and the amendments to it are issued by the Senior Procurement Executive under a delegation from the Executive Director for Operations dated May 16, 1997, in accordance with the authority of the Atomic Energy Act of 1954, as amended (42 U.S.C. 161), the Energy Reorganization Act of 1974 (42 U.S.C. 5841, 5872), the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486(c)), as amended, FAR subpart 1.3, and other applicable law.

2001.103 Applicability.

The FAR and NRCAR apply to all NRC acquisitions of supplies and services which obligate appropriated funds, unless exempted by Sections 31 and 161 of the Atomic Energy Act of 1954 as amended, and Section 205 of the Energy Reorganization Act of 1974 as amended. For procurements made from nonappropriated funds, the Director, Division of Contracts and Property Management, shall determine the rules and procedures that apply.

2001.104 Issuance.**2001.104–1 Publication and code arrangement.**

(a) The NRCAR and its subsequent changes are:

- (1) Published in the daily issue of the **Federal Register**; and
- (2) Codified in the Code of Federal Regulations (CFR).

(b) The NRCAR is issued as 48 CFR Chapter 20.

2001.104–2 Arrangement of the regulations.

(a) *General.* Chapter 20 is divided into parts, subparts, sections, subsections, paragraphs, and further subdivisions as necessary.

(b) *Numbering.* The numbering system and part, subpart and section titles used in this Chapter conform with those used in the FAR as follows:

(1) Where Chapter 20 implements the FAR or supplements a parallel part, subpart, section, subsection, or paragraph of the FAR, that implementation or supplementation is numbered and captioned to the FAR part, subpart, section, or subsection being implemented or supplemented, except that the implementation or supplementation is preceded with a 20 or 200 so that there will always be four numbers to the left of the decimal. For example, NRC's implementation of FAR 1.104–1 is shown as § 2001.104–1 and the NRC's implementation of FAR 24.1 is shown as § 2024.1.

(2) When the NRC supplements material contained in the FAR, it is given a unique number containing the numerals "70" or higher. The rest of the number parallels the FAR part, subpart, section, subsection, or paragraph it is supplementing. For example, Section 170A of the Atomic Energy Act of 1954, as amended, requires a more comprehensive organizational conflict of interest review for NRC than is contemplated by FAR 9.5. This supplementary material is identified as § 2009.570.

(3) Where material in the FAR requires no implementation or supplementation, there is no

corresponding numbering in the NRCAR. Therefore, there may be gaps in the NRCAR sequence of numbers where the FAR requires no further implementation.

(c) *Citation.* The NRCAR will be cited in accordance with Office of the Federal Register standards approved for the FAR. Thus, this section when referred to in the NRCAR is cited as § 2001.104-2(c). When this section is referred to formally in official documents, such as legal briefs, it should be cited as "48 CFR 2001.104-2(c)." Any section of the NRCAR may be formally identified by the section number, e.g., "NRCAR 2001.104-2." In the NRCAR, any reference to the FAR will be indicated by "FAR" followed by the section number, for example FAR 1-104.

2001.104-3 Copies.

Copies of the NRCAR in **Federal Register** and CFR form may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

2001.105 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). The NRC 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. OMB has approved the information collection requirements contained in this part under control number 3150-0169.

(b) The information collection requirements contained in this part appear in §§ 2009.570-3, 2009.570-5, 2009.570-8, 2014.201-670, 2027.305-3, 2042.570-1, 2042.803, 2045.371, 2052.204-70, 2052.204-71, 2052.209-70, 2052.209-71, 2052.209-72, 2052.211-70, 2052.211-71, 2052.211-72, 2052.211-72 Alternate 1, 2052.214-71, 2052.214-72, 2052.214-74, 2052.215-70, 2052.215-71, 2052.215-74, 2052.215-75, 2052.215-75 Alternate 1, 2052.215-75 Alternate 2, 2052.215-78, 2052.216-72, 2052.227-70, 2052.235-70, 2052.235-71, 2052.242-70, and 2052.242-71.

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and control numbers under which they are approved are as follows:

(1) In § 2052.215-77(a) and § 2052.215-78(b), NRC Form 445 is approved under control number 3150-0193.

(2) [Reserved]

Subpart 2001.3—Agency Acquisition Regulations

2001.301 Policy.

Policy, procedures, and guidance of an internal nature will be promulgated through internal NRC issuances such as Management Directives or Division of Contracts and Property Management Instructions.

2001.303 Public participation.

FAR 1.301 and section 22 of the Office of Federal Procurement Policy Act, as amended (41 U.S.C. 418b) require rulemaking for substantive acquisition rules, but allow discretion in the matter for other than significant issues meeting the stated criteria. Accordingly, the NRCAR has been promulgated and may be revised from time to time in accordance with FAR 1.301. This procedure for significant subject matter generally involves issuing a notice of proposed rulemaking that invites public comment, review and analysis of comments received, and publication of a final rule. The final rule includes a discussion of the public comments received and describes any changes made as a result of the comments.

Subpart 2001.4—Deviations From the FAR and the NRCAR

2001.402 Policy.

(a) Deviations from the provisions of the FAR or NRCAR may be granted as specified in this subpart when necessary to meet the specific needs of the requesting office. The development and testing of new techniques and methods of acquisition should not be discouraged simply because the action would require a FAR or NRCAR deviation.

(b) Requests for authority to deviate from the provisions of the FAR or the NRCAR must be signed by the requesting office and submitted to the Director, Division of Contracts and Property Management, in writing, as far in advance as possible. Each request for deviation must contain the following:

(1) A statement of the deviation desired, including identification of the specific paragraph number(s) of the FAR or NRCAR from which a deviation is requested;

(2) The reason why the deviation is considered necessary or would be in the best interest of the Government;

(3) If applicable, the name of the contractor and identification of the contract affected;

(4) A description of the intended effect of the deviation;

(5) A statement of the period of time for which the deviation is needed; and

(6) Any pertinent background information which will contribute to a full understanding of the desired deviation.

2001.403 Individual deviations.

In individual cases, deviations from either the FAR or the NRCAR will be authorized only when essential to effect only one contracting action or where special circumstances make the deviations clearly in the best interest of the Government. Individual deviations must be authorized in advance by the Director, Division of Contracts and Property Management.

2001.404 Class deviations.

Class deviations affect more than one contracting action. Where deviations from the FAR or NRCAR are considered necessary for classes of contracts, requests for authority to deviate must be submitted in writing to the Director, Division of Contracts and Property Management, who will consider the submission jointly with the Chairperson of the Civilian Agency Acquisition Council, as appropriate.

Subpart 2001.6—Contracting Authority and Responsibilities

2001.600-70 Scope of subpart.

This subpart deals with the placement of contracting authority and responsibility within the agency, the selection and designation of contracting officers, and the authority of contracting officers.

2001.601 General.

(a) Contracting authority vests in the Chairman. The Chairman has delegated this authority to the Executive Director for Operations (EDO). The EDO has delegated this authority to the Deputy Executive Director for Management Services (DEDM). The DEDM has delegated this authority to the Director, Office of Administration (ADM). The Director, ADM, has delegated the authority to the Director, Division of Contracts and Property Management (DCPM), who, in turn, makes contracting officer appointments within Headquarters and Regional Offices. All of these delegations are formal written delegations containing dollar limitations and conditions.

(b) The Director, Division of Contracts and Property Management, establishes contracting

policy throughout the agency; monitors the overall effectiveness and efficiency of the agency's contracting office; establishes controls to assure compliance with laws, regulations, and procedures; and delegates contracting officer authority.

2001.602-3 Ratification of unauthorized commitments.

(a) The Government is not bound by agreements or contractual commitments made to prospective contractors by persons to whom contracting authority has not been delegated. Any unauthorized commitment may be in violation of the Federal Property and Administrative Services Act, other Federal laws, the FAR, the NRCAR, and good acquisition practice. Certain requirements of law and regulation necessary for the proper establishment of a contractual obligation may not be met under an unauthorized commitment; for example, the certification of the availability of funds, justification for other than full and open competition, competition of sources, determination of contractor responsibility, certification of current pricing data, price/cost analysis, administrative approvals, and negotiation of appropriate contract clauses.

(b) The execution of otherwise proper contracts made by individuals without contracting authority, or by contracting officers in excess of the limits of their delegated authority, may later be ratified. To be effective, the ratification must be in the form of a written procurement document clearly stating that ratification of a previously unauthorized commitment is intended. All ratifications of procurement actions valued at \$2,500 or less may be approved by the appropriate regional administrator or Headquarters contracting officer. For any such action, all other terms of subpart 2001.6 are applicable. All ratification actions exceeding \$2,500 shall be approved by the Competition Advocate.

(c) Requests received by contracting officers for ratification of commitments made by personnel lacking contracting authority must be processed as follows:

(1) The Designating Official that is responsible for the office request shall furnish the contracting officer all records and documents concerning the commitment and a complete written statement of facts, including, but not limited to:

(i) A written statement consistent with the complexity and size of the action as to why the contracting office was not used including the name of the employee who made the commitment;

(ii) A statement as to why the proposed contractor was selected;

(iii) A list of other sources considered;

(iv) A description of work performed, or to be performed, or products to be furnished;

(v) The estimated or agreed upon contract price;

(vi) A certification of the appropriated funds available;

(vii) A description of how unauthorized commitments in similar circumstances will be avoided in the future.

(2) The contracting officer shall review the written statement of facts for a determination of approval of all actions valued at \$2,500 or less. For actions greater than \$2,500, the contracting officer shall forward the written statement of facts to the Competition Advocate through the Director, Division of Contracts and Property Management with any comments or information that should be considered in evaluating the request for ratification.

(3) The NRC legal advisor may be asked for an opinion, advice, or concurrence if there is concern regarding the propriety of the funding source, appropriateness of the expense, or when some other legal issue is involved.

2001.603 Selection, appointment, and termination of appointment.

The Director, Division of Contracts and Property Management, is authorized by the Director, Office of Administration, to select and appoint contracting officers and to terminate their appointment as prescribed in FAR 1.603. Delegations of contracting officer authority are issued by memorandum which includes a clear statement of the delegated authority, including responsibilities and limitations in addition to the "Certificate of Appointment", SF 1402. The Director, Division of Contracts and Property Management, may delegate micro-purchase authority in accordance with agency procedures. This delegation may be accomplished by written memorandum. (ref. FAR 1.603-3(b))

PART 2002—DEFINITIONS

Subpart 2002.1—Definitions

Sec. 2002.100 Definitions.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2002.1—Definitions

2002.100 Definitions.

Agency means the Nuclear Regulatory Commission (NRC).

Agency Head or Head of the Agency means the NRC Executive Director for Operations, for the purposes specified in the regulations in this chapter and the FAR. This delegation does not extend to internal NRC requirements such as clearance levels and Commission papers which specify higher levels of authority.

Commission means the NRC Commission of five members, or a quorum thereof, sitting as a body, as provided by Section 201 of the Energy Reorganization Act of 1974 (42 U.S.C. 5841).

Competition Advocate means the individual appointed as such by the Agency Head as required by Public Law 98-369. The Director, Division of Contracts and Property Management, has been appointed the Competition Advocate for the NRC.

Head of the Contracting Activity means the Director, Division of Contracts and Property Management.

Senior Procurement Executive means the individual appointed as such by the Agency Head pursuant to Executive Order 12352. The Deputy Executive Director for Management Services, has been appointed the NRC Senior Procurement Executive.

Simplified acquisitions means those acquisitions conducted using the methods, policies, and procedures of FAR part 13 for making purchases of supplies or services.

Task and Delivery Order Ombudsman means the Director, Division of Contracts and Property Management, or designee pursuant to Section 1004(a) of Public Law 103-355, the Federal Acquisition Streamlining Act.

PART 2003—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 2003.1—Safeguards

Sec. 2003.101-3 Agency regulations.

Subpart 2003.2—Contractor Gratuities to Government Personnel

Sec. 2003.203 Reporting suspected violations of the gratuities clause.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2003.1—Safeguards

2003.101-3 Agency regulations.

Standards of conduct for Federal employees are published in 5 CFR parts 2635 and 5801. Requirements for financial disclosure are published in 5 CFR part 2634.

Subpart 2003.2—Contractor Gratuities to Government Personnel**2003.203 Reporting suspected violations of the gratuities clause.**

(a) Suspected violations of the "Gratuities" clause, FAR 52.203.3, must be reported orally or in writing directly to the NRC Office of the Inspector General. A report must include all facts and circumstances related to the case. Refer to 5 CFR part 2635 for an explanation regarding what is prohibited and what is permitted.

(b) When appropriate, discussions with the contracting officer or a higher procurement official, procurement policy staff, and the procurement legal advisor before filing a report are encouraged.

PART 2004—ADMINISTRATIVE MATTERS**Subpart 2004.4—Safeguarding Classified Information Within Industry**

Sec.

2004.404 Contract clauses.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

2004.404 Contract clauses.

(a) The contracting officer shall insert the clause at § 2052.204–70 Security, in all solicitations and contracts under which the contractor may have access to, or contact with, classified information, including National Security information, restricted data, formerly restricted data, and other classified data.

(b) The contracting officer shall insert the clause § 2052.204–71 Site Access Badge Requirements, in all solicitations and contracts under which the contractor will require access to Government facilities. The clause may be altered to reflect any special conditions to be applied to foreign nationals.

SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING**PART 2005—PUBLICIZING CONTRACT ACTIONS****Subpart 2005.5—Paid Advertisements**

Sec.

2005.502 Authority.

Authority: (42 U.S.C. 2201); 42 U.S.C. 5841; 41 U.S.C. 401 *et seq.*

Subpart 2005.5—Paid Advertisements**2005.502 Authority.**

Before placing paid advertisements in newspapers and trade journals to publicize contract actions, written authority must be obtained from the Director, Division of Contracts and

Property Management, for Headquarters activities, or the Director, Division of Resource Management and Administration, within each regional office for a regional procurement.

PART 2009—CONTRACTOR QUALIFICATIONS**Subpart 2009.1—Responsible Prospective Contractors**

Sec.

2009.100 NRC policy.

2009.105–70 Contract provisions.

Subpart 2009.4—Debarment, Suspension, and Ineligibility

2009.403 Definitions.

2009.404 Consolidated lists of parties excluded from Federal procurement or non-procurement programs.

2009.405 Effect of listing.

2009.405–1 Continuation of current contracts.

2009.405–2 Restrictions on subcontracting.

2009.406 Debarment.

2009.406–3 Procedures.

2009.407 Suspension.

2009.407–3 Procedures.

2009–470 Appeals.

Subpart 2009.5—Organizational Conflicts of Interest

2009.500 Scope of subpart.

2009.570 NRC organizational conflicts of interest.

2009.570–1 Scope of policy.

2009.570–2 Definitions.

2009.570–3 Criteria for recognizing contractor organizational conflicts of interest.

2009.570–4 Representation.

2009.570–5 Contract clauses.

2009.570–6 Evaluation, findings, and contract award.

2009.570–7 Conflicts identified after award.

2009.570–8 Subcontracts.

2009.570–9 Waiver.

2009.570–10 Remedies.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2009.1—Responsible Prospective Contractors.**2009.100 NRC policy.**

(a) It is NRC policy that only competitively awarded contracts shall be placed with an individual who was employed by the NRC within two years from the date of the Request for Procurement Action. This policy also applies to:

(1) The noncompetitive award of contracts to organizations where former NRC employees have dominant ownership interests in the organization, such as partners or majority stockholders;

(2) The noncompetitive award of contracts to organizations where former NRC employees have dominant management interests, such as principal

officers, or where the organization is predominantly staffed by former NRC employees; and

(3) The noncompetitive award of contracts, task orders or other NRC work assignments where the particular assignment is to be performed by designated former NRC employees, including principal investigators, key personnel, and others who will perform more than a nominal amount of the work in question.

(b) The following procurement actions are considered noncompetitive for the purposes of this policy:

(1) Contracts awarded noncompetitively under the Small Business Administration's 8(a) Program;

(2) Individual task orders if the former employee was not identified as "key personnel" in a proposal which was evaluated under competitive procedures;

(3) Unsolicited proposals;

(4) Subcontracts that require review for the purpose of granting consent under NRC prime contracts.

(c) The term *NRC employee* includes special Government employees performing services for NRC as experts, advisors, consultants, or members of advisory committees, if—

(1) The contract arises directly out of the individual's activity as a special employee;

(2) The individual is in a position to influence the award of the contract; or

(3) The Contracting Officer determines that another conflict of interest exists.

(d) A justification explaining why it is in the best interest of the Government to contract with an individual or firm described in paragraphs (a) and (b) of this section on a noncompetitive basis may be approved by the Senior Procurement Executive after consulting with the Executive Director for Operations. This is in addition to any justification and approvals which may be required by the FAR for use of other than full and open competition.

(e) Nothing in this policy statement relieves former employees from obligations prescribed by law, such as 18 U.S.C. 207, Restrictions on Former Officers, Employees, and Elected Officials of the Executive and Legislative Branches.

2009.105–70 Contract provisions.

The contracting officer shall insert the following provisions in all solicitations:

(a) § 2052.209–70 Current/Former Agency Employee Involvement.

Subpart 2009.4—Debarment, Suspension, and Ineligibility**2009.403 Definitions.**

As used in § 2009.4:

Debarring official means the Senior Procurement Executive.

Suspending official means the Senior Procurement Executive.

2009.404 Consolidated list of parties excluded from Federal procurement or non-procurement programs.

The contracting officer responsible for the contract affected by the debarment or suspension shall perform the actions required by FAR 9.404(c) (1) through (6).

2009.405 Effect of listing.

Compelling reasons are considered to be present where failure to contract with the debarred or suspended contractor would seriously harm the agency's programs and prevent accomplishment of mission requirements. The Senior Procurement Executive is authorized to make the determinations under FAR 9.405. Requests for these determinations must be submitted from the Head of the Contracting Activity, through the Director, Office of Administration, to the Senior Procurement Executive.

2009.405-1 Continuation of current contracts.

The Head of the Contracting Activity is authorized to make the determination to continue contracts or subcontracts in existence at the time the contractor was debarred, suspended, or proposed for debarment in accordance with FAR 9.405-1.

2009.405-2 Restrictions on subcontracting.

The Head of the Contracting Activity is authorized to approve subcontracts with debarred or suspended subcontractors under FAR 9.405-2.

2009.406 Debarment.**2009.406-3 Procedures.**

(a) *Investigation and referral.* (1) When a contracting officer becomes aware of possible irregularities or any information which may be sufficient cause for debarment, the contracting officer must first submit a complete statement of facts (including a copy of any criminal indictments, if applicable) and a recommendation for action to the Head of the Contracting Activity. If the contracting officer's statement of facts indicates misconduct on the part of the contractor in regard to an NRC contract, the Head of the Contracting Activity will refer the matter of misconduct to the Inspector General to determine if an investigation is required prior to

referring the case to the debarring official.

(2) To the extent the Head of the Contracting Activity believes that sufficient grounds for debarment exist, independent of any pending investigation by the Inspector General, the Head of the Contracting Activity shall immediately forward the case, without reference to any pending investigation, and a recommendation for action to the Senior Procurement Executive for review. In such circumstances, the Head of the Contracting Activity will take no additional action in regard to a specific matter of misconduct referred to the Inspector General prior to consulting with the Inspector General.

(b) *Decision-making process.* If, after reviewing the recommendations and consulting with the Office of the General Counsel and, if appropriate, the Office of the Inspector General, the debarring official determines debarment is justified, the debarring official shall initiate the proposed debarment in accordance with FAR 9.406-3(c) and notify the Head of the Contracting Activity of the action taken. If the contractor fails to submit a timely written response within 30 days after receipt of the notice in accordance with FAR 9.406-3(c)(4), the debarring official may notify the contractor in accordance with FAR 9.406-3(d) that the contractor is debarred.

(c) *Fact-finding proceedings.* For actions listed under FAR 9.406-3(b)(2), the contractor shall be given the opportunity to appear at an informal hearing. The hearing should be held at a location and time that is convenient to the parties concerned and no later than 30 days after the contractor received the notice, if at all possible. The contractor and any specifically named affiliates may be represented by counsel or any duly authorized representative. Witnesses may be called by either party. The proceedings must be conducted expeditiously and in such a manner that each party will have an opportunity to present all information considered pertinent to the proposed debarment.

2009.407 Suspension.**2009.407-3 Procedures.**

(a) *Investigation and referral.* (1) When a contracting officer becomes aware of possible irregularities or any information which may be sufficient cause for suspension, the contracting officer must first submit a complete statement of facts (including a copy of any criminal indictments, if applicable) and a recommendation for action to the Head of the Contracting Activity. If the

contracting officer's statement of facts indicates misconduct on the part of the contractor in regard to an NRC contract, the Head of the Contracting Activity will refer the matter of misconduct to the Inspector General to determine if an investigation is required prior to referring the case to the suspension official.

(2) To the extent the Head of the Contracting Activity believes that sufficient grounds for debarment exist, independent of any pending investigation by the Inspector General, the Head of the Contracting Activity shall immediately forward the case, without reference to any pending investigation, and a recommendation for action to the Senior Procurement Executive for review. In such circumstances, the Head of the Contracting Activity will take no additional action in regard to a specific matter of misconduct referred to the Inspector General prior to consulting with the Inspector General.

(b) *Decision-making process.* If, after reviewing the recommendations and consulting with the Office of the General Counsel, and if appropriate, the Office of the Inspector General, the suspending official determines suspension is justified, the suspending official shall initiate the proposed suspension in accordance with FAR 9.407-3(b)(2). The contractor shall be given the opportunity to appear at an informal hearing, similar in nature to the hearing for debarments as discussed in FAR 9.406-3(b)(2). If the contractor fails to submit a timely written response within 30 days after receipt of the notice in accordance with FAR 9.407-3(c)(5), the suspending official may notify the contractor in accordance with FAR 9.407-3(d) that the contractor is suspended.

2009.470 Appeals.

A debarred or suspended contractor may appeal the debarring/suspending official's decision by mailing or otherwise furnishing a written notice within 90 days from the date of the decision to the Executive Director for Operations. A copy of the notice of appeal must be furnished to the debarring/suspending official.

Subpart 2009.5—Organizational Conflicts of Interest**2009.500 Scope of subpart.**

In accordance with 42 U.S.C. 2210a., NRC acquisitions are processed in accordance with § 2009.570, which takes precedence over FAR 9.5 with respect to organizational conflicts of interest. Where non-conflicting

guidance appears in FAR 9.5, that guidance must be followed.

2009.570 NRC organizational conflicts of interest.

2009.570-1 Scope of policy.

(a) It is the policy of NRC to avoid, eliminate, or neutralize contractor organizational conflicts of interest. The NRC achieves this objective by requiring all prospective contractors to submit information describing relationships, if any, with organizations or persons (including those regulated by the NRC) which may give rise to actual or potential conflicts of interest in the event of contract award.

(b) Contractor conflict of interest determinations cannot be made automatically or routinely. The application of sound judgment on virtually a case-by-case basis is necessary if the policy is to be applied to satisfy the overall public interest. It is not possible to prescribe in advance a specific method or set of criteria which would serve to identify and resolve all of the contractor conflict of interest situations that might arise. However, examples are provided in the regulations in this chapter to guide application of this policy guidance. The ultimate test is as follows: Might the contractor, if awarded the contract, be placed in a position where its judgment may be biased, or where it may have an unfair competitive advantage?

(c) The conflict of interest rule contained in this subpart applies to contractors and offerors only. Individuals or firms who have other relationships with the NRC (e.g., parties to a licensing proceeding) are not covered by the regulations in this chapter. This rule does not apply to the acquisition of consulting services through the personnel appointment process. NRC agreements with other Government agencies, international organizations, or state, local, or foreign Governments. Separate procedures for avoiding conflicts of interest will be employed in these agreements, as appropriate.

2009.570-2 Definitions.

Affiliates means business concerns which are affiliates of each other when either directly or indirectly one concern or individual controls or has the power to control another, or when a third party controls or has the power to control both.

Contract means any contractual agreement or other arrangement with the NRC except as provided in § 2009.570-1(c).

Contractor means any person, firm, unincorporated association, joint

venture, co-sponsor, partnership, corporation, affiliates thereof, or their successors in interest, including their chief executives, directors, key personnel (identified in the contract), proposed consultants or subcontractors, which are a party to a contract with the NRC.

Evaluation activities means any effort involving the appraisal of a technology, process, product, or policy.

Offeror or prospective contractor means any person, firm, unincorporated association, joint venture, co-sponsor, partnership, corporation, or their affiliates or successors in interest, including their chief executives, directors, key personnel, proposed consultants, or subcontractors, submitting a bid or proposal, solicited or unsolicited, to the NRC to obtain a contract.

Organizational conflicts of interest means that a relationship exists whereby a contractor or prospective contractor has present or planned interests related to the work to be performed under an NRC contract which:

(1) May diminish its capacity to give impartial, technically sound, objective assistance and advice, or may otherwise result in a biased work product; or

(2) May result in its being given an unfair competitive advantage.

Potential conflict of interest means that a factual situation exists that suggests that an actual conflict of interest may arise from award of a proposed contract. The term *potential conflict of interest* is used to signify those situations that—

(1) Merit investigation before contract award to ascertain whether award would give rise to an actual conflict; or

(2) Must be reported to the contracting officer for investigation if they arise during contract performance.

Research means any scientific or technical work involving theoretical analysis, exploration, or experimentation.

Subcontractor means any subcontractor of any tier who performs work under a contract with the NRC except subcontracts for supplies and subcontracts in amounts not exceeding \$10,000.

Technical consulting and management support services means internal assistance to a component of the NRC in the formulation or administration of its programs, projects, or policies which normally require that the contractor be given access to proprietary information or to information that has not been made available to the public. These services typically include assistance in the

preparation of program plans, preliminary designs, specifications, or statements of work.

2009.570-3 Criteria for recognizing contractor organizational conflicts of interest.

(a) *General.* (1) Two questions will be asked in determining whether actual or potential organizational conflicts of interest exist:

(i) Are there conflicting roles which might bias an offeror's or contractor's judgment in relation to its work for the NRC?

(ii) May the offeror or contractor be given an unfair competitive advantage based on the performance of the contract?

(2) NRC's ultimate determination that organizational conflicts of interest exist will be made in light of common sense and good business judgment based upon the relevant facts. While it is difficult to identify and to prescribe in advance a specific method for avoiding all of the various situations or relationships that might involve potential organizational conflicts of interest, NRC personnel will pay particular attention to proposed contractual requirements that call for the rendering of advice, consultation or evaluation activities, or similar activities that directly lay the groundwork for the NRC's decisions on regulatory activities, future procurements, and research programs. Any work performed at an applicant or licensee site will also be closely scrutinized by the NRC staff.

(b) *Situations or relationships.* The following situations or relationships may give rise to organizational conflicts of interest:

(1) The offeror or contractor shall disclose information that may give rise to organizational conflicts of interest under the following circumstances. The information may include the scope of work or specification for the requirement being performed, the period of performance, and the name and telephone number for a point of contact at the organization knowledgeable about the commercial contract.

(i) Where the offeror or contractor provides advice and recommendations to the NRC in the same technical area where it is also providing consulting assistance to any organization regulated by the NRC.

(ii) Where the offeror or contractor provides advice to the NRC on the same or similar matter on which it is also providing assistance to any organization regulated by the NRC.

(iii) Where the offeror or contractor evaluates its own products or services,

or has been substantially involved in the development or marketing of the products or services of another entity.

(iv) Where the award of a contract would result in placing the offeror or contractor in a conflicting role in which its judgment may be biased in relation to its work for the NRC, or would result in an unfair competitive advantage for the offeror or contractor.

(v) Where the offeror or contractor solicits or performs work at an applicant or licensee site while performing work in the same technical area for the NRC at the same site.

(2) The contracting officer may request specific information from an offeror or contractor or may require special contract clauses such as provided in § 2009.570-5(b) in the following circumstances:

(i) Where the offeror or contractor prepares specifications that are to be used in competitive procurements of products or services covered by the specifications.

(ii) Where the offeror or contractor prepares plans for specific approaches or methodologies that are to be incorporated into competitive procurements using the approaches or methodologies.

(iii) Where the offeror or contractor is granted access to information not available to the public concerning NRC plans, policies, or programs that could form the basis for a later procurement action.

(iv) Where the offeror or contractor is granted access to proprietary information of its competitors.

(v) Where the award of a contract might result in placing the offeror or contractor in a conflicting role in which its judgment may be biased in relation to its work for the NRC or might result in an unfair competitive advantage for the offeror or contractor.

(c) *Policy application guidance.* The following examples are illustrative only and are not intended to identify and resolve all contractor organizational conflict of interest situations.

(1)(i) *Example.* The ABC Corp., in response to a Request For Proposal (RFP), proposes to undertake certain analyses of a reactor component as called for in the RFP. The ABC Corp. is one of several companies considered to be technically well qualified. In response to the inquiry in the RFP, the ABC Corp. advises that it is currently performing similar analyses for the reactor manufacturer.

(ii) *Guidance.* An NRC contract for that particular work normally would not be awarded to the ABC Corp. because the company would be placed in a position in which its judgment could be

biased in relationship to its work for the NRC. Because there are other well-qualified companies available, there would be no reason for considering a waiver of the policy.

(2)(i) *Example.* The ABC Corp., in response to an RFP, proposes to perform certain analyses of a reactor component that is unique to one type of advanced reactor. As is the case with other technically qualified companies responding to the RFP, the ABC Corp. is performing various projects for several different utility clients. None of the ABC Corp. projects have any relationship to the work called for in the RFP. Based on the NRC evaluation, the ABC Corp. is considered to be the best qualified company to perform the work outlined in the RFP.

(ii) *Guidance.* An NRC contract normally could be awarded to the ABC Corp. because no conflict of interest exists which could motivate bias with respect to the work. An appropriate clause would be included in the contract to preclude the ABC Corp. from subsequently contracting for work with the private sector that could create a conflict during the performance of the NRC contract. For example, ABC Corp. would be precluded from the performance of similar work for the company developing the advanced reactor mentioned in the example.

(3)(i) *Example.* The ABC Corp., in response to a competitive RFP, submits a proposal to assist the NRC in revising NRC's guidance documents on the respiratory protection requirements of 10 CFR part 20. ABC Corp. is the only firm determined to be technically acceptable. ABC Corp. has performed substantial work for regulated utilities in the past and is expected to continue similar efforts in the future. The work has and will cover the writing, implementation, and administration of compliance respiratory protection programs for nuclear power plants.

(ii) *Guidance.* This situation would place the firm in a role where its judgment could be biased in relationship to its work for the NRC. Because the nature of the required work is vitally important in terms of the NRC's responsibilities and no reasonable alternative exists, a waiver of the policy, in accordance with § 2009.570-9 may be warranted. Any waiver must be fully documented in accordance with the waiver provisions of this policy with particular attention to the establishment of protective mechanisms to guard against bias.

(4)(i) *Example.* The ABC Corp. submits a proposal for a new system to evaluate a specific reactor component's performance for the purpose of

developing standards that are important to the NRC program. The ABC Corp. has advised the NRC that it intends to sell the new system to industry once its practicability has been demonstrated. Other companies in this business are using older systems for evaluation of the specific reactor component.

(ii) *Guidance.* A contract could be awarded to the ABC Corp. if the contract stipulates that no information produced under the contract will be used in the contractor's private activities unless this information has been reported to the NRC. Data on how the reactor component performs, which is reported to the NRC by contractors, will normally be disseminated by the NRC to others to preclude an unfair competitive advantage. When the NRC furnishes information about the reactor component to the contractor for the performance of contracted work, the information may not be used in the contractor's private activities unless the information is generally available to others. Further, the contract will stipulate that the contractor will inform the NRC contracting officer of all situations in which the information, developed about the performance of the reactor component under the contract, is proposed to be used.

(5)(i) *Example.* The ABC Corp., in response to a RFP, proposes to assemble a map showing certain seismological features of the Appalachian fold belt. In accordance with the representation in the RFP and § 2009.570-3(b)(1)(i), ABC Corp. informs the NRC that it is presently doing seismological studies for several utilities in the eastern United States, but none of the sites are within the geographic area contemplated by the NRC study.

(ii) *Guidance.* The contracting officer would normally conclude that award of a contract would not place ABC Corp. in a conflicting role where its judgment might be biased. Section 2052.209-72(c) Work for Others, would preclude ABC Corp. from accepting work which could create a conflict of interest during the term of the NRC contract.

(6)(i) *Example.* AD Division of ABC Corp., in response to a RFP, submits a proposal to assist the NRC in the safety and environmental review of applications for licenses for the construction, operation, and decommissioning of fuel cycle facilities. ABC Corp. is divided into two separate and distinct divisions, AD and BC. The BC Division performs the same or similar services for industry. The BC Division is currently providing the same or similar services required under the NRC's contract for an applicant or licensee.

(ii) *Guidance.* An NRC contract for that particular work would not be awarded to the ABC Corp. The AD Division could be placed in a position to pass judgment on work performed by the BC Division, which could bias its work for NRC. Further, the Conflict of Interest provisions apply to ABC Corp. and not to separate or distinct divisions within the company. If no reasonable alternative exists, a waiver of the policy could be sought in accordance with § 2009.570-9.

(7)(i) *Example.* The ABC Corp. completes an analysis for NRC of steam generator tube leaks at one of a utility's six sites. Three months later, ABC Corp. is asked by this utility to perform the same analysis at another of its sites.

(ii) *Guidance.* Section 2052.290-72(c)(3) would prohibit the contractor from beginning this work for the utility until one year after completion of the NRC work at the first site.

(8)(i) *Example.* ABC Corp. is assisting NRC in a major on-site analysis of a utility's redesign of the common areas between its twin reactors. The contract is for two years with an estimated value of \$5 million. Near the completion of the NRC work, ABC Corp. requests authority to solicit for a \$100K contract with the same utility to transport spent fuel to a disposal site. ABC Corp. is performing no other work for the utility.

(ii) *Guidance.* The Contracting Officer would allow the contractor to proceed with the solicitation because it is not in the same technical area as the NRC work; and the potential for technical bias by the contractor because of financial ties to the utility is slight due to the relative value of the two contracts.

(9)(i) *Example.* The ABC Corp. is constructing a turbine building and installing new turbines at a reactor site. The contract with the utility is for five years and has a total value of \$100 million. ABC Corp. has responded to an NRC Request For Proposal requiring the contractor to participate in a major team inspection unrelated to the turbine work at the same site. The estimated value of the contract is \$75K.

(ii) *Guidance.* An NRC contract would not normally be awarded to ABC Corp. because these factors create the potential for financial loyalty to the utility that may bias the technical judgment of the contractor.

(d) *Other considerations.*

(1) The fact that the NRC can identify and later avoid, eliminate, or neutralize any potential organizational conflicts arising from the performance of a contract is not relevant to a determination of the existence of

conflicts prior to the award of a contract.

(2) It is not relevant that the contractor has the professional reputation of being able to resist temptations which arise from organizational conflicts of interest, or that a follow-on procurement is not involved, or that a contract is awarded on a competitive or a sole source basis.

§ 2009.570-4 Representation.

(a) The following procedures are designed to assist the NRC contracting officer in determining whether situations or relationships exist which may constitute organizational conflicts of interest with respect to a particular offeror or contractor. The procedures apply to small purchases meeting the criteria stated in the following paragraph (b) of this section.

(b) The organizational conflicts of interest representation provision at § 2052.209-71 must be included in solicitations and contracts resulting from unsolicited proposals. The contracting officer must also include this provision for task orders and contract modifications for new work for:

(1) Evaluation services or activities;

(2) Technical consulting and management support services;

(3) Research; and

(4) Other contractual situations where special organizational conflicts of interest provisions are noted in the solicitation and would be included in the resulting contract. This representation requirement also applies to all modifications for additional effort under the contract except those issued under the "Changes" clause. Where, however, a statement of the type required by the organizational conflicts of interest representation provisions has previously been submitted with regard to the contract being modified, only an updating of the statement is required.

(c) The offeror may, because of actual or potential organizational conflicts of interest, propose to exclude specific kinds of work contained in a RFP unless the RFP specifically prohibits the exclusion. Any such proposed exclusion by an offeror will be considered by the NRC in the evaluation of proposals. If the NRC considers the proposed excluded work to be an essential or integral part of the required work and its exclusion would be to the detriment of the competitive posture of the other offerors, the NRC shall reject the proposal as unacceptable.

(d) The offeror's failure to execute the representation required by paragraph (b) of this section with respect to an invitation for bids is considered to be a

minor informality. The offeror will be permitted to correct the omission.

§ 2009.570-5 Contract clauses.

(a) *General contract clause.* All contracts and simplified acquisitions of the types set forth in § 2009.570-4(b) must include the clause entitled, "Contractor Organizational Conflicts of Interest," set forth in § 2052.209-72.

(b) *Other special contract clauses.* If it is determined from the nature of the proposed contract that an organizational conflict of interest exists, the contracting officer may determine that the conflict can be avoided, or, after obtaining a waiver in accordance with § 2009.570-9, neutralized through the use of an appropriate special contract clause. If appropriate, the offeror may negotiate the terms and conditions of these clauses, including the extent and time period of any restriction. These clauses include but are not limited to:

(1) Hardware exclusion clauses which prohibit the acceptance of production contracts following a related non-production contract previously performed by the contractor;

(2) Software exclusion clauses;

(3) Clauses which require the contractor (and certain of its key personnel) to avoid certain organizational conflicts of interest; and

(4) Clauses which provide for protection of confidential data and guard against its unauthorized use.

§ 2009.570-6 Evaluation, findings, and contract award.

The contracting officer shall evaluate all relevant facts submitted by an offeror and other relevant information. After evaluating this information against the criteria of § 2009.570-3, the contracting officer shall make a finding of whether organizational conflicts of interest exist with respect to a particular offeror. If it has been determined that real or potential conflicts of interest exist, the contracting officer shall:

(a) Disqualify the offeror from award;

(b) Avoid or eliminate such conflicts by appropriate measures; or

(c) Award the contract under the waiver provision of § 2009.570-9.

§ 2009.570-7 Conflicts identified after award.

If potential organizational conflicts of interest are identified after award with respect to a particular contractor and the contracting officer determines that conflicts do exist and that it would not be in the best interest of the Government to terminate the contract, as provided in the clauses required by § 2009.570-5, the contracting officer shall take every reasonable action to avoid, eliminate, or

after obtaining a waiver in accordance with § 2009.570–9, neutralize the effects of the identified conflict.

§ 2009.570–8 Subcontracts.

The contracting officer shall require offerors and contractors to submit a representation statement from all subcontractors (other than a supply subcontractor) and consultants performing services in excess of \$10,000 in accordance with § 2009.570–4(b). The contracting officer shall require the contractor to include contract clauses in accordance with § 2009.570–5 in consultant agreements or subcontracts involving performance of work under a prime contract.

§ 2009.570–9 Waiver.

(a) The contracting officer determines the need to seek a waiver for specific contract awards with the advice and concurrence of the program office director and legal counsel. Upon the recommendation of the Senior Procurement Executive, and after consultation with legal counsel, the Executive Director for Operations may waive the policy in specific cases if he determines that it is in the best interest of the United States to do so.

(b) Waiver action is strictly limited to those situations in which:

- (1) The work to be performed under contract is vital to the NRC program;
- (2) The work cannot be satisfactorily performed except by a contractor whose interests give rise to a question of conflict of interest.
- (3) Contractual and/or technical review and surveillance methods can be employed by the NRC to neutralize the conflict.

(c) The justification and approval documents for any waivers must be placed in the NRC Public Document Room.

§ 2009.570–10 Remedies.

In addition to other remedies permitted by law or contract for a breach of the restrictions in this subpart or for any intentional misrepresentation or intentional nondisclosure of any relevant interest required to be provided for this section, the NRC may debar the contractor from subsequent NRC contracts.

PART 2011—DESCRIBING AGENCY NEEDS

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2011.4—Delivery or Performance Schedules—Contract Clauses

§ 2011.104–70 NRC Clauses.

(a) The contracting officer shall insert the clause at § 2052.211–70 Preparation of Technical Reports, when deliverables include a technical report.

(b) The contracting officer shall insert the clause at § 2052.211–71 Technical Progress Report, in all solicitations and contracts except—

- (1) Firm fixed price; or
- (2) Indefinite-delivery contracts to be awarded on a time-and-materials or labor-hour basis, or that provide for issuing delivery orders for specific products/services (line items).

(c) The contracting officer shall insert the clause at § 2052.211–72 Financial Status Report, in applicable cost reimbursement solicitations and contracts when detailed assessment of costs is warranted and a Contractor Spending Plan is required. The contracting officer shall use the clause at § 2052.211–72 Financial Status Report—Alternate 1 when no Contractor Spending Plan is required.

(d) The contracting officer may alter clauses at §§ 2052.211–70, 2052.211–71, 2052.211–72, and 2052.211–72, Alternate 1 before issuing the solicitation or during competition by solicitation amendment. Reporting requirements should be set at a meaningful and productive frequency. Insignificant changes may also be made by the contracting officer on a case-by-case basis during negotiations without solicitation amendment.

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 2013—SIMPLIFIED ACQUISITION PROCEDURES [RESERVED]

PART 2014—SEALED BIDDING

Subpart 2014.2—Solicitation of Bids

Sec.
2014.201 Preparation of invitation for bids.
2014.201–670 Solicitation provisions.

Subpart 2014.4—Opening of Bids and Award of Contract

2014.407 Mistakes in bids.
2014.407–3 Other mistakes disclosed before award.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2014.2—Solicitation of Bids

§ 2014.201 Preparation of invitation for bids.

§ 2014.201–670 Solicitation provisions.

(a) The contracting officer may insert the provision at § 2052.214–70, Prebid

Conference, in Invitations for Bids (IFB) where there will be a prebid conference. This provision may be altered by the contracting officer to fit the circumstances of the procurement.

(b) The contracting officer may insert the provision at § 2052.214–71, Bidder Qualifications and Past Experience in IFBs on an optional basis to fit the circumstances of the requirement;

(c) The contracting officer shall insert the provision at § 2052.214–72 Bid Evaluation in all IFBs. Paragraph(f) of this provision is optional.

(d) The contracting officer shall insert the provision at § 2052.214–73 Timely Receipt of Bids in all IFBs.

(e) The contracting officer shall insert the provision at § 2052.214–74 Disposition of Bids in all IFBs.

Subpart 2014.4—Opening of Bids and Award of Contract

2014.407 Mistakes in bids.

2014.407–3 Other mistakes disclosed before award.

The Director, Division of Contracts and Property Management, is delegated the authority to make the determinations concerning mistakes in bids, including those with obvious clerical errors, discovered prior to award. These determinations will be concurred in by legal counsel prior to notification of the bidder.

§ 2014.407–4 Mistakes after award.

The cognizant contracting officer is delegated the authority to make determinations concerning mistakes disclosed after award in accordance with FAR 14.407–4. These determinations will be concurred in by legal counsel prior to notification of the contractor.

PART 2015—CONTRACTING BY NEGOTIATION

Subpart 2015.2—Solicitation and Receipt of Proposals and Information

Sec.
2015.209–70 Solicitation provisions and contract clauses.

Subpart 2015.3—Source Selection Processes and Techniques

2015.300 Scope of subpart.
2015.303 Responsibilities.
2015.304 Evaluation factors.
2015.305 Proposal evaluation.

Subpart 2015.6—Unsolicited Proposals

2015.606 Agency procedures.
2015.606–1 Receipt and initial review.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

Subpart 2015.2—Solicitation and Receipt of Proposals and Implementation

2015.209–70 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the following clauses in solicitations and contracts that are applicable to the requirement:

(1) Section 2052.215–70, Key Personnel in applicable solicitations and contracts;

(2)(i) Section 2052.215–71, Project Officer Authority in applicable solicitations and contracts for cost-reimbursement, cost-plus-fixed-fee, cost-plus-award-fee, cost sharing, labor-hour or time-and-materials, including task order contracts. This clause and the following alternate clauses are intended for experienced, trained project officers, and may be altered to delete duties where appropriate:

(ii) Section 2052.215–71 Alternate 1. For solicitations for issuance of delivery orders for specific products/services;

(iii) Section 2052.215–71 Alternate 2. For solicitations for firm fixed price contracts, with paragraph (b)(1) of Alternate 1 deleted and the remainder of the clause renumbered.

(3) The contracting officer shall insert the provision at § 2052.215–72, Timely Receipt of Proposals in all solicitations;

(4) The contracting officer shall insert the provision at § 2052.215–73, Award Notification and Commitment of Public Funds in all solicitations; and

(5) The contracting officer shall insert the provision at § 2052.215–74, Disposition of Proposals in all solicitations.

(b) The contracting officer may insert the following provisions in all solicitations as applicable. These provisions may be altered to fit the circumstances of the requirement. These provisions shall be tailored to assure that all sections of the instructions for the Technical and Management Proposal, or Oral Presentation and Supporting Documentation, reflect a one-to-one relationship to the evaluation criteria:

(1) Section 2052.215–75, Proposal Presentation and Format for negotiated procurements for cost type contracts;

(2) Section 2052.215–75 Alternate 1 may be used for all solicitations for negotiated task order contracts;

(3) Section 2015.215–75 Alternate 2 may be used for all solicitations for negotiated fixed price, labor hour, or time and materials contracts;

(c) The contracting officer shall insert the provision at § 2052.215–76, PreProposal Conference, in solicitations which include a PreProposal

conference. This provision may be altered to fit the circumstances of the requirement.

(d) The contracting officer shall insert the following clauses in solicitations and contracts as applicable:

(1) Section 2052.215–77, Travel Approvals and Reimbursement, must be inserted in cost reimbursement solicitations and contracts which require travel but do not set a specific ceiling amount on that travel. Requests for foreign travel must be submitted to the NRC 30 days in advance of the travel date.

(2) Section 2052.215–78, Travel Approvals and Reimbursement—Alternate 1, shall be inserted in cost reimbursement solicitations and contracts which include a ceiling amount on travel. Requests for foreign travel must be submitted to the NRC 30 days in advance of the travel.

(e) The contracting officer shall include the following provisions in all solicitations for competitive procurements to describe the relationship of technical considerations to cost considerations. The contracting officer may make appropriate changes to these provisions to accurately reflect other evaluation procedures, such as evaluation of proposals against mandatory criteria and bench marking criteria for Information Technology (IT) procurements:

(1) Section 2052.215–79 Contract Award and Evaluation of Proposals, shall be included in all solicitations where technical merit is more important than cost,

(2) Section 2052.215–79 Alternate 1 must be included when proposals are to be evaluated on a lowest price, technically acceptable basis.

(3) Section 2052.215–79 Alternate 2 shall be included where cost and technical merit are of equal significance.

Subpart 2015.3—Source Selection Processes and Techniques

2015.300 Scope of subpart.

This subpart applies to all contracts awarded on a competitive basis in accordance with FAR part 15. This subpart does not apply to contracts awarded on a non-competitive basis to the Small Business Administration under Section 8(a) of the Small Business Act.

2015.303 Responsibilities.

(a) The source selection authority is the contracting officer. The contracting officer, acting as the source selection authority, shall select an offer for award based on review of the Source Evaluation Panel's recommendation

contained in the reports described in paragraph (c) of this section.

(b) Any cancellation of solicitations and subsequent rejection of all proposals must be approved by the Head of the Contracting Activity.

(c) For all proposed contracts with total estimated values in excess of the simplified acquisition threshold and expected to result from competitive technical and price/cost negotiations, the cooperative review efforts of technical, contracting, and other administrative personnel are formalized through establishment of a Source Evaluation Panel. A single technical member may be appointed to the Source Evaluation Panel to evaluate proposals with the contracting officer's approval. In these instances, the Designating Official may appoint technical advisors (non-voting members) to assist the single technical member. The Source Evaluation Panel should not exceed five members, including the Chairperson except in unusual cases. The Source Evaluation Panel's proposal evaluation report(s) may include a Competitive Range Report and a Final Evaluation Report (to be used when award will be made after conducting discussions), or a Recommendation for Award Report (to be used when award will be made without discussions).

(d) The Designating Official (Office Director or designee) is responsible for appointing a Source Evaluation Panel to evaluate competitive technical proposals in accordance with the solicitation technical criteria. The Designating Official is also responsible for conducting an independent review and evaluation of the Source Evaluation Panel's proposal evaluation report(s) to the contracting officer.

2015.304 Evaluation factors.

The evaluation factors included in the solicitation serve as the standard against which all proposals are evaluated and are the basis for the development of proposal preparation instructions in accordance with FAR 15.304(b). The solicitation may indicate the relative importance of evaluation factors and subfactors by assigning a numerical weight to each factor. If a solicitation uses numerical weights, those weights shall be stated in the solicitation. The relative importance of factors that are not numerically weighted will be stated in the solicitation. Examples of factors which may not be numerically weighted are conflict of interest, estimated cost, and "go/no go" evaluation factors.

2015.305 Proposal evaluation.

The contracting officer may provide offerors' cost proposals and supporting

financial information to members of the Source Evaluation Panel at the same time technical proposals are distributed for evaluation. The Source Evaluation Panel shall use this information to perform an accurate integrated assessment of each offeror's proposal based on all the facts presented to them.

Subpart 2015.6—Unsolicited Proposals

2015.606 Agency procedures.

(a) The Division of Contracts and Property Management is the point of contact for the receipt, acknowledgment, and handling of unsolicited proposals.

(b) An original and two copies of the unsolicited proposal as well as requests for additional information regarding their preparation, must be submitted to: U.S. Nuclear Regulatory Commission, Division of Contracts and Property Management, Mail Stop T-7-1-2, Washington, DC 20555.

(c) The Division of Contracts and Property Management shall enter each unsolicited proposal into the unsolicited proposal tracking system.

2015.606-1 Receipt and initial review.

(a) The Division of Contracts and Property Management shall acknowledge receipt of an unsolicited proposal, complete a preliminary review, assign a docket number, and send copies of the unsolicited proposal to the appropriate program office Director(s) or designee for evaluation.

(b) The Division of Contracts and Property Management shall be responsible for controlling reproduction and distribution of proposal material by notifying evaluators of their responsibilities and tracking the number of proposals received and forwarded to evaluators.

(c) An acknowledgment letter will be sent to the proposer by The Division of Contracts and Property Management. The letter will provide an estimated date for a funding decision or identifying the reasons for non-acceptance of the proposal for review in accordance with FAR 15.606-1(b) and FAR 15.606-1(c).

PART 2016—TYPES OF CONTRACTS

Subpart 2016.3—Cost Reimbursement Contracts

Sec.
2016.307-70 Contract provisions and clauses.

Subpart 2016.5—Indefinite-Delivery Contracts

6016.506-70 Contract provisions and clauses.
Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2016.3—Cost Reimbursement Contracts

2016.307-70 Contract provisions and clauses.

(a) The contracting officer shall insert the provision at § 2052.216-70, Level of Effort, in solicitations for negotiated procurements containing labor costs other than maintenance services to be awarded on a cost reimbursement, cost sharing, cost-plus-award fee, cost-plus-fixed fee, time and materials, or labor hour basis.

(b) The contracting officer may insert the following provisions and clauses in cost reimbursement contracts as applicable:

(1) Section 2052.216-71, Indirect Cost Rates (where provisional rates without ceilings apply).

(2) Section 2052.216-71, Indirect Cost Rates—Alternate 1 (where redetermined rates apply).

(3) Section 2052.216-71, Indirect Cost Rates (Ceiling)—Alternate 2 (where provisional rates with ceilings apply).

(c) The contracting officer may make appropriate changes to these clauses to reflect different arrangements.

Subpart 2016.5—Indefinite-Delivery Contracts.

2016.506-70 Contract provisions and clauses.

The contracting officer shall insert the following clauses in all solicitations and contracts that contain task order procedures. These clauses may be altered by the contracting officer to fit the circumstances of the requirement.

(a) Section 2052.216-72, Task Order Procedures;

(b) Section 2052.216-73, Accelerated Task Order Procedures.

PART 2017—SPECIAL CONTRACTING METHODS

Subpart 2017.2—Options

Sec.
2017.204 Contracts
Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 481(b).

Subpart 2017.2—Options

2017.204 Contracts

(a) The contracting officer may approve non-competitive extensions, within the limits of his/her delegation, to five-year contracts up to a total of an additional 6 months for the purpose of completing the competitive process for a follow-on contract if the request for procurement action for a follow-on or replacement contract was received in the Division of Contracts and Property Management not less than 6 months before the end of the fifth year.

(b) Other extensions beyond five years must be approved by the Competition Advocate.

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 2019—SMALL BUSINESS PROGRAMS

Subpart 2019.7—Subcontracting with small business, small disadvantaged business, and women-owned small business concerns

Sec.
2019.705 Responsibilities of the contracting officer under the subcontracting assistance program.

2019.705-4 Reviewing the subcontracting plan.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2019.7—Subcontracting with small business, small disadvantaged business, and women-owned small business concerns

2019-705 Responsibilities of the contracting officer under the subcontracting assistance program.

2019.705-4 Reviewing the subcontracting plan.

The contracting officer may accept the terms of an overall or "master" company subcontracting plan incorporated by reference into a specific subcontracting plan submitted by the apparent successful offeror/bid for a specific contract, only upon ensuring that the required information, goals, and assurances are included in accordance with FAR 19.704.

PART 2022—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 2022.1—Basic Labor Policies

Sec.
2022.101-1 General.
2022.103-4 Approvals.

Subpart 2022.9—Nondiscrimination Because of Age

2022.901-70 Contract provisions.
Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 4186 (b)

Subpart 2022.1—Basic Labor Policies

2022.101-1 General.

The Head of the Contracting Activity shall designate programs or requirements for which it is necessary that contractors be required to notify the Government of actual or potential labor disputes that are delaying or threaten to delay the timely contract performance. Contractor notification shall be made in accordance with FAR 52.222-1, "Notice to the Government of Labor Disputes."

2022.103-4 Approvals.

The agency approving official for contractor overtime is the contracting officer.

Subpart 2022.9—Nondiscrimination Because of Age**2022.901-70 Contract provisions.**

The contracting officer shall insert the provision found at § 2052.222-70, Nondiscrimination Because of Age, in all solicitations.

PART 2024—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION**Subpart 2024.1—Protection of Individual Privacy**

Sec.
2024.103 Procedures.

Subpart 2024.2—Freedom of Information Act

2024.202 Policy.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

Subpart 2024.1—Protection of Individual Privacy**2024.103 Procedures.**

The provisions at 10 CFR part 9, subpart B, Privacy Act Regulations, are applicable to the maintenance or disclosure of information for a system of records on individuals.

Subpart 2024.2—Freedom of Information Act**2024.202 Policy.**

The provisions at 10 CFR part 9, subpart A, Freedom of Information Act Regulations, are applicable to the availability of NRC records to the public.

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS**PART 2027—PATENTS, DATA, AND COPYRIGHTS****Subpart 2027.3—Patent Rights Under Government Contract**

Sec.
2027.305-3 Follow-up by Government.
2027.305-70 Solicitation provisions and contract clauses.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2027.3—Patent Rights Under Government Contracts**2027.305-3 Follow-up by Government.**

(a) The contracting officer shall, as a part of the closeout of a contract, require each contractor to report any patents, copyrights, or royalties attained using

any portion of the contract funds in writing.

(b) If no activity is to be reported, the contractor shall provide the following written determination before final payment and closeout of the contract:

(1) No inventions or discoveries were made,

(2) No copyrights were secured, produced, or composed,

(3) No notices or claims of patent or copyright infringement have been received by the contractor or its subcontractors; and

(4) No royalty payments were directly involved in the contract or reflected in the contract price to the Government, nor were any royalties or other payments paid or owed directly to others.

(c) The contracting officer may waive any of the requirements in paragraphs

(b) (1) through (4) of this section, after documenting the file to indicate the—

(1) Impracticality of obtaining the document(s); and

(2) Steps taken to attempt to obtain them.

(d) The contracting officer shall notify agency legal counsel responsible for patents whenever a contractor reports any patent, copyright, or royalty activity. The contract officer shall document the official file with the resolution to protect the Government's rights before making any final payment and closing out the contract.

2027.305-70 Solicitation provisions and contract clauses.

The contracting officer shall insert the clause at § 2052.227-70, Drawings, Designs, Specifications, and Data, in all solicitations and contracts in which drawings, designs, specifications, or other data will be developed and the NRC is required to retain full rights to them (except for the contractor's right to retain a copy for its own use). When any of the clauses prescribed at FAR 27.409, Solicitation Provisions and Contract Clauses, are included in the solicitation/contract, this clause will not be used.

PART 2030—COST ACCOUNTING STANDARDS

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2030.2—CAS Program Requirements**2030.201-5 Waiver.**

Requests to waive Cost Accounting Standards (CAS) requirements must be submitted to the Chairman, CAS Board by the Competition Advocate. The requests for waiver must be forwarded through the Head of the Contracting

Activity with supporting documentation and rationale in accordance with FAR 30.201-5.

PART 2031—CONTRACT COST PRINCIPLES AND PROCEDURES

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2031.1—Applicability**2031.109-70 Contract clauses.**

The contracting officer shall insert the clause at § 2052.231-70, Precontract Costs, in all cost type contracts when costs in connection with work under the contract will be incurred by the contractor before the effective date of the contract. Approval for use of this clause must be obtained at one level above the contracting officer.

PART 2032—CONTRACT FINANCING

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2032.4—Advance Payments for Non-Commercial Items**2032.402 General.**

(a) The contracting officer has the responsibility and authority for making findings and determinations and for approval of contract terms concerning advance payments.

(b) Before authorizing any advance payment agreements, except for subscriptions to publications, the contracting officer shall coordinate with the Office of the Chief Financial Officer, Division of Accounting and Finance, to ensure completeness of contractor submitted documentation.

PART 2033—PROTESTS, DISPUTES, AND APPEALS**Subpart 2033.1—Protests**

Sec.
2033.103 Protests to the agency.

Subpart 2033.2—Disputes and Appeals

2033.204 Policy.
2033.211 Contract Claims—Contracting officer's decision.
2033.215 Contract clause.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2033.1—Protests**2033.103 Protests to the agency.**

Protests to the agency are first considered by the contracting officer. In accordance with FAR 33.103(d)(4), the protestor may appeal the contracting officer's decision by delivering or providing a written request to the agency Director, Division of Contracts or Property Management, or designee, to

conduct an independent review of the Contracting Officer's decision.

Subpart 2033.2—Disputes and Appeals

2033.204 Policy.

Final decisions of the NRC contracting officer on contract disputes and appeals issued under to the Contracts Disputes Act will be heard by the Department of Energy Board of Contract Appeals (EBCA) under an interagency agreement between the NRC and the Department of Energy. The EBCA rules appear in 10 CFR part 1023.

2033.211 Contract Claims—Contracting officer's decision.

The contracting officer shall alter the paragraph at FAR 33.211(a)(4)(v) to identify the Energy Board of Contract Appeals and include its address: U.S. Department of Energy, Board of Contract Appeals, HG-50, Building 950, 1000 Independence Ave., SW, Washington, DC 20585, when preparing a written decision.

2033.215 Contract clause.

The contracting officer shall use the clause at FAR 52.233-1, Disputes, with its Alternate I, where continued performance is vital to national security, the public health and safety, critical and major agency programs, or other essential supplies or services whose timely reprourement from other sources would be impractical.

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 2035—RESEARCH AND DEVELOPMENT CONTRACTING

Sec.

2035.70 Contract clauses.

2035.71 Broad agency announcements.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; and 41 U.S.C. 418(b).

2035.70 Contract clauses.

(a) The contracting officer shall insert the following clause in all solicitations and contracts for research and development by private contractors and universities and for other technical services, as appropriate:

(1) Section 2052.235-70, Publication of Research Results;

(2) Section 2052.235-72 Safety, Health and Fire Protection.

2035.71 Broad agency announcements.

(a) Criteria for selecting contractors may include such factors as:

(1) Unique and innovative methods, approaches, or concepts demonstrated by the proposal.

(2) Overall scientific, technical, or economic merits of the proposal.

(3) The offeror's capabilities, related experience, facilities, techniques, or unique combinations of these which are integral factors for achieving the proposal objectives.

(4) The qualifications, capabilities, and experience of the proposed principal investigator, team leader, or key personnel who are critical in achieving the proposal objectives.

(5) Potential contribution of the effort to NRC's mission.

(6) Overall standing among similar proposals available for evaluation and/or evaluation against the known state-of-the-art technology.

(b) Once a proposal is received, communication between the agency's scientific or engineering personnel and the principal investigator is permitted for clarification purposes only and must be coordinated through the Division of Contracts and Property Management.

(c) After evaluation of the proposals, the Designating Official shall submit a comprehensive evaluation report to the contracting officer which recommends the source(s) for contract award. The report must reflect the basis for the selection or nonselection of each proposal received.

SUBCHAPTER G—CONTRACT MANAGEMENT

PART 2042—CONTRACT ADMINISTRATION

Subpart 2042.570—Differing Professional Views (DPV)

Sec.

2042.570-1 Policy.

2042.570-2 Solicitation provisions and contract clauses.

Subpart 2042.8—Disallowance of Costs

2042.803 Disallowing costs after incurrence.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2042.570—Differing Professional Views (DPV)

§ 2042.570-1 Policy.

The Nuclear Regulatory Commission's (NRC) policy is to support the contractor's expression of professional health and safety-related concerns associated with the contractor's work for the NRC that may differ from a prevailing NRC staff view, disagree with an NRC decision or policy position, or take issue with proposed or established agency practices. An occasion may arise when an NRC contractor, contractor's personnel, or subcontractor personnel believes that a conscientious expression of a competent judgement is required to document these concerns on matters directly associated with its performance

of the contract. The procedure described in § 2052.242-71, Procedures for Resolving NRC Contractor Differing Professional Views, provides for the expression and resolution of DPVs of health and safety-related concerns associated with the mission of the agency by NRC contractors, contractor personnel, or subcontractor personnel on matters directly associated with its performance of the contract. The contractor shall provide a copy of the NRC DPV procedure to all of its employees performing under this contract and to all subcontractors who shall, in turn, provide a copy of the procedure to its employees. The prime contractor or subcontractor shall submit all DPV's received but need not endorse them.

2042.570-2 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the clause at § 2052.242-70, Resolving NRC Contractor Differing Professional Views, in the body of cost reimbursement solicitations and contracts for professional services, as appropriate. This clause may not be altered by the contracting officer.

(b) The contracting officer shall include the clause at § 2052.242-71, Procedures for Resolving NRC Contractor Differing Professional Views, as an attachment to cost reimbursement solicitations and contracts for professional services, as appropriate. This clause may not be altered by the contracting officer.

Subpart 2042.8—Disallowance of Costs

2042.803 Disallowing costs after incurrence.

(a) Vouchers and invoices submitted to NRC must be submitted to the contracting officer or designee for review and approval for payment. If the examination of a voucher or invoice raises a question regarding the allowability of a cost submitted, the contracting officer or designee shall:

(1) Hold informal discussions with the contractor as appropriate.

(2) If the discussions do not resolve the matter, the contracting officer shall issue a notice advising the contractor of costs disallowed. The notice must advise the contractor that it may:

(i) If in disagreement with the disallowance, submit a written claim to the contracting officer for payment of the disallowed cost and explain why the cost should be reimbursed; or

(ii) If the disagreement(s) cannot be settled, file a claim under the disputes clause which will be processed in

accordance with disputes procedures found at FAR subpart 33.2; and

(3) Process the voucher or invoice for payment and advise the NRC Division of Accounting and Finance to deduct the disallowed costs when scheduling the voucher for payment.

(b) When audit reports or other notifications question costs or consider them unallowable, the contracting officer shall resolve all cost issues through discussions with the contractor and/or auditor within six months of receipt of the audit report whenever possible.

(1) One of the following courses of action must be pursued:

(i) Accept and implement audit recommendations as submitted;

(ii) Accept the principle of the audit recommendation but adjust the amount of the questioned costs;

(iii) Reject audit findings and recommendations.

(2) When implementing the chosen course of action, the contracting officer shall:

(i) Hold discussions with the auditor and contractor, as appropriate;

(ii) If the contracting officer agrees with the auditor concerning the questioned costs, attempt to negotiate a mutual settlement of questioned costs;

(iii) Issue a final decision, including any disallowance of questioned costs; inform the contractor of his/her right to appeal the decision under the disputes procedures found at FAR subpart 33.2; and provide a copy of the final decision to the Office of the Inspector General; and

(iv) Initiate immediate recoupment actions for all disallowed costs owed the Government by one or more of the following methods:

(A) Request that the contractor provide a credit adjustment (offset) and an adequate description/explanation of the adjustment against amounts billed the Government on the next or other future invoice(s) submitted under the contract for which the disallowed costs apply;

(B) Deduct the disallowed costs from the next invoice submitted under the contract;

(C) Deduct the disallowed costs on a schedule determined by the contracting officer after discussion with the contractor (if the contracting officer determines that an immediate and complete deduction is inappropriate); and

(D) Advise the contractor that a refund is immediately payable to the Government (in situations where there are insufficient payments owed by the Government to effect recovery from the contract).

PART 2045—GOVERNMENT PROPERTY

Subpart 2045.3—Providing Government Property to Contractors

Sec.

2045.370 Providing Government property (in general).

2045.371 Property accountability procedures.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2045.3—Providing Government Property to Contractors

2045.370 Providing Government property (in general).

(a) Unless otherwise provided for in FAR 45.302-1(d), applicable to Government facilities with a unit cost of less than \$10,000, a contractor may be provided Government property or allowed to purchase the property at Government expense if the contracting officer, with the advice of the agency property official determines that:

(1) No practicable or economical alternative exists; e.g., acquisition from other sources, utilization of subcontractors, rental of property, or modification of program project requirements;

(2) Furnishing Government property is likely to result in substantially lower costs to the Government for the items produced or services rendered when all costs involved (e.g., transportation, installation, modification, maintenance, etc.) are compared with the costs to the Government of the contractor's use of privately-owned property; and

(3) The Government receives adequate consideration for providing the property.

§ 2045.371 Property accountability procedures.

(a) The threshold for detailed reporting of capitalized equipment by contractors is \$50,000.

(b) The contractor shall send a copy of each Financial Status Report (NRCAR 2052.211-72, and 2052.211-72 Alternate 1), that references the acquisition of, or change in status of, contractor-held property purchased with government funds valued at the time of purchase at \$50,000 or more to the Chief, Property and Acquisition Oversight Branch, Division of Contracts and Property Management.

SUBCHAPTER H—CLAUSES AND FORMS

PART 2052—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 2052.2—Text of Provisions and Clauses

Sec.

2052.200 Authority.

2052.204-70 Security.

2052.204-71 Site access badge requirements.

2052.209-70 Current/former agency employee involvement.

2052.209-71 Contractor organizational conflicts of interest (representation).

2052.209-72 Contractor organizational conflicts of interest.

2052.211-70 Preparation of technical reports.

2052.211-71 Technical progress report.

2052.211-72 Financial status report.

2052.214-70 Prebid conference.

2052.214-71 Bidder qualifications and past experiences.

2052.214-72 Bid evaluation.

2052.214-73 Timely receipt of bids.

2052.214-74 Disposition of bids.

2052.215-70 Key personnel.

2052.215-71 Project officer authority.

2052.215-72 Timely receipt of proposals.

2052.215-73 Award notification and commitment of public funds.

2052.215-74 Disposition of proposals.

2052.215-75 Proposal presentation and format.

2052.215-76 Preproposal conference.

2052.215-77 Travel approvals and reimbursement.

2052.215-78 Travel approvals and reimbursement—Alternate 1.

2052.215-79 Contract award and evaluation of proposals.

2052.216-70 Level of effort.

2052.216-71 Indirect cost rates.

2052.216-72 Task order procedures.

2052.216-73 Accelerated task order procedures.

2052.222-70 Nondiscrimination because of age.

2052.227-70 Drawings, designs, specifications, and other data

2052.231-70 Precontract costs.

2052.235-70 Publication of research results.

2052.235-71 Safety, health, and fire protection.

2052.242-70 Resolving differing professional views.

2052.242-71 Procedures for resolving differing professional views.

Authority: 42 U.S.C. 2201; 42 U.S.C. 5841; 41 U.S.C. 418(b).

Subpart 2052.2—Text of Provisions and Clauses

2052.200 Authority.

2052.204-70 Security.

As prescribed at § 2004.404(a), the contracting officer shall insert the following clause in solicitations and contracts during which the contractor may have access to, or contact with

classified information, including National Security information, restricted data, formerly restricted data, and other classified data:

Security (Oct 1999)

(a) Security/Classification Requirements Form. The attached NRC Form 187 (See List of Attachments) furnishes the basis for providing security and classification requirements to prime contractors, subcontractors, or others (e.g., bidders) who have or may have an NRC contractual relationship that requires access to classified information or matter, access on a continuing basis (in excess of 90 or more days) to NRC Headquarters controlled buildings, or otherwise requires NRC photo identification or card-key badges.

(b) It is the contractor's duty to safeguard National Security Information, Restricted Data, and Formerly Restricted Data. The contractor shall, in accordance with the Commission's security regulations and requirements, be responsible for safeguarding National Security Information, Restricted Data, and Formerly Restricted Data, and for protecting against sabotage, espionage, loss, and theft, the classified documents and material in the contractor's possession in connection with the performance of work under this contract. Except as otherwise expressly provided in this contract, the contractor shall transmit to the Commission any classified matter in the possession of the contractor or any person under the contractor's control in connection with performance of this contract upon completion or termination of this contract.

(1) The contractor shall complete a certificate of possession to be furnished to the Commission specifying the classified matter to be retained if the retention is:

(i) Required after the completion or termination of the contract; and
(ii) Approved by the contracting officer.

(2) The certification must identify the items and types or categories of matter retained, the conditions governing the retention of the matter and their period of retention, if known. If the retention is approved by the contracting officer, the security provisions of the contract continue to be applicable to the matter retained.

(c) In connection with the performance of the work under this contract, the contractor may be furnished, or may develop or acquire, proprietary data (trade secrets) or confidential or privileged technical, business, or financial information, including Commission plans, policies, reports, financial plans, internal data protected by the Privacy Act of 1974 (Pub. L. 93-579), or other information which has not been released to the public or has been determined by the Commission to be otherwise exempt from disclosure to the public. The contractor agrees to hold the information in confidence and not to directly or indirectly duplicate, disseminate, or disclose the information, in whole or in part, to any other person or organization except as necessary to perform the work under this contract. The contractor agrees to return the information to the Commission or otherwise dispose of it at the direction of the contracting officer. Failure to

comply with this clause is grounds for termination of this contract.

(d) Regulations. The contractor agrees to conform to all security regulations and requirements of the Commission which are subject to change as directed by the NRC Division of Facilities and Security and the Contracting Officer. These changes will be under the authority of the FAR Changes clause referenced in Section I of this document.

(e) Definition of National Security Information. As used in this clause, the term National Security Information means information that has been determined pursuant to Executive Order 12958 or any predecessor order to require protection against unauthorized disclosure and that is so designated.

(f) Definition of Restricted Data. As used in this clause, the term Restricted Data means all data concerning design, manufacture, or utilization of atomic weapons; the production of special nuclear material; or the use of special nuclear material in the production of energy, but does not include data declassified or removed from the Restricted Data category under to Section 142 of the Atomic Energy Act of 1954, as amended.

(g) Definition of Formerly Restricted Data. As used in this clause the term Formerly Restricted Data means all data removed from the Restricted Data category under Section 142-d of the Atomic Energy Act of 1954, as amended.

(h) Security clearance personnel. The contractor may not permit any individual to have access to Restricted Data, Formerly Restricted Data, or other classified information, except in accordance with the Atomic Energy Act of 1954, as amended, and the Commission's regulations or requirements applicable to the particular type or category of classified information to which access is required. The contractor shall also execute a Standard Form 312, Classified Information Nondisclosure Agreement, when access to classified information is required.

(i) Criminal liabilities. Disclosure of National Security Information, Restricted Data, and Formerly Restricted Data relating to the work or services ordered hereunder to any person not entitled to receive it, or failure to safeguard any Restricted Data, Formerly Restricted Data, or any other classified matter that may come to the contractor or any person under the contractor's control in connection with work under this contract, may subject the contractor, its agents, employees, or subcontractors to criminal liability under the laws of the United States. (See the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.*; 18 U.S.C. 793 and 794; and Executive Order 12958.)

(j) Subcontracts and purchase orders. Except as otherwise authorized, in writing, by the contracting officer, the contractor shall insert provisions similar to the foregoing in all subcontracts and purchase orders under this contract.

(k) In performing contract work, the contractor shall classify all documents, material, and equipment originated or

generated by the contractor in accordance with guidance issued by the Commission. Every subcontract and purchase order issued under the contract that involves originating or generating classified documents, material, and equipment must provide that the subcontractor or supplier assign the proper classification to all documents, material, and equipment in accordance with guidance furnished by the contractor.

(End of Clause)

2052.204-71 Site access badge requirements.

As prescribed at § 2004.404(b), the contracting officer shall insert the following clause in all solicitations and contracts under which the contractor will require access to Government facilities. The clause may be altered to reflect any special conditions to be applied to foreign nationals:

Site Access Badge Requirements (Jan 1993)

During the life of this contract, the rights of ingress and egress for contractor personnel must be made available as required. In this regard, all contractor personnel whose duties under this contract require their presence on-site shall be clearly identifiable by a distinctive badge furnished by the Government. The Project Officer shall assist the contractor in obtaining the badges for contractor personnel. It is the sole responsibility of the contractor to ensure that each employee has proper identification at all times. All prescribed identification must be immediately delivered to the Security Office for cancellation or disposition upon the termination of employment of any contractor personnel. Contractor personnel shall have this identification in their possession during on-site performance under this contract. It is the contractor's duty to assure that contractor personnel enter only those work areas necessary for performance of contract work and to assure the safeguarding of any Government records or data that contractor personnel may come into contact with.

(End of Clause)

2052.209-70 Current/former agency employee involvement.

As prescribed at § 2009.105-70, the contracting officer shall insert the following provision in all solicitations:

Current/Former Agency Employee Involvement Oct 1999

(a) The following representation is required by the NRC Acquisition Regulation 2009.105-70(b). It is not NRC policy to encourage offerors and contractors to propose current/former agency employees to perform work under NRC contracts and as set forth in the above cited provision, the use of such employees may, under certain conditions, adversely affect NRC's consideration of non-competitive proposals and task orders.

(b) There () are () are no current/former NRC employees (including special Government employees performing services as experts, advisors, consultants, or members of advisory committees) who have been or

will be involved, directly or indirectly, in developing the offer, or in negotiating on behalf of the offeror, or in managing, administering, or performing any contract, consultant agreement, or subcontract resulting from this offer. For each individual so identified, the Technical and Management proposal must contain, as a separate attachment, the name of the individual, the individual's title while employed by the NRC, the date individual left NRC, and a brief description of the individual's role under this proposal.

(End of Provision)

2052.209-71 Contractor organizational conflicts of interest (representation).

As prescribed in § 2009.570-4(b) and § 2009.570-8, the contracting officer must insert the following provision in applicable solicitations and in contracts resulting from unsolicited proposals. The contracting officer must also include the following in task orders and contract modifications for new work.

Contractor Organizational Conflicts of Interest Representation Oct 1999

I represent to the best of my knowledge and belief that:

The award to _____ of a contract or the modification of an existing contract does // does not // involve situations or relationships of the type set forth in 48 CFR 2009.570-3(b).

(a) If the representation, as completed, indicates that situations or relationships of the type set forth in 48 CFR 2009.570-3(b) are involved, or the contracting officer otherwise determines that potential organizational conflicts of interest exist, the offeror shall provide a statement in writing that describes in a concise manner all relevant factors bearing on his representation to the contracting officer. If the contracting officer determines that organizational conflicts exist, the following actions may be taken:

- (1) Impose appropriate conditions which avoid such conflicts;
- (2) Disqualify the offeror; or
- (3) Determine that it is otherwise in the best interest of the United States to seek award of the contract under the waiver provisions of 48 CFR 2009-570-9.

(b) The refusal to provide the representation required by 48 CFR 2009.570-4(b), or upon request of the contracting officer, the facts required by 48 CFR 2009.570-3(b), must result in disqualification of the offeror for award.

(End of Provision)

§ 2052.209-72 Contractor organizational conflicts of interest.

As prescribed at § 2009.570-5(a) and § 2009.570-8, the contracting officer must insert the following clause in all applicable solicitations, contracts, and simplified acquisitions of the types described; § 2009.570-4(b):

Contractor Organizational Conflicts of Interest (Jan 1993)

(a) Purpose. The primary purpose of this clause is to aid in ensuring that the contractor:

(1) Is not placed in a conflicting role because of current or planned interests (financial, contractual, organizational, or otherwise) which relate to the work under this contract; and

(2) Does not obtain an unfair competitive advantage over other parties by virtue of its performance of this contract.

(b) Scope. The restrictions described apply to performance or participation by the contractor, as defined in 48 CFR 2009.570-2 in the activities covered by this clause.

(c) Work for others.

(1) Notwithstanding any other provision of this contract, during the term of this contract, the contractor agrees to forego entering into consulting or other contractual arrangements with any firm or organization the result of which may give rise to a conflict of interest with respect to the work being performed under this contract. The contractor shall ensure that all employees under this contract abide by the provision of this clause. If the contractor has reason to believe, with respect to itself or any employee, that any proposed consultant or other contractual arrangement with any firm or organization may involve a potential conflict of interest, the contractor shall obtain the written approval of the contracting officer before the execution of such contractual arrangement.

(2) The contractor may not represent, assist, or otherwise support an NRC licensee or applicant undergoing an NRC audit, inspection, or review where the activities that are the subject of the audit, inspection, or review are the same as or substantially similar to the services within the scope of this contract (or task order as appropriate) except where the NRC licensee or applicant requires the contractor's support to explain or defend the contractor's prior work for the utility or other entity which NRC questions.

(3) When the contractor performs work for the NRC under this contract at any NRC licensee or applicant site, the contractor shall neither solicit nor perform work in the same or similar technical area for that licensee or applicant organization for a period commencing with the award of the task order or beginning of work on the site (if not a task order contract) and ending one year after completion of all work under the associated task order, or last time at the site (if not a task order contract).

(4) When the contractor performs work for the NRC under this contract at any NRC licensee or applicant site,

(i) The contractor may not solicit work at that site for that licensee or applicant during the period of performance of the task order or the contract, as appropriate.

(ii) The contractor may not perform work at that site for that licensee or applicant during the period of performance of the task order or the contract, as appropriate, and for one year thereafter.

(iii) Notwithstanding the foregoing, the contracting officer may authorize the contractor to solicit or perform this type of work (except work in the same or similar

technical area) if the contracting officer determines that the situation will not pose a potential for technical bias or unfair competitive advantage.

(d) Disclosure after award.

(1) The contractor warrants that to the best of its knowledge and belief, and except as otherwise set forth in this contract, that it does not have any organizational conflicts of interest as defined in 48 CFR 2009.570-2.

(2) The contractor agrees that if, after award, it discovers organizational conflicts of interest with respect to this contract, it shall make an immediate and full disclosure in writing to the contracting officer. This statement must include a description of the action which the contractor has taken or proposes to take to avoid or mitigate such conflicts. The NRC may, however, terminate the contract if termination is in the best interest of the Government.

(3) It is recognized that the scope of work of a task-order-type contract necessarily encompasses a broad spectrum of activities. Consequently, if this is a task-order-type contract, the contractor agrees that it will disclose all proposed new work involving NRC licensees or applicants which comes within the scope of work of the underlying contract. Further, if this contract involves work at a licensee or applicant site, the contractor agrees to exercise diligence to discover and disclose any new work at that licensee or applicant site. This disclosure must be made before the submission of a bid or proposal to the utility or other regulated entity and must be received by the NRC at least 15 days before the proposed award date in any event, unless a written justification demonstrating urgency and due diligence to discover and disclose is provided by the contractor and approved by the contracting officer. The disclosure must include the statement of work, the dollar value of the proposed contract, and any other documents that are needed to fully describe the proposed work for the regulated utility or other regulated entity. NRC may deny approval of the disclosed work only when the NRC has issued a task order which includes the technical area and, if site-specific, the site, or has plans to issue a task order which includes the technical area and, if site-specific, the site, or when the work violates paragraphs (c)(2), (c)(3) or (c)(4) of this section.

(e) Access to and use of information.

(1) If, in the performance of this contract, the contractor obtains access to information, such as NRC plans, policies, reports, studies, financial plans, internal data protected by the Privacy Act of 1974 (5 U.S.C. Section 552a (1988)), or the Freedom of Information Act (5 U.S.C. Section 552 (1986)), the contractor agrees not to:

(i) Use this information for any private purpose until the information has been released to the public;

(ii) Compete for work for the Commission based on the information for a period of six months after either the completion of this contract or the release of the information to the public, whichever is first;

(iii) Submit an unsolicited proposal to the Government based on the information until one year after the release of the information to the public; or

(iv) Release the information without prior written approval by the contracting officer unless the information has previously been released to the public by the NRC.

(2) In addition, the contractor agrees that, to the extent it receives or is given access to proprietary data, data protected by the Privacy Act of 1974 (5 U.S.C. Section 552a (1988)), or the Freedom of Information Act (5 U.S.C. Section 552 (1986)), or other confidential or privileged technical, business, or financial information under this contract, the contractor shall treat the information in accordance with restrictions placed on use of the information.

(3) Subject to patent and security provisions of this contract, the contractor shall have the right to use technical data it produces under this contract for private purposes provided that all requirements of this contract have been met.

(f) Subcontracts. Except as provided in 48 CFR 2009.570-2, the contractor shall include this clause, including this paragraph, in subcontracts of any tier. The terms *contract*, *contractor*, and *contracting officer*, must be appropriately modified to preserve the Government's rights.

(g) Remedies. For breach of any of the above restrictions, or for intentional nondisclosure or misrepresentation of any relevant interest required to be disclosed concerning this contract or for such erroneous representations that necessarily imply bad faith, the Government may terminate the contract for default, disqualify the contractor from subsequent contractual efforts, and pursue other remedies permitted by law or this contract.

(h) Waiver. A request for waiver under this clause must be directed in writing to the contracting officer in accordance with the procedures outlined in 48 CFR 2009.570-9.

(i) Follow-on effort. The contractor shall be ineligible to participate in NRC contracts, subcontracts, or proposals therefor (solicited or unsolicited) which stem directly from the contractor's performance of work under this contract. Furthermore, unless so directed in writing by the contracting officer, the contractor may not perform any technical consulting or management support services work or evaluation activities under this contract on any of its products or services or the products or services of another firm if the contractor has been substantially involved in the development or marketing of the products or services.

(1) If the contractor under this contract, prepares a complete or essentially complete statement of work or specifications, the contractor is not eligible to perform or participate in the initial contractual effort which is based on the statement of work or specifications. The contractor may not incorporate its products or services in the statement of work or specifications unless so directed in writing by the contracting officer, in which case the restrictions in this paragraph do not apply.

(2) Nothing in this paragraph precludes the contractor from offering or selling its standard commercial items to the Government.

(End of Clause)

2052.211-70 Preparation of technical reports.

As prescribed at § 2011.104-70(a), the contracting officer shall insert the following clause in solicitations and contracts when deliverables include a technical report. The contracting officer may alter this clause before issuing the solicitation or during competition by solicitation amendment. Insignificant changes may also be made by the contracting officer on a case-by-case basis during negotiation without amending the solicitation.

Preparation of Technical Reports (Jan 1993)

All technical reports required by Section C and all Technical Progress Reports required by Section F are to be prepared in accordance with the attached Management Directive 3.8, "Unclassified Contractor and Grantee Publications in the NUREG Series." Management Directive 3.8 is not applicable to any Contractor Spending Plan (CSP) and any Financial Status Report that may be included in this contract. (See List of Attachments).

(End of Clause)

2052.211-71 Technical progress report.

As prescribed at § 2011.104-70(b), the contracting officer shall insert the following clause in all solicitations and contracts except firm fixed price or indefinite delivery contracts to be awarded on a time-and-materials or labor-hour basis, or which provide for issuance of delivery orders for specific products/serviced line items. The contracting officer may alter this clause prior to issuance of the solicitation or during competition by solicitation amendment. Insignificant changes may also be made by the contracting officer on a case-by-case basis during negotiation without amending the solicitation.

Technical Progress Report (Jan 1993)

The contractor shall provide a monthly Technical Progress Report to the project officer and the contracting officer. The report is due within 15 calendar days after the end of the report period and must identify the title of the project, the contract number, appropriate financial tracking code specified by the NRC Project Officer, project manager and/or principal investigator, the contract period of performance, and the period covered by the report. Each report must include the following for each discrete task/ task order:

(a) A listing of the efforts completed during the period, and milestones reached or, if missed, an explanation provided;

(b) Any problems or delays encountered or anticipated and recommendations for resolution. If the recommended resolution involves a contract modification, e.g., change in work requirements, level of effort (cost) or schedule delay, the contractor shall submit a separate letter to the contracting officer

identifying the required change and estimated cost impact;

(c) A summary of progress to date; and

(d) Plans for the next reporting period.

(End of Clause)

2052.211-72 Financial status report.

As prescribed at § 2011.104-70(c), the contracting officer shall insert the following clause in applicable cost reimbursement solicitations and contracts when a detailed assessment of costs is warranted and a contractor spending plan is required. The contracting officer may alter this clause and Alternate 1 of this clause before issuing the solicitation or during competition by amending the solicitation. Insignificant changes may also be made by the contracting officer on a case-by-case basis during negotiation, without amending the solicitation.

Financial Status Report (Oct 1999)

The contractor shall provide a monthly Financial Status Report (FSR) to the project officer and the contracting officer. The FSR shall include the acquisition of, or changes in the status of, contractor-held property acquired with government funds valued at the time of purchase at \$50,000 or more. Whenever these types of property changes occur, the contractor shall send a copy of the report to the Chief, Property and Acquisition Oversight Branch, Office of Administration. The report is due within 15 calendar days after the end of the report period and must identify the title of the project, the contract number, the appropriate financial tracking code (e.g., Job Code Number or JCN) specified by the NRC Project Officer, project manager and/or principal investigator, the contract period of performance, and the period covered by the report. Each report must include the following information for each discrete task:

(a) Total estimated contract amount.

(b) Total funds obligated to date.

(c) Total costs incurred this reporting period.

(d) Total costs incurred to date.

(e) Detail of all direct and indirect costs incurred during the reporting period for the entire contract or each task, if it is a task ordering contract.

(f) Balance of obligations remaining.

(g) Balance of funds required to complete contract/task order.

(h) Contractor Spending Plan (CSP) status: A revised CSP is required with the Financial Status Report whenever the contractor or the contracting officer has reason to believe that the total cost for performance of this contract will be either greater or substantially less than what had been previously estimated.

(1) Projected percentage of completion cumulative through the report period for the project/task order as reflected in the current CSP.

(2) Indicate significant changes in the original CSP projection in either dollars or percentage of completion. Identify the change, the reasons for the change, whether

there is any projected overrun, and when additional funds would be required. If there have been no changes to the original NRC-approved CSP projections, a written statement to that effect is sufficient in lieu of submitting a detailed response to item "h".

(i) Property status:

(1) List property acquired for the project during the month with an acquisition cost between \$500 and \$49,999. Give the item number for the specific piece of equipment.

(2) Provide a separate list of property acquired for the project during the month with an acquisition cost of \$50,000 or more. Provide the following information for each item of property: item description or nomenclature, manufacturer, model number, serial number, acquisition cost, and receipt date. If no property was acquired during the month, include a statement to that effect. The same information must be provided for any component or peripheral equipment which is part of a "system or system unit."

(3) For multi-year projects, in the September monthly financial status report provide a cumulative listing of property with an acquisition cost of \$50,000 or more showing the information specified in paragraph (i)(2) of this clause.

(4) In the final financial status report provide a closeout property report containing the same elements as described above for the monthly financial status reports, for all property purchased with NRC funds regardless of value unless title has been vested in the contractor. If no property was acquired under the contract, provide a statement to that effect. The report should note any property requiring special handling for security, health, safety, or other reasons as part of the report.

(j) Travel status. List the starting and ending dates for each trip, the starting point and destination, and the traveler(s) for each trip.

(k) If the data in this report indicates a need for additional funding beyond that already obligated, this information may only be used as support to the official request for funding required in accordance with the Limitation of Cost (LOC) Clause (FAR 52.232-20) or the Limitation of Funds (LOF) Clause FAR 52.232-22.

(End of Clause)

Alternate 1 (Oct 1999)

As prescribed in § 2011.104-70(c), the contracting officer shall insert the following clause in applicable cost reimbursement solicitations and contracts when no contractor spending plan is required:

Financial Status Report—Alternate 1 (Oct 1999)

The contractor shall provide a monthly Financial Status Report (FSR) to the Project Officer and the contracting officer. The FSR shall include the acquisition of, or changes in the status of, contractor-held property acquired with government funds valued at the time of purchase at \$50,000 or more. Whenever these types of changes occur, the contractor shall send a copy of the report to the Chief, Property and Acquisition Oversight Branch, Office of Administration. The report is due within 15 calendar days after the end of the report period and shall identify the title of the project, the contract

number, project manager and/or principal investigator, the contract period of performance, and the period covered by the report. Each report shall include the following information for each discrete task:

(a) Total estimated contract amount.

(b) Total funds obligated to date.

(c) Total costs incurred this reporting period.

(d) Total costs incurred to date.

(e) Detail of all direct and indirect costs incurred during the reporting period for the entire contract or each task, if it is a task ordering contract.

(f) Balance of obligations remaining.

(g) Balance of funds required to complete contract/task order.

(h) Property status:

(1) List property acquired for the project during the month with an acquisition cost between \$500 and \$49,999. Give the item number for the specific piece of equipment.

(2) Provide a separate list of property acquired for the project during the month with an acquisition cost of \$50,000 or more. Provide the following information for each item of property: item description or nomenclature, manufacturer, model number, serial number, acquisition cost, and receipt date. If no property was acquired during the month, include a statement to that effect. The same information must be provided for any component or peripheral equipment which is part of a "system or system unit."

(3) For multi-year projects, in the September monthly financial status report provide a cumulative listing of property with an acquisition cost of \$50,000 or more showing the information specified in paragraph (h)(3) of this clause.

(4) In the final financial status report provide a closeout property report containing the same elements as described above for the monthly financial status reports, for all property purchased with NRC funds regardless of value unless title has been vested in the contractor. If no property was acquired under the contract, provide a statement to that effect. The report should note any property requiring special handling for security, health, safety, or other reasons as part of the report.

(i) Travel status: List the starting and ending dates for each trip, the starting point and destination, and the traveler(s) for each trip.

(j) If the data in this report indicates a need for additional funding beyond that already obligated, this information may only be used as support to the official request for funding required in accordance with the Limitation of Cost (LOC) Clause (FAR 52.232-20) or the Limitation of Funds (LOF) Clause FAR 52.232-22.

(End of Clause)

2052.214-70 Prebid conference.

As prescribed at § 2014.201-670(a), the contracting officer may insert the following provision in invitations for bids which require a prebid conference:

Prebid Conference (Jan 1993)

(a) A prebid conference is scheduled for:

Date: *

Location: *

Time: *

(b) This conference is to afford interested parties an opportunity to present questions and clarify uncertainties regarding this solicitation. You are requested to mail written questions concerning those areas of uncertainty which, in your opinion, require clarification or correction. You are encouraged to submit your questions in writing not later than * working day(s) before the conference date. Receipt of late questions may result in the questions not being answered at the conference although they will be considered in preparing any necessary amendment to the solicitation. If you plan to attend the conference, notify * by letter or telephone *, no later than close of business *. Notification of your intention to attend is essential in the event the conference is rescheduled or canceled. (Optional statement: Due to space limitations, each potential bidder is limited to * representatives at the conference.)

(c) Written questions must be submitted to: U.S. Nuclear Regulatory Commission, Division of Contracts and Property Management, Attn: *, Mail Stop T-7-1-2, Washington, DC 20555.

(d) The envelope must be marked "Solicitation No. * /Prebid Conference."

(e) A transcript of the conference will be furnished to all prospective bidders through the issuance of an amendment to the solicitation.

*To be incorporated into the solicitation.

(End of Provision)

2052.214-71 Bidder qualifications and past experiences.

As prescribed in § 2014.201-670(b), the contracting officer may insert the following provision on an optional basis to fit the circumstances of the invitation for bid.

Bidder Qualifications and Past Experience (Oct 1999)

(a) The bidder shall list previous/current contracts performed within the past * years (with no omissions) in which the Bidder was the prime or principal subcontractor. This information will assist the contracting officer in his/her Determination of Responsibility. Lack of previous/current contracts or failure to submit this information will not necessarily result in an unfavorable Determination of Responsibility.

(b) The following information shall be provided for each previous/current contract listed:

(1) Contract No.:

(2) Contract performance dates:

(3) Estimated total value of the contract (base plus all option years):

(4) Brief description of work performed under the contract:

(5) Contract Standard Industrial Code:

(6) Name and address of Government agency or commercial entity:

(7) Technical Point of Contact and current telephone number:

(8) Contracting Officer name and current telephone number:

(c) The bidder shall also provide the name, title and full telephone number of its

technical representative and contracts/
business representative:

(1) Technical Representative name:

Title:
Telephone No. ()

(2) Contracts/Business Representative name:

Title:
Telephone No. ()

*To be incorporated into the solicitation
(End of Provision)

2052.214-72 Bid evaluation.

As prescribed at § 2014.201-670(c), the contracting officer shall insert the following provision in applicable invitations for bids (paragraph "(f)" of this provision is optional):

Bid Evaluation (Jan 1993)

(a) Award will be made to that responsive, responsible bidder within the meaning of FAR Subpart 9.1 whose total bid amount, as set forth by the bidder in Section B of this Invitation for Bid (IFB), constitutes the lowest overall evaluated final contract price to the Government based upon the requirements for the schedule. Bids will be evaluated for purposes of award by first ascertaining the sum of the total amount for each of the items specified in Section B of this solicitation. This will constitute the bidder's "Total Bid Amount."

(b) Bidders shall insert a definite price or indicate "no charge" in the blank space provided for each item and/or sub-item listed in Section B. Unless expressly provided for in the bid, no additional charge will be allowed for work performed under the contract other than the unit prices stipulated for each item and/or sub-item.

(c) Any bid which is materially unbalanced as to price for the separate items specified in Section B of this IFB may be rejected as nonresponsive. An unbalanced bid is defined as one which is based on prices which, in the opinion of the NRC, are significantly less than cost for some work and/or prices that may be significantly overstated for other work.

(d) Separation charges, in any form, are not solicited. Bids containing charges for discontinuance, termination, failure to exercise an option, or for any other purpose will cause the bid to be rejected as nonresponsive.

(e) A preaward on-site survey of the bidder's facilities, equipment, etc., in accordance with FAR 9.105 and 9.106, may be made by representatives of the Commission for the purpose of determining whether the bidder is responsible within the meaning of FAR 9.1, and whether the bidder possesses qualifications that are conducive to the production of work that will meet the requirements, specifications, and provisions of this contract. If requested by the Commission, the prospective contractor may also be required to submit statements within * hours after receiving the request:

- (1) Concerning their ability to meet any of the minimum standards set forth in FAR 9.104,
- (2) Samples of work, and
- (3) Names and addresses of additional clients, Government agencies, and/or

commercial firms which the bidder is now doing or had done business with.

(f) Notwithstanding paragraph (b) of this section, the award of any contract resulting from this solicitation will be made on an "all or none" basis. Thus, bids submitted on fewer than the items listed in Section B of this IFB, or on fewer than the estimated quantity, will cause the bid to be rejected as nonresponsive.

*To be inserted into solicitation.
(End of Provision)

2052.214-73 Timely receipt of bids.

As prescribed at § 2014.670(b), the contracting officer shall insert the following provision in all invitations for bids:

Timely Receipt of Bids (Oct 1999)

Sealed offers for furnishing the services or supplies in the schedule are due at the date and time stated in block 9 of Standard Form 33, Solicitation, Offer and Award. Offers sent through the U.S. Mail (including U.S. Postal Service Express Mail Next Day Service—Post Office to Addressee) must be addressed to the place specified in the solicitation. All hand-carried offers including those made by private delivery services (e.g., Federal Express and Airborne Express) must be delivered to the NRC loading dock security station located at 11545 Rockville Pike, Rockville, Maryland 20852 and received in the depository located in Room T-7-1-2. All offerors should allow extra time for internal mail distribution or for pick up of hand-carried deliveries. The NRC is a secure facility with perimeter access-control and NRC personnel are only available to receive hand-carried offers during normal working hours, 7:30 AM-3:30 PM, Monday through Friday, excluding Federal holidays.

(End of Provision)

2052.214-74 Disposition of bids.

As prescribed at § 2014.670(b), the contracting officer shall insert the following provision in applicable invitation for bids:

Disposition of Bids (Jan 1993)

After award of the contract, one copy of each unsuccessful bid will be retained by the NRC's Division of Contracts and Property Management in accordance with the General Records Schedule 3(5)(b). Unless return of the additional copies of the bid is requested by the bidder upon submission of the bid, all other copies will be destroyed. This request should appear in a cover letter accompanying the bid.

(End of Provision)

2052.215-70 Key personnel.

As prescribed at § 2015.209-70(a)(1), the contracting officer shall insert in solicitations and contracts the following clause as applicable to the requirement:

Key Personnel (Jan 1993)

(a) The following individuals are considered to be essential to the successful performance of the work hereunder:

*

The contractor agrees that personnel may not be removed from the contract work or replaced without compliance with paragraphs (b) and (c) of this section.

(b) If one or more of the key personnel, for whatever reason, becomes, or is expected to become, unavailable for work under this contract for a continuous period exceeding 30 work days, or is expected to devote substantially less effort to the work than indicated in the proposal or initially anticipated, the contractor shall immediately notify the contracting officer and shall, subject to the concurrence of the contracting officer, promptly replace the personnel with personnel of at least substantially equal ability and qualifications.

(c) Each request for approval of substitutions must be in writing and contain a detailed explanation of the circumstances necessitating the proposed substitutions. The request must also contain a complete resume for the proposed substitute and other information requested or needed by the contracting officer to evaluate the proposed substitution. The contracting officer and the project officer shall evaluate the contractor's request and the contracting officer shall promptly notify the contractor of his or her decision in writing.

(d) If the contracting officer determines that suitable and timely replacement of key personnel who have been reassigned, terminated, or have otherwise become unavailable for the contract work is not reasonably forthcoming, or that the resultant reduction of productive effort would be so substantial as to impair the successful completion of the contract or the service order, the contract may be terminated by the contracting officer for default or for the convenience of the Government, as appropriate. If the contracting officer finds the contractor at fault for the condition, the contract price or fixed fee may be equitably adjusted downward to compensate the Government for any resultant delay, loss, or damage.

(End of Clause)

*To be incorporated into any resultant contract

2052.215-71 Project officer authority.

As prescribed in § 2015.209-70(a)(2)(i), the contracting officer shall insert the following clause in applicable solicitations and contracts for cost-reimbursement, cost-plus-fixed-fee, cost-plus-award-fee, cost sharing, labor-hour or time-and-materials, including task order contracts. This clause and the following alternate clauses are intended for experienced, trained projects officers, and may be altered to delete duties where appropriate:

Project Officer Authority (Oct 1999)

(a) The contracting officer's authorized representative hereinafter referred to as the project officer for this contract is:

Name: *
Address: *
Telephone Number: *

(b) Performance of the work under this contract is subject to the technical direction

of the NRC project officer. The term *technical direction* is defined to include the following:

(1) Technical direction to the contractor which shifts work emphasis between areas of work or tasks, authorizes travel which was unanticipated in the Schedule (i.e., travel not contemplated in the Statement of Work or changes to specific travel identified in the Statement of Work), fills in details, or otherwise serves to accomplish the contractual statement of work.

(2) Provide advice and guidance to the contractor in the preparation of drawings, specifications, or technical portions of the work description.

(3) Review and, where required by the contract, approve technical reports, drawings, specifications, and technical information to be delivered by the contractor to the Government under the contract.

(c) Technical direction must be within the general statement of work stated in the contract. The project officer does not have the authority to and may not issue any technical direction which:

(1) Constitutes an assignment of work outside the general scope of the contract.

(2) Constitutes a change as defined in the "Changes" clause of this contract.

(3) In any way causes an increase or decrease in the total estimated contract cost, the fixed fee, if any, or the time required for contract performance.

(4) Changes any of the expressed terms, conditions, or specifications of the contract.

(5) Terminates the contract, settles any claim or dispute arising under the contract, or issues any unilateral directive whatever.

(d) All technical directions must be issued in writing by the project officer or must be confirmed by the project officer in writing within ten (10) working days after verbal issuance. A copy of the written direction must be furnished to the contracting officer. A copy of NRC Form 445, Request for Approval of Official Foreign Travel, which has received final approval from the NRC must be furnished to the contracting officer.

(e) The contractor shall proceed promptly with the performance of technical directions duly issued by the project officer in the manner prescribed by this clause and within the project officer's authority under the provisions of this clause.

(f) If, in the opinion of the contractor, any instruction or direction issued by the project officer is within one of the categories defined in paragraph (c) of this section, the contractor may not proceed but shall notify the contracting officer in writing within five (5) working days after the receipt of any instruction or direction and shall request that contracting officer to modify the contract accordingly. Upon receiving the notification from the contractor, the contracting officer shall issue an appropriate contract modification or advise the contractor in writing that, in the contracting officer's opinion, the technical direction is within the scope of this article and does not constitute a change under the "Changes" clause.

(g) Any unauthorized commitment or direction issued by the project officer may result in an unnecessary delay in the contractor's performance and may even result in the contractor expending funds for unallowable costs under the contract.

(h) A failure of the parties to agree upon the nature of the instruction or direction or upon the contract action to be taken with respect to the instruction or direction is subject to § 52.233-1—Disputes.

(i) In addition to providing technical direction as defined in paragraph (b) of the section, the project officer shall:

(1) Monitor the contractor's technical progress, including surveillance and assessment of performance, and recommend to the contracting officer changes in requirements.

(2) Assist the contractor in the resolution of technical problems encountered during performance.

(3) Review all costs requested for reimbursement by the contractor and submit to the contracting officer recommendations for approval, disapproval, or suspension of payment for supplies and services required under this contract.

(End of Clause)

Alternate 1 (Oct 1999)

As prescribed at § 2015.209-70(a)(2)(ii), the contracting officer shall insert the following clause in solicitations and contracts which require issuance of delivery orders for specific products/services.

Project Officer Authority—Alternate 1 (Oct 1999)

(a) The contracting officer's authorized representative, hereinafter referred to as the project officer, for this contract is:

Name: *

Address: *

Telephone Number: *

(b) The project officer shall:

(1) Place delivery orders for items required under this contract up to the amount obligated on the contract award document.

(2) Monitor contractor performance and recommend changes in requirements to the contracting officer.

(3) Inspect and accept products/services provided under the contract.

(4) Review all contractor invoices/vouchers requesting payment for products/services provided under the contract and make recommendations for approval, disapproval, or suspension.

(c) The project officer may not make changes to the express terms and conditions of this contract.

*To be incorporated into any resultant contract.

(End of Clause)

Alternate 2 (Oct 1999)

As prescribed at § 2015.209(a)(2)(iii), the contracting officer shall insert in solicitations for firm fixed price contracts, the clause at 2052.215-71 Project Officer Authority Alternate 1 which shall be used with paragraph (b)(1) deleted and the remainder of the clause renumbered.

2052.215-72 Timely receipt of proposals.

As prescribed in § 2015.209-70(a)(3), the contracting officer shall insert the following provision in all solicitations:

Timely Receipt of Proposals (Oct 1999)

Sealed offers for furnishing the services or supplies in the schedule are due at the date and time stated in block 9 of Standard Form 33, Solicitation, Offer and Award. Offers sent through the U.S. Mail (including U.S. Postal Service Express Mail Next Day Service—Post Office to Addressee) must be addressed to the place specified in the solicitation. All hand-carried offers including those made by private delivery services (e.g., Federal Express and Airborne Express) must be delivered to the NRC loading dock security station located at 11545 Rockville Pike, Rockville, Maryland 20852 and received in the depository located in Room T-7-I-2. All offerors should allow extra time for internal mail distribution or for pick up of hand-carried deliveries. The NRC is a secure facility with perimeter access-control and NRC personnel are only available to receive hand-carried offers during normal working hours, 7:30 AM—3:30 PM, Monday through Friday, excluding Federal holidays.

(End of Provision)

2052.215-73 Award notification and commitment of public funds

As prescribed at § 2015.209-70 (a)(4), the contracting officer shall insert the following clause in applicable solicitations:

Award Notification and Commitment of Public Funds (Oct 1999)

(a) All offerors will be notified of their exclusion from the competitive range in accordance with FAR 15.503(a)(1). Under the requirements of FAR 15.503(a)(2), preliminary notification will be provided before award for small business set-aside procurements on negotiated procurements. The contracting officer shall provide written postaward notice to each unsuccessful offeror in accordance with FAR 15.503(b).

(b) The contracting officer is the only individual who can legally commit the NRC to the expenditure of public funds in connection with this procurement. This means that, unless provided in a contract document or specifically authorized by the contracting officer, NRC technical personnel may not issue contract modifications, give informal contractual commitments, or otherwise bind, commit, or obligate the NRC contractually. Informal contractual commitments include:

(1) Encouraging a potential contractor to incur costs before receiving a contract;

(2) Requesting or requiring a contractor to make changes under a contract without formal contract modifications;

(3) Encouraging a contractor to incur costs under a cost-reimbursable contract in excess of those costs contractually allowable; and

(4) Committing the Government to a course of action with regard to a potential contract, contract change, claim, or dispute.

(End of Clause)

2052.215-74 Disposition of proposals.

As prescribed in § 2015.209-70(a)(5), the contracting officer shall insert the following provision in all solicitations:

Disposition of Proposals (Jan. 1993)

After award of the contract, one copy of each unsuccessful proposal is retained by the NRC's Division of Contracts and Property Management in accordance with the General Records Schedule 3(5)(b). Unless return of the additional copies of the proposals is requested by the offeror upon submission of the proposals, all other copies will be destroyed. This request should appear in a cover letter accompanying the proposal. (End of Provision)

2052.215-75 Proposal presentation and format.

As prescribed at § 2015.209-70(b)(1), the contracting officer may insert the following provision in applicable negotiated procurements for cost type solicitations. This clause may be tailored to each procurement and solicitation evaluation criteria by the contracting officer to fit the circumstances of the procurement.

Proposal Presentation and Format (Oct. 1999)

(a) Information submitted in response to this solicitation must be typed, printed, or reproduced on letter-size paper and each copy must be legible. All information provided, including all resumes, must be accurate, truthful, and complete to the best of the offeror's knowledge and belief. The Commission will rely upon all representations made by the offeror both in the evaluation process and for the performance of the work by the offeror selected for award. The Commission may require the offeror to substantiate the credentials, education, and employment history of its employees, subcontractor personnel, and consultants, through submission of copies of transcripts, diplomas, licenses, etc.

(b) The offeror shall submit the following material which constitutes its offer, as defined by FAR 2.101, in two separate and distinct parts at the date and time specified in * of the solicitation for receipt of sealed offers.

(1) Part 1—Solicitation Package/Offer. Two (2) original signed copies of this solicitation package/offer. All applicable sections must be completed by the offeror.

(2) Part 2—Cost Proposal. One (1) original and * copies of the "Cost Proposal."

(i) The cost proposal shall be submitted separately from the Technical and Management Proposal or Oral Presentation and Supporting Documentation (as applicable).

(ii) The offeror's request for an exception to submitting cost or pricing data shall be made in accordance with FAR 52.215-20(a).

(iii) If the contracting officer does not grant the offeror an exception from the requirement to submit cost or pricing data, the offeror's cost proposal shall conform with the requirements of FAR 52.215-20(b). Cost information shall include pertinent details sufficient to show the elements of cost upon which the total cost is predicted in accordance with the requirement of FAR 52.215-20 (b)(1).

(iv) When the offeror's estimated cost for the proposed work exceeds \$100,000 and the duration of the contract period exceeds six months, the offeror shall submit a Contractor Spending Plan (CSP) as part of its cost proposal. Guidance for completing the CSP is attached.

(v) For any subcontract discussed under the Technical and Management Proposal, or Oral Presentation Material, provide supporting documentation on the selection process, i.e., competitive vs. noncompetitive, and the cost evaluation.

(c) "Written Technical and Management Proposal" or "Oral Presentation and Supporting Documentation" (as applicable). One (1) original and * copies.

(1) The written Technical and Management Proposal or Oral Presentation and Supporting Documentation may not contain any reference to cost. Resource information, such as data concerning labor hours and categories, materials, subcontracts, travel, computer time, etc., must be included so that the offeror's understanding of the scope of work may be evaluated.

(2) The offeror shall submit in the written Technical and Management Proposal or Oral Presentation and Supporting Documentation full and complete information as set forth below to permit the Government to make a thorough evaluation and a sound determination that the proposed approach will have a reasonable likelihood of meeting the requirements and objectives of this procurement.

(3) The written Technical Proposal or Oral Presentation and Supporting Documentation must be tailored to assure that all information reflects a one-to-one relationship to the evaluation criteria.

(4) Statements which paraphrase the statement of work without communicating the specific approach proposed by the offeror, or statements to the effect that the offeror's understanding can or will comply with the statement of work may be construed as an indication of the offeror's lack of understanding of the statement of work and objectives.

(d) Written Technical or Oral Presentation and Supporting Documentation Requirements—Instructions.

*To be incorporated into the solicitation. (End of Provision)

Alternate 1 (Oct. 1999)

As prescribed at § 2015.209-70(b)(2), this Alternate 1 may be used for solicitations for negotiated task orders. Include the following paragraph (iv) in place of paragraph (b)(2)(iv) of the basic provision:

(b)(2)(iv) The offeror's cost proposal shall be based on the NRC's estimated level of effort. The NRC's estimated level of effort for this procurement is approximately * professional and * clerical staff-years for the duration of this contract. This information is advisory and is not to be considered as the sole basis for the development of the staffing plan. For the purposes of the Government estimate, 2000 hours constitute a staff year. The total estimated cost proposed by the offeror is used for evaluation purposes only. Any resultant contract, except a requirements

contract, contains an overall cost ceiling whereby individual task orders may be issued. The cost and fee, if any, for each task order is individually negotiated and also contains a cost ceiling.

Alternate 2 (Oct. 1999)

As proposed at § 2015.209-70(b)(3), Alternate 2 may be used for solicitations for negotiated fixed price, labor hour, or time and materials contracts. Substitute the following paragraph (b)(2)(ii) for the paragraph (b)(2)(ii) of the basic provision, delete paragraphs (b)(2)(iii)—(iv) of the basic provision, and renumber the remaining paragraphs.

(ii) Submittal of information other than cost or pricing data shall be made in accordance with FAR 52.215-20 Alternate IV.

2052.215-76 Preproposal conference.

As prescribed at § 2015.407-70(c), the contracting officer may insert the following provision in applicable solicitations which include a preproposal conference:

Preproposal Conference (Jan. 1993)

(a) A preproposal conference is scheduled for:

Date: *
Location: *
Time: *

(b) This conference is to afford interested parties an opportunity to present questions and clarify uncertainties regarding this solicitation. You are requested to mail written questions concerning those areas of uncertainty which, in your opinion, require clarification or correction. You are encouraged to submit your questions in writing not later than * working day(s) before the conference date. Receipt of late questions may result in the questions not being answered at the conference although they will be considered in preparing any necessary amendment to the solicitation. If you plan to attend the conference, notify * by letter or telephone *, no later than close of business *. Notification of your intention to attend is essential in the event the conference is rescheduled or canceled. (Optional statement: Due to space limitations, each potential offeror is limited to * representatives at the conference.)

(c) Written questions must be submitted to: U.S. Nuclear Regulatory Commission, Division of Contracts and Property Management, Attn: *, Mail Stop T-7-I-2, Washington, DC 20555.

(d) The envelope must be marked "Solicitation No. */Preproposal Conference."

*To be incorporated into the solicitation. (e) A transcript of the conference will be furnished to all prospective offerors through the issuance of an amendment to the solicitation.

(End of Provision)

§ 2052.215-77 Travel approvals and reimbursement.

As prescribed at 2015.209-70(d), the contracting officer shall insert the following

clause in cost reimbursement solicitations and contracts which require travel but do not set a specific ceiling amount on that travel. Requests for foreign travel must be submitted to the NRC 30 days in advance of the travel date.

Travel Approvals and Reimbursement (Oct. 1999)

(a) All foreign travel must be approved in advance by the NRC on NRC Form 445, Request for Approval of Official Foreign Travel, and must be in compliance with FAR 52.247-63 Preference for U.S. Flag Air Carriers. The contractor shall submit NRC Form 445 to the NRC no later than 30 days before beginning travel.

(b) The contractor must receive written approval from the NRC Project Officer before taking travel that was unanticipated in the Schedule (i.e., travel not contemplated in the Statement of Work, or changes to specific travel identified in the Statement of Work).

(c) The contractor will be reimbursed only for travel costs incurred that are directly related to this contract and are allowable subject to the limitations prescribed in FAR 31.205-46.

(d) It is the responsibility of the contractor to notify the contracting officer in accordance with the Limitations of Cost clause of this contract when, at any time, the contractor learns that travel expenses will cause the contractor to exceed the estimated costs specified in the Schedule.

(e) Reasonable travel costs for research and related activities performed at State and nonprofit institutions, in accordance with Section 12 of Pub. L. 100-679, must be charged in accordance with the contractor's institutional policy to the degree that the limitations of Office of Management and Budget (OMB) guidance are not exceeded. Applicable guidance documents include OMB Circular A-87, Cost Principles for State and Local Governments; OMB Circular A-122, Cost Principles for Nonprofit Organizations; and OMB Circular A-21, Cost Principles for Educational Institutions.

(End of Clause)

§ 2052.215-78 Travel approvals and reimbursement—Alternate 1.

As prescribed in § 2015.209-70(d), the contracting officer shall insert the following clause in cost reimbursement solicitations and contracts which include a ceiling amount on travel. Requests for foreign travel must be submitted to the NRC 30 days in advance of the travel date.

Travel Approvals and Reimbursement—Alternate 1 (Oct. 1999)

(a) Total expenditure for travel may not exceed _____ * _____ without the prior approval of the contracting officer.

(b) All foreign travel must be approved in advance by the NRC on NRC Form 445, Request for Approval of Official Foreign Travel, and must be in compliance with FAR 52.247-63 Preference for U.S. Flag Air Carriers. The contractor shall submit NRC Form 445 to the NRC no later than 30 days prior to the commencement of travel.

(c) The contractor will be reimbursed only for travel costs incurred that are directly

related to this contract and are allowable subject to the limitations prescribed in FAR 31.205-46.

(d) It is the responsibility of the contractor to notify the contracting officer in accordance with the FAR Limitations of Cost clause of this contract when, at any time, the contractor learns that travel expenses will cause the contractor to exceed the travel ceiling amount identified in paragraph (a) of this clause.

(e) Reasonable travel costs for research and related activities performed at State and nonprofit institutions, in accordance with Section 12 of Pub. L. 100-679, must be charged in accordance with the contractor's institutional policy to the degree that the limitations of Office of Management and Budget (OMB) guidance are not exceeded. Applicable guidance documents include OMB Circular A-87, Cost Principles for State and Local Governments; OMB Circular A-122, Cost Principles for Nonprofit Organizations; and OMB Circular A-21, Cost Principles for Educational Institutions.

*To be incorporated into any resultant contract.

(End of Clause)

2052.215-79 Contract award and evaluation of proposals.

As prescribed in § 2015.209(a)(1), the contracting officer shall insert the following provision in solicitations when technical merit is more important than cost:

Contract Award and Evaluation of Proposals (Oct 1999)

(a) By use of narrative and numerical (as appropriate) scoring techniques, proposals are evaluated against the evaluation factors specified in paragraph * below. These factors are listed in their relative order of importance.

(b) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value, as defined in FAR 2.101, after evaluation in accordance with the factors and subfactors in the solicitation.

(c) The Government may:

(1) Reject any or all proposals if the action is in the Government's interest.

(2) Waive informalities and minor irregularities in proposals received.

(d) The Government intends to evaluate proposals and award a contract without discussions with offerors. The Government reserves the right to seek proposal clarifications (e.g., capability issues as described in FAR 15.306(a) or minor or clerical errors as described in FAR 14.407); and hold communications as described in FAR 15.306(b)). Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the

Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

(e) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.

(f) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.

(g) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.

(h) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.

(i) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.

(j) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.

(k) A separate cost analysis is performed on each cost proposal. To provide a common base for evaluation of cost proposals, the level of effort data must be expressed in staff hours. Where a Contractor Spending Plan (CSP) is required by other provisions of this solicitation, consideration is given to the Plan for completeness, reasonableness, and as a measure of effective management of the effort.

*To be incorporated into the solicitation.
(End of Provision)

Alternate 1 (Oct 1999)

As prescribed at § 2015.209-70(e)(2), Alternate 1 may be used when proposals are to be evaluated on a lowest price, technically acceptable basis. Substitute the following paragraph for paragraph (b) in the clause at § 2052.215-79:

(b) Although technical merit in the evaluation criteria set forth below is a factor in the evaluation of proposals, award will be made on the basis of the lowest evaluated price of proposals meeting or exceeding the acceptability standards for non-cost factors,

Alternate 2 (Oct 1999)

As prescribed at § 2015.209-70(e)(2), Alternate 2 may be used when cost and technical merit are of equal significance. Substitute the following paragraph for paragraph (b) in the clause at § 2052.215-79:

(b) In the selection of a contractor, technical merit in the evaluation criteria set forth below and cost bear equal significance.

To be selected for an award, the proposed cost must be realistic and reasonable.

2052.216-70 Level of effort.

As prescribed at § 2016.307-70(a) the contracting officer shall insert the following provision in solicitations for negotiated procurements containing labor costs other than maintenance services, to be awarded on a cost reimbursement, cost sharing, cost-plus-award-fee, cost-plus-fixed-fee, time and materials, or labor hours basis.

Level of Effort (Jan 1993)

The NRC's estimate of the total effort for this project is approximately * professional and * clerical staff-years for the duration of this contract. This information is advisory and is not to be considered as the sole basis for the development of the staffing plan. For the purposes of the Government estimate, 2000 hours constitute a staff year.

*To be incorporated into any resultant contract.

(End of Provision)

2052.216-71 Indirect cost rates.

As prescribed at § 2016.307-70(b), the contracting officer may insert the following clause in solicitations and contracts where provisional rates without ceiling apply.

Indirect Cost Rates (Jan 1993)

(a) Pending the establishment of final indirect rates which must be negotiated based on audit of actual costs, the contractor shall be reimbursed for allowable indirect costs as follows:

(b) The contracting officer may adjust these rates as appropriate during the term of the contract upon acceptance of any revisions proposed by the contractor. It is the contractor's responsibility to notify the contracting officer in accordance with FAR 52.232-20, Limitation of Cost, or FAR 52.232-22, Limitation of Funds, as applicable, if these changes affect performance of work within the established cost or funding limitations.

*To be incorporated into any resultant contract.

(End of Clause)

Alternate 1

As prescribed at § 2016.307-70(b)(2), the contracting officer may insert the following clause in applicable solicitations and contracts where predetermined rates apply:

Indirect Cost Rates—Alternate 1 (Jan 1993)

The contractor is reimbursed for allowable indirect costs in accordance with the following predetermined rates:

*To be incorporated into any resultant contract.

(End of Clause)

Alternate 2 (Oct. 1999)

As prescribed at § 2016.307-70(b), the contracting officer may insert the following

clause in applicable solicitations and contracts where provisional rates with ceilings apply:

Indirect Costs (Ceiling)—Alternate 2 (Oct 1999)

(a) For this contract, the ceiling amount reimbursable for indirect costs is as follows:

(b) In the event that indirect rates developed by the cognizant audit activity on the basis of actual allowable costs result in a lower amount for indirect costs, the lower amount will be paid. The Government may not be obligated to pay any additional amounts for indirect costs above the ceiling rates set forth above for the applicable period.

*To be incorporated into any resultant contract.

(End of Clause)

2052.216-72 Task order procedures.

As prescribed at § 2016.506-70(a), the contracting officer may insert the following clause in applicable solicitations and contracts that contain task order procedures. This clause may be altered to fit the circumstances of the requirement.

Task Order Procedures (Oct 1999)

(a) Task order request for proposal. When a requirement within the scope of work for this contract is identified, the contracting officer shall transmit to the contractor a Task Order Request for Proposal (TORFP) which may include the following, as appropriate:

- (1) Scope of work/meetings/travel and deliverables;
- (2) Reporting requirements;
- (3) Period of performance—place of performance;
- (4) Applicable special provisions;
- (5) Technical skills required; and
- (6) Estimated level of effort.

(b) Task order technical proposal. By the date specified in the TORFP, the contractor shall deliver to the contracting officer a written or verbal (as specified in the TORFP technical proposal submittal instructions) technical proposal that provides the technical information required by the TORFP.

(c) Cost proposal. The contractor's cost proposal for each task order must be fully supported by cost and pricing data adequate to establish the reasonableness of the proposed amounts. When the contractor's estimated cost for the proposed task order exceeds \$100,000 and the period of performance exceeds six months, the contractor may be required to submit a Contractor Spending Plan (CSP) as part of its cost proposal. The TORFP indicates if a CSP is required.

(d) Task order award. The contractor shall perform all work described in definitized task orders issued by the contracting officer. Definitized task orders include the following:

- (1) Statement of work/meetings/travel and deliverables;
- (2) Reporting requirements;
- (3) Period of performance;
- (4) Key personnel;

(5) Applicable special provisions; and
(6) Total task order amount including any fixed fee.

(End of Clause)

2052.216-73 Accelerated task order procedures.

As prescribed at § 2016.506-70(b), the contracting officer may insert the following clause in applicable solicitations and contracts that contain task order procedures. This clause may be altered to fit the circumstances of the requirement.

Accelerated Task Order Procedures (Jan 1993)

(a) The NRC may require the contractor to begin work before receiving a definitized task order from the contracting officer.

Accordingly, when the contracting officer verbally authorizes the work, the contractor shall proceed with performance of the task order subject to the monetary limitation established for the task order by the contracting officer.

(b) When this accelerated procedure is employed by the NRC, the contractor agrees to begin promptly negotiating with the contracting officer the terms of the definitive task order and agrees to submit a cost proposal with supporting cost or pricing data. If agreement on a definitized task order is not reached by the target date mutually agreed upon by the contractor and contracting officer, the contracting officer may determine a reasonable price and/or fee in accordance with Subpart 15.8 and Part 31 of the FAR, subject to contractor appeal as provided in 52.233-1, Disputes. In any event, the contractor shall proceed with completion of the task order subject only to the monetary limitation established by the contracting officer and the terms and conditions of the basic contract.

(End of Clause)

2052.222-70 Nondiscrimination because of age.

As prescribed at § 2022.901-70, the contracting officer shall insert the following clause in all solicitations:

Nondiscrimination Because of Age (Jan 1993)

It is the policy of the Executive Branch of the Government that:

(a) Contractors and subcontractors engaged in the performance of Federal contracts may not, in connection with the employment, advancement, or discharge of employees or in connection with the terms, conditions, or privileges of their employment, discriminate against persons because of their age except upon the basis of a bona fide occupational qualification, retirement plan, or statutory requirement; and

(b) That contractors and subcontractors, or persons acting on their behalf, may not specify, in solicitations or advertisements for employees to work on Government contracts, a maximum age limit for employment unless the specified maximum age limit is based upon a bona fide occupational qualification, retirement plan, or statutory requirement.

(End of Provision)

2052.227-70 Drawings, designs, specifications, and other data.

As prescribed at § 2027.305-70, the contracting officer shall insert the following clause in all solicitations and contracts in which drawings, designs, specifications, and other data will be developed and the NRC must retain full rights to them (except for the contractor's right to retain a copy for its own use). When any of the clauses prescribed at FAR 27.409 are included in the solicitation and contract, this clause will not be used.

Drawings, Designs, Specifications, and Other Data (Jan 1993)

All drawings, sketches, designs, design data, specifications, notebooks, technical and scientific data, and all photographs, negatives, reports, findings, recommendations, other data and memoranda of every description relating thereto, as well as all copies of the foregoing relating to the work or any part thereto, are subject to inspection by the Commission at all reasonable times. Inspection of the proper facilities must be afforded the Commission by the contractor and its subcontractors. These data are the property of the Government and may be used by the Government for any purpose whatsoever without any claim on the part of the contractor and its subcontractors and vendors for additional compensation and must, subject to the right of the contractor to retain a copy of the material for its own use, be delivered to the Government, or otherwise disposed of by the contractor as the contracting officer may direct during the progress of the work or upon completion or termination of this contract. The contractor's right of retention and use is subject to the security, patent, and use of information provisions, if any, of this contract.
(End of Clause)

2052.231-70 Precontract costs.

As prescribed in § 2031.109-70, following clause may be used in all cost type contracts when costs in connection with work under the contract will be incurred by the contractor before the effective date of the contract. Approval for use of this clause must be obtained at one level above the contracting officer.

Precontract Costs (Jan 1993)

Allowable costs under this contract include costs incurred by the contractor in connection with the work covered by this contract during the period from * and including * to the effective date of this contract that would have been allowable under the terms of this contract if this contract had been in effect during that period. However, the costs may not in aggregate exceed * which is included in the estimated cost of this contract.

*To be incorporated into any resultant contract.

(End of Clause)

2052.235-70 Publication of research results.

As prescribed in § 2035.70(a)(1), the contracting officer shall insert the following clause in applicable solicitations and contracts for research and development by private contractors and universities and for other technical services as appropriate.

Publication of Research Results (Oct 1999)

(a) The principal investigator(s)/contractor shall comply with the provisions of NRC Management Directive 3.8 (Vol. 3, Part 1) and NRC Handbook 3.8 (Parts I-IV) regarding publication in refereed scientific and engineering journals or dissemination to the public of any information, oral or written, concerning the work performed under this contract. Failure to comply with this clause shall be grounds for termination of this contract.

(b) The principal investigator(s)/contractor may publish the results of this work in refereed scientific and engineering journals or in open literature and present papers at public or association meetings at interim stages of work, in addition to submitting to NRC the final reports and other deliverables required under this contract. However, such publication and papers shall focus on advances in science and technology and minimize conclusions and/or recommendations which may have regulatory implications.

(c) The principal investigator(s) shall coordinate all such publications with, and transmit a copy of the proposed article or paper to, the NRC Contracting Officer or Project Officer, prior to publication. The NRC agrees to review and provide comments within thirty (30) days after receipt of a proposed publication. However, in those cases where the information to be published is (1) subject to Commission approval, (2) has not been ruled upon, or (3) disapproved by the Commission, the NRC reserves the right to disapprove or delay the publication. Further, if the NRC disagrees with the proposed publication for any reason, it reserves the right to require that any publication not identify the NRC's sponsorship of the work and that any associated publication costs shall be borne by the contractor.

(End of Clause)

2052.235-71 Safety, health, and fire protection.

As prescribed in § 2035.70(a)(2), the contracting officer shall insert the following clause in applicable solicitations and contracts for research and development by private contractors and universities and for other technical services as appropriate:

Safety, Health, and Fire Protection (Jan. 1993)

The contractor shall take all reasonable precautions in the performance of the work under this contract to protect the health and safety of its employees and of members of the public, including NRC employees and

contractor personnel, and to minimize danger from all hazards to life and property. The contractor shall comply with all applicable health, safety, and fire protection regulations and requirements (including reporting requirements) of the Commission and the Department of Labor. If the contractor fails to comply with these regulations or requirements, the contracting officer may, without prejudice to any other legal or contractual rights of the Commission, issue an order stopping all or any part of the work. Thereafter, a start work order for resumption of work may be issued at the discretion of the contracting officer. The contractor may not make a claim for an extension of time or for compensation or damages by reason of, or in connection with, this type of work stoppage.
(End of Clause)

2052.242-70 Resolving differing professional views.

As prescribed in § 2042.570-1, the contracting officer shall insert the following clause in the body of cost reimbursement solicitations and contracts for professional services, as appropriate. This clause may not be altered by the contracting officer.

Resolving NRC Contractor Differing Professional Views (DPVs) (Date)

(a) The Nuclear Regulatory Commission's (NRC) policy is to support the contractor's expression of professional health and safety related concerns associated with the contractor's work for NRC that may differ from a prevailing NRC staff view, disagree with an NRC decision or policy position, or take issue with proposed or established agency practices. An occasion may arise when an NRC contractor, contractor's personnel, or subcontractor personnel believes that a conscientious expression of a competent judgement is required to document such concerns on matters directly associated with its performance of the contract. The NRC's policy is to support these instances as Differing Professional Views (DPVs).

(b) The procedure that will be used provides for the expression and resolution of differing professional views (DPVs) of health and safety related concerns associated with the mission of the agency by NRC contractors, contractor personnel or subcontractor personnel on matters directly associated with its performance of the contract. This procedure may be found in Attachments to this document. The contractor shall provide a copy of the NRC DPV procedure to all of its employees performing under this contract and to all subcontractors who shall, in turn, provide a copy of the procedure to its employees. The prime contractor or subcontractor shall submit all DPV's received but need not endorse them.

(End of Clause)

2052.242-71 Procedures for Resolving Differing Professional Views.

As prescribed in 2042.570-2(b), the contracting officer shall include the following clause as an attachment to

cost reimbursement solicitations and contracts for professional services, as appropriate. This clause may not be altered by the contracting officer.

Procedures for Resolving NRC Contractor Differing Professional Views (DPVs) (Oct. 1999)

(a) The following procedure provides for the expression and resolution of differing professional views (DPVs) of health and safety related concerns of NRC contractors and contractor personnel on matters connected to the subject of the contract. Subcontractor DPVs must be submitted through the prime contractor. The prime contractor or subcontractor shall submit all DPV's received but need not endorse them.

(b) The NRC may authorize up to eight reimbursable hours for the contractor to document, in writing, a DPV by the contractor, the contractor's personnel, or subcontractor personnel. The contractor shall not be entitled to any compensation for effort on a DPV which exceeds the specified eight hour limit.

(c) Before incurring costs to document a DPV, the contractor shall first determine whether there are sufficient funds obligated under the contract which are available to cover the costs of writing a DPV. If there are insufficient obligated funds under the contract, the contractor shall first request the NRC contracting officer for additional funding to cover the costs of preparing the DPV and authorization to proceed.

(d) Contract funds shall not be authorized to document an allegation where the use of this NRC contractor DPV process is inappropriate. Examples of such instances

are: allegations of wrongdoing which should be addressed directly to the NRC Office of the Inspector General (OIG), issues submitted anonymously, or issues raised which have already been considered, addressed, or rejected, absent significant new information. This procedure does not provide anonymity. Individuals desiring anonymity should contact the NRC OIG or submit the information under NRC's Allegation Program, as appropriate.

(e) When required, the contractor shall initiate the DPV process by submitting a written statement directly to the NRC Office Director or Regional Administrator responsible for the contract, with a copy to the Contracting Officer, Division of Contracts and Property Management, Office of Administration. Each DPV submitted will be evaluated on its own merits.

(f) The DPV, while being brief, must contain the following as it relates to the subject matter of the contract:

(1) A summary of the prevailing NRC view, existing NRC decision or stated position, or the proposed or established NRC practice.

(2) A description of the submitter's views and how they differ from any of the above items.

(3) The rationale for the submitter's views, including an assessment based on risk, safety and cost benefit considerations of the consequences should the submitter's position not be adopted by NRC.

(g) The Office Director or Regional Administrator will immediately forward the submittal to the NRC DPV Review Panel and acknowledge receipt of the DPV, ordinarily within five (5) calendar days of receipt.

(h) The panel will normally review the DPV within seven calendar days of receipt to determine whether enough information has been supplied to undertake a detailed review of the issue. Typically, within 30 calendar days of receipt of the necessary information to begin a review, the panel will provide a written report of its findings to the Office Director or Regional Administrator and to the Contracting Officer, which includes a recommended course of action.

(i) The Office Director or Regional Administrator will consider the DPV Review Panel's report, make a decision on the DPV and provide a written decision to the contractor and the Contracting Officer normally within seven calendar days after receipt of the panel's recommendation.

(j) Subsequent to the decision made regarding the DPV Review Panel's report, a summary of the issue and its disposition will be included in the NRC Weekly Information Report submitted by the Office Director. The DPV file will be retained in the Office or Region for a minimum of one year thereafter. For purposes of the contract, the DPV shall be considered a deliverable under the contract. Based upon the Office Director or Regional Administrator's report, the matter will be closed.

(End of Clause)

Dated at Rockville, Maryland this 16th day of August, 1999.

For the Nuclear Regulatory Commission.

Frank J. Miraglia, Jr.

Acting Executive Director for Operations.

[FR Doc. 99-23159 Filed 9-9-99; 8:45 am]

BILLING CODE 7590-01-P

Reader Aids

Federal Register

Vol. 64, No. 175

Friday, September 10, 1999

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	202-523-5227
Laws	523-5227
Presidential Documents	
Executive orders and proclamations	523-5227
The United States Government Manual	523-5227
Other Services	
Electronic and on-line services (voice)	523-4534
Privacy Act Compilation	523-3187
Public Laws Update Service (numbers, dates, etc.)	523-6641
TTY for the deaf-and-hard-of-hearing	523-5229

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

<http://www.access.gpo.gov/nara>

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

<http://www.nara.gov/fedreg>

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

listserv@www.gsa.gov

with the text message:

subscribe PUBLAWS-L your name

Use listserv@www.gsa.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

47649-48074.....	1
48075-48242.....	2
48243-48526.....	3
48527-48700.....	7
48701-48932.....	8
48933-49078.....	9
49079-49348.....	10

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR	226.....	48459
	246.....	48115
	928.....	48115
Proclamations:		
5030 (See Proc. 7219).....	48701	
7219.....	48701	
Executive orders:		
April 1, 1915 (Revoked in part by PLO 7410).....	48849	
1390 (Amended by EO 13136).....	48931	
13136.....	48931	
7 CFR		
246.....	48075	
272.....	48246, 48933	
273.....	48246, 48933	
274.....	48933	
300.....	49079	
301.....	48245, 49079	
729.....	48938	
924.....	48077	
948.....	48079	
955.....	48243	
1000.....	47898	
1001.....	47898	
1002.....	47898	
1004.....	47898	
1005.....	47898	
1006.....	47898	
1007.....	47898	
1012.....	47898	
1013.....	47898	
1030.....	47898	
1032.....	47898	
1033.....	47898	
1036.....	47898	
1040.....	47898	
1044.....	47898	
1046.....	47898	
1049.....	47898	
1050.....	47898	
1064.....	47898	
1065.....	47898	
1068.....	47898	
1076.....	47898	
1079.....	47898	
1106.....	47898, 48081	
1124.....	47898	
1126.....	47898	
1131.....	47898	
1134.....	47898	
1135.....	47898	
1137.....	47898	
1138.....	47898	
1139.....	47898	
1448.....	48938	
1924.....	48083	
Proposed Rules:		
210.....	48459	
220.....	48459	
225.....	48459	
	226.....	48459
	246.....	48115
	928.....	48115
9 CFR		
93.....	48258	
Proposed Rules:		
3.....	48568	
10 CFR		
1.....	48942	
2.....	48942	
7.....	48942	
9.....	48942	
50.....	48942	
51.....	48496, 48507, 48942	
52.....	48942	
60.....	48942	
62.....	48942	
72.....	48259, 48942	
75.....	48942	
76.....	48942	
100.....	48942	
110.....	48942	
Proposed Rules:		
31.....	48333	
51.....	48117	
12 CFR		
201.....	48274	
795.....	49079	
Proposed Rules:		
327.....	48719	
380.....	48968	
13 CFR		
121.....	48275	
123.....	48275	
14 CFR		
25.....	47649	
39.....	47651, 47653, 47656, 47658, 47660, 47661, 48277, 48280, 48282, 48284, 48286, 49080	
71.....	47663, 47664, 47665, 48085, 48086, 48088, 48089, 48527, 48703, 48897	
73.....	47665, 48090	
Proposed Rules:		
39.....	47715, 48120, 48333, 48721, 48723, 490105, 49110, 49112, 49113, 49115	
71.....	47718, 48123, 48459	
15 CFR		
742.....	47666	
774.....	47666, 48956	
Proposed Rules:		
806.....	48568	
16 CFR		
1051.....	48703	

1615.....48704	2700.....48707	49052	90.....49128
1616.....48704		302.....48742, 49052	95.....49128
Proposed Rules:	30 CFR	403.....47755	100.....49128
460.....48024	Proposed Rules:	439.....48103	101.....49128
19 CFR	901.....48573	42 CFR	
12.....48091	918.....49118	Proposed Rules:	48 CFR
113.....48528	33 CFR	435.....49121	Ch. 20.....49322
151.....48528	Proposed Rules:	436.....49121	235.....48459
178.....48528	117.....47751	440.....49121	552.....48718
351.....48706	165.....47752	43 CFR	553.....48718
		Proposed Rules:	570.....48718
21 CFR	34 CFR	3830.....48897	1806.....48560
5.....47669	379.....48052	44 CFR	1813.....48560
74.....48288	36 CFR	206.....47697	1815.....48560
175.....48290	251.....48959	46 CFR	1835.....48560
178.....47669, 48291, 48292	1254.....48960	Proposed Rules:	1852.....48560
510.....48293	Proposed Rules:	10.....48136	1872.....48560
520.....48295, 48543	242.....49278	15.....48136	
522.....48293, 48544	37 CFR	90.....48136	49 CFR
524.....48707, 49082	1.....48900	98.....48136	383.....48104
556.....48295, 48544	2.....48900	125.....48136	384.....48104
558.....48295, 49082	3.....48900	126.....48136	390.....48510
Proposed Rules:	6.....48900	127.....48136	393.....47703
2.....47719	39 CFR	128.....48136	571.....48562
111.....48336	111.....48092	129.....48136	575.....48564
23 CFR	Proposed Rules:	130.....48136	581.....49092
658.....48957	776.....48124	131.....48136	1000.....47709
Proposed Rules:	3003.....49120	132.....48136	1001.....47709
Ch. I.....47741, 47744, 47746, 47749	40 CFR	133.....48136	1004.....47709
	52.....47670, 47674, 48095, 48297, 48305, 48961, 49084	134.....48136	Proposed Rules:
24 CFR	62.....47680, 48714	151.....48976	390.....48519
Proposed Rules:	180.....47680, 47687, 47689, 48548	170.....48136	571.....49135
990.....48572	271.....47692, 48099	174.....48136	
26 CFR	300.....48964	175.....48136	50 CFR
1.....48545	439.....48103	47 CFR	17.....48307
301.....48547	Proposed Rules:	63.....47699	21.....48565
Proposed Rules:	49.....48725, 48731	73.....47702, 48307, 49087, 49088, 49090, 49091, 49092	622.....47711, 48324, 48326
1.....48572, 49276	52.....47754, 48126, 48127, 48337, 48725, 48731, 48739, 48970, 48976	74.....47702	635.....47713, 48111, 48112
27 CFR	62.....48742	Proposed Rules:	648.....48965
200.....49083	148.....48742, 49052	1.....49128	660.....48113, 49092
28 CFR	261.....48742, 49052	3.....48337	679.....47714, 48329, 48330, 48331, 48332, 49102, 40103, 49104
Proposed Rules:	264.....49052	15.....49128	Proposed Rules:
16.....49117	265.....49052	22.....49128	17.....47755, 48743
302.....48336	268.....48742, 49052	24.....49128	25.....49056
29 CFR	271.....47755, 48135, 48742,	25.....49128	26.....49056
697.....48525		26.....49128	29.....49056
		27.....49128	100.....49278
		73.....49135	600.....48337
			648.....48337, 48757, 49139
			697.....47756

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT SEPTEMBER 10, 1999**ENERGY DEPARTMENT
Federal Energy Regulatory
Commission**

Practice and procedure:
Complaint procedures;
published 8-11-99

**ENVIRONMENTAL
PROTECTION AGENCY**

Air quality implementation plans; \sqrt{A} approval and promulgation; various States; air quality planning purposes; designation of areas:
Tennessee; published 7-12-99

**FEDERAL
COMMUNICATIONS
COMMISSION**

Practice and procedure:
Regulatory fees (1999 FY); assessment and collection; published 7-1-99

**HEALTH AND HUMAN
SERVICES DEPARTMENT****Food and Drug
Administration**

Animal drugs, feeds, and related products:
New drug applications—
Doramectin; published 9-10-99
Lasalocid and bambamycin;
published 9-10-99

**NATIONAL CREDIT UNION
ADMINISTRATION**

Credit unions:
Organization and operations—
Information collection and OMB control number requirements;
Paperwork Reduction Act; published 9-10-99

**TRANSPORTATION
DEPARTMENT**

Tariffs:
U.S. and foreign air carriers; exemptions from duty to file international tariffs with Department of Transportation; published 7-27-99

**TRANSPORTATION
DEPARTMENT
Federal Aviation
Administration**

Airworthiness directives:

deHavilland; published 7-21-99

British Aerospace; published 7-20-99

MD Helicopters, Inc.;
published 8-6-99

**TRANSPORTATION
DEPARTMENT****National Highway Traffic
Safety Administration**

Motor vehicle safety standards:
Bumper standard—
Technical amendment; correction; published 9-10-99

TREASURY DEPARTMENT**Alcohol, Tobacco and
Firearms Bureau**

Alcohol, tobacco, and other excise taxes:
Commerce in firearms and ammunition—
Technical amendments;
published 9-10-99

**TREASURY DEPARTMENT
Customs Service**

Merchandise; examination, sampling, and testing:
Detention procedures for merchandise undergoing extended examination;
published 8-11-99

**RULES GOING INTO
EFFECT SEPTEMBER 11,
1999****TRANSPORTATION
DEPARTMENT****Coast Guard**

Regattas and marine parades:
Patapsco River, MD;
fireworks display;
published 8-25-99

**COMMENTS DUE NEXT
WEEK****AGRICULTURE
DEPARTMENT****Agricultural Marketing
Service**

Meats, prepared meats, and meat products; grading, certification, and standards:
Livestock and poultry products; voluntary, user-fee funded program to inspect and certify processing equipment; meeting; comments due by 9-14-99; published 7-16-99

**AGRICULTURE
DEPARTMENT****Animal and Plant Health
Inspection Service**

Animal welfare:

Nonhuman primates; policy; comments due by 9-13-99; published 7-15-99

Exportation and importation of animals and animal products:

Hog cholera; importation and in-transit movement of fresh pork and pork products from Mexico into U.S.; comments due by 9-17-99; published 7-19-99

Pork and pork products; comments due by 9-13-99; published 7-14-99

User fees:

Veterinary services; biosecurity level three laboratory inspection; comments due by 9-13-99; published 7-14-99

**AGRICULTURE
DEPARTMENT****Agricultural Research
Service**

National Agricultural Library; loan and copying fees; comments due by 9-15-99; published 8-16-99

**AGRICULTURE
DEPARTMENT****Food and Nutrition Service**

Child nutrition programs:
Women, infants, and children; special supplemental nutrition program—
Vendor management systems; mandatory selection criteria, limitation of vendors, training requirements, high-risk vendors identification criteria, etc.; comments due by 9-14-99; published 6-16-99

COMMERCE DEPARTMENT**National Oceanic and
Atmospheric Administration**

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Pollock; comments due by 9-15-99; published 9-3-99

Pollock; comments due by 9-15-99; published 9-3-99

Pollock; comments due by 9-15-99; published 9-3-99

Caribbean, Gulf, and South Atlantic fisheries—

Gulf of Mexico and South Atlantic coastal migratory pelagic resources; comments due by 9-16-99; published 7-27-99

Gulf of Mexico Fishery Management Council; meetings; comments due by 9-13-99; published 8-2-99

**CONSUMER PRODUCT
SAFETY COMMISSION**

Dive sticks; comment and information request; comments due by 9-14-99; published 7-16-99

EDUCATION DEPARTMENT

Postsecondary education:
Federal Family Education and William D. Ford Federal Direct Loan Programs; comments due by 9-15-99; published 8-10-99

Federal Family Education Loan Program; comments due by 9-15-99; published 8-3-99

Federal Perkins Loan Program; comments due by 9-15-99; published 7-29-99

Student assistance general provisions; comments due by 9-14-99; published 7-16-99

Federal Family Education Loan Program; comments due by 9-15-99; published 8-6-99

Student financial assistance programs; institutional eligibility; comments due by 9-13-99; published 7-15-99

ENERGY DEPARTMENT**Energy Efficiency and
Renewable Energy Office**

Consumer products; energy conservation program:
Electric and hybrid vehicle research, development, and demonstration program; petroleum-equivalent fuel economy calculation; comments due by 9-13-99; published 7-14-99

**ENVIRONMENTAL
PROTECTION AGENCY**

Air pollutants, hazardous; national emission standards:
Chromium emissions from hard and decorative chromium electroplating and anodizing tanks, etc.; comments due by 9-17-99; published 8-18-99

Air pollution control; new motor vehicles and engines:

New nonroad spark-ignition handheld engines at or below 19 kilowatts; phase 2 emission standards; comments due by 9-17-99; published 7-28-99

Air quality implementation plans; approval and

promulgation; various States:

Connecticut; comments due by 9-15-99; published 8-16-99

Minnesota; comments due by 9-13-99; published 8-13-99

Nevada; comments due by 9-15-99; published 8-6-99

New Hampshire; comments due by 9-15-99; published 8-16-99

Wisconsin; comments due by 9-15-99; published 8-16-99

Hazardous waste program authorizations:

Texas; comments due by 9-17-99; published 8-18-99

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Bentazon; comments due by 9-13-99; published 7-14-99

Imazamox; comments due by 9-13-99; published 7-14-99

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; comments due by 9-13-99; published 8-12-99

National priorities list update; comments due by 9-15-99; published 8-16-99

National priorities list update; comments due by 9-15-99; published 8-16-99

National priorities list update; comments due by 9-15-99; published 8-16-99

National priorities list update; comments due by 9-15-99; published 8-16-99

Toxic chemical release reporting; community-right-to-know—

Lead and lead compounds; lowering of reporting thresholds; comments due by 9-17-99; published 8-3-99

Water programs:

Underground injection control program—

Alabama; Class II program withdrawn; public hearing; comments due by 9-16-99; published 8-10-99

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Commercial mobile radio services—

Calling party pays service offering; regulatory obstacles removed; comments due by 9-17-99; published 8-17-99

Digital television stations; table of assignments:

Washington; comments due by 9-13-99; published 7-26-99

Multiple Address Systems; comments due by 9-17-99; published 7-19-99

Radio services, special:

Personal services—

Wireless medical telemetry service; comments due by 9-16-99; published 8-2-99

FEDERAL HOUSING FINANCE BOARD

Federal home loan bank system:

Advance participations; sales of whole advances; comments due by 9-15-99; published 8-16-99

FEDERAL TRADE COMMISSION

Trade regulation rules:

Amplifiers utilized in home entertainment products; power output claims; comments due by 9-17-99; published 7-19-99

GENERAL SERVICES ADMINISTRATION

Federal travel:

Travel charge card; mandatory use; comments due by 9-14-99; published 7-16-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food additives:

Adjuvants, production aids, and sanitizers—

Chrome antimony titanium buff rutile (C.I. Pigment Brown 24); comments due by 9-15-99; published 8-16-99

Nickel antimony titanium yellow rutile (C.I. Pigment Yellow 5); comments due by 9-15-99; published 8-16-99

Sucralose; comments due by 9-13-99; published 8-12-99

Human drugs and biological products:

Supplements and other changes to approved application; comments due by 9-13-99; published 6-28-99

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Community development block grants:

Expenditure documentation; clarification; comments due by 9-17-99; published 7-19-99

HUD-owned properties:

Up-front grants and loans in disposition of multifamily projects; comments due by 9-13-99; published 7-15-99

INTERIOR DEPARTMENT Land Management Bureau

Indian allotments:

Federal regulatory review; comments due by 9-13-99; published 7-15-99

INTERIOR DEPARTMENT National Park Service

National Park System:

Glacier Bay National Park, AK; commercial fishing activities; comments due by 9-16-99; published 8-2-99

INTERIOR DEPARTMENT Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Illinois; comments due by 9-16-99; published 8-17-99

Indiana; comments due by 9-15-99; published 8-16-99

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Nixon presidential materials:

Private and personal segments of tape recordings; return to Nixon estate; comments due by 9-13-99; published 7-14-99

NUCLEAR REGULATORY COMMISSION

Production and utilization facilities; domestic licensing:

Potassium iodide in emergency plans; comments due by 9-13-99; published 6-14-99

Risk-informed revisions, Option 3; workshop; comments due by 9-15-99; published 8-13-99

POSTAL SERVICE

Domestic Mail Manual:

Curbside mailboxes; design standards; Consensus Committee establishment and meeting; comments due by 9-14-99; published 8-17-99

TRANSPORTATION DEPARTMENT

Coast Guard

Anchorage regulations:

California; comments due by 9-13-99; published 7-15-99

Regattas and marine parades:

Winston Offshore Cup; comments due by 9-16-99; published 8-2-99

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air carrier certification and operations:

Digital flight data recorder requirements for Airbus airplanes; comment request; comments due by 9-17-99; published 8-24-99

Airworthiness directives:

Aerospatiale; comments due by 9-17-99; published 8-3-99

Airbus; comments due by 9-16-99; published 8-17-99

Allison Engine Co.; comments due by 9-16-99; published 8-17-99

BMW Rolls-Royce GmbH; comments due by 9-16-99; published 8-17-99

Boeing; comments due by 9-17-99; published 8-3-99

Bombardier; comments due by 9-13-99; published 8-12-99

British Aerospace; comments due by 9-13-99; published 8-12-99

Construccion Aeronauticas, S.A.; comments due by 9-13-99; published 8-12-99

Dassault; comments due by 9-13-99; published 8-12-99

Israel Aircraft Industries, Ltd.; comments due by 9-16-99; published 8-17-99

Pilatus Aircraft Ltd.; comments due by 9-13-99; published 8-13-99

Pratt & Whitney; comments due by 9-15-99; published 8-16-99

Airworthiness standards:

Special conditions—

Bombardier Model DHC-8-400 airplane; comments due by 9-13-99; published 8-12-99

Dassault Aviation Falcon Model 20-C5/-D5/-E5/-F5 airplanes; comments due by 9-13-99; published 8-12-99

Class D and Class E airspace; comments due by 9-17-99; published 8-18-99

Class E airspace; comments due by 9-13-99; published 7-30-99

Class E Airspace; comments due by 9-15-99; published 8-9-99

Class E airspace; comments due by 9-15-99; published 8-9-99

TRANSPORTATION DEPARTMENT

Federal Highway Administration

Motor carrier safety standards: Transportation Equity Act for 21st Century; implementation—
Safety fitness procedures; comments due by 9-15-99; published 8-16-99

TRANSPORTATION DEPARTMENT

Maritime Administration

Vessel financing assistance: Obligation guarantees; Title XI program—
Putting customers first; comments due by 9-13-99; published 8-13-99

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes: Solely for voting stock requirement in certain corporate reorganizations; comments due by 9-13-99; published 6-14-99

UNITED STATES INFORMATION AGENCY

Exchange visitor program: Reinstatement of J-1 exchange visitors who fail to maintain valid program status; monitoring requirements; comments due by 9-13-99; published 8-13-99

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-523-6641. This list is also available online at <http://www.nara.gov/fedreg>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.access.gpo.gov/nara/index.html>. Some laws may not yet be available.

H.R. 211/P.L. 106-48
To designate the Federal building and United States

courthouse located at 920 West Riverside Avenue in Spokane, Washington, as the "Thomas S. Foley United States Courthouse", and the plaza at the south entrance of such building and courthouse as the "Walter F. Horan Plaza". (Aug. 17, 1999; 113 Stat. 230)

H.R. 1219/P.L. 106-49
Construction Industry Payment Protection Act of 1999 (Aug. 17, 1999; 113 Stat. 231)

H.R. 1568/P.L. 106-50
Veterans Entrepreneurship and Small Business Development Act of 1999 (Aug. 17, 1999; 113 Stat. 233)

H.R. 1664/P.L. 106-51
Emergency Steel Loan Guarantee and Emergency Oil and Gas Guaranteed Loan Act of 1999 (Aug. 17, 1999; 113 Stat. 252)

H.R. 2465/P.L. 106-52
Military Construction Appropriations Act, 2000 (Aug. 17, 1999; 113 Stat. 259)

S. 507/P.L. 106-53
Water Resources Development Act of 1999. (Aug. 17, 1999; 113 Stat. 269)

S. 606/P.L. 106-54
For the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical

Corporation), and for other purposes. (Aug. 17, 1999; 113 Stat. 398)

S. 1546/P.L. 106-55

To amend the International Religious Freedom Act of 1998 to provide additional administrative authorities to the United States Commission on International Religious Freedom, and to make technical corrections to that Act, and for other purposes. (Aug. 17, 1999; 113 Stat. 401)

Last List August 18, 1999

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, send E-mail to listserv@www.gsa.gov with the text message:

SUBSCRIBE PUBLAWS-L
Your Name.

Note: This service is strictly for E-mail notification of new public laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.