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Friday
February 17, 1995

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

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Regulation A]

Extensions of Credit by Federal Reserve Banks; Change in Discount Rate

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A on Extensions of Credit by Federal Reserve Banks to reflect its approval of an increase in the basic discount rate at each Federal Reserve Bank. The Board acted on requests submitted by the Boards of Directors of the twelve Federal Reserve Banks.

EFFECTIVE DATE: These amendments to part 201 (Regulation A) were effective February 13, 1995. The rate changes for adjustment credit were effective on the dates specified in 12 CFR 201.51.

FOR FURTHER INFORMATION CONTACT: William W. Wiles, Secretary of the Board (202/452–3257); for the hearing impaired only, contact Dorothea Thompson, Telecommunications Device for the Deaf (TDD) (202/452–3544), Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of sections 10(b), 13, 14, 19, et al., of the Federal Reserve Act, the Board has amended its Regulation A (12 CFR part 201) to incorporate changes in discount rates on Federal Reserve Bank extensions of credit. The discount rates are the interest rates charged to depository institutions when they borrow from their district Reserve Banks.

The ''basic discount rate'' is a fixed rate charged by Reserve Banks for adjustment credit and, at the Reserve Bank's discretion, for extended credit. In increasing the basic discount rate, the Board acted on requests submitted by the Boards of Directors of the twelve Federal Reserve Banks. The new rates were effective on the dates specified below. The increase was implemented to keep inflation contained, and thereby foster sustainable economic growth.

The provisions of 5 U.S.C. 553(b) relating to notice and public participation were not followed in connection with the adoption of this amendment because the Board for ''good cause'' finds that delaying the change in the basic discount rate in order to allow notice and public comment on the change is impracticable, unnecessary, and contrary to the public interest in keeping inflation contained, and thereby fostering sustainable economic growth.[1]

The provisions of 5 U.S.C. 553(d) that prescribe 30 days' prior notice of the effective date of a rule have not been followed because section 553(d) provides that such prior notice is not necessary whenever there is good cause for finding that such notice is contrary to the public interest. As previously stated, the Board determined that delaying the changes in the basic discount rate is contrary to the public interest.

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601–612), the Board certifies that the change in the basic discount rate will not have a significant adverse economic impact on a substantial number of small entities. Although the change increases the rate of interest charged to borrowers from Reserve Banks, the Board believes that the higher cost of funds is outweighed by the salutary effect on the economy.

List of Subjects in 12 CFR Part 201

Banks, Banking, Credit, Federal Reserve System.

For the reasons outlined in the preamble, the Board of Governors amends 12 CFR part 201 as follows:

[1] The Board's Rules of Procedure provide that advance notice and deferred effective date will ordinarily be omitted in the public interest for changes in discount rates. 12 CFR 262.2(e).

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS (REGULATION A)

1. The authority citation for 12 CFR part 201 continues to read as follows:

Authority: 12 U.S.C. 343 *et seq.*, 347a, 347b, 347c, 347d, 348 *et seq.*, 357, 374, 374a and 461.

2. Section 201.51 is revised to read as follows:

§ 201.51 Adjustment credit for depository institutions.

The rates for adjustment credit provided to depository institutions under § 201.3(a) are:

Federal Reserve Bank	Rate	Effective
Boston	5.25	February 1, 1995.
New York	5.25	February 1, 1995.
Philadelphia	5.25	February 2, 1995.
Cleveland	5.25	February 9, 1995.
Richmond	5.25	February 1, 1995.
Atlanta	5.25	February 2, 1995.
Chicago	5.25	February 1, 1995.
St. Louis	5.25	February 1, 1995.
Minneapolis	5.25	February 2, 1995.
Kansas City	5.25	February 1, 1995.
Dallas	5.25	February 2, 1995.
San Francisco	5.25	February 1, 1995.

By order of the Board of Governors of the Federal Reserve System, February 13, 1995.

Williams W. Wiles,

Secretary of the Board.

[FR Doc. 95–3993 Filed 2–16–95; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 94–AWP–23]

Amendment to Class E airspace; Page, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies Class E airspace at Page, AZ. Controlled airspace extending from 700 feet and 1200 feet above the surface is amended to accommodate aircraft executing the VHF Omnidirectional Range (VOR–A) instrument approach procedure. This action will provide adequate Class E

airspace for instrument flight rules (IFR) operations at Page Municipal Airport.

EFFECTIVE DATE: 0901 UTC, March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Scott Speer, Airspace Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 297–0010.

SUPPLEMENTARY INFORMATION:

History

On November 30, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying the Class E airspace area at Page, AZ (59 FR 63938). This action will provide additional controlled airspace to accommodate a VOR-A instrument approach procedure to Runway 15 at the Page Municipal Airport.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace areas extending from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9B, dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class E airspace area at Page, Arizona, by providing additional controlled airspace for aircraft executing the VOR–A instrument approach procedure to Runway 15 at the Page Municipal Airport.

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

List of Subjects in 14 CFR Part 71

Aviation Safety, Incorporation by Reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

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

* * * * *

AWP CA E5 Page, AZ [Revised]

Page Municipal Airport, AZ
(lat. 36°55′34″N, long. 111°26′54″W)
Page VOR/DME
(lat. 36°55′41″ N, long. 111°27′02″W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Page Municipal Airport, and within 3-miles either side of the Page VOR 340° radial, extending from the 6.5-mile radius to 10 miles northwest of the Page VOR. That airspace extending upward from 1200 feet above the surface within 6.5 mile Northeast and 10 miles Southwest of the Page VOR 340° radial and 160° radial, extending from the 18-miles northwest to 8-miles southeast of the Page VOR.

* * * * *

Issued in Los Angeles, California, on January 27, 1995.

Dennis Koehler,

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

[FR Doc. 95–4066 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–AWP–25]

Amendment of Class E airspace; Red Bluff and Redding, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment modifies the Class E airspace at Red Bluff, CA and Redding, CA. This action will provide controlled airspace for the VHF Omnidirectional Range/Distant Measuring Equipment (VOR/DME), VHF Omnidirectional Range (VOR), and Nondirectional Radio Beacon (NDB) Standard Instrument Approach Procedures (SIAPs) at the Red Bluff Municipal Airport.

EFFECTIVE DATE: 0901 UTC, May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Scott Speer, Airspace Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California, 90261, telephone (310) 297–0010.

SUPPLEMENTARY INFORMATION:

History

On December 6, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by modifying the Class E airspace area at Red Bluff, CA and Redding, CA (59 FR 65285). This action will provide additional controlled airspace for Instrument Flight Rules (IFR) procedures at the Red Bluff Municipal Airport.

Interested parties were invited to participate in this proposed rulemaking by submitting written comments on the proposal to the FAA. No comments were received. Class E airspace areas designated as a surface area for an airport and extending from 700 feet or more above the surface are published in Paragraph 6002 and Paragraph 6005, respectively, of FAA Order 7400.9B, dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulation amends the Class E airspace areas at Red Bluff, CA and Redding, CA. This action will provide additional controlled airspace for Instrument Flight Rules (IFR) procedures at the Red Bluff Municipal Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1)

is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 10034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Incorporation by reference, Navigation (Air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

AWP CA E2 Red Bluff, CA [Revised]

Red Bluff Municipal Airport, CA
(lat. 40°09′04″N, long. 122°15′08″W)
Red Bluff VORTAC
(lat. 40°05′56″N, long. 122°14′11″W)
Proberta NDB
(lat. 40°06′51″N, long. 122°14′15″W)

Within a 6.5-mile radius of the Red Bluff Municipal Airport and within 2.6 miles either side of the 161° bearing from the Red Bluff Municipal Airport extending from the 6.5-mile radius to 10 miles south of the Red Bluff Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice of Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

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

* * * * *

AWP CA E5 Red Bluff, CA [Revised]

Red Bluff Municipal Airport, CA
(lat. 40°09′04″N, long. 122°15′08″W)
Red Bluff VORTAC
(lat. 40°05′56″N, long. 122°14′11″W)
Proberta NDB
(lat. 40°06′51″N, long. 122°14′15″W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Red Bluff Municipal Airport and within 8 miles east and 4 miles west of the 161° bearing from the Red Bluff Municipal Airport extending from 2 miles south to 17 miles south of the Red Bluff Municipal Airport. That airspace extending upward from 1200 feet above the surface within a 17.4-mile radius of the Red Bluff VORTAC and within 7.8 miles each side of the Red Bluff VORTAC 291° radial, extending from the 17.4-mile radius to 45.2 miles west of the Red Bluff VORTAC and within 26.1-mile radius of the Red Bluff VORTAC, extending from the north edge of V–195 to the west edge of V–23 and within 7.8 miles west of and 8.7 miles east of the Red Bluff VORTAC 342° radial, extending from the 17.4-mile radius to 58.2 miles north of the Red Bluff VORTAC and within 8.7 miles west and 5.2 miles east of the Red Bluff VORTAC 015° radial, extending from the 17.4-mile radius to 48.7 miles north of the Red Bluff VORTAC and within an area bounded by a line beginning at lat. 40°41′27″N, long. 121°54′42″W; to lat. 40°34′40″N, long. 121°52′34″W; to lat. 40°21′46″N, long. 121°56′49″W; to lat. 40°22′35″N, long. 122°01′04″W, to the point of beginning and that airspace within a 20.9-mile radius of the Red Bluff VORTAC, extending from the Red Bluff VORTAC 015° radial clockwise via the 20.9-mile arc to lat. 40°00′00″N.

* * * * *

AWP CA E5 Redding, CA [Revised]

Redding Municipal Airport, CA
(lat. 40°30′32″N, long. 122°17′36″W)
Redding VOR/DME
(lat. 40°30′16″N, long. 122°17′30″W)
Lassn NDB
(lat. 40°23′34″N, long. 122°17′41″W)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Redding Municipal Airport and within 1.8 miles each side of the Redding Instrument Landing System (ILS) localizer North course, extending from the 4.3-mile radius to 10 miles north of the threshold of Runway 16 and within 8 miles west and 5.5 miles east of the 179°/359° bearing from/to the Lassn NDB extending from 9.5 miles north of the Lassn NDB to 16 miles south of the Lassn NDB and that airspace within a 5.5-mile arc of the Redding VOR/DME from the Redding VOR/DME 100° radial clockwise to the Redding VOR/DME 152° radial. That airspace extending upward from 1200 feet above the surface north of the Redding VOR/DME within an arc of a 20-mile radius of the Redding VOR/DME within an arc of the 20-mile radius of the Redding VOR/DME, extending from the east edge of V–23 clockwise to the west edge of V–25.

* * * * *

Issued in Los Angeles, California, on January 30, 1995.

Richard R. Lien,

Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 95–4067 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–ASO–16]

Establishment and Alteration of VOR Federal Airways; Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a new Federal airway and modifies existing Federal airways in the Miami, FL, area. This action is necessary because of the commissioning of the Virginia Key, FL, Very High Frequency Omnidirectional Range and Distance Measuring Equipment (VOR/DME). In addition, the NPRM contained several inadvertent errors. In the description for V–3, the ''INT Solberg 0441°'' radial should be ''INT Solberg 044°'' radial; V–159, ''INT Vero Beach 319°T (323°M)'' radial should be ''INT Vero Beach 318°T (322°M)'' radial; and V–492, ''INT Pahohee 115°'' radial should be ''INT Pahokee 115°'' radial. The description for Federal Airway V–537, ''From Vero Beach, FL, via INT Vero Beach 318°'' should be ''From Vero Beach, FL, via INT Vero Beach 318° and Orlando, FL, 140° radials; INT Orlando 140° and Melbourne, FL, 298° radials;''.

EFFECTIVE DATE: 0901 UTC, March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace—Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION:

History

On October 26, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a Federal airway and to modify several existing airways (59 FR 53766).

Interested parties were invited to participate in this rulemaking process by submitting written comments on the proposal to the FAA.

Three written comments were received objecting to realignment of

Federal Airway V–3 in the vicinity of Homestead General Aviation Airport and Homestead Air Reserve Base. In particular, the commenters emphasized two key issues to support their objections to this proposed action.

The first issue concerns the relocation of V–3 in proximity of airspace serving Homestead General Aviation Airport. This airspace has a significant level of aeronautical activity including parachute jumping, ultralight, aerobatics, and gliders. Each of the commenters stated that sports activity would be adversely affected if this airway was realigned as proposed.

This proposal to align V–3 over Homestead General Aviation Airport does not necessitate changes to the current traffic pattern in the Miami airspace. The sports activity in the vicinity of Homestead General Aviation Airport will not be affected by this action because there are no changes to the prevailing air traffic procedures or patterns. Currently, aircraft departing the Miami airspace are radar-vectored to intercept V–3 south of the Homestead Airport and clear of any aviation-related sporting activity using the adjacent airspace. The FAA will continue to use the same established air traffic control procedures, thus realigning this airway will not impact the sports activity at Homestead Airport or compromise safety.

The last issue concerns a possible future alignment of V–3 over the Homestead Air Reserve Base once the new Dolphin Very High Frequency Omnidirectional Range is commissioned. The air reserve base is a joint civil/military-use airport. The commenters suggested that realigning the airway over the base may have an impact on aircraft arriving and departing this facility.

This comment is premature and does not pertain to this action, which aligns V–3 over Homestead General Aviation Airport. The FAA, however, will keep the comment on file for consideration for rulemaking actions in the future.

Except for editorial changes and the correction of several inadvertent errors in the descriptions for V–3, the ''INT Solberg 0441°'' radial should be ''INT Solberg 044°'' radial; V–159, ''INT Vero Beach 319°T (323°M)'' radial should be ''INT Vero Beach 318°T (322°M)'' radial; V–492, ''INT Pahohee 115°'' radial should be ''INT Pahokee 115°'' radial; and the inclusion of an intersection which is necessary to define a dogleg in the description for V–537 ''From Vero Beach, FL, via INT Vero Beach 318° and Orlando, FL, 140° radials; INT Orlando 140° and Melbourne, FL, 298° radials;'', this amendment is the same as that proposed in the notice. Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The airways listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes a new Federal airway and modifies the description of existing Federal airways in Miami, FL. This action is necessary because of the commissioning of the new Virginia Key, FL, VOR/DME. Commissioning of the Virginia Key VOR/DME necessitated the establishment of a new airway and the realignment existing airways to support air traffic operations in the Miami area.

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

The original airspace docket was submitted to the Department of Defense and the Department of State in accordance with Executive Order 10854. The application of International Civil Aviation Organization (ICAO) International Standards and Recommended Practices will not be affected by this action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6010(a)—Domestic VOR Federal Airways

* * * * *

V–3 (Revised)

From Key West, FL; INT Key West 083° and Miami, FL, 185° radials; Miami; Ft. Lauderdale, FL; Palm Beach, FL; Vero Beach, FL; Melbourne, FL; Ormond Beach, FL; Brunswick, GA; Savannah, GA; Vance, SC; Florence, SC; Sandhills, NC; Raleigh-Durham, NC; INT Raleigh-Durham 016° and Flat Rock, VA, 214° radials; Flat Rock; Gordonsville, VA; INT Gordonsville 331° and Martinsburg, WV, 216° radials; Martinsburg; Westminster, MD; INT Westminster 048° and Modena, PA, 258° radials; Modena; Solberg, NJ; INT Solberg 044° and Carmel, NY, 243° radials; Carmel; Hartford, CT; INT Hartford 084° and Boston, MA, 224° radials; Boston; INT Boston 014° and Pease, NH, 185° radials; Pease; INT Pease 004° and Augusta, ME, 233° radials; Augusta; Bangor, ME; INT Bangor 039° and Houlton, ME, 203° radials; Houlton; Presque Isle, ME; to PQ, Canada. The airspace within R–2916, R–2934, R–2935 and within Canada is excluded.

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V–7 (Revised)

From INT Miami, FL, 222° and Lee County, FL, 120° radials; Lee County; Lakeland, FL; Cross City, FL; Tallahassee, FL; Wiregrass, AL; INT Wiregrass 333° and Montgomery, AL, 129° radials; Montgomery; Vulcan, AL; Muscle Shoals, AL; Graham, TN; Central City, KY; Pocket City, IN; INT Pocket City 016° and Terre Haute, IN, 191° radials; Terre Haute; Boiler, IN; Chicago Heights, IL; INT Chicago Heights 358° and Falls, WI, 170° radials; Falls; Green Bay, WI; Menominee, MI; Marquette, MI. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

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V–51 (Revised)

From Pahokee, FL; INT Pahokee 009° and Vero Beach, FL, 193° radials; Vero Beach; INT Vero Beach 330° and Ormond Beach, FL, 183° radials; Ormond Beach; Craig, FL; Alma, GA; Dublin, GA; Athens, GA; INT Athens, GA, 340° and Harris, GA, 148° radials; Harris; Hinch Mountain, TN; Livingston, TN; Louisville, KY; Nabb, IN; Shelbyville, IN; INT Shelbyville 313° and Boiler, IN, 136° radials; Boiler; Chicago Heights, IL.

* * * * *

V–97 (Revised)

From Miami, FL; INT Miami 313° and La Belle, FL, 137° radials; La Belle; St. Petersburg, FL; Tallahassee, FL; Pecan, GA; Atlanta, GA; INT Atlanta 001° and Volunteer, TN, 197° radials; Volunteer; London, KY; Lexington, KY; Cincinnati, OH; Shelbyville, IN, INT Shelbyville 313° and Boiler, IN, 136° radials; Boiler; Chicago Heights, IL; to INT Chicago Heights 358° and Chicago O'Hare, IL, 127° radials. From INT Northbrook, IL, 290° and Janesville, WI, 112° radials; Janesville; Lone Rock, WI; Nodine, MN; to Gopher, MN. The airspace below 2,000 feet MSL outside the United States is excluded.

* * * * *

V–157 (Revised)

From Key West, FL; Miami, FL; INT Miami 332° and La Belle, FL, 113° radials; La Belle; Lakeland, FL; Ocala, FL; Gainesville, FL; Taylor, FL; Waycross, GA; Alma, GA; Allendale, SC; Vance, SC; Florence, SC; Fayetteville, NC; Kinston, NC; Tar River, NC; Lawrenceville, VA; Richmond, VA; INT Richmond 039° and Patuxent, MD, 228° radials; Patuxent; Smyrna, DE; Woodstown, NJ; Robbinsville, NJ; INT Robbinsville 044° and LaGuardia, NY, 213° radials; LaGuardia; INT LaGuardia 032° and Deer Park, NY, 326° radials; INT Deer Park 326° and Kingston, NY, 191° radials; Kingston, NY; to Albany, NY. The airspace within R–2901A and R–6602A is excluded. The airspace at and above 7,000 feet MSL which lies within the Lake Placid MOA is excluded during the time the Lake Placid MOA is activated. The airspace within R–4005 and R–4006 is excluded.

* * * * *

V–159 (Revised)

From Virginia Key, FL; INT Virginia Key 344° and Vero Beach, FL, 178° radials; Vero Beach; INT Vero Beach 318° and Orlando, FL, 140° radials; Orlando; Ocala, FL; Cross City, FL; Greenville, FL; Pecan, GA; Eufaula, AL; Tuskegee, AL; Vulcan, AL; Hamilton, AL; Holly Springs, MS; Gilmore, AR; Walnut Ridge, AR; Dogwood, MO; Springfield, MO; Napoleon, MO; INT Napoleon 336° and St. Joseph, MO, 132° radials; St. Joseph; Omaha, NE; Sioux City, IA; Yankton, SD; Mitchell, SD; to Huron, SD.

* * * * *

V–267 (Revised)

From Miami, FL; INT Miami 020° and Pahokee, FL, 157° radials; Pahokee; Orlando, FL; Craig, FL; Dublin, GA; Athens, GA; INT Athens 340° and Harris, GA, 148° radials; Harris; Volunteer, TN.

* * * * *

V–295 (Revised)

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

* * * * *

V–437 (Revised)

From Miami, FL; INT Miami 020° and Pahokee, FL, 157° radials; Pahokee; Melbourne, FL; INT Melbourne 322° and Ormond Beach, FL, 211° radials; Ormond Beach; Savannah, GA; Charleston, SC; Florence, SC. The airspace within R–2935 is excluded.

* * * * *

V–492 (Revised)

From La Belle, FL; Pahokee, FL; INT Pahokee 115° and Palm Beach, FL, 270° radials; Palm Beach; INT Palm Beach 356° and Melbourne, FL, 146° radials; to Melbourne.

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V–509 (Revised)

From St. Petersburg, FL; INT St. Petersburg 110° and Lakeland, FL, 140° radials.

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V–511 (Revised)

From Lakeland, FL; INT Lakeland 140° and Miami, FL, 332° radials; Miami.

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V–521 (Revised)

From Miami, FL; INT Miami 313° and La Belle, FL, 137° radials; INT La Belle 137° and Lee County, FL, 099° radials; Lee County; INT Lee County 014° and Lakeland, FL, 154° radials; Lakeland; Cross City, FL; INT Cross City 287° and Marianna, FL, 141° radials; Marianna; Wiregrass, AL; INT Wiregrass 333° and Montgomery, AL, 129° radials; Montgomery; INT Montgomery 357° and Vulcan, AL, 139° radials; Vulcan.

* * * * *

V–537 (Revised)

From Vero Beach, FL, via INT Vero Beach 318° and Orlando, FL, 140° radials; INT Orlando 140° and Melbourne, FL, 298° radials; INT Melbourne 298° and Ocala, FL, 145° radials; Ocala; Gainesville, FL; Greenville, FL; Moultrie, GA; Macon, GA.

* * * * *

V–599 (New)

From Lee County, FL; INT Lee County 083° and Miami, FL, 332° radials; Miami.

* * * * *

Issued in Washington, DC, on February 6, 1995.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 95–4073 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–P

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14 CFR Part 71

[Airspace Docket No. 94–AGL–34]

Modification of Class E Airspace; Williston, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the Class E airspace area at Sloulin Field International Airport, Williston, ND, to accommodate existing Standard Instrument Approach Procedures (SIAPs) to the airport. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

EFFECTIVE DATE: 0901 UTC, May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Griffith, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On November 30, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify the Class E airspace area at Williston, ND (59 FR 61301). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations are published in Paragraph 6002 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations modifies the Class E airspace area at Sloulin Field International Airport, Williston, ND, to accommodate existing SIAPs to the airport. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

Aeronautical maps and charts will reflect the defined area which will enable pilots to circumnavigate the area in order to comply with applicable visual flight rule requirements.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only effect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

AGL ND E2 Williston, ND [Revised]

Williston, Sloulin Field International Airport, ND
(Lat. 48°10′41″ N., long. 103°38′32″ W.)
Williston, VORTAC
(Lat. 48°15′12″ N., long. 103°45′02″ W.)

Within a 4.1-mile radius of the Sloulin Field International Airport, and within 1.6 miles each side of the Williston VORTAC 135° radial, extending from the 4.1-mile radius to 5.9 miles southeast of the airport, and within 1.8 miles each side of the 124° bearing from the airport, extending from the 4.1-mile radius to 5.6 miles southeast of the airport, and within 1.3 miles each side of the Williston VORTAC 137° and 317° radials, extending from the 4.1-mile radius to 6.3 miles northwest of the airport.

* * * * *

Issued in Des Plaines, Illinois, on February 7, 1995.

Roger Wall,

Manager, Air Traffic Division.

[FR Doc. 95–4070 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 94–ANM–23]

Establishment of Class E Airspace; Wenatchee, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; Request for comments.

SUMMARY: This action establishes Class E airspace at Wenatchee, Washington. Establishment of a new instrument approach procedure requires additional controlled airspace for the procedure. The area will be depicted on aeronautical charts for pilot reference.

EFFECTIVE DATE: 0901 UTC. March 30, 1995. Comments must be received on or before March 15, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System, Management Branch, ANM–530, 1601 Lind Avenue SW., Renton, WA 98055–4056.

FOR FURTHER INFORMATION CONTACT: Ted Melland, System Management Branch, ANM–530, Federal Aviation Administration, Docket No. 94–ANM–23, 1601 Lind Avenue S.W., Renton, Washington, 98055–4056; telephone number: (206) 227–2536.

SUPPLEMENTARY INFORMATION:

History

On December 5, 1994, the FAA proposed to amend part 71 of Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace area at Pangborn Memorial Airport, Wenatchee, Washington (59 FR 62365). Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received. However, in the proposal one line was inadvertently omitted in the airspace description. The line has been inserted and comments are again solicited. After review of any comments and, if the FAA finds that further changes are appropriate, it will initiate rulemaking proceedings to extend the effective date or to amend the regulation.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule, and in determining whether additional rulemaking is required. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the rule which might suggest the need to modify the rule.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. This action is necessary to accommodate a new instrument approach procedure at Pangborn Memorial Airport. The area will be depicted on aeronautical charts for pilot reference, The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of Federal Aviation Regulations amends Class E airspace at Wenatchee, Washington. The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference. Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the FAA amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

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

* * * * *

ANM WA E5 Wenatchee, WA [Revised]

Wenatchee, Pangborn Memorial Airport, WA
(lat. 47°23′55″N, long. 120°12′24″W)
Wenatchee. VOR/DME
(lat. 47°23′58″N, long. 120°12′39″W)

That airspace extending upward from 700 feet above the surface within 4.3 miles each side of the 299° radial from the Wenatchee VOR/DME to 13.4 miles northwest of the VOR/DME and within 4.3 miles southwest and 8 miles northeast of the 124° radial from the Wenatchee VOR/DME to 21 miles southeast of the VOR/DME, excluding that portion within the Moses Lake, Grant County, and Quincy Airport, WA, Class E airspace areas; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at:

lat. 47°36′00″N, long. 120°43′00″W;
to lat. 47°36′00″N, long. 119°39′30″W;
to lat. 47°07′00″N, long. 119°39′30″W;
to lat. 47°07′00″N, long. 120°43′00″W;
to the point of beginning. Excluding that portion within the Moses Lake, Grant County Airport, WA, Class E airspace area.

* * * * *

Issued in Seattle, Washington, on February 1, 1995.

Richard E. Prang,

Acting Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 95–4068 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 94–AGL–35]

Establishment of Class E Airspace; Green Bay, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Austin Straubel International Airport, Green Bay, WI. Presently, the area is designated as Class C airspace when the associated control tower is in operation. However, controlled airspace to the surface is needed when the control tower located at this airport is closed. The intended effect of this action is to provide adequate Class E airspace for instrument flight rule (IFR) operations when this control tower is closed.

EFFECTIVE DATE: 0901 UTC, May 25, 1995.

FOR FURTHER INFORMATION CONTACT:

Jeffrey L. Griffith, Air Traffic Division, System Management Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (708) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On December 12, 1994, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E airspace at Green Bay, WI, (59 FR 63939). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace designations are published in Paragraph 6002 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes Class E airspace at Austin Straubel International Airport, Green Bay, WI. Presently, the area is designated as a Class C airspace when the associated control tower is in operation. However, controlled airspace to the surface is needed when the control tower located at this airport is closed. The intended effect of this action is to provide adequate Class E airspace for instrument flight rule (IFR) operations when this control tower is closed.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

AGL WI E2 Green Bay, WI [New]

Green Bay, Austin Straubel International Airport, WI
(lat. 44°29′09″N., long. 88°07′46″W.)

Within a 5-mile radius of the Austin Straubel International Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Des Plaines, Illinois on February 7, 1995.

Roger Wall,

Manager, Air Traffic Division.

[FR Doc. 95–4069 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 97

[Docket No. 28074; Amdt. No. 1651]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

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

For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription

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

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8277.

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

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

The Rule

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

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

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

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (air).

Issued in Washington, DC, on February 10, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

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

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

* * * *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
01/24/95	WI	Madison	Dane County Regional-Truax Field	FDC 5/0303	VOR or TACAN or GPS RWY 18 AMDT 20...
01/24/95	WI	Madison	Dane County Regional-Truax Field	FDC 5/0306	ILS RWY 18 AMDT 6...
01/24/95	WI	Madison	Dane County Regional-Truax Field	FDC 5/0308	ILS RWY 36 AMDT 29...
01/24/95	WI	Madison	Dane County Regional-Truax Field	FDC 5/0496	NDB or GPS RWY 36 AMDT 28...
01/24/95	WI	Madison	Dane County Regional-Truax Field	FDC 5/0496	NDB or GPS RWY 36 AMDT 28...
01/24/95	WI	Madison	Morey	FDC 5/0300	VOR or GPS-B AMDT 5...
01/24/95	WI	Madison	Morey	FDC 5/0302	VOR or GPS-A AMDT 6...
01/25/95	IA	Fort Dodge	Fort Dodge Regional	FDC 5/0332	RNAV or GPS RWY 24, AMDT 5...
01/25/95	ME	Bangor	Bangor Intl	FDC 5/0317	ILS RWY 15 AMDT 2...
01/27/95	FL	Melbourne	Melbourne Intl	FDC 5/0365	VOR RWY 9R AMDT 19...
01/27/95	FL	Melbourne	Melbourne Intl	FDC 5/0366	VOR or GPS RWY 27L AMDT 11...
01/27/95	FL	Melbourne	Melbourne Intl	FDC 5/0368	ILS RWY 9R AMDT 9...
01/27/95	FL	Miami	Kendall-Tamiami Executive	FDC 5/0362	ILS RWY 9R AMDT 7A...
01/27/95	FL	Miami	Kendall-Tamiami Executive	FDC 5/0363	NDB RWY 9R ORIG–A...
01/27/95	FL	Punta Gorda	Charlotte County	FDC 5/0359	VOR or GPS RWY 3 ORIG...
01/27/95	FL	Punta Gorda	Charlotte County	FDC 5/0360	VOR or GPS RWY 21 AMDT 3...
01/31/95	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 5/0415	NDB RWY 13 AMDT 14A...
01/31/95	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 5/0416	LOC RWY 9R AMDT 3A...
01/31/95	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 5/0417	VOR RWY 27R AMDT 10A...
01/31/95	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 5/0418	LOC RWY 13 ORIG–A...
01/31/95	FL	Kissimmee	Kissimmee Muni	FDC 5/0423	NDB RWY 15 AMDT 9...
01/31/95	FL	Miami	Miami Intl	FDC 5/0425	NDB or GPS RWY 27L AMDT 18...
01/31/95	FL	Miami	Miami Intl	FDC 5/0428	NDB RWY 27R ORIG...
01/31/95	FL	Miami	Miami Intl	FDC 5/0429	ILS RWY 12, AMDT 2A...
01/31/95	FL	Miami	Miami Intl	FDC 5/0431	IL RWY 27L, AMDT 22...
01/31/95	FL	Vero Beach	Vero Beach Muni	FDC 5/0434	VOR/DME RWY 29L, AMDT 2A...
01/31/95	FL	Vero Beach	Vero Beach Muni	FDC 5/0435	NDB RWY 29L, ORIG–A...
01/31/95	GA	Augusta	Bush Field	FDC 5/0441	RADAR–1 AMDT 6...
01/31/95	GA	Elberton	Elberton County-Patz Field	FDC 5/0444	VOR/DME or GPS RWY 10, AMDT 2A...
01/31/95	MS	Bay St. Louis	Stennis Intl	FDC 5/0445	NDB RWY 17 ORIG...
01/31/95	MS	Bay St. Louis	Stennis Intl	FDC 5/0446	RNAV or GPS RWY 17 AMDT 2...
02/01/95	FL	Fort Lauderdale	Fort Lauderdale-Hollywood Intl	FDC 5/0456	RADAR–1 AMDT 3A...
02/01/95	FL	Miami	Miami Intl	FDC 5/0455	ILS RWY 9R AMDT 7...
02/01/95	FL	Pompano Beach	Pompano Beach Airpark	FDC 5/0457	LOC RWY 14 ORIG...
02/01/95	FL	Vero Beach	Vero Beach Muni	FDC 5/0451	NDB RWY 11R ORIG 2A...
02/02/95	AK	Kodiak	Kodiak	FDC 5/0476	NDB–1, RWY 25, AMDT 3...
02/02/95	GA	Macon	Middle Georgia Regional	FDC 5/0500	VOR RWY 13 AMDT 7A...
02/02/95	MN	Grand Marais	Cook County	FDC 5/0483	NDB or GPS RWY 27 ORIG...
02/02/95	MN	Moose Lake	Moose Lake Carlton County	FDC 5/0520	NDB or GPS RWY 4 ORIG...
02/02/95	NY	Islip	Long Island MacArthur	FDC 5/0504	ILS RWY 6 AMDT 21...
02/03/95	AL	Mobile	Mobile Downtown	FDC 5/0541	RADAR–1 ASR RWY 36 ORIG...
02/03/95	CA	San Diego	San Diego Intl-Lindbergh Field	FDC 5/0523	NDB RWY 27 AMDT 1...
02/03/95	CA	San Diego	San Diego Intl-Lindbergh Field	FDC 5/0526	LOC RWY 27 AMDT 2...
02/07/95	MN	Duluth	Duluth Intl	FDC 5/0572	ILS RWY 9 AMDT 18...
02/07/95	NY	New York	John F. Kennedy Intl	FDC 5/0594	ILS/DME RWY 22R ORIG...

[FR Doc. 95–4072 Filed 2–16–95; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 97

[Docket No. 28073; Amdt. No. 1650]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination

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

For Purchase

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

By Subscription

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

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8277.

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

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

The Rule

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

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

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (air).

Issued in Washington, DC on February 10, 1995.

Thomas C. Accardi,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

Authority: 49 U.S.C. app. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

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

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

* * * *Effective May 25, 1995*

Block Island, RI, Block Island State, GPS RWY 28, Orig.
Hereford, TX, Hereford Muni, NDB or GPS RWY 21, Amdt 2

* * * *Effective March 30, 1995*

Colorado City, AZ, Colorado City Muni, NDB–A RWY 29, Orig
Hot Springs, AR, Memorial Fld, ILS RWY 5, Amdt 13
Windsor Locks, CT, Bradley Intl, GPS RWY 15, Orig.
Fort Lauderdale, FL, Fort Lauderdale Executive, NDB Rwy 8, Amdt 8
Fort Lauderdale, FL, Fort Lauderdale Executive, ILS RWY 8, Amdt 4
Fort Lauderdale, FL, Fort Lauderdale Executive, VOR/DME RNAV or GPS RWY 8, Amdt 3
Miami, FL, Miami INTL, VOR/DME RNAV or GPS RWY 9L, Amdt 10
Miami, FL, Miami INTL, VOR/DME RNAV or GPS RWY 27R, Orig
Miami, FL, Miami INTL, RNAV RWY 27R, Amdt 5A, Cancelled
Miami, FL, Opa Locka, VOR/DME RNAV RWY 9L, Amdt 8
Miami, FL, Opa Locka, VOR/DME RNAV RWY 27R, Orig
Atlanta, GA, Fulton County Airport-Brown Field, RADAR–1, Amdt 18, Cancelled
Rantoul, IL, Rantoul National Aviation Center, VOR RWY 27, Orig

Shelbyville, IN, Shelbyville Muni, VOR or GPS RWY 18, Amdt 9
Shenandoah, IA, Shenandoah Muni, VOR/DME OR GPS RWY 12, Amdt 3
Rochester, NH, Sykhaven, GPS RWY 33, Orig
Hickory, NC, Hickory Regional, VOR/DME or GPS RWY 6, Orig, Cancelled
Maxton, NC, Laurinburg-Maxton, VOR/DME–A, Orig–A, Cancelled
Sanford, NC, Sanford-Lee County Brick Field, VOR/DME–A, Orig-A, Cancelled
Wilmington, NC, New Hanover County, VOR or TACAN–A, Amdt 2A, Cancelled
Wilmington, NC, New Hanover County, RNAV RWY 24, Amdt 4A, Cancelled
Harrison, OH, Cincinnati West, VOR or GPS RWY 18, Amdt 2
Marysville, OH, Union County, NDB or GPS RWY 27, Amdt 5
Ardmore, OK, Ardmore Muni, ILS RWY 30, Amdt 3
Chambersburg, PA, Chambersburg Muni, VOR/DME–A, Amdt 2, Cancelled
Friday Harbor, WA, Friday Harbor, NDB RWY 34, Orig.

* * * *Effective March 2, 1995*

Holland, MI, Tulip City, ILS/DME RWY 26, Orig
Amarillo, TX, Amarillo Intl, GPS RWY 22, Orig

* * * *Effective 2 February 1995*

Jacksonville, FL, Jacksonville Intl, ILS RWY 7, Amdt 12

* * * *Effective Upon Publication*

Teterboro, NJ, Teterboro, VOR/DME RWY 24, Amdt 8
Santa Fe, NM, Santa Fe County Muni, VOR OR GPS RWY 33, Amdt 8
Castroville, TX, Castroville Muni, NDB OR GPS RWY 33, Amdt 2
Bluefield, WV, Mercer County, VOR/DME or GPS RWY 23, Amdt 4

[FR Doc. 95–4071 Filed 2–16–95; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 15a

[Docket No. 950126028–5028–01]

RIN 0690–AA22

Testimony by Employees and the Production of Documents in Legal Proceedings

AGENCY: Office of the Secretary, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Department of Commerce is revising its regulations which prescribes policies and procedures to be followed with respect to the testimony of Department employees regarding official matters, and the production of Department documents in legal proceedings. These regulations will serve as a statement of policy and the amendments expand the scope of the existing regulations and provide for more comprehensive standards and guidelines for Department components, employees, former employees, other federal agencies, and the public in general regarding the appropriate procedures concerning testimony and the production of documents.

EFFECTIVE DATE: March 20, 1995.

FOR FURTHER INFORMATION CONTACT: M. Timothy Conner or Donald J. Reed, (202) 482–1067.

SUPPLEMENTARY INFORMATION: Section 301 of Title 5, United States Code, provides that the head of an Executive department may prescribe regulations for the custody, use and preservation of its records. The Supreme Court has upheld the ability of Federal agencies to establish procedures in section 301 regulations governing the production of records and testimony in legal proceedings in which the United States is not a party. *United States ex rel. Touhy* v. *Ragen,* 340 U. S. 462 (1951).

These rules establish Department of Commerce (DOC) policies and procedures applicable to the production of DOC documents and/or testimony by DOC employees in legal proceedings. Basically, the legal proceedings addressed in the rules are any administrative or judicial activities traditionally conducted within the executive or judicial branches of Federal, state, local or foreign governmental entities in which the United States: (i) Is not a party; (ii) is not represented; (iii) does not have a direct and substantial interest; and (iv) is not providing representation to an individual or entity that is a party.

Similarly, the rules will not cover activities that are not legal proceedings such as Congressional request for records or testimony, or requests for records under the Freedom of Information Act, 5 U.S.C. 552. In addition, the rules will not infringe upon or displace responsibilities committed to the Department of Justice in conducting litigation on behalf of the United States.

Finally, the rules will not remove the need to comply with any applicable confidentiality provisions such as the Privacy Act, The Freedom of Information Act or the Trade Secrets Act. In fact, if the requirements of confidentiality statutes or regulations are not met, records or testimony cannot be provided even where the requirements of these regulations are satisfied.

A notice of proposed rule making was published on September 9, 1994, (59 FR 46598). One comment was received regarding the standing of the individual or business entity, from whom the information was obtained, to contest its production or release. This comment did not require a modification in the final rule. The Department of Commerce's *Touhy* regulations cannot, in and of themselves, provide standing to third parties. *Touhy* regulations only provide a procedure whereby the agency can determine whether any evidentiary privileges or statutory requirements of privacy or confidentiality apply, or if there is any other legal basis for withholding information.

This rule has been determined to be ''not significant'' for purposes of Executive Order 12866.

The Assistant General Counsel for Legislation and Regulation certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. This is because the rule is established to facilitate the Department's safeguarding, control and preservation of its records, information, papers and property . As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 15 CFR Part 15a

Administrative practice and procedure, Courts, Government employees.

For the reasons set out in the preamble Part 15a is revised to read as follows:

PART 15a—TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF DOCUMENTS IN LEGAL PROCEEDINGS

Sec.
15a.1 Scope.
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Authority: 5 U. S. C. 301; 15 U. S. C. 1501, 1512, 1513, 1515 and 1518; Reorganization Plan No. 5 of 1950; 3 CFR, 1949–1953 Comp., p. 1004; 44 U.S.C. 3101.

§ 15a.1 Scope.

(a) This part sets forth the policies and procedures of the Department of Commerce regarding the testimony of employees, and former employees, as witnesses in legal proceedings and the production or disclosure of information contained in Department of Commerce documents for use in legal proceedings pursuant to a request, order, or subpoena (collectively referred to in this part as a ''demand'').

(b) This part does not apply to any legal proceeding in which an employee is to testify while on leave status, regarding facts or events that are unrelated to the official business of the Department.

(c) This part in no way affects the rights and procedures governing public access to records pursuant to the Freedom of Information Act, the Privacy Act or the Trade Secrets Act..

(d) This part is not intended to be relied upon to, and does not, create any right or benefit, substantive or procedural, enforceable at law by any party against the United States.

§ 15a.2 Definitions.

For the purpose of this part:

(a) *Agency counsel* means the chief legal officer (or his/her designee) of an agency within the Department of Commerce.

(b) *Component* means Office of the Secretary or an operating unit of the Department as defined in Department Organization Order 1–1.

(c) *Demand* means a request, order, or subpoena for testimony or documents for use in a legal proceeding.

(d) *Department* means the United States Department of Commerce and its constituent agencies.

(e) *Document* means any record, paper and other property held by the Department, including without limitation, official letters, telegrams, memoranda, reports, studies, calendar and diary entries, maps, graphs, pamphlets, notes, charts, tabulations, analyses, statistical or informational accumulations, any kind of summaries of meetings and conversations, film impressions, magnetic tapes and sound or mechanical reproductions.

(f) *Employee* means all current or former employees or officers of the Department, including commissioned officers of the National Oceanic and Atmospheric Administration and any other individual who has been appointed by, or subject to the supervision, jurisdiction or control of the Secretary of the Department of Commerce.

(g) *General Counsel* means the General Counsel of the Department or other Department employee to whom the General Counsel has delegated authority to act under this part.

(h) *Legal proceeding* means all pretrial, trial and post trial stages of all existing or reasonably anticipated judicial or administrative actions, hearings, investigations, or similar proceedings before courts, commissions, boards or other tribunals, foreign or domestic. This phrase includes all phases of discovery as well as responses to formal or informal requests by attorneys or others involved in legal proceedings.

(i) *Official business* means the authorized business of the Department.

(j) *Secretary* means the Secretary of the Department of Commerce.

(k) *Solicitor* means the Solicitor of the Patent and Trademark Office.

(l) *Testimony* means a statement in any form, including personal appearances before a court or other legal tribunal, interviews, depositions, telephonic, televised, or videotaped statements or any responses given during discovery or similar proceedings, which response would involve more than the production of documents.

(m) *United States* means the Federal Government, its departments and agencies, and individuals acting on behalf of the Federal Government.

§ 15a.3. Demand for testimony or production of documents: Department policy.

No employee shall in response to a demand, produce any documents, or provide testimony regarding any information relating to, or based upon Department of Commerce documents, or disclose any information or produce materials acquired as part of the performance of that employee's official duties, or because of that employee's official status without the prior authorization of the General Counsel, or the Solicitor, or the appropriate agency counsel. The reasons for this policy are as follows:

(a) To conserve the time of Department employees for conducting official business;

(b) To minimize the possibility of involving the Department in controversial issues that are not related to the Department's mission;

(c) To prevent the possibility that the public will misconstrue variances between personal opinions of Department employees and Department policy;

(d) To avoid spending the time and money of the United States for private purposes;

(e) To preserve the integrity of the administrative process; and

(f) To protect confidential, sensitive information and the deliberative process of the Department.

§ 15a.4. Demand for testimony or production of documents: Department procedures.

(a) Whenever a demand for testimony or for the production of documents is made upon an employee, the employee shall immediately notify the General Counsel (Room 5890, U. S. Department of Commerce, Washington, D. C. 20230, (202) 482–1067) or appropriate agency counsel. When a demand for testimony or for the production of documents is made upon an employee of the Patent and Trademark Office, the employee should immediately notify the Solicitor, by phone, (703) 305–9035; by mailed addressed Solicitor, Box 8, Patent and Trademark Office, Washington, D. C. 20231; or in person to 2121 Crystal Drive, Crystal Park 2, Suite 918, Arlington, Virginia 22215.

(b) A Department employee may not give testimony, produce documents, or answer inquiries from a person not employed by the Department regarding testimony or documents subject to a demand or a potential demand under the provisions of this part without the approval of the General Counsel, or the Solicitor, or the appropriate agency counsel. A Department employee shall immediately refer all inquiries and Demands to the General Counsel, or the Solicitor, or appropriate agency counsel. Where appropriate, the General Counsel, or the Solicitor, or appropriate agency counsel, may instruct the Department employee, orally or in writing, not to give testimony or produce documents.

(c)(1) *Demand for testimony or documents.* A demand for the testimony of a Department employee shall be addressed to the General Counsel, Room 5890, Department of Commerce, Washington, D. C. 20230 or appropriate agency counsel. A demand for testimony of an employee of the Patent and Trademark Office shall be mail addressed to the Solicitor, Box 8, Patent and Trademark Office, Washington, D. C. 20231; or in person to 2121 Crystal Drive, Crystal Park 2, Suite 918, Arlington, Virginia 22215.

(2) *Subpoenas.* A subpoena for testimony by a Department employee or a document shall be served in accordance with the Federal Rules of Civil or Criminal Procedure or applicable state procedure and a copy of the subpoena shall be sent to the General Counsel, or the Solicitor, or appropriate agency counsel.

(3) *Affidavit.* Except when the United States is a party, every demand shall be

accompanied by an affidavit or declaration under 28 U.S.C. 1746 or, if an affidavit is not feasible, a statement setting forth the title of the legal proceeding, the forum, the requesting party's interest in the legal proceeding, the reason for the demand, a showing that the desired testimony or document is not reasonably available from any other source, and if testimony is requested, the intended use of the testimony, a general summary of the desired testimony, and a showing that no document could be provided and used in lieu of testimony. The purpose of this requirement is to assist the General Counsel, or the Solicitor, or appropriate agency counsel in making an informed decision regarding whether testimony or the production of a document(s) should be authorized.

(d) A certified copy of a document for use in a legal proceeding may be provided upon written request and payment of applicable fees. Written requests for certification shall be addressed to the agency counsel for the component having possession, custody, or control of the document. Unless governed by another applicable provision of law or component regulation, the applicable fee includes charges for certification and reproduction as set out in 15 CFR part 4.9. Other reproduction costs and postage fees, as appropriate, must also be borne by the requester.

(e) The Secretary retains the authority to authorize and direct testimony in those cases where a statute or Presidential order mandates a personal decision by the Secretary.

(f) The General Counsel, or the Solicitor, or appropriate agency counsel may consult or negotiate with an attorney for a party or the party if not represented by an attorney, to refine or limit a demand so that compliance is less burdensome or obtain information necessary to make the determination required by paragraph (b) of this section. Failure of the attorney to cooperate in good faith to enable the General Counsel, or the Solicitor, or the Secretary, or the appropriate agency counsel to make an informed determination under this part may serve, where appropriate, as a basis for a determination not to comply with the demand.

(g) A determination under this part to comply or not to comply with a demand is not an assertion or waiver of privilege, lack of relevance, technical deficiency or any other ground for noncompliance.

(h) The General Counsel, or the Solicitor, or appropriate agency counsel may waive any requirements set forth under this section when circumstances warrant.

§ 15a.5 Procedures when a Department employee receives a subpoena.

(a) A Department employee who receives a subpoena shall immediately forward the subpoena to the General Counsel, or the appropriate agency counsel. In the case of an employee of the Patent and Trademark Office, the subpoena shall immediately be forwarded to the Solicitor. The General Counsel, or the Solicitor, or appropriate agency counsel will determine the extent to which a Department employee will comply with the subpoena.

(b) If an employee is served with a subpoena that the General Counsel, or the Solicitor, or appropriate agency counsel determines should not be complied with, the General Counsel, Solicitor or appropriate agency counsel will attempt to have the subpoena withdrawn or modified. If this cannot be done, the General Counsel, Solicitor or appropriate agency counsel will attempt to obtain Department of Justice representation for the employee and move to have the subpoena modified or quashed. If, because of time constraints, this is not possible prior to the compliance date specified in the subpoena, the employee should appear at the time and place set forth in the subpoena. If legal counsel cannot appear on behalf of the employee, the employee should produce a copy of the Department's regulations and inform the legal tribunal that he/she has been advised by counsel not to provide the requested testimony and/or produce documents. If the legal tribunal rules that the demand in the subpoena must be complied with, the employee shall respectfully decline to comply with the demand. *United States ex rel. Touhy* v. *Ragen*, 340 U. S. 462 (1951).

(c) Where the Department employee is an employee of the Office of the Inspector General, the Inspector General in consultation with the General Counsel, will make a determination under paragraphs (a) and (b) of this section.

§ 15a.6 Legal Proceedings between private litigants: Expert or opinion testimony.

In addition to the policies and procedures as outlined in §§ 15a.1 through 15a.6., the following applies to legal proceedings between private litigants:

(a) If a Department employee is authorized to give testimony in a legal proceeding not involving the United States, the testimony, if otherwise proper, shall be limited to facts within the personal knowledge of the Department employee. Employees, with or without compensation, shall not provide expert testimony in any legal proceedings regarding Department information, subjects or activities except on behalf of the United States or a party represented by the United States Department of Justice. However, upon a showing by the requester that there are exceptional circumstances and that the anticipated testimony will not be adverse to the interest of the Department or the United States, the General Counsel, or the Solicitor, or appropriate agency counsel may, in writing grant special authorization for the employee to appear and give the expert or opinion testimony.

(b)(1) If, while testifying in any legal proceeding, an employee is asked for expert or opinion testimony regarding official DOC information, subjects or activities, which testimony has not been approved in advance in accordance with the regulations in this part, the witness shall:

(i) Respectfully decline to answer on the grounds that such expert or opinion testimony is forbidden by the regulations in this part;

(ii) Request an opportunity to consult with the General Counsel, or the Solicitor, or appropriate agency counsel before giving such testimony; and

(iii) Explain that upon such consultation, approval for such testimony may be provided.

(2) If the witness is then ordered by the body conducting the proceeding to provide expert or opinion testimony regarding official DOC information, subjects or activities without the opportunity to consult with either the General Counsel, or the Solicitor, or appropriate agency counsel, the witness shall respectfully refuse to provide such testimony. See *United States ex rel. Touhy* v. *Ragen*, 340 U. S. 462 (1951).

(c) If an employee is unaware of the regulations in this part and provides expert or opinion testimony regarding official DOC information, subjects or activities in a legal proceeding without the aforementioned consultation, the witness shall, as soon after testifying as possible, inform the General Counsel, or the Solicitor, or appropriate agency counsel that such testimony was given and provide a written summary of the expert or opinion testimony provided.

§ 15a.7 Demands or requests in legal proceedings for records protected by confidentiality statutes.

Demands in legal proceedings for the production of records, or for the testimony of Department employees regarding information protected by the Privacy Act, 5 U.S.C. 552a, the Trade

Secrets Act, 18 U.S.C. 1905 or other confidentiality statutes, must satisfy the requirements for disclosure set forth in those statutes before the records may be provided or testimony given. The General Counsel, or the Solicitor, or appropriate agency counsel should first determine if there is a legal basis to provide the testimony or records sought under applicable confidentiality statutes before applying §§ 15a.1 through 15a.8. Where an applicable confidentiality statute mandates disclosure, §§ 15a.1 through 15a.8 will not apply.

§ 15a.8 Testimony of Department employees in proceedings involving the United States.

The following applies in legal proceedings in which the United States is a party:

(a) A Department employee may not testify as an expert or opinion witness for any other party other than the United States.

(b) Whenever, in any legal proceeding involving the United States, a request is made by an attorney representing or acting under the authority of the United States, the General Counsel, or the Solicitor, or appropriate agency counsel will make all necessary arrangements for the Department employee to give testimony on behalf of the United States. Where appropriate, the General Counsel, or the Solicitor, or appropriate agency counsel may require reimbursement to the Department of the expenses associated with a Department employee giving testimony on behalf of the United States.

Alden F. Abbott,

Assistant General Counsel for Finance and Litigation.

[FR Doc. 95–3998 Filed 2–16–95; 8:45 am]

BILLING CODE 3510–BW–P

National Oceanic and Atmospheric Administration

15 CFR Part 925

RIN 0648–AC63

Olympic Coast National Marine Sanctuary Regulations

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Correcting amendment.

SUMMARY: This document contains corrections to Appendix A to the final regulations for the Olympic Coast National Marine Sanctuary which were published on Wednesday, May 11, 1994 (59 FR 24586).

EFFECTIVE DATE: February 17, 1995.

FOR FURTHER INFORMATION CONTACT: Todd Jacobs, Sanctuary Manager, at (206) 457–6622 or Elizabeth Moore at (301) 713–3141.

SUPPLEMENTARY INFORMATION: The National Oceanic and Atmospheric Administration (NOAA), by the designation document published in the 59 FR 24586, May 11, 1994, designated approximately 2,500 square nautical miles of coastal and ocean waters, and the submerged lands thereunder, off the Olympic Peninsula of Washington State, including the waters of the Strait of Juan de Fuca eastward to Koitlah Point, as the Olympic Coast National Marine Sanctuary (Sanctuary). This notice corrects a discrepancy between the Sanctuary boundary as described in 15 CFR 925.2(b) and the coordinates for that boundary listed in Appendix A. Section 925.2(b) describes the Sanctuary boundary as extending from Koitlah Point due north to the U.S./Canada international boundary seaward to the 100 fathom isobath. The seaward boundary of the Sanctuary approximates the 100 fathom isobath in a southerly direction from the U.S./Canada international boundary to a point due west of the mouth of the Copalis River cutting across the heads of Nitnat, Juan de Fuca and Quinault Canyons. Appendix A has been corrected to more accurately represent the U.S./international boundary, which delineates the northern boundary of the Sanctuary. The remaining coordinates have not been changed.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program.)

List of Subjects in 15 CFR Part 925

Administrative practice and procedure, Coastal zone, Education, Environmental protection, Marine resources, Natural resources, Penalties, Recreation and recreation areas, Reporting and recordkeeping requirements, Research.

Accordingly, 15 CFR part 925 is corrected by making the following correcting amendment:

PART 925—OLYMPIC COAST NATIONAL MARINE SANCTUARY

1. The authority citation for part 925 continues to read as follows:

Authority: Sections 302, 303, 304, 305, 306, 307, 310, and 312 of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (16 U.S.C. 1431 *et seq.*).

2. Appendix A to part 925 is revised to read as follows:

Appendix A To Part 925—Olympic Coast National Marine Sanctuary Boundary Coordinates

[Based on North American Datum of 1983]

Point	2500 square nautical miles	
	Latitude	Longitude
1	47 07′45″	124 11′02″
2	47 07′45″	124 58′12″
3	47 35′05″	124 00′00″
4	47 40′05″	124 04′44″
5	47 50′01″	124 05′42″
6	47 57′13″	124 29′13″
7	48 07′33″	125 38′20″
8	48 15′00″	125 40′54″
9	48 18′21.2″	125 30′02.9″
10	48 20′15.2″	125 22′52.9″
11	48 26′46.2″	125 09′16.9″
12	48 27′09.2″	125 08′29.9″
13	48 28′08.2″	125 05′51.9″
14	48 29′43.2″	125 00′10.9″
15	48 29′56.2″	124 59′19.9″
16	48 30′13.2″	124 54′56.9″
17	48 30′21.2″	124 50′25.9″

[Based on North American Datum of 1983]

Point	2500 square nautical miles	
	Latitude	Longitude
18	48 30′10.2″	124 47′17.9″
19	48 29′36.4″	124 43′38.1″
20	48 28′08″	124 38′13″
21	48 23′17″	124 38′13″

Dated: February 6, 1995.

Frank W. Maloney,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 95–4015 Filed 2–16–95; 8:45 am]

BILLING CODE 3510–08–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Appliance Labeling Rule

AGENCY: Federal Trade Commission.

ACTION: Final rule revision.

SUMMARY: The Federal Trade Commission's Appliance Labeling Rule requires that Table 1, in § 305.9, which sets forth the representative average unit energy costs for five residential energy sources, be revised periodically on the basis of updated information provided by the Department of Energy (''DOE'').

This document revises the table to incorporate the latest figures for average unit energy costs as published by DOE in the **Federal Register** on January 5, 1995.[1]

DATES: The revisions to § 305.9(a) and Table 1 are effective February 17, 1995. The mandatory dates for using these revised DOE cost figures in connection with the Appliance Labeling Rule are detailed in the Supplementary Information Section, below.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202–326–3035, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: On November 19, 1979, the Federal Trade Commission issued a final rule in response to a directive in section 324 of the Energy Policy and Conservation Act (''EPCA''), 42 U.S.C. 6201.[2] The rule requires the disclosure of energy efficiency, consumption, or cost information on labels and in retail sales catalogs for eight categories of appliances, and mandates that the energy costs, consumption, or efficiency ratings be based on standardized test procedures developed by DOE. The cost information obtained by following the test procedures is derived by using the representative average unit energy costs provided by DOE. Table 1 in § 305.9(a) of the rule sets forth the representative average unit energy costs to be used for all cost-related requirements of the rule. As stated in § 305.9(b), the Table is intended to be revised periodically on the basis of updated information provided by DOE.

On January 5, 1995, DOE published the most recent figures for representative average unit energy costs. Accordingly, Table 1 is revised to reflect these latest cost figures as set forth below.

The dates when use of the figures in revised Table 1 becomes mandatory in calculating cost disclosures for use in labeling and catalog sales of products covered by the Commission's rule and/or EPCA are as follows:

For 1995 Submissions of Data Under Section 305.8 of the Commission's Rule

Manufacturers no longer need to use the DOE cost figures in complying with the data submission requirements of section 305.8 of the rule. Pursuant to recent amendments to the rule, which were published on July 1, 1994[3] (with extended compliance dates published on December 8, 1994),[4] the estimated annual operating cost is no longer the primary energy usage descriptor for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, and water heaters. Under the amendments, the energy usage and the ranges of comparability for those product categories must be expressed in terms of estimated annual energy consumption (kilowatt-hour use per year for electricity, therms per year for natural gas, or gallons per year for propane and oil). Thus, the 1995 (and all subsequent) data submissions under section 305.8 for these product categories (which are to enable the Commission to publish ranges of comparability) must be made in terms of estimated annual energy consumption, for the determination of which the DOE cost figures are unnecessary. The 1995 (and all subsequent) submissions also must be made in terms of the new product sub-categories created by the above-mentioned amendments. The energy efficiency energy usage descriptors for the other products covered by the rule (room air conditioners, furnaces, boilers, central air conditioners, heat pumps, and pool heaters) are unaffected by the amendments mentioned above. The annual data submission requirements for those products, which are not based on the DOE cost figures, will continue to be in terms of energy efficiency (although submissions for room air conditioners, furnaces, and boilers must be made in terms of the new product sub-categories created by the amendments). For convenience, the annual dates for data submissions are repeated here:

Fluorescent lamp ballasts	Mar. 1.
Clothes washers	Mar. 1.
Water heaters	May 1.
Furnances	May 1.
Room air conditioners	May 1.
Pool Heaters	May 1.
Dishwashers	June 1.
Central air conditioners	July 1.
Heat pumps	July 1.
Refrigerators	Aug. 1.
Refrigerator-freezers	Aug. 1.
Freezers	Aug. 1.

For Labeling and Catalog Sales of Products Covered by the Commission's Rule

The July 1, 1994, amendments will require that labels for refrigerators, refrigerator-freezers, freezers, clothes washers, dishwashers, water heaters, and room air conditioners contain a secondary energy usage disclosure in terms of an estimated annual operating cost (labels for clothes washers and dishwashers will show two such secondary disclosures—one based on operation with water heated by natural gas, and one on operation with water heated by electricity). These secondary

[1] 60 FR 1773.

[2] 44 FR 66466. Since its promulgation, the rule has been amended four times to include new product categories—central air conditioners (52 FR 46888, Dec. 10, 1987), fluorescent lamp ballasts (54 FR 1182, Jan. 12, 1989), certain plumbing products (58 FR 54955, Oct. 25, 1993), and certain lamp products (59 FR 25176, May 13, 1994). Obligations under the rule concerning fluorescent lamp ballasts, lighting products, and plumbing products are not affected by the cost figures in this notice.

[3] 59 FR 34014.

[4] 59 FR 63688.

estimated annual operating cost disclosures must be based on the 1995 DOE cost figures published in this notice. The labels must also disclose, under the secondary estimated annual operating cost disclosure, the fact that the estimated annual operating cost is based on the appropriate 1995 DOE energy cost figure. Manufacturers of the above-mentioned products must make these disclosures on the labels required by the amendments and in catalogs beginning ninety days after the Commission publishes new energy consumption ranges of comparability based on the 1995 submissions required by § 305.8. They must continue to use the 1995 DOE cost figures in the manner just described until the Commission publishes new ranges of comparability based on future annual submissions of estimated annual energy consumption data. At that time, these manufacturers must use the then-current DOE energy cost figures when they prepare new labels in response to the new energy consumption ranges of comparability. When such new ranges are published, the effective date for labeling new products will be ninety days after publication of the ranges in the **Federal Register**. As in the past, products that have been properly labeled prior to the effective date of any range modification need not be relabeled.

For Energy Cost Representations Respecting Products Covered by EPCA but Not by the Commission's Rule

Manufacturers of products covered by section 323(c) of EPCA, but not by the Appliance Labeling Rule (clothes dryers, television sets, kitchen ranges and ovens, and space heaters) must use the 1995 representative average unit costs for energy in all operating cost representations beginning May 18, 1995.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

PART 305—[AMENDED]

Accordingly, 16 CFR Part 305 is amended as follows:

1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Section 305.9(a) is revised to read as follows:

§ 305.9 Representative average unit energy costs.

(a) Table 1, below, contains the representative unit energy costs to be utilized for all requirements of this part.

TABLE 1.—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (1995)

Type of energy	In common terms	As required by DOE test procedure	Dollars per million Btu [1]
Electricity	8.67¢/kWh [2 3]	$0.0867/kWh	$25.41
Natural Gas	63.0¢/therm [4] or $6.49/MCF [5 6].	0.00000630/Btu	6.30
No. 2 heating oil	1.008/gallon [7]	0.00000727/Btu	7.27
Propane	0.985/gallon [8]	0.00001079/Btu	10.79
Kerosene	1.094/gallon [9]	0.00000810/Btu	8.10

[1] Btu stands for British thermal unit.
[2] kWh stands for kilowatt hour.
[3] 1 kWh=3,412 Btu.
[4] 1 therm=100,000 Btu. Natural gas prices include taxes.
[5] MCF stands for 1,000 cubic feet.
[6] For the purposes of this table, 1 cubic foot of natural gas has an energy equivalence of 1,030 Btu.
[7] For the purposes of this table, 1 gallon of No. 2 heating oil has an energy equivalence of 138,690 Btu.
[8] For the purposes of this table, 1 gallon of liquid propane has an energy equivalance of 91,333 Btu.
[9] For the purposes of this table, 1 gallon of kerosene has an energy equivalence of 135,000 Btu.

* * * * *

Donald S. Clark,

Secretary.

[FR Doc. 95–4010 Filed 2–16–95; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

Advisory Committees; Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standing advisory committees' regulations to change the function of the Anti-Infective Drugs Advisory Committee and to change the name and the function of the Dermatologic Drugs Advisory Committee. This action is being taken due to an administrative transfer of functions for the committees in the review of human drug products for use in the treatment of ophthalmic disorders.

EFFECTIVE DATE: February 17, 1995.

FOR FURTHER INFORMATION CONTACT: Donna M. Combs, Committee Management Office (HFA–306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2765.

SUPPLEMENTARY INFORMATION:

FDA is revising § 14.100(c)(2) (21 CFR 14.100(c)(2)) to remove the review of human drug products for use in the treatment of ophthalmic disorders from the function of the Anti-Infective Drugs Advisory Committee. The review of human drug products for use in the treatment of ophthalmic disorders has been transferred to the Dermatologic and Ophthalmic Drugs Advisory Committee (formerly the Dermatologic Drugs Advisory Committee). The function of the Anti-Infective Drugs Advisory Committee was revised in the charter renewal dated October 3, 1994. In this document, FDA is formally changing the function of the committee.

FDA is also revising § 14.100(c)(6) to change the name and the function of the Dermatologic Drugs Advisory Committee. The function of the committee has been amended to include the review of human drug products for use in the treatment of ophthalmic disorders. The name was changed to reflect the committee's revised function. In the **Federal Register** of December 6, 1994 (59 FR 62734), FDA published a notice of charter renewals dated October 3, 1994, for the Anti-Infective Drugs Advisory Committee and the Dermatologic and Ophthalmic Drugs Advisory Committee. In that notice, the

agency stated that the name of the Dermatologic Drugs Advisory Committee had been changed to the Dermatologic and Ophthalmic Drugs Advisory Committee. In this document, FDA is formally changing the name and the function of the committee.

Under the Administrative Procedure Act (5 U.S.C. 553(b)(3) and (d)) and under 21 CFR 10.40(c)(4), (d), and (e), notice and public procedure and delayed effective date on this regulation are unnecessary and not in the public interest. The regulation relates to agency organization and procedure. Furthermore, the agency finds good cause to proceed to an immediately effective rule. It would be contrary to the public interest to delay notice to the public and embodiment in the regulations of the administrative change regarding review of information on ophthalmic disorders by the appropriately constituted advisory committee.

List of Subjects in 21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 14 is amended as follows:

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

1. The authority citation for 21 CFR part 14 continues to read as follows:

Authority: Secs. 201–903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321–394; 21 U.S.C. 41–50, 141–149, 467f, 679, 821, 1034; secs. 2, 351, 354, 361 of the Public Health Service Act (42 U.S.C. 201, 262, 263b, 264); secs. 2–12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451–1461); 5 U.S.C. App. 2; 28 U.S.C. 2112.

2. Section 14.100 is amended by revising paragraph (c)(2)(ii), the heading of paragraph (c)(6), and paragraph (c)(6)(ii) to read as follows:

§ 14.100 List of standing advisory committees.

* * * * *

(c) * * *

(2) * * *

(ii) Function: Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders.

* * * * *

(6) *Dermatologic and Ophthalmic Drugs Advisory Committee.*

* * * * *

(ii) Function: Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of dermatologic and ophthalmic disorders.

* * * * *

Dated: February 14, 1995.

Linda A. Suydam,

Interim Deputy Commissioner for Operations.

[FR Doc. 95–4196 Filed 2–16–95; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 207, 213, 221, and 236

[Docket No. R–95–1660; FR–3342–F–03]

RIN 2502–AG04

Deletion of Value Criterion in Section 223(a)(7) Refinancing

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: Section 223(a)(7) of the National Housing Act authorizes HUD to insure mortgages given to refinance existing HUD-insured mortgages. In the past, HUD's implementing regulations have prohibited the refinanced mortgage amount from exceeding a stated percentage of the value of the property. This value criterion precluded some troubled projects from lowering their debt service payments and gaining a more sound financial footing. On October 26, 1993, HUD published an interim rule in the **Federal Register** deleting the value criterion from the HUD regulations implementing Section 223(a)(7), which was extended by a notice published on October 26, 1994. This rule makes final the policies contained in the October 26, 1993, interim rule.

EFFECTIVE DATE: March 20, 1995.

FOR FURTHER INFORMATION CONTACT: Jane Luton, Acting Director, Policies and Procedures Division, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6142, Washington, DC 20410. Telephone number (202) 708–2556; and TDD (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) (the Act) authorizes HUD to insure mortgages given to refinance existing HUD-insured mortgages under any section or title of the Act. Due to requirements of the Act, the HUD regulations implementing Section 223(a)(7) limit the principal amount of the refinanced mortgage to the amount of the original insured mortgage. Additionally, HUD's implementing regulations had prohibited the refinanced mortgage amount from exceeding a stated percentage of the Federal Housing Commissioner's estimate of value of the project after completion of any repairs or improvements to the property. Unlike the original-value limitation noted above, this value criterion was not a statutory requirement.

The value criterion precluded many troubled projects from refinancing their HUD-insured mortgages, thus preventing them from lowering their debt service payments and gaining a sounder financial footing. Because Section 223(a)(7) mortgages are already limited by the amount of the original insured mortgage, HUD felt the public interest and HUD's Insurance Fund would be better served by allowing these loans to be refinanced to take advantage of lower interest rates.

Therefore, on October 26, 1993, HUD published an interim rule (58 FR 57558) removing the value criterion from its regulations implementing Section 223(a)(7). The effect of the interim rule was extended by a notice published on October 26, 1994 (59 FR 53731). This rule makes final the policies contained in the October 26, 1993, interim rule.

Comments on the October 26, 1993, Interim Rule

By the expiration of the comment period on the October 26, 1993, interim rule, HUD had received only two comments, both from the same commenter.

The first comment addressed the backlog of applications languishing in some HUD offices and requested that HUD Field Offices be notified that Section 223(a)(7) refinancing applications already in process should be given priority over those received after the effective date of the interim rule. The preamble to the interim rule established processing priorities, in order to better manage the increased workload anticipated as a result of the rule change. Supplemental instructions were provided to HUD Field Office staff and mortgagees through issuance of HUD Notice H93–89 and Mortgagee Letter 93–39, both dated November 24, 1993, addressing processing priorities and other issues. Inasmuch as the

priorities are no longer applicable, HUD has not adopted the comment in this final rule.

The interim rule's preamble refers to deletion of the 90 percent-of-value criterion. The commenter noted that Section 223(a)(7) applications refinancing loans insured pursuant to section 223(f) of the Act are subject to an 85 percent-of-value limitation, in lieu of 90 percent. The commenter believed this could cause confusion and recommended that the rule explicitly eliminate the 85 percent loan-to-value limitation. Although the specific language of the regulatory change is clear, HUD accepts the commenter's suggestion that the explanation of the change should be clarified to avoid confusion. Because there are also instances (in 24 CFR 221.560(a)(1)(iii) and 24 CFR 236.40(b)(1)(iii)) where the value criterion limited the maximum insurable mortgage amount to 100 percent-of-value in lieu of 90 percent or 85 percent, HUD is revising the preamble simply to state that HUD is deleting the value criterion in Section 223(a)(7) refinancing.

Other Matters

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule deletes a counterproductive restriction that unnecessarily limits the refinancing of certain HUD-insured mortgages. By removing this restriction, HUD hopes to avoid unnecessary defaults by viable projects and resulting losses to HUD's Insurance Fund.

Environmental Review

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20 of the HUD regulations, the policies and procedures contained in this rule relate only to the establishment of loan limits and approval of mortgage refinancing under section 223(a)(7) of the National Housing Act, and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. The rule is limited to removing an unnecessary restriction on refinancing certain HUD-insured mortgages at more favorable rates.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. No significant change in existing HUD policies or programs would result from promulgation of this rule, as those policies and programs relate to family concerns.

Regulatory Agenda

This rule was listed as sequence 1793 in HUD's Semiannual Agenda of Regulations published on November 14, 1994 (59 FR 57632, 57654), under Executive Order 12866 and the Regulatory Flexibility Act.

List of Subjects

24 CFR Part 207

Manufactured homes, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

24 CFR Part 213

Cooperatives, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 221

Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

24 CFR Part 236

Grant programs—housing and community development, Low and moderate income housing, Mortgage insurance, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, the interim rule published in the **Federal Register** on October 26, 1993 (58 FR 57558), entitled, ''Parts 207, 213, 221, and 236, Deletion of the 90–Percent-of-Value Criterion in Section 223(a)(7) Refinancing'', is adopted as final with the following change:

PART 207—MULTIFAMILY HOUSING MORTGAGE INSURANCE

The authority citation for part 207 is revised to read as follows:

Authority: 12 U.S.C. 1701z–11(e), 1713, and 1715b; 42 U.S.C. 3535(d).

Dated: February 8, 1995.

Jeanne K. Engel,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 95–3975 Filed 2–16–95; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

Notice of Interpretation Concerning the Burning of Liquid Hydrocarbons

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of interpretation.

SUMMARY: This notice presents the intention of the Minerals Management Service (MMS) to restrict the burning of liquid hydrocarbons. Guidance on burning liquid hydrocarbons is necessary because applicable regulations do not provide specific direction on burning liquid hydrocarbons.

EFFECTIVE DATE: February 17, 1995.

FOR FURTHER INFORMATION CONTACT: Sharon Buffington, Engineering and Standards Branch, telephone (703) 787–1600.

SUPPLEMENTARY INFORMATION: Requests to burn liquid hydrocarbons (crude oil and condensate) have recently become more prevalent in the Outer Continental Shelf (OCS). The OCS Lands Act requires the Secretary of the Interior to provide for the prevention of waste and conservation of the natural resources of the OCS. Section 250.20(a) provides that lessees perform all operations in a safe and workmanlike manner and maintain all equipment in a safe condition for the protection of the lease and associated facilities, the health and safety of all persons, and the preservation and conservation of property and the environment. Conservation of property and the environment requires that lessees not burn liquid hydrocarbons.

Therefore, it is the intention of MMS to prohibit the burning of liquid hydrocarbons unless the lessee demonstrates to the Regional Supervisor that the amount of liquid hydrocarbons to be burned is minimal or the alternatives are infeasible or pose a significant risk to offshore personnel or

the environment. Therefore, lessees must contact the appropriate MMS Regional Supervisor prior to burning liquid hydrocarbons.

The MMS recognizes that the best way to provide restrictions on burning liquid hydrocarbons is by rulemaking. Therefore, MMS is issuing a proposed rule under a separate **Federal Register** Notice that will cover the restrictions on burning liquid hydrocarbons.

The proposed rule will also give the public the opportunity to comment on the restrictions on burning liquid hydrocarbons.

Dated: December 23, 1994.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

[FR Doc. 95–3985 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–MR–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[OPPTS–400006A; FRL–4929–6]

Butyl Benzyl Phthalate; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is granting a petition to delete butyl benzyl phthalate (BBP) from the list of toxic chemicals under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). By promulgating this rule, EPA is relieving facilities of their obligation to report releases of BBP that occurred during the 1994 calendar year and releases that will occur in the future. This relief applies only to reporting requirements under section 313 of EPCRA.

EFFECTIVE DATE: This rule is effective February 17, 1995.

FOR FURTHER INFORMATION CONTACT: For specific information on this rule: Maria J. Doa, Petition Coordinator, Mail Code 7408, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 202–260–9592. For more information on EPCRA section 313: Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1–800–535–0202, In Virginia and Alaska, 703–412–9877 or Toll free TTD: 1–800–553–7672.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

This final rule is issued under section 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. 11023. EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99–499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (42 U.S.C. 13106). When enacted, section 313 established an initial list of toxic chemicals that was comprised of more than 300 chemicals and 20 chemical categories. Section 313(d) authorizes EPA to add or delete chemicals from the list, and sets forth criteria for these actions. Under section 313(e)(1), any person may petition EPA to add chemicals to or delete chemicals from the list. EPA has, from time-to-time, added and deleted chemicals from the original statutory list.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions. On May 23, 1991 (56 FR 23703), EPA published guidance regarding the recommended content of petitions to delete individual members of section 313 metal compound categories. EPA has also published a statement clarifying its interpretation of the section 313(d)(2) criteria for adding and deleting chemicals from the section 313 list (59 FR 61439, November 30, 1994).

II. Description of Petition and Proposed Response

On January 12, 1987, EPA received from the Monsanto Company a petition to delete BBP from the list of toxic chemicals subject to reporting under section 313 of EPCRA. BBP was included on the original list of toxic chemicals when EPCRA was enacted. On July 20, 1987, following a review which consisted of a toxicity evaluation and an exposure analysis, EPA proposed to grant the petition to delete BBP from the section 313 list by issuing a proposed rule in the **Federal Register** (52 FR 27226).

The proposal to grant the petition was based upon EPA's preliminary finding that BBP did not meet the listing criteria found in section 313(d) of EPCRA. It was EPA's belief that there was not sufficient evidence to demonstrate that BBP causes or can reasonably be anticipated to cause significant adverse human health or environmental effects.

One concern which remained following the initial review was the apparently widespread presence of BBP in the environment despite low anticipated release levels. Because of this concern, EPA stated in the proposed rule that the delisting would not be promulgated until the 1987 Toxic Chemical Release Inventory (TRI) reports submitted pursuant to section 313 could be examined to confirm that there were no substantial releases of BBP from covered facilities (see unit III. of this preamble).

Only one commenter, the Monsanto Company, responded to EPA's proposal to delete BBP from the section 313 list of toxic chemicals. The Monsanto Company concurred with EPA's proposed deletion but objected to the decision to delay promulgation until the 1987 TRI reports could be reviewed.

Based upon evaluation of the petition, available toxicity and exposure information, the review of the 1987 - 1992 TRI reports, and the comment, EPA affirms its determination that BBP does not meet any of the toxicity criteria listed in section 313(d). Therefore, EPA is deleting BBP from the list of chemicals subject to reporting under section 313 of EPCRA.

BBP also appears on the Priority Pollutant List (PPL) of section 307 of the Clean Water Act (33 U.S.C. 1317); however, at this time EPA believes that insufficient data preclude the derivation of ambient water quality criteria for BBP by the Agency.

This petition does not request that any action be taken under any statutory provision other than EPCRA section 313, and today's rule should not be inferred as an action under any statutory provision other than EPCRA section 313. Each statute prescribes different standards for adding or deleting chemicals of pollutants from their respective list. Specifically, the deletion of BBP from the EPCRA section 313 list does not alter its regulatory status under other statutory provisions. Today's rule is based solely on the criteria in EPCRA section 313.

III. EPA's Review of Butyl Benzyl Phthalate

As discussed in the proposal, EPA preliminarily determined that BBP has low toxicity with respect to human

health, and moderate environmental toxicity. Under these circumstances, EPA believes that it is appropriate to consider exposure in its listing decisions (see position set out in November 30, 1994 **Federal Register** cited above). Therefore, EPA's review of BBP consisted of two main components: a toxicity evaluation and a release and exposure analysis. EPA has concluded that (1) human health effects from BBP are not expected to be significant for purposes of section 313, and (2) BBP's moderate environmental toxicity, coupled with a low concern for persistence and bioaccumulation, does not represent a significantly high level of risk for the purposes of section 313(d). Details of the review can be found in the proposed rule (52 FR 27226) and in the document entitled ''Hazard Assessment of n-Butyl Benzyl Phthalate'' in the public docket.

A. Toxicity Evaluation

1. *Human toxicity*. At the time of publication of the proposed rule, EPA had preliminarily placed BBP in EPA's weight-of-evidence cancer risk assessment Category D (i.e., available evidence inadequate to determine human carcinogenic potential). EPA later placed BBP in weight-of-evidence Category C (i.e., a possible human carcinogen based on limited evidence in animals).

BBP's classification is based upon a 1982 study conducted by the National Toxicology Program (NTP). Because of serious flaws in this study, NTP has undertaken a second animal study to evaluate the carcinogenicity of BBP. It was initially expected that results of this study would be available by 1994. EPA has waited for a number of years for the results of this study; however, there is currently no indication that the study will be completed and results made available in the near future. Therefore, EPA has decided to take action on this petition at this time using the existing cancer study. If the results of the NTP study indicate that BBP can reasonably be anticipated to cause cancer, EPA will re-evaluate the chemical and may consider re-adding BBP to the section 313 list of toxic chemicals.

This reclassification resulted from further review of the existing evidence; no new evidence has been found beyond that considered in EPA's initial review of this petition to delete BBP from the section 313 list. Therefore, EPA continues to believe that, while the limited animal evidence available for BBP suggests a possible carcinogenic effect, the study providing this evidence is flawed. Because of the flawed nature of the study, EPA has concluded that BBP exhibits low toxicity for purposes of EPCRA 313(d)(2)(B) listing decisions. Accordingly, exposure consideration will be factored in. EPA has no evidence to indicate other potential human toxicity.

2. *Environmental toxicity*. As discussed in the proposal, EPA has concluded that BBP is moderately but not highly ecotoxic. There is low concern for potential bioconcentration, and the half-life for primary biodegradation of BBP is approximately 2 days, which indicates that the substance should have low persistence in the environment.

B. Release and Exposure Analysis

EPA has received and entered into the section 313 TRI data base more than 100 reports per year for BBP for reporting years 1987 to 1992. EPA examined these reports primarily for water releases, both directly to surface waters and through Publicly Owned Treatment Works (POTWs). For these years, from 18 to 53 companies reported water releases to POTWs and from 1 to 15 reported releases directly to surface water. For the releases to POTWs, EPA assumed (based on the physical and chemical characteristics of BBP) that BBP releases are 90 percent removed in wastewater treatment at the POTW before the final release to surface water.

EPA analyzed the 1987 reported release data to estimate the surface water concentrations based upon mean and low receiving stream flow data, where available. Where stream flow data were unavailable, the POTW mean effluent flow was used as a worst-case estimate. Where BBP releases were reported as a range (e.g., 1 to 499 lb/yr), the upper end of the release range was used as a conservative estimate for purposes of this section 313 analysis.

No firms were identified with a potential surface water concentration at or above the Lowest Effect Concentration (LEC) for BBP of 110 ppb (chronic aquatic ecotoxicity) under mean flow conditions. Under low flow conditions, two firms had a predicted concentration of this magnitude (200 ppb for one firm, and an unquantifiable, high concentration for the other site). The other 17 firms all had estimated surface water concentrations under low flow conditions of 30 ppb or less.

The release patterns from subsequent years were similar, and thus the analyses using 1987 data were considered representative of subsequent years. To confirm this assumption, an additional exposure review was conducted using 1992 release data (the most current data available). Estimates of concentrations downstream from TRI facilities were made using recent stream flow data. Surface water concentrations for the five highest releasers of BBP ranged from 0.03 ppb to 1.0 ppb during mean flow conditions, and from 0.2 ppb to 18.8 ppb during low flow conditions. Only the 18.8 ppb value exceeds the Maximum Acceptable Toxicant Concentrations (MATCs) for several algal species. However, because the low flow conditions are only expected to occur during one 7–day event in 10 years, EPA does not believe that this will result in adverse effects to the environment. Efforts were made to check as many sites as feasible in addition to the five highest releasers, because moderate releases may lead to higher concentrations for streams with less dilution. The surface water concentrations for the stream found to have potentially higher concentrations were estimated to be less than 2 ppb during mean flow conditions, and less than 13 ppb for low flow conditions. Again, although the low flow concentrations may exceed the MATC for certain algal species, the duration of exceedence is not expected to be sufficient to result in significant adverse effects.

Human exposure potential to BBP was also examined. The aquatic concentrations at drinking water utilities under mean flow conditions are expected to be below 1 ppb (i.e., less than 1 microgram per liter). The two largest release facilities are both on the Delaware River, and their combined result (after accounting for treatment) is less than 0.7 ppb under mean flow conditions. These concentrations are not expected to result in significant adverse effects in humans.

IV. Conclusion of EPA's Review

The hazard review conducted in 1987 concluded that BBP has low toxicity with respect to human health and moderate environmental toxicity. There is no new data available which would cause EPA to change this assessment. EPA's review of the 1987 and 1992 TRI reports for BBP uncovered no potentially significant releases at mean flow conditions and only two potentially significant releases at low flow conditions. EPA's conclusion is that these releases do not raise sufficient concern about potential human or environmental exposures to warrant retention of BBP on the section 313 list.

After reviewing available data and the comment on the proposed rule, EPA continues to believe that BBP does not cause, nor can it reasonably be anticipated to cause, the adverse human health or environmental effects set forth in section 313(d). Accordingly, it is

appropriate to delete BBP from the list of toxic chemicals in EPCRA section 313.

V. Effective Date

This action becomes effective upon publication. Thus the last year in which facilities had to file a TRI report for BBP was 1994, covering releases and other activities that occurred in 1993. Section 313(d)(4) provides that ''[a]ny revision'' to the section 313 list of toxic chemicals shall take effect on a delayed basis. EPA interprets this delayed effective date provision to apply only to actions that add chemicals to the section 313 list. For deletions, EPA may, in its discretion, make such actions immediately effective. An immediate effective date is authorized, in these circumstances, under 5 U.S.C. section 553(d)(1) because a deletion from the section 313 list relieves a regulatory restriction.

EPA believes that where the Agency has determined, as it has with BBP, that a chemical does not satisfy any of the criteria of section 313(d)(2)(A)–(C), no purpose is served by requiring facilities to collect data or file TRI reports for that chemical, or, therefore, by leaving that chemical on the section 313 list for any additional period of time. This construction of section 313(d)(4) is consistent with previous rules deleting chemicals from the section 313 list. For further discussion of the rationale for immediate effective dates for EPCRA section 313 delistings (see 59 FR 33205, June 28, 1994).

VI. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action'' as an action likely to lead to a rule (1) Having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. Pursuant to the terms of this Executive Order, EPA has determined that this rule is not ''significant'' and therefore not subject to OMB review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, EPA must conduct a small business analysis to determine whether a substantial number of small entities will be significantly affected. Because the rule will result in cost savings to facilities, EPA certifies that small entities will not be significantly affected by this rule.

C. Paperwork Reduction Act

This rule relieves facilities from having to collect information on the use and releases of BBP. Therefore, there were no information collection requirements for OMB to review under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: February 10, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 372 is amended as follows:

1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

§ 372.65 [Amended]

2. Section 372.65(a) and (b) are amended by removing the entire entry for butyl benzyl phthalate under paragraph (a) and removing the entire CAS No. entry for 85–68–7 under paragraph (b).

[FR Doc. 95–3937 Filed 2–16–95; 8:45 am]

BILLING CODE 6560–50–F

Proposed Rules

Federal Register
Vol. 60, No. 33
Friday, February 17, 1995

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 Chapter I

[Summary Notice No. PR–95–1]

Petition for Rulemaking: Summary of Petitions Received; Dispositions of Petitions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for rulemaking received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for rulemaking (14 CFR part 11), this notice contains a summary of certain petitions requesting the initiation of rulemaking procedures for the amendment of specified provisions of the Federal Aviation Regulations and of denials or withdrawals of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received April 18, 1995.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Ave., SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (b) and (f) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C. on February 6, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Rulemaking

Docket No.: 27956
Petitioner: Air Line Pilots Association
Regulations Affected: 14 CFR appendixes I and J, part 121
Description of Rulechange Sought: To add procedural safeguards, including notice and hearing requirements, for pilots and other airline employees accused of conduct that would bar them from continuing in their occupations.
Petitioner's Reason for the Request: The petitioner feels that the FAA's permanent ban regulation fails to provide due process of law and should be modified to provide at least the process accorded in a certificate revocation proceeding.

[FR Doc. 95–4074 Filed 2–16–95; 8:45 am]
BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 94–NM–239–AD]

Airworthiness Directives; Bombardier Model CL–600–1A11 (CL–600), –2A12 (CL–601), –2B16 (CL–601–3A, –3R), and –2B19 (Regional Jet Series 100) Series Airplanes, Equipped with Sundstrand Air Driven Generator (ADG) Uplock Assembly

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 Bombardier Model CL–600–1A11, –2A12, –2B16, and –2B19 series airplanes. This proposal would require an inspection to verify the proper operation of the uplock latch of the air driven generator (ADG), and replacement of the uplock latch with a serviceable part, if necessary. This proposal would also require replacing the uplock assembly with a modified uplock assembly, and performing a rigging inspection. This proposal is prompted by a report indicating that, upon operation of the manual release system, the ADG did not deploy due to failure of the shaft pin. The actions specified by the proposed AD are intended to prevent failure of the shaft pin, which could lead to the inability of the pilot to manually deploy the ADG when necessary (i.e., when an airplane's primary electrical power sources are lost and the ADG fails to deploy automatically).

DATES: Comments must be received by March 31, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–239–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 Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream New York.

FOR FURTHER INFORMATION CONTACT: Wing Chan, Electronics Engineer, Systems and Equipment Branch, ANE–173, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7511; fax (516) 568–2716.

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 94–NM–239–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–239–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Transport Canada Aviation, which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain Bombardier Model CL–600–1A11 (CL–600), –2A12 (CL–601), –2B16 (CL–601–3A, –3R), and –2B19 (Regional Jet Series 100) series airplanes, equipped with a certain Sundstrand air driven generator (ADG) uplock assembly. Transport Canada Aviation advises that, upon operation of the manual release system, the air driven generator (ADG) did not deploy. Investigation has revealed that the cause of this failure has been attributed to a broken shaft pin in the ADG uplock assembly. Failure of the shaft pin could lead to the inability of the pilot to manually deploy the ADG when necessary (i.e., when an airplane's primary electrical power sources are lost and the ADG fails to deploy automatically). If this were to occur, all electrical power on the airplane would be lost.

Bombardier has issued Canadair Regional Jet Alert Service Bulletin S.B. A1601R–24–019, Revision 'A', dated August 9, 1994 (for Model CL–600–2B19 series airplanes); Canadair Challenger Service Bulletin 600–0638, dated April 25, 1994 (for Model CL–600–1A11 series airplanes); and Canadair Challenger Service Bulletin 601–0430, dated April 25, 1994 (for Model CL–600–2A12 and –2B16 series airplanes). These service bulletins describe procedures for a one-time inspection to verify the proper operation of the uplock latch of the ADG, and replacement of the uplock latch with a serviceable part, if the uplock latch cannot be activated. These service bulletins also describe procedures for replacing the uplock assembly with a modified uplock assembly, and performing a rigging inspection. Transport Canada Aviation classified these service bulletins as mandatory and issued Canadian airworthiness directive CF–94–14, dated September 7, 1994 (for Model CL–600–2B19 series airplanes); and Canadian airworthiness directive CF–94–13, dated September 1, 1994 (for Model CL–600–1A11, –2A12, and –2B16 series airplanes); in order to assure the continued airworthiness of these airplanes in Canada.

This airplane model is manufactured in Canada 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 Transport Canada Aviation has kept the FAA informed of the situation described above. The FAA has examined the findings of the Transport Canada Aviation, 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.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require a one-time inspection to verify the proper operation of the uplock latch of the ADG, and replacement of the uplock latch with a serviceable part, if the uplock latch cannot be activated. The proposed AD would also require replacing the uplock assembly with a modified uplock assembly, and performing a rigging inspection. The actions would be required to be accomplished in accordance with the service bulletins described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this requirement.

The FAA estimates that 194 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $69,840, or $360 per airplane.

The total 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.

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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

Bombardier Inc. (Formerly Canadair): Docket 94–NM–239–AD.

Applicability: Model CL–600–1A11 (CL–600) series airplanes, serial numbers 1004 through 1085 inclusive; Model CL–600–2A12 (CL–601) series airplanes, serial numbers 3001 through 3066 inclusive; Model CL–600–2B16 (CL–601–3A, –3R) series airplanes, serial numbers 5001 through 5150 inclusive; Model CL–500–2B19 (Regional Jet Series 100) series airplanes, serial numbers 7003 through 7040 inclusive; equipped with Sundstrand air driven generator (ADG) uplock assembly having part number 721863, 721863A, or 721863B; 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 use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the shaft pin, which could lead to the inability of the pilot to manually deploy the air driven generator (ADG) when necessary (i.e., when an airplane's primary electrical power sources are lost and the ADG fails to deploy automatically), accomplish the following:

(a) For Model CL–600–2B19 (Regional Jet Series 100) series airplanes equipped with Sundstrand ADG uplock assembly having P/N 721863B: Accomplish paragraphs (a)(1), (a)(2), and (a)(3), in accordance with Canadair Alert Service Bulletin S.B. 1601R–24–019, Revision 'A', dated August 9, 1994.

(1) Within 600 flight hours after the effective date of this AD, perform an inspection to verify the proper operation of the uplock latch of the ADG, in accordance with the Accomplishment Instructions of the service bulletin. If the uplock latch cannot be activated, prior to further flight, replace the uplock latch with a serviceable part in accordance with the service bulletin.

(2) Within 12 months after the effective date of this AD, replace the uplock assembly with a modified uplock assembly, in accordance with the Accomplishment Instructions of the service bulletin.

(3) After accomplishment of paragraph (a)(1) or (a)(2) of this AD, perform a rigging inspection in accordance with the Accomplishment Instructions of the service bulletin.

(b) For Model CL–600–2A12, CL–2B16, and CL–600–1A11 series airplanes: Accomplish paragraphs (b)(1), (b)(2), and (b)(3), in accordance with Canadair Service Bulletin 600–0638, dated April 25, 1994 (for Model CL–600–1A11 series airplanes), or Canadair Service Bulletin 601–0430, dated April 25, 1994 (for Model CL–600–2A12 and –2B15 series airplanes), as applicable.

(1) Within 150 flight hours after the effective date of this AD, perform an inspection to verify the proper operation of the uplock latch of the ADG, in accordance with the Accomplishment Instructions of the applicable service bulletin. If the uplock latch cannot be activated, prior to further flight, replace the uplock latch with a serviceable part, in accordance with the applicable service bulletin.

(2) Within 12 months after the effective date of this AD, replace the uplock assembly with a modified uplock assembly, in accordance with the Accomplishment Instructions of the applicable service bulletin.

(3) After accomplishment of paragraph (b)(1) or (b)(2) of this AD, perform a rigging inspection in accordance with the Accomplishment Instructions of the applicable service bulletin.

(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, New York Aircraft Certification Office (ACO), FAA, Engine and Propeller Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

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

Issued in Renton, Washington, on February 13, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–4002 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 94–NM–189–AD]

Airworthiness Directives; Jetstream Model 4101 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 Jetstream Model 4101 airplanes. This proposal would require an inspection to determine if a travel stop (screw) is installed at the flight control assembly, and various follow-on actions. This proposal is prompted by a report of failure of the travel stop, which allowed the elevator and aileron disconnect handles to rotate within the housing due to migration of the travel stop from its position. The actions specified by the proposed AD are intended to prevent such migration, which could result in the elevator and aileron disconnect system resetting without the use of the reset button; this condition could lead to jamming of the disconnect handles.

DATES: Comments must be received by March 31, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–189–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 Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041–6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Sam Grober, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton,

Washington 98055–4056; telephone (206) 227–1187; fax (206) 227–1320.

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 94–NM–189–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–189–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Jetstream Model 4101 airplanes. The CAA advises that a report has been received indicating that a screw, which is used as the travel stop in both the elevator and aileron disconnect handles, had migrated out of their position. This allowed the elevator and aileron disconnect control handles to rotate within its housing. Such rotation bypassed the operation of the ratchet assembly and allowed the elevator and aileron disconnect system to reset without the use of the reset button. The cause of this migration is unknown at this time; normally, the travel stop screws are retained against vibration (which could cause them to become loose) by means of a screw locking insert. Migration of the travel stop, if not corrected, could result in the elevator and aileron disconnect system resetting without the use of the reset button; this condition could lead to jamming of the disconnect handles.

Jetstream has issued Service Bulletin J41–27–036, dated September 2, 1994, which describes procedures for:

1. Performing an inspection to determine if a travel stop (screw) is installed at the flight control assembly;
2. Installing a new travel stop, if no travel stop is found installed;
3. Performing a rotation to determine the security of the travel stop, if a travel stop is installed;
4. Performing an inspection to detect damage, if the travel stop is found to be loose; and replacing the travel stop with a new travel stop, if damage is found;
5. Applying Loctite Superfast 290 to the travel stop;
6. Permanently marking the flight control assembly; and
7. Performing a functional test of the aileron and elevator disconnect systems and setting them to the locked position.

The service bulletin also describes procedures for an optional installation of a protective spiral wrap cover. The CAA classified the service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom 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 CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, 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.

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 an inspection to determine if a travel stop (screw) is installed at the flight control assembly, and various follow-on actions. The actions would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 14 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $3,360, or $240 per airplane.

The total 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.

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. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

Jetstream Aircraft Limited: Docket 94–NM–189–AD.

Applicability: Model 4101 airplanes, constructors numbers 41004 through 41039 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 use the authority provided in paragraph (c) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent jamming of the elevator and aileron disconnect handles, accomplish the following:

(a) Within 600 flight hours after the effective date of this AD, or within 6 months after the effective date of this AD, whichever occurs first, perform an inspection to determine if a travel stop (screw) is installed at the flight control assembly, in accordance with Jetstream Service Bulletin J41–27–036, dated September 2, 1994.

(1) If no travel stop is found to be installed, prior to further flight, install a new travel stop in accordance with the service bulletin. After installation, accomplish paragraph (a)(2) of this AD.

(2) If such a travel stop is installed, prior to further flight, perform a rotation to determine the security of the travel stop, in accordance with the service bulletin.

(i) If the travel stop is found to be properly secured, no further action is required by paragraph (a) of this AD.

(ii) If the travel stop is found to be loose, prior to further flight, remove it and perform an inspection to detect damage in accordance with the service bulletin. If any damage is found, replace the travel stop with a new travel stop, in accordance with the service bulletin. After replacement, repeat the requirements of paragraph (a)(2) of this AD.

(b) After accomplishment of paragraph (a) of this AD, prior to further flight, accomplish paragraphs (b)(1), (b)(2), and (b)(3) of this AD, in accordance with Jetstream Service Bulletin J41–27–036, dated September 2, 1994.

(1) Apply Loctite Superfast 290 to the travel stop;

(2) Permanently mark the flight control assembly; and

(3) Perform a functional test of the aileron and elevator disconnect systems and set them to the locked position.

Note 2: Procedures for installing a protective spiral wrap cover are contained in Jetstream Service Bulletin J41–27–036, dated September 2, 1994. This installation is recommended, but is not required by this AD.

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on February 13, 1995.

S.R. Miller,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–4003 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–U

Federal Highway Administration

23 CFR Part 630

[FHWA Docket No. 94–30]

RIN 2125–AD40

Federal-Aid Project Authorization

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FHWA proposes to amend its regulation on Federal-aid program approval and project authorization. In light of changes made by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) in the area of statewide planning, and the joint FHWA/Federal Transit Administration (FTA) regulations implementing those changes, this NPRM proposes to remove all other project programming provisions from the FHWA's regulations. This NPRM would also provide more flexible funding arrangements and make the Federal-aid authorization process more flexible. Changes contained in related laws are included.

DATES: Written comments are due on or before April 18, 1995. Comments received after that date will be considered to the extent practicable.

ADDRESSES: All written, signed comments should refer to the docket number that appears at the top of this document and should be submitted to Federal Highway Administration, Office of the Chief Counsel, Room 4232, HCC–10, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Jerry L. Poston, Office of Engineering, 202–366–0450, or Wilbert Baccus, Office of the Chief Counsel, 202–366–0780, FHWA, 400 Seventh Street, SW., Washington, D.C. 20590. Office Hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday except Federal holidays.

SUPPLEMENTARY INFORMATION: The initiation of work for transportation projects funded under the Federal-aid highway program is a two-step process. First, the State, in cooperation and consultation with local officials, as appropriate, through the metropolitan and statewide planning process, determines activities which will be advanced with Federal funds made available under title 23, United States Code, and the Federal Transit Act (49 U.S.C. 5301–5338) and develops a statewide program of projects for these activities. Prior to passage of the ISTEA, the requirements for developing the program of projects were found in 23 U.S.C. 105 and the implementing regulations in 23 CFR 630, subpart A. With passage of the ISTEA, title 23, U.S.C., was modified and the new requirements concerning development of a program of projects, now referred to as the Statewide transportation improvement program, are contained in 23 U.S.C. 135. The implementing regulation for this section are at 23 CFR 450 and were initiated through previous rulemaking actions.

Accordingly, those requirements pertaining to a program of projects in 23 CFR 630, subpart A, no longer need to be retained. The FHWA therefore proposes to eliminate §§ 630.106, 630.108, 630.110 and 630.112 along with inappropriate programming references from the existing regulation.

The second step in initiation of work is the project authorization process. The State highway agency (SHA) requests FHWA authorization to proceed with a proposed Federal-aid highway project.

The FHWA authorization commits the Federal Government to participate in the funding of a project, except in those instances where the State requests FHWA authorization without the commitment of Federal funds. In addition, FHWA authorization also establishes a point in time after which costs incurred on a project are eligible for Federal participation. Requirements covering project authorization are also contained in 23 CFR 630, subpart A. The FHWA proposes to modify certain of these requirements, both for clarification and to provide the SHA a greater degree of flexibility on certain funding arrangements. These modifications are discussed in the following section-by-section analysis.

Section-By-Section Analysis

Section 630.102 Purpose

The statement of purpose would be revised to eliminate the reference to programming of projects since this activity would be eliminated from this subpart.

Section 630.104 Applicability

The existing § 630.104, Definitions, would be replaced with a new section to identify the types of projects that are covered by this subpart. FHWA planning and research funds, as defined in 23 CFR 420.103, are authorized using the procedures in the regulations dealing specifically with these types of projects. At times, certain special funding categories may have unique authorization requirements and these types of projects are authorized as set out in implementing instructions or regulations.

Section 630.106 Authorization to Proceed

Current § 630.106, Policy, would be removed. A new § 630.106, Authorization to proceed, would be redesignated from current § 630.114 covering the authorization process. It retains many of the basic principles set forth in existing § 630.114. However, there are modifications to provide greater flexibility in some funding areas and additions for clarification. The following discussion covers proposed § 630.106 by individual paragraph.

Paragraph (a) would retain the requirement that FHWA authorization to proceed with a Federal-aid project will only be given in response to a request from the SHA, and then only if the applicable requirements in law have been satisfied for the project.

Paragraph (b) would retain the longstanding requirement that Federal-aid funds will only participate in costs incurred after the date the FHWA has authorized the State to proceed with the project. However, exceptions to this requirement have been allowed under a process set forth in 23 CFR 1.9(b). For informational purposes, wording has been included in paragraph (b) to identify and cross reference the exception process.

Paragraphs (c), (d) and (e) would retain the requirement that at the time a Federal-aid project is authorized, the appropriate Federal funds for this project must be available. Five general categories for exceptions to this rule are presented, these being the same five categories that are in the existing regulation.

Paragraph (f) is new and would be added for purposes of clarification. The FHWA authorization represents a contractual action by the FHWA and the Federal share of eligible costs must be agreed upon when the authorization occurs. The Federal share may be in the form of a specified percentage of eligible costs or a lump sum amount. Use of the lump sum share is a relatively new concept and is introduced to accommodate those instances where there is a desire to commit a fixed amount of Federal funds to a project. The lump sum amount may not exceed the legal pro rata share for the Federal funds involved. This may require downward adjustment of the lump sum amount when costs of eligible work on a project are less than the initial estimates at the time of FHWA authorization.

The Federal share agreed to at FHWA authorization would continue through the life of the project. Manipulation of funding levels of individual projects to accommodate program funding changes or needs would not be allowed. However, adjustments to the Federal share would be permitted for projects in situations where bid prices are significantly different from the estimates at the time of FHWA authorization.

Paragraph (g) is new and would incorporate the cost sharing principles of title 23, U.S.C., into the regulation. For Federal-aid projects, the Federal share of eligible costs incurred by the State cannot exceed the maximum share permitted by legislation. There is an agreed to Federal share of eligible costs and the non-Federal share of eligible costs must come from State funds (State match). Local government funds are considered to be State funds. Thus, local government funds can be combined with SHA funds to cover the required State match of eligible costs.

Cash contributions from private sources are a different matter. FHWA participates in costs incurred on Federal-aid projects. Donations of private cash contributions for a specific Federal-aid project reduce the cost incurred; therefore, the private funds cannot be used to reduce the required State match. Private cash contributions can be applied to either eligible or ineligible items of work. However, when a private cash contribution is applied to costs eligible for Federal participation, the private cash contribution is considered to have reduced the cost of the project and thus reduced the cost incurred by the State.

On the other hand, if a private cash contribution is made to a State or local government with no designation to a specific project, then the private cash contribution can be treated as funds of the State or local government and may be used in any way State or local funds are authorized to be used, including providing State match on Federal-aid projects.

Contributions of funds from other Federal agencies to a specific project are for the most part treated similarly to private cash donations. These other Federal agency funds may not be used to provide the required State match on a Federal-aid project but, instead, are viewed as having reduced the cost incurred by the State on the project. The only exception is in those cases where the other Federal agency has specific legislative authority to use its funds to match other Federal funds.

Paragraph (h) is new and would require that all contributions to a project be accounted for and properly credited to the project. The sum of cash contributions from all sources plus the Federal funds may not exceed the total cost of the project.

Paragraph (i) is new and would incorporate into the regulation the provision in 23 U.S.C. 120(i) that allows the State to contribute more than the normal State match on a Federal-aid project. This provision has been interpreted to mean that a State may overmatch without being tied to a mandatory Federal share. However, token financing, such as when the Federal share represents only a minor percentage of eligible work or when large contributions are applied to the project to reduce the total cost, would not be permitted. As a general rule of thumb, it would be expected that the amount of Federal funds requested will represent at least 50 percent of eligible project costs. Exceptions to the 50 percent level should be based on sound project development or management reasons.

The following table is provided to assist the user in locating regulatory

paragraph changes proposed by this rulemaking:

Old Section	New section
630.102	630.102
630.104	Removed
None	630.104
630.106	Removed
630.108	Removed
630.110	Removed
630.112	Removed
630.114(b)	630.106(a)
630.114(g)	630.106(b)
630.114(h)	630.106(c)
630.114(h)(3)	630.106(d)
630.114(h)(3)	630.106(e)
None	630.106(f) through (i)

Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing date indicated above will be considered and will be available for examination in the docket at the above address. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable, but the FHWA may issue a final rule at any time after the close of the comment period. In addition to late comments, the FHWA will also continue to file relevant information in the docket as it becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

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

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. It is anticipated that the economic impact of this rulemaking would be minimal; therefore, a full regulatory evaluation is not required. The FHWA does not consider this action to be a significant regulatory action because the proposed amendments would update the Federal-aid project authorization regulation to conform to recent laws, regulations, and to clarify existing policies.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA certifies that this action would not have a significant economic impact on a substantial number of small entities. The proposed amendments would only clarify or simplify procedures used by SHA's in accordance with existing laws, regulations, or guidance.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

This action does not contain a collection of information requirement for purposes of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520.

National Environmental Policy Act

The Agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et. seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 630

Government contracts, Grant programs—transportation, Highways and roads, Project authorization.

In consideration of the foregoing, the FHWA proposes to amend title 23, Code of Federal Regulations, by revising Part 630, subpart A to read as set forth below.

Issued on: February 10, 1995.

Rodney E. Slater,

Federal Highway Administrator.

PART 630—PRECONSTRUCTION PROCEDURES

Subpart A—Federal-Aid Project Authorization

Sec.

630.102 Purpose.

630.104 Applicability.

630.106 Authorization to proceed.

Authority: 23 U.S.C. 106, 118, 120, and 315; 49 CFR 1.48(b).

§ 630.102 Purpose.

The purpose of this subpart is to prescribe policies for authorizing Federal-aid projects.

§ 630.104 Applicability.

(a) This subpart is applicable to all Federal-aid projects unless specifically exempted.

(b) Projects financed with FHWA planning and research funds, as defined in 23 CFR 420.103 are not covered by this subpart. These projects are to be handled in accordance with 23 CFR parts 420 and 450.

(c) Other projects which involve special procedures shall be authorized as set out in the implementing instructions.

§ 630.106 Authorization to proceed.

(a) The FHWA issuance of an authorization to proceed with a Federal-aid project shall be in response to a written request from the State highway agency (SHA). Authorization can be given only after applicable prerequisite requirements of Federal laws and implementing regulations and directives have been satisfied.

(b) Federal funds shall not participate in costs incurred prior to the date of authorization to proceed except as provided by 23 CFR 1.9(b).

(c) Authorization to proceed shall be deemed a contractual obligation of the Federal Government under 23 U.S.C. 106 and shall require that appropriate funds be available at the time of authorization for the agreed Federal share, either pro rata or lump sum, of the cost of eligible work to be incurred by the State except as follows:

(1) Advance construction projects authorized under 23 U.S.C. 115.

(2) Bond issue projects authorized under 23 U.S.C. 122.

(3) Projects for preliminary studies for the portion of the preliminary engineering and right-of-way (ROW) phase(s) through the selection of a location.

(4) Projects for ROW acquisition in hardship and protective buying

situations through the selection of a particular location. This includes ROW acquisitions within a potential highway corridor under consideration where necessary to preserve the corridor for future highway purposes. Authorization of work under this paragraph shall be in accord with the provisions of 23 CFR part 712.

(5) In special cases where the Federal Highway Administrator determines it to be in the best interest of the Federal-aid highway program.

(d) The authorization to proceed with a project under 23 CFR 630.106(c)(3) through (c)(5) shall contain the following statement: ''Authorization to proceed shall not constitute any commitment of Federal funds, nor shall it be construed as creating in any manner any obligation on the part of the Federal Government to provide Federal funds for that portion of the undertaking not fully funded herein.''

(e) When a project has received an authorization under 23 CFR 630.106 (c)(3) and (c)(4), subsequent authorizations beyond the location stage shall not be given until appropriate available funds have been obligated to cover eligible costs of the work covered by the previous authorization.

(f)(1) The Federal-aid share of eligible project costs shall be established at the time of project authorization in one of the following manners:

(i) Pro rata, with the authorization stating the Federal share as a specified percentage, or

(ii) Lump sum, with the authorization stating that Federal funds are limited to a specified dollar amount not to exceed the legal pro rata.

(2) The pro-rata or lump sum share may be adjusted to reflect any substantive change in the bids received as compared to the SHA's estimated cost of the project at the time of FHWA authorization, provided that Federal funds are available.

(g) Federal participation is limited to the agreed Federal share of eligible costs actually incurred by the State, not to exceed the maximum permitted by enabling legislation. Any private cash contributions to the project must be credited to, and thereby such contributions reduce, the total project cost and are not considered to be costs incurred by the State. Private cash contributions may be applied to participating or nonparticipating work. Cash contributions provided by a local government are considered the same as State funds.

(h) The sum of cash contributions from all sources plus the Federal funds may not exceed the total cost of the project.

(i) The State may contribute more than the normal non-Federal share of title 23, U.S.C., projects. However, proposals resulting in token Federal financing of a Federal-aid project shall not be approved.

[FR Doc. 95–4029 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[CO–62–94]

RIN 1545–AT15

Continuity of Interest in Transfer of Target Assets After Qualified Stock Purchase of Target

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations relating to the income tax treatment of the transfer of target assets to the purchasing corporation or another member of the same affiliated group as the purchasing corporation (the transferee) after a qualified stock purchase (QSP) of target stock, if a section 338 election is not made. These regulations provide guidance to parties to such transfers and their shareholders. This document also provides notice of a public hearing on these proposed regulations.

DATES: Written comments and outlines of topics to be discussed at the public hearing scheduled for June 7, 1995, must be received by May 19, 1995.

ADDRESSES: Send submissions to: CC:CORP:T:R (CO–62–94), room 5228, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. In the alternative, submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: CC:CORP:T:R (CO–62–94), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. The public hearing will be held in room 3313, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, William Alexander, (202) 622–7780; concerning the submissions and requests for a hearing, Christina Vasquez, (202) 622–7180 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document proposes guidance as to the treatment of transfers of target assets to another corporation after a qualified stock purchase of target stock, if a section 338 election is not made for the target. It addresses the effect of section 338 on the result in *Yoc Heating v. Commissioner* and similar cases.

Under § 1.368–1(b), for a transfer of assets to be pursuant to a reorganization within the meaning of section 368, there must be a continuity of interest in the target's business enterprise on the part of those persons who, directly or indirectly, were the owners of the enterprise prior to the reorganization.

In *Yoc Heating v. Commissioner,* 61 T.C. 168 (1973), a corporation bought 85 percent of a target corporation's stock for cash and notes. As part of the same plan, the target subsequently transferred its assets to a newly formed subsidiary of the purchaser and dissolved. The purchaser received additional stock of its subsidiary in exchange for the purchaser's target stock and the minority shareholders received cash in exchange for their target stock.

The Tax Court, viewing the stock purchase and asset acquisition as an integrated transaction in which the purchaser acquired all of the target's assets for cash and notes, held there was insufficient continuity of interest to qualify the asset transfer as a reorganization under section 368 because the shareholders of the target before the stock purchase received no stock in the acquiring entity. As a result, the subsidiary received a cost basis in the target's assets.

In addition to *Yoc Heating,* there are other cases in which courts have denied reorganization treatment and have given the transferee a stepped-up basis in the target's assets following the purchase of the target's stock and the merger of the target into the purchaser or a related corporation. See, e.g., *Russell v. Commissioner,* 832 F.2d 349 (6th Cir. 1987), *aff'g Cannonsburg Skiing Corp. v. Commissioner,* T.C. Memo 1986–150 (corporation purchased target stock and then target merged into purchaser); *Security Industrial Insurance Co. v. United States,* 702 F.2d 1234 (5th Cir. 1983) (corporation purchased stock of targets and then targets merged into purchaser, which then transferred the target assets to a subsidiary of the purchaser); *South Bay Corporation v. Commissioner,* 345 F.2d 698 (2d Cir. 1965) (individual purchased stock in two targets and then targets merged into a third corporation owned by the individual); *Superior Coach of Florida*

v. Commissioner, 80 T.C. 895 (1983) (individual purchased target stock and then target merged into another corporation controlled by the individual); *Estate of McWhorter v. Commissioner,* 69 T.C. 650 (1978), *aff'd,* 590 F.2d 340 (8th Cir. 1978) (corporation purchased target stock and then target merged into purchaser); and *Kass v. Commissioner,* 60 T.C. 218 (1973), *aff'd,* 491 F.2d 749 (3d Cir. 1974) (corporation purchased target stock and then target merged into purchaser).

The *Yoc Heating* court's analysis of the transaction as, in substance, a taxable asset acquisition by the subsidiary is consistent with generally applied federal income tax principles. For example, in *Kimbell-Diamond Milling Co. v. Commissioner,* 14 T.C. 74 (1950), *aff'd per curiam,* 187 F.2d 718 (5th Cir.), *cert. denied,* 342 U.S. 827 (1951), an acquiring corporation's purchase of a target corporation's stock followed by the liquidation of the target was treated for federal income tax purposes as, in substance, a direct purchase of the target's assets by the acquiring corporation. The Tax Court's characterization in *Kimbell-Diamond* was based on a finding that the acquiring corporation intended to obtain the target's assets rather than its stock. As a result, the acquiring corporation's basis in the target's assets was determined by reference to the purchase price of the target's stock.

In 1954, Congress codified principles derived from *Kimbell-Diamond* by enacting former section 334(b)(2) of the Internal Revenue Code of 1954, which created an objective test that permitted a stock purchase followed by liquidation of the target to be treated as an asset acquisition. S. Rep. No. 1622, 83d Cong., 2d Sess. 257 (1954).

In 1982, Congress repealed section 334(b)(2) and replaced it with section 338, which provides that, if a corporation makes a qualified stock purchase (QSP) of the stock of a target, the purchasing corporation may elect to have the target treated as having sold all of its assets at the close of the acquisition date in a single transaction and as a new corporation that purchased all such assets at the beginning of the following day. Section 338 was ''intended to replace any nonstatutory treatment of a stock purchase as an asset purchase under the *Kimbell-Diamond* doctrine.'' H.R. Conf. Rep. No. 760, 97th Cong., 2d Sess. 467, 536 (1982), 1982–2 C.B. 600, 632.

Under section 338(i), the IRS and Treasury are authorized to prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 338. The IRS and Treasury believe that the result in *Yoc Heating* is inconsistent with the legislative intent behind section 338. As a result of the enactment of section 338, an intragroup merger or similar transaction following a QSP generally should not be treated as part of an overall asset acquisition. The qualified stock purchase must be accorded its intended effect. *Cf.* Rev. Rul. 90–95, 1990–2 C.B. 67 (applying sections 332 and 334 to a merger of the target into the purchasing corporation following a QSP). If a section 338 election is not made, in a subsequent intragroup merger or similar transaction, the target assets generally should preserve their historic basis maintained in the qualified stock purchase. The IRS and Treasury believe that applying the reorganization rules to the target and purchasing group in mergers and similar transactions following a QSP is the simplest and most effective means of achieving the congressional intent in repealing the *Kimbell-Diamond* doctrine.

Explanation of Provisions

Proposed § 1.338–2(c)(3) applies to the transfer of target assets to the purchasing corporation or another member of the same affiliated group as the purchasing corporation (the transferee) following a QSP of target stock, if the purchasing corporation does not make a section 338 election for the target.

As noted above, for the transfer of target assets to be pursuant to a reorganization within the meaning of section 368, there must be a continuity of interest in the target's business enterprise on the part of those persons who, directly or indirectly, were the owners of the enterprise prior to the reorganization. See § 1.368–1(b). The proposed regulations generally provide that, by virtue of the application of section 338, the purchasing corporation's target stock acquired in the QSP represents an interest on the part of a person who was an owner of the target's business enterprise prior to the transfer that can be continued in a reorganization for the purpose of determining whether the continuity of interest requirement is satisfied. A corollary provision enables the transfer to satisfy the requirements for an acquisitive reorganization under section 368(a)(1)(D).

Notwithstanding the general rule above, the proposed regulations provide that sections 354, 355, 356 and 358 do not apply to any person other than the purchasing corporation or another member of the same affiliated group as the purchasing corporation unless the transfer of target assets is pursuant to a reorganization under generally applicable rules without regard to the provisions of the proposed regulations. The legislative history of section 338 does not indicate any intent to eliminate the continuity of interest requirement generally and allow reorganization treatment to shareholders receiving stock in acquisitions where the overall consideration does not preserve continuity of interest. The rules provided in the proposed regulations reconcile Congress' concerns in enacting section 338 with general reorganization principles.

The IRS and Treasury request comments on the proposed rules, including, particularly, comments regarding the collateral consequences of treating the transaction as a reorganization to the target and to the purchasing corporation and its affiliates, but not to persons unaffiliated with the purchasing corporation. The IRS and Treasury also solicit comments as to whether guidance is needed as to the proper treatment of post-QSP mergers and similar transactions if a section 338 election is made for the target.

Proposed Effective Date

Section 1.338–2(c)(3) is proposed to be effective for transfers of target assets occurring on or after the date final regulations are filed with the Office of the Federal Register.

Special Analyses

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in EO 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before this proposed regulation is adopted as a final regulation, consideration will be given to any written comments (a signed original and eight (8) copies) that are submitted timely to the IRS. All comments will be available for public inspection and copying.

A public hearing has been scheduled for June 7, 1995, at 10 a.m. in room

3313, Internal Revenue Building, 1111 Constitution Avenue NW, Washington, DC. Because of access restrictions, visitors will not be admitted beyond the Internal Revenue Building lobby more than 15 minutes before the hearing starts.

The rules of 26 CFR 601.601(a)(3) apply to the hearing.

Persons that wish to present oral comments at the hearing must submit written comments by May 19, 1995, and submit an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by May 19, 1995.

A period of 10 minutes will be allocated to each person for making comments.

An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of these regulations is William Galanis, Office of Assistant Chief Counsel (Corporate), Internal Revenue Service. However, other personnel from the IRS and Treasury Department participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

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

Authority: 26 U.S.C. 7805 * * *

Par. 2. Section 1.338–0 is amended by adding entries for § 1.338–2(c)(3) to read as follows:

§ 1.338–0 Outline of topics.

* * * * *

§ 1.338–2 Miscellaneous issues under section 338.

* * * * *

(c)* * *

(3) Consequences of post-acquisition elimination of target.

(i) Scope.

(ii) Continuity of interest.

(iii) Control requirement.

(iv) Example.

(v) Effective date.

* * * * *

Par. 3. Section 1.338–2 is amended by adding paragraph (c)(3) to read as follows:

§ 1.338–2 Miscellaneous issues under section 338.

* * * * *

(c) * * *

(3) *Consequences of post-acquisition elimination of target*—(i) *Scope.* The rules of this paragraph (c)(3) apply to the transfer of target assets to the purchasing corporation (or another member of the same affiliated group as the purchasing corporation) (the transferee) following a qualified stock purchase of target stock, if the purchasing corporation does not make a section 338 election for target.

(ii) *Continuity of interest.* By virtue of section 338, in determining whether the continuity of interest requirement of § 1.368–1(b) is satisfied on the transfer of assets from target to the transferee, the purchasing corporation's target stock acquired in the qualified stock purchase represents an interest on the part of a person who was an owner of the target's business enterprise prior to the transfer that can be continued in a reorganization. Notwithstanding the preceding sentence, sections 354, 355, 356 and 358 do not apply to any person other than the purchasing corporation or another member of the same affiliated group as the purchasing corporation unless the transfer is pursuant to a reorganization under generally applicable rules without regard to this paragraph (c)(3)(ii).

(iii) *Control requirement.* By virtue of section 338, the purchasing corporation is treated as a shareholder of the target transferor for the purpose of determining whether, immediately after the transfer of target assets, a shareholder of the transferor is in control of the corporation to which the assets are transferred within the meaning of section 368(a)(1)(D).

(iv) *Example.* This paragraph (c)(3) is illustrated by the following example:

Example. (A) *Facts.* P, T, and X are domestic corporations. T and X each operate a trade or business. A and K, individuals unrelated to P, own 85 and 15 percent, respectively, of the stock of T. P owns all of the stock of X. The total adjusted basis of T's property exceeds the sum of T's liabilities plus the amount of liabilities to which T's property is subject. P purchases all of A's T stock for cash in a qualified stock purchase. P does not make an election under section 338(g) with respect to its acquisition of T stock. Shortly after the acquisition date, and as part of the same plan, T merges under applicable state law into X in a transaction that, but for the question of continuity of interest, satisfies all the requirements of section 368(a)(1)(A). In the merger, all of T's assets are transferred to X. P and K receive X stock in exchange for their T stock. P intends to retain the stock of X indefinitely.

(B) *Status of transfer as a reorganization.* By virtue of section 338, for the purpose of determining whether the continuity of interest requirement of § 1.368–1(b) is satisfied, P's T stock acquired in the qualified stock purchase represents an interest on the part of a person who was an owner of T's business enterprise prior to the transfer that can be continued in a reorganization through P's continuing ownership of X. Thus, the continuity of interest requirement is satisfied and the merger of T into X is a reorganization within the meaning of section 368(a)(1)(A). Moreover, by virtue of section 338, the requirement of section 368(a)(1)(D) that a target shareholder control the transferee immediately after the transfer is satisfied because P controls X immediately after the transfer. In addition, all of T's assets are transferred to X in the merger and P and K receive the X stock exchanged therefor in pursuance of the plan of reorganization. Thus, the merger of T into X is also a reorganization within the meaning of section 368(a)(1)(D).

(C) *Treatment of T and X.* Under section 361(a), T recognizes no gain or loss in the merger. Under section 362(b), X's basis in the assets received in the merger is the same as the basis of the assets in T's hands. X succeeds to and takes into account the items of T as provided in section 381.

(D) *Treatment of P.* By virtue of section 338, the transfer of T assets to X is a reorganization. Pursuant to that reorganization, P exchanges its T stock solely for stock of X, a party to the reorganization. Because P is the purchasing corporation, section 354 applies to P's exchange of T stock for X stock in the merger of T into X. Thus, P recognizes no gain or loss on the exchange. Under section 358, P's basis in the X stock received in the exchange is the same as the basis of P's T stock exchanged therefor.

(E) *Treatment of K.* Because K is not the purchasing corporation (or an affiliate thereof), section 354 does not apply to K's exchange of T stock for X stock in the merger of T into X unless the transfer is pursuant to a reorganization under generally applicable rules without regard to paragraph (c)(3)(ii) of this section. Under general income tax principles applicable to reorganizations, the continuity of interest requirement is not satisfied because P's stock purchase and the merger of T into X are pursuant to an integrated transaction in which A, the owner of 85 percent of the stock of T, received solely cash in exchange for A's T stock. See, e.g., *Yoc Heating v. Commissioner,* 61 T.C. 168 (1973); *Kass v. Commissioner,* 60 T.C. 218 (1973), *aff'd,* 491 F.2d 749 (3d Cir. 1974). Thus, the requisite continuity of interest under § 1.368–1(b) is lacking and section 354 does not apply to K's exchange of T stock for X stock. K recognizes gain or loss, if any, pursuant to section 1001(c) with respect to its T stock.

(v) *Effective date.* The provisions of this paragraph (c)(3) are effective for transfers of target assets on or after the

date final regulations are filed with the Office of the Federal Register.

* * * * *

Margaret Milner Richardson,

Commissioner of Internal Revenue.

[FR Doc. 95–3771 Filed 2–16–95; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AB96

Flaring or Venting Gas and Burning Liquid Hydrocarbons

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend regulations governing the restrictions on flaring or venting gas to include restrictions on burning liquid hydrocarbons. The MMS is proposing to amend these regulations because of the increased interest in burning liquid hydrocarbons and to clarify the restrictions on burning this natural resource. The amendment would conserve liquid hydrocarbons and protect the environment from the possible effects of burning liquid hydrocarbons.

DATES: Comments on this proposed rule must be postmarked or received on or before April 18, 1995 to be considered for this rulemaking.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 22070–4817; Attention: Chief, Engineering and Standards Branch.

FOR FURTHER INFORMATION CONTACT: Sharon Buffington, Engineering and Standards Branch, telephone (703) 787–1600.

SUPPLEMENTARY INFORMATION: Requests for burning liquid hydrocarbons (crude oil and condensate) have become more frequent in the Outer Continental Shelf. In the interest of conserving natural resources, and because of the environmental concerns associated with this burning, MMS proposes to amend the regulations at 30 CFR 250.175, which currently include restrictions on flaring and venting of gas, to include restrictions on burning liquid hydrocarbons.

Under proposed new paragraph (c) of 30 CFR 250.175, lessees will not be permitted to burn liquid hydrocarbons without the prior approval of the Regional Supervisor. To obtain approval, the lessee must demonstrate that the amounts to be burned would be minimal or that the alternatives, such as transporting the liquids or storing and re-injecting the liquids, are infeasible or pose a significant risk to offshore personnel or the environment. The term ''lessee'' also includes their agents and designees.

Authors

Sharon Buffington and Jo Ann Lauterbach, Engineering and Technology Division, MMS, prepared this document.

Executive Order (E.O.) 12866

The Department of the Interior (DOI) reviewed this proposed rule under E.O 12866 and determined that it is not a significant rule.

Regulatory Flexibility Act

The DOI determined that this proposed rule will not have a significant effect on a substantial number of small entities. In general, the entities that engage in offshore activities are not considered small due to the technical and financial resources and experience necessary to safety conduct such activities.

Paperwork Reduction Act

The proposed information collection requirements contained in § 250.175 were submitted 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 DOI will not require the collection on this information until OMB has approved its collection.

The MMS estimates the public reporting burden for this information to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer; Minerals Management Service; Mail Stop 2053, 381 Elden Street; Herndon, Virginia 22070–4817, and the Office of Management and Budget, Paperwork Reduction Project (1010–0041), Washington, DC 20503.

Takings Implication Assessment

The DOI determined that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, a Takings Implication Assessment does not need to be prepared pursuant to E.O. 12630, Government Action and Interference with Constitutionally Protected Property Rights.

E.O. 12778

The DOI certified to OMB that this proposed rule meets the applicable civil justice reform standards provided in Sections 2(a) and 2(b)(2) of E.O. 12778.

National Environmental Policy Act

The DOI determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment; therefore, an Environmental Impact Statement is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Incorporation by reference, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Pubic lands—mineral resources, Public lands—rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: December 23, 1994.

Bob Armstrong,

Assistant Secretary, Land and Minerals Management.

For the reasons set forth above, MMS proposes to amend 30 CFR part 250 to read as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1334.

2. Section 250.175 is revised to read as follows:

§ 250.175 Flaring or venting gas and burning liquid hydrocarbons.

(a) Lessees must not flare or vent oil-well gas or gas-well gas without the prior approval of the Regional Supervisor except in the following situations:

(1) When gas vapors are flared or vented in small volumes from storage vessels or other low-pressure production vessels and cannot be economically recovered.

(2) During temporary situations such as a compressor or other equipment

failure or the relief of system pressures. The following conditions apply:

(i) Lessees must not flare or vent oil-well gas for more than 48 continuous hours without the approval of the Regional Supervisor. The Regional Supervisor may specify a limit of less than 48 hours when necessary to prevent air quality degradation. Flaring or venting gas from a facility must not continue for more than 144 cumulative hours during any calendar month without the approval of the Regional Supervisor.

(ii) Lessees must not flare or vent gas-well gas beyond the time required to eliminate a temporary emergency without the approval of the Regional Supervisor.

(3) During the unloading or cleaning of a well, drill-stem testing, production-testing, or other well-evaluation testing for periods not to exceed 48 cumulative hours per testing operation on a single completion. The Regional Supervisor may specify a shorter period of time, under prior notice, to prevent air quality degradation.

(b) Lessees may flare or vent oil-well gas for a period not to exceed 1 year when the Regional Supervisor approves the request for one of the following reasons:

(1) The lessee initiated an action which, when completed, will eliminate flaring and venting; or

(2) The lessee submitted an evaluation supported by engineering, geologic, and economic data indicating that the oil and gas produced from the well(s) will not economically support the facilities necessary to save and/or sell the gas, or that sufficient quantities of gas are not available for marketing.

(c) Lessees must not burn produced liquid hydrocarbons without the prior approval of the Regional Supervisor. To burn produced liquid hydrocarbons, the lessee must demonstrate that the amounts to be burned would be minimal, or that the alternatives are infeasible or pose a significant risk to offshore personnel or the environment. Alternatives to burning liquid hydrocarbons include transporting the liquids or storing and re-injecting them into a producible zone.

(d) Lessees must prepare records detailing gas flaring or venting, and liquid hydrocarbon burning, for each facility. The records must include, at a minimum:

(1) Daily volumes of gas flared or vented, and liquid hydrocarbons burned.

(2) Number of hours of flaring, venting, or burning on a daily basis.

(3) Reasons for flaring, venting, or burning.

(4) A list of the wells contributing to flaring, venting, or burning, along with the gas-oil ratio data.

(e) Lessees must keep these records for at least two (2) years. Lessees must make the records available for inspection by Minerals Management Service (MMS) representatives at the lessees' field office that is nearest the Outer Continental Shelf facility, or at other locations conveniently available to the Regional Supervisor. Upon request by the Regional Supervisor, lessees must provide a copy of the records to MMS.

[FR Doc. 95–3986 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–MR–M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[IN–121–FOR; Amendment 94–7]

Indiana Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Indiana regulatory program (hereinafter referred to as the ''Indian program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of changes to the Indiana Surface Coal Mining rules. The amendment is intended to revise 310 IAC 12–5–54.1 and the timing limitations of backfilling and grading for surface coal mining and reclamation operations under IC 13–4.1.

DATES: Written comments must be received by 4:00 p.m., E.S.T. March 20, 1995. If requested, a public hearing on the proposed amendment will be held on March 14, 1995. Requests to speak at the hearing must be received by 4:00 p.m., E.S.T. on March 6, 1995.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Roger W. Calhoun, Director, Indianapolis Field Office at the first address listed below.

Copies of the Indiana program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Indianapolis Field Office.

Roger W. Calhoun, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, Room 301, Indianapolis, Indiana 46204, Telephone: (317) 226–6166.

Indiana Department of Natural Resources, 402 West Washington Street, Room C256, Indianapolis, Indiana 46204, Telephone: (317) 232–1547.

FOR FURTHER INFORMATION CONTACT: Roger W. Calhoun, Director, Indianapolis Field Office, Telephone: (317) 226–6166.

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Program

On July 29, 1982, the Secretary of the Interior conditionally approved the Indiana program. Background information on the Indiana program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the July 26, 1982, **Federal Register** (47 FR 32071). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 914.10, 914.15, and 914.16.

II. Discussion of the Proposed Amendment

By letter dated January 31, 1995 (Administrative Record No. IND–1420), the Indiana Department of Natural Resources (IDNR) submitted to OSM a State program amendment package consisting of revisions to the Indiana program rules. The amendment revises language at 310 IAC 12–5–54.1 concerning the timing limitations for backfilling and grading of surface coal mining and reclamation operations. The following amendments are being proposed.

1. 310 IAC 12–5–54.1 Backfilling and Grading; Timing Limitations

Subsection (a). The word ''commission'' is being deleted and is replaced by the word ''director.'' The word ''paragraphs'' is being deleted and replaced by ''subsection.'' The words ''of this rule'' are being deleted.

Subsection (a)(1). The word ''and'' is being deleted immediately before ''eight (180).'' The words ''an average of'' are being deleted immediately preceding ''four (4).'' The words ''(by length)'' are being deleted immediately following ''four (4) spoil ridges.'' With these changes, backfilling and grading for dragline type operations which deposit the overburden into spoil ridges must be

accomplished within 180 days of deposition, provided that no more than four (4) spoil ridges remain at any one time.

Subsection (a)(4). In the second sentence, the word ''commission'' is deleted and is replaced by the word ''director.''

Subsection (b). The changes to this subsection all involve nonsubstantive wording changes.

Subsection (c). Nonsubstantive wording changes are being made to the first sentence. The second sentence concerning the required commission approval of variances is being deleted in its entirety. With these changes, the revised subsection provides that ''[t]he director may grant variances to the limitations of subsection (a) for good cause.''

The proposed program amendment submitted by Indiana is available for public inspection at the addresses listed above. The Director now seeks public comment on whether the proposed amendment is no less effective than the Federal regulations. If approved, the amendment will become part of the Indiana program.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Indiana program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Indianapolis Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.S.T. on March 6, 1995. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials 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. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

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. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

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

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 10, 1995.

Richard J. Seibel,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 95–4063 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 917

Kentucky Regulatory Program

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

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: OSM is announcing the receipt of revisions of two previously

proposed amendments to the Kentucky regulatory program (hereinafter referred to as the ''Kentucky program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). By letter of January 11, 1995 (Administrative Record No. KY–1332), Kentucky resubmitted a proposed program amendment that completed the Kentucky regulation promulgation process under Kentucky Revised Statutes 9KRS) Chapter 13A. The amendment consists of proposed modifications to Kentucky Administrative Regulations (KAR) 10:010, 16:010, 16:020 and 18:010 relating to bonding, outcrop barrier and contemporaneous reclamation. Also, included in this reopening is the Statement of Consideration for these regulations dated October 14, 1994 (Administrative Record No. KY–1321). The Statement of Consideration is Kentucky's response to comments on its proposed regulations. This proposed program amendment replaces an earlier proposed program amendment submitted on August 2, 1994 (Administrative Record No. KY–1305), and portions of Kentucky's submittal of July 19, 1994 (Administrative Record No. KY–1304), containing 405 KAR 10:010 General Requirements for Performance Bond and Liability Insurance and 405 KAR 16:020 Contemporaneous Reclamation. The changes to 405 KAR 7:015, 7:095, 16:200, 18:200, the Penalty Assessment Manual and Technical Reclamation Memorandum #21 identified in the submittal of July 19, 1994 (Administrative Record No. KY–1304), are not included in this proposed amendment. These changes have not completed the Kentucky regulation promulgation process under KRS Chapter 13A. They will be resubmitted to OSM when that process is completed.

DATES: Written comments must be received by 4:00 p.m., E.S.T., on March 20, 1995. If requested, a public hearing on the proposed amendment will be held at 10:00 a.m. on March 14, 1995. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m. on March 6, 1995. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand delivered to: William J. Kovacic at the address listed below.

Copies of the Kentucky program, the proposed amendment, and all written comments received in response to this document will be available for review at the addresses listed below, Monday through Friday, excluding holidays. Each requestor may receive one free copy of the proposed amendment by contacting OSM's Lexington Field Office.

William J. Kovacic, Director, Office of Surface Mining Reclamation and Enforcement, Lexington Field Office, 2675 Regency Road, Lexington, Kentucky 40503, Telephone: (606) 233–2894

Department for Surface Mining Reclamation and Enforcement, #2/ Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564–6940.

If a public hearing is held, its location will be: The Harley Hotel, 2143 North Broadway, Lexington, Kentucky 40505.

FOR FURTHER INFORMATION CONTACT: William J. Kovacic, Director, Lexington Field Office Telephone (606) 233–2894.

SUPPLEMENTARY INFORMATION:

I. Background on the Kentucky Program

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. General background information on the Kentucky program including the Secretary's findings, the disposition of comments, and conditions of approval can be found in the May 18, 1982, **Federal Register** (47 FR 21404). Subsequent actions concerning Kentucky's program can be found at 30 CFR 917.11, 917.15, 917.16 and 917.17.

II. Proposed Amendment

By letter dated July 19, 1994 (Administrative Record No. KY–1304), Kentucky submitted a proposed amendment to its program pursuant to SMCRA. Kentucky submitted the proposed amendment at its own initiative. The provisions of KAR that Kentucky proposed to amend are 405 KAR 7:015—Documents Incorporated by Reference, 405 KAR 7:095—Assessment of Civil Penalties, 405 KAR 10:010—General Requirements for Performance Bond and Liability Insurance, 405 KAR 16:020—Contemporaneous Reclamation, 405 KAR 16:200—Revegetation for Surface Coal Mining, and 405 KAR 18:200 Revegetation for Underground Mining Operations. OSM announced receipt of the proposed amendment in the August 9, 1994, **Federal Register** (59 FR 40503), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy. Because no one requested a public hearing or meeting, none was held. The public comment period ended on September 6, 1994.

By letter dated August 2, 1994 (Administrative Record No. KY–1305), Kentucky submitted a proposed amendment to its program pursuant to SMCRA. Kentucky submitted the proposed amendment at its own initiative. The provisions of the regulations that Kentucky proposed to amend are 405 KAR 16:010 and 405 KAR 18:010. OSM announced receipt of the proposed amendment in the September 6, 1994, **Federal Register** (59 FR 46013), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy. Because no one requested a public hearing or meeting, none was held. The public comment period ended on October 6, 1994.

By letter dated January 11, 1995 (Administrative Record No. KY–1332), Kentucky resubmitted a proposed program amendment that completed the Kentucky regulation promulgation process under KRS Chapter 13A. This resubmission contains proposed modifications to 405 KAR 10:010 General Requirements for Performance Bond and Liability Insurance, 405 KAR 16:010 General Provisions, 405 KAR 16:020 Contemporaneous Reclamation, and 405 KAR 18:010 General Provisions. Also, included in this reopening is the Statement of Consideration for these regulations dated October 14, 1994 (Administrative Record No. KY–1321). The Statement of Consideration is Kentucky's response to comments on its proposed regulations. This proposed program amendment replaces an earlier proposed program amendment submitted on August 2, 1994 (Administrative Record No. KY–1305), and portions of Kentucky's submittal of July 19, 1994 (Administrative Record No. KY–1304), containing 405 KAR 10:010 General Requirements for Performance Bond and Liability Insurance and 405 KAR 16:020 Contemporaneous Reclamation. Specifically, Kentucky proposes the following changes:

405 KAR 10:010—General Requirements for Performance Bond and Liability Insurance

New Section 2(4) resulted from recommendations in the July 1993, report of the joint steering committee on reclamation bonding, a work group consisting of representatives of the Department of Surface Mining Reclamation and Enforcement, OSM, the Kentucky coal industry, public and environmental interests, and the surety industry. Coupled with the amendments

to 405 KAR 16:020 (see discussion below), this amendment is intended to reduce the chances that a forfeited bond will be inadequate to reclaim the minesite. New Section 2(4) requires that if a permit revision adds a coal washer, a crush and load facility, a refuse pile, or a coal mine waste impoundment to the existing permit, or alters the boundary of a permit area or increment, the permittee must submit a rider to his performance bond, confirming coverage of the revision.

New Section 5 incorporates by reference the various forms in use pertaining to performance bonds and liability insurance.

405 KAR 16:020—Contemporaneous Reclamation

The amendments to this regulation also resulted from the recommendations in the July 1993, bonding report discussed above. The amendments to Section 2 and new Section 6 require a permittee to post *supplemental assurance* (certificate of deposit, letter of credit, surety guarantee, etc.) in addition to the normal performance bond whenever he obtains approval of alternate distance limits for backfilling and grading or if additional pits are approved. When the backfilling and grading has progressed to the point that the alternate distance limits are no longer needed, the supplemental assurance is then returned to the person that submitted it. This supplemental assurance is not subject to the normal bond release requirements of 405 KAR 10:040. Supplemental assurance is also required if the permittee wishes to open more than one pit on the permit area.

Section 2 permits an approved backfilling and grading plan to include more than one pit per permit area if certain demonstrations are made by the permittee. Sections 2(1) through 2(5) place limits on the number of mining operations per permit area. Section 2(6) requires that if a mountaintop removal operation begins by mining a contour cut around all or part of the mountaintop, the time and distance limits for contour mining shall apply to that cut unless alternate limits are approved.

New Section 6(7) makes the supplemental assurance requirements applicable to all permit applications submitted on or after December 12, 1994. *Existing operations must come into compliance with the supplemental assurance requirements 180 days after December 12, 1994.*

New Section 7 incorporates by reference two new forms used for supplemental assurance. These are the supplemental assurance form itself, SME–42 (SA), and the escrow agreement form SME–64 (SA).

405 KAR 16:010—General Provisions. (Surface Mines)

405 KAR 18:010—General Provisions. (Underground Mines)

The amendments to these two administrative regulations are intended to reduce occurrences of a rapid release to the land surface of a large volume of water impounded in underground mine workings, often called a ''blowout.'' Blowouts have caused considerable damage to property and the environment, and create a hazard to persons in the areas where they occur. Additionally, an underground mine can become a source of acid mine drainage after a blowout.

Blowouts usually result from underground workings that extend too close to the land surface, leaving an unmined barrier of coal that is too weak to withstand the buildup of water pressure against it. New Section 6 of 405 KAR 18:010 requires that adequate coal barriers be left in areas with blowout potential. Except where surface openings are approved in the permit, the underground mine must leave an unmined barrier of coal where the underground workings dip toward and approach the land surface. This requirement will be waived if accumulation of water in the underground workings cannot reasonably be expected to occur, or if adequate measures to prevent an unmined barrier of coal is required, it must be of sufficient width to prevent failure and sudden release of water. The cabinet may determine on a case-by-case basis the width of the barrier that is necessary. The width must not be less than the width given by the formula: W=50+H, where W is the minimum width in feet and H is the maximum hydrostatic head in feet that can build up on the outcrop barrier pillar; unless the cabinet approves a lesser width based upon the applicant's demonstration that a lesser width is adequate.

A blowout can also result from surface mining activities that remove coal from and thereby weaken, a coal barrier left by underground mining. New Section 8 of 405 KAR 16:010 requires that surface mining activities not remove coal from barriers left by underground mining where the underground workings dip toward and approach the land surface, except when approved by the cabinet. The cabinet will approve the removal if it meets all other applicable requirements and at least one of the following conditions:

(1) The removal will not adversely affect the stability of the barrier;

(2) The removal will completely eliminate or significantly reduce existing underground workings;

(3) The removal will eliminate or significantly reduce an existing or potential threat to the health or safety of the public resulting from the underground workings;

(4) The removal will eliminate or significantly reduce existing or potential adverse impacts of the underground working to the quantity or quality of ground water or surface water; or

(5) The barrier is not necessary to protect the health or safety of the public or to protect the quantity of ground water or surface water.

III. Public Comment Procedures

OSM is reopening the comment period on the proposed Kentucky program amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kentucky program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commentor's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Lexington Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m. on March 6, 1995. If no one requests an opportunity to comment at a public hearing, the hearing will not be held. Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who

wish to do so, will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the OSM Lexington Field Office listed under **ADDRESSES** by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

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

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

List of Subjects in 30 CFR Part 917

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 9, 1995.

Tim L. Dieringer,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 95–4064 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–05–M

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30 CFR Part 935

[OH–234; Amendment Number 63R]

Ohio Regulatory and AML Programs; Reduction and Reorganization of Engineering Staff

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

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: OSM is reopening the public comment period for a proposed amendment to the Ohio regulatory program and AML program (hereinafter referred to as the Ohio programs) under the Surface Mining Control and Reclamation Act of 1977. This amendment is intended to reduce and reorganize the engineering staff of the Ohio programs in response to recent drops in Ohio coal production. Ohio has resubmitted this amendment in response to OSM's deferral of its decision on the engineering portion of Ohio's overall staffing proposal in the previous submissions of this program amendment.

This document sets forth the times and locations that the Ohio programs and the proposed amendments to those programs will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4:00 p.m., e.s.t., on March 20, 1995. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m., e.s.t., on March 14, 1995. Requests to present oral testimony at the hearing must be received on or before 4:00 p.m., e.s.t., on March 6, 1995.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand-delivered to Mr. Robert H. Mooney, Acting Director, Columbus Field Office, at the address listed below.

Copies of the Ohio programs, the proposed amendments, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendments by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 4480 Refugee Road, Suite 201, Columbus, Ohio 43232, Telephone: (614) 886–0578

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H–3, Columbus, Ohio 43224, Telephone: (614) 265–6675.

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Mooney, Acting Director, Columbus Field Office, (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background of the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio programs. Information on the general background of the Ohio program submissions, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio programs, can be found in the August 10, 1982, **Federal Register** (47 FR 34688). Subsequent actions concerning

the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Discussion of the Proposed Amendments

By letter dated March 15, 1993 (Administrative Record No. OH–1845), the Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted proposed Program Amendment Number 63 (PA 63). In that submission, Ohio proposed to reduce the staff of the Ohio programs by abolishing 28 existing positions. Ohio also proposed to reorganize the remaining staff positions to assume the existing job duties. The amendment contained no proposed revisions to Ohio's coal mining law in the Ohio Revised Code or coal mining rules in the Ohio Administrative Code.

OSM announced receipt of the proposed amendment in the April 8, 1993, **Federal Register** (58 FR 18185, and, in the same document, opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on May 10, 1993.

OSM and Ohio staff met on May 20, 1993, to discuss OSM's preliminary concerns and questions about PA 63. By letter dated June 16, 1993 (Administrative Record No. OH–1890), Ohio submitted additional information in response to those OSM concerns and questions. Through an oversight, OSM did not reopen the public comment period at that time.

Subsequently, by letter dated November 2, 1993 (Administrative Record No. OH–1948), OSM formally provided Ohio with its questions and comments on the March 15 and June 16, 1993, submissions of PA 63. By letter dated December 6, 1993 (Administrative Record No. OH–1971), Ohio provided its responses to OSM's November 2, 1993, questions and comments.

OSM announced receipt of Ohio's December 6, 1993, response in the January 21, 1994, **Federal Register** (59 FR 3325), and, in the same document, opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on February 7, 1994.

During its review of Ohio's December 6, 1993, response, OSM identified two concerns regarding engineering practices and engineering wordload which OSM staff communicated to the State during a meeting held on April 20, 1994 (Administrative Record No. OH–2012). Ohio responded in a letter dated April 21, 1994 (Administrative Record No. OH–2014), with additional information on both issues. OSM announced receipt of this additional information, along with the explanatory information submitted by Ohio on June 16, 1993, and reopened the comment period for PA 63 in the June 9, 1994, **Federal Register** (59 FR 29748). The public comment period closed on June 24, 1994.

In the September 1, 1994, **Federal Register** (59 FR 45206), the Director of OSM partially approved PA 63 but deferred his decision on the engineering portions of the amendment. The Director based this decision on Ohio's April 21, 1994, letter in which Ohio indicated that the reorganization of its engineering staff was still underway. Ohio stated that the changes to its engineering staff proposed by Ohio in the 1993 submissions of PA 63 no longer accurately reflected Ohio's proposed engineering structure. Ohio was still analyzing the workload and functions of its engineering staff. Ohio stated that when it has finalized its proposed engineering staff configuration, Ohio would resubmit that staff configuration to OSM for review and approval.

On November 29, 1994, OSM and Ohio staff met to discuss Ohio's progress with reorganizing its engineering staff (Administrative Record No. OH–2071). OSM and Ohio staff met again on December 15, 1994 (Administrative Record No. OH–2074), at which time Ohio provided several documents describing Ohio's projection of the engineering resources needed to support its regulatory prgram. On December 30, 1994, Ohio provided a similar analysis of the needs of its AML program (Administrative Record No. OH–2089). On January 23, 1995 (Administrative Record No. OH–2084), OSM provided comments to Ohio on these engineering work projections.

By letter dated February 2, 1995 (Administrative Record No. OH–2088), Ohio submitted its revised engineering staff configuration as Program Amendment Number 63 Revised (PA 63R). In this submission, Ohio is proposing to reduce the engineering staff of the Ohio regulatory and AML programs down to 10.4 full-time positions by abolishing 3.6 of the 14 engineering positions which supported those programs prior to PA 63. As with the previous submissions of PA 63, PA 63R contains no proposed revisions to Ohio's coal mining law in the Ohio Revised Code or coal mining rules in the Ohio Administrative Code.

The five major parts of Ohio's February 2, 1995, submission of PA 63R are described briefly below:

(1) Description and Justification of Engineering Staff Actions

Ohio is proposing to have a total of 3.2 full-time engineering staff positions dedicated to its regulatory program. These 3.2 positions will be made up of varying percentages of the work hours of 8 employees: 25 percent of 1 Central Office Engineer, 50 percent of 2 Field Engineers, 25 percent of 1 Field Engineer, 20 percent of 1 Surveyor, and 50 percent of 3 Engineering Specialists. This staffing level represents a reduction of 0.8 full-time staff positions from the 4.0 regulatory engineering positions that existed prior to PA 63.

Ohio is proposing to have a total of 7.2 full-time engineering staff positions dedicated to its AML program. These 7.2 positions will be made up of varying percentages of the work hours of 11 employees: 100, 70, and 50 percents of 3 Central Office Engineers, respectively; 65 percent of 1 Field Engineer; 45 percent of 2 Field Engineers; 80 percent of 1 Surveyors; 50 percent of 3 Engineering Specialists; and 100 percent of 1 Drafting Technician. This staffing level represents a reduction of 2.8 full-time staff positions from the 10.0 AML engineering positions that existed prior to PA 63.

As justification for these engineering staff changes, Ohio has submitted a narrative explaining its staffing proposal and summarizing the results of an engineering workload analysis conducted by Ohio with OSM assistance. Ohio has also stated its plans to conduct on-going assessment of any additional engineering support needed by its regulatory and ALM programs.

(2) Proposed Table of Organization for Engineering Staff

Ohio has submitted a proposed table of organization dated January 1995 which shows the proposed 10.4 engineering staff positions.

(3) Proposed Position Descripotion for Engineering Specialists

Ohio has submitted a proposed Position Description for the three Engineering Specialist positions which it plans to create to provide technical assistance to its Central Office and Field Engineers. Ohio has provided an explanation of the need for and responsibilities of these positions in the narrative portion of PA 63R.

(4) Personnel Table

Ohio has submitted a table showing how the work percentages of its 10.4 engineering staff positions will be distributed between Ohio's regulatory and AML programs.

(5) Documents Included by Reference

Following the narrative portion of PA 63R, Ohio has listed eight documents which it considers to be attachments to PA 63R and which include the table of organization, position description, and personnel table listed above. Ohio provided the other five documents to OSM on December 15, 1994 (Administrative Record No. OH–2074); Regulatory Workload Assessment, Regulatory Workload: Geographic Distribution–1993, Regulatory Work Logs-1993, Regulatory ARP Logs-1993) and on December 30, 1994 (Administrative Record No. OH-2089; AML Workload Analysis). Ohio is including these Administrative Record documents in PA 63R by reference.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio programs.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.S.T., on March 6, 1995. If no one requests an opportunity to comment at a public hearing, the hearing will not be held. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contracting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES.** A written summary of each public meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

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

A. Ohio Regulatory Program

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

National Environmental Policy Act

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

Paperwork Reduction Act

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

Regulatory Flexibility Act

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

B. Ohio AML Program

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 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 and Tribal abandoned mine land reclamation plans and revisions thereof since each such plan is drafted and adopted by a specific State or Tribe, not by OSM. Decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof submitted by a State or Tribe are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the Federal regulations at 30 CFR parts 884 and 888.

National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State and Tribal abandoned mine land reclamation plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior [516 DM 6, appendix 8, paragraph 8.4B(29)].

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by the Office of Management and Budget 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 submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: February 9, 1995.

Tim L. Dieringer,

Acting Assistant Director, Eastern Support Center.

[FR Doc. 95–4065 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 638

[I.D. 020795A]

Coral and Coral Reefs of the Gulf of Mexico; Public Hearings on Draft Amendment 3

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

ACTION: Public hearings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene two public hearings on Draft Amendment 3 to the Fishery Management Plan for Coral and Coral Reefs in the Gulf of Mexico. Amendment 3 would close the exclusive economic zone off the Florida Panhandle to live rock harvest, establish an annual commercial live rock harvest quota in the Gulf of Mexico, revise trip limits, define an allowable amount of base rock for octocoral, and consider allowing a personal use harvest limit in the Gulf.

DATES: Written comments on Draft Amendment 3 will be accepted until March 8, 1995. The hearings are scheduled from 7 p.m. to 10 p.m. as follows:

1. Wednesday, March 1, 1995, in Tampa, FL

2. Thursday, March 2, 1995, in Destin, FL

ADDRESSES: Comments should be sent to, and copies of the Draft amendment are available from Mr. Terrance R. Leary, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609; FAX: 813–225–7015.

The hearings will be held at the following locations:

1. Tampa, FL—Ramada Airport Hotel, 5303 West Kennedy Boulevard, Tampa, FL 33609

2. Destin, FL—Holiday Inn, 1020 Highway 98 East, Destin, FL 32540

FOR FURTHER INFORMATION CONTACT: Terrance R. Leary, Fishery Biologist, 813–228–2815.

SUPPLEMENTARY INFORMATION: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Julie Krebs (see **ADDRESSES**) by February 22, 1995.

Dated: February 13, 1995.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–4035 Filed 2–16–95; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 60, No. 33
Friday, February 17, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

February 10, 1995.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title the information collection; (3) Form number(s), if applicable; (4) Who will be required or asked to report; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC., 20250, (202) 690–2118.

Revision

- Agricultural Marketing Service

Cotton Classing, Testing, and Standards

CN–246, CN–247, CN–248, CN–357

Individuals or households; Businesses or other for-profit; 1299 responses; 115 hours.

Elvis W. Morris, (901) 766–2921.

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 95–4040 Filed 2–16–95; 8:45 am]

BILLING CODE 3410–01–M

Office of the Secretary

Proposed Establishment of the Ski Fee System Advisory Committee

AGENCY: Department of Agriculture.

ACTION: Notice; proposed establishment of Advisory Committee.

SUMMARY: This notice announces the proposed establishment of a Federal advisory committee by the Secretary of Agriculture in accordance with the provisions of the Federal Advisory Committee Act. The purpose of the committee is to advise the Secretary on developing a new ski area fee system to be administered by the Forest Service on National Forest System lands.

EFFECTIVE DATE: This decision is effective February 17, 1995.

FOR FURTHER INFORMATION CONTACT: Questions about this committee should be addressed to Lyle Laverty, Director, Recreation, Heritage, and Wilderness Resources Staff, Forest Service, USDA, PO Box 96090, Washington, DC 20090–6090, (202) 205–1706.

SUPPLEMENTARY INFORMATION: The Forest Service is responsible for developing and administering a permit fee system based on fair market value for the use of National Forest System lands by ski areas, and is developing a revised ski fee system to more closely reflect fair market value. The Secretary of Agriculture (Secretary) proposed to establish the Ski Fee System Advisory Committee (Committee) in accordance with the provisions of the Federal Advisory Committee Act (FACA) (5 U.S.C. app.), for the purpose of advising the Secretary during the development of the new ski fee system. This advice will include: consideration of diverse interests in the development of a new ski fee system; the methodologies selected and employed by the Forest Service in developing a new ski fee system based on fair market value; implementation options the agency might consider; and other matters relating to the new ski area fee system as deemed necessary by the Secretary.

The Secretary shall appoint the members of the Committee. Equal opportunity practices in line with USDA policies will be followed in all appointments to the Committee. To ensure that the recommendations on the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities. To achieve a balance of views, members shall represent the ski industry, ski area users, nationally or regionally recognized environmental or resource conservation groups, and employees of State and Federal agencies with jurisdiction over matters related to skiing, public land management, recreational access to public lands, fish and wildlife conservation, or environmental protection. Membership shall include individuals who have expertise through their education or practical experience in ski area permit administration, recreation business management, economic sciences, natural resources management, or similar disciplines.

The Secretary has determined that the Committee is necessary and in the public interest.

Dated: February 10, 1995.

Wardell C. Towsend, Jr.,

Assistant Secretary for Administration.

[FR Doc. 95–4042 Filed 2–16–95; 8:45 am]

BILLING CODE 3410–11–M

Limited Global Cotton Import Quota Announcement

AGENCY: Office of the Secretary, USDA.

ACTION: Notice.

SUMMARY: A limited global import quota for upland cotton equal to 193,632,858 kilograms (426,887,727 pounds) is established in accordance with section 103B(n) of the Agricultural Act of 1949, as amended (1949 Act). This quota is covered under Presidential Proclamation 6301 of June 7, 1991, and is referenced as the Secretary of Agriculture's Limited Global Cotton Import Quota Announcement, chapter 99, subchapter III, subheading 9903.52.00 of the Harmonized Tariff Schedule (HTS).

DATES: The quota is established for the 90-day period beginning on January 6 and ending on April 6, 1995.

FOR FURTHER INFORMATION CONTACT: Janise Zygmont, Consolidated Farm Service Agency, United States Department of Agriculture, Room 3756–

S, PO Box 2415, Washington, DC 20013–2415 or call 202–720–8841.

SUPPLEMENTARY INFORMATION: The 1949 Act requires that a limited global import quota for upland cotton be determined and announced immediately whenever the average price of the base quality of upland cotton in the designated spot markets for a month exceeds 130 percent of the average price of such quality of cotton in such markets for the preceding 36 months. The limited global import quota means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The December 1994 spot market average for base quality cotton was 81.92 cents per pound, which is 136 percent of the 60.06 cents-per-pound average of the previous 36-month period from December 1991 through November 1994.

The 1949 Act requires that if a quota has been established under the authority of section 103(B)(n) during the preceding 12 months, the quantity of the quota shall be the smaller of 21 days of domestic mill consumption at the seasonally-adjusted average rate of the most recent 3 months for which data are available (21-day supply) or the quantity required to increase supply to 130 percent of demand. Since the 21-day supply is smaller than the amount needed to increase supply to 130 percent of demand, the quota is equal to 21 days of domestic mill consumption of upland cotton at the seasonally-adjusted average rate for the period September through November 1994. The quota is not divided by staple length or by country of origin. The quota does not affect existing tariff rates or phytosanitary regulations.

Authority: 7 U.S.C. 1444–2 (n) and U.S. Note 6(b), Subchapter III, Chapter 99 of the HTS.

Signed at Washington, DC, on February 10, 1995.

Richard E. Rominger,

Acting Secretary.

[FR Doc. 95–4041 Filed 2–16–95; 8:45 am]

BILLING CODE 3410–05–P

Forest Service

Notice of the Preparation of the Southern Appalachian Assessment, and the Beginning of the Forest Plan Revision Efforts for the National Forests in Alabama, Chattahoochee-Oconee, Cherokee, and Sumter National Forests

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This Notice is to announce the U.S. Forest Service's participation in the preparation of the Southern Appalachian Assessment (SAA). This Assessment is being prepared by the U.S. Forest Service (the Southern Region of the National Forest System and the Southeastern Forest Experiment Station) in cooperation with the other Federal agencies that are members of SAMAB (Southern Appalachian Man and the Biosphere Cooperative). It will include national forest lands of the George Washington, Jefferson, Nantahala-Pisgah, Cherokee, and Chattahoochee National Forests; and parts of the Sumter and Talladega National Forests. Also involved will be National Park Service lands in the Great Smoky Mountains National Park, Shenandoah National Park, and the Blue Ridge Parkway.

This Notice also announces the beginning of the efforts to revise the Land and Resource Management Plans (Forest Plans) for the National Forests in Alabama, the Chattahoochee-Oconee, the Cherokee, and the Sumter National Forests. This is not the ''Notice of Intent'' (NOI) for the Environmental Impact Statements that will accompany the Revised Forest Plans. Those NOIs will be issued at a later date.

The Southern Appalachian Assessment will support and facilitate ecosystem management decisions to be made in Forest Plan revisions. As the National Forests in the Southern Appalachians are conducting their local efforts to describe their ''Analysis of the Management Situation'' (AMS), they will also be providing information for the larger scale Southern Appalachian Assessment.

The Assessment will be used to help determine each National Forests' ''Need for Change'' section of their AMS. This information will then be used to publish the Notices of Intent to prepare the Environmental Impact Statements, which will begin the NEPA (National Environmental Policy Act) processes associated with each Forest Plan revision.

Public involvement is critical throughout these processes and it will be requested and accepted continually throughout these efforts. Formal public involvement with the Forest Plan revision efforts will also be conducted through ''Scoping'', following the issuance of the National Forests NOIs.

DATES: The Southern Appalachian Assessment is scheduled to be completed by January 1996.

The National Forests in Alabama, the Chattahoochee-Oconee National Forests, the Cherokee National Forest, and the Sumter National Forest are scheduled to complete the drafts of their Analysis of the Management Situation between October 1995 and January 1996. During this same time period, these Forests are scheduled to issue their Notices of Intent to Prepare an Environmental Impact Statement (NOI) for their Revised Land and Resource Management Plans. A Revised NOI for the Jefferson National Forest will also be issued during this time period.

ADDRESSES: Requests for information, and comments concerning this notice can be sent to:

Director, Planning and Budget, USDA–Forest Service, 1720 Peachtree Rd. NW, Atlanta, Georgia 30367–9102.

Co–Team Leader, Southern Appalachian Assessment, USDA–Forest Service, 1720 Peachtree Rd. NW, Atlanta, Georgia 30367–9102.

Forest Supervisor, National Forests in Alabama, 2946 Chestnut, Montgomery, Alabama 36107–3010.

Forest Supervisor, Chattahoochee-Oconee NFs, 508 Oak Street, NW, Gainesville, Georgia 30501.

Forest Supervisor, Cherokee NF, 2800 N. Oconee St. NE, P.O. Box 2010, Cleveland, Tennessee 37320–2010.

Forest Supervisor, Francis Marion-Sumter NFs, 4931 Broad River, Columbia, South Carolina 29210–4021.

Forest Supervisor, George Washington NF, P.O. Box 233, Harrison Plaza, Harrisonburg, Virginia 22801.

Forest Supervisor, Jefferson NF, 5162 Valley Pointe Parkway, Roanoke, Virginia 24019–3050.

Forest Supervisor, National Forests in North Carolina, 100 Post and Otis Streets, P.O. Box 2750, Asheville, North Carolina 28802.

FOR FURTHER INFORMATION CONTACT: For more information concerning this notice contact: Gary Pierson, Director of Planning and Budget, Southern Region.

For more information on the Southern Appalachian Assessment contact: Forrest Carpenter, Co-Team Leader, Southern Region.

For more information from the individual National Forests contact:

Rick Morgan, Planning Team Leader, National Forests in Alabama

Caren Briscoe, Planning Staff Officer, Chattahoochee-Oconee NF

Red Anderson, Planning Team Leader, Cherokee NF

Dave Plunkett, NEPA Coordinator, George Washington NF

Nacy Ross, Planning Team Leader, Jefferson NF

Larry Hayden, Planning Team Leader, Nantahala-Pisgah NF

Richard Shelfer, Planning Team Leader, Sumter NF

SUPPLEMENTARY INFORMATION:

The Southern Region of the National Forest System and the Southeastern Forest Experiment Station, in cooperation with the other Federal agencies that are members of the Southern Appalachian Man and the Biosphere Cooperative (SAMAB, i.e., the Environmental Protection Agency, the Forest Service, the Fish and Wildlife Service, the National Park Service, the Tennessee Valley Authority, the Geological Survey, the Department of Energy Oak Ridge National Laboratory, the Economic Development Administration, and the National Biological Survey) have begun conducting a Southern Appalachian Assessment (SAA). The Assessment will include the national forest lands of the George Washington, Jefferson, Nantahala-Pisgah, Cherokee, and Chattahoochee National Forests, and parts of the Sumter and Talladega National Forests. The Assessment will also include National Park Service lands in the Great Smoky Mountains National Park, Shenandoah National Park, and the Blue Ridge Parkway.

The Assessment will facilitate an interagency ecological approach to management in the Southern Appalachian area by collecting and analyzing broad-scale biological, physical, social and economic data to serve as a foundation for more local natural resource management decisions. The Assessment will be organized around four ''themes''—(1) Terrestrial (which includes the Health of Forest Ecosystems, and Plant and Animal Resources); (2) Aquatic Resources; (3) Air Quality and (4) the Human Dimension of Ecosystems (which includes Communities and Human Influences; Roadless Areas and Wilderness; Recreation, Wildlife and Fish Supply and Demand; and the Timber Economy of the Southern Appalachians).

Public comment on the SAA process began with a series of open town hall meetings held in Asheville, NC; Gainesville, GA; and Roanoke, VA in August 1994. In addition, interested members of the public were asked for further written comments to be received by September 15. As the Assessment progresses, continued public involvement will be facilitated through additional meetings and newsletters.

2. Beginning of the Forest Plan Revision Efforts for the National Forests in Alabama, the Chattahoochee-Oconee, the Cherokee, and the Sumter National Forests

This Notice announces that the National Forests in Alabama, the Chattahoochee-Oconee National Forests, the Cherokee National Forest, and the Sumter National Forest either have already started or are beginning efforts to revise their Land and Resource Management Plans (LRMP). These Forests are each in the process of preparing their Analysis of the Management Situation (AMS), one of the first steps in the revision process. This step includes updating resource inventories, defining the current situation, estimating supply capabilities and resource demands, and determining the ''Need for Change'' (36 CFR 291.12(e)(5)).

3. Public Involvement in Developing the ''Need for Change'' in an AMS

Determining the concerns and expectations of National Forest constituents and getting public input on how well current forest plans are working, or not working, are critical elements of describing the ''need to change'' a forest plan. An integral part of determining the need for change is public involvement. Each of the National Forests described above either have already, or will soon contact their interested public to solicit their participation in this step of the forest plan revision process.

4. Relationship Between the AMS and a Notice of Intent To Prepare an Environmental Impact Statement

In the past, a ''Notice of Intent to Prepare an Environmental Impact Statement'' (NOI) was issued at the beginning of the forest planning process, including before the development of the AMS.

This time, we are first defining the current situation and an initial ''need for change'' in a Draft AMS, and then issuing a NOI prior to developing alternatives. This will allow us to incorporate a more definable ''Proposed Action'' and ''Purpose and Need'' into our NOIs, which will begin the formal NEPA process of preparing the Environmental Impact Statements (EIS) that will accompany the Revised Land and Resource Management Plans.

5. Relationship Between the Southern Appalachian Assessment and the Process for Revising the Southern Appalachian National Forests' LRMPs

The public has expressed concern that the Southern Appalachian Assessment will ''delay'' revising National Forest Land and Resource Management Plans in the Southern Appalachians. However, the SAA is being conducted concurrently, and in support of, the forest plan revisions.

Many of the information needs for the Forest AMSs and for the SAA are the same. The Assessment will support the revision of the LRMPs by determining how the lands, resources, people and management of the National Forests interrelate within the larger context of the Southern Appalachian area. The SAA, however, will not be a ''decision document'' and it will not involve the NEPA process. As broad-scale issues are identified and addressed at the sub-regional level in the Assessment, the individual National Forest's role in resolving those broad-scale issues will become a part of the ''need for change'' at the Forest level.

6. Issuing the Notice of Intent to Prepare an EIS

The National Forests identified above will issue their NOIs when enough information from the SAA is available for them to develop the ''Need for Change'' section of their Draft AMS. The Draft AMSs are scheduled to be completed between October 1995 and January 1996. Their NOIs are also scheduled to be issued during this same time period.

Each NOI will include a description of a preliminary ''Proposed Action'' and of some preliminary alternatives. Scoping to receive public comments on the preliminary proposed action and preliminary alternatives will begin following the publication of the NOIs. These public comments will be used to further refine the ''Proposed Action'' and the preliminary alternatives, to possibly identify additional alternatives, and to finalize the AMS and the ''Need for Change''.

7. Status of the Jefferson, George Washington, and Nantahala-Pisgah National Forests

The Jefferson National Forest, which is also currently working on its Revised LRMP, previously issued a Notice of Intent to Prepare an Environmental Impact Statement for its Revised LRMP on June 28, 1993. A Revised NOI for the Forest will be issued between October 1995 and January 1996, to coincide with the NOIs issued for the other National Forests in the Southern Appalachians.

The George Washington National Forest completed its *Final Revised Forest Plan* on January 21, 1993, and the Nantahala-Pisgah National Forests completed a significant amendment, *Amendment 5 to their Land and*

Resource Management Plan on March 18, 1994. These two forests are not currently involved in the revision process. However, if information from the Southern Appalachian Assessment identifies conditions requiring additions or changes to these plans to ensure consistency between the National Forests in the Southern Appalachians, then amendments to these plans could be considered.

8. The Responsible Official

The Responsible Official for the Revised Land and Resource Management Plans for the National Forests in the Southern Appalachians is Robert C. Joslin, Regional Forester, Southern Region, 1720 Peachtree Road NW, Atlanta, Georgia 30367.

Dated: February 13, 1995.

R. Gary Pierson,

Acting Deputy Regional Forester.

[FR Doc. 95–4000 Filed 2–16–95; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Environmental Technologies Trade Advisory Committee (ETTAC) Meeting

ACTION: Notice of Open Meeting.

SUMMARY: Pending availability of the Environmental Technologies Trade Advisory Committee (ETTAC) members, ETTAC will hold its next meeting to discuss future projects and current issues which influence the export of U.S. environmental technologies.

DATES: Monday, March 13, 1995, 9:00 am–4:00 pm.

ADDRESSES: The meeting will be held at the U.S. Department of Commerce, Room 4830, 14th Street and Constitution Avenue NW., Washington, DC 20230.

PUBLIC PARTICIPATION: The meeting will be open to the public. Seating is limited and will be on a first come, first serve basis.

FOR FURTHER INFORMATION CONTACT: Anne Alonzo, Office of Environmental Technologies Exports, Room 4324, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, phone (202) 482–5225, facsimile (202) 482–5665, TDD 1–800–833–8723.

Dated: February 13, 1995

Carlos Montoulieu

Acting Deputy Assistant Secretary for Environmental Technologies Exports

[FR Doc. 95–3997 Filed 2–16–95; 8:45 am]

BILLING CODE 3510–DR–P

National Oceanic and Atmospheric Administration

[I.D. 021095B]

Atlantic Striped Bass Fishery; 1993 Survey of Atlantic Striped Bass Fisheries

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

ACTION: Summary and notice of availability of survey results.

SUMMARY: NMFS announces the availability and summarizes the results of a survey of the Atlantic coast striped bass fisheries for 1993. The Atlantic Striped Bass Conservation Act (the Act), requires NMFS to provide information on the status of the fisheries.

ADDRESSES: Copies of the survey results are available from William T. Hogarth, NOAA/NMFS/FCM3, 1315 East-West Highway, Room 14837 Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: William T. Hogarth, (301) 713–2347.

SUPPLEMENTARY INFORMATION:

The Act requires the Secretary of Commerce and the Secretary of the Interior to conduct a comprehensive annual survey of the Atlantic striped bass fisheries. The following is a summary of the survey for 1993. Management measures restricting the harvest of striped bass by commercial and recreational fisheries remained in place during 1993, as the stocks continue to rebuild.

The 1993 commercial harvest of striped bass was 1,695,000 lb (769.5 mt), an increase of 0.2 percent above the landings of 1,692,000 lb in 1992. The Chesapeake Bay area (Maryland, Virginia, and the Potomac River) accounted for 72 percent of the 1993 commercial landings. The recreational catch in 1993 was an estimated 5.6 million striped bass, of which 561,000 were harvested; the remaining 5.1 million, were released alive. The estimated weight of the recreational harvest was 6.7 million lb (2,986.1 mt), about four times that of the commercial harvest.

Juvenile production in 1993 was above the long-term averages for Maryland, North Carolina, Virginia, and Delaware. Information from sampling the population of striped bass shows an increased relative abundance from recent year classes. Copies of the survey are available upon request (see **ADDRESSES**).

Dated: February 13, 1995.

Richard H. Schaefer,

Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–4037 Filed 2–16–95; 8:45 am]

BILLING CODE 3510–22–F

Monterey Bay National Marine Sanctuary Advisory Council; Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), Nation Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Monterey Bay National Marine Sanctuary Advisory Council open meeting.

SUMMARY: The Advisory Council was established in December 1993 to advise NOAA's Sanctuaries and Reserves Division regarding the management of the Monterey Bay National Marine Sanctuary.

TIME AND PLACE: Friday, February 24, 1995, from 8:30 until 5:00. The meeting will be held at the Pacific Grove Natural History Museum, 165 Forest Avenue (intersection of Forest Avenue and Central Avenue), Pacific Grove, California.

AGENDA: General issues related to the Monterey Bay National Marine Sanctuary are expected to be discussed, including a report from Fort Ord officials concerning the former marine impact areas, a discussion of Moss Landing Harbor contaminant issues, a discussion of Piedras Blancas elephant seal harassment, a Sanctuary update, and reports from working groups.

PUBLIC PARTICIPATION: The meeting will be open to the public. Seats will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Scott Kathey at (408) 647–4201 or Elizabeth Moore at (301) 713–3141.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program

Dated: February 13, 1995.

W. Stanley Wilson,

Assistant Administrator, for Ocean Services and Coastal Zone Management.

[FR Doc. 95–4016 Filed 2–16–95; 8:45 am]

BILLING CODE 3510–08–M

[I.D. 020995A]

Pacific Fishery Management Council; Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Council) and its advisory entities will hold a public meeting on March 6–10, 1995, at the Holiday Inn and Conference Center, 275 South Airport Boulevard, South San Francisco, CA 94080; telephone: (415) 873–3550. The Council meeting will begin on March 7, 1995, at 8:00 a.m. in a closed session (not open to the public) to discuss personnel matters and litigation. The open session begins at 8:30 a.m. The Council will reconvene at 8:00 a.m. each day, March 8 through March 10, and may continue sessions each day into the evening hours, if necessary, to complete business.

The following items are on the Council agenda:

A. Call to Order

1. Opening remarks, introductions, roll call;
2. Proposed agenda; and
3. Approve minutes of October 1994 meeting.

B. Salmon Management

1. Review of 1994 fisheries and summary of 1995 stock abundance estimates;
2. Endangered Species Act considerations for 1995;
3. Preliminary definition of 1995 management options;
4. Adoption of 1995 management options for Salmon Technical Team analysis
5. Status report on escapement estimation methodology for Oregon coastal natural coho salmon;
6. Review of overfishing definition;
7. Adopt 1995 management options for public review; and
8. Schedule of hearings and appointment of hearing officers

C. Habitat Issues

1. Report of the Habitat Steering Group.

D. Administrative Matters and Other Matters

1. Report of the Budget Committee;
2. Report of the Legislative Committee on Magnuson Fishery Conservation and Management Act (Magnuson Act) amendments;
3. Marine Mammal Protection Act implementation plans;
4. National review of overfishing definitions;
5. Appointments;
6. Revisions to Council rules and procedures; and
7. April 1995 agenda.

E. Coastal Pelagic Species Management

1. Final action on management approach; and
2. Review of overfishing definition.

F. Pacific Halibut Management

1. Status of implementation of catch sharing plan;
2. Results of the International Pacific Halibut Commission annual meeting;
3. Proposed halibut/chinook ratio for the 1995 troll fishery; and
4. Update on estimate of bycatch.

G. Groundfish Management

1. Status of Federal regulations;
2. Consistency of state setnet closure in the exclusive economic zone off Southern California with Groundfish Plan;
3. Progress report on the Oregon Trawl Observer Program; and
4. Groundfish analytical work load and Groundfish Management Team Work Plan.

Other Meetings

The Scientific and Statistical Committee will meet on March 6, at 1:00 p.m., to address scientific issues on the Council agenda.

The Salmon Technical Team will meet, as necessary (irregular hours), throughout the week, March 6–10, to prepare impact analyses of the proposed salmon management measures for 1995.

The Salmon Advisory Subpanel will meet on March 6, at 9:00 a.m., and at 8:00 a.m. each day thereafter through March 10, to address salmon management items on the Council agenda.

The Habitat Steering Group will meet on March 6, at 10:00 a.m., to consider activities affecting the habitat of fish stocks managed by the Council.

The Legislative Committee will meet on March 6, at 1:00 p.m., to discuss reauthorization of the Magnuson Act and other legislative issues impacting Council activities.

The Budget Committee will meet on March 6, at 3:00 p.m., to review the status of the fiscal year 1995 Council budget and other related issues.

The Enforcement Consultants will meet on March 7, at 7:00 p.m., to address enforcement issues related to Council agenda items.

Detailed agendas for the above advisory meetings will be available after February 24, 1995.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW. Fifth Avenue, Suite 224, Portland, OR 97201; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Michelle Perry Sailer at (503) 326–6352, at least 5 days prior to the meeting date.

Dated: February 13, 1995.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–4036 Filed 2–16–95; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

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

ACTION: Additions to the Procurement List.

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

EFFECTIVE DATE: March 20, 1995.

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

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

SUPPLEMENTARY INFORMATION: On September 30 and December 30, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (59 FR 49913 and 67703) of proposed additions to the Procurement List.

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

I certify that the following action will not have a significant impact on a

substantial number of small entities. The major factors considered for this certification were:

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

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

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

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

Commodities

Tray, Repositional Note Pad
7520–01–207–4351
7520–01–166–0878

Services

Grounds Maintenance, Military Family Housing, Kelly Air Force Base, Texas
Janitorial/Custodial, Foley Federal Building and U.S. Courthouse, 300 Las Vegas Boulevard, Las Vegas, Nevada.

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–4053 Filed 2–16–95; 8:45 am]

BILLING CODE 6820–33–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED PROCUREMENT LIST

Proposed Additions and Deletions

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

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete commodities and a service previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 20, 1995.

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

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

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

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

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

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

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

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

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

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

Food Service Attendant
VA Medical Center
West Palm Beach, Florida
NPA: Gulfstream Goodwill Industries, Inc., West Palm Beach, Florida

Operation of Publication Distribution Office
Eglin Air Force Base, Florida
NPA: Lakeview Center, Inc., Pensacola, Florida

Vehicle Maintenance
McClellan Air Force Base, California
NPA: PRIDE Industries, Roseville, California

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 will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action does not appear to have a severe economic impact on future contractors for the commodities and service.

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

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

The following commodities and service have been proposed for deletion from the Procurement List:

Commodities

Gown, Operating, Surgical
6532–01–058–2518
6532–01–058–2519
6532–01–058–2520
6532–01–058–2521
6532–01–058–2522
6532–01–058–2523
6532–01–058–2524
6532–01–058–2525

Service

Janitorial/Grounds Maintenance, U.S. Coast Guard Loran Station, Malone, Florida.

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–4054 Filed 2–16–95; 8:45 am]

BILLING CODE 6820–33–P

Procurement List Additions

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

ACTION: Additions to the Procurement List.

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

EFFECTIVE DATE: March 20, 1995.

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

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

SUPPLEMENTARY INFORMATION: On July 15, 1994, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (59 FR 36169) of proposed addition to the Procurement List.

Comments were received from one of the current contractors, which indicated that addition of these transparency films to the Procurement List would have a severe impact on the company due to lost sales and loss of the ability to purchase raw materials in large enough quantities to get more favorable prices from its suppliers. The percentage of the company's sales which it would lose is not large enough, in the Committee's judgement, to constitute severe adverse impact on the contractor. The contractor did not indicate how great an impact it would sustain by purchasing raw materials in lesser quantities, except to speculate that it could be placed at a great competitive disadvantage in both the commercial and Government markets. Accordingly, the Committee has concluded that even if this impact is added to the sales loss, the contractor will not suffer severe adverse impact as a result of addition of these transparency films to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities, fair market price, and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

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

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

3. The action will 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 proposed for addition to the Procurement List.

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

Transparency Film, Xerographic
7530–00–NIB–0099 (Clear)
7530–00–NIB–0100 (Color)
7530–00–NIB–0101 (Clear w/strip).

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–4052 Filed 2–16–95; 8:45 am]

BILLING CODE 6820–33–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: March 7, 1995.

Time of Meeting: 1000–1600.

Place: Pentagon—Washington, DC.

Agenda: The Army Science Board's Acquisition Reform Issue Group will meet to discuss the analysis of ''Industry Data Concerning Their Management and Oversight Costs.'' This meeting will be closed to the public in accordance with Section 552b(c) of Title 5 U.S.C., specifically subparagraph (4) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 95–4216 Filed 2–16–95; 8:45 am]

BILLING CODE 3710–08–M

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: March 7 and 8, 1995.

Time of Meeting:
0900–1600, March 7, 1995.
0900–1200, March 8, 1995.

Place: Aberdeen Proving Grounds, MD.

Agenda: The Army Science Board (ASB) Analysis, Test and Evaluation Issue Group will hold a meeting on ''The Impact of Personnel Reductions on Mission Accomplishment Within the Army Analytical Community.'' This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 95–4218 Filed 2–16–95; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Notice of Intent to Prepare an Environmental Impact Statement/Environmental Impact Report for Treated Effluent Disposal from Marine Corps Base Camp Pendleton to the City of Oceanside, California

Pursuant to the National Environmental Policy Act as implemented by Council on Environmental Quality regulations (40 CFR Parts 1500–1508), and pursuant to the California Environmental Quality Act (CA Public Resources Code Sec et. seq. 21000) the U.S. Marine Corps and City of Oceanside intend to prepare a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR) to evaluate the environmental effects of the disposal of treated effluent from five existing sewage treatment plants at Marine Corps Base (MCB) Camp Pendleton to the City of Oceanside, California.

The proposed action would construct two new sewage pipelines to connect five existing sewage treatment plants in the Santa Margarita Basin in MCB Camp Pendleton to existing sewage outfalls in the City of Oceanside. One proposed pipeline would transport treated effluent from three existing sewage treatment plants at MCB Camp Pendleton to the existing outfall serving the La Salina sewage treatment plant in the City of Oceanside. A second proposed pipeline would transport treated effluent from two existing sewage treatment plants at MCB Camp Pendleton to the existing outfall serving the San Luis Rey sewage treatment plant in the City of Oceanside. All effluent from these pipelines at MCB Camp Pendleton would then be transported for ocean disposal via existing City of Oceanside land and ocean outfalls. No

additional treatment of MCB Camp Pendleton effluent would be provided by City of Oceanside sewage treatment plants.

Alternatives currently under consideration that will be addressed in the EIS/EIR include construction of a new tertiary sewage treatment plant at MCB Camp Pendleton, upgrade and consolidation of existing sewage treatment plants, injection wells, percolation ponds, and no action. Alternative pipeline alignments will also be evaluated.

Major environmental issues that will be addressed in the EIS/EIR include land use, hydrology, water quality, air quality, biological resources, cultural resources, noise, traffic/circulation/access, public services and utilities, human health and safety, and hazardous materials and waste management.

The Department of the Navy published a Notice Of Intent in the **Federal Register** on September 26, 1991, initiating a scoping process for preparation of an EIS/EIR for a sewage effluent compliance project at MCB Camp Pendleton for the San Onofre and Santa Margarita Basins. A scoping meeting was held in the City of Oceanside on October 17, 1991, and an EIS/EIR was begun. Since that time, the proposed action has been revised as additional studies have been undertaken, and additional alternatives have been identified that needed to be evaluated. While the EIS/EIR for the San Onofre basin is continuing, the EIS/EIR for the Santa Margarita basin is beginning. Therefore, the scoping process is being reopened until March 6, 1995, in order to collect additional comments on the scope of issues to be addressed in the EIS/EIR for the Santa Margarita basin proposed action. However, no additional scoping meetings will be held.

Agencies and the public are invited and encouraged to provide written comment on scoping issues. To be most helpful, scoping comments should clearly describe specific issues or topics which the commentor believes the EIS/EIR should address. Written statements and or questions regarding the scoping process should be mailed no later than March 6, 1995 to Commanding Officer, Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, California 92132–5190, (Attn: Ms. Sheila Donovan, Code 2032), telephone (619) 532–3624.

Dated: February 13, 1995.

Robert Watkins,

Colonel, USMC, Head, Land Use and Military Construction Branch, Facilities and Services Division, Installations and Logistics Department.

[FR Doc. 95–3983 Filed 2–16–95; 8:45 am]

BILLING CODE 3810–AE–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG95–30–000, et al.]

Austin Cogeneration Partners, L.P., et al.; Electric Rate and Corporate Regulation Filings

February 10, 1995.

Take notice that the following filings have been made with the Commission:

1. Austin Cogeneration Partners, L.P.

[Docket No. EG95–30–000]

On February 6, 1995, Austin Cogeneration Partners, L.P. (''Applicant'') filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to 18 CFR Part 365.

Applicant is a Delaware limited partnership formed to acquire an ownership interest in a 255 MW natural gas-fired cogeneration facility to be located in the City of Austin, Texas, and/or operate such facility and engage in project development activities with respect thereto.

Comment date: March 6, 1995, 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. Louis Dreyfus Electric Power, Inc.

[Docket No. ER92–850–010]

Take notice that on January 26, 1995, Louis Dreyfus Electric Power, Inc. (Louis Dreyfus) filed information required by the Commission's December 2, 1992 letter order in Docket No. ER92–850–000. Copies of Louis Dreyfus' informational filing are on file with the Commission and are available for public inspection.

3. North American Energy Conservation, Inc.

[Docket No. ER94–152–004]

Take notice that on January 30, 1995, North American Energy Conservation, Inc. (North American) filed information required by the Commission's February 10, 1994 letter order in Docket No. ER94–152–000. Copies of North American's informational filing are on file with the Commission and are available for public inspection.

4. Howell Power Systems, Inc.

[Docket No. ER94–178–004]

Take notice that on January 30, 1995, Howell Power Systems, Inc. (Howell Power) filed information required by the Commission's January 14, 1994 letter order in Docket No. ER94–178–000. Copies of Howell Power's informational filing are on file with the Commission and are available for public inspection.

5. LG&E Power Marketing, Inc.

[Docket No. ER94–1188–004]

Take notice that on January 30, 1995, LG&E Power Marketing, Inc. (LG&E) filed information required by the Commission's August 19, 1994 order in Docket No. ER94–1188–000. Copies of LG&E's informational filing are on file with the Commission and are available for public inspection.

6. Valero Power Services Co.

[Docket No. ER94–1394–002]

Take notice that on January 30, 1995, Valero Power Services (Valero Power) filed information required by the Commission's August 24, 1994 letter order in Docket No. ER94–1394–000. Copies of Valero Power's informational filing are on file with the Commission and are available for public inspection.

7. Coastal Electric Services Co.

[Docket No. ER94–1450–001]

Take notice that on January 30, 1995, Coastal Electric Services Company (Coastal Services) filed information required by the Commission's September 29, 1994 letter order in Docket No. ER94–1450–000. Copies of Coastal Services' informational filing are on file with the Commission and are available for public inspection.

8. Calpine Power Marketing

[Docket No. ER94–1545–000]

Take notice that on February 8, 1995, Calpine Power Marketing, Inc. (CPMI), filed an amendment to its petition to the Commission for acceptance of CPMI Revised Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations. CPMI is a direct subsidiary of Calpine Corporation which, through other subsidiaries, owns and operates non-utility generating facilities and related business ventures in the United States. Calpine Corporation is indirectly and partially owned by CS Holding of

Zurich, Switzerland, which, through other subsidiaries, owns utility generating facilities in Europe, financial service providers and other entities.

Comment date: February 24, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. Gulfstream Energy, LLC

[Docket No. ER94–1597–001]

Take notice that on January 30, 1995, Gulfstream Energy, LLC (Gulfstream) filed information required by the Commission's November 21, 1994 letter order in Docket No. ER94–1597–000. Copies of Gulfstream's informational filing are on file with the Commission and are available for public inspection.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–3980 Filed 2–16–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER93–327–002, et al.]

Florida Power & Light Co., et al.; Electric Rate and Corporate Regulation Filings

February 9, 1995.

Take notice that the following filings have been made with the Commission:

1. Florida Power & Light Co.

[Docket No. ER93–327–002]

Take notice that on February 1, 1995, Florida Power & Light Company (F&L), tendered for filing its compliance refund report in the above-referenced docket.

Comment date: February 23, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Wisconsin Electric Power Co.

[Docket No. ER95–299–000]

Take notice that on February 1, 1995, Wisconsin Electric Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: February 23, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Wickland Power Services

[Docket No. ER95–300–000]

Take notice that on February 6, 1995, Wickland Power Services tendered for filing an amendment in the above-referenced docket.

Comment date: February 23, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Allegheny Power Service Corp. on behalf of Monongahela Power Co., and the Potomac Edison Co.

[Docket No. ER95–468–000]

Take notice that on January 20, 1995, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (The APS Companies), filed Standard Transmission Service Agreements to add AES Power, Inc. PECO Energy and Electric Clearinghouse, Inc. to The APS Companies' Standard Transmission Service Rate Schedule which has been accepted for filing by the Federal Energy Regulatory Commission. The proposed effective date when customers may take service under the proposed rate schedule is January 2, 1995.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, and the West Virginia Public Service Commission.

Comment date: February 23, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Madison Gas and Electric Co.

[Docket No. ER95–494–000]

Take notice that on January 30, 1995, Madison Gas and Electric Company (MGE), tendered for filing a service agreement with InterCoast Power Marketing Company under MGE's Power Sales Tariff. MGE requests an effective date of February 1, 1995.

Comment date: February 23, 1995, in accordance with Standard Paragraph E at the end of this notice.

6. Kentucky Utilities Co.

[Docket No. ER95–529–000]

Take notice that on February 1, 1995, Kentucky Utilities Company (KU), tendered for filing a series of rate schedule amendments to all of the agreements under which KU makes coordination sales in order to assure recovery of the incremental cost of emission allowances associated with coordination sales.

Comment date: February 23, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–3979 Filed 2–16–95; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 2493–006–WA]

Puget Sound Power & Light Co; Notice of Intent to Hold a Public Meeting in Snoqualmie, Washington, and a Public Meeting in Kirkland, Washington, to Discuss Staff's Draft Environmental Impact Statement (DEIS) for the Snoqualmie Falls Hydroelectric Project

February 13, 1995.

On November 15, 1994, the Commission staff mailed the Snoqualmie Falls DEIS to the Environmental Protection Agency, resource and land management agencies, and interested organizations and individuals. This documents evaluates the environmental consequences of operating the applicant's existing 42-megawatt (MW) hydroelectric project, located on the Snoqualmie River, approximately 25 miles east of Seattle in western Washington.

The applicant proposes extensive structural modifications of the existing project facilities and construction of additional project facilities needed to expand the project from 42 MW to 72

MW; hydraulic capacity would increase from 2,500 to 3,620 cubic feet per second.

The subject DEIS also evaluates the environmental effects of: additional flow options and supplemental measures with the applicant's proposal; a minor upgrade; decommissioning the project; and the no action alternative.

The public meetings on the Snoqualmie Falls Project will be recorded by an official stenographer. The first meeting will be held from 6:30 P.M. to 11 P.M. on Wednesday, March 1, 1995, at the Mount Si High School in Snoqualmie, Washington. The second meeting will be held from 6:30 P.M. to 11 P.M. on Thursday, March 2, 1995, at Lake Washington Technical College, West Building 4th floor auditorium, 132nd Avenue N.E., Kirkland, Washington.

At the subject meeting, resource agency personnel and other interested persons will have the opportunity to provide oral and written comments and recommendations regarding the Snoqualmie Falls DEIS for the Commission's public record.

For further information, please contact Kathleen Sherman, at (202) 219–2834.

Lois D. Cashell,

Secretary.

[FR Doc. 95–3978 Filed 2–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EL95–27–000]

CGE Fulton, L.L.C.; Notice of Filing

February 14, 1995.

Take notice that on February 13, 1995, CGE Fulton, L.L.C. (''CGE Fulton''), filed a petition for a declaratory order and requested expedited treatment of the petition. CGE Fulton states that it is developing a waste-fired qualifying small power production facility in the City of Fulton, Illinois (''Project''). CGE Fulton will sell electricity from the Project at tariff rates prescribed by Section 8–403.1 of the Illinois Public Utilities Act and regulations of the Illinois Commerce Commission. CGE Fulton seeks a declaratory order that the Illinois statute is not preempted by PURPA, and thus, that the Project is not affected by the Commission's decision in *Connecticut Light & Power Co.*, 70 FERC ¶ 61,012 (January 11, 1995).

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 384.214). All such motions or protests should be filed on or before February 28, 1995. Protests will be considered by the Commission in determining the appropriate actions to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95– 4103 Filed 2–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–200–000]

Koch Gateway Pipeline Co.; Notice of Request Under Blanket Authorization

February 13, 1995.

Take notice that on February 8, 1995, Koch Gateway Pipeline Company (Koch), P.O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP95–200–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act)18 CFR 157.205, 157.211) for authorization to install a new tap in Jones County, Mississippi, for service to an existing local distribution company customer, Entex, Inc. (Entex), under Koch's blanket certificate issued in Docket No. CP82–430–000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection

Koch proposes to construct and operate interconnecting tap facilities for service to Entex, which will deliver gas to one agricultural customer in Jones County. Koch states that the tap would be used for the deliver of 84 MMBtu equivalent of natural gas on a peak day, transported by Koch under its FTS rate schedule. It is stated that this volume is with Entex's existing certificated entitlement from Koch. The cost of the proposed tap is estimated at $800 and Koch states that it would be reimbursed by Entex for the construction cost. It is stated that Koch's tariff does not prohibit the proposed addition of a delivery tap. It is asserted that Koch as sufficient capacity to make the deliveries without detriment or disadvantage to its other customers.

Any person or the Commission's staff may, with 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 95–3977 Filed 2–16–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER95–267–000 and EL95–25–000]

New England Power Co.; Notice of Initiation of Proceeding and Refund Effective Date

February 13, 1995.

Take notice that on February 9, 1995, the Commission issued an order in the above-indicated dockets initiating a proceeding in Docket No. EL95–25–000 under section 206 of the Federal Power Act.

The refund effective date in Docket No. EL95–25–000 will be 60 days after publication of this notice in the **Federal Register**.

Lois D. Cashell,

Secretary.

[FR Doc. 95–4009 Filed 2–16–95; 8:45 am]

BILLING CODE 6717–01–M

Office of Energy Efficiency and Renewable Energy

[Case No. CD–001]

Energy Conservation Program for Consumer Products: Decision and Order Granting a Waiver from the Clothes Dryer Test Procedures to Miele Appliance Inc.

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Decision and Order.

SUMMARY: Notice is given of the Decision and Order (Case No. CD–001) granting a Waiver to Miele Appliance Incorporated (Miele) from the existing Department of Energy (DOE or Department) test procedure for clothes dryers. The Department is granting Miele a Waiver from the Department's test procedures for its condenser clothes

dryers, models T1565CA and T1570C, which do not have an outside exhaust. The existing clothes dryer test procedure only applies to clothes dryers that are vented.

FOR FURTHER INFORMATION CONTACT:

P. Marc LaFrance, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–431, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, 20585, (202) 586–8423

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, 20585, (202) 586–9507.

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set below. In the Decision and Order, Miele has been granted a Waiver for its condenser clothes dryers, models T1565CA and T1570C, which do not have an outside exhaust.

Issued in Washington, DC, February 10, 1995.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

Decision and Order

In the Matter of: Miele [Case No. CD–001].

Background

The Energy Conservation Program for Consumer Program Products (other than automobiles) was established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94–163, 89 Stat. 917, as amended by the National Energy Conservation Act (NECPA), Public Law 95–619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA), Public Law 100–12, the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, and the Energy Policy Act of 1992, Public Law 102–486, 106 Stat. 2776, which requires DOE to prescribe standardized test procedures to measure the energy efficiency, energy use, or estimated annual operating cost of covered consumer products, including clothes dryers. The clothes dryer test procedure, among other things, provides a means of calculating an energy factor, a measure of energy efficiency, which is used to determine if a product is compliant with the minimum energy conservation standards. The Department imposed amended energy conservation standards requiring minimum energy factors for four of the five classes of clothes dryers in a final rule (56 FR 22279) issued May 14, 1991, and which is effective for products manufactured on or after May 14, 1994. Test procedures for clothes dryers appear at 10 CFR Part 430, Subpart D.

The Department amended the prescribed test procedure by adding 10 CFR 430.27 on September 26, 1980, creating the waiver process. (45 FR 64108). Thereafter, DOE further amended the appliance test procedure waiver process to allow the Assistant Secretary for Energy Efficiency and Renewable Energy (Assistant Secretary) to grant an Interim Waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. (51 FR 42823, November 26, 1986).

The waiver process allows the Assistant Secretary to temporarily waive the test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures, or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The Interim Waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an Interim Waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Miele filed a Petition for Waiver and an Application for Interim Waiver on April 5, 1994, which was amended on April 20, 1994, and April 22, 1994, regarding its clothes dryer models T1515A, T1520, T1565CA, and T1570C. Miele's petition submission was primarily based on the reverse tumble design feature which all four models have. However, today's Decision and Order is only applicable to models T1565CA and T1570C, which are condenser dryers. Miele has certified on January 27, 1995, with the Department that its clothes dryer models T1515A and T1520 can be tested using the existing test procedure, and comply with the existing 1994 minimum energy conservation standard. On September 29, 1994, the Department published in the **Federal Register** the Miele petition, and solicited comments, data, and information respecting the petition, and denied the requested Interim Waiver. (59 FR 49658).

Comments were received from Miele and the Association of Home Appliance Manufacturers (AHAM). The Department consulted with the Federal Trade Commission (FTC) concerning the Miele petition. The FTC did not have any objections to the Decision and Order.

Assertions and Determinations

On December 22, 1994, Miele provided comment to the Department that after consultation with AHAM, it had decided to restrict its request to its condenser clothes dryers, models T1565CA and T1570C. Miele indicated that the condenser clothes dryers offer additional utility to the consumer which affects energy consumption. The condenser clothes dryer does not have an outside exhaust and requires more energy to extract the moisture from the drum's exhaust prior to expelling the air back into the surrounding air. This type of product is suited for installation conditions where venting is not practical or cost prohibitive.

Miele stated that the Department's existing test procedure is applicable for vented clothes dryers because the test procedure requires the use of an exhaust restrictor to simulate an installed condition. Miele further stated that since its condenser clothes dryers do not have an exhaust, they cannot be tested in accordance with the Department's test procedure, and the test procedure does not apply to them. Miele added, ''Consequently, the DOE energy conservation standard for clothes dryers does not apply to Miele condenser dryers since the DOE standard must be 'determined in accordance with test procedures prescribed under section 6293 of this title.' 42 U.S.C. § 6291(6).''

Miele also proposed that the Department consider adding a class for condenser clothes dryers in the current clothes dryer rulemaking (Docket No. EE-RM–94–403) for minimum energy efficiency standards, which will become effective in the 1999 timeframe, along with an appropriate test procedure.

On December 27, 1994, AHAM provided comment and stated,

''[AHAM] unanimously supports the position that Miele's condenser clothes dryer provides separate functions and utilities which affect energy use and, therefore, justify creation of a separate class for condenser clothes dryers. A separate clothes dryer standard and modified test procedure applicable to that product class should be promulgated.''

The Department agrees with Miele and AHAM that the condenser clothes dryer offers the consumer additional utility, and is justified to consum more energy (lower energy factor) versus non-condenser clothes dryers. Furthermore, the Department believes that the existing clothes dryer test procedure is not applicable to the Miele condenser clothes dryers. This assertion is based on the fact that the existing test procedure requires the use of an exhaust restrictor and does not provide any definition or mention of condenser clothes dryers. The Department agrees with Miele that the current clothes dryer minimum energy conservation standard does not apply to Miele's condenser clothes dryers. Today's Decision and Order exempts Miele from testing its condenser clothes dryer and determining an Energy Factor.

The Department is not publishing an amended test procedure for Miele at this time because there is not any reason to. The existing minimum energy conservation standard for clothes dryers is not applicable to the Miele condenser clothes dryer. Furthermore, the FTC does not have a labeling program for clothes dryers, therefore, Miele is not required to test its condenser clothes dryers.

Presently, the Department is conducting a rulemaking to review the minimum energy conservation standard levels for clothes dryers, clothes washers, and dishwashers, entitled the ''Three Cleaning Products Rulemaking'' (Docket No. EE-RM–94–403). The Department will consider adding a new product class for condenser clothes dryers in the above mentioned rulemaking. The Department will initiate a clothes dryers test procedure rulemaking to add the capability of testing condenser clothes dryers to the existing test procedure for any potential future use.

Miele and AHAM provided the Department with an agreed upon version of definitions for ''condenser clothes dryers'' and ''electric clothes dryer''. The Department will consider these definitions when drafting a revised test procedure.

Miele also voluntarily provided the Department with a statement that it plans on maintaining its condenser clothes dryer energy Factor within 82.5 percent of the existing non-condenser clothes dryer standard. The Department supports this effort, although, this measure will have no bearing on future condenser clothes dryer standards.

Conclusion

(1) The Petition for Waiver filed by Miele (Case CD–001), as modified by Miele's letter of December 22, 1994, is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3) and (4).

(2) Miele is not required to test its condenser clothes dryers, models models T1565CA and T1570C. The existing 1994 minimum energy conservation standard for clothes dryers is not applicable to these Miele condenser clothes dryers.

(3) The Waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test proccedures and minimum minimum energy conservation standards appropriate to Miele's condenser clothes dryers, model T1565CA and T157OC.

(4) This waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the petitioner. This exemption may be revoked or modified at any time upon a determination that the factual basis underlying the submitted data is incorrect.

Filed in Washington, DC

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 95–4049 Filed 2–16–95; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL–4720–4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 16, 1995 Through January 20, 1995 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) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 10, 1994 (59 FR 16807).

Draft EISs

ERP No. D-AFS-J65225–MT Rating EC2, Crane Mountain Salvage Project, Resource Management, Implementation, Flathead National Forest, Swan Lake Ranger District, Flathead County, MT.

Summary

EPA expressed environmental concerns about the inadequate/identification, delineation and assessment level of wetlands, potential impacts to water quality in Flathead lake; and the inadequacy of the monitoring and evaluation plans.

ERP No. D-NOA-A91061–00 Rating LO, Atlantic Mackerel, Squid and Butterfish Fisheries, Fishery Management Plan, Amendment No. 5, Implementation, Exclusive Economic Zone (EEZ) off the US Atlantic Coast.

Summary

EPA offered suggestions on various aspects to improve the EIS, particularly including more analysis on the possible use of economic forces in limiting catch size.

ERP No. DS-AFS-J65183–UT Rating LO, East Fork Black Forks Multiple Use Management Project, Updated Information, Implementation, Wasatch-Cache National Forest, Evanston Ranger District, Summit County, UT.

Summary

EPA recommends that the Final Supplement include discussion of monitoring data and analyses to support the Forest Service's conclusions regarding water quality impacts.

Final EISs

ERP No. F-MMS-G02004–00 1995 Central and Western Gulf of Mexico Outer Continental Shelf (OCS) Oil and Gas Sales 152 (April 1995) and 155 (August 1995), Lease Offering, Offshore Marine Environment and coastal counties, AL, MS, LA and TX.

Summary

EPA had no objection to the proposed action.

ERP No. F1–NOA-A90061–00 Deep Seabed Hard Mining Exploration Project, License Issuance for the former Kenecott Mining Site (USA–4) to Ocean Minerals Mining, Pacific Ocean, Central America to HI.

Summary

EPA had no objections to the proposed action. EPA encouraged NOAA to prepare supplemental NEPA documentation when at-sea activities are finally proposed by applicants.

Dated: February 14, 1995.

William D. Dickerson,

Director, Federal Agency Liaison Division, Office of Federal Activities.

[FR Doc. 95–4039 Filed 2–16–95; 8:45 am]

BILLING CODE 6560–50–U

[ER-FRL–4720–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075. Weekly receipt of Environmental Impact Statements Filed February 06, 1995 Through February 10, 1995 Pursuant to 40 CFR 1506.9.

EIS No. 950043, DRAFT EIS, NPS, FL, Timucuan Ecological and Historic Preserve, General Management Plan and Development Concept Plans, Implementation, Fort Caroline National Memorial Area, Duval County, FL, Due: April 10, 1995, Contact: Suzanne Lewis (904) 221–5568.

EIS No. 950044, DRAFT EIS, FRC, VT, Clyde River Hydroelectric (FERC No. 23306) Project, New License (Relicense) for three Hydroelectric Developments, Construction and Operation, Clyde River within the St. Lawrence River Basin, Orleans County, VT, Due: April 18, 1995, Contact: Kathleen Sherman (202) 219–2834.

EIS No. 950045, FINAL SUPPLEMENT, COE, FL, Palm Beach County Beach Erosion Project, Updated Information, Shore Protection Project, Jupiter/Carlin Segment from Martin Co., Line to Lake Worth Inlet and from South Lake Worth Inlet to Broward General Design Plan, Implementation, Martin and Broward Counties, FL, Due: March 20, 1995, Contact: Michael Dupes (904) 232–1689.

EIS No. 950046, DRAFT EIS, BLM, MT, Sweet Grass Hills Resource Management Plan Amendment, Implementation, West HiLine Resource Management Plan, Toole and Liberty Counties, MT, Due: May 18, 1995, Contact: James Beaver (406) 255–2910.

EIS No. 950047, DRAFT EIS, BPA, WA, OR, WA, Resource Contingency Program, Construction and Operation, Three Proposed Plant Sites, Chelalis Hermiston and Satsop Power Projects, Lewis and Grays Harbor Counties, WA and Washington and Umattilla Counties, OR, Due: April 03, 1995, Contact: Dawn Boorse (503) 230–5678.

Amended Notices

EIS No. 940501, DRAFT EIS, AFS, ID, Stibnite Gold Mine Expansion Project, Construction and Operation, Plan of Operation Approval, NPDES Permit and COE Section 404 Permit, Payette National Forest, Krassel Ranger District, Valley County, ID, Due: February 14, 1995, Contact: Jane Wurster (206) 634–0614. Published FR -12–16–94 Review period extended.

Dated: February 14, 1995.

William D. Dickerson,

Director, Federal Agency Liaison Div., Office of Federal Activities.

[FR Doc. 95–4038 Filed 2–16–95; 8:45 am]

BILLING CODE 6560–50–U

[FRL–5156–1]

Economic Incentive and Regulatory Innovation Subcommittee of the Clean Air Act Advisory Committee

AGENCY: Environmental Protection Agency.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Environmental Protection Agency is convening an open meeting of the Economic Incentive and Regulatory Innovation Subcommittee of the Clean Air Act Advisory Committee on March 3, 1995. This meeting will concern the development of generic language for a rule on emissions trading. The meeting is open to the public. Seating will be available on a first-come, first-served basis.

DATES: The Subcommittee will meet on March 3, 1995. The meeting will begin at approximately 9 a.m. EST and run until about 1 p.m.

ADDRESSES: The Subcommittee will meet in conference room #3 North located in EPA Headquarters, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Carey Fitzmaurice, US EPA (202) 260–7433 or Scott Mathias, US EPA–OAQPS (919) 541–5310.

Dated: February 9, 1995.

John S. Seitz,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 95–4050 Filed 2–16–95; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. § 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224–003154–001.

Title: Port of Seattle/Sell Oil Company Preferential Use Agreement.

Parties:

Port of Seattle

Shell Oil Company (''Shell'')

Filing Agent: James G. Rice, Senior Property Manager, Port of Seattle, P.O. Box 1209, Seattle, WA 98111.

Synopsis: The proposed amendment authorizes Shell to sell and transfer its rights and obligations to GATX Terminal Corporation. It also adds an annual minimum guarantee and revises certain payment provisions to the Agreement.

Dated: February 13, 1995.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95–3982 Filed 2–16–95; 8:45 am]

BILLING CODE 6730–01–M

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 800 North

Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202–011432–003.

Title: Pacific Latin America Agreement.

Parties:

Sea-Land Service, Inc.
Central American Container Line, S.A.
A.P. Moller-Maersk Line

Synopsis: The proposed amendment deletes Central America Container Line, S.A., changes the notification period for independent action from two days to five days and authorizes the Conference Chairman or his designee to sign and file any amendments to the basic Agreement.

Dated: February 13, 1995.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95–3981 Filed 2–16–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL MARITIME COMMISISON

[Docket No. 95–03]

Puerto Rico Frieght Systems, Inc. v. R & S Trading and J.C. Trading; Notice of Filing of Complaint and Assignment

Notice is given that a complaint filed by Puerto Rico Freight Systems, Inc. (''Complainant'') against R & S Trading and J.C.Trading (''Respondents'') was served February 14, 1995. Complainant alleges that Respondents have violated sections 3, 14, 15, 16, 17, and 18 of the Shipping Act of 1916, 46 U.S.C. app. 804, 812, 814, 815, 816 and 817(b)(1), by issuing false manifests, shipping materials in containers which are not manifested or declared by Respondents, operating without a tariff, waiving fees for ocean freight, competing with other freight operators who adhere to a tariff to their disadvantage, and operating without bills of lading.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by February 14, 1996, and the final decision of the Commission shall be issued by June 14, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 95–4027 Filed 2–16–95; 8:45 am]

BILLING CODE 6730–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Committee on Vital and Health Statistics: Meeting

Pursuant to Pub. L. 92–463, the National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC), announces the following committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS).

Times and Dates: 1 p.m.–5 p.m., March 8, 1995; 9 a.m.–5 p.m., March 9, 1995; 9 a.m.–3 p.m., March 10, 1995.

Place: Room 703A, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, D.C. 20201.

Status: Open.

Purpose: The purpose of this meeting is for the committee to consider reports from each NCVHS subcommittee; to receive reports from offices of the Department of Health and Human Services; to explore information needs for health reform; and to address new business as appropriate.

Contact Person for More Information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436–7050.

Dated: February 13, 1995.

William H. Gimson,

Acting Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–3999 Filed 2–16–95; 8:45 am]

BILLING CODE 4163–18–M

Food and Drug Administration

[Docket No. 95M–0023]

Molecular Biosystems, Inc.; Premarket Approval of Albunex®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Molecular Biosystems, Inc., San Diego, CA, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of Albunex®. After reviewing the recommendation of the Radiological Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of August 5, 1994, of the approval of the application.

DATES: Petitions for administrative review by March 20, 1995.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert Phillips, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1212.

SUPPLEMENTARY INFORMATION: On February 5, 1991, Molecular Biosystems, Inc., San Diego, CA 92121, submitted to CDRH an application for premarket approval of Albunex®. The device, which is a suspension of air-filled microspheres made from sonicated 5 percent human albumin, is an ultrasound contrast media that is used as an aid for ultrasound contrast enhancement of ventricular chambers and improvement of endocardial border definition in patients with suboptimal echoes undergoing ventricular function and regional wall motion studies.

On July 29, 1992, the Radiological Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On August

5, 1994, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 20, 1995, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: February 7, 1995.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 95–4057 Filed 2–16–95; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

Radiological Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. March 6, 1995, 8 a.m., Corporate Bldg., conference room 20G, 9200 Corporate Blvd., Rockville, MD. A limited number of overnight accommodations have been reserved at the Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, MD. Attendees requiring overnight accommodations may contact the hotel at 301–590–0044 and reference the FDA panel meeting block. Reservations will be confirmed at the group rate based on availability.

Type of meeting and contact person. Open public hearing, 8 a.m. to 9 a.m., unless public participation does not last that long; open committee discussion, 9 a.m. to 4 p.m.; Robert A. Phillips, Center for Devices and Radiological Health (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–1212, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Radiological Devices Panel, code 12526. If anyone who is planning to attend the meeting will need any special assistance as defined under the Americans with Disabilities Act, please communicate with the contact person.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 1, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss clinical data requirements (experimental designs, protocols, quality assurance, etc.) for digital mammography submissions. Copies of a draft protocol are available from the contact person.

Blood Products Advisory Committee

Date, time, and place. March 23 and 24, 1995, 8 a.m., Parklawn Bldg., conference rooms D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open committee discussion, March 23, 1995, 8 a.m. to 9:30 a.m.; open public hearing, 9:30 a.m. to 10 a.m., unless public participation does not last that long ; open committee discussion, 10 a.m. to 11:30 a.m.; open public hearing, 11:30 a.m. to 12 m., unless public participation does not last that long; open committee discussion, 12 m. to 2:30 p.m.; open public hearing, 2:30 p.m. to 3:30 p.m., unless public participation does not last that long; open committee discussion, 3:30 p.m. to 5:30 p.m.; open committee discussion, March 24, 1995, 8 a.m. to 9 a.m.; open public hearing, 9 a.m. to 10:30 a.m., unless public participation does not last that long; open committee discussion, 10:30 a.m. to 5:30 p.m.; Linda A. Smallwood, Center for Biologics

Evaluation and Research (HFD–350), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–6700, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Blood Products Advisory Committee, code 12388.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness, and appropriate use of blood products intended for use in the diagnosis, prevention, or treatment of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 13, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On the morning of March 23, 1995, the committee will discuss and provide recommendations for warnings in the labeling for blood products regarding potential transmission of viral agents. Additionally, the committee will discuss and provide recommendations for the format of blood container labeling. In the afternoon, the committee will discuss the practice of alanine aminotransferase (ALT) testing of blood and plasma donors, and they will provide recommendations. On the morning of March 24, 1995, the committee will discuss pool size for the manufacture of plasma products and, in the afternoon, the committee will participate in a workshop entitled, ''Human Tissue Intended for Transplantation and Human Reproductive Tissue: Donor Screening and Infectious Disease Testing.'' The issues to be discussed at the workshop are: (1) Recommendations for donor screening and infectious disease testing needed to clarify the interim rule for human tissue intended for transplantation (21 CFR 1270) that published in the **Federal Register** of December 13, 1993 (58 FR 65514), (2) draft recommendations for screening and testing donors of human reproductive tissue, and (3) the draft registration form. The agency is announcing the availability, before the meeting, of a draft document on the issues to be discussed at the workshop. Requests for single copies of the draft document may be made to the Division of Congressional, International, and Consumer Affairs, Center for Biologics Evaluation and Research (HFM–11), 1401 Rockville Pike, rm. 200N, Rockville, MD 20857, 301–594–1800.

Joint Meeting of the Nonprescription Drugs and the Dermatologic and Ophthalmic Drugs Advisory Committees, Followed by a Session with Pulmonary-Allergy Drugs Committee Representation, and a Joint Meeting with the Arthritis Advisory Committee

Date, time, and place. March 27 and 28, 1995, 8 a.m., Parklawn Bldg., conference rooms D and E, 5600 Fishers Lane, Rockville, MD. Elsewhere in this issue of the **Federal Register**, FDA is publishing a notice announcing a separate meeting of the Arthritis Advisory Committee to be held on March 27, 1995.

Type of meeting and contact person. Open committee discussion, March 27, 1995, 8 a.m. to 10 a.m.; open public hearing, 10 a.m. to 10:30 a.m., unless public participation does not last that long; open committee discussion, 10:30 a.m. to 3 p.m., open public hearing, 3 p.m. to 3:30 p.m., unless public participation does not last that long; open committee discussion, 3:30 p.m. to 5:30 p.m.; open committee discussion, March 28, 1995, 8 a.m. to 11:30 a.m.; open public hearing, 11:30 a.m. to 12 m., unless public participation does not last that long; open committee discussion, 12 m. to 4 p.m.; Lee L. Zwanziger or Liz Ortuzar, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Nonprescription Drugs Advisory Committee, code 12541.

General function of the committees. The Nonprescription Drugs Advisory Committee reviews and evaluates available data concerning the safety and effectiveness of over-the-counter (OTC) (nonprescription) human drug products for use in the treatment of a broad spectrum of human symptoms and diseases. The Dermatologic and Ophthalmic Drugs Advisory Committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational human drug products for use in the treatment of dermatologic and ophthalmic disorders. The Pulmonary-Allergy Drugs Advisory Committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms. The Arthritis Advisory Committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in arthritic conditions.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 22, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. During the morning of March 27, 1995, the Nonprescription Drugs Advisory Committee and the Dermatologic and Ophthalmic Drugs Advisory Committee will discuss data relevant to new drug application (NDA) 18–751 to switch econazole nitrate cream 1% (Spectazole®, Johnson & Johnson Consumer Products, Inc.) from prescription to OTC status for the treatment of tinea pedis (athlete's foot). During the afternoon of March 27, 1995, the Nonprescription Drugs Advisory Committee and representatives of the Pulmonary-Allergy Drugs Advisory Committee will discuss data relevant to the efficacy and use of antihistamines for the treatment of the common cold. In the morning on March 28, 1995, the Nonprescription Drugs Advisory Committee and the Arthritis Drugs Advisory Committee will discuss data relevant to NDA 20–512 for ibuprofen suspension (Motrin®, McNeil Consumer Products) for the treatment of fever and of pain in children between 2 and 12 years of age. During the afternoon, the committees will discuss recommendations regarding appropriate OTC indication(s) for muscle relaxants, OTC dose(s) and duration of use, safety profiles, abuse potential, and pharmacokinetic information.

Subcommittee Meeting of the Antiviral Drugs Advisory Committee on Immunosuppressive Drugs

Date, time, and place. March 30 and 31, 1995, 8 a.m., Holiday Inn, Plaza Ballroom, 8777 Georgia Ave., Silver Spring, MD.

Type of meeting and contact person. Open committee discussion, March 30, 1995, 8 a.m. to 11:30 a.m.; open public hearing, 11:30 a.m. to 12 m., unless public participation does not last that

long; open committee discussion, 12 m. to 6 p.m.; open committee discussion, March 31, 1995, 8 a.m. to 11:30 a.m.; open public hearing, 11:30 a.m. to 12 m., unless public participation does not last that long; open committee discussion, 12 m. to 2 p.m.; Lee L. Zwanziger or Liz Ortuzar, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Antiviral Drugs Advisory Committee, code 12531.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of acquired immune deficiency syndrome (AIDS), AIDS-related complex (ARC), and other viral, fungal, and mycobacterial infections.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify a contact person before March 22, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On March 30, 1995, the subcommittee will discuss data relevant to NDA 20–513 (250 milligrams (mg) capsules) and NDA 20–514 (500 mg tablets), for mycophenolate mofetil (CellCept®, Syntex Laboratories, Inc.), for use in the prophylaxis of organ rejection and treatment of refractory organ rejection in patients receiving allergenic renal transplants. On March 31, 1995, the subcommittee will discuss data relevant to NDA 50–715 (soft gelatin capsules) and NDA 50–716 (oral solution) for cyclosporine microemulsion (Neoral®, Sandoz Pharmaceuticals Corp.) for prophylaxis of organ rejection in kidney, liver, and heart allergenic transplants.

Immunology Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. March 31, 1995, 9 a.m., Corporate Bldg., 9200 Corporate Blvd., main conference room, Rockville, MD.

Type of meeting and contact person. Open public hearing, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; Peter E. Maxim, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301–594–1293, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Immunology Devices Panel, code 12516.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 15, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a premarket approval application for a software computer program to assist physicians and laboratory professionals in the data-base management, calculations, and reporting of results from quantitative measurements of alpha-fetoprotein as an aid in the detection of fetal open neural tube defects.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: February 14, 1995.

Linda A. Suydam,

Interim Deputy Commissioner for Operations.

[FR Doc. 95–4194 Filed 2–16–95; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

Allergenic Products Advisory Committee

Date, time, and place. March 10, 1995, 9 a.m., Woodmont Office Complex I, conference room 400–N, 1401 Rockville Pike, Rockville, MD.

Type of meeting and contact person. This meeting will be held by a telephone conference call. A speaker telephone will be provided in the conference room to allow public participation in the meeting. Open committee discussion on review of research, 9 a.m. to 10 a.m.; closed committee deliberations, 10 a.m. to 11:05 a.m.; open public hearing, 11:05 a.m. to 12:05 p.m., unless public participation does not last that long; Jack Gertzog or Sandy Salins, Center for Biologics Evaluation and Research (HFM–21), Food and Drug Administration, 1401 Rockville Pike, Bethesda, MD 20852, 301–827–0314, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Allergenic Products Advisory Committee, code 12388.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of allergenic biological products intended for use in the diagnosis, prevention, or treatment of human disease.

Agenda—Open public hearing. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee, should communicate with the contact person.

Open committee discussion. The committee will discuss the intramural scientific program of the Laboratory of Immunobiochemistry and the clinical research programs of individuals in the Division of Allergenic Products and Parasitology.

Closed committee deliberations. The committee will discuss the intramural scientific program. This portion of the meeting will be closed to prevent disclosure of personal information concerning individuals associated with the research program, disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Arthritis Advisory Committee

Date, time, and place. March 27, 1995, 8:30 a.m., Holiday Inn—Silver Spring, Plaza Ballroom, 8777 Georgia Ave., Silver Spring, MD. Elsewhere in this issue of the **Federal Register**, FDA is publishing a notice announcing a joint meeting on March 28, 1995, with the Nonprescription Drugs Advisory Committee.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 12:30 p.m.; closed committee deliberations, 12:30 p.m. to 5:30 p.m.; Isaac F. Roubein, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Arthritis Advisory Committee, code 12532.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in arthritic conditions.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before March 16, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the new drug application (NDA) 18–922, Lodine® (etodolac) Wyeth-Ayerst Laboratories, which is proposed for the treatment of rheumatoid arthritis.

Closed committee deliberations. The committee will review trade secret and/or confidential commercial information relevant to pending investigational new drugs. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes

in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, deliberation to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: February 14, 1995.

Linda A. Suydam,

Interim Deputy Commissioner for Operations.

[FR Doc. 95–4195 Filed 2–16–95; 8:45 am]

BILLING CODE 4160–01–F

National Institutes of Health

Technology Assessment Conference on Gaucher Disease: Current Issues in Diagnosis and Treatment

Notice is hereby given of the NIH Technology Assessment Conference on ''Gaucher Disease: Current Issues in Diagnosis and Treatment,'' which will be held February 27–March 1, 1995, in the Masur Auditorium of the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892. The conference begins at 8:30 a.m. on February 27 and 28 and at 9 a.m. on March 1.

Gaucher disease, the inherited deficiency of the enzyme glucocerebrosidase, is the most common lysosomal storage disease and the most frequently inherited disorder in the Ashkenazic Jewish population. In the past decade there has been much progress both in our understanding of the molecular biology of the disease and the ability to treat Gaucher patients. However, many issues regarding diagnosis, population screening, and therapy for Gaucher patients do not have clear consensus. Gaucher disease is characterized by a remarkable degree of clinical heterogeneity, ranging from severely affected infants to totally asymptomatic adults. Patients with Gaucher disease have been classified into three major types on the basis of clinical signs and symptoms: Type 1—non-neuropathic; type 2—acute neuropathic; and type 3—subacute neuropathic.

All types of Gaucher disease result from the deficiency of the same enzyme, glucocerebrosidase, and the diagnosis can be made by measurement of enzyme activity obtained from a tube of blood. The most striking difference between the types is the presence of neurologic manifestations and the rate of progression. Even within the different types there is not a unique clinical presentation. Some patients with type 1 Gaucher disease, which is by far the most common type, may display anemia, low platelets, massively enlarged livers and spleens, and extensive skeletal disease, while others have no symptoms and have been recognized only during screening or evaluation for other diseases.

The gene for glucocerebrosidase on chromosome 1q21 has been characterized and sequenced. Multiple mutations have been identified in the glucocerebrosidase gene in patients' DNA, several of which are encountered frequently. While some patients with similar clinical courses share the same genotype, there are other examples where patients with the same DNA mutations have very different clinical manifestations. It is still not clear to what extent a person's phenotype or prognosis can be accurately predicted on the basis of current DNA mutation analysis. Furthermore, while the availability of molecular techniques has made possible early prenatal diagnosis, heterozygote detection and population screening for Gaucher disease, the advisability and usefulness of these techniques remains unsolved.

Gaucher disease has been traditionally managed by supportive therapy including total and partial splenectomy, transfusions, and

orthopedic procedures. Bone marrow transplantation has also been successfully performed. More recently enzyme replacement therapy has become available using a mannose terminated form human glucocerebrosidase. This therapy, often costing $100,000 to $300,000 per adult patient annually, has effectively improved biochemical and hematologic manifestations of this disorder in many patients and has reversed hepatosplenomegaly. The optimal dosing for this preparation is still under investigation. Also, other novel strategies for enzyme therapy and gene therapy for Gaucher disease are being actively pursued.

The purpose of this Technology Assessment Conference is to evaluate current concepts concerning diagnosis, genetic counseling, and management of Gaucher disease. The conference will bring together epidemiologists, geneticists, pediatricians, neurologists, obstetricians, orthopedists, hematologists, genetic counselors, clinical pathologists, others involved in health care delivery, as well as representatives of the public to review available data and make recommendations regarding population screening, genetic counseling, and current patient management as well as for future research.

After 1-½ days of presentations and audience discussion, an independent, non-Federal panel will weigh the scientific evidence and write a draft statement that it will present to the audience on the third day. The statement will address the following key questions:

What is the natural history of Gaucher disease and what is the appropriate technology to assess the severity and to predict the progression of this disorder?

What are the roles of current molecular and enzymatic assays for ascertaining affected individuals and carriers in various populations?

What are the indications for treatment of patients with Gaucher disease and what are the appropriate modes of therapy?

What are the goals for and consequences of treatment and how can the therapeutic interventions be assessed?

Under what circumstances could genotype/phenotype correlations be used for patient care and counseling?

What are the appropriate directions for future research?

The primary sponsors for this conference are the National Institute of Mental Health and the NIH Office of Medical Applications of Research. The conference is cosponsored by the National Institute of Child Health and Human Development, the National Institute of Diabetes and Digestive and Kidney Diseases, the National Institute of Neurological Disorders and Stroke, the National Center for Research Resources, and the National Center for Human Genome Research.

Advance information on the conference program and conference registration materials may be obtained from: Debra DeBose, Technical Resources International, Inc., 3202 Tower Oaks Blvd., Suite 200, Rockville, Maryland 20852, (301) 770–3153.

The technology assessment statement will be submitted for publication in professional journals and other publications. In addition, the statement will be available beginning March 1, 1995 from the NIH Consensus Program Information Service, P.O. Box 2577, Kensington, Maryland 20891, phone 1–800–NIH–OMAR (1–800–644–6627).

Dated: February 10, 1995.

Ruth L. Kirschstein,

Deputy Director, NIH.

[FR Doc. 95–3991 Filed 2–16–95; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meetings of the following Heart, Lung, and Blood Special Emphasis Panels.

These meetings will be open to the public to provide concept review of proposed contract or grant solicitations.

Individuals who plan to attend and need special assistance, such as a sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

Name of Panel: NHLBI SEP on Pulmonary Vascular Biology.

Dates of Meeting: March 9, 1995.

Time of Meeting: 8:00 a.m.

Place of Meeting: National Institutes of Health, Building 31C, Conference Room 8, Bethesda, Maryland.

Agenda: The panel will review the current status of research in the designated areas, identify gaps and make recommendations regarding opportunities and priorities for future contract or grant solicitations.

Contact Person: Dorothy B. Gail, Ph.D., 5333 Westbard Avenue, Room 6407, Bethesda, Maryland 20892, (301) 549–7428.

Name of Panel: NHLBI SEP on TB/AIDS.

Dates of Meeting: March 21, 1995.

Time of Meeting: 8:30 a.m.

Place of Meeting: National Institutes of Health, Natcher, Building 45, Conference Room C–1, Bethesda, Maryland 20892.

Agenda: The panel will review the current status of research in the designated areas, identify gaps and make recommendations regarding opportunities and priorities for future contract or grant solicitations.

Contact Person: Hannah H. Peavy, M.D., 5333 Westbard Avenue, Room 6A09, Bethesda, Maryland 20892 (301) 594–7428.

Name of Panel: NHLBI SEP on Critical Care.

Dates of Meeting: March 28, 1995.

Time of Meeting: 8:30 a.m.

Place of Meeting: National Institutes of Health, Natcher, Building 45, Conference Room C–1, Bethesda, Maryland 20892.

Agenda: The panel will review the current status of research in the designated areas, identify gaps and make recommendations regarding opportunities and priorities for future contract or grant solicitations.

Contact Person: Carol H. Bosken, M.D., 5333 Westbard Avenue, Room 6A07, Bethesda, Maryland 20892, (301) 549–7428.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: February 9, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–3988 Filed 2–16–95; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of a 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 Heart, Lung, and Blood Special Emphasis Panel (SEP) meeting:

Name of SEP: Demonstration and Education Research Applications.

Date: March 14–15, 1995.

Time: 9:00 a.m.

Place: Stouffer Concourse Hotel, Arlington, VA.

Contact Person: Dr. Louise Corman, 5333 Westbard Avenue, Room 548, Bethesda, MD 20892, (301) 594–7452.

Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: February 9, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–3989 Filed 2–16–95; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Aging; 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 the following meetings:

Name of Committee: Biological and Clinical Aging Review Committee (Subcommittee A).
Date: March 6, 1995.
Time: 1 p.m. to adjournment.
Place: Gateway Building, Bethesda, Maryland 20892.
Contact Person: Arthur Schaerdel, D.V.M., Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9666.
Purpose/Agenda: Teleconference call for the review, discussion, and evaluation of individual research grant applications.

Name of Committee: Biological and Clinical Aging Review Committee (Subcommittee B).
Date: March 7–8, 1995.
Time: March 7–8 to 10 p.m.; March 8–8 a.m. to 12 noon.
Place: Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20850.
Contact Person: James Harwood, Ph.D., Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9666.
Purpose/Agenda: For the review, discussion, and evaluation of individual research grant applications.

Name of Committee: Neuroscience, Behavior and Sociology of Aging Review Committee (Subcommittee A).
Date: March 19–21, 1995.
Time: March 19—7:30 to 8 p.m.; March 20—8:30 a.m. to 5 p.m.; March 21—8:30 a.m. to 5 p.m.
Place of Meeting: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland 20814.
Contact Person: Maria Mannarino, M.D., Louise Hsu, Ph.D., Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9666.
Purpose/Agenda: For the review, discussion, and evaluation of individual research grant applications.

Name of Committee: Neuroscience, Behavior and Sociology of Aging Review Committee (Subcommittee B).
Date: March 13, 1995.
Time: 12:30 p.m. to 5 p.m.
Place: Gateway Building, Bethesda, Maryland 20814.
Contact Person: William Kachadorian, Ph.D., Gateway Building, Room 2C212, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–9666.
Purpose/Agenda: Teleconference call for the review, discussion, and evaluation of individual research grant applications.

The meetings will be closed in accordance with the provisions set forth in sec. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.866, Aging Research, National Institutes of Health.)

Dated: February 9, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–3987 Filed 2–16–95; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; 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 Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.
Name of SEP: Chemistry and Related Sciences.
Date: March 3, 1995.
Time: 1:00 p.m.
Place: NIH, Westwood Building, Room 318A, Telephone Conference.
Contact Person: Dr. Alec Liacouras, Scientific Review Administrator, 5333 Westbard Ave., Room 318A, Bethesda, MD 20892, (301) 594–7264.

Name of SEP: Biological and Physiological Sciences.
Date: March 10, 1995.
Time: 1:30 p.m.
Place: NIH, Westwood Building, Room 418A, Telephone Conference.
Contact Person: Dr. Anne Clark, Scientific Review Administrator, 5333 Westbard Ave., Room 418A, Bethesda, MD 20892, (301) 594–7115.

Name of SEP: Chemistry and Related Sciences.
Date: March 8, 1995.
Time: 12:00 p.m. (noon).
Place: NIH, Westwood Building, Room 335, Telephone Conference.
Contact Person: Dr. Edward Zapolski, Scientific Review Administrator, 5333 Westbard Ave., Room 335, Bethesda, MD 20892, (301) 594–7302.

Name of SEP: Chemistry and Related Sciences.
Date: March 15, 1995.
Time: 2:00 p.m.
Place: NIH, Westwood Building, Room 335, Telephone Conference.
Contact Person: Dr. Edward Zapolski, Scientific Review Administrator, 5333 Westbard Ave., Room 335, Bethesda, MD 20892, (301) 594–7302.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the grant review cycle.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 9, 1995.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 95–3990 Filed 2–16–95; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

Agency Forms Submitted to the Office of Management and Budget for Clearance

Normally on Fridays, the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with P.L. 96–511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the **Federal Register** on January 13, 1995.

(Call Reports Clearance Officer on (410) 965–4142 for copies of package.)

1. Drug Addiction and Alcoholism Referral and Monitoring Agency Treatment Requirements Acknowledgement; Drug Addiction and Alcoholism Referral and Monitoring Agency Assessment/Referral and Tracking Summary—0960–NEW. The information is needed to implement the requirements of Public Law 103–296, section 201. The form SSA–386 is used by the Social Security Administration to obtain acknowledgement of the individual's understanding of his rights and responsibilities as a beneficiary receiving drug addiction and alcoholism (DA&A) benefits. The form SSA–387 is used to monitor compliance with treatment requirements of DA&A beneficiaries and to determine eligibility for and retention of DA&A benefits. The respondents are referral and monitoring agencies, treatment facilities and

beneficiaries who are disabled based on DA&A.

Number of Respondents: 184,000
Frequency of Response: One (SSA–386) One per month (SSA–387)
Average Burden Per Response: 5 minutes (SSA–386) 10 minutes (SSA–387)
Estimated Annual Burden: 395,600 hours

2. Employer Verification of Earnings for Children Under Age 7—0960–0505. The information on form SSA-L3231–C1 is used by the Social Security Administration to ensure that the proper person is credited with earnings reported for a minor under age 7. The respondents are businesses reporting earnings for children under age 7.

Number of Respondents: 20,000
Frequency of Response: 1
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 3,333 hours

3. Application for Child's Insurance Benefits—0960–0010. The information on form SSA–4–BK is used by the Social Security Administration to elicit information needed to determine eligibility of benefits to the child of an insured individual retired because of old age or disability, and to a surviving child of a deceased worker. The respondents are children of fully insured wage earners.

Number of Respondents: 1,740,000
Frequency of Response: 1
Average Burden Per Response: Varies—10.5 or 15.5 minutes, depending on type of claim
Estimated Annual Burden: 372,417 hours

4. Certificate of Responsibility for Welfare and Care of Child Not in Applicant's Custody—0960–0019. The information on form SSA–781 is used by the Social Security Administration to determine whether the ''In Care'' entitlement factor is met. The respondents are applicants for benefits whose entitlement depends upon having an entitled child of the wage earner in their care.

Number of Respondents: 14,000
Frequency of Response: 1
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 2,333 hours
OMB Desk Officer: Laura Oliven

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: Office of Management and Budget, OIRA New Executive Office Building, Room 10230 Washington, DC 20503.

Date: February 8, 1995.

Charlotte Whitenight,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 95–3672 Filed 2–16–95; 8:45 am]

BILLING CODE 4190–29–P

Substance Abuse and Mental Health Services Administration

Substance Abuse Treatment Conference Grants

AGENCY: Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

ACTION: Clarification notice.

SUMMARY: Public notice was given in the **Federal Register** on July 25, 1994, Volume 59, No. 141, pages 37773–37775, that the Center for Substance Abuse Treatment is soliciting applications for domestic conferences for the purpose of coordinating, exchanging and disseminating information in furtherance of its mission to ensure the availability of effective treatment and recovery services for individuals who suffer from problems related to alcohol and other drugs (AOD) of abuse.

On page 37773, under the Program Description section, it states that ''CSAT will provide support for up to fifty percent (to a maximum of $50,000) of the total costs of planned meetings and conferences sponsored by new or ongoing constituent organizations or coalitions in their efforts to provide treatment for drugs of abuse.''

This funding guideline should have translated into one additional criterion under Award Decision Criteria on page 37775, to read as follows: ''7. A budget fully documenting that non-CSAT support equals at least 50% of the total cost of the conference.''

All applications received after the publication of this clarification notice will be returned to the applicant if the application does not provide a budget that fully documents that non-CSAT support equals at least 50% of the total cost of the conference.

All future guidance provided to potential applicants who request grant application kits will contain this additional award criterion.

Dated: February 12, 1995.

Richard Kopanda,

Acting Executive Officer, SAMHSA.

[FR Doc. 95–3969 Filed 2–16–95; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–95–1917; FR–3778–N–24]

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.

ADDRESSES: For further information contact William Molster, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 56 FR 23789 (May 24, 1991) and section 501 of the Stewart B. McKinney Homeless Assistant 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 Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A–10, 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, 56 FR 23789 (May 24, 1991).

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 is either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to William Molster 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: Corps of Engineers: Bob Swieconek, Headquarters, Army Corps of Engineers, Attn: CERE–MC, Room 4224, 20 Massachusetts Ave. NW, Washington, DC 20314–1000; (202) 272–1750; U.S. Air Force: Carol Xander, Air Force Real Estate Agency (Area/MI), Bolling AFB, 172 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–5113; (202) 767–6235; GSA: Leslie Carrington, Federal Property Resources Services, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 208–0619; Dept. of Interior: Lola D. Knight, Property Management Specialist, Dept of Interior, 1849 C St. NW., Mailstop 5512–MIB, Washington, DC 20240; (202) 208–4080; (These are not toll-free numbers).

Dated: February 10, 1995.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

Title V, Federal Surplus Property Program, Federal Register Report for 02/17/95

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. TU–22
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number: 319011551
Status: Unutilized
Comment: 1080 sq. ft., 1-story frame residence, needs minor repair, most recent use—lock tender's dwelling.

Bldg. TU–21
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number: 319011552
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–23
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number: 319011553
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU–24
Selden Lock and Dam
Route 1
Sawyerville Co: Hale AL 36776–
Landholding Agency: COE
Property Number: 319011554
Status: Unutilized
Comment: 1080 sq. ft.; 1-story frame residence; needs minor repair; most recent use—lock tender's dwelling.

California

Bldg. 604
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010237
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 605
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010238
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 612
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010239
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 611
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010240
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 613
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010241
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 614
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010242
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 615
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010243
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 616
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010244
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 617
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010245
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 618
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010246
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab.

Colorado

Former AF Finance Center

3800 York Street
Denver Co: Denver CO 80205–
Landholding Agency: GSA
Property Number: 549310011
Status: Excess
Comment: 293,932 sq. ft., 1-story timber frame with masonry exterior, fair condition, most recent use—storage, office, rehab.
GSA Number: 7–GR–CO–468–D.

Florida

Bldg. SF–97
Port Mayaca Lock & Spillway
9 miles north of Canal Point
Port Mayaca Co: Martin FL 33438–
Landholding Agency: COE
Property Number: 319340001
Status: Unutilized
Comment: 1700 sq. ft., 1-story concrete block/stucco, most recent use—laboratory, off-site use only.

Guam

Anderson VOR
In the municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Access is through Route 1 and Route 3, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010267
Status: Unutilized
Comment: 550 sq. ft.; 1 story perm/concrete; on 226 acres.
Anderson Radio Beacon Annex
In the municipality Dededo
Dededo Co: Guam GU 96912–
Location: Approximately 7.2 miles southwest of Anderson AFB proper; access is from Route 3, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010268
Status: Unutilized
Comment: 480 sq. ft.; 1 story perm/concrete; on 25 acres; most recent use—radio beacon facility.

Annex No. 4
Anderson Family Housing
Municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Access is through Route 1, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010545
Status: Underutilized
Comment: Various sq. ft.; 1 story frame/modified quonset; on 376 acres; portions of building and land leased to Government of Guam.

Harmon VORsite (Portion) (AJKZ)
Municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Approx. 12 miles southwest of Anderson AFB proper.
Landholding Agency: Air Force
Property Number: 189120234
Status: Unutilized
Comment: 550 sq. ft. bldg., needs rehab on 82 acres.

Idaho

Bldg. 121
Mountain Home Air Force Base
Main Avenue (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030007
Status: Excess
Comment: 3375 sq. ft.; 1 story wood frame; potential utilities; needs rehab; presence of asbestos; building is set on piers; most recent use—medical administration, veterinary services.

Bldg. 611
Mountain Home Air Force Base
Mountain Home AFB Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189440016
Status: Underutilized
Comment: 3200 sq. ft.; 1 story wood frame; needs repair, presence of lead base paint and asbestos; most recent use—base chapel.

Illinois

Bldg. 7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010001
Status: Unutilized
Comment: 900 sq. ft.; 1 floor wood frame; most recent use—residence.

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010002
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010003
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 4
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010004
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 3
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010005
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame.

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010006
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Location: Ohio River Locks and Dam No. 53 at Grand Chain
Landholding Agency: COE
Property Number: 319010007
Status: Unutilized
Comment: 900 sq. ft.; one floor wood frame; most recent use—residence.

Indiana

Bldg. 01, Monroe Lake
Monroe Cty. Rd. 37 North to Monroe Dam Rd.
Bloomington Co: Monroe IN 47401–8772
Landholding Agency: COE
Property Number: 319140002
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only.

Bldg. 02, Monroe Lake
Monroe Cty. Rd. 37 North to Monroe Dam Rd.
Bloomington Co: Monroe IN 47401–8772
Landholding Agency: COE
Property Number: 319140003
Status: Unutilized
Comment: 1312 sq. ft., 1 story brick residence, off-site use only.

Iowa

Bldg. 00627
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310001
Status: Unutilized
Comment: 1932 sq. ft., 1-story concrete block bldg., most recent use—storage, pigeon infested.

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310002
Status: Unutilized
Comment: 1113 sq. ft., 1-story concrete block bldg., contamination clean-up in process.

Bldg. 00106, Fort Dodge
Ft. Dodge Co: Webster IA 50501–
Landholding Agency: Air Force
Property Number: 189310051
Status: Unutilized
Comment: 200 sq. ft., 1-story wood frame, needs rehab, most recent use—storage.

Bldg. —Bridgeview
rathbun Lake Project, R.R.#3
Centerville Co: Appanoose IA 52544–
Landholding Agency: COE
Property Number: 319340003
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Bldg. —Island View
Rathbun Lake Project, R.R. #3
Centerville Co: Appanoose IA 52544–
Landholding Agency: COE
Property Number: 319340004
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Bldg. —Rolling Cove
Rathbun Lake Project, R.R. #3
Centerville Co: Appanoose IA 52544–
Landholding Agency: COE
Property Number: 319340005
Status: Unutilized
Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Kansas

Trailer—Clinton Lake
Rt. 5, Box 109B
Lawrence Co: Douglas KS 66046–
Landholding Agency: COE
Property Number: 319410003
Status: Excess
Comment: double-wide trailer (24×50), most recent use—residence, needs repair, off-site use only.

Kentucky

Green River Lock & Dam #3
Rochester Co: Butler KY 42273–
Location: SR 70 west from Morgantown, KY., approximately 7 miles to site.
Landholding Agency: COE
Property Number: 319010022
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame; two story residence; potential utilities; needs major rehab.

Kentucky River Lock and Dam 3
Plesureville Co: Henry KY 40057–
Location: SR 421 North from Frankfort, KY. to highway 561, right on 561 approximately 3 miles to site.
Landholding Agency: COE
Property Number 319010060
Status: Unutilized
Comment: 897 sq. ft.; 2 story wood frame; structural deficiencies.

Bldg. 1
Kentucky River Lock and Dam
Carrolton Co: Carroll KY 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to Highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 319011628
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding; needs rehab.

Bldg. 2
Kentucky River Lock and Dam
Carrolton Co: Carroll KY 41008–
Location: Take I–71 to Carrolton, KY exit, go east on SR #227 to highway 320, then left for about 1.5 miles to site.
Landholding Agency: COE
Property Number: 3190011629
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame house; subject to periodic flooding, needs rehab.

Utility Bldg, Noline River Lake
Moutardier Recreation Site
Co: Edmonson KY
Landholding Agency: COE
Property Number: 319320002
Status: Unutilized
Comment: 541 sq. ft., concrete block, off-site use only.

Louisiana

Barksdale Radio Beacon Annex
Barksdale Radio Beacon Annex
Curtis Co: Bossier LA 71111–
Location: 7 miles south of Bossier City on highway 71 south; left 1¼ miles of highway C1552.
Landholding Agency: Air Force
Property Number: 189010269
Status: Unutilized
Comment: 360 sq. ft.; 1 story wood/concrete; on 11.25 acres.

Massachusetts

NPS Tract #250–50
Former Kimpel Property
Sheffield Co: Berkshire MA 01257–
Landholding Agency: Interior
Property Number: 619510004
Status: Excess
Comment: 1724 sq. ft., 2 story frame house w/detached garage; off-site removal only.

Michigan

Bldg. 30
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010779
Status: Excess
Comment: 2593 sq. ft.; 1 floor; concrete block; possible asbestos; potential utilities; most recent use-communications transmitter building.

Bldg. 46
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010786
Status: Excess
Comment: 5898 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use-visiting personnel housing.

Bldg. 51
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010791
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 52
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010792
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 53
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010793
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 54
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010794
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 55
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010795
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 56
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010796
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 57
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010797
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 58
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010798
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 59
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010799
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 60
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010800
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 61
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010801
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 62
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010802
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 63
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010803
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 64
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010804

Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 65
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010805
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 66
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010806
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 67
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010808
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 68
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010808
Status: Excess
Comment: 1478 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 70
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010809
Status: Excess
Comment: 1394 sq. ft.; 1 story concrete block; possible asbestos; most recent use-youth center.

Bldg. 72
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010811
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 73
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010812
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 74
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010813
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 75
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010814
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 76
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010815
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 77
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010816
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 78
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010817
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 79
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010818
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 80
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010819
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 81
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010820
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 82
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010821
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 83
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010822
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 84
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010823
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 85
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010824
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 86
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010825
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 87
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010826
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 88
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010827
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 89
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010828
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 97
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010829
Status: Excess
Comment: 171 sq. ft.; 1 floor; potential utilities; most recent use—pump house.

Bldg. 98
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010830
Status: Excess
Comment: 114 sq. ft.; 1 floor; potential utilities; most recent use—pump house.

Bldg. 10

Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010836
Status: Excess
Comment: 1056 sq. ft.; 1 story wood frame residence.

Bldg. 216
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010847
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 217
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010848
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 218
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010849
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 219
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010850
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 220
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010851
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 221
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010852
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 222
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010853
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 223
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010854
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 224
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010855
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 215
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010856
Status: Excess
Comment: 390 sq. ft.; 1 story wood frame housing garage.

Bldg. 212
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010859
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 214
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010861
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 23
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010865
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 24
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010866
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 36
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010872
Status: Excess
Comment: 25 sq. ft.; 1 floor metal; frame; prior use—storage of fire hoses.

Bldg. 37
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010873
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 201
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010879
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Minnesota

Coast Guard Family Housing
404 East Hamilton Avenue
Baudette Co: Lake of the Wood MN 56623–
Landholding Agency: GSA
Property Number: 549230007
Status: Surplus
Comment: 1333 sq. ft.; 1-story frame residence.
GSA Number: 2–U–MN–503–E.

Coast Guard Family Housing
404 East Hamilton Avenue
Baudette Co: Lake of the Wood MN 56623–
Landholding Agency: GSA
Property Number: 549230008
Status: Surplus
Comment: 1633 sq. ft.; 1-story wood frame residence.
GSA Number: 2–U–MN–503–E.

Coast Guard Family Housing
404 East Hamilton Avenue
Baudette Co: Lake of the Wood MN 56623–
Landholding Agency: GSA
Property Number: 549230009
Status: Surplus
Comment: 1633 sq. ft.; 1-story wood frame residence.
GSA Number: 2–U–MN–503–E.

Coast Guard Family Housing
404 East Hamilton Avenue
Baudette Co: Lake of the Wood MN 56623–
Landholding Agency: GSA
Property Number: 549230010
Status: Surplus
Comment: 1633 sq. ft.; 1-story wood frame residence.
GSA Number: 2–U–MN–503–E.

Missouri

House No. 2, Clearwater Lake
Rt. HH at the dam
Piedmont Co: Wayne MO 63957–
Landholding Agency: COE
Property Number: 319430009
Status: Excess
Comment: 1600 sq. ft.; 1-story brick veneer residence, off-site use only.

Montana

Bldg.-Conrad Training Site
15 miles east of the City of Conrad
Co: Pondera MT 59425–
Landholding Agency: Air Force
Property Number: 189420025
Status: Unutilized
Comment: 7000 sq. ft.; 1-story brick, most recent use-technical training site.

Nebraska

Bldg. 20, Portion of VA Center
600 South 70th Street
Lincoln Co: Lancaster NE 68510–
Landholding Agency: GSA
Property Number: 549430003
Status: Excess
Comment: 3428 sq. ft.; 2-story, needs major rehab, presence of asbestos, ornamental concrete block structure.
GSA Number: 2–RG–NE–427C.

New Mexico

Socorro Field Division Office
2401 State Road 1
Socorro NM 87801–0678
Landholding Agency: GSA
Property Number: 549510004
Status: Surplus
Comment: 8056 sq. ft.; 1-story wood and metal frame, most recent use-offices/shop/storage, fair condition, off-site removal only.
GSA Number: 7–I–NM–0564.

Ohio

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Landholding Agency: COE
Property Number: 319120018
Status: Unutilized
Comment: 1600 sq. ft. bldg with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only.

Pennsylvania

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242–
Landholding Agency: COE
Property Number: 31921008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only.

One Unit/Residence
Conemaugh River Lake, RD #1, Box 702
Saltburg Co: Indiana PA 15681–
Landholding Agency: COE
Property Number: 319430011
Status: Unutilized
Comment: 2642 sq. ft., 1-story, 1-unit of duplex, fair condition, access restrictions.

Tract 302A
Grays Landing Lock & Dam Project
Old Glassworks Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430016
Status: Unutilized
Comment: 960 sq. ft., 2-story log structure, most recent use—residential, needs rehab, if used for habitation must be flood proofed or removed off-site.

Tract 302B
Grays Landing Lock & Dam Project
Old Glassworks Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430017
Status: Unutilized
Comment: 502 sq. ft., 2-story, needs repair, most recent use—beauty shop/residence, if used for habitation must be flood proofed or removed off-site.

Tract 314
Grays Landing Lock & Dam Project
Old Glassworks Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430018
Status: Unutilized
Comment: 1864 sq. ft., 2-story, brick structure needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 353
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430019
Status: Unutilized
Comment: 812 sq. ft., 2-story, log structure, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 402
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430020
Status: Unutilized
Comment: 728 sq. ft., 2-story, needs repairs, most recent use—residential/parsonage, if used for habitation must be flood proofed or removed off-site.

Tract 403A
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430021
Status: Unutilized
Comment: 620 sq. ft., 2-story, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 403B
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430022
Status: Unutilized
Comment: 1600 sq. ft., 2-story, brick structure, needs repair, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract 403C
Grays Landing Lock & Dam Project
Greenboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430023
Status: Unutilized
Comment: 672 sq. ft., 2-story carriage house/stable barn type structure, needs repair, most recent use—storage/garage, if used for habitation must be flood proofed or removed.

Tract 434
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430024
Status: Unutilized
Comment: 1059 sq. ft., 2-story, wood frame, 2 apt. units, historic property, if used for habitation must be flood proofed or removed off-site.

Tract 440
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430025
Status: Unutilized
Comment: 1000 sq. ft., 2-story, asbestos shingle siding, most recent use—residential, if used for habitation must be flood proofed or removed off-site.

Tract No. 224
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 31944001
Status: Unutilized
Comment: 1040 sq. ft., 2-story bldg., needs repair, historic struct., flowage easement, if habitation is desired property will be required to be flood proofed or removed off-site.

Tract No. 301
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319440002
Status: Excess
Comment: 1330 sq. ft., 2-story brick bldg., needs repair, historic struct., flowage easement, if habitation is desired the property will be required to be flood proofed or removed.

South Carolina

Bldg. 5
J. S. Thurmond Dam and Reservoir
Clarks Hill Co: McCormick SC
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011548
Status: Excess
Comment: 1900 sq. ft., 1-story masonry frame; possible asbestos; most recent use—storage, off-site removal only.

South Dakota

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage.

Texas

Bldg. 121
Lauglin Air Force Base
Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420026
Status: Unutilized
Comment: 11202 sq. ft., 1-story, needs rehab, presence of asbestos, secured area with alternate access.

Bldg. 348
Lauglin Air Force Base
Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420027
Status: Unutilized
Comment: 1799 sq. ft., 1-story, needs rehab, presence of asbestos, secured area with alternate access.

Bldg. 475
Lauglin Air Force Base
Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420028
Status: Unutilized
Comment: 1083 sq. ft., 1-story, needs rehab, secured area with alternate access.

19 Buildings and Land
Subtropical Agricultural Research Worksite
Brownsville Co: Cameron TX 78520–
Landholding Agency: GSA
Property Number: 549440007
Status: Excess
Comment: 25,000 sq. ft., 1-story, pres. of asbestos, most recent use—housing, 18.76 acres which includes 16 acres of vacant land.
GSA Number: 7–A–TX–0451G.

Virginia

Peters Ridge Site
Gathright Dam
Covington VA
Landholding Agency: COE
Property Number: 319430013
Status: Excess
Comment: 64 sq. ft., metal bldg.

Coles Mountain Site

Gathright Dam, Rt. 607
Co: Bath VA
Landholding Agency: COE
Property Number: 319430015
Status: Excess
Comment: 64 sq. ft., 1-story metal bldg.

NPS Tract 422–25
Former White property
County Rd. 602 on Moore Run near 4–H Camp
Front Royal Co: Warren VA 22630–
Landholding Agency: Interior
Property Number: 619440002
Status: Excess
Comment: 864 sq. ft.; 2-story frame residence, w/Natl. Appalachian Trails System Act, off-site use only.

Washington

Park Hdqts. House
McNary Lock & Dam Project
5107 West Columbia Dr.
Kennewick Co: Benton WA 99336–
Landholding Agency: COE
Property Number: 319430014
Status: Unutilized
Comment: 1696 sq. ft.; 1-story brick residence, off-site use only.

Construction Office Bldg.
Roosevelt Way
Coulee Dam Co: Okanogan WA 99116–
Landholding Agency: Interior
Property Number: 619410002
Status: Excess
Comment: 7778 sq. ft.; 1-story frame structure, off-site removal only, most recent use—offices.

Wisconsin

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 319011524
Status: Unutilized
Comment: 1224 sq. ft.; 2-story brick/wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 319011525
Status: Unutilized
Comment: 908 sq. ft.; 2-story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna Co: Outagamie WI 54131–
Landholding Agency: COE
Property Number: 319011527
Status: Unutilized
Comment: 1290 sq. ft.; 2-story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton Co: Outagamie WI 54911–
Landholding Agency: COE
Property Number: 319011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2-story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown Co: Outagamie WI 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Landholding Agency: COE
Property Number: 319011533
Status: Unutilized
Comment: 1952 sq. ft.; 2-story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence Co: Brown WI 54130–
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway ''D'') and River Street.
Landholding Agency: COE
Property Number: 319011535
Status: Unutilized
Comment: 1224 sq. ft.; 2-story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute Co: Outagamie WI 54140–
Landholding Agency: COE
Property Number: 319011536
Status: Unutilized
Comment: 1224 sq. ft.; 2-story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Land (by State)

Arizona

Tract No. APO–SRP–RB–5
Mesa Co: Maricopa AZ 85213–
Location: 2000′ south of Thomas Road at Val Vista Drive
Landholding Agency: Interior
Property Number: 619410005
Status: Unutilized
Comment: 0.57 acre; 20-foot strip of land which is 1,026 ft. long.

Arkansas

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010071
Status: Unutilized
Comment: 77.6 acres.

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010072
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010073
Status: Unutilized
Comment: 50.46 acres.

Parcel 04
DeGray Lake
Sections 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010074
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010075
Status: Unutilized
Comment: 187.30 acres.

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010076
Status: Unutilized
Comment: 13.0 acres.

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010077
Status: Unutilized
Comment: 0.27 acres.

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Landholding Agency: COE
Property Number: 319010078
Status: Unutilized
Comment: 14.6 acres.

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010079
Status: Unutilized
Comment: 6.60 acres.

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010080
Status: Unutilized
Comment: 4.5 acres.

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Landholding Agency: COE
Property Number: 319010081
Status: Unutilized
Comment: 19.50 acres.
Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Landholding Agency: COE
Property Number: 319010083
Status: Unutilized
Comment: 46 acres.

California

60 ARG/DE
Travis ILS Outer Marker Annex
Rio-Dixon Road

Travis AFB Co: Solano CA 94535–5496
Location: State Highway 113
Landholding Agency: Air Force
Property Number: 189010189
Status: Excess
Comment: .13 acres; most recent use—location for instrument landing systems equipment.

Lake Mendocino
1160 Lake Mendocino Drive
Ukiah Co: Mendocino CA 95482–9494
Landholding Agency: COE
Property Number: 319011015
Status: Unutilized
Comment: 20 acres; steep, dense brush; potential utilities.

Receiver Site
Dixon Relay Station
7514 Radio Station Road
Dixon CA 95620–9653
Location: Approximately .16 miles southeast of Dixon, CA
Landholding Agency: GSA
Property Number: 549010042
Status: Excess
Comment: 80 acres, 1,560 sq. ft. radio receiver bldg. on site, subject to grazing lease, limited utilities.
GSA Number: 9–2–CA–1162–A.

(P) Camp Elliott
Rosedale Tract
San Diego Co: San Diego CA
Landholding Agency: GSA
Property Number: 549310008
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.

L–4 Reservoir
La Quinta Co: Riverside CA 92253–
Location: Borders Adams St., ¼ mile north of Calle Tampico
Landholding Agency: Interior
Property Number: 619410004
Status: Excess
Comment: 1.69 acres; concrete reservoir; most recent use—water retention.

Guam

Annex 1
Andersen Communication
Dededo Co: Guam GU 96912–
Location: In the municipality of Dededo.
Landholding Agency: Air Force
Property Number: 189010428
Status: Underutilized
Comment: 862 acres; subject to utilities easements.

Annex 2, (Partial)
Andersen Petroleum Storage
Dededo Co: Guam GU 96912–
Location: In the municipality of Dededo
Landholding Agency: Air Force
Property Number: 189010428
Status: Underutilized
Comment: 35 acres; subject to utilities easements.

Illinois

Lake Shelbyville
Shelbyville Co: Shelby & Moultr IL 62565–9804
Landholding Agency: COE
Property Number: 319240004
Status: Unutilized
Comment: 5 parcels of land equalling 0.70 acres, improved w/4 small equipment storage bldgs. and a small access road, easement restrictions.

Kansas

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Landholding Agency: COE
Property Number: 319010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Parcels #2 and #3
Fall River Lake
Section 25 and 26
Co: Greenwood KS
Landholding Agency: GSA
Property Number: 319010066
Status: Excess
Comment: 64.24 acres, most recent use—recreation.
GSA Number: 7–D–KS–0513.

Kentucky

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: Adjoining the village of Rockcastle
Landholding Agency: COE
Property Number: 319010025
Status: Excess
Comment: 2.57 acres; rolling and wooded.

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle
Landholding Agency: COE
Property Number: 319010026
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle
Landholding Agency: COE
Property Number: 319010027
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle
Landholding Agency: COE
Property Number: 319010028
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 6½ miles west of Cadiz
Landholding Agency: COE
Property Number: 319010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 1 mile in a southerly direction from the village of Rockcastle.
Landholding Agency: COE
Property Number: 319010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: Trigg Co. adjoining the city of Canton, KY on the waters of Hopson Creek
Landholding Agency: COE
Property Number: 319010032
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 3½ miles in a southerly direction from Canton, KY
Landholding Agency: COE
Property Number: 319010033
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 5 miles south of Canton, KY.
Landholding Agency: COE
Property Number: 319010034
Status: Excess
Comment: 10.51 acres; sttep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319010035
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 6½ miles south of Canton, KY.
Landholding Agency: COE
Property Number: 319010036
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: On the north side of the Illinois Central Railroad.
Landholding Agency: COE
Property Number: 319010042
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4 miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010044
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY.

Landholding Agency: COE
Property Number: 319010045
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010046
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 4½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010047
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 5½ miles east of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010048
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010049
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 7 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 9 miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010051
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Landholding Agency: COE
Property Number: 319010052
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 319010053
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42030–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319010054
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Landholding Agency: COE
Property Number: 319010055
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030–
Location: 6½ miles southeasterly of Eddyville, KY.
Landholding Agency: COE
Property Number: 319010056
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tract 500–2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42055–
Location: Situated on the waters of Poplar Creek, approximately 1 mile southwest of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319010057
Status: Excess
Comment: 3.58 acres; hillside ridgeland and wooded; no utilities.

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: Village of Linton, KY state highway 1254.
Landholding Agency: COE
Property Number: 319010058
Status: Excess
Comment: 0.93; rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: 1 mile northwest of Linton, KY.
Landholding Agency: COE
Property Number: 319010059
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ south from Canton, KY.
Landholding Agency: COE
Property Number: 319011621
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Landholding Agency: COE
Property Number: 319011622
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Landholding Agency: COE
Property Number: 319011623
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319011624
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tract 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Landholding Agency: COE
Property Number: 319011625
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 319011626
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Landholding Agency: COE
Property Number: 319011627
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract B—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130002
Status: Unutilized
Comment: 10 acres, most recent use—recreational, possible periodic flooding.

Tract A—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130003
Status: Unutilized
Comment: 8 acres, most recent use—recreational, possible periodic flooding.

Tract C—Markland Locks & Dam
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw Co: Gallatin KY 41095–
Landholding Agency: COE
Property Number: 319130005
Status: Unutilized
Comment: 4 acres, most recent use—recreational, possible periodic flooding.

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Landholding Agency: COE
Property Number: 319140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Portion of Lock & Dam No. 1
Kentucky River
Carrolton Co: Carroll KY 41008–0305
Landholding Agency: COE
Property Number: 319320003
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access monitored.

Portion of Lock & Dam No. 2
Kentucky River
Lockport Co: Henry KY 40036–9999
Landholding Agency: COE
Property Number: 319320004
Status: Underutilized
Comment: approx. 13.14 acres (sloping), access monitored.

Louisiana

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Landholding Agency: COE
Property Number: 319011009
Status: Unutilized
Comment: 11 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Location: 35 miles Northeast of Shreveport, LA.
Landholding Agency: COE
Property Number: 319011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Michigan

Calumet Air Force Station
Section 1, T57N, R31W
Houghton Township
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010862
Status: Excess
Comment: 34 acres; potential utilities.

Calumet Air Force Station
Section 31, T58N, R30W
Houghton Township
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010863
Status: Excess
Comment: 3.78 acres; potential utilities.

Minnesota

Parcel D
Pine River
Cross Lake Co: Crow Wing MN 56442–
Location: 3 miles from city of Cross Lake, between highways 6 and 371.
Landholding Agency: COE
Property Number: 319011038
Status: Excess
Comment: 17 acres; no utilities.

Tract 92
Sandy Lake
McGregor Co: Aitkins MN 55760–
Location: 4 miles west of highway 65, 15 miles from city of McGregor.
Landholding Agency: COE
Property Number: 319011040
Status: Excess
Comment: 4 acres; no utilities.

Tract 98
Leech Lake
Benedict Co: Hubbard MN 56641–
Location: 1 mile from city of Federal Dam, Mn.
Landholding Agency: COE
Property Number: 319011041
Status: Excess
Comment: 7.3 acres; no utilities.

Mississippi

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Sections 16, 17, 18, T24N R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 319011022
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Grenada Lake
Sections 2 and 3, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Grenada Lake
Section 7, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Grenada Lake
Section 9, T24N, R6E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 319011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Landholding Agency: COE
Property Number: 319011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38390–10903
Landholding Agency: COE
Property Number: 319011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha MS 38903–0903
Landholding Agency: COE
Property Number: 319011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15

Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Landholding Agency: COE
Property Number: 319011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada MS 28901–0903
Landholding Agency: COE
Property Number: 319011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada MS 28902–0903
Landholding Agency: COE
Property Number: 319011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Grenada Lake
Section 9, T22N, R7E
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Missouri

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Location: Triangular shaped parcel southwest of access road ''B'', part of Bledsoe Ferry Park Tract 150.
Landholding Agency: COE
Property Number: 319030014
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Nevada

Freight Yard
Fallon Rail Facility
Fallon Co: Churchill NV 89406–
Landholding Agency: Interior
Property Number: 619440005
Status: Unutilized
Comment: 6.3 acres; subject to a 10-year lease to the City.

Ohio

Hannibal Locks and Dam
Ohio River
P.O. Box 8
Hannibal Co: Monroe OH 43931–0008
Location: Adjacent to the new Martinsville Bridge.
Landholding Agency: COE
Property Number: 319010015
Status: Underutilized
Comment: 22 acres; river bank.

Middleport Public Access Site
Robert C. Byrd Locks & Dam
Middleport Co: Meigs OH 45760–
Landholding Agency: GSA
Property Number: 319230001
Status: Excess
Comment: Approximately 17.23 acres including parking lot, flowage easement, right-of-way for city street and utilities
GSA Number: 2–D–OH–793.

Oklahoma

Parcel No. 44/GSA No. 4
Lake Texoma
Section 15, T5S, R7E
Co: Johnston OK
Location: About ½ mile southeast of Bee
Landholding Agency: GSA
Property Number: 319010475
Status: Excess
Comment: 14.98 acres, no utilities, most recent use—recreation
GSA Number: 7–D–OK–507–H.

Parcel No. 46/GSA No. 5
Lake Texoma
Section 15 and Section 16, T5S, R7E
Co: Johnston OK
Location: About 1 mile southwest of Bee
Landholding Agency: GSA
Property Number: 319010477
Status: Excess
Comment: 23.91 acres, no utilities, most recent use — recreation
GSA Number: 7–D–OK–507–H.

Parcel No. 7
Kaw Lake
Section 27
Co: Kay OK
Landholding Agency: GSA
Property Number: 319010842
Status: Excess
Comment: 21 acres; potential utilities; most recent use — recreation.

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Landholding Agency: COE
Property Number: 319010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Parcel No. 66/GSA No. 9
Lake Texoma
Co: Marshall OK 73439–
Location: Sections 12 and 13, 2 1/2 miles southwest of Cumberland, OK
Landholding Agency: GSA
Property Number: 549210009
Status: Excess
Comment: 14.05 acres, potential utilities, most recent use — low density recreation/natural gas well and pipelines.
GSA Number: 7–D–OK–0507–H.

Parcel No. 164/GSA No. 16
Lake Texoma
Co: Love OK 73441–
Location. Section 3
Landholding Agency: GSA
Property Number: 549210014
Status: Excess
Comment: 40.20 acres, potential utilities, most recent use — low density recreation.
GSA Number: 7–D–OK–0507–H.

Parcel No. 165/GSA No. 17
Lake Texoma
Co: Love OK 73441–
Location: Section 3
Landholding Agency: GSA
Property Number: 549210015
Status: Excess
Comment: 32.62 acres, potential utilities, most recent use — low density recreation.
GSA Number: 7–D–OK–0507–H.

Parcel No. 166/GSA No. 18
Lake Texoma
Co: Love OK 73441–
Location: Section 10
Landholding Agency: GSA
Property Number: 549210016
Status: Excess
Comment: 62.61 acres, potential utilities, most recent use — low density recreation.
GSA Number: 7–D–OK–0507–H.

Parcel No. 68/GSA No. 10
Lake Texoma, Sect. 11 T6S, R6E
Cumberland Co: Marshall OK
Landholding Agency: GSA
Property Number: 549240010
Status: Excess
Comment: 29.76 acres, most recent use — recreation
GSA Number 7–D–OK–507–H.

Pennsylvania

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Landholding Agency: COE
Property Number: 319010018
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Landholding Agency: COE
Property Number: 319011001
Status: Excess
Comment: 24.09 acres; subject to flowage easement.

Tracts L24, L26 Crooked Creek Lake
Co: Armstrong PA 03051–
Location: Left bank—55 miles downstream of dam.
Landholding Agency: COE
Property Number: 319011011
Status: Unutilized
Comment: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226–
Landholding Agency: COE
Property Number: 319430012
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights.

Puerto Rico

La Hueca — Naval Station
Roosevelt Roads
Vieques PR 00765–
Landholding Agency: GSA
Property Number: 549420006
Status: Excess
Comment: 323 acres, cultural site

Tennessee

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2 1/2 miles west of Dover, TN.
Landholding Agency: COE
Property Number: 319010927
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3 1/2 miles south of village of Tabaccoport.
Landholding Agency: COE
Property Number: 319010928
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Location: 1/2 mile downstream from Cheatham Dam
Landholding Agency: COE
Property Number: 319010929
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Resorvior
Murfreesboro Co: Rutherford TN 37130–
Location: West of Buckeye Bottom Road
Landholding Agency: COE
Property Number: 319010930
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Old Jefferson Pike
Landholding Agency: COE
Property Number: 319010931
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutheford TN 37130–
Location: Across Fall Creek near Fall Creek camping area.
Landholding Agency: COE
Property Number: 319010932
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 56
Landholding Agency: COE
Property Number: 319010933
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: East of Lamar Road
Landholding Agency: COE
Property Number: 319010934
Status: Excess
Comment: 15.31 acres; subject to existing easements.

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: South of Old Jefferson Pike
Landholding Agency: COE
Property Number: 319010935
Status: Excess
Comment: 12 acres; subject to existing easements.

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles east of Cumberland City.
Landholding Agency: COE
Property Number: 319010936
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Barkley Lake
Cumberland Co: Stewart TN 37050–
Location: 1½ miles east of Cumberland City.
Landholding Agency: COE
Property Number: 319010937
Status: Excess
Comment: 96 acres; subject to existing easements.

Tract 8911
Barkley Lake
Cumberland City Co: Montgomery TN 37050–
Location: 4 miles east of Cumberland City.
Landholding Agency: COE
Property Number: 319010938
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tract 11503
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2 miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 319010939
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkley Lake
Ashland City Co: Cheatham TN 37015–
Location: 2½ miles downstream from Cheatham Dam.
Landholding Agency: COE
Property Number: 319010940
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tract 6410
Barkley Lake
Bumpus Mills Co: Stewart TN 37028–
Location: 4½ miles SW. of Bumpus Mills.
Landholding Agency: COE
Property Number: 319010941
Status: Excess
Comment: 17 acres; subject to existing easements.

Tract 9707
Barkley Lake
Palmyer Co: Montgomery TN 37142–
Location: 3 miles NE of Palmyer, TN. Highway 149
Landholding Agency: COE
Property Number: 319010943
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tract 69949
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 1½ miles SE of Dover, TN.
Landholding Agency: COE
Property Number: 319010944
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3 miles south of Village of Tobaccoport.
Landholding Agency: COE
Property Number: 319011173
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam

Location:
Landholding Agency: COE
Property Number: 3190
Status: Excess
Comment: acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074–
Landholding Agency: COE
Property Number: 3190130007
Status: Underutilized
Comment: 92 acres (38 acres in floodway), most recent use—recreation.

Tract A–102
Dale Hollow Lake & Dam Project
Canoe ridge, State Hwy 52
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 3191400
Status: Underutilized
Comment 351 acres, most recent use—hunting, subject to existing easements.

Tract A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140007
Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

Tracts A–20, A–21
Dale Hollow Lake & Dam Project
Red Oak ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140008
Status: Underutilized
Comment: 821 acres, most recent use—recreation, subject to existing easements.

Tract D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570–
Landholding Agency: COE
Property Number: 319140010

Status: Underutilized
Comment: 883 acres, most recent use—hunting, subject to existing easements.

TEXAS

Parcel #185/GSA No. 19
Lake Texoma
Co: Cooke TX
Location: Robert Firinash survey A–368
Property Number: 319010405
Status: Excess
Comment: 31.64 acres, most recent use—recreation
GSA Number: 7–D–OK–507–H.

Parcel #222
Lake Texoma
Co: Grayson TX
Location: C. Meyerheim survey A–829 J. Hamilton survey A–509
Property Number: 319010421
Status: Excess
Comment: 52.80 acres; most recent use—recreation.

Parcel No. 201
Lake Texoma
Co: Grayson TX
Property Number: 549320007
Status: Excess
Comment: 8.07 acres, most recent use—low density recreation, upland timber wildlife habitat
GSA Number: 7–D–OK–0507–H.

Parcel No. 205
Lake Texoma
Co: Grayson TX
Property Number: 549320009
Status: Excess
Comment: 11.18 acres, most recent use—low density recreation and grazing
GSA Number: 7–D–OK–0507–H.

8.83 Acre Tract
Portion, former Fort Wolters
Mineral Wells Co: Parker/Palo Pin TX 76067–
Landholding Agency: GSA
Property Number: 549440004
Status: Excess
Comment: Land w/former recreation bldg., bldg. require repairs, potential utilities, parcel contains friable asbestos.
GSA Number: 7–GR–TX–548AA&BB.

10.75 Acre Tract
Portion, former Fort Wolters
Mineral Wells Co: Parker/Palo Pin TX 76067–
Landholding Agency: GSA
Property Number: 549440005
Status: Excess
Comment: Land w/former officer's club bldg., bldg. require repairs, potential utilities, parcel contains friable asbestos.
GSA Number: 7–GR–TX–548AA&BB.

120.26 Acre Tract
Portion, former Fort Wolters
Mineral Wells Co: Parker/Palo Pin TX 76067–
Landholding Agency: GSA
Property Number: 549440006
Status: Excess
Comment: Unimproved land containing friable asbestos.
GSA Number: 7–GR–TX–548AA&BB.

Washington

Asotin Quarry—Lower Lock & Dam
West of Upriver Road
Asotin Co: Asotin WA 99402–
Landholding Agency: GSA
Property Number: 549340001
Status: Excess
Comment: 39.42 acres, access easement, most recent use—rock quarry
GSA Number: 9–D–WA–824K.

Wyoming

Wind Site A
Medicine Bow Co: Carbon WY 82329–
Location: 3 miles south and 2 miles west of Medicine Bow
Landholding Agency: GSA
Property Number: 419030010
Status: Excess
Comment: 46.75 acres, limitation—easement restrictions.

Suitable/Unavailable Properties

Buildings (by State)

Alaska

Ketchikan Ranger House
Ketchikan AK 99901–
Landholding Agency: GSA
Property Number: 549430009
Status: Surplus
Comment: 1832 sq. ft., 2 story residence, needs rehab, on National Register of Historic Places
GSA Number: 9–A–AK–0746.

California

Hawes Site (KHGM)
March AFB
Hinckley Co: San Bernardino CA 92402–
Landholding Agency: Air Force
Property Number: 189010084
Status: Unutilized
Comment: 9290 sq ft., 2 story concrete, most recent use—radio relay station, possible asbestos, land belongs to Bureau of Land Management, potential utilities.

Santa Fe Flood Control Basin
Irwindale Co: Los Angeles CA 91706–
Landholding Agency: COE
Property Number: 319011298
Status: Unutilized
Comment: 1400 sq. ft.; 1 story stucco; needs rehab; termite damage; secured area with alternate access.

Suppiger Residence
Point Reyes National Seashore
Point Reyes Co: Marin CA 94956–
Landholding Agency: GSA
Property Number: 549410003
Status: Excess
Comment: 850 sq. ft., 2 story frame structure, need repairs, off-site removal only, narrow access road, removal restrictions
GSA Number: 9–I–CA–958B.

Suppiger Residence
Point Reyes National Seashore
Point Reyes Co: Marin CA 94956–
Landholding Agency: GSA
Property Number: 549410003
Status: Excess
Comment: 850 sq. ft., 2 story frame structure, need repairs, off-site removal only, narrow access road, removal restrictions
GSA Number: 9–I–CA–958B.

Colorado

3 Bldgs.
Former U.S. Forest Service Admin. Site
Fox Lane
Beaulah Co: Pueblo CO 81023–
Landholding Agency: GSA
Property Number: 549330002
Status: Excess
Comment: 1100 sq. ft. 2-story house, 600 sq. ft. 1-story house and 1800 sq. ft. garage, most recent use—classroom, storage, residence
GSA Number: 7–GR–CO–525.

Florida

Bldg. CN7
Ortona Lock Reservation, Okeechobee Waterway
Ortona Co: Glades FL 33471–
Location: Located off Highway 78 approximately 7 miles west of intersection with Highway 27.
Landholding Agency: COE
Property Number: 319010012
Status: Unutilized
Comment: 1468 sq. ft.; one floor wood frame; most recent use—residence; secured with alternate access.

Bldg. CN8
Ortona Lock Reservation, Okeechobee Waterway
Ortona Co: Glades FL 33471–
Location: Located off Highway 78 approximately 7 miles west of intersection with Highway 27.
Landholding Agency: COE
Property Number: 319010013
Status: Unutilized
Comment: 1468 sq. ft., one floor wood frame, most recent use—residence; secured with alternate access.

Bldg. SF–83
Moore Haven Lock & Dam
Ockeechobee Waterway
Moore Haven Co: Glades FL 33471–
Landholding Agency: COE
Property Number: 319310006
Status: Unutilized
Comment: 1441 sq. ft., 1-story frame residence, average condition, restricted access.

Kansas

U.S. Post Office & Courthouse
812 North 7th Street
Kansas City Co: Wyandotte KS 66101–
Landholding Agency: GSA
Property Number: 549420003
Status: Excess
Comment: 52257 sq. ft., 4-story plus basement, presence of asbestos and lead based paint, most recent use—offices
GSA Number: 7–G–KS–0514.

Kentucky

Federal Building
4th & Main Streets
Danville Co: Boyle KY 40422–
Landholding Agency: GSA
Property Number: 549430015
Status: Excess
Comment: 4890 sq. ft., 3-story, stone-concrete foundation, presence of asbestos, first floor occupied by U.S. Court of Appeals Judge & staff until expiration of his tenure
GSA Number: 4–G–KY–604.

Maine

9 Capehart Family Houses
Charleston Family Housing Annex, Union St.
Bangor Co: Penobscot ME
Landholding Agency: GSA
Property Number: 189310052

Status: Surplus
Comment: 2916–7097 sq. ft., 1–2 story wood, 3-duplexes, 27-four plexes totaling 114 units with garages
GSA Number: 2–D–ME–526G.

Massachusetts

Lowell Federal Building
50 Kearny Square
Lowell Co: Middlesex MA 01854–
Landholding Agency: GSA
Property Number: 549320003
Status: Excess
Comment: 40,283, sq. ft., 3-story concrete and steel bldg., most recent use—storage/office and medical clinic.
GSA Number: 2–G–MA–778

Michigan

Bldg. 20
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010775
Status: Excess
Comment: 13,404 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—warehouse/supply facility.

Bldg. 21
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010776
Status: Excess
Comment: 2,146 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—storage.

Bldg. 22
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010777
Status: Excess
Comment: 1,546 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—administrative facility.

Bldg. 28
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010778
Status: Excess
Comment: 1,000 sq. ft.; 1 floor; possible asbestos; potential utilities; most recent use—maintenance facility.

Bldg. 40
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010780
Status: Excess
Comment: 2,069 sq. ft.; 2 floors; concrete block; possible asbestos; potential utilities; most recent use—administrative facility.

Bldg. 41
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010781
Status: Excess
Comment: 2,069 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—dormitory.

Bldg. 42
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010782
Status: Excess
Comment: 4,017 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—dining hall.

Bldg. 43
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010783
Status: Excess
Comment: 3,674 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—dormitory.

Bldg. 44
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010784
Status: Excess
Comment: 7,216 sq. ft.; 2 story; concrete block; possible asbestos; potential utilities; most recent use—dormitory.

Bldg. 45
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010785
Status: Excess
Comment: 6,070 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—administrative facility.

Bldg. 47
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010787
Status: Excess
Comment: 83 sq. ft.; 1 story; concrete block; potential utilities; most recent use—storage.

Bldg. 48
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010788
Status: Excess
Comment: 96 sq. ft.; 1 story; concrete block; potential utilities; most recent use—storage.

Bldg. 49
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010789
Status: Excess
Comment: 1,944 sq. ft.; 1 story; concrete block; potential utilities; most recent use—dormitory.

Bldg. 50
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010790
Status: Excess
Comment: 6,171 sq. ft.; 1 story; concrete block; potential utilities; possible asbestos; most recent use—Fire Department vehicle parking building.

Bldg. 14
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010833
Status: Excess
Comment: 6,751 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—gymnasium.

Bldg. 16
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010834
Status: Excess
Comment: 3,000 sq. ft.; 1 floor concrete block; most recent use—commissary facility.

Bldg. 9
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010835
Status: Excess
Comment: 1,056 sq. ft.; 1 story wood frame residence.

Bldg. 11
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010837
Status: Excess
Comment: 1,056 sq. ft.; 1 floor wood frame residence.

Bldg. 12
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010838
Status: Excess
Comment: 1,056 sq. ft.; 1 story wood frame residence.

Bldg. 13
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010839
Status: Excess
Comment: 1,056 sq. ft.; 1 story wood frame residence.

Bldg. 5
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010840
Status: Excess
Comment: 864 sq. ft.; 1 floor wood frame residence; possible asbestos.

Bldg. 6
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010841
Status: Excess
Comment: 864 sq. ft.; 1 floor wood frame residence; possible asbestos.

Bldg. 7
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010842
Status: Excess
Comment: 864 sq. ft.; 1 story wood frame residence; possible asbestos.

Bldg. 8
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–

Landholding Agency: Air Force
Property Number: 189010843
Status: Excess
Comment: 864 sq. ft.; 1 floor wood frame residence; possible asbestos.

Bldg. 4
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010844
Status: Excess
Comment: 2340 sq. ft.; 1 floor concrete block; most recent use—heating facility.

Bldg. 3
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010845
Status: Excess
Comment:

314 sq. ft.; 1 floor concrete block; possible concrete block; possible asbestos; most recent use—maintenance shop and office.

Bldg. 1
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010846
Status: Excess
Comment: 4528 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—office.

Bldg. 158
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010857
Status: Excess
Comment: 3603 sq. ft.; 1 story concrete/steel; possible asbestos; most recent use—electric power station.

Bldg. 15
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010864
Status: Excess
Comment: 538 sq. ft.; concrete/wood structure; potential utilizes; most recent use—gymnasium facility.

Bldg. 31
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010867
Status: Excess
Comment: 36 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 32
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010868
Status: Excess
Comment: 36 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 33
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010869
Status: Excess
Comment: 36 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 34
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010870
Status: Excess
Comment: 36 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 35
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010871
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 39
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010874
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 202
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010880
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 203
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010881
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 204
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010882
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 205
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010883
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 206
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010884
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 207
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010885
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 153
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010886
Status: Excess
Comment: 4314 sq. ft.; 2 story concrete block facility; (radar tower bldg.) potential use—storage.

Bldg. 154
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010887
Status: Excess
Comment: 8960 sq. ft.; 4 story concrete block facility; (radar tower bldg.) potential use—storage.

Bldg. 157
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010888
Status: Excess
Comment: 3744 sq. ft.; 1 story concrete/steel facility; (radar tower bldg.); potential use—storage.

Minnesota

Army Reserve Center
301 Lexington Ave. South
New Prague Co: LeSueur MN 56071–
Landholding Agency GSA
Property Number: 549330003
Status: Surplus
Comment: 4316 sq. ft. brick veneer and concrete block office and training bldg. and a 1170 sq. ft. maintenance shop on 3.82 acres of land leased by the City.
GSA Number: 2–D–MN–558

Missouri

Jefferson Barracks ANG Base
Missouri National Guard
1 Grant Road
St. Louis Co: St. Louis MO 63125–4118
Landholding agency: Air Force
Property Number: 189010081
Status: Underutilized
Comment: 20 acres; portin near flammable materials; portion on archaeological site; special fencing required.

Montana

Bldg. 00007
Havre Air Force Station Co: HIll MT 59501–
Landholding Agency: Air Force
Property Number: 189330066
Status: Unutilized
Comment: 992 sq, ft,m 1-story metal, most recent use—auto/hobby shop.

Bldg. 00008
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330067
Status: Unutilized
Comment: 2640 sq. ft., 1-story metal, most recent use—vehicle parking.

Bldg. 00016
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330068
Status: Unutilized
Comment: 3604 sq. ft., 1-story cinder block, most recent use—storage.

Bldg. 00023
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330069

Status: Unutilized
Comment: 3315 sq. ft., 1-story wood, most recent use—fire station.

Bldg. 00024
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330070
Status: Unutilized
Comment: 5016 sq. ft., 1-story brick, most recent use—dormitory.

Bldg. 00027
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330071
Status: Unutilized
Comment: 14280 sq. ft., 1-story cinder block, most recent use—recreation center and commissary store.

Bldg. 00029
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330072
Status: Unutilized
Comment: 63 sq. ft., 1-story metal.

Bldg. 00031
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330073
Status: Unutilized
Comment: 3130 sq. ft., 1-story cinder block, most recent use—maintenance shop and admin.

Bldg. 00032
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330074
Status: Unutilized
Comment: 64 sq. ft., metal, most recent use—storage.

Bldg. 00035
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330075
Status: Unutilized
Comment: 2252 sq. ft., 4-story metal, most recent use—storage.

Bldg. 00039
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330076
Status: Unutilized
Comment: 21824 sq. ft., 1-story masonry, most recent use—storage.

Bldg. 00040
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330077
Status: Unutilized
Comment: 874 sq. ft., 1-story masonry, most recent use—storage.

Bldg. 00041
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330078
Status: Unutilized
Comment: 108 sq. ft., 1-story masonry.

Bldg. 00042
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330079
Status: Unutilized
Comment: 760 sq. ft., 1-story masonry, most recent use—warehouse.

Bldg. 00044
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330080
Status: Unutilized
Comment: 3298 sq. ft., 1-story metal, most recent use—wood hobby shop.

Bldgs. 51, 52, 56, 58
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330081
Status: Unutilized
Comment: 1352 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 53–55, 57, 59, 61, 63, 65, 67, 69, 71
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330082
Status: Unutilized
Comment: 1152 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 60, 62, 64, 66, 68
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330083
Status: Unutilized
Comment: 1361 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 70, 72, 74, 78
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330084
Status: Unutilized
Comment: 1455 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 76, 80
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330085
Status: Unutilized
Comment: 1343 sq. ft. each, 1-story wood, most recent use—residential.

Bldg. 82
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330086
Status: Unutilized
Comment: 1553 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 150, 152, 154, 156, 158, 160, 162, 164, 168, 170, 172, 174, 176, 178, 180, 182, 184
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330087
Status: Unutilized
Comment: 1247 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 106–109, 112–113
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330088
Status: Unutilized
Comment: 36 sq. ft., each, most recent use—fire hose house.

Bldgs. 202, 204, 206, 212, 214, 216, 218
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330089
Status: Unutilized
Comment: 72 sq. ft. each, most recent use—storage units.

Bldgs. 208, 210
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330090
Status: Unutilized
Comment: 36 sq. ft. each, most recent use—storage.

Nebraska

Bldg. 4, Hastings Family Hsg.
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320059
Status: Excess
Comment: 19370 sq. ft., brick frame, 1-story, possible asbestos, most recent use—recreation.

Bldg. 500
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320060
Status: Excess
Comment: 4984 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 502
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320061
Status: Excess
Comment: 2108 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 504
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320062
Status: Excess
Comment: 2852 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 506
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320063
Status: Excess
Comment: 2960 sq. ft., 2-story plus 3/4 basement wood frame family housing, possible asbestos.

Bldg. 507
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320064
Status: Excess
Comment: 2154 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 509
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320065
Status: Excess
Comment: 2404 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 511

Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320066
Status: Excess
Comment: 3156 sq. ft., 2-story plus full basement wood frame family housing, possible asbestos.

Bldg. 512
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320067
Status: Excess
Comment: 2948 sq. ft., 2-story plus 3/4 basement wood frame family housing, possible asbestos.

Bldg. 515
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320068
Status: Excess
Comment: 2554 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 517
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320069
Status: Excess
Comment: 2554 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 519
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320070
Status: Excess
Comment: 2800 sq. ft., 2-story plus full basement wood frame family housing, possible asbestos.

Bldg. 521
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320071
Status: Excess
Comment: 2268 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 523
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320072
Status: Excess
Comment: 2718 sq. ft., 2-story plus 3/4 basement wood frame family housing, possible asbestos.

Bldg. 525
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320073
Status: Excess
Comment: 2718 sq. ft., 2-story plus 3/4 basement wood frame family housing, possible asbestos.

Bldg. 526
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320074
Status: Excess
Comment: 3720 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 529
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320075
Status: Excess
Comment: 2252 sq. ft., 2-story plus 3/4 basement wood frame family housing, possible asbestos.

Bldg. 531
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320076
Status: Excess
Comment: 2782 sq. ft., 2-story plus 3/4 basement wood frame family housing, possible asbestos.

Bldg. 533
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320077
Status: Excess
Comment: 2324 sq. ft., 2-story plus 3/4 basement wood frame family housing, possible asbestos.

Bldg. 534
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320078
Status: Excess
Comment: 3276 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 536
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320079
Status: Excess
Comment: 2228 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 538
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320080
Status: Excess
Comment: 2228 sq. ft., 2-story plus full basement wood frame family housing, possible asbestos.

Bldg. 541
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320081
Status: Excess
Comment: 2452 sq. ft., 2-story plus full basement wood frame family housing, possible asbestos.

Bldg. 542
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320082
Status: Excess
Comment: 2566 sq. ft., 2-story plus 3/4 basement wood frame family housing, possible asbestos.

Bldg. 544
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320083
Status: Excess
Comment: 3488 sq. ft., 1-story plus full basement wood frame family housing, possible asbestos.

Bldg. 546
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320084
Status: Excess
Comment: 3724 sq. ft., 1-story plus full basement wood frame family housing, possible asbestos.

Bldg. 549
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320085
Status: Excess
Comment: 2624 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 550
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320086
Status: Excess
Comment: 2270 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 552
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320087
Status: Excess
Comment: 2358 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 553
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320088

Status: Excess
Comment: 2012 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 555
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320089
Status: Excess
Comment: 2286 sq. ft., 2-story plus full basement wood frame family housing, possible asbestos.

Bldg. 557
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320090
Status: Excess
Comment: 2176 sq. ft., 1-story plus full basement wood frame family housing, possible asbestos.

Bldg. 558
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320091
Status: Excess
Comment: 2052 sq. ft., 2-story plus 1/2 basement wood frame family housing, possible asbestos.

Bldg. 560
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320092
Status: Excess
Comment: 2600 sq. ft., 2-story plus 3/4 basement wood frame family housing, possible asbestos.

27 Detached Garages
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320093
Status: Excess
Comment: 280—708 sq. ft., wood frame, accommodates 1 to 3 vehicles, possible asbestos.

Bldg. 17
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320094
Status: Excess
Comment: 2225 sq. ft., 1-story wood frame, most recent use—offices, needs rehab, possible asbestos.

Bldg. 16
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320095
Status: Excess
Comment: 3278 sq. ft., 1-story plus basement brick frame, most recent use—storage, possible asbestos.

Bldg. 18
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320096
Status: Excess
Comment: 115 sq. ft., 1-story metal frame, most recent use—storage, no known utility potential.

Bldg. 6
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320097
Status: Excess
Comment: 256 sq. ft., 1-story wood frame, most recent use—storage, possible asbestos.

Bldg. 547
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320098
Status: Excess
Comment: 731 sq. ft., 1-story plus full basement wood frame, most recent use—storage, possible asbestos.

Bldg. 604
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320099
Status: Excess
Comment: 224 sq. ft., 1-story wood frame, most recent use—storage.

Nevada

17 Single Family Residences
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430004
Status: Excess
Comment: 1192 to 1378 sq. ft., 1 story wood residences, 3 bedrooms/ 1 bathroom, (4 of these residences are unavailable for homeless asst. use due to a compelling Federal need).
GSA Number: 9–U–NV–467–C.

17 Single Family Residences
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430004
Status: Excess
Comment: 1192 to 1378 sq. ft., 1 story wood residences, 3 bedrooms/1 bathroom, (4 of these residences are unavailable for homeless asst. use due to a compelling Federal need).
GSA Number: 9–U–NV–467–C.

1 Single Family Residence
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430005
Status: Excess
Comment: 1527 sq. ft., 1 story wood residence, 4 bedrooms/2 bathrooms.
GSA Number: 9–U–NV–467–C.

1 Single Family Residence
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430005
Status: Excess
Comment: 1527 sq. ft., 1 story wood residence, 4 bedrooms/2 bathrooms.
GSA Number: 9–U–NV–467–C.

Bldg. 111
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 54930006
Status: Excess
Comment: 2507 sq. ft., most recent use—office.
GSA Number: 9–U–NV–467–D.

Bldg. 111
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430006
Status: Excess
Comment: 2507 sq. ft., most recent use—office.
GSA Number: 9–U–NV–467–D.

Bldg. 112
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430007
Status: Excess
Comment: 1920 sq. ft., most recent use—storage.
GSA Number: 9–U–NV–467–D.

Bldg. 112
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430007
Status: Excess
Comment: 1920 sq. ft., most recent use—storage.
GSA Number: 9–U–NV–467–D.

Bldg. 120
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430008
Status: Excess
Comment: 1440 sq. ft., most recent use—motor pool.
GSA Number: 9–U–NV–467–D.

Bldg. 120
Tonopah Housing Complex
Tonopah Co: Nye NV 89049–
Landholding Agency: GSA
Property Number: 549430008
Status: Excess
Comment: 1440 sq. ft., most recent use—motor pool.
GSA Number: 9–U–NV–467–D.

New Hampshire

Bldg. 114
New Boston Air Force Staton
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320055
Status: Excess
Comment: 2606 sq. ft., 1-story, concrete block frame possible asbestos, access restrictions, most recent use—storage.

Bldg. 115
New Boston Air Force Staton
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320056

Status: Excess
Comment: 2606 sq. ft., 1-story, concrete block frame, possible asbestos, access restrictions, most recent use—storage.

Bldg. 127
New Boston Air Force Staton
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320057
Status: Excess
Comment: 698 sq. ft., 1-story, concrete and metal frame, possible asbestos, access restrictions, most recent use—storage.

New Mexico

Mobile Home, GQ
Gran Quivira Ruins
Mountainair Co: Socorro NM 87036–
Landholding Agency: Interior
Property Number: 619430003
Status: Excess
Comment: 938 sq. ft.; wood frame/wood siding mobile home; off-site removal only.

North Carolina

Portion VA Reservation
Nurses Quarters
Oteen Co: Buncombe NC
Landholding Agency: GSA
Property Number: 549320006
Status: Excess
Comment: 8752 sq. ft., 3-story stucco bldg., presence of asbestos,
GSA Number: 4–GR–NC–481B.

Pennsylvania

Residence
Crooked Creek Lake, RD #3
Ford City Co: Armstrong PA 16226–
Landholding Agency: COE
Property Number: 319430010
Status: Unutilized
Comment: 1847 sq. ft., 1-story wood frame residence, fair condition.

Tract No. 408E
Grays Landing Lock & Dam Project
Greensboro Co: Green PA 15338–
Landholding Agency: COE
Property Number: 319440003
Status: Excess
Comment: 1187 sq. ft., 2 story brick bldg., historic structure, flowage easement.

Storage & Maint. Facility
1200 Airport Road
Hopewell Co: Beaver PA 15001–
Landholding Agency: GSA
Property Number: 549330004
Status: Excess
Comment: 44157 sq. ft., 1-story concrete block bldg. (inadequate heating) and 19 acres of land, easements for pipelines and public utilities
GSA Number: 4–L–PA–766.

Tennessee

Transient Quarters
Dale Hollow Lake and Dam Project
Dale Hollow Resource Mgr Office, Rt 1, Box 64
Celina Co: Clay TN 38551–
Landholding Agency: COE
Property Number: 319140005
Status: Unutilized
Comment: 1400 sq. ft., concrete block, possible security restrictions, subject to existing easements.

Texas

Bldg. 605
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110090
Status: Unutilized
Comment: 392 sq. ft.; 1 story sheet metal building; most recent use—storage; possible asbestos; needs rehab.

Bldg. 696
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110091
Status: Unutilized
Comment: 1344 sq. ft.; possible asbestos; most recent use—auto hobby shop; needs rehab.

Bldg. 697
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110092
Status: Unutilized
Comment: 770 sq. ft.; possible asbestos; most recent use—supply store; needs rehab.

Bldg. 698
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110093
Status: Unutilized
Comment: 5815 sq. ft.; 1 story corrugated iron; possible asbestos; needs rehab; most recent use—recreation, workshop.

Bldg. 699
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110094
Status: Unutilized
Comment: 2659 sq. ft.; 1 story; possible asbestos; most recent use—arts and crafts center.

Bldg. 2
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014815
Status: Unutilized
Comment: 94606 sq. ft.; 1 story wood, masonry, and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 4
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014816
Status: Excess
Comment: 1350 sq. ft.; 1 story structured clay tile and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 17
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014817
Status: Excess
Comment: 68 sq. ft.; wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—guard house.
GSA Number: 7–D–TX–879A.

Bldg. 29
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014818
Status: Excess
Comment: 5028 sq. ft.; 1 story wood, masonry and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 30
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014819
Status: Excess
Comment: 5323 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 18
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014820
Status: Excess
Comment: 9560 sq. ft.; 1 story wood, masonry and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 6
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014821
Status: Excess
Comment: 1258 sq. ft.; 1 story structured clay tile and metal frame; subject to pipeline eaement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 7
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014822
Status: Excess
Comment: 508 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 8
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014824
Status: Excess
Comment: 171 sq. ft.; 2 story concrete block and brick; subject to sewer pipeline easement; needs rehab; most recent use—watch tower
GSA Number: 7–D–TX–879A.

Bldg. 16
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014825
Status: Excess
Comment: 17263 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 19
Saginaw Army Aircraft Plant

Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014826
Status: Excess
Comment: 25399 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 31
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014827
Status: Excess
Comment: 1392 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 9
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014828
Status: Excess
Comment: 244 sq. ft.; 1 story wood, hollow tile and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 25
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014829
Status: Excess
Comment: 1320 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—fire house.
GSA Number: 7–D–TX–879A.

Bldg. 10
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014830
Status: Excess
Comment: 354 sq. ft.; 1 story concrete block and brick, subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 26
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014831
Status: Excess
Comment: 3518 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 21
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014832
Status: Excess
Comment: 65 sq. ft.; wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—guard house.
GSA Number: 7–D–TX–879A.

Bldg. 22
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014833
Status: Excess
Comment: 50581 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Bldg. 27
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014834
Status: Excess
Comment: 228 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—control tower
GSA Number: 7–D–TX–879A.

Bldg. 32
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014835
Status: Excess
Comment: 19546 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.
GSA Number: 7–D–TX–879A.

Del Rio Federal Building
Main at Broadway
Del Rio Co: Val Verde TX 78840–
Landholding Agency: GSA
Property Number: 549310001
Status: Excess
Comment: 15600 sq. ft. 3-story plus basement, masonry frame, most recent use—offices and courthouse.
GSA Number: 7–G–TX–1034.

Washington

Olympia Federal Building
801 Capitol Way
Olympia Co: Thurston WA
Landholding Agency: GSA
Property Number: 549420002
Status: Excess
Comment: 13,800 sq. ft., 3-story/basement, on Natl Hist. Reg., pres. of lead based paint, city seismic code prohibits residential use, does not meet Federal standards for seismic tests.
GSA Number: G–WA–1040.

West Virginia

Point Pleasant Depot
State Route 35
Point Pleasant Co: Mason MV
Landholding Agency: GSA
GSA Number: 549430013
Status: Excess
Comment: 2400 sq. ft. masonry storage bldg., 936 sq. ft. garage, on 275 acres of land.
GSA Number: WV0015PP.

Wisconsin

Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere Co: Brown WI 54115–
Landholding Agency: COE
GSA Number: 319011526
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab; secured area with alternate access.

Land (by State)

Arizona

Land—640 acres

Ave. B—County 23 St.
Yuma Co: Yuma AZ 85364–
Landholding Agency: Interior
Property Number: 619340001
Status: Unutilized
Comment: Desert land, currently no water available, possible lease restrictions.

Tract No. APO–SRP–JL–4
West of 91st Ave. & South of Indian School Rd Co: Maricopa AZ
Landholding Agency: Interior
Property Number: 619340002
Status: Unutilized
Comment: 26 foot strip of land 800 foot long, possible easement restrictions.

Quartermaster Depot
4th Avenue and Colorado River
Yuma Co: Yuma AZ 85364–
Landholding Agency: Interior
Property Number: 619420001
Status: Unutilized
Comment: less than 1 acre, dirt and shrubbery along the river, lease restrictions, historical site.

Arkansas

Old Lock & Dam site No. 6
Ouachita-Black Rivers Navigation Proj. Co: Ashley/Union AR
Landholding Agency: GSA
Property Number: 549420007
Status: Excess
Comment: 62.37 acres in two tracts, no known utilities potential.
GSA Number: 7–D–AR–549.

California

Camp Kohler Annex
McClellan AFB
Sacramento Co: Sacramento CA 95652–5000
Landholding Agency: Air Force
Property Number: 189010045
Status: Unutilized
Comment: 35.30 acres + .11 acres easement, 30 + acres undeveloped; potential utilities; secured area; alternate access.

Norton Com. Facility Annex
Norton AFB
Sixth and Central Streets
Highland Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010194
Status: Excess
Comment: 30.3 acres; most recent use—recreational area; portion subject to easements.

Receiver Site
Dixon Relay Station
7514 Radio Station Road
Dixon CA 95620–9653
Location: Approximately .16 miles southeast of Dixon, CA.
Landholding Agency: GSA
Property Number: 549010042
Status: Surplus
Comment: 80 acres, 1560 sq. ft. radio receiver bldg. on site, subject to grazing lease, limited utilities.
GSA Number: 9–2–CA–1162–A.

Receiver Site
Delano Relay Station
Route 1, Box 1350
Delano Co: Tulare CA 93215–
Location: 5 miles west of Pixley, 17 miles north of Delano.
Landholding Agency: GSA

Property Number: 549010044
Status: Excess
Comment: 81 acres, 1560 sq. ft. radio receiver bldg. on site, subject to grazing lease, potential utilities, environmental restrictions.
GSA Number: 9–2–CA–1308.

Receiver Site
Delano Relay Station
Route 1, Box 1350
Delano Co: Tulare CA 93215–
Location: 5 miles west of Pixley, 17 miles north of Delano.
Landholding Agency: GSA
Property Number: 549010044
Status: Surplus
Comment: 81 acres, 1560 sq. ft. radio receiver bldg. on site, subject to grazing lease, potential utilities, environmental restrictions.
GSA Number: 9–2–GA–1380.

Dixon Relay Station
7514 Radio Road
Dixon Co: Solano CA 95620–9653
Landholding Agency: GSA
Property Number: 549320002
Status: Surplus
Comment: 787.53 acres, with 7 bldgs. most recent use —transmitter site.
GSA Number: 9–Z–CA–1162B.

Folsom South Canal
SW corner of Whiterock Rd. & Folsom S Canal
Rancho Cordova Co: Sacramento CA 95670–
Landholding Agency: Interior
Property Number: 619310002
Status: Excess
Comment: 1.52 acres; perpetual easement over .25 acre, surrounding land use is commercial.

Georgia

Portion of Tract I–801
Lake Allatoona, Yacht Club Road
Acworth Co: Cherokee GA 30102—
Landholding Agency: GSA
Property Number: 549340009
Status: Excess
Comment: 7.02 acres, no sewer or public water system, most recent use—timber growth.
GSA Number: 4–D–GA–826.

Idaho

Portion
Former Farragut Naval Training Center
Athol Co: Kootenai ID 83801–
Landholding Agency: GSA
Property Number: 549230004
Status: Excess
Comment: 48.42 acres, former railroad right-of-way.
GSA Number: 9–GR(2) –ID–421C.

Indiana

Portion of Tract 1219
Salamonie Lake, SR 9
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 319310002
Status: Unutilized
Comment: 0.88 acre, potential utilities.

Portion of Tract No. 1220
Salamonie Lake, SR 9
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 319310003
Status: Unutilized
Comment: 0.30 acre, potential utilities.

Portion of Tract No. 1207
Salamonie Lake, SR 9
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 319310004
Status: Unutilized
Comment: 0.28 acre, potential utilities.

Portion of Tract No. 116
Huntington Lake
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 319320001
Status: Excess
Comment: 3.41 acres with road easement.

Kansas

Parcels #2 and #3
Fall River Lake
Section 25 and 26 Co: Greenwood KS
Landholding Agency: COE
Property Number: 319010066
Status: Excess
Comment: 64.24 acres; most recent use—recreation.
GSA Number: 7–D–KS–0513.

Kentucky

Car Fork Lake
5 miles SE of Hindman, Ky., Hwy. 60
Hinkman Co: Knott KY
Landholding Agency: COE
Property Number: 319240003
Status: Unutilized
Comment: 2.81 acres, most recent use—drainage area for bank stabilization for adjacent cemetery.

Montana

Makoshika Radio Site
Glendive Co: Dawson MT 59330–
Landholding Agency: GSA
Property Number: 549420004
Status: Excess
Comment: 4.13 acres, limited utilities, most recent use—communication site.
GSA Number: 7–B–MT–599.

New Mexico

Western Perimeter Tract
Los Alamos Co: Los Alamos NM
Landholding Agency: GSA
Property Number: 549310010
Status: Surplus
Comment: 194 acres, potential utilities, open area, no roadways through property.
GSA Numbers: 7–B–NM–504–G, 7–GR(1)–NM–504–L.

Ohio

Portion, Camp Sherman Range
Approximately 1 mile north of Chillicothe
Springfield Co: Ross OH
Landholding Agency: GSA
Property Number: 549310004
Status: Excess
Comment: 4.674 acres, potential utilities, previously leased by non-profit for homeless assistance use.
GSA Number: 2–GH–OH–433B.

Oklahoma

Parcel No. 18
Fort Gibson Lake
Section 12
Wagoner Co. Co: Wagoner OK
Landholding Agency: GSA
Property Number: 219013808
Status: Surplus
Comment: 8.77 acres; subject to grazing lease; most recent use—recreation.
GSA Number: 7–D–OK–0442E–0004.

Parcel No. 7
Kaw Lake
Section 27 Co: Kay OK
Landholding Agency: COE
Property Number: 319010842
Status: Excess
Comment: 21 acres; potential utilities; most recent use—recreation.

Parcel 14
Fort Gibson Lake
Section 20 Co: Cherokee OK 74434
Landholding Agency: GSA
Property Number: 319010870
Status: Surplus
Comment: 52.09 acres; potential utilities; subject to haying/grazing leases; most recent use—recreational.
GSA Number: 7–D–OK–0442E–0002.

Parcel 28
Fort Gibson Lake
Section 35 Co: Mayes OK 74434
Landholding Agency: GSA
Property Number: 319010877
Status: Surplus
Comment: 36.59 acres; potential utilities; most recent use—recreational.
GSA Number: 7–D–OK–0442E–0005.

Parcel 75
Fort Gibson Lake
Section 16 Co: Mayes OK 74434
Landholding Agency: GSA
Property Number: 319010887
Status: Surplus
Comment: 45 acres; potential utilities; subject to haying lease and flowage easement; most recent use—recreational.
GSA Number: 7–D–OK–0442E–0009.

Parcel No. 43
Fort Gibson Lake
Section 11 Co: Mayes OK 74434
Landholding Agency: GSA
Property Number: 319011371
Status: Surplus
Comment: 125 acres; potential utilities; portion subject to grazing lease and flowage easements.
GSA Number: 7–D–OK–0442E–0006.

Parcel No. 49
Fort Gibson Lake
Section 15 Co: Mayes OK 74434
Landholding Agency: GSA
Property Number: 319011377
Status: Surplus
Comment: 26.94 acres; potential utilities; portion subject to grazing lease and flowage easements.
GSA Number: 7–D–OK–0442E–0007.

Parcel No. 61
Fort Gibson Lake
Section 13 Co: Mayes OK 74434
Landholding Agency: GSA
Property Number: 319011389
Status: Surplus
Comment: 54 acres; potential utilities; subject to flowage easement; most recent use—recreation.
GSA Number: 7–D–OK–0442E–0008.

Parcel No. 99

Fort Gibson Lake
Section 21 Co: Wagoner OK 74434
Landholding Agency: GSA
Property Number: 319011400
Status: Surplus
Comment: 5 acres; small creek on land; most recent use—recreation.
GSA Number: 7–D–OK–0442E–0013.

45 acre parcel, Sardis Lake
SE¼ NE¼ Section 4, T 2 N, R 18 E Co: Pushmataha OK 74521–
Landholding Agency: COE
Property Number: 319140004
Status: Excess
Comment: approx. 45 acres, most recent use—fish and wildlife conservation.

Pennsylvania

East Branch Clarion River Lake
Wilcox Co: Elk PA
Location: Free camping area on the right bank off entrance roadway.
Landholding Agency: COE
Property Number: 319011012
Status: Underutilized
Comment: 1 acre; most recent use—free campground.

Puerto Rico

Parcel C
Naval Station, Roosevelt Roads
Vieques PR 00765–
Landholding Agency: GSA
Property Number: 549340004
Status: Excess
Comment: 96.41 acres; subject to water/sewer easement, access restrictions, most recent use—buffer zone.
GSA Number: 7–N–PR–486.

Texas

Part of Tract 340
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010400
Status: Unutilized
Comment: 1 acre; future use—recreation.

Virginia

Rutherford Coleman Estate
Goodwin Farm
Norwood Co: Nelson VA 24581–
Landholding Agency: GSA
Property Number: 549410002
Status: Excess
Comment: 468.25 acres, most recent use—timber cutting, some areas environmentally protected.
GSA Number: 4–G–VA–691.

Washington

Portion of Tract 905
Lower Monumental Lock & Dam
½ mi SE of Lyons Ferry Marina Co: Whitman WA
Landholding Agency: COE
Property Number: 319320005
Status: Excess
Comment: 3.788 acres with encroaching private well.

Former Stadium Homes site
1701 28th Avenue, South
Seattle Co: King WA 98144—
Landholding Agency: GSA
Property Number: 549410005
Status: Excess
Comment: 1.46 acres; most recent use—highway equipment storage; potential for city utility services; land slopes.
GSA Number: 9–GR(1)–WA–543.

Sandpoint Control Tower
Near 7600 Sandpoint Way, NE
Seattle Co: King WA 98115–
Landholding Agency: GSA
Property Number: 549440003
Status: Excess
Comment: 11.3 acres, w/deteriorated bldg. and parking lot.
GSA Number: 9–C–WA–1069.

Suitable/To Be Excessed

Buildings (by State)

Michigan

Former C. G. Lightkeeper Sta.
Little Rapids Channel Project
St. Marys River
Sault Ste. Marie Co: Chippewa MI 49783–
Location: 3 miles east of downtown Sault Ste. Marie.
Landholding Agency: COE
Property Number: 319011573
Status: Excess
Comment: 1411 sq. ft.; 2 story, wood frame on .62 acres; needs rehab; secured area with alternate access.

Nevada

Bldg. 300
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120001
Status: Unutilized
Comment: 1573 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 301
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120002
Status: Unutilized
Comment: 1573 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 302
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120003
Status: Unutilized
Comment: 1573 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 303
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120004
Status: Unutilized
Comment: 2750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 304
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120005
Status: Unutilized
Comment: 2750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 305
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120006
Status: Unutilized
Comment: 2750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 306
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120007
Status: Unutilized
Comment: 2750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 307
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120008
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 308
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120009
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 309
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120010
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 310
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120011
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 311
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120012
Status: Unutilized

Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 312
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120013
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 313
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120014
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 314
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120015
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 315
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120016
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 316
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120017
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 317
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120018
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 318
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Spring Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120019
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 319
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120020
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 320
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120021
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 321
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120022
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 322
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120023
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 323
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120024
Status: Unutilized
Comment: 1233 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 324
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120025
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 325
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120026
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 326
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120027
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 331
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120028
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 332
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120029
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 333
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120030
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 334
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120031
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 335
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120032
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 336
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120033
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 337
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120034
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 338

Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120035
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 339
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120036
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 340
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120037
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 341
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120038
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 343
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120039
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 345
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120040
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 346
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120041
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 348
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120042
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 349
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120043
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 350
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120044
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 351
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120045
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 352
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120046
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 353
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120047
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 400
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120048
Status: Unutilized
Comment: 2464 Sq. ft., one story, most recent use—maintenance shop, easement restrictions, potential utilities, off-site removal only.

Bldg. 402
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120049
Status: Unutilized
Comment: 2570 Sq. ft., one story, most recent use—Chapel, easement restrictions, potential utilities, off-site removal only.

Bldg. 404
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120050
Status: Unutilized
Comment: 2376 Sq. ft., one story, most recent use-religious education facility, easement restrictions, potential utilities, off-site removal only.

Bldg. 406
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120051
Status: Unutilized
Comment: 2605 Sq. ft., one story, most recent use-child care facility, easement restrictions, potential utilities, off-site removal only.

Bldg. 3027
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120052
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3028
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120053
Status: Unutilized
Comment: 60 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3029
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120054
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3030
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120055
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3031
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120056
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3032
Nellis Air Force Base
Indian Springs AF Aux. Field

Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120057
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3033
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120058
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3034
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120059
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3035
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120060
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3036
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120061
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3037
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120062
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3038
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120063
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3039
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120064
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3040
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120065
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use-storage, easement restrictions, potential utilities, off-site removal only.

Washington

Quarters No. 1204
604 S. Maple
Warden Co: Grant WA 98857–
Landholding Agency: Interior
Property Number: 619330001
Status: Excess
Comment: 850 sq. ft., one story frame residence, asbestos siding.

Quarters No. 1208
608 S. Maple
Warden Co: Grant WA 98857–
Landholding Agency: Interior
Property Number: 619330002
Status: Excess
Comment: 709 sq. ft., one story frame residence, asbestos siding.

Quarters No. 1301
3 SE and N Warden Road
Warden Co: Grant WA 98857–
Landholding Agency: Interior
Property Number: 619330003
Status: Excess
Comment: 709 sq. ft., one story frame residence, asbestos siding.

Land (by State)

Florida

Springfield Annex (VZTD)
Tyndall Air Force Base
Springfield Co: Bay FL
Landholding Agency: Air Force
Property Number: 189240053
Status: Unutilized
Comment: 7.55 acres; improved w/parking lot, 2 loading ramps and railroad tracks.

Georgia

Lake Sidney Lanier Co: Forsyth GA 30130–
Location: Located on Two Mile Creek adj. to State Route 369
Landholding Agency: COE
Property Number: 319440010
Status: Unutilized
Comment: 0.25 acres, endangered plant species.

Lake Sidney Lanier-3 parcels
Gainesville Co: Hall GA 30503–
Location: Between Gainesville H.S. and State Route 53 By-Pass
Landholding Agency: COE
Property Number: 319440011
Status: Unutilized
Comment: 3 parcels totalling 5.17 acres, most recent use—buffer zone, endangered plant species.

Indiana

Cecil M. Harden Lake Project
Rockville Co: Parke IN 47872–
Location: Route 57 at intersection w/county road 910E.
Landholding Agency: COE
Property Number: 319011689
Status: Excess
Comment: 2.68 acres; narrow triangular shaped area of land.

Brookville Lake—Land
Liberty Co: Union In 47353–
Landholding Agency: COE
Property Number: 319440009
Status: Unutilized
Comment: 6.19 acres, limited utilities.

Kansas

Parcel #1
Fall River Lake
Section 26 Co: Greenwood KS
Landholding Agency: COE
Property Number: 319010065
Status: Unutilized
Comment: 155 acres; most recent use—recreation and leased cottage sites.

Parcel No. 2, El Dorado Lake
Approx. 1 mi east of the town of El Dorado Co: Butler KS
Landholding Agency: COE
Property Number: 319210005
Status: Unutilized
Comment: 11 acres, part of a relocated railroad bed, rural area.

Massachusetts

Buffumville Dam
Flood Control Project
Gale Road
Carlton Co: Worcester MA 01540–0155
Location: Portion of tracts B–200, B–248, B–251, B–204, B–247, B–200 and B–256
Landholding Agency: COE
Property Number: 319010016
Status: Excess
Comment: 1.45 acres.

Hodges Village
Dam Flood Control Project
Old Howarth Road
Oxford Co: Worcester MA 01540–0500
Location: Portion of Tract A–108, See Project Manager at Hodges Village Dam, Oxford, MA (508) 987–2600.
Landholding Agency: GSA
Property Number: 319011006
Status: Excess
Comment: 3.22
GSA Number: 2–D–MA–0821.

Minnesota

Tract #3
Lac Qui Parle Flood Control Project
County Rd. 13
Watson Co: Lac Qui Parle MN 56295–
Landholding Agency: COE
Property Number: 319340006
Status: Unutilized
Comment: Approximately 2.9 acres, fallow land.

Tract #34
Lac Qui Parle Flood Control Project
Marsh Lake
Watson Co: Lac Aui Parle MN 56295–
Landholding Agency: COE
Property Number: 319340007
Status: Unutilized
Comment: Approx. 8 acres, fallow land.

Ohio

Middleport Public Access Site
Robert C. Byrd Locks & Dam
Middleport Co: Meigs OH 45760–

Landholding Agency: COE
Property Number: 319230001
Status: Underutilized
Comment: Approximately 17.23 acres including parking lot, flowage easement, right-of-way for city street and utilities.
GSA Number: 2–D–OH–793.

Pennsylvania

Dashields Locks and Dam (Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Landholding Agency: COE
Property Number: 319210009
Status: Unutilized
Comment: 0.58 acre, most recent use—baseball field.

Tracts 1373 and 1374
Tioga-Hammond Lakes Project
Mansfield Co: Tioga PA 16933–
Landholding Agency: COE
Property Number: 319440012
Status: Excess
Comment: 0.74 acre in residential area, possible easement restrictions.

Tennessee

Tract D–456
Cheatham Lock and Dam
Ashland Co: Cheatham TN 37015–
Location: Right downstream bank of Sycamore Creek.
Landholding Agency: COE
Property Number: 319010942
Status: Excess
Comment: 8.93 acres; subject to existing easements.

Texas

Tract J–957
Whitney Lake
Bosque Co: Bosque TX
Location: Via Avenue B within the community of Kopperl.
Landholding Agency: COE
Property Number: 319110029
Status: Unutilized
Comment: 1.368 acres; potential utilities; encroachments on large portion of property.

Tract J–936
Whitney Lake
Bosque Co: Bosque TX
Location: Off F. M. Highway 56 within the community of Kopperl.
Landholding Agency: COE
Property Number: 319110032
Status: Unutilized
Comment: 5.661 acres; potential utilities.

Tract F–516 O.C. Fisher Lake
Parallel with Grape Creek Road
San Angelo Co: Tom Green TX 76902–3085
Landholding Agency: COE
Property Number: 319120002
Status: Unutilized
Comment: 2.13 acres, potential limited utilities.
GSA Number: 7–D–TX–0968–A.

Part of Tract 102 Segment 1
Bardwell Dam Road
Ennis Co: Ellis TX 75119–
Landholding Agency: COE
Property Number: 319140014
Status: Unutilized
Comment: Approx. 6.38 acres.
GSA Number: 7–D–TX–738–D.

Corpus Christi Ship Channel
Corpus Christi Co: Neuces TX
Location: East side of Carbon Plant Road, approx. 14 miles NW of downtown Corpus Christi
Landholding Agency: COE
Property Number: 319240001
Status: Unutilized
Comment: 4.4 acres, most recent use—farm land.

Wisconsin

Kewaunee Eng. Depot
East Storage Yard
Kewaunee Co: Kewaunee WI 54216–
Landholding Agency: COE
Property Number: 319440013
Status: Excess
Comment: 0.87 acres, limited utilities, secured area w/alternate access.

Unsuitable Properties

Buildings (by State)

Landholding Agency: Air Force
Property Number: 189140024
Status: Unutilized
Reason: Secured Area.

Landholding Agency: Air Force
Property Number: 189140026
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Landholding Agency: Air Force
Property Number: 189140027
Status: Unutilized
Reason: Secured Area.

Alabama

Bldg. 913
Maxwell AFB
Avenue ''C''
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189101002
Status: Unutilized
Reason: Secured Area.

Bldg. 927
Maxwell AFB
Montgomery Co: Montgomery AL 36112–
Location: Off Avenue ''C''
Landholding Agency: Air Force
Property Number: 189010003
Status: Unutilized
Reason: Secured Area.

Bldg. 935
Maxwell AFB
Montgomery Co: Montgomery AL 36112–
Location: Off Selfridge Street
Landholding Agency: Air Force
Property Number: 189010004
Status: Unutilized
Reason: Secured Area.

Bldg. 936
Maxwell AFB
Selfridge Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189010005
Status: Unutilized
Reason: Secured Area.

Bldg. 809
Gunter AFB
Montgomery Co: Montgomery AL 36114–
Location: Off Renfroe Street
Landholding Agency: Air Force
Property Number: 189010011
Status: Unutilized
Reason: Secured Area.

Bldg. 861
Gunter AFB
South Drive
Montgomery Co: Montgomery AL 36114–
Landholding Agency: Air Force
Property Number: 189010012
Status: Unutilized
Reason: Secured Area.

Bldg. 1011
Gunter AFB
Avenue ''A''
Montgomery Co: Montgomery AL 36114–
Landholding Agency: Air Force
Property Number: 189010013
Status: Unutilized
Reason: Secured Area.

Bldg 1022
Gunter AFB
Montgomery Co: Montgomery AL 36114–
Location: Adjacent to Avenues ''A'' and ''C''
Landholding Agency: Air Force
Property Number: 189010015
Status: Underutilized
Reason: Secured Area.

Bldg 1042
Gunter AFB
Montgomery Co: Montgomery AL 36114–
Location: Between Avenues ''A'' and ''C''
Landholding Agency: Air Force
Property Number: 189010016
Status: Underutilized
Reason: Secured area.

Bldg 1052
Gunter AFB
Montgomery Co: Montgomery AL 36114–
Location: Between Avenues A and C
Landholding Agency: Air Force
Property Number: 189010019
Status: Underutilized
Reason: Secured Area.

Bldg 1060
Gunter AFB
4th Street at Avenue C
Montgomery Co: Montgomery AL 36114–
Landholding Agency: Air Force
Property Number: 189010020
Status: Unutilized
Reason: Secured Area.

Bldg 1061
Gunter AFB
Avenue C
Montgomery Co: Montgomery AL 36114–
Landholding Agency: Air Force
Property Number: 189010022
Status: Unutilized
Reason: Secured Area.

Bldg 1435
Maxwell Air Force Base
Mimosa Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189030220
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg 1436
Maxwell Air Force Base
Mimosa Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189030221
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg 1440
Maxwell Air Force Base
Mimosa Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189030222
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg 1441
Maxwell Air Force Base
Mimosa Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189030223
Status: Unutilized
Reason: Floodway Secured Area.

Bldg 830
Gunter Air Force Base
Ramp Road
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189040853
Status: Underutilized
Reason: Secured Area.

Bldg 421
Gunter Air Force Base
Avenue D
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189040854
Status: Underutilized
Reason: Secured Area.

Bldg 426
Gunter Air Force Base
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189040855
Status: Underutilized
Reason: Secured Area.

Petrol OPS Bldg.
Maxwell Air Force Base
1101 Chanute Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189110165
Status: Unutilized
Reason: Secured Area.

Law Center
Maxwell Air Force Base
519 10th Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189110166
Status: Unutilized
Reason: Secured Area.

Bldg. 1011
Maxwell Air Force Base
Dannelly Street
Montgomery Co: Montgomery AL 36112–5000
Landholding Agency: Air Force
Property Number: 189110167
Status: Unutilized
Reason: Secured Area.

HQ Specified Bldg
Maxwell AFB
677 Third Street
Montgomery Co: Montgomery AL 36112
Landholding Agency: Air Force
Property Number: 189120231
Status: Unutilized
Reason: Secured Area.

Base Personnel Office
Maxwell AFB
853 Second Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189120232
Status: Unutilized
Reason: Secured Area.

Bldg. 932
932 3rd St. & Ave. D, West
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130335
Status: Unutilized
Reason: Secured Area.

Bldg. 8
8 Maxwell Blvd., East
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130336
Status: Unutilized
Reason: Secured Area.

Bldg 712
Avenue ''E''
Gunter Air Force Base
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189130349
Status: Unutilized
Reason: Secured Area.

Bldg 1004
Reserves Forces Training Facility
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Location: 1004 Maxwell Blvd. & Kelly Street
Landholding Agency: Air Force
Property Number: 189130369
Status: Unutilized
Reason: Secured Area; Within airport runway clear zone.

Bldg 1006, Reproduction Plant
1006 Kelly Street
Maxwell AIr Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130370
Status: Unutilized
Reason: Secured Area.

Bldg 72, Storage Shed
72 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189130371
Status: Unutilized
Reason: Secured Area.

Bldg. 95, Storage Shed
95 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189130372
Status: Unutilized
Reason: Secured Area.

Bldg. 96, Storage Shed
96 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189130373
Status: Unutilized
Reason: Secured Area.

Bldg. 97, Storage Shed
97 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189130374
Status: Unutilized
Reason: Secured Area.

Bldg. 78, Maintenance Shop
78 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189130375
Status: Unutilized
Reason: Secured Area.

Bldg. 79, Warehouse
79 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189130376
Status: Unutilized
Reason: Secured Area.

Bldg. 82, Storage CV Facility
82 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189130377
Status: Unutilized
Reason: Secured Area.

Bldg. 83, Storage CV Facility
83 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189130378
Status: Unutilized
Reason: Secured Area.

Bldg. 88, Maintenance Shop
88 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189130379
Status: Unutilized
Reason: Secured Area.

Bldg. 90, Storage CV Facility
90 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189130380
Status: Unutilized
Reason: Secured Area.

Bldg. 94, Storage CV Facility
94 Selfridge & Maxwell Blvd.
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189130381
Status: Unutilized
Reason: Secured Area.

Bldg. 135
Gunter Air Force Base
1st Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140001
Status: Unutilized
Reason: Secured Area.

Bldg. 206
Gunter Air Force Base

Off 1st Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140002
Status: Unutilized
Reason: Secured Area.

Bldg. 208
Gunter Air Force Base
1st Street at ''D'' Streets
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140003
Status: Unutilized
Reason: Secured Area.

Bldg. 420
Gunter Air Force Base
2nd Street at Avenue ''D''
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140004
Status: Unutilized
Reason: Secured Area.

Bldg. 559
Gunter Air Force Base
4th Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140005
Status: Unutilized
Reason: Secured Area.

Bldg. 560
Gunter Air Force Base
4th Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140006
Status: Unutilized
Reason: Secured Area.

Bldg. 561
Gunter Air Force Base
Off 4th Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140007
Status: Unutilized
Reason: Secured Area.

Bldg. 562
Gunter Air Force Base
4th Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140008
Status: Unutilized
Reason: Secured Area.

Bldg. 818
Gunter Air Force Base
Foster Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140009
Status: Unutilized
Reason: Secured Area.

Bldg. 807
Maxwell Air Force Base
Maxwell Blvd. & Third Street
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189140010
Status: Unutilized
Reason: Secured Area.

Bldg. 1001
Maxwell Air Force Base
Kelly St., North & Airplane Park. Apron 3001
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189140011
Status: Unutilized
Reason: Secured Area.

Bldg. 1010
Maxwell Air Force Base
Bet. Maxwell Blvd. & Dannelly St
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189140012
Status: Unutilized
Reason: Secured Area.

Bldg. 1039
Maxwell Air Force Base
Kelly Street at Taxiway 3004
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189140013
Status: Unutilized
Reason: Secured Area.

Bldg. 1215
Maxwell Air Force Base
March St. bet. Willow St. & Beech St.
Montgomery Co: Montgomery AL 36112—
Landholding Agency: Air Force
Property Number: 189140014
Status: Unutilized
Reason: Secured Area.

Bldg. 823
Gunter Air Force Base
Ramp Road at Second Street
Montgomery Co: Montgomery AL 36114–5000
Landholding Agency: Air Force
Property Number: 189140021
Status: Unutilized
Reason: Secured Area.

Bldg. 81
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220005
Status: Unutilized
Reason: Secured Area.

Bldg. 1041
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220006
Status: Unutilized
Reason: Secured Area.

Bldg. 1042
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220007
Status: Unutilized
Reason: Secured Area.

Bldg. 1114
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220008
Status: Unutilized
Reason: Secured Area.

Bldg. 1208
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220009
Status: Unutilized
Reason: Secured Area.

Bldg. 1210
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220010
Status: Unutilized
Reason: Secured Area.

Bldg. 1211
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220011
Status: Unutilized
Reason: Secured Area.

Bldg. 1214
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220012
Status: Unutilized
Reason: Secured Area.

Bldg. 1229
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220013
Status: Unutilized
Reason: Secured Area.

Bldg. 1245
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189220014
Status: Unutilized
Reason: Secured Area.

Bldg. 906
Maxwell Air Force Base
Bet. Avenue B & C on Second Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240013
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 907
Maxwell Air Force Base
Bet. Avenue B & C on Second Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240014
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 931
Maxwell Air Force Base
Corner of Selfridge & 3rd Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240015
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 933
Maxwell Air Force Base
Corner of Selfridge & 3rd Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240016

Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 934
Maxwell Air Force Base
Corner of Selfridge & 3rd Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240017
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 143
Maxwell Air Force Base
Avenue D
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240018
Status: Unutilized
Reason: Secured Area.

Bldg. 839
Maxwell Air Force Base
1st & Bay Streets at Ash Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189240019
Status: Unutilized
Reason: Secured Area.

Bldg. 603, Maxwell AFB
Gunter Annex
Montgomery Co: Montgomery AL 36114–3112
Landholding Agency: Air Force
Property Number: 189310042
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 315, Maxwell AFB
Gunter Annex
Montgomery Co: Montgomery AL 36114–3112
Landholding Agency: Air Force
Property Number: 189310043
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 314, Maxwell AFB
Gunter Annex
Montgomery Co: Montgomery AL 36114–3112
Landholding Agency: Air Force
Property Number: 189310044
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 301, Maxwell AFB
Gunter Annex
Montgomery Co: Montgomery AL 36114–3112
Landholding Agency: Air Force
Property Number: 189310045
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Water Supply Bldg. Maxwell AFB
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189310046
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Recrea./Library, Maxwell AFB
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189310047
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

BE Storage Shed, Maxwell AFB
1043 Kelly Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189310048
Status: Unutilized
Reason: Secured Area.

Data Proc. Bldg., Maxwell AFB
908 Avenue B at Avenue C
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189310049
Status: Unutilized
Reason: Secured Area.

Youth Center, Maxwell AFB
712 6th Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189310050
Status: Unutilized
Reason: Secured Area.

Education Center
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189320044
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Admin. Office
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189320045
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 830, Gunter Annex
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189320046
Status: Unutilized
Reason: Secured Area.

Chaplain School
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189320047
Status: Unutilized
Reason: Secured Area.

Recreation Bldg.
Maxwell Air Force Base
690 Ash Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330045
Status: Unutilized
Reason: Secured Area.

Storage Shed
Maxwell Air Force Base
1068 Kelly Street
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330046
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Storage Shed
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330047
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 400
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330048
Status: Unutilized
Reason: Secured Area.

Bldg. 402
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330049
Status: Unutilized
Reason: Secured Area.

Bldg. 408
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330050
Status: Unutilized
Reason: Secured Area.

Bldg. 410
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330051
Status: Unutilized
Reason: Secured Area.

Bldg. 502
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330052
Status: Unutilized
Reason: Secured Area.

Bldg. 503
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330053
Status: Unutilized
Reason: Secured Area.

Bldg. 504
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330054
Status: Unutilized
Reason: Secured Area.

Bldg. 505
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330055
Status: Unutilized
Reason: Secured Area.

Bldg. 506
Maxwell Air Force Base
1350 River Road

Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330056
Status: Unutilized
Reason: Secured Area.

Bldg. 508
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330057
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 509
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330058
Status: Unutilized
Reason: Secured Area.

Bldg. 512
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330059
Status: Unutilized
Reason: Secured Area.

Bldg. 513
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330060
Status: Unutilized
Reason: Secured Area.

Bldg. 715
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330061
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 716
Maxwell Air Force Base
1350 River Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330062
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 820
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330063
Status: Unutilized
Reason: Secured Area.

Bldg. 864
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330064
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility 875
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330065
Status: Unutilized
Reason: Secured Area.

Bldg. 813
Maxwell Air Force Base
Montgomery AL 36114–
Landholding Agency: Air Force
Property Number: 189430001
Status: Unutilized
Reason: Secured Area.

Alaska

Bldg. 203
Tin City Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010296
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 165
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010298
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 150
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010299
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 130
Sparrevohn Air Foce Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010300
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 306
King Salmon Airport
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010301
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 11–230
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010303
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 21–116
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010304
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 43–010
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010306
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 63–320
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010307
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 63–325
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010308
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 103
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010309
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 110
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010310
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 112
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010311
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 113
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010312
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 114

Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010313
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 115
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010314
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 118
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010315
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1018
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010317
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1025
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010318
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1055
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010319
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 107
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010320
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 115
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010321
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 113
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010322
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 150
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010323
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 152
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010324
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 301
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010325
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1001
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010326
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1003
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010327
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1055
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010328
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1056
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010329
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 103
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010330
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 104
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010331
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 105
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010332
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 110
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010333
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 114
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010334
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 202
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010335
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 204
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force

Property Number: 189010336
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 205
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010337
Status: Unutilized
Reason: Secured area; Isolated area; Not accessible by road; Contamination.

Bldg. 1001
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010338
Status: Unutilized
Reason: Secured area; Isolated area; Not accessible by road; Contamination.

Bldg. 1015
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010339
Status: Unutilized
Reason: Secured area; Isolated area; Not accessible by road; Contamination.

Bldg. 50
Cold Bay Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010433
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road.
Comment: Isolated and remote; Arctic environment.

Bldg. 1548, Galena Airport
Elmendorf AFB Co: Anchoroge AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420001
Status: Unutilized
Reason: Floodway; Secured area; Extensive deterioration.

Bldg. 1568, Galena Airport
Elmendorf AFB Co: Anchoroge AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420002
Status: Unutilized
Reason: Floodway; Secured area; Extensive deterioration.

Bldg. 1570, Galena Airport
Elmendorf AFB Co: Anchoroge AK 99506–4420
Landholding Agency: Air Force
Property Number: 18942003
Status: Unutilized
Reason: Floodway; Secured area; Extensive deterioration.

Bldg. 1700, Galena Airport
Elmendorf AFB Co: Anchoroge AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420004
Status: Unutilized
Reason: Floodway; Secured area; Extensive deterioration.

Bldg. 1832, Galena Airport
Elmendorf AFB Co: Anchoroge AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420005
Status: Unutilized
Reason: Floodway; Secured area; Extensive deterioration.

Bldg. 1842, Galena Airport
Elmendorf AFB Co: Anchoroge AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420006
Status: Unutilized
Reason: Floodway; Secured area; Extensive deterioration.

Bldg. 1844, Galena Airport
Elmendorf AFB Co: Anchoroge AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420007
Status: Unutilized
Reason: Floodway; Secured area; Extensive deterioration.

Bldg. 1853, Galena Airport
Elmendorf AFB Co: Anchoroge AK 99506–4420
Landholding Agency: Air Force
Property Number: 189440011
Status: Unutilized
Reason: Secured area; Floodway.

Bldg. 24–825
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189440012
Status: Unutilized
Reason: Secured area; Within airport runway clear zone.

Bldg. 24–820
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189440013
Status: Unutilized
Reason: Secured area; Within airport runway clear zone.

Bldg. 21–878
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189440014
Status: Unutilized
Reason: Secured area; Extensive deterioration.

Bldg. 10–480
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189440015
Status: Unutilized
Reason: Secured area; Extensive deterioration.

USCG MSD Office (2 buildings)
2958 Tongass Avenue
Ketchikan Co: Ketchikan AK 99901–
Landholding Agency: GSA
Property Number: 879130004
Status: Excess
Reason: Extensive deterioration.

Arizona

Facility 90002
Holbrook Radar Site
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340049
Status: Unutilized
Reason: Within airport runway clear zone.

Arkansas

Silver Hill Cabin
Buffalo National River
St. Joe Co: Newton AR 72675–
Landholding Agency: Interior
Property Number: 619440003
Status: Unutilized
Reason: Extensive deterioration.

Paul Ray/Barbara Still House
Hwy. 268
Yellville Co: Marion AR 72687–
Landholding Agency: Interior
Property Number: 619440006
Status: Unutilized
Reason: Extensive deterioration.

California

Bldg. 4052
March AFB
Ice House in West March
Riverside Co: Riverside CA 92518–
Landholding Agency: Air Force
Property Number: 189010082
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 392 60 ABG/DE
Travis Air Force Base
Hospital Drive
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010187
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area.

Bldg. 1182 60 ABG/DE
Travis Air Force Base
Perimeter Road
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010188
Status: Unutilized
Reason: Within airport runway clear zone; Secured area.

Bldg. 152 60 ABG/DE
Travis Air Force Base
Broadway Street
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010190
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 159 60 ABG/DE
Travis Air Force Base
Broadway Street
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010191
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 384 60 ABG/DE
Travis Air Force Base
Hospital Drive
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force

Property Number: 189010192
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 707 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010193
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 575 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010195
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 502 63 ABG/DE
Norton Air Force Base
Lorton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010196
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 23 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010197
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 100
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010233
Status: Unutilized
Reason: Secured Area.

Bldg. 101
Point Arena Air Force Station
(See County) Co: Mendocino Ca 95468–5000
Landholding Agency: Air Force
Property Number: 189010234
Status: Underutilized
Reason: Secured Area.

Bldg. 116
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010235
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010236
Status: Unutilized
Reason: Secured Area.

Bldg. 201
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt. Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010546
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010547
Status: Unutilized
Reason: Secured Area.

Bldg. 203
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010548
Status: Unutilized
Reason: Secured Area.

Bldg. 204
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189010549
Status: Unutilized
Reason: Secured Area.

Bldg. 1823
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189010360
Status: Excess
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 10312
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210026
Status: Unutilized
Reason: Secured Area.

Bldg. 10314
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210027
Status: Unutilized
Reason: Secured Area.

Bldg. 10503
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210028
Status: Unutilized
Reason: Secured Area.

Bldg. 16104, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246, Coast Rd, Pt Sal Road, Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189230020
Status: Underutilized
Reason: Secured Area.

Bldg. 1791
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246, Coast Rd, PT Sal Road, Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189240044
Status: Unutilized
Reason: Secured Area.

Bldg. 10721
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246, Coast Rd, Pt Sal Road, Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189240048
Status: Unutilized
Reason: Secured Area.

Bldg. 13028
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246, Coast Rd, Pt Sal Road, Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189240050
Status: Unutilized
Reason: Secured Area.

Bldg. 5427,Vandenberg Air Force Base
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310014
Status: Unutilized
Reason: Secured Area.

Bldg. 5428, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310015
Status: Unutilized
Reason: Secured Area.

Bldg. 5430, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310016
Status: Unutilized
Reason: Secured Area.

Bldg. 5431, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310017
Status: Unutilized
Reason: Secured Area.

Bldg. 6407, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310024
Status: Unutilized
Reason: Secured Area.

Bldg. 6425, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310027
Status: Unutilized
Reason: Secured Area.

Bldg. 6444, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310028

Status: Unutilized
Reason: Secured Area.

Bldg. 7303, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310029
Status: Unutilized
Reason: Secured Area.

Bldg. 7304, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310030
Status: Unutilized
Reason: Secured Area.

Bldg. 12406, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310034
Status: Unutilized
Reason: Secured Area.

Bldg. 12407, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310035
Status: Unutilized
Reason: Secured Area.

Bldg. 13010, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310036
Status: Unutilized
Reason: Secured Area.

Bldg. 13014, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310039
Status: Unutilized
Reason: Secured Area.

Bldg. 12205
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320020
Status: Excess
Reason: Secured Area.

Bldg. 12206
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320021
Status: Excess
Reason: Secured Area.

Bldg. 12207
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320022
Status: Excess
Reason: Secured Area.

Bldg. 12209
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320023
Status: Excess
Reason: Secured Area.

Bldg. 12210
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320024
Status: Excess
Reason: Secured Area.

Bldg. 12306
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320025
Status: Excess
Reason: Secured Area.

Bldg. 12307
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320026
Status: Excess
Reason: Secured Area.

Bldg. 12309
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320027
Status: Excess
Reason: Secured Area.

Bldg. 12310
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320028
Status: Excess
Reason: Secured Area.

Bldg. 12313
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320029
Status: Excess
Reason: Secured Area.

Bldg. 12314
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320030
Status: Excess
Reason: Secured Area.

Bldg. 12503
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189320031
Status: Excess
Reason: Secured Area.

Bldg. 5437
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330011
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 6206
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330013
Status: Unutilized
Reason: Secured Area.

Bldg. 8215
Vandenberg Air Force Base
Vandenberg Air Force Base Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330016
Status: Unutilized
Reason: Secured Area.

Bldg. 8220
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330019
Status: Unutilized
Reason: Secured Area.

Bldg. 9001
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330028
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 13025
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330032
Status: Unutilized
Reason: Secured Area.

Bldg. 13027
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330033
Status: Unutilized
Reason: Secured Area.

Bldg. 4412
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340001
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 4415
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340002
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 1988
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340003
Status: Unutilized
Reason: Other; Secured Area.
Comment: Electrical Power Generator Bldg.

Bldg. 1324
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–

Landholding Agency: Air Force
Property Number: 189340006
Status: Unutilized
Reason: Secured Area.

Bldg. 1341
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340007
Status: Unutilized
Reason: Secured Area.

Bldg. 1955
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340008
Status: Unutilized
Reason: Secured Area.

Bldg. 5007
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340009
Status: Unutilized
Reason: Secured Area.

Bldg. 5107
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340010
Status: Unutilized
Reason: Secured Area.

Bldg. 5118
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340011
Status: Unutilized
Reason: Secured Area.

Bldg. 5120
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340012
Status: Unutilized
Reason: Secured Area.

Bldg. 5132
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340013
Status: Unutilized
Reason: Secured Area.

Bldg. 6008
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340014
Status: Unutilized
Reason: Secured Area.

Bldg. 6418
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340015
Status: Unutilized
Reason: Secured Area.

Bldg. 6420
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340016
Status: Unutilized
Reason: Secured Area.

Bldg. 6429
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340017
Status: Unutilized
Reason: Secured Area.

Bldg. 6441
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340018
Status: Unutilized
Reason: Secured Area.

Bldg. 6442
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340019
Status: Unutilized
Reason: Secured Area.

Bldg. 6443
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340020
Status: Unutilized
Reason: Secured Area.

Bldg. 7301
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340021
Status: Unutilized
Reason: Secured Area.

Bldg. 7306
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340022
Status: Unutilized
Reason: Secured Area.

Bldg. 8309
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340023
Status: Unutilized
Reason: Secured Area.

Bldg. 9310
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340024
Status: Unutilized
Reason: Secured Area.

Bldg. 11190
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340025
Status: Unutilized
Reason: Secured Area.

Bldg. 11308
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340026
Status: Unutilized
Reason: Secured Area.

Bldg. 16164
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340028
Status: Unutilized
Reason: Secured Area.

Bldg. 6521
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189410004
Status: Unutilized
Reason: Secured Area.

Bldg. 13019
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189410005
Status: Unutilized
Reason: Secured Area.

Bldg. 501
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189420008
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13020
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189420011
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1203
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440001
Status: Unutilized
Reason: Secured Area.

Bldg. 1786
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440002
Status: Unutilized
Reason: Secured Area.

Bldg. 10005
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440003
Status: Unutilized
Reason: Secured Area.

Bldg. 11032
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440004
Status: Unutilized
Reason: Secured Area.

Bldg. 11183
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440005
Status: Unutilized
Reason: Secured Area.

Bldg. 11219
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440006
Status: Unutilized
Reason: Secured Area.

Bldg. 11238
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440007
Status: Unutilized
Reason: Secured Area.

Bldg. 11511
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440008
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13412
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440009
Status: Unutilized
Reason: Secured Area.

Bldg. 460
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189510019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 6348
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189510020
Status: Unutilized
Reason: Secured Area.

Former Naval Research Bldg.
Pasadena Co: Los Angeles CA 91106–
Landholding Agency: GSA
Property Number: 549430001
Status: Excess
Reason: Extensive deterioration.
GSA Number: 9–N–CA–1304A.

NW Seal Rock & Lighthouse
St. George Reef Co: Del Norte CA
Landholding Agency: GSA
Property Number: 549430012
Status: Excess
Reason: Other.
Comment: Inaccessible.
GSA Number: 9–U–CA–556B.

Colorado

Bldg. 712
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330002
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 518
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330003
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 505
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330004
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 504
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330005
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 503
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330006
Status: Unutilized
Reason: Extensive deterioration; secured Area.

Bldg. 502
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330007
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 32
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330008
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 27
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330009
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 23
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330010
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Delaware

Bldg. 1900
436 CSG Dover AFB
Dover Co: Kent DE 19902–5516
Landholding Agency: Air Force
Property Number: 189120230
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 1304 (436 CSG)
Dover Air Force Base
Dover Co: Kent DE 19902–5065
Landholding Agency: Air Force
Property Number: 189140018
Status: Unutilized
Reason: Secured Area; Within airport runway clear zone.

Florida

Bldg. 902
Tyndall Air Force Base
Panama City Co: Bay FL 32403–5000
Landholding Agency: Air Force
Property Number: 189130348
Status: Underutilized
Reason: Secured Area.

Bldg. 400
Patrick Air Force Base
C Street bet. First & Second Streets
Cocoa Beach Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189220001
Status: Unutilized
Reason: Secured Area.

Bldg. 430
Patrick Air Force
Third Street bet. B and C Streets
Cocoa Beach Co: Brevard F: 32025–
Landholding Agency: Air Force
Property Number: 189220002
Status: Underutilized
Reason: Secured Area.

Bldg. 1176
Patrick Air Force Base
1176 School Avenue
Co: Brevard FL 32935–
Landholding Agency: Air Force
Property Number: 189240029
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 1179
Patrick Air Force Base
1179 School Avenue
Co: Brevard FL 32935–
Landholding Agency: Air Force
Property Number: 189240030
Status: Unutilized
Reason: Secured Area; Other.

Comment: Extensive Deterioration.

Bldg. 321
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320001
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material; Other.
Comment: Extensive Deterioration.

Bldg. 510
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320002
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Other.
Comment: Extensive Deterioration.

Bldg. 558
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320003
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Other.
Comment: Extensive Deterioration.

Bldg. 575
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320004
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Other.
Comment: Extensive Deterioration.

Bldg. 184, MacDill AFB
MacDill AFB Co: Hillsbourgh FL 33608-
Landholding Agency: Air Force
Property Number: 189320100
Status: Unutilized
Reason: Extensive deterioration.

Facility 90523
Cape Canaveral AFS
Cape Canaveral AFS Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189330001
Status: Underutilized
Reason: Secured Area.

Bldg. 921
Patrick Air Force Base
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189430002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Facility No. 01676V
Cape Canaveral AFS
Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189430003
Status: Unutilized
Reason: Secured Area.

Bldg. 2613
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2625
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430005
Status: Unutilized
Reason: Extensive deterioration Secured Area.

Bldg. 2639
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430006
Status: Unutilized
Reason: Extensive deterioration Secured Area.

Bldg. 2642
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430007
Status: Unutilized
Reason: Secured Area Extensive deterioration.

Idaho

Bldg. 1012
Mountain Home Air Force Base
7th Avenue (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 923
Mountain Home Air Force Base
7th Avenue (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030005
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 604
Mountain Home Air Force Base
Pine Street (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 229
Mt. Home Air Force Base
1st Avenue and A Street
Mt. Home AFB Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189040857
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material. Within airport runway clear zone.

Illinois

Bldg. 3191
Scott Air Force Base
East Drive 375/ABG/DE
Scott AFB Co: St. Clair IL 62225–5001
Landholding Agency: Air Force
Property Number: 189010247
Status: Unutilized
Reason: Within airport runway clear zone Secured Area.

Bldg. 3670
Scott Air Force Base
East Drive 375 ABG/DE
Scott AFB Co: St. Clair IL 62225–5001
Landholding Agency: Air Force
Property Number: 189010248
Status: Unutilized
Reason: Secured Area.

Bldg. 503
Scott Air Force Base
Scott AFB Co: St. Clair IL 62225–
Landholding Agency: Air Force
Property Number: 189010725
Status: Unutilized
Reason: Secured Area.

Bldg. 869
Scott Air Force Base
375 CSG/DEER
Scott AFB Co: St. Clair IL 62225–5045
Landholding Agency: Air Force
Property Number: 189110087
Status: Unutilized
Reason: Secured Area.

Bldg. 865
Scott Air Force Base
Belleville Co: St. Clair IL 62225–
Landholding Agency: Air Force
Property Number: 189130347
Status: Unutilized
Reason: Secured Area.

Indiana

Brookville Lake—Bldg.
Brownsville Rd. in Union
Liberty Co: Union IN 47353–
Landholding Agency: COE
Property Number: 319440004
Status: Excess
Reason: Extensive deterioration.

Iowa

Bldg. 00273
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310008
Status: Unutilized
Reason: Secured Area.

Bldg. 00671
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310009
Status: Unutilized
Reason: Other
Comment: Fuel pump station.

Bldg. 00736
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310010
Status: Unutilized
Reason: Other
Comment: Pump station.

Kansas

Bldg. 1407
McConnell Air Force Base
Wichita Co: Sedgwick KS 67221–
Landholding Agency: Air Force
Property Number: 189340029
Status: Unutilized
Reason: Within airport runway clear zone Secured Area.

Bldg. 186
McConnell Air Force Base
Wichita Co: Sedgwick KS 67221–

Landholding Agency: Air Force
Property Number: 189340030
Status: Unutilized
Reason: Extensive deterioration Secured Area.

Bldg. 187
McConnell Air Force Base
Wichita Co: Sedgwick KS 67221–
Landholding Agency: Air Force
Property Number: 189340031
Status: Unutilized
Reason: Extensive deterioration Secured Area.

Kentucky

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton Co: Carroll KY 41008–
Landholding Agency: COE
Property Number: 219040416
Status: Unutilized
Reason: Other
Comment: Spring House.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 219040417
Status: Unutilized
Reason: Other
Comment: Car Storage.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort Co: Franklin KY 40601–9999
Landholding Agency: COE
Property Number: 219040418
Status: Unutilized
Reason: Other
Comment: Coal Storage.

Barn
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 219040419
Status: Underutilized
Reason: Other
Comment: 110 year old barn with crumbled foundation.

Latrine
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville Co: Henry KY 40057–
Landholding Agency: COE
Property Number: 319040009
Status: Unutilized
Reason: Other
Comment: Detached Latrine.

6-Room Dwelling
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120010
Status: Unutilized
Reason: Floodway.

2-Car Garage
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120011
Status: Unutilized
Reason: Floodway.

Office and Warehouse
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120012
Status: Unutilized
Reason: Floodway.

2 Pit Toilets
Green River Lock and Dam No. 3
Rochester Co: Butler KY 42273–
Landholding Agency: COE
Property Number: 319120013
Status: Unutilized
Reason: Floodway.

Louisiana

Bldg. 3477
Barksdale Air Force Base
Davis Avenue
Barksdale AFB Co: Bossier LA 71110–5000
Landholding Agency: Air Force
Property Number: 189140015
Status: Unutilized
Reason: Secured Area.

Maryland

Bldg. 4
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 189010261
Status: Unutilized
Reason: Secured Area.

Bldg. 5
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 189010264
Status: Unutilized
Reason: Secured Area.

Bldg. 3427
Andrews Air Force Base
3427 Pennsylvania Avenue
Andrews AFB Co: Prince Georges MD 20335–
Landholding Agency: Air Force
Property Number: 189140016
Status: Unutilized
Reason: Secured Area.

Bldg. 3492
Andrews Air Force Base
Andrews AFB Co: Prince Georges MD 20335–
Landholding Agency: Air Force
Property Number: 189340050
Status: Unutilized
Reason: Secured Area.

5 Training Facilities
Interagency Training Center
10530 Riverview Road
Ft. Washington Co: Prince Georges MD 20744–
Landholding Agency: GSA
Property Number: 549440002
Status: Excess
Reason: Secured Area.

Massachusetts

Bldg. 1900
Westover Air Force Base
Chicopee Co: Hampden MA 01022–
Landholding Agency: Air Force
Property Number: 189010438
Status: Unutilized
Reason: Secured Area.

Bldg. 1833
Westover Air Force Base
Chicopee Co: Hampden MA 01022–5000
Landholding Agency: Air Force
Property Number: 189040002
Status: Unutilized
Reason: Secured Area.

Trailers, Former Kimpel Prop.
South Egremont
Sheffield Co: Berkshire MA 01257–
Landholding Agency: Interior
Property Number: 619510003
Status: Excess
Reason: Extensive deterioration.

Michigan

Bldg. 560
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: North end of airfield.
Landholding Agency: Air Force
Property Number: 189010522
Status: Unutilized
Reason: Secured Area.

Bldg. 5658
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 590.
Landholding Agency: Air Force
Property Number: 189010523
Status: Unutilized
Reason: Secured Area.

Bldg. 580
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: South end of airfield.
Landholding Agency: Air Force
Property Number: 189010524
Status: Unutilized
Reason: Secured Area.

Bldg. 856
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010525
Status: Unutilized
Reason: Secured Area.

Bldg. 1005
Selfridge Air National Guard Base
1005 C. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010526
Status: Unutilized
Reason: Secured Area.

Bldg. 1012
Selfridge Air National Guard Base
1012 A. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010527
Status: Unutilized
Reason: Secured Area.

Bldg. 1041
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010528
Status: Unutilized

Reason: Secured Area.

Bldg. 1412
Selfridge Air National Guard Base
1412 Castle Avenue
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010529
Status: Unutilized
Reason: Secured Area.

Bldg. 1434
Selfridge Air National Guard Base
1434 Castle Avenue
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010530
Status: Unutilized
Reason: Secured Area.

Bldg. 1688
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010531
Status: Unutilized
Reason: Secured Area.

Bldg. 1689
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010532
Status: Unutilized
Reason: Secured Area.

Bldg. 5670
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010533
Status: Unutilized
Reason: Secured Area.

Bldg. 71
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010810
Status: Excess
Reason: Other Comment: Sewage treatment and disposal facility.

Bldg. 99 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010831
Status: Excess
Reason: Other Comment: Water well.

Bldg. 100 (WATER WELL)
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010832
Status: Excess
Reason: Other Comment: Water well.

Bldg. 118
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010875
Status: Excess
Reason: Other Comment: Gasoline station.

Bldg. 120
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010876
Status: Excess
Reason: Other Comment: Gasoline station.

Bldg. 166
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010877
Status: Excess
Reason: Other Comment: Pump lift station.

Bldg. 168
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010878
Status: Excess
Reason: Other Comment: Gasoline station.

Bldg. 69
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010889
Status: Excess
Reason: Other Comment: Sewer pump facility.

Bldg. 2
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010890
Status: Excess
Reason: Other Comment: Water pump station.

Minnesota

Naval Weapons Industrial
Reserve Plant
1902 West Minnehaha
St. Paul Co: Ramsey MN
Landholding Agency: GSA
Property Number: 549410004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 2–N–MN–559.

Missouri

Bldg. 42
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number: 189010726
Status: Unutilized
Reason: Secured Area.

Bldg. 45
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number: 189010728
Status: Unutilized
Reason: Secured Area.

Bldg. 46
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number: 189010729
Status: Unutilized
Reason: Secured Area.

Bldg. 47
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number: 189010730
Status: Unutilized
Reason: Secured Area.

Bldg. 61
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number: 189010731
Status: Unutilized
Reason: Secured Area.

Tract 2222
Stockton Project
Aldrich Co: Polk MO 65601–
Landholding Agency: COE
Property Number: 319510001
Status: Excess
Reason: Extensive deterioration.

Montana

Bldg. 280
Malmstrom AFB
Flightline & Avenue G
Malmstrom Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189010077
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Within airport runway clear zone, Secured Area, Other environmental.

Bldg. 627
Malmstrom Air Force Base
2nd St. and I Avenue
Great Falls Co.: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189010722
Status: Unutilized
Reason: Secured Area, Other environmental.

Bldg. 1991
Malmstrom Air Force Base
Between Avenue G and H
Malmstrom Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189040057
Status: Underutilized
Reason: Secured Area, Other environmental.

Bldg. 440
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430008
Status: Unutilized
Reason: Extensive deterioration, Secured Area.

Bldg. 444
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430009
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 464
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430010
Status: Unutilized
Reason: Secured Area.

Bldg. 495
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525

Landholding Agency: Air Force
Property Number: 189430011
Status: Unutilized
Reason: Secured Area.

Bldg. 626
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430012
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 1882
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430013
Status: Unutilized
Reason: Secured Area.

Bldg. 205
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510004
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 210
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510005
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 245
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510006
Status: Underutilized
Reason: Secured Area.

Bldg. 246
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510007
Status: Underutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 334
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510008
Status: Underutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 335
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510009
Status: Underutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 365
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510010
Status: Unutilized
Reason: Secured Area.

Bldg. 529
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510011
Status: Underutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material.

Bldg. 622
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510012
Status: Unutilized
Reason: Secured Area.

Bldg. 624
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510013
Status: Unutilized
Reason: Secured Area.

Bldg. 625
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510014
Status: Unutilized
Reason: Secured Area.

Bldg. 1880
Malmstrom Air Force Base
Malmstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510015
Status: Underutilized
Reason: Secured Area.

Sioux Pass Radio Relay Tower
17 Miles South of Culbertson
Co: Richland MT 57212–
Landholding Agency: GSA
Property Number: 549320012
Status: Excess
Reason: Other
Comment: No public access
GSA Number: 7–F–MT–594.

Nebraska

Offutt Communications Annex–#3
Offutt Air Force Base
Scribner Co: Dodge NE 68031–
Landholding Agency: Air Force
Property Number: 189210006
Status: Unutilized
Reason: Other
Comment: former sewage lagoon.

Bldg. 637
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 189230021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 639
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 189230022
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 31
Offutt Air Force Base
Sac Boulevard
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240007
Status: Unutilized
Reason: Secured Area.

Bldg. 311
Offutt Air Force Base
Nelson Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240008
Status: Unutilized
Reason: Secured Area.

Bldg. 401
Offutt Air Force Base
Custer Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240009
Status: Unutilized
Reason: Secured Area.

Bldg. 416
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240010
Status: Unutilized
Reason: Secured Area.

Bldg. 417
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240011
Status: Unutilized
Reason: Secured Area.

Bldg. 545
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240012
Status: Unutilized
Reason: Secured Area.

Bldg. 21
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320058
Status: Excess
Reason: Other Comment: Generator.

Bldg. 686
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189510021
Status: Unutilized
Reason: Secured Area.

Bldg. 439
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189510022
Status: Unutilized
Reason: Secured Area.

Nevada

Residence
237 Southeast Street
Fallon Co: Churchill NV 89406–
Landholding Agency: Interior
Property Number: 619430013
Status: Unutilized
Reason: Extensive deterioration.

Storage Shed
Fallon Rail Facility
Fallon Co: Churchill NV 89406–

Landholding Agency: Interior
Property Number: 619440004
Status: Unutilized
Reason: Extensive deterioration.

New Hampshire

Bldg. 101
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 102
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 104
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

New Mexico

Bldg. 831
833 CSG/DEER
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189130333
Status: Unutilized
Reason: Secured Area.

Bldg. 21
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240032
Status: Unutilized
Reason: Secured Area.

Bldg. 80
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240033
Status: Unutilized
Reason: Secured Area.

Bldg. 98
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240034
Status: Unutilized
Reason: Secured Area.

Bldg. 324
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240035
Status: Unutilized
Reason: Secured Area.

Bldg. 598
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240036
Status: Unutilized
Reason: Secured Area.

Bldg. 801
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240037
Status: Unutilized
Reason: Secured Area.

Bldg. 802
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240038
Status: Unutilized
Reason: Secured Area.

Bldg. 1095
Holloman Air Force Base
Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240039
Status: Unutilized
Reason: Secured Area.

Bldg. 1096
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240040
Status: Unutilized
Reason: Secured Area.

Facility 321
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240041
Status: Unutilized
Reason: Secured Area.

Facility 75115
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240042
Status: Unutilized
Reason: Secured Area.

Bldg. 874
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189320041
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 1258
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189320042
Status: Unutilized
Reason: Secured Area; Other.
Comment: Extensive Deterioration.

Bldg. 134
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430014
Status: Unutilized
Reason: Secured Area.

Bldg. 640
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430015
Status: Unutilized
Reason: Secured Area.

Bldg. 703
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430016
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 813
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430017
Status: Unutilized
Reason: Secured Area.

Bldg. 821
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430018
Status: Unutilized
Reason: Secured Area.

Bldg. 829
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430019
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 867
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430020
Status: Unutilized
Reason: Secured Area.

Bldg. 884
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430021
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 886
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430022
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 908
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430023
Status: Unutilized
Reason: Secured Area.

Bldg. 599
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189510001
Status: Unutilized
Reason: Secured Area.

Bldg. 600
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189510002
Status: Unutilized
Reason: Secured Area.

Tract 102–34 (Gravette Resid.)
Lava Tubes District
Grants Co: Cibola NM 87020–

Landholding Agency: Interior
Property Number: 619510005
Status: Unutilized
Reason: Extensive deterioration.

Tract 102–37 (Abeita)
Grants Co: Cibola NM 87020–
Landholding Agency: Interior
Property Number: 619510006
Status: Excess
Reason: Extensive deterioration.

New York

Bldg. 626 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14303–5000
Landholding Agency: Air Force
Property Number: 189010075
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 272
Griffiss Air Force Base
Rome Co; Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189140022
Status: Excess
Reason: Secured Area.

Bldg. 888
Griffiss Air Force Base
Rome Co; Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189140023
Status: Excess
Reason: Secured Area.

Facility 814, Griffiss AFB
NE of Weapons Storage Area
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230001
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Facility 808, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230002
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Facility 807, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230003
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Facility 126
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240020
Status: Unutilized
Reason: Secured Area.

Facility 127
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240021
Status: Unutilized
Reason: Secured Area.

Facility 135
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240022
Status: Unutilized
Reason: Secured Area.

Facility 137
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240023
Status: Unutilized
Reason: Secured Area.

Facility 138
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240024
Status: Unutilized
Reason: Secured Area.

Facility 173
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240025
Status: Unutilized
Reason: Secured Area.

Facility 261
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240026
Status: Unutilized
Reason: Secured Area.

Facility 308
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240027
Status: Unutilized
Reason: Secured Area.

Facility 1200
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240028
Status: Unutilized
Reason: Secured Area.

Bldg. 759, Hancock Field
6001 East Molloy Road
Syracuse Co: Onondago NY 13211–7099
Landholding Agency: Air Force
Property Number: 189310007
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility 841
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189330097
Status: Unutilized
Reason: Secured Area

Bldg. 852
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14304–5000
Landholding Agency: Air Force
Property Number: 189420013
Status: Unutilized
Reason: Secured Area

Naval Indus. Rsv. Ordance Pl.
121 Lincoln Avenue
Rochester Co: Monroe NY 14611–
Landholding Agency: GSA
Property Number: 549430011
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.
GSA Number: TENT–2–N–NY–592

Point AuRoche Light
Beekmantown Co: Clinton NY 12901–
Landholding Agency: GSA
Property Number: 879420002
Status: Excess
Reason: Floodway; Extensive deterioration.
GSA Number: 2–4–NY–817.

North Carolina

Bldg. 4230—Youth Center
Cannon Ave.
Goldsboro Co: Wayne NC 27531–5005
Landholding Agency: Air Force
Property Number: 189120233
Status: Underutilized
Reason: Secured Area.

Bldg 600, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330035
Status: Unutilized
Reason: Extensive Deterioration; Secured Area.

Bldg 602, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330036
Status: Unutilized
Reason: Extensive Deterioration; Secured Area.

Bldg 603, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330037
Status: Unutilized
Reason: Extensive Deterioration; Secured Area.

Bldg 604, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330038
Status: Unutilized
Reason: Extensive Deterioration; Secured Area.

Bldg 605, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330039
Status: Unutilized
Reason: Extensive Deterioration; Secured Area.

Bldg 606, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330040
Status: Unutilized
Reason: Extensive Deterioration; Secured Area.

Bldg 607, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890

Landholding Agency: Air Force
Property Number: 189330041
Status: Unutilized
Reason: Extensive Deterioration; Secured Area.

Bldg 612, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330042
Status: Unutilized
Reason: Extensive Deterioration; Secured Area.

Bldg 619, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330043
Status: Unutilized
Reason: Extensive Deterioration; Secured Area.

Bldg. 6606
Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330044
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 255, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420019
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 370, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420020
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 904, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420021
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 910, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420022
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 912, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420023
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 914, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420024
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 462, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2402
Landholding Agency: Air Force
Property Number: 189510003
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

North Dakota

Bldg. 422
Minot Air Force Base
Minot Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 189010724
Status: Underutilized
Reason: Secured Area.

Bldg. 50
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310107
Status: Excess
Reason: Other.
Comment: Garbage incinerator.

Bldg. 119
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320034
Status: Unutilized
Reason: Secured Area.

Bldg. 191
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320035
Status: Unutilized
Reason: Secured Area.

Bldg. 490
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320036
Status: Unutilized
Reason: Secured Area.

Bldg. 509
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320037
Status: Unutilized
Reason: Secured Area.

Bldg. 526
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320038
Status: Unutilized
Reason: Secured Area.

Bldg. 895
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320039
Status: Unutilized
Reason: Secured Area.

Bldg. 1019
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320040
Status: Unutilized
Reason: Secured Area.

Ohio

Bldg. 404, Hydrant Fuel
910 Airlift Group
Kings-Graves Road
Vienna Co: Trumbull OH 44473–5000
Landholding Agency: Air Force
Property Number: 189220015
Status: Unutilized
Reason: Secured Area.

Bldg. 405, Test Cell
910 Airlift Group
Kings-Graves Road
Vienna Co: Trumbull OH 44473–5000
Landholding Agency: Air Force
Property Number: 189220016
Status: Unutilized
Reason: Secured Area.

Lab
Ohio River Division Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 319510002
Status: Unutilized
Reason: Secured Area.

Storage Facility
Ohio River Division Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 319510003
Status: Unutilized
Reason: Secured Area.

Office Building
Ohio River Division Laboratories
Mariemont Co: Hamilton OH 15227–4217
Landholding Agency: COE
Property Number: 319510004
Status: Unutilized
Reason: Secured Area.

Oklahoma

Bldg. 604
Vance Air Force Base
Enid Co: Garfield OK 73705–5000
Landholding Agency: Air Force
Property Number: 189010204
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material.

Pennsylvania

Tract 435
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430003
Status: Unutilized
Reason: Extensive deterioration.

Tract 427
Grays Landing Lock & Dam Project
New Geneva Co: Fayette PA 15467–
Landholding Agency: COE
Property Number: 319430004
Status: Unutilized
Reason: Extensive deterioration.

Tract 426
Grays Landing Lock & Dam Project
New Geneva Co: Fayette PA 15467–
Landholding Agency: COE
Property Number: 319430005
Status: Unutilized
Reason: Extensive deterioration.

Tract 405
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430006
Status: Unutilized
Reason: Extensive deterioration.

Tract 358
Grays Landing Lock & Dam Project

Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430007
Status: Unutilized
Reason: Extensive deterioration.

Tract 356
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Landholding Agency: COE
Property Number: 319430008
Status: Unutilized
Reason: Extensive deterioration.

Puerto Rico

Bldg. 10
Punta Salinas Radar Site
Toa Baja Co: Toa Baja PR 00759–
Landholding Agency: Air Force
Property Number: 189010544
Status: Underutilized
Reason: Secured Area.

South Dakota

Bldg. 88513
Ellsworth Air Force Base
Porter Avenue
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189210001
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 88501
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189210002
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 200, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320048
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 201, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320049
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 203, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320050
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 204, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320051
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 205, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320052
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 206, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320053
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 00605
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320054
Status: Underutilized
Reason: Secured Area.

Bldg. 88535
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340032
Status: Unutilized
Reason: Secured Area.

Bldg. 88470
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340033
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 88304
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340034
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area.
Comment: Extensive deterioration.

Bldg. 9011
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340035
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area.
Comment: Extensive deterioration.

Bldg. 7506
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340037
Status: Unutilized
Reason: Secured Area.

Bldg. 6908
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340038
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area.
Comment: Extensive deterioration.

Bldg. 6904
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340039
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area.
Comment: Extensive deterioration.

Bldg. 4102
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340040
Status: Unutilized
Reason: Secured Area.

Bldg. 4101
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340041
Status: Unutilized
Reason: Secured Area.

Bldg. 4100
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340042
Status: Unutilized
Reason: Secured Area.

Bldg. 3016
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340043
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area.
Comment: Waste treatment bldg.

Bldg. 1115
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340044
Status: Unutilized
Reason: Secured Area.

Bldg. 1210
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340045
Status: Unutilized
Reason: Secured Area.

Bldg. 1112
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340046
Status: Unutilized
Reason: Secured Area.

Bldg. 1110
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340047
Status: Unutilized
Reason: Secured Area.

Bldg. 606
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340048
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 6905, Ellsworth AFB
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189440010
Status: Underutilized
Reason: Secured Area.

Tennessee

Bldg. 204
Cordell Hull Lake and Dam Project.
Defeated Creek Recreation Area
Carthage Co: Smith TN 37030–
Location: US Highway 85

Landholding Agency: COE
Property Number: 319011499
Status: Unutilized
Reason: Floodway.

Tract 2618 (Portion)
Cordell Hull Lake and Dam Project
Roaring River Recreation Area
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 135
Landholding Agency: COE
Property Number: 319011503
Status: Underutilized
Reason: Floodway.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Obey River Park, State Hwy 42
Livingston Co; Clay TN 38351–
Landholding Agency: COE
Property Number: 319140011
Status: Excess
Reason: Other.
Comment: water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Lillydale Recreation Area, State Hwy 53
Livingston Co; Clay TN 38351–
Landholding Agency: COE
Property Number: 319140012
Status: Excess
Reason: Other.
Comment: water treatment plant.

Water Treatment Plant
Dale Hollow Lake & Dam Project
Willow Grove Recreational Area, Hwy No. 53
Livingston Co; Clay TN 38351–
Landholding Agency: COE
Property Number: 319140013
Status: Excess
Reason: Other.
Comment: water treatment plant.

Texas

Bldg. 400
Laughlin Air Force Base
Val Verde Co: Val Verde TX 78843–5000
Location: Six miles on Highway 90 east of Del Rio, Texas.
Landholding Agency: Air Force
Property Number: 189010173
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone.

Bldg. 40
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420014
Status: Unutilized
Reason: Extensive deterioriation.

Bldg. 107
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420015
Status: Unutilized
Reason: Extensive deterioriation.

Bldg. 119
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420016
Status: Unutilized
Reason: Extensive deterioriation.

Bldg. 14
Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76070–
Landholding Agency: GSA
Property Number: 219014823
Status: Excess
Reason: Other.
Comment: Pump house.
GSA Number: 7–D–TX–879A.

Utah

Bldg. 789
Hill Air Force Base
(See County) Co: Davis UT 84056–
Landholding Agency: Air Force
Property Number: 189040859
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Washington

Bldg. 640
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010139
Status: Unutilized
Reason: Secured Area.

Bldg. 641
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010140
Status: Unutilized
Reason: Secured Area.

Bldg. 642
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010141
Status: Unutilized
Reason: Secured Area.

Bldg. 643
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010142
Status: Unutilized
Reason: Secured Area.

Bldg. 645
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010143
Status: Unutilized
Reason: Secured Area.

Bldg. 646
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010144
Status: Unutilized
Reason: Secured Area.

Bldg. 647
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010145
Status: Unutilized
Reason: Secured Area.

Bldg. 1415
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010146
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1429
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010147
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1464
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010148
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

Bldg. 1465
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010149
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1466
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010150
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 3503
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010151
Status: Unutilized
Reason: Secured Area.

Bldg. 3504
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010152
Status: Unutilized
Reason: Secured Area.

Bldg. 3505
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010153
Status: Unutilized
Reason: Secured Area.

Bldg. 3506
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010154
Status: Unutilized
Reason: Secured Area.

Bldg. 3507
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010155
Status: Unutilized
Reason: Secured Area.

Bldg. 3510
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010156

Status: Unutilized
Reason: Secured Area.

Bldg. 3514
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010157
Status: Unutilized
Reason: Secured Area.

Bldg. 3518
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010158
Status: Unutilized
Reason: Secured Area.

Bldg. 3521
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010159
Status: Unutilized
Reason: Secured Area.

Bldg. 100, Geiger Heights
Grove and Hallet Streets
Fairchild AFB Co: Spokane WA 99204–
Landholding Agency: Air Force
Property Number: 189210004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 261
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310053
Status: Unutilized
Reason: Secured Area.

Bldg. 284
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310054
Status: Unutilized
Reason: Secured Area.

Facility 923
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310055
Status: Unutilized
Reason: Secured Area.

Bldg. 1330
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310056
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1336
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310057
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2000
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310058
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2143
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310059
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2385
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310060
Status: Unutilized
Reason: Secured Area.

Bldg. 3509
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310061
Status: Unutilized
Reason: Secured Area.

Bldg. 1405
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310062
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Facility 1468
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310063
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Facility 1469
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310064
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Facility 2450
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310065
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1, Waste Annex
West of Craig Road Co: Spokane WA 99022–
Landholding Agency: Air Force
Property Number: 189320043
Status: Unutilized
Reason: Secured Area.

Bldg. 1220
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330091
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1224
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330092
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2004
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330093
Status: Unutilized
Reason: Secured Area.

Bldg. 2018
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330094
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2150
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330095
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2164
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330096
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 875
Portion, Ft. Vancouver Barracks
E. 10th & Cabell Road, I–95 North
Vancouver WA
Landholding Agency: GSA
Property Number: 549430002
Status: Excess
Reason: Extensive deterioration.
GSA Number: 9–D–WA–500L.

Cabins 896 & 897
Olympic National Park
Port Angeles Co: Clallam WA 98362–
Landholding Agency: Interior
Property Number: 619510002
Status: Unutilized
Reason: Extensive deterioration.

Wisconsin

Bldg. 204, 440 Airlift Wing
Gen. Mitchell IAP
Milwaukee Co: Milwaukee WI 53207–6299
Landholding Agency: Air Force
Property Number: 189320032
Status: Unutilized
Reason: Secured Area.

Bldg. 306, 440 Airlift Wing
Gen. Mitchell IAP
Milwaukee Co: Milwaukee WI 53207–6299
Landholding Agency: Air Force
Property Number: 189320033
Status: Unutilized
Reason: Secured Area.

Wyoming

Bldg. 31
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010198
Status: Unutilized
Reason: Secured Area.

Bldg. 34

F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010199
Status: Unutilized
Reason: Secured Area.

Bldg. 37
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010200
Status: Unutilized
Reason: Secured Area.

Bldg. 284
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010201
Status: Unutilized
Reason: Secured Area.

Bldg. 385
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010202
Status: Unutilized
Reason: Secured Area.

Bldg. 803
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010203
Status: Unutilized
Reason: Secured Area.

Bldg. 802
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240001
Status: Unutilized
Reason: Secured Area.

Bldg. 804
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240002
Status: Unutilized
Reason: Secured Area.

Bldg. 805
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240003
Status: Unutilized
Reason: Secured Area.

Bldg. 806
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240004
Status: Unutilized
Reason: Secured Area.

Bldg. 2780
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240005
Status: Unutilized
Reason: Secured Area.

Bldg. 2781
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240006
Status: Unutilized
Reason: Secured Area.

Bldg. 808
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189410001
Status: Unutilized
Reason: Secured Area.

Bldg. 844
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189410002
Status: Unutilized
Reason: Secured Area.

Bldg. 848
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189410003
Status: Unutilized
Reason: Secured Area.

Bldg. 362
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189420017
Status: Unutilized
Reason: Secured Area.

Bldg. 342
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189420018
Status: Unutilized
Reason: Secured Area.

Bldg. 810
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189510016
Status: Unutilized
Reason: Secured Area.

Bldg. 830
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189510017
Status: Unutilized
Reason: Secured Area.

Bldg. 826
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189510018
Status: Unutilized
Reason: Secured Area.

Land (by State)

Alabama

Tract A–152, Demopolis Lake
West Jackson Street
Demopolis Co: Marengo AL 36732–
Landholding Agency: COE
Property Number: 319440005
Status: Underutilized
Reason: Floodway.

Old Lock 9
Armistead I. Selden
Sec. 5 & 8, Twp. 23 North, Range 4 East Co: Green AL 35462–
Landholding Agency: COE
Property Number: 319440006
Status: Underutilized
Reason: Floodway.

Alaska

Campion Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010430
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road.
Comment: Isolated and remote area; Arctic environment.

Lake Louise Recreation
21 CSG–DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010431
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road.
Comment: Isolated and remote area; Arctic coast.

Nikolski Radio Relay Site
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010432
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road.
Comment: Isolated and remote area; Arctic coast.

Arizona

Portion, Gila River
Buckeye Co: Maricopa AZ 85337–
Landholding Agency: GSA
Property Number: 549240005
Status: Excess
Reason: Floodway.
GSA Number: 9–GR–AZ–533.

Salt River Vortac
North of intersection of Price Rd. & 1st St.
Mesa Co: Maricopa AZ 85201–
Landholding Agency: GSA
Property Number: 549330008
Status: Excess
Reason: Other
Comment: No legal access.
GSA Number: 9–U–AZ–624.

Santa Fe Pacific Pipelines
Avenue 7E North from Hwy. 95
Yuma Co: Yuma AZ 85364–
Landholding Agency: Interior
Property Number: 619420003
Status: Unutilized
Reason:: Secured Area.

California

Central Valley Project
San Luis Drain
Tracy Co: San Joaquin CA 95376–
Landholding Agency: GSA
Property Number: 549230003
Status: Excess
Reason: Other
Comment: Landlocked.
GSA Number: 9–I–CA–1325.

Parcel B
Santa Rosa Co: Sonoma CA
Landholding Agency: GSA

Property Number: 549310016
Status: Excess
Reason: Other
Comment: Sewage Treatment Plant.
GSA Number: 9–G–CA–580C.

Portion of Lot 7
Former State of California Land/Stockpile
Yreka Co: Siskiyou CA
Landholding Agency: GSA
Property Number: 549330006
Status: Excess
Reason: Other
Comment: Inaccessible.
GSA Number: 9–G–CA–956A.

L–5 Pumping Station
LaQuinta Co: Riverside CA 92253–
Landholding Agency: Interior
Property Number: 619420002
Status: Unutilized
Reason: Secured Area; Other.
Comment: Pumping Station.

Florida

Land
MacDill Air Force Base
6601 S. Manhattan Avenue
Tampa Co: Hillsborough FL 33608–
Landholding Agency: Air Force
Property Number: 189030003
Status: Excess
Reason: Floodway.

Illinois

1.6 acres of land
Rock Island Arsenal
South Shore Mississippi River Moline Pool
Moline Co: Rock Island IL 61299–
Landholding Agency: GSA
Property Number: 549310009
Status: Surplus
Reason: Floodway.
GSA Number: 2–D–IL–620–B.

Indiana

Portion of Tract No. 1224
Salamonie Lake
Huntington Co: Huntington IN 46750–
Landholding Agency: COE
Property Number: 319310001
Status: Unutilized
Reason: Other.
Comment: Landlocked.

Kentucky

Tract 4626
Barkley, Lake, Kentucky and Tennessee
Donaldson Creek Launching Area
Cadiz Co: Trigg KY 42211–
Location: 14 miles from US Highway 68.
Landholding Agency: COE
Property Number: 319010030
Status: Underutilized
Reason: Floodway.

Tract AA–2747
Wolf Creek Dam and Lake Cumberland
US Hwy. 27 to Blue John Road
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 319010038
Status: Underutilized
Reason: Floodway.

Tract AA–2726
Wolf Creek Dam and Lake Cumberland
KY Hwy. 80 to Route 769
Burnside Co: Pulaski KY 42519–
Landholding Agency: COE
Property Number: 319010039
Status: Underutilized
Reason: Floodway.

Tract 1358
Barkley Lake, Kentucky and Tennessee
Eddyville Recreation Area
Eddyville Co: Lyon KY 42038–
Location: US Highway 62 to state highway 93.
Landholding Agency: COE
Property Number: 319010043
Status: Excess
Reason: Floodway.

Red River Lake Project
Stanton Co: Powell KY 40380–
Location: Exit Mr. Parkway at the Stanton and Slade Interchange, then take SR Hand 15 north to SR 613.
Landholding Agency: COE
Property Number: 319011684
Status: Unutilized
Reason: Floodway.

Barren River Lock & Dam No. 1
Richardsville Co: Warren KY 42270–
Landholding Agency: COE
Property Number: 319120008
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 3
Rochester Co: Butler KY 42273–
Location: Off State Hwy. 369, which runs off of Western Ky. Parkway
Landholding Agency: COE
Property Number: 319120009
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 4
Woodbury Co: Butler KY 42288–
Location: Off State Hwy 403, which is off State Hwy 231
Landholding Agency: COE
Property Number: 319120014
Status: Underutilized
Reason: Floodway.

Green River Lock & Dam No. 5
Readville Co: Butler KY 42275–
Location: Off State Highway 185
Landholding Agency: COE
Property Number: 319120015
Status: Unutilized
Reason: Floodway.

Green River Lock & Dam No. 6
Brownsville Co: Edmonson KY 42210–
Location: Off State Highway 259
Landholding Agency: COE
Property Number: 319120016
Status: Underutilized
Reason: Floodway.

Vacant land west of locksite
Greenup Locks and Dam
5121 New Dam Road
Rural Co: Greenup KY 41144–
Landholding Agency: COE
Property Number: 319120017
Status: Unutilized
Reason: Floodway.

Tract 6404, Cave Run Lake
U.S. Hwy 460
Index Co: Morgan KY
Landholding Agency: COE
Property Number: 319240005
Status: Underutilized
Reason: Floodway.

Tract 6803, Cave Run Lake
State Road 1161
Pomp Co: Morgan KY
Landholding Agency: COE
Property Number: 319240006
Status: Underutilized
Reason: Floodway.

Maryland

Land
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 189010263
Status: Unutilized
Reason: Secured Area.

Tract 131R
Youghiogheny River Lake, Rt. 2, Box 100
Friendsville Co: Garrett MD
Landholding Agency: COE
Property Number: 319240007
Status: Underutilized
Reason: Floodway.

Minnesota

Parcel G
Pine River
Cross Lake Co: Crow Wing MN 56442–
Location: 3 miles from city of Cross Lake between highways 6 and 371.
Landholding Agency: COE
Property Number: 319011037
Status: Excess
Reason: Other.
Comment: Highway right of way.

Mississippi

Parcel 1
Grenada Lake
Section 20
Grenada Co: Grenada MS 38901–0903
Landholding Agency: COE
Property Number: 319011018
Status: Underutilized
Reason: Within airport runway clear zone.

Missouri

Ditch 19, Item 2, Tract No. 230
St. Francis Basin Project
2½ miles west of Malden Co: Dunklin MO
Landholding Agency: COE
Property Number: 319130001
Status: Unutilized
Reason: Floodway.

Union Lake
Sec 7, Twshp 42 north, Ranger West
Beaufort Co: Franklin MO
Landholding Agency: COE
Property Number: 319240008
Status: Unutilized
Reason: Floodway.

Confluence Levee (32B)
Missouri & Osage Rivers Co: Cole & Osage MO
Landholding Agency: COE
Property Number: 319430001
Status: Unutilized
Reason: Floodway.

Montana

Sherryl Tap Point Site
3 miles south of Drummond, MT Co: Granite MT
Landholding Agency: GSA
Property Number: 549240006
Status: Excess
Reason: Other Comment: Inaccessible.
GSA Number: 7–B–MT–0598.

Nevada

Portion, Newlands Project
Lockwood Co: Storey NV
Location: Approx. 8 miles east of Reno on the south side of Peri Ranch Road in NE corner of Louise Peri Park
Landholding Agency: GSA
Property Number: 549430010
Status: Excess
Reason: Other Comment: No Legal Access.
GSA Number: 9–GR(1)–I–NV–478.

New Mexico

Facility 75100
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240043
Status: Unutilized
Reason: Secured Area.

North Carolina

Land—16.02 acres
Portion VA Hospital
Fayetteville Co: Cumberland NC 28302–
Landholding Agency: GSA
Property Number: 549440001
Status: Excess
Reason: Other Comment: Landlocked.
GSA Number: 4–GI–NC–437A.

North Dakota

Tracts 1 & 2
Garrison Dam
Lake Sakakawea
Williston Co: Williams ND 58801–
Landholding Agency: COE
Property Number: 319410015
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Floodway.

Ohio

Mosquito Creek Lake
Everett Hull Road Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 319440007
Status: Underutilized
Reason: Floodway.

Mosquito Creek Lake
Housel—Craft Rd., Boat Launch
Cortland Co: Trumbull OH 44410–9321
Landholding Agency: COE
Property Number: 319440008
Status: Underutilized
Reason: Floodway.

Oregon

Tract 108 (Portion of)
Willow Creek Lake Project
Heppner Co: Morrow OR 77836–
Location: Located up hill from the left abutment of the dam structure.
Landholding Agency: GSA
Property Number: 319011687
Status: Excess
Reason: Other Comment: Inaccessible.
GSA Number: 9–D–OR–708.

Pennsylvania

Lock and Dam #7
Monongahela River
Greensboro Co: Greene PA
Location: Left hand side of entrance roadway to project
Landholding Agency: COE
Property Number: 319011564
Status: Unutilized
Reason: Floodway.

Lock and Dam #3
Monongahela River
Elizabeth Co: Allegheny PA 15037–0455
Landholding Agency: COE
Property Number: 319240014
Status: Unutilized
Reason: Floodway.

Puerto Rico

119.3 acres
Culebra Island PR 00775–
Landholding Agency: Interior
Property Number: 619210001
Status: Excess
Reason: Floodway.

South Carolina

Land—2.66 acres
Port Royal Co: Beaufort SC 29902–6148
Landholding Agency: GSA
Property Number: 549240009
Status: Excess
Reason: Floodway.
GSA Number: 4–N–SC–0489A.

South Dakota

Badlands Bomb Range
60 miles southeast of Rapid City, SD
1½ miles south of Highway 44 Co: Shannon SD
Landholding Agency: Air Force
Property Number: 189210003
Status: Unutilized
Reason: Secured Area.

Tennessee

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro Co: Jackson TN 38562–
Location: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Landholding Agency: COE
Property Number: 219040413
Status: Underutilized
Reason: Floodway.

Cheatham Lock and Dam
Highway 12
Ashland City Co: Cheatham TN 37015–
Location: Tracts E–513, E–512–1 and E–512–2
Landholding Agency: COE
Property Number: 219040415
Status: Underutilized
Reason: Floodway.

Tract 6737
Blue Creek Recreation Area
Barkley Lake, Kentucky and Tennessee
Dover Co: Stewart TN 37058–
Location: U.S. Highway 79/TN Highway 761
Landholding Agency: COE
Property Number: 319011478
Status: Underutilized
Reason: Floodway.

Tracts 3102, 3105, and 3106
Brimstone Launching Area
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011479
Status: Excess
Reason: Floodway.

Tract 3507
Proctor Site
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 52
Landholding Agency: COE
Property Number: 319011480
Status: Unutilized
Reason: Floodway.

Tract 3721
Obey
Cordell Hull Lake and Dam Project
Celina Co: Clay TN 38551–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011481
Status: Unutilized
Reason: Floodway.

Tracts 608, 609, 611 and 612
Sullivan Bend Launching Area
Cordell Hull Lake and Dam Project
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011482
Status: Underutilized
Reason: Floodway.

Tract 920
Indian Creek Camping Area
Cordell Hull Lake and Dam Project
Granville Co: Smith TN 38564–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011483
Status: Underutilized
Reason: Floodway.

Tract 1710, 1716 and 1703
Flynns Lick Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: White Bend Road
Landholding Agency: COE
Property Number: 319011484
Status: Underutilized
Reason: Floodway.

Tract 1810
Wartrace Creek Launching Ramp
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011485
Status: Underutilized
Reason: Floodway.

Tract 2524
Jennings Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011486
Status: Unutilized
Reason: Floodway.

Tracts 2905 and 2907
Webster
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38551–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011487
Status: Unutilized
Reason: Floodway.

Tracts 2200 and 2201
Gainesboro Airport
Cordell Hull Lake and Dam Project

Gainesboro Co: Jackson TN 38562–
Location: Big Bottom Road
Landholding Agency: COE
Property Number: 319011488
Status: Underutilized
Reason: Within airport runway clear zone; Floodway.

Tracts 710C and 712C
Sullivan Island
Cordell Hull Lake and Dam Project
Carthage Co; Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011489
Status: Unutilized
Reason: Floodway.

Tract 2403, Hensley Creek
Cordell Hull Lake and Dam Project
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 85
Landholding Agency: COE
Property Number: 319011490
Status: Unutilized
Reason: Floodway.

Tracts 2117C, 2118 and 2120
Cordell Hull Lake and Dam Project
Trace Creek
Gainesboro Co: Jackson TN 38562–
Location: Brooks Ferry Road
Landholding Agency: COE
Property Number: 319011491
Status: Unutilized
Reason: Floodway.

Tracts 424, 425 and 426
Cordell Hull Lake and Dam Project
Stone Bridge
Carthage Co: Smith TN 37030–
Location: Sullivan Bend Road
Landholding Agency: COE
Property Number: 319011492
Status: Unutilized
Reason: Floodway.

Tract 517
J. Percy Priest Dam and Reservoir
Suggs Creek Embayment
Nashville Co: Davidson TN 37214–
Location: Interstate 40 to S. Mount Juliet Road.
Landholding Agency: COE
Property Number: 319011493
Status: Underutilized
Reason: Floodway.

Tract 1811
West Fork Launching Area
Smyrna Co: Rutherford TN 37167–
Location: Florence road near Enon Springs Road
Landholding Agency: COE
Property Number: 319011494
Status: Underutilized
Reason: Floodway.

Tract 1504
J. Perry Priest Dam and Reservoir
Lamon Hill Recreation Area
Smyrna Co: Rutherford TN 37167–
Location: Lamon Road
Landholding Agency: COE
Property Number: 319011495
Status: Underutilized
Reason: Floodway.

Tract 1500
J. Perry Priest Dam and Reservoir
Pools Knob Recreation
Smyrna Co: Rutherford TN 37167–
Location: Jones Mill Road
Landholding Agency: COE
Property Number: 319011496
Status: Underutilized
Reason: Floodway.

Tracts 245, 257, and 256
J. Perry Priest Dam and Reservoir
Cook Recreation Area
Nashville Co: Davidson TN 37214–
Location: 2.2 miles south of Interstate 40 near Saunders Ferry Pike.
Landholding Agency: COE
Property Number: 319011497
Status: Underutilized
Reason: Floodway.

Tracts 107, 109 and 110
Cordell Hull Lake and Dam Project
Two Prong
Carthage Co: Smith TN 37030–
Location: US Highway 85
Landholding Agency: COE
Property Number: 319011498
Status: Unutilized
Reason: Floodway.

Tracts 2919 and 2929
Cordell Hull Lake and Dam Project
Sugar Creek
Gainesboro Co: Jackson TN 38562–
Location: Sugar Creek Road
Landholding Agency: COE
Property Number: 319011500
Status: Unutilized
Reason: Floodway.

Tracts 1218 and 1204
Cordell Hull Lake and Dam Project
Granville—Alvin Yourk Road
Granville Co: Jackson, TN 38564–
Landholding Agency: COE
Property Number: 319011501
Status: Unutilized
Reason: Floodway.

Tract 2100
Cordell Hull Lake and Dam Project
Galbreaths Branch
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 53
Landholding Agency: COE
Property Number: 319011502
Status: Unutilized
Reason: Floodway.

Tract 104 et. al.
Cordell Hull Lake and Dam Project
Horshoe Bend Launching Area
Carthage Co: Smith TN 37030–
Location: Highway 70 N
Landholding Agency: COE
Property Number: 319011504
Status: Underutilized
Reason: Floodway.

Tracts 510, 511, 513 and 514
J. Percy Priest Dam and Reservoir Project
Lebanon Co: Wilson TN 37087–
Location: Vivrett Creek Launching Area, Alvin Sperry Road
Landholding Agency: COE
Property Number: 319120007
Status: Underutilized
Reason: Floodway.

Tract A–142, Old Hickory Beach
Old Hickory Blvd.
Old Hickory Co: Davidson TN 37138–
Landholding Agency: COE
Property Number: 319130008
Status: Underutilized
Reason: Floodway.

Texas

Tracts 104, 105–1, 105–2 & 118
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010397
Status: Underutilized
Reason: Floodway.

Part of Tract 201–3
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010398
Status: Underutilized
Reason: Floodway.

Part of Tract 323
Joe Pool Lake Co: Dallas TX
Landholding Agency: COE
Property Number: 319010399
Status: Underutilized
Reason: Floodway.

Tract 702–3
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 319010401
Status: Unutilized
Reason: Floodway.

Tract 706
Granger Lake
Route 1, Box 172
Granger Co: Williamson TX 76530–9801
Landholding Agency: COE
Property Number: 319010402
Status: Unutilized
Reason: Floodway.

Virginia

Parcel 1 (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010435
Status: Unutilized
Reason: Floodway.

Parcel 3, (Byrd Field)
Richomd IAP
5680 Bevlah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010436
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Parcel 2, (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010437
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

ANG Site
Camp Pendleton
Virginia Air National Guard
Virginia Beach Co: (See County) VA 23451–
Landholding Agency: Air Force
Property Number: 189010589
Status: Unutilized
Reason: Secured Area.

Washington

Fairchild AFB

SE corner of base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010137
Status: Unutilized
Reason: Secured Area.

Fairchild AFB
Fairchild AFB Co: Spokane WA 99011–
Location: NW corner of base
Landholding Agency: Air Force
Property Number: 189010138
Status: Unutilized
Reason: Secured Area.

West Virginia

Ohio River
Pike Island Locks and Dam
Buffalo Creek
Wellsburg Co: Brooke WV
Landholding Agency: COE
Property Number: 319011529
Status: Unutilized
Reason: Floodway.

Morgantown Lock and Dam
Box 3 RD #2
Morgantown Co: Monongahelia WV 26505–
Landholding Agency: COE
Property Number: 319011530
Status: Unutilized
Reason: Floodway.

London Lock and Dam
Route 60 East
Rural Co: Kanawha WV 25126–
Location: 20 miles east of Charleston, W. Virginia.
Landholding Agency: COE
Property Number: 319011690
Status: Unutilized
Reason: Other
Comment: .03 acres; very narrow strip of land located too close to busy highway.

[FR Doc. 95–3776 Filed 2–16–95; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-054–5–1430–00; AZA 25464, AZA 23255]

Notice of Realty Action, Recreation and Public Purposes (R&PP) Act Classification, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice to amend previous classification for AZA 25464 and terminate classification for AZA 23255.

In notice document 91–20790 appearing on page 43034 in the issue of Friday, August 30, 1991, AZA 25464 was classified to include the following public lands:

Gila and Salt River Meridian, Mohave County, Arizona

T. 20 N., R. 22 W.,
sec. 12, lot 5;

This notice terminates the classification for AZA 25464 for the following described public lands:

Gila and Salt River Meridian, Mohave County, Arizona

T. 20 N., R. 22 W.,
sec. 12, lot 5 (east of centerline of State Highway 95).

The following described public lands under AZA 25464 have been examined and found suitable for classification for lease or conveyance under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.):

Gila and Salt River Meridian, Mohave County, Arizona

T. 20 N., R. 22 W.,
sec. 12, lots 5 and 6 (west of centerline of state highway 95).

In notice document 88–16492 appearing on page 27770 in the issue of Friday, July 22, 1988, AZA 23255 was classified to include the following lands:

Gila and Salt River Meridian, Arizona

T. 20 N., R. 22 W.,
sec. 12, portion of lots 5 and 6.
Containing 6.9 acres more or less.

This notice terminates the classification for the public lands under AZA 23255.

The lands classified in this notice are not needed for Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease or conveyance when issued, will be subject to the following terms, conditions and reservations;

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove materials.

4. Subleases issued under AZAR 035903 to Johannah and Eugene Goad, and Lawrence, Albert H., and Ernestine Warminski are reserved to the United States, together with the right to amend or change their leases. Subleases are located within lot 5, sec. 12, T. 20 N., R. 22 W.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Yuma District, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, Arizona. Upon publication of this notice in the **Federal Register**, the lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

DATES: On or before April 3, 1995, interested persons may submit comments regarding the proposed lease or conveyance of the lands to the Area Manager, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, AZ 86406.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for recreation and public purposes. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with the local planning and zoning, or if the use is consistent with the State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the applications and plan of developments, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for recreation and public purposes. Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publications of this notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Joe Liebhauser, Lands and Minerals Supervisor, Bureau of Land Management, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86406. Detailed information concerning this action is also available for review.

Dated: February 10, 1995.

Judith I. Reed,

District Manager.

[FR Doc. 95–3972 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–32–P

[UT–046–01–5440–10–J401]

Notice of Realty Action, Conveyance of Public Land in Garfield County, UT, Panguitch City Airport, UTU–72799

SUMMARY: Notice is given to the public that the following described parcels of public land have been examined and through resource considerations, regulations, and Bureau policies, have been found suitable for conveyance to Panguitch City Corporation pursuant to the Airport Airway and Improvement

Act of 1982 (96 Stat. 692; 49 U.S.C. 2215):

Salt Lake Meridian, Utah

Township 34 South, Range 5 West
Section 14, SW¼NW¼SW¼NE¼; W½SW¼SW¼NE¼; S½NE¼SE¼NW¼; SE¼NE¼SE¼NW¼; E½SW¼SE¼NW¼; SE¼SE¼NW¼: Section 22, NE¼SE¼SE¼: Section 23, NW¼SW¼SW¼:

Encompassing 50 acres.

Terms and Conditions Applicable to the Conveyance Are:

1. All minerals, including oil and gas, shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals. The Secretary of the Interior reserves the right to determine whether such mining and removal of minerals will interfere with the development, operation and maintenance of the airport.

2. A right-of-way will be reserved for ditches and canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).

3. The conveyance of the land will be subject to all valid existing rights.

4. At the discretion of the Secretary of Transportation, the land shall revert to the United States in the event that the land is not developed for airport purposes or used in a manner consistent with the terms of the patent. If only a portion of the land conveyed is not developed for airport purposes, or is used in a manner inconsistent with the terms of the conveyance, only that specific part shall, at the discretion of the Secretary, revert to the United States.

5. A detailed list of covenants required by the Federal Aviation Administration to be included in the patent document is available for review at the office listed below.

DATES: On or before April 3, 1995, comments concerning the proposal may be submitted to the District Manager, Bureau of Land Management, 176 East DL Sargent Drive, Cedar City, Utah 84720. Comments will be reviewed by the Utah State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

SUPPLEMENTARY INFORMATION: The lands described are hereby segregated from all forms of appropriation under the land laws, including mining laws, pending disposition of this action. Additional information concerning the land and terms and conditions of the conveyance may be obtained from the Area Manager, Kanab Resource Area Office, 318 North 100 East, Kanab, Utah 84741, (801) 644–2672.

Dated: February 10, 1995.

A. Jerry Meredith,

District Manager.

[FR Doc. 95–3973 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–DQ–M

[MT–060–03–1430–00]

West HiLine Resource Management Plan Amendment; Liberty and Toole Counties, Montana

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Notice is hereby given that the West HiLine Resource Management Plan will be amended by the Great Falls Resource Area, Great Falls, Montana.

SUMMARY: The Bureau of Land Management (BLM) will amend the West HiLine Resource Management Plan (RMP) for a proposed withdrawal of 19,764.74 acres of Federal mineral estate from locatable mineral entry in the Sweet Grass Hills, Liberty and Toole Counties, Montana. A withdrawal of these lands is not in conformance with the record of decision for the West HiLine Resource Management Plan (RMP) (1992). The Great Falls Resource Area, Lewistown District, Bureau of Land Management will prepare a plan amendment and associated environmental assessment.

PUBLIC PARTICIPATION: Comments and recommendations on this notice to amend the West HiLine RMP should be received on or before March 20, 1995.

ADDRESSES: Comments should be sent to the Great Falls Resource Area, 812 14th. St. N., Great Falls, MT 59401.

FOR FURTHER INFORMATION CONTACT: Richard L. Hopkins, Area Manager, Great Falls Resource Area, 812 14th. St. N., Great Falls, MT 59401, 406–727–0503.

SUPPLEMENTARY INFORMATION: In August 1993, the BLM segregated the Federal mineral estate in the Sweet Grass Hills for a two-year period which closed the area to the location of new mining claims until August 1995. Also in August 1993, the BLM began amending the West HiLine RMP to reevaluate long term management decisions for the Sweet Grass Hills; specific direction for locatable mineral development, oil and gas leasing, off-road vehicle use, and land tenure adjustment. The BLM anticipates completion of this evaluation of long term management in February 1996. Prior to August 1995, the BLM will pursue a withdrawal of 19,764.74 acres to protect the unique resources in the Sweet Grass Hills.

Dated: February 14, 1995.

David L. Mari,

District Manager.

[FR Doc. 95–4217 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–DN–P

[ID–942–04–1420–00]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., February 9, 1995.

The plat representing the dependent resurvey of portions of the south boundary and subdivisional lines, the subdivision of section 34, the survey of portions of the center line of Old Lemhi Road, and lot 7 in section 34, Boise Meridian, Idaho Group No. 895, was accepted, February 3, 1995.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho 83706.

Dated: February 9, 1995.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 95–3974 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–GG–M

Bureau of Reclamation

Draft Environmental Assessment of the Proposal To Modify the Operation of McPhee Reservoir and Acquire Additional Water for Fish and Wildlife Purposes, Dolores Project, Colorado River Storage Project, Colorado

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Availability of Draft Environmental Assessment and Public Comment Period.

SUMMARY: Pursuant to the National Environmental Policy Act and agency policy, the Bureau of Reclamation will provide the public an opportunity to comment on the draft Environmental Assessment (EA) of the proposal to modify the operation of McPhee Dam and acquire additional water for downstream releases to the Dolores River for fishery and wildlife habitat enhancement purposes.

DATES: Comments on the draft EA must be received by April 3, 1995.

ADDRESSES: Comments should be sent to Bureau of Reclamation, PO Box 640, Durango, Colorado 81302.

FOR FURTHER INFORMATION CONTACT: To request a copy of the draft EA, to be placed on a mailing list, or to obtain further information, contact Jon Freeman, Bureau of Reclamation, Environmental & Planning Division, PO Box 640, Durango, Colorado 81302, telephone 303/385–6562.

Dated: February 8, 1995.

Charles A. Calhoun,

Regional Director.

[FR Doc. 95–3968 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–94–M

National Park Service

Notice of Availability of Draft General Management Plan/Environmental Impact Statement for the Timucuan Ecological and Historic Preserve, Florida

SUMMARY: This notice announces the availability of a Draft General Management Plan/Environmental Impact Statement (Draft GMP/EIS) for Timucuan Ecological and Historic Preserve. The Draft GMP/EIS presents alternatives for future management and use of the preserve. The preserve lies primarily between the Nassau and St. Johns rivers in Duval County, Florida, east of downtown Jacksonville. This notice also announces public meetings for the purpose of receiving public comments on the Draft GMP/EIS.

DATES: The Draft GMP/EIS will be on public review until April 10, 1995. Any review comments must be postmarked no later than April 10, 1995, and addressed to the Superintendent, Timucuan Ecological and Historic Preserve, 13165 Mt. Pleasant Road, Jacksonville, Florida 32225. The dates of the public meetings for the Draft GMP/EIS are March 7, 1995, from 7 p.m. to 9 p.m. and March 8, 1995, from 6:30 p.m. to 8:30 p.m.; both at the Fort Caroline National Memorial Visitor Center, 12713 Fort Caroline Road, Jacksonville, Florida 32225.

FOR FURTHER INFORMATION CONTACT: Superintendent, Timucuan Ecological and Historic Preserve, 13165 Mt. Pleasant Road, Jacksonville, Florida 32225, Telephone: (904) 221–5568.

SUPPLEMENTARY INFORMATION: The Draft GMP/EIS for Timucuan Ecological and Historic Preserve provides management guidance for concerns of the preserve. This draft GMP/EIS presents four alternative concepts for future management and use of the Timucuan Preserve and presents an overview of potential impacts. The degree to which preserve purposes and management can be fulfilled in each alternative is described. Copies of the Draft GMP/EIS are available for review at the preserve and most local libraries. A limited number of copies are available on request from the Superintendent at the above address.

Dated: February 7, 1995.

Frank Catroppa,

Regional Director, Southeast Region.

[FR Doc. 95–3965 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–70–M

National Capital Region; National Capital Memorial Commission; Public Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Capital Memorial Commission will be held on Tuesday, March 7, 1995, at 1 p.m., at the National Building Museum, room 312, 5th and F Streets, NW.

The Commission was established by Public Law 99–652, the Commemorative Works Act, for the purpose of preparing and recommending to the Secretary of the Interior, Administrator, General Services Administration, and Members of Congress broad criteria, guidelines, and policies for memorializing persons and events on Federal lands in the National Capital Region (as defined in the National Capital Planning Act of 1952, as amended), through the media of monuments, memorials and statues. It is to examine each memorial proposal for adequacy and appropriateness, make recommendations to the Secretary and Administrator, and to serve as information focal point for those persons seeking to erect memorials on Federal land in the National Capital Region.

The members of the Commission are as follows:

Director, National Park Service
Chairman, National Capital Planning Commission
The Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairman, Commission of Fine Arts
Mayor of the District of Columbia
Administrator, General Services Administration
Secretary of Defense

The purpose of the meeting will be to consider U.S. Reservation 201 as the site for the Japanese American Memorial. The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish to file a written statement or testify at the meeting or who want further information concerning the meeting may contact the Commission at 202–619–7097. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Office of Land Use Coordination, National Capital Region, 1100 Ohio Drive, SW., room 201, Washington, DC 20242.

Dated: February 8, 1995.

Robert Stanton,

Regional Director, National Capital Region.

[FR Doc. 95–3967 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–70–M

Sleeping Bear Dunes National Lakeshore Advisory Commission; Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

Meeting Date and Time: Friday, March 17, 1995; 9:30 a.m. until 12 noon.

Addresses: Sleeping Bear Dunes National Lakeshore Headquarters, Empire, Michigan.

The agenda for the meeting consist of the Chairman's welcome; minutes of the previous meeting; statement of purpose; public input; update on park activities; old business; new business; public input; next meeting date; adjournment. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The Advisory Commission was established by the law that established the Sleeping Bear Dunes National Lakeshore, Public Law 91–479. The purpose of the Commission, according to its charter, is to advise the Secretary of the Interior with respect to matters relating to the administration, protection, and development of the Sleeping Bear Dunes National Lakeshore, including the establishment of zoning by-laws, construction, and administration of scenic roads, procurement of land, condemnation of commercial property, an the preparation and implementation of the land and water use management plan.

FOR FURTHER INFORMATION CONTACT: Ivan Miller, Superintendent, Sleeping Bear Dunes National Lakeshore, 9922 Front Street, Empire, Michigan 49630, (616) 326–5134.

Dated: February 6, 1995.

William W. Schenk,

Regional Director, Midwest Region.

[FR Doc. 94–3966 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL TRADE COMMISSION

[Investigation 332–357]

Lamb Meat: Competitive Conditions Affecting the U.S. and Foreign Lamb Industries

AGENCY: United States International Trade Commission.

ACTION: Rescheduling of public hearing.

EFFECTIVE DATE: February 13, 1995.

SUMMARY: The public hearing on this matter, scheduled for February 23, 1995, has been rescheduled to April 6, 1995. The public hearing will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on April 6, 1995. All persons will have the right to appear, by counsel or in person, to present information and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436, no later than 5:15 p.m., March 23, 1995. Any prehearing briefs (original and 14 copies) should be filed not later than 5:15 p.m., March 29, 1995; the deadline for filing post-hearing briefs or statements is 5:15 p.m., April 24, 1995. Notice of institution of the investigation and an earlier scheduled hearing date were published in the **Federal Register** of November 9, 1994 (59 FR 55855). In the event that, as of the close of business on March 23, 1995, no witnesses are scheduled to appear at the hearing, the hearing will be cancelled. Any person interested in attending the hearing as an observer or non-participant may call the Secretary of the Commission (202–205–2000) after March 23, 1995, to determine whether the hearing will be held.

FOR FURTHER INFORMATION CONTACT: Information on industry sectors may be obtained from Rose Steller, Office of Industries (202–205–3323) or David Ludwick, Office of Industries (202–205–3329); economic aspects, from Ronald Babula, Office of Industries (202–205–3331); and legal aspects, from William Gearhart, Office of the General Counsel (202–205–3091). The media should contact Margaret O'Laughlin, Office of Public Affairs (202–205–1819). Hearing impaired individuals are advised that information on this matter can be obtained by contacting the TDD terminal on (202–205–1810).

Background

Following the receipt of a request on October 12, 1994, from the United States Trade Representative (USTR), the Commission instituted investigation No. 332–357, Lamb Meat: Competitive Conditions Affecting the U.S. and Foreign Lamb Industries, under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of investigating the competitive conditions affecting the U.S. lamb industry. The Commission plans to submit its report by August 14, 1995.

Written Submissions

As provided for in the Commission's prior notice, in lieu of or in addition to participating in the hearing, interested parties are invited to submit written statements concerning the matters to be addressed by the Commission in its report on this investigation. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available in the Office of the Secretary of the Commission for inspection by interested parties. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted to the Commission at the earliest practical date and should be received no later than the close of business on April 24, 1995. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436.

Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

By order of the Commission.

Issued: February 14, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–4013 Filed 2–16–95; 8:45 am]

BILLING CODE 7020–02–P

[Investigations Nos. 731–TA–678, 679, 681, and 682 (Final)]

Stainless Steel Bar From Brazil, India, Japan, and Spain

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. § 1673d(b)) (the Act), that an industry in the United States is materially injured by reason of imports from Brazil, India, Japan, and Spain of stainless steel bar,[2, 3] provided for in subheadings 7222.10.00, 7222.20.00, and 7222.30.00 of the Harmonized Tariff Schedule of the United States,[4] that have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted these investigations effective August 4, 1994, following preliminary determinations by the Department of Commerce that imports of stainless steel bar from Brazil, India, Japan, and Spain were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the institution of

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

[2] Chairman Watson dissenting.

[3] Commissioner Crawford found two like products in these investigations; hot-formed stainless steel bar and cold-finished stainless steel bar. She determines that the domestic industry producing hot-formed stainless steel bar is not materially injured or threatened with material injury by reason of imports from all subject countries. She determines that the domestic industry producing cold-finished stainless steel bar is materially injured by reason of subject imports from Brazil, Japan, and Spain, but is not materially injured or threatened with material injury by reason of subject imports from India.

[4] The imported stainless steel bar covered by these investigations comprises articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled, or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including squares), triangles, hexagons, octagons, or other convex polygons. Except as specified above, the term does not include stainless steel semifinished products, cut-to-length flat-rolled products (i.e., cut-to-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire (i.e., cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes, or sections. Stainless steel bar includes cold-finished stainless steel bars that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 8, 1994 (59 FR 46448). The hearing was held in Washington, DC, on December 15, 1994, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on February 10, 1995. The views of the Commission are contained in USITC Publication 2856 (February 1995), entitled ''Stainless Steel Bar from Brazil, India, Japan, and Spain: Investigations Nos. 731–TA–678–679 and 681–682 (Final).''

Issued: February 10, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–4014 Filed 2–16–95; 8:45 am]

BILLING CODE 7020–02–P

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders, Interstate Commerce Commission, Section of Environmental Analysis, Room 3219, Washington, DC 20423, (202) 927–6203.

Comments on the following assessment are due 15 days after the date of availability:

AB–290 (Sub-No. 157X), Norfolk Southern Railway Company—Abandonment—Between Alston and Prosperity, South Carolina. EA available 2/3/95.

AB–101 (Sub-No. 11X), Duluth, Missabe and Iron Range Railroad Company—Abandonment in St. Louis County, MN. EA available 2/3/95.

AB–43 (SUB-NO. 167X), Illinois Central Railroad Company—Abandonment Exemption—in St. Tammany Parish and Washington Parish, LA. EA available 2/10/95.

AB–55 (Sub-No. 81X), The Atchison, Topeka and Santa Fe Railway Company Exempt Abandonment of 1.6 Miles of Right-of-Way at Arkansas City Cowley County, Kansas. EA available 2/10/95.

Comments on the following assessment are due 30 days after the date of availability:

AB–167 (SUB-NO. 1145X), Consolidated Rail Corporation—Abandonment Exemption—In Philadelphia County, Pennsylvania. EA available 2/6/95.

AB–433, Idaho Northern & Pacific Railroad Company—Abandonment—In Wallowa and Union Counties, Oregon. EA available 2/8/95.

AB–55 (Sub-No. 497X), CSX Transportation, Inc.—Abandonment in Allegany County, MD and Mineral County, WV. EA available 1/31/95.

AB–427X, Crystal City Railroad, Inc.—Abandonment Exemption—between west of Gardendale and Crystal City and between Crystal City and Carrizo Springs, in LaSalle, Zavala and Dimmit Counties, TX; and

AB–428X, Texas Railroad Switching, Inc.—Discontinuance of Service Exemption—between west of Gardendale and Crystal City and between Crystal City and Carrizo Springs, in LaSalle, Zavala and Dimmit Counties. EA available 2/10/95.

Vernon A. Williams,

Secretary.

[FR Doc. 95–4031 Filed 2–16–95; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–01 (Sub-No. 12X)]

Duluth, Missabe and Iron Range Railway Company—Abandonment Exemption—St. Louis County, MN

Duluth, Missabe and Iron Range Railway Company (DM&IR) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon its 2.3-mile Missabe Division, Chisolm Branch, extending between milepost 3.1 and the end of the line at milepost 4.7, at Chisolm in St. Louis County, MN.

DM&IR has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (service of environmental report on agencies), 49 CFR 1105.8 (service of historic report on State Historic Preservation Officer), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (service of verified notice on governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 19, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by February 27, 1995. Petitions to reopen or request for public use conditions under 49 CFR 1152.28 must be filed by March 9, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Robert J. Koch, 135 Jamison Lane, P.O. Box 68, Monroeville, PA 15146.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 22, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental

[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: February 10, 1995.

By the Commission,

David M. Konschnik,

Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–4032 Filed 2–16–95; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–3 (Sub-No. 120X]

Missouri Pacific Railroad Company—Abandonment Exemption—in Cowley County, KS (Winfield Industrial Lead)

Missouri Pacific Railroad Company (MP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a portion of its railroad, known as the Winfield Industrial Lead, from milepost 513.50 (at the end of the line) to milepost 514.41, near Winfield, a distance of approximately 0.91 mile, in Cowley County, KS.

MP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has moved over the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 19, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29[3] must be filed by February 27, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 9, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Joseph D. Anthofer, 1416 Dodge St., Room 830, Omaha, NE 68179.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio.*

MP has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 22, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: February 13, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 95–4030 Filed 2–16–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated respond time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Document Verification Request.

(2) G–845. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary=Individuals and Households, Others=None. This form is an integral part of the Systematic Alien Verification for Entitlement (SAVE) Program. It will provide direct access to the Immigration and Naturalization Service's Alien Status Verification Index (ASVI).

(4) 500,000 annual respondents at .083 hours per response.

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[1] A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues (whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made prior to the effective date of the notice of exemption. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

[3] The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

(5) 41,500 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: February 13, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–4005 Filed 2–16–95; 8:45 am]

BILLING CODE 4410–10–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

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 OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division, Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Application—Land Border Facilitation PORTPASS Program

(2) I–823, I–823A, I–823B, I–823C, and I–823D. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary = Individuals and Households, Others = None. This form covers two land border programs. At participating ports-of-entry, this form will be used by frequent crossers to voluntarily apply for permission to use the dedicated commuter lane, or to enter through an Automated Permit Port.

(4) 200,000 annual respondents at .73 hours (44 minutes) per response.

(5) 132,800 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: February 13, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–4006 Filed 2–16–95; 8:45 am]

BILLING CODE 4410–10–M

Antitrust Division

United States v. Sabreliner Corporation; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *Sabreliner Corporation*.

The Complaint in this case alleges that the acquisition of Midcoast Aviation, Inc. (''Midcoast'') by Sabreliner Corporation (''Sabreliner'') may substantially lessen competition in the sale of jet fuel to transient general aviation aircraft at Lambert-St. Louis International airport (''Lambert'') in violation of Section 7 of the Clayton Act.

Sabreliner and Midcoast are the only two fixed base operators (''FBOs'') at Lambert Field. Fixed base operators provide terminaling services, such as aircraft cleaning, de-icing and fueling to general aviation aircraft. These services are typically included in the price of jet fuel sold to the general aviation customer. This acquisition, left unchallenged, would result in a monopoly in the provision of jet fuel to transient general aviation customers at Lambert.

The proposed Final Judgment requires Sabreliner to divest either its transient general aviation fueling facilities at Lambert, or, if necessary to attract a purchaser, its entire FBO operation at Lambert. If defendant does not complete the divestiture by the allotted time, a trustee will be appointed to conduct the divestiture.

Public comment on the proposed Final Judgment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Roger W. Fones, Chief, Transportation, Energy, and Agriculture Section, Antitrust Division, Room 9104, Judiciary Center Building, 555 4th Street, NW., Washington, DC 20001 (202–307–6351).

Constance K. Robinson,

Director of Operations, Antitrust Division.

United States of America; Plaintiff; vs. Sabreliner Corporation, a corporation; Defendant.

[Docket Number: 95–0241]

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, as follows:

(1) The Court has jurisdiction over the subject matter of this action and over each of the parties hereto, and venue of this action is proper in the District for the District of Columbia.

(2) The parties consent that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

(3) In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this Stipulation, this Stipulation shall be of no effect whatever, and the making of this Stipulation shall be without prejudice to any party in this or any other proceeding.

Dated: November 2, 1994.

For Plaintiff United States of America:
Anne K. Bingaman,
Assistant Attorney General.
Steven C. Sunshine,
Deputy Asst. Attorney General.
Constance K. Robinson,
Director of Operations.
Roger W. Fones,
May Jean Moltenbrey,
Kelly Signs,
Stephen B. Donovan,
Attorneys.
For Defendant Sabreliner Corporation:
Winthrop, Stimson, Putnam & Roberts,
By: John Gillick,
A Member of the Firm.

Final Judgment

Whereas, plaintiff, United States of America, having filed its Complaint herein on February 6, 1995, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

And whereas, defendant has agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, prompt and certain divestiture is the essence of this agreement, and defendant has represented to plaintiff that the divestiture required below can and will be made and that defendant will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I

Jurisdiction

This Court has jurisdiction over the subject matter of this action and over each of the parties hereto. The Complaint states a claim upon which relief may be granted against defendant under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II

Definitions

As used in this Final Judgment:

A. ''TWA'' means Trans World Airlines, Inc., each of its predecessors, successors, divisions, subsidiaries, and affiliates, each person directly or indirectly, wholly or in part, owned or controlled by it, or which owns or controls it, and each partnership or venture to which any of them is a party, and each officer, director, employee, attorney, agent, or other person acting for or on behalf of any of them.

B. ''Midcoast'' means Midcoast Aviation, Inc., each of its predecessors, successors, divisions, subsidiaries, and affiliates, and each person directly or indirectly, wholly or in part, owned or controlled by it, or which owns or controls it, and each partnership or venture to which any of them is a party, and each officer, director, employee, attorney, agent, or other person acting for or on behalf of any of them.

C. ''Sabreliner'' means defendant Sabreliner Corporation, each of its predecessors, successors, divisions, subsidiaries, and affiliates, each person directly or indirectly, wholly or in part, owned or controlled by it, or which owns or controls it, and each partnership or venture to which any of them is a party, and each officer, director, employee, attorney, agent, or other person acting for or on behalf of any of them.

D. ''Sabreliner's Transient Fuel Service Business'' means the following assets, owned or controlled by Sabreliner, that are or have been used at Lambert Field to provide fuel and other services to general aviation customers:

1. 5,000 square feet of ramp space located west of Hangar 6;

2. Office space (with associated office equipment), which includes pilot's lounge/flight planning room and access to lobby area, restrooms, conference facilities and canteen;

3. Space on the north side of Hangar 6 sufficient to park any fueling trucks required by the purchaser; and

4. Non-discriminatory access to the Fuel Delivery Cabinet on the west end of Sabreliner's fuel farm, the right to draw from Sabreliner's jet fuel tanks at least 2500 gallons of jet fuel per day, and the right to purchase that jet fuel directly from the fuel supplier from whom Sabreliner obtains its fuel.

E. ''Sabreliner's Cargo and General Aviation Business'' means the following assets, owned or controlled by Sabreliner, that are or have been used at Lambert Field to provide fuel and other services to general aviation and based cargo customers:

1. Sabreliner's entire leasehold interest in its tank farm, and all improvements and assets used in the business, including five fuel tanks, truck loading cabinet, and associated equipment;

2. All rolling stock, including the fuel trucks, deicing vehicle, ramp tugs, auxiliary power unit and courtesy van;

3. Office space (with associated office equipment), including pilot's lounge/flight planning room and access to lobby area, restrooms, conference facilities and canteen; and

4. The entire ramp area around the west of hangers 6 and 7, comprising approximately eleven (11) acres, subject to access easements of any subtenants in Hangers 6 and 7.

F. ''Person'' means any natural person, corporation, association, firm, partnership, or other business or legal entity.

G. ''Lambert Field'' means Lambert St. Louis International Airport.

III

Applicability

A. The provisions of this Final Judgment shall apply to the defendant, to defendant's successors and assigns, to defendant's subsidiaries, affiliates, directors, officers, managers, agents, and employees, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

B. The provisions of Sections IV through VIII of this Final Judgment shall be applicable only upon the consummation of the acquisition of Midcoast by Sabreliner.

C. Defendant shall require, as a condition of the sale or other disposition of all or substantially all of their assets or stock, or of the assets required to be divested herein, that the acquiring party agree to be bound by the provisions of this Final Judgment.

D. Nothing herein shall suggest that any portion of this Final Judgment is or has been created for the benefit of any third party, and nothing herein shall be construed to provide any rights to any third party.

IV

Divestiture of Sabreliner's Transient Fuel Business

A. Defendant is hereby ordered and directed to divest, to an eligible purchaser, all of its direct and indirect ownership and control of Sabreliner's Transient Fuel Business or Sabreliner's Cargo and General Aviation Business. Nothing contained herein shall preclude Sabreliner from dealing with or contracting for services from the divested entity in the ordinary course of business.

B. Divestiture of Sabreliner's leasehold interest in any of the assets of Sabreliner's Transient Fuel Service

Business or Sabreliner's Cargo and General Aviation Business may be by transfer of the entire leasehold interest or by sublease. If divestiture of any or all of the assets is by sublease, each such sublease shall be for the entire term of Sabreliner's lease, including the same rights for renewal Sabreliner has, and the sublease shall specify, for the entire period of the sublease:

1. The price, or a formula for computing the price, for each and every payment due from the purchaser to Sabreliner pursuant to the sublease, including rent, and any uplift or other service charge for the use of Sabreliner's fuel tanks; and

2. The terms and conditions under which Sabreliner may evict the purchaser or exercise any other rights for breach of the sublease; and

3. That the airport authority must specifically approve any action by Sabreliner to exercise any rights under the sublease against the purchaser, unless such approval is arbitrarily and unreasonably withheld in the event of a breach of the sublease by the purchaser, in which case defendant must give a minimum of thirty (30) days notice to plaintiff prior to exercising any rights against the purchaser.

C. If defendant has not accomplished the required divestiture prior to May 1, 1995, plaintiff may, if its sole discretion, extend this time period for an additional period of time not to exceed two months.

D. Defendant agrees to take all reasonable steps to accomplish quickly said divestiture. In carrying out its obligation to divest the Sabreliner's Transient Fuel Business, defendant may divest these operations alone, or may divest along with these operations any other assets of Sabreliner.

E. In accomplishing the divestiture ordered by this Final Judgment, the defendant promptly shall make known in the United States and in other major countries, by usual and customary means, the availability of Sabreliner's Transient Fuel Business for sale as an ongoing business. The defendant shall notify any person making an inquiry regarding the possible purchase of this operation that the sale is being made pursuant to this Final Judgment and provide such person with a copy of the Final Judgment. The defendant shall also offer to furnish to all bona fide prospective purchasers of Sabreliner's Transient Fuel Business, subject to customary confidentiality assurances, all pertinent information regarding Sabreliner's Cargo and General Aviation Business, including Sabreliner's Transient Fuel Business except such information subject to attorney-client privilege or attorney work product privilege. Defendant shall make available such information to the plaintiff at the same time that such information is made available to any other person. Defendant shall permit prospective purchasers of Sabreliner's Transient Fuel Business to have access to personnel at Sabreliner's Cargo and General Aviation Business, including Sabreliner's Transient Fuel Business, and to make such inspection of physical facilities and any and all financial, operational, or other documents and information as may be relevant to the sale required by this Final Judgment.

F. Unless the plaintiff otherwise consents, divestiture under Section IV.A., or by the trustee appointed pursuant to Section V, shall be accomplished in such a way as to satisfy plaintiff, in its sole discretion, that Sabreliner's Transient Fuel Business or Sabreliner's Cargo and General Aviation Business can and will be operated by the purchaser as a viable, ongoing business engaged in the provision of fuel and other services to general aviation and cargo customers at Lambert Field. Divestiture shall be made to a purchaser for whom it is demonstrated to plaintiff's satisfaction that (1) the purchase is for the purpose of competing effectively in the provision of fuel and other services to general aviation customers at Lambert Field; (2) the purchaser has the managerial, operational, and financial capability to compete effectively in the provision of fuel and other services to general aviation customers at Lambert Field; and (3) none of the terms of any sublease between the purchaser and Sabreliner give Sabreliner the ability artificially to raise the purchaser's costs, lower the purchaser's efficiency, or otherwise interfere in the ability of the purchaser to provide fuel and other services to general aviation customers at Lambert Field. If the divestiture is of Sabreliner's Transient Fuel Business, it must be demonstrated to plaintiff's satisfaction that the purchaser can operate a transient fueling business on a stand-alone basis with costs and efficiency comparable to those achieved by Sabreliner's current integrated general aviation and cargo business.

G. Except to the extent otherwise approved by plaintiff, any assets divested pursuant to this Final Judgment shall be divested free and clear of all mortgages, encumbrances and liens to Sabreliner or TWA.

V

Appointment of Trustee

A. If defendant has not accomplished the divestiture required by Section IV of the Final Judgment by March 15, 1995, defendant shall notify plaintiff of that fact. Within ten (10) days of that date, or twenty (20) days prior to the expiration of any extension granted pursuant to Section IV(B), whichever is later, plaintiff shall provide defendant with written notice of the names and qualifications of not more than two (2) nominees for the position of trustee for the required divestiture. Defendant shall notify plaintiff within ten (10) days thereafter whether either or both of such nominees are acceptable. If either or both of such nominees are acceptable to defendant, plaintiff shall notify the Court of the person upon whom the parties have agreed and the Court shall appoint that person as the trustee. If neither of such nominees is acceptable to defendant, they shall furnish to plaintiff, within ten (10) days after plaintiff provides the names of its nominees, written notice of the names and qualifications of not more than two (2) nominees for the position of trustee for the required divestiture. If either or both of such nominees are acceptable to plaintiff, plaintiff shall notify the Court of the person upon whom the parties have agreed and the Court shall appoint that person as the trustee. If neither of such nominees is acceptable to plaintiff, it shall furnish the Court the names and qualifications of its proposed nominees and the names and qualifications of the nominees proposed by defendant. The Court may hear the parties as to the qualifications of the nominees and shall appoint one of the nominees as the trustee.

B. If defendant has not accomplished the divestiture required by Section IV of this Final Judgment at the expiration of the time period specified in Section IV(C),the appointment by the Court of the trustee shall become effective. The trustee shall then take steps to effect divestiture of Sabreliner's Transient Fuel Service Business. The trustee shall have the right, in its sole discretion, to include in the package of assets to be divested any or all of the assets of Sabreliner's Cargo and General Aviation Business.

C. After the trustee's appointment has become effective, only the trustee shall have the right to sell Sabreliner's Transient Fuel Service Business and Sabreliner's General Aviation and Cargo Business. The trustee shall have the power and authority to accomplish the divestiture to a purchaser acceptable to plaintiff at such price and on such terms

as are then obtainable upon a reasonable effort by the trustee, subject to the provisions of Section VIII of this Final Judgment, and shall have such other powers as this Court shall deem appropriate. Defendant shall not object to a sale of Sabreliner's Transient Fuel Service Business or any or all Sabreliner's Cargo and General Aviation Business by the trustee on any grounds other than the trustee's malfeasance. Any such objection by defendant must be conveyed in writing to plaintiff and the trustee within fifteen (15) days after the trustee has notified defendant of the proposed sale in accordance with Section VIII of this Final Judgment.

D. The trustee shall serve at the cost and expense of defendant, shall receive compensation based on a fee arrangement providing an incentive based on the price and terms of the divestiture and the speed with which it is accomplished, and shall serve on such other terms and conditions as the Court may prescribe; provided, however, that the trustee shall receive no compensation, nor incur any costs or expenses, prior to the effective date of his or her appointment. The trustee shall account for all monies derived from a sale of Sabreliner's Cargo and General Aviation Business and all costs and expenses incurred in connection therewith. After approval by the Court of the trustee's accounting, including fees for its services, all remaining monies shall be paid to defendant and the trust shall then be terminated.

E. Defendant shall take no action to interfere with or impede the trustee's accomplishment of the divestiture of Sabreliner's Transient Fuel Service Business or any or all of Sabreliner's Cargo and General Aviation Business and shall use its best efforts to assist the trustee in accomplishing the required divestiture. The trustee shall have full and complete access to the personnel, books, records, and facilities of Sabreliner's overall business, and defendant shall develop such financial or other information relevant to Sabreliner's Cargo and General Aviation Business.

F. After its appointment becomes effective, the trustee shall file monthly reports with the parties and the Court setting forth the trustee's efforts to accomplish divestiture of Sabreliner's Transient Fuel Service Business or any or all of Sabreliner's Cargo and General Aviation Business as contemplated under this Final Judgment; provided, however, that to the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding thirty (30) days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any ownership interest in Sabreliner's Cargo and General Aviation Business, and shall describe in detail each contact with any such person during that period. The trustee shall maintain full records of all efforts made to divest these operations.

G. Within six months after its appointment has become effective, if the trustee has not accomplished the divestiture required by Section VI of this Final Judgment, the trustee shall promptly file with the Court a report setting forth (1) the trustee's efforts to accomplish the required divestiture, (2) the reasons, in the trustee's judgment, why the required divestiture has not been accomplished, and (3) the trustee's recommendations; provided, however, that to the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. The trustee shall at the same time furnish such report to the parties, who shall each have the right to be heard and to make additional recommendations consistent with the purpose of the trust. The Court shall thereafter enter such orders as it shall deem appropriate in order to carry out the purpose of the trust, which shall, if necessary, include augmenting the assets to be divested, and extending the trust and the term of the trustee's appointment.

VI

Notification

Immediately following entry of a binding contract, contingent upon compliance with the terms of this Final Judgment, to effect any proposed divestiture pursuant to Sections IV or V of this Final Judgment, defendant or the trustee, whichever is then responsible for effecting the divestiture, shall notify plaintiff of the proposed divestiture. If the trustee is responsible, it shall similarly notify defendant. The notice shall set forth the details of the proposed transaction and list the name, address, and telephone number of each person not previously identified who offered to, or expressed an interest in or desire to, acquire any ownership interest in the business that is the subject of the binding contract, together with full details of same. Within fifteen (15) days of receipt by plaintiff of such notice, plaintiff may request additional information concerning the proposed divestiture and the proposed purchaser. Defendant and/or the trustee shall furnish any additional information requested within twenty (20) days of the receipt of the request, unless the parties shall otherwise agree. Within thirty (30) days after receipt of the notice or within twenty (20) days after plaintiff has been provided the additional information requested (including any additional information requested of persons other than defendant or the trustee), whichever is later, plaintiff shall provide written notice to defendant and the trustee, if there is one, stating whether or not it objects to the proposed divestiture. If plaintiff provides written notice to defendant and/or the trustee that it does not object, then the divestiture may be consummated, subject only to defendant's limited right to object to the sale under the provisions in Sections VI(C). Absent written notice that the plaintiff does not object to the proposed purchaser, a divestiture proposed under Section IV shall not be consummated. Upon objection by plaintiff, a divestiture proposed under Section V shall not be consummated. Upon objection by plaintiff, or by defendant under the priviso in Sections VI(C), a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII

Affidavits

Upon filing of this Final Judgment and every thirty (30) days thereafter until the divestiture has been completed or authority to effect divestiture passes to the trustee pursuant to Section V of this Final Judgment, defendant shall deliver to plaintiff an affidavit as to the fact and manner of compliance with Sections IV and V of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, at any time after the period covered by the last such report, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any ownership interest in Sabreliner's Transient Fuel Business or Sabreliner's Cargo and General Aviation Business, and shall describe in detail each contact with any such person during that period. Defendant shall maintain full records of all efforts made to divest these operations.

VIII

Financing

With prior consent of the plaintiff, defendant may finance all or any part of

any purchase made pursuant to Sections IV or V of this Final Judgment.

IX

Preservation of Assets

Until the divestitures required by the Final Judgment have been accomplished:

A. Defendant shall take all steps necessary to assure that Sabreliner's Cargo and General Aviation Business will be maintained as separate and independent economically viable, ongoing businesses with Midcoast's assets required for the provision of Midcoast's transient fuel services (including leaseholds, contracts, management, operations, and books and records) separate, distinct and apart from those of Sabreliner. The defendant shall use all reasonable efforts on behalf of Sabreliners's Cargo and General Aviation Business to maintain and increase sales of transient fuel and other services to general aviation customers at Lambert Field, and otherwise maintain the business as a viable and active competitor at Lambert Field.

B. The defendant shall not sell, lease, assign, transfer or otherwise dispose of, or pledge as collateral for loans (except such loans as are currently outstanding or replacements of substitutes therefore), assets required to be divested pursuant to Sections IV or V except that any component of such assets as is replaced in the ordinary course of business with a newly purchased component may be sold or otherwise disposed of, provided the newly purchased component is so identified as a replacement component for one to be divested.

C. The defendant shall provide capital and provide and maintain sufficient working capital to maintain Sabreliner's Cargo and General Aviation Business, as viable, ongoing businesses consistent with the requirements of Section IX(A).

D. The defendant shall preserve the assets required to be divested pursuant to Section IV and V, except those replaced with newly acquired assets in the ordinary course of business, in a state of repair equal to their state of repair as of the date of this Final Judgment, ordinary wear and tear excepted. Defendant shall preserve the documents, books and records of Midcoast until the date of divestiture of Sabreliner' Transient Fuel Business and shall preserve the documents, books and records of Sabreliner's Cargo and General Aviation Business until the date of divesture of that business.

E. Except in the ordinary course of business, or as is otherwise consistent with the requirements of Section IX, the defendant shall refrain from terminating or altering one or more current employment, salary, or benefit agreements for one or more executive, managerial, sales, marketing, engineering, or other technical personnel of Sabreliner's Cargo and General Aviation Business, including its Transient Fuel Business, and shall refrain from transferring any employee so employed without the prior approval of plaintiff.

F. Defendant shall refrain from taking any action that would jeopardize the sale of Sabreliner's Cargo and General Aviation Business.

X

Compliance Inspection

For the purposes of determining or securing compliance with the Final Judgment and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendant made to its principal office, be permitted:

1. Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

2. Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees, and agents of such defendant, who may have counsel present, regarding any such matters.

B. Upon the written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal office, such defendant shall submit such written reports, under oath if requested, with respect to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this Section X shall be divulged by a representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure,'' then ten (10) days notice shall be given by plaintiff to defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XI

Retention of Jurisdiction

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XII

Termination

This Final Judgment will expire on the tenth anniversary of the date of its entry.

XIII

Public Interest

Entry of this Final Judgment is in the public interest.

Dated:

_____

United States District Judge

Competitive Impact Statement

United States of America, Plaintiff, v. Sabreliner Corporation, Defendant.

Case Number 1:95CV00241
Judge: Stanley Sporkin
Deck Type: Antitrust
Date Stamp: 02/06/95

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (''APPA''), 15 U.S.C. (b)–(h), the United States of America files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry with the consent of Sabreliner Corporation in this civil antitrust proceeding.

I

Nature and Purpose of the Proceeding

On February 6, 1995, the United States filed a Complaint alleging that the

acquisition of Midcoast Aviation, Inc. (hereinafter ''Midcoast'') by Sabreliner Corporation, (hereinafter ''Sabreliner'') was a violation of Section 7 of the Clayton Act (15 U.S.C. 18). The Complaint alleges that the effect of the merger may be substantially to lessen competition for the sale of jet fuel by fixed base operators (''FBOs'') to general aviation aircraft at St. Louis-Lambert International Airport. Sabreliner and Midcoast are the only two providers of jet fuel for transient general aviation customers at Lambert Field.

On February 6, 1995, the United States and defendant also filed a Stipulation by which they consented to the entry of a proposed Final Judgment designed to eliminate the anticompetitive effects of the merger. Under the proposed Final Judgment, as explained more fully below, Sabreliner would be required to sell or assign, by May 1, 1995, certain assets and leasehold interests. If it should fail to do so, a trustee appointed by the Court would be empowered to divest these assets.

The United States and Sabreliner have agreed that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment will terminate the action, except that the Court will retain jurisdiction to construe, modify and enforce the Final Judgment, and to punish violations of the Final Judgment.

II

Events Giving Rise to the Alleged Violation

On November 2, 1994, Sabreliner, Midcoast, and Trans World Airlines, Inc. (the parent of Midcoast) entered into an agreement under which Sabreliner would acquire all of the stock of Midcoast for approximately $7.2 million.

Sabreliner, engaged primarily in the business of repairing and overhauling jet aircraft, also operates a FBO service at Lambert Field in St. Louis. Sabreliner's total revenues for fiscal 1994 were over $100 million.

Midcoast has FBO facilities at Adams Field in Little Rock, AK, Bi-State Parks in Cahokia, IL, and St. Louis-Lambert in St. Louis, MO. From these facilities, Midcoast performs repairs, maintenance, and overhauls in addition to other FBO services, including jet fueling. Midcoast had revenues of $41 million in 1993.

FBOs provide aircraft terminaling services to general aviation aircraft customers, typically charter operators or other private operators that provide transportation for business executives. These services principally involve aircraft fueling services and maintenance services, such as aircraft cleaning and de-icing, and also the provision of such facilities as lounges for passengers and flight crews, ground transportation, and canteens. Last year, general aviation customers purchased around $1 billion of jet fuel from FBOs nationwide.

General aviation customers flying into airports other than the airport where they are based are called ''transients.'' If transient general aviation customers need to purchase fuel away from home, they must purchase fuel from an FBO.

Pilots of corporate and charter jets select the airports to which they will fly based on where their passengers need to go, or where their passengers need to be picked up. The pilots will then choose then FBO at that airport offering the most favorable combination of fuel prices and services. There are no alternative sources to which the pilots would switch to obtain jet fuel if the FBOs raise prices.

Although Lambert Field is one of several airports in the St. Louis area servicing general aviation aircraft, Lambert is the only airport in St. Louis that provides commercial scheduled domestic and international service. In addition, Lambert offers close proximity to downtown St. Louis. Both of these features make Lambert attractive to general aviation passengers.

Because of the large volume of commercial traffic served by Lambert, however, the airport is frequently very congested. To avoid this congestion, general aviation pilots prefer to use other airports in the St. Louis area, which accommodate primarily general aviation traffic. General aviation aircraft usually will fly into Lambert only if it is necessary to satisfy a passenger's travel requirements. Those pilots that select Lambert as their destination airport, therefore, are not likely to change their flight plan to obtain lower fuel prices at other airports.

The Complaint alleges that the sale of jet fuel to transient general aviation customers is a relevant product market for antitrust purposes. The Complaint further alleges that Lambert-St. Louis International Airport is a relevant geographic market within the meaning of Section 7 of the Clayton Act. The Complaint refers to the relevant market as the ''Lambert transient general aviation jet fuel market.''

Sabreliner and Midcoast have been the only two FBOs providing, and capable of providing in the future, fueling services to general aviation aircraft at Lambert Field. Based on jet fuel sales revenue, Sabreliner has 15% of that market and Midcoast has 85%. Transient general aviation customers have benefited from competition between these two firms, receiving lower jet fuel prices and improved FBO services. As a result of its acquisition of Midcoast, Sabreliner now has a monopoly of the Lambert transient general aviation jet fuel market, which, absent relief, will likely cause general aviation customers to pay higher prices for jet fuel and received diminished services.

The St. Louis Airport Authority has committed to expanding the amount of space available at Lambert for scheduled commercial traffic and is unlikely to allocate more space to accommodate another FBO in the near future. Therefore, an increase in the price of jet fuel to transient general aviation customers will not be defeated by a new entrant.

III

Explanation of The Proposed Final Judgment

The United States brought this action because the effect of the acquisition of Midcoast by Sabreliner may be substantially to lessen competition, in violation of Section 7 of the Clayton Act, in the Lambert transient general aviation jet fuel market. The risk to competition posed by this acquisition, however, would be eliminated if the assets and leases currently held by Sabreliner to operate its Lambert transient general aviation fueling business were sold and assigned to a purchaser that could operate them as an active, independent and financially viable competitor. To this end, the provisions of the proposed Final Judgment are designed to accomplish the sale and assignment of certain assets and leaseholds to such a purchaser and thereby prevent the anticompetitive effects of the proposed acquisition.

Section IV of the proposed Final Judgment requires defendant Sabreliner, by May 1, 1995, to divest either its Transient Fuel Service Business as defined in Section II. D, or its Cargo and General Aviation Business, as defined in Section II. E of the proposed Final Judgment. Divestiture of one of the two groups of assets and leaseholds will cure the potential anticompetitive consequences of Sabreliner's acquisition of Midcoast.

The first group, Sabreliner's Transient General Aviation Business, includes the assets and leases a prospective purchaser would need to effectively operate a stand-alone transient general aviation fueling business. Should a purchaser elect to acquire and operate

these assets, the competition lost through Sabreliner's acquisition of Midcoast would be restored. However, Sabreliner's current revenue stream from its transient general aviation fueling business may be too small to attract, or viably support, a satisfactory purchaser. Accordingly, the second group, Cargo and General Aviation Business, is a broader package that includes assets that Sabreliner currently operates to provide fuel and other services to both cargo and general aviation aircraft at Lambert Field.

Under the proposed Final Judgment, Sabreliner must take all reasonable steps necessary to accomplish quickly the divestiture of one of the two specified groups of assets, and shall cooperate with *bona fide* prospective purchasers by supplying all information relevant to the proposed sale. Should Sabreliner fail to complete its divestiture by May 1, 1995, the Court will appoint, pursuant to Section V, a trustee to accomplish the divestiture. The United States will have the discretion to delay the appointment of the trustee for up to an additional two months should it appear that the assets can be sold in the extended time period.

Following the trustee's appointment, only the trustee will have the right to sell the divestiture assets, and defendant Sabreliner will be required to pay for all of the trustee's sale-related expenses. It will be in the sole discretion of the trustee to sell either package of assets, or any combination of those assets, necessary to accomplish a timely divestiture of Sabreliner's Transient Fuel Service Business.

Section VI of the proposed Final Judgment would assure the United States an opportunity to review any proposed sale, whether by Sabreliner or by the trustee, before it occurs. Under this provision, the United States is entitled to receive complete information regarding any proposed sale or any prospective purchaser prior to consummation. Upon objection by the United States to a sale of the divestiture assets by the defendant Sabreliner, a proposed divestiture may not be completed. Should the United States object to a sale of the divested assets by the trustee, that sale shall not be consummated unless approved by the Court.

Pursuant to Section V.G., should the trustee not accomplish the divestiture within six months of appointment, the trustee and the parties will make recommendations to the Court, which shall enter such orders as it deems appropriate to carry out the purpose of the trust, which may include extending the trust or the term of the trustee's appointment.

Under Section IX of the proposed Final Judgment, defendant Sabreliner must take certain steps to ensure that, until the required divestiture has been completed, the divestiture assets—Sabreliner's cargo and general aviation business—will be maintained as a separate, ongoing, viable business and kept distinct from Midcoast's assets and facilities at Lambert. Until such divestiture, Sabreliner must also continue to maintain and operate the business as a viable, independent competitor at Lambert Field, using all reasonable efforts to maintain and increase transient fuel sales. Sabreliner must maintain the business, so that it continues to be salable, including maintaining all records, loans, and personnel necessary for its operation.

Section X requires the defendant to make available, upon request, the business records and the personnel of its business. This provision allows the United States to inspect and ensure that the defendant is complying with the requirements of the proposed Final Judgment. Section XII of the proposed Final Judgment provides that it will expire on the tenth anniversary of its entry by the Court.

IV

Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the proposed Final Judgment has no prima facie effect in any subsequent private lawsuit that may be brought against the defendant.

V

Procedure for Commenting on the Proposed Final Judgment

The United States and defendant have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least 60 days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within 60 days of the date of publication of this Competitive Impact Statement in the Federal Register. The United States will evaluate the comments, determine whether it should withdraw its consent, and respond to comments. The comments and the response of the United States will be filed with the Court and published in the Federal Register.

Written comments should be submitted to: Roger W. Fones, Chief, Transportation, Energy & Agriculture Section, Antitrust Division, Judiciary Center Building, 555 4th Street, N.W., Room 9104, Washington, DC 20001.

VI

Altneratives to the Proposed Final Judgment

The proposed Final Judgment requires that the divestiture assets be sold to a purchaser with the capability and present intent of operating them as part of a viable, ongoing business capable of providing transient general aviation fueling services at Lambert Field. Thus, compliance with the proposed Final Judgment and the completion of the sale required by the Judgment should resolve the competitive concerns raised by the acquisition.

Litigation is, of course, always an alternative to a consent decree in a Section 7 case. The United States rejected this alternative because the sale required under the proposed Final Judgment should prevent the acquisition by Sabreliner of Midcoast from having a significant anticompetitive effect in the relevant market alleged.

The United States is satisfied that the proposed Final Judgment fully resolves the anticompetitive effects of the proposed merger alleged in the Complaint. Although the proposed Final Judgment may not be entered until the criteria established by the APPA (15 U.S.C. 16(b)(–(h)) have been satisfied, the public will benefit immediately from the safeguards in the proposed Final Judgment because the defendant has stipulated to comply with the terms of the Judgment pending its entry by the Court.

VII

Determinative Materials and Documents

There are no materials or documents that the United States considered to be determinative in formulating this proposed Final Judgment. Accordingly,

none are being filed with this Competitive Impact Statement.

Dated: February 6, 1995.

Respectfully submitted.

Roger W. Fones,

Chief.

Donna N. Kooperstein,

Assistant Chief.

Jonathan D. Lee,

Attorney.

Certificate of Service

I hereby certify that I am an attorney for the United States in this action, and have caused a true and correct copy of the foregoing Complaint, Stipulation, proposed Final Judgment, and Competitive Impact Statement, to be served by first class mail and February 6, 1995 for the defendant at the address below:

John Gillick,

Winthrop, Stimson, Putnam & Roberts.

For defendant Sabreliner Corporation.

Jonathan D. Lee,

Attorney in Charge.

[FR Doc. 95–3889 Filed 2–16–95; 8:45 am]

BILLING CODE 4410–01–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 petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 27, 1995.

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 February 27, 1995.

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, D.C. 20210.

Signed at Washington, D.C. this 6th day of February, 1995.

Victor J. Trunzo,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Allied Signal (wkrs)	Greenville, OH	02/06/95	01/26/95	30,701	Automobile Filters.
Bearings, Inc (wkrs)	Cleveland, OH	02/06/95	01/10/95	30,702	Bearings and Power Transmission.
Dauman Dislays (wkrs)	New York, NY	02/06/95	01/22/95	30,703	Glass Display Cabinets.
Lynwood Fashions (ILGWU)	Wilkes-Barre, PA	02/06/95	01/24/95	30,704	Ladies' Dresses.
M.W. Carr Co., Inc (Co)	Somerville, MA	02/06/95	01/20/95	30,705	Wood & Metal Frames.
Xerox Corp (wkrs)	Rochester, NY	02/06/95	01/18/95	30,706	Copiers and Printers.
Tidewater Inc. (wkrs)	New Orleans, LA	02/06/95	01/24/95	30,707	Oilfield Services.
U.S. Dept. of Agri., F.S.I.S.,I.I.D. (wkrs)	New Orleans, LA	02/06/95	01/23/95	30,708	Meat Inspection Services.
Contract Mfg./Monroe Mfg. (ACTWU)	Monroe, LA	02/06/95	01/23/95	30,709	Baby Bottles & Infant Gift Sets.
Crown Cork & Seal (wkrs)	Swedesboro, NJ	02/06/95	01/23/95	30,710	Metal Cans—Baby Formula.
Avenue West Sportswear (wkrs)	Hammonton, NJ	02/06/95	01/09/95	30,711	Ladies Sportswear.
U.S. Information Agency (wkrs)	Mason, OH	02/06/95	01/20/95	30,712	Domestically Produced Radio Programing.
Cascade Woolen Mills, Inc (wkrs)	Oakland, ME	02/06/95	01/26/95	30,713	Woolen & Synthetic Fabrics.
Endicott Forgings & Mfg Co(IAMAW)	Endicott, NY	02/06/95	01/26/95	30,714	Metal Forgings.
Hanover Shoe C (Co)	Marlinton, WV	02/06/95	01/25/95	30,715	Men's Dress Shoes.
Hanover Shoe Co (Co)	Franklin, WV	02/06/95	01/25/95	30,716	Men's Dress Shoes.
3m Co (OCAW)	Freehold, NJ	02/06/95	01/25/95	30,717	Electric Tapes.
Q.T. Foundations (ILGWU)	Bergen Field, NJ	02/06/95	01/25/95	30,718	Under Garments.
Joseph Frank (ILGWU)	Passaic, NJ	02/06/95	01/25/95	30,719	Women's Coats.
SNE Enterprises, Inc. (wkrs)	Spokane, WA	02/06/95	01/24/95	30,720	Wood Windows & Doors.
Sunbeam-Oster Household Products (wkrs)	Holly Springs, MS	02/06/95	01/26/95	30,721	Kitchen Appliances.

[FR Doc. 95–4025 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,360 Nylon Hosiery Department TA–W–30,360A Polyester Filament Department]

BASF Corporation, Lowland, Tennessee; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 7, 1994, applicable to all workers of the nylon hosiery department. The certification notice was published in the **Federal Register** on January 3, 1995 (60 FR 148).

The certification was amended on February 3, 1995 to include all the workers of the polyester filament department. This notice will soon be published in the **Federal Register**.

At the request of the workers and with congressional support, the Department again reviewed the certification for workers of the subject firm. New findings show that some workers were laid off just prior to the September 19, 1993 impact date set in the certification. The Department in setting its impact date can go back to August 1, 1993.

Accordingly, the Department is amending the certification by deleting the September 19, 1993 impact date and setting a new impact date of August 1, 1993.

The intent of the Department's certification is to include all workers who were adversely affected by increased imports.

The amended notice applicable to TA–W–30,360 is hereby issued as follows:

All workers of BASF Corporation, Polyester Filament Department and the Nylon Hosiery Department, Lowland, Tennessee who became totally or partially separated from employment on or after August 1, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, D.C., this 10th day of February 1995.

Victory J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 94–4020 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,360]

BASF Corporation, Lowland, Tennessee; Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance; Correction

This notice corrects the notice for petition TA–W–30,360 which was published in the **Federal Register** on October 21, 1994 (59 FR 53209) in FR Document 94–26176.

This revises the date received and the date of petition on the 1st line of the third and fourth columns in the appendix table on page 53209. The date received and the date of petition should both read ''August 1, 1994'' in the third and fourth columns on the first line of the appendix table.

Signed in Washington, DC, this 10th day of February, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–4021 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–30,259]

Contract Fusing, Duryea, Pennsylvania

Notice of Negative Determination Regarding Application for Reconsideration

By an application dated December 19, 1994, counsel for the workers requested administrative reconsideration of the subject petition for trade adjustment assistance (TAA). The denial notice was singed on November 21, 1994 (59 FR 63822).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following conditions:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appear that the determination complained of was based on a mistake in the determination of fact not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The investigation findings show that the workers performed various fusing services for various manufacturers.

The Department's denial was based on the fact that the ''contributed importantly'' test of the workers group eligibility requirements of the Trade Act was not met. This test is generally demonstrated through a survey of the workers' firm's customers. The Department's survey of manufacturers for whom the subject firm performed contract work in 1992, 1993 and in the first nine months of 1994 showed that none of the respondents reported importing fused cloth material in the relevant period.

Counsel states that Contract Fusing was a subdivision of Valley Dress whose workers were certified for TAA by the Department. Counsel also states that the issue is not the importation of fused cloth but rather the importation of garments/dresses and that the entire garment industry has been adversely affected by increased imports.

A review of the investigation files for Valley Dress (TA–W–27,889) shows that the workers produced ladies' dresses and suits and the workers were certified for TAA; however, the plant closed permanently on June 15, 1992. The date of the petition for the subject workers of Contract Fusing is August 19, 1994.

To show integration of production between Valley Dress and Contract Fusing, the workers of Contract fusing should have filed 2 to 3 years earlier when Valley Dress was in operation. At this late date the Department sees no effect on Contract Fusing from a certified plant that closed much earlier.

Very early in the administration of the worker adjustment assistance program, the courts addressed the issue of components and finished articles. In *United Shoe Workers of America, AFL-CIO* v. *Bedell*, 506 F2d 174, (D.C. Cir. 1974) the court held that imported finished women's shoes were not like or directly competitive with shoe components—shoe counters. Similarly, ladies' dresses and suits cannot be considered like or directly competitive with fused cloth or other components for ladies' dresses or suits.

Further, the worker adjustment assistance program was not intended to provide TAA to workers who are in some way related to import competition but only for those workers who produce an article and are adversely affected by increased imports of like or directly competitive articles which contributed importantly to sales or production and employment declines at the workers' firm. Fusing cloth (an operation or service) is not like or directly competitive with ladies' dresses or suits.

Conclusion

After 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 decision.Accordingly, the application is denied.

Signed at Washington, DC, this 10th day of February, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–4019 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,483]

EFR Corporation, Everett, Washington; Notice of Negative Determination Regarding Application for Reconsideration

By an application dated January 9, 1995, a former company official requested administrative reconsideration of the subject petition for trade adjustment assistance, TAA. The denial notice was issued on December 22, 1994 and published in the **Federal Register** on January 20, 1995 (60 FR 4194).

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.

Investigation findings show that the workers produced logs.

In 1994 EFR went into a partnership with Crown Pacific to clear a parcel of land. EFR owned the timber once the logs were cut. EFR sold the logs to one customer. The partnership was dissolved in November 1994.

The Department's denial was based on the fact that the ''contributed importantly'' test of the worker group eligibility requirements of the Trade Act was not met. The ''contributed importantly'' test is generally demonstrated through a survey of the subject firm's major declining customers. The Department's survey found that the respondents did not import logs or limber in the period relevant to the petition.

Further, foreign competition, in itself, would not form a basis for a worker group certification. The worker group requirements necessary for certification are (1) a significant decrease in employment; (2) an absolute decline in sales or production and (3) increased imports of articles that are like or directly competitive with those produced by the subject firm and which contributed importantly to declines in sales or production and employment. The ''contributed importantly'' test in this case was not met.

The workers were denied under a NAFTA petition, (NAFTA 274).

Conclusion

After 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 decision. Accordingly, the application is denied.

Signed at Washington, D.C., this 10th day of February 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–4018 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–30, 579]

McCord Winn Textron, Winchester, MA; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) as amended by the Omnibus Trade and Competitiveness Act of 1988 (P. L. 100–418), the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated in response to a petition received on December 19, 1994, and filed by a company official and the International Union of Electrical Workers, Local 277, on behalf of workers at McCord Winn Textron, Winchester, Massachusetts. The workers produce automobile fuel pump armatures.

The Department of Labor surveyed the principal customer of the subject firm regarding its purchases of fuel pump armatures in 1992–1993 and January to November, 1993–1994. The survey revealed that the customer is sourcing a large portion of the armatures formerly purchased from the subject firm with armatures produced abroad.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with automobile fuel pump armatures produced at McCord Winn Textron, Winchester, Massachusetts, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

''All workers of McCord Winn Textron, Winchester, Massachusetts, engaged in employment related to the production of automobile fuel pump armatures who became totally or partially separated from employment on or after December 8, 1993, through two years from the date of certification are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed in Washington, D.C. this 31st day of January, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–4026 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,186]

Owens-Illinois a/k/a Owens Brockway Glass Containers Waco, TX; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 1, 1994, applicable to all workers of Owens-Illinois in Waco, Texas. The certification notice was published in the **Federal Register** on November 16, 1994 (59 FR 59253).

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. The investigation findings show that the

claimants' wages for Owens-Illinois, Waco, Texas are being reported under Owens Brockway Glass Containers, Waco, Texas.

Accordingly, the Department is amending the certification to properly reflect the correct worker group.

The intent of the Department's certification is to include all workers of Owens Brockway Glass Containers, in Waco, Texas, a division of Owens-Illinois irrespective to which account their unemployment insurance (UI) taxes are paid.

The amended notice applicable to TA–W–30,186 is hereby issued as follows:

''All workers of Owens-Illinois, a/k/a Owens Brockway Glass Containers, Waco, Texas engaged in employment related to the production of glass containers who became totally or partially separated from employment on or after July 24, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, DC, this 10th day of February, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–4023 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

Employment and Training Administration

[TA–W–30, 361]

Wailuku Agribusiness Company, Inc. Pineapple Division, Wailuku, HI; Notice of Affirmative Determination Regarding Application for Reconsideration

On December 23, 1994, Local #142 of the International Longshoremen's & Warehousemen's Union (ILWU) and the company requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers at the subject firm. The Department's Negative Determination was issued on November 22, 1994 and published in the **Federal Register** on December 16, 1994 (59 FR 65076).

A review of the findings shows that Wailuku was impacted by imports since its sole customer was certified for TAA (TA–W–30,229).

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 10th day of February 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–4017 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,177 Waterville, ME, TA–W–30,177A Ciales, PR]

Warnaco Men's Apparel Division; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 7, 1994, applicable to all workers of the Warnaco Men's Apparel Division in Waterville, Maine. The certification notice was published in the **Federal Register** on October 4, 1994 (59 FR 50625).

The Department, at the request of the Amalgamated Clothing and Textile Workers Union (ACTWU), reviewed the certification for workers of the subject firm located in Waterville, Maine.

New findings show that production at the Hawthorn Shirt plant of Warnaco Men's Apparel Division in Ciales, Puerto Rico is integrated with that of the Waterville, Maine plant. Substantial worker separations occurred in Ciales, Puerto Rico in 1994 resulting from a reduced demand from the Waterville plant.

Accordingly, the Department is amending the certification to include the workers of the Ciales, Puerto Rico plant.

The amended notice applicable to TA–W–30,177 is hereby issued as follows:

''All workers of Warnaco Men's Apparel Division in Waterville, Maine and Ciales, Puerto Rico who became totally or partially separated from employment on or after July 25, 1993, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed at Washington, D.C., this 10th day of February 1995.

Victor J. Trunzo,

Program Director, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–4022 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

Footwear Management Company; Amended Certification Regarding Eligibility to Apply for NAFTA Transitional Adjustment Assistance

In the matter of TA–W–30,545 Noconta Boot Company, Nocona, TX; TA–W–30,545A Tony Lama Division, El Paso, TX; TA–W–30,545B Justin Boot Company, Fort Worth, TX; TA–W–30,545C Justin Boot Company, Cassville, MO; TA–W–30,545D Justin Boot Company, Sarcoxie, MO; TA–W–30,545E Justin Boot Company, Carthage, MO.

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 January 26, 1995, applicable to all workers of the Nocona Boot Company, Nocona, Texas who were engaged in employment related to the production of leather boots.

At the request of the State Agency, the Department reviewed the certification for workers of the subject firm. New investigation findings show the Footwear Management Company is the parent company of the Nocona Boot Company; Tony Lama Division, and the Justin Boot Company and that the production is integrated among the firms. These divisions were certified under NAFTA–TAA (NAFTA–00252 A–E) on November 14, 1994, amended on December 21, 1994 and on February 6, 1995.

The Department is also amending the original certification (TA–W–30,545) to correct the name and location of the Nocona Boot Company, Nocona, Texas from Nacona Boot Company, Nacona, Texas.

The amended notice applicable to TA–-W–30,545 is hereby issued as follows:

''All workers of Footwear Management Company in the following divisions: Tony Lama Division, El Paso, Texas; Justin Boot Company, Fort Worth, Texas; Cassville, Missouri; Sarcoxie, Missouri; and Carthage, Missouri and the Nocona Boot Company in Nocona, Texas who became totally or partially separated from employment on or after November 29, 1993 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.''

Signed in Washington, DC., this 9th day of February, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–4024 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–30–M

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas 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.

Supersedeas Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their date of notice in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of decisions being superseded.

Volume I

New York
NY94–71 (APR. 15, 1994) NY95–71

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determination Issued Under the Davis-Bacon and related Acts'' are listed by Volume and State:

Volume I

New York
NY950074
NY950075
NY950076
NY950077

Volume III

Mississippi
MS950057

Volume VI

South Dakota
SD950044

Modification to General Wage Determinations 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 parenteses following the decisions being modified.

Volume I

Connecticut
CT950002 (Feb. 10, 1995)
CT950003 (Feb. 10, 1995)
CT950004 (Feb. 10, 1995)

Volume II

Pennsylvania
PA950001 (Feb. 10, 1995)
Virginia
VA950026 (Feb. 10, 1995)

Volume III

Florida
FL950045 (Feb. 10, 1995)
Georgia
GA950003 (Feb. 10, 1995)
GA950004 (Feb. 10, 1995)
GA950032 (Feb. 10, 1995)
GA950050 (Feb. 10, 1995)
GA950053 (Feb. 10, 1995)
GA950073 (Feb. 10, 1995)
GA950083 (Feb. 10, 1995)
Kentucky
KY950027 (Feb. 10, 1995)
KY950029 (Feb. 10, 1995)
KY950035 (Feb. 10, 1995)
South Carolina
SC950036 (Feb. 10, 1995)

Volume IV

Michigan
MI950007 (Feb. 10, 1995)
Minnesota
MN950005 (Feb. 10, 1995)
MN950007 (Feb. 10, 1995)
MN950008 (Feb. 10, 1995)
MN950012 (Feb. 10, 1995)
MN950015 (Feb. 10, 1995)
MN950027 (Feb. 10, 1995)
MN950031 (Feb. 10, 1995)
MN950035 (Feb. 10, 1995)
MN950039 (Feb. 10, 1995)
MN950058 (Feb. 10, 1995)
MN950059 (Feb. 10, 1995)
MN950061 (Feb. 10, 1995)
Ohio
OH950002 (Feb. 10, 1995)
OH950029 (Feb. 10, 1995)
Wisconsin
WI950019 (Feb. 10, 1995)

Volume V

Nebraska
NE950003 (Feb. 10, 1995)
NE950009 (Feb. 10, 1995)
NE950010 (Feb. 10, 1995)
NE950011 (Feb. 10, 1995)
New Mexico
NM950001 (Feb. 10, 1995)

Volume VI

California

CA950002 (Feb. 10, 1995)
CA950004 (Feb. 10, 1995)
Colorado
CO950001 (Feb. 10, 1995)
CO950003 (Feb. 10, 1995)
CO950006 (Feb. 10, 1995)
CO950011 (Feb. 10, 1995)
CO950018 (Feb. 10, 1995)
CO950021 (Feb. 10, 1995)
South Dakota
SD950001 (Feb. 10, 1995)
SD950003 (Feb. 10, 1995)
SD950004 (Feb. 10, 1995)
SD950005 (Feb. 10, 1995)
SD950029 (Feb. 10, 1995)

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. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783–3238

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which included all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 10th day of February, 1995.

Alan L. Moss,

Director, Division of Wage Determination.

[FR Doc. 95–3774 Filed 2–16–95; 8:45 am]

BILLING CODE 4510–27–M

Mine Safety and Health Administration

Advisory Committee; Establishment

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice; extension of comment period.

SUMMARY: In response to requests from the mining community, the Mine Safety and Health Administration (MSHA) is extending the time period to submit comments regarding the establishment of an advisory committee to eliminate pneumoconiosis among coal miners.

DATES: Comments must be filed on or before March 1, 1995.

ADDRESSES: Send written comments to the Office of Standards, Regulations and Variances, MSHA, Room 631, 4015 Wilson Boulevard, Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On January 31, 1995, the Secretary of Labor published a notice in the **Federal Register** (60 FR 5947) announcing the establishment of an advisory committee on the elimination of pneumoconiosis among coal miners. Comments regarding the establishment of the committee were due on February 15, 1995.

In response to requests from the mining community, the Agency is extending the comment period until March 1, 1995.

Dated: February 14, 1995.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 95–4082 Filed 2–14–95; 4:00 pm]

BILLING CODE 4510–43–P

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

Meeting

AGENCY: Martin Luther King, Jr. Federal Holiday Commission.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Act, Public Law 92–463, as amended, the Martin Luther King, Jr. Federal Holiday Commission announces a forthcoming meeting of the Commission.

DATES: March 30, 1995.

TIME: 2:00 p.m.—4:00 p.m.

LOCATION: U.S. House of Representatives, Rayburn House Office Building, Conference Room 2261, Washington, D.C. The public is invited.

FOR FURTHER INFORMATION CONTACT: Valerie P. Pinkney, Executive Officer, Washington Office (202) 708–1005.

Dated: February 1, 1995.

Valerie P. Pinkney,

Executive Officer.

[FR Doc. 95–3994 Filed 2–16–95; 8:45 am]

BILLING CODE 4210–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to OMB for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new revision, or extension: Revision.
2. The title of information collection: 10 CFR 50, Revision of Appendix J, ''Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors.''
3. The form number if applicable: Not applicable.
4. How often the data collection is required: Licensees will be required to keep an on-site implementation plan with records of analyses to justify their performance-based test programs and to monitor for effectiveness.
5. Who will be required or asked to report: Commercial power reactor licensees.
6. Estimate of the number of responses: This rulemaking would eliminate about 33 responses annually.
7. An estimate of the total number of hours needed annually to complete the requirement or request: Net burden reduction as follows: 4,583 hours per year for all power reactor licensees, including those facilities choosing the proposed option, for an average of about 42 hours per reactor licensee per year.
8. An indication of whether Section 3504(h), Pub L. 96–511 applies: Applicable
9. Abstract: The NRC is proposing to amend its regulations to reduce the frequency of containment structure leak rate testing. This rulemaking allows power reactor licensees to adopt Option B of Appendix J which (a) decreases the frequency of containment structure integrated leak testing (Type A), (b) provides an option to licensees for establishing Type B and C local leak test frequencies based on the performance history of the components (which is expected to result in a decrease in testing frequency for a majority of the components), (c) and eliminates the need for reporting test results to the NRC. The revised Appendix J requires

licensees to develop an implementation plan with supporting analyses and justifications and to notify NRC of implementation of that plan prior to establishing a performance-based leak test program.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW., Lower Level, Washington, DC 20037.

Comments and questions can be directed by mail to the OMB reviewer: Troy Hillier, Office of Information and Regulatory Affairs (3150–0011), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395–3085.

The NRC Clearance Officer is Brenda Jo Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 13th day of February, 1995.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 95–4008 Filed 2–16–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–461]

Illinois Power Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–62, issued to the Illinois Power Company (the licensee) for operation of the Clinton Power Station, Unit 1, located in DeWitt County, Illinois.

The proposed amendment would modify Technical Specifications (TSs) 3.8.2, ''AC Sources-Shutdown;'' 3.8.5, ''DC Sources-Shutdown;'' and 3.8.8, ''Inverters-Shutdown.'' The proposed changes revise the operability requirements for the Division 3 diesel generator and the Division 3 and 4 batteries, battery chargers, and inverters to apply only when the high pressure core spray system is required to be OPERABLE.

The onsite Class 1E safety-related power systems at the Clinton Power Station include AC, DC and uninterruptible AC bus power systems. The Class 1E AC power system supplies power to the unit Class 1E loads and consists of 4160–V switchgear, 480–V unit substations, and 480–V motor control centers (some of which include 480–120/208–V transformers and distribution panels). The system includes diesel generators that serve as standby power sources, independent of any other onsite or offsite source. The onsite system is divided into three divisions, each with its own independent distribution network, diesel generator (DG), and redundant load group. Each division is capable of being supplied by one onsite (DG) and two offsite sources of electrical power for serving the unit Class 1E AC loads.

The Class 1E DC power system supplies 125 VDC power to unit Class 1E loads. The primary sources are battery chargers. The system includes batteries, battery chargers, motor control centers, and DC distribution panels. The system is divided into four divisions, each with its own independent distribution network, battery, battery charger and redundant load group.

The Class 1E uninterruptible AC bus power system supplies 120 VAC power to the nuclear system protection system (NSPS) and miscellaneous Class 1E loads. The system is also divided into four divisions and includes uninterruptible power supplies and buses. The uninterruptible AC bus power supply system is designed to provide adequate uninterruptible power to all the NSPS loads during all modes of operation including abnormal and accident conditions. Loads include NSPS logic power, neutron monitoring, process radiation monitoring, portions of the leak detection system, reactor water cleanup and residual heat removal system sample line valves, and scram discharge volume controls and indication. The Division 4 Class 1E power system components, which require AC power to operate are supplied by the Division 2 Class 1E AC power system.

Since safety-related loads supplied power by electrical power distribution subsystems that are ''fail-safe'' or otherwise do not need an electrical power source to perform their intended safety functions, Illinois Power believes that the technical specification requirements are overly restrictive as related to Division 3 and 4, and place unnecessary constraints on when certain work can be performed or when certain systems can be removed from service relative to an optimal refueling outage work schedule. The applicable loads are primarily supplied by the Division 3 and 4 electrical power systems. Thus, Illinois Power is requesting a relaxation from the technical specification requirements associated with Division 3 and 4 electrical power system requirements that are applicable during plant shutdown conditions.

The need for the technical specification change was recently identified during outage planning in preparation for the fifth refueling outage, scheduled to begin March 12, 1995, at the Clinton Power Station. The change significantly affects ''critical path'' work activities during the outage and will prevent unnecessary delays in plant startup. Any unnecessary delays would result in a significant financial impact on the utility.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issues of no significant hazards consideration, which is presented below:

(1) The proposed changes do not involve a change to plant design and are limited to requirements for operability of electrical power sources when the plant is not operating in MODES 1, 2, or 3. The proposed changes will still ensure that sufficient electrical power is required to be operable to mitigate the consequences of postulated accidents. As described previously, and except for the source range monitors (SRMs), the reduced redundancy of electrical power sources to non-high pressure core spray (HPCS) system loads is not safety significant due to the fail-safe nature of those loads. With respect to the SRMs, the SRMs are not assumed to function to mitigate any design basis accidents or transients. The SRMs provide monitoring during plant startup and refueling operations. In addition, there are no accidents postulated to occur as a result of a malfunction of electrical power sources with the plant shut down. As a result, the proposed changes will not result in an increase in the probability or consequence of any accident previously evaluated.

(2) The proposed changes do not involve a change to plant design and are limited to requirements for operability of electrical power sources when the plant is not operating in MODES 1, 2, or 3. In addition, there are no accidents postulated to occur as a result of a malfunction of electrical power

sources with the plant shut down. As discussed above, the components which receive power from the Division 3 and 4 electrical power distribution subsystems do not require electrical power to perform their safety functions when the HPCS System is not required to be operable for compliance with Limiting Condition for Operation (LCO) 3.5.2, ''ECCS-Shutdown.'' As a result, the proposed changes cannot create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) As described in the Bases for LCO 3.8.2, ''AC Sources-Shutdown,'' the technical specification requirements ensure that the unit has the capability to mitigate the consequences of postulated accidents. However, as also described in those Bases, a single failure and a concurrent loss of all offsite power or loss of all onsite power is not required to be assumed. The proposed changes only affect the requirements for electrical power sources when the plant is operating outside MODES 1, 2, and 3 and only affect the requirements for the electrical power sources for Divisions 3 and 4. Except when the HPCS System is operable for compliance with LCO 3.5.2, the requirements for the Division 1 and 2 electrical power sources are adequate to mitigate postulated accidents, assuming a single failure or loss of offsite or onsite power. The proposed changes will ensure that both Division 3 and 4 inverters, batteries, battery chargers, and a second qualified offsite circuit or the Division 3 diesel generator is operable when the HPCS System is required operable for compliance with LCO 3.5.2. As a result, the proposed changes do not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 20, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no

significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Leif Norrholm, Director, Project Directorate III–3: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Leah Manning Stetzner, Vice President, General Counsel, and Corporate Secretary, 500 South 27th Street, Decatur, Illinois 62525, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 14, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Dated at Rockville, Maryland, this 15th day of February 1995.

For the Nuclear Regulatory Commission.

Douglas V. Pickett,

Project Manager, Project Directorate III–3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–4169 Filed 2–16–95; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Discount Rates for Cost-Effectiveness Analysis of Federal Programs

AGENCY: Office of Management and Budget.

ACTION: Revisions to Appendix C of OMB Circular A–94.

SUMMARY: The Office of Management and Budget revised Circular A–94 in 1992. The revised Circular specified certain discount rates to be updated annually when the interest rate and inflation assumptions used to prepare the budget of the United States Government are changed. These discount rates are found in Appendix C of the revised Circular. The updated discount rates are shown below. The discount rates in Appendix C are to be used for cost-effectiveness analysis, including lease-purchase analysis, as specified in the revised Circular. They do not apply to regulatory analysis.

DATES: The revised discount rates are effective immediately and will be in effect through February 1996.

FOR FURTHER INFORMATION CONTACT: Robert B. Anderson, Office of Economic Policy, Office of Management and Budget, (202) 395–3381.

Joun B. Arthur,

Associate Director for Administration.

Memorandum for the Heads of Departments and Agencies

From: Alice M. Rivlin

Subject: 1995 Discount Rates for OMB Circular No. A–94

On October 29, 1992, OMB issued a revision to OMB Circular No. A–94, ''Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs.'' The revision established new discount rate guidelines for use in benefit-cost and other types of economic analysis.

The revised Circular specifies certain discount rates that will be updated annually when the interest rate and inflation assumptions in the budget are changed. These discount rates are found in Appendix C of the revised Circular. The attachment to this memorandum is an update of Appendix C. It provides discount rates that will be in effect for the period March 1995 through February 1996.

The rates presented in Appendix C do not apply to regulatory analysis. They are to be used for lease-purchase and cost-effectiveness analysis, as specified in the Circular.

Attachement

Appendix C

(Revised January 1995)

Discount Rates for Cost-Effectiveness, Lease Purchase, and Related Analyses

Effective Dates. This appendix is updated annually around the time of the President's budget submission to Congress. This version of the appendix is valid through the end of February, 1996. Copies of the updated appendix and the Circular can be obtained from the OMB Publications Office (202–395–7332). Updates of this appendix are also available upon request from the Office of Economic Policy (202–395–3381), as is a table of past years' rates.

Nominal Discount Rates. Nominal interest rates based on the economic assumptions from the budget are presented in the table below. These nominal rates are to be used for discounting nominal flows, as in lease-purchase analysis.

NOMINAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES (IN PERCENT)

3-year	5-year	7-year	10-year	30-year
7.3	7.6	7.7	7.9	8.1

Analyses of programs with terms different from those presented above may use a linear interpolation. For example, a four-year project can be evaluated with a rate equal to the average of the three-year and five-year rates. Programs with durations longer than 30 years may use the 30-year interest rate.

Real Discount Rates. Real interest rates based on the economic assumptions from the budget are presented below. These real rates are to be used for discounting real (constant-dollar) flows, as in cost-effectiveness analysis.

REAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES (IN PERCENT)

3-year	5-year	7-year	10-year	30-year
4.2	4.5	4.6	4.8	4.9

Analyses of programs with terms different from those presented above may use a linear interpolation. For example, a four-year project can be evaluated with a rate equal to the average of the three-year and five-year rates. Programs with durations longer than 30 years may use the 30-year interest rate.

[FR Doc. 95–4078 Filed 2–16–95; 8:45 am]

BILLING CODE 3110–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–7135; 34–35368 File No. 265–20]

Advisory Committee on the Capital Formation and Regulatory Processes

AGENCY: Securities and Exchange Commission.

ACTION: Notice.

SUMMARY: The Chairman of the Commission, with the concurrence of the other members of the Commission intends to establish the Securities and Exchange Commission Advisory Committee on the Capital Formation and Regulatory Processes (''Committee''), which will advise the Commission regarding the informational needs of investors and the regulatory costs imposed on the U.S. securities markets.

The first meeting of the Committee will be held on March 6, 1995 in room 1C30 at the Commission's main offices, 450 Fifth Street, N.W., Washington, D.C. beginning at 10:00 a.m. The meeting will be open to the public, and the public is invited to submit written comments to the Committee.

ADDRESSES: Written comments should be submitted in triplicate and should refer to File No. 265–20. Comments should be submitted to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Meridith Mitchell, Special Counsel, Office of the General Counsel, at 202–942–0890; Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., the Securities and Exchange Commission has directed publication of this notice that Chairman Arthur Levitt, with the concurrence of the other members of the Commission, intends to establish the ''Securities and Exchange Commission Advisory Committee on the Capital Formation and Regulatory Processes.'' Chairman Levitt certifies that he has determined that the creation of the Committee is necessary and in the public interest.

The Committee's charter directs the Committee to assist the Commission in evaluating the efficiency and effectiveness of the regulatory process and the disclosure requirements relating to public offerings of securities, secondary market trading and corporate reporting, and in identifying and developing means to minimize costs imposed by current regulatory programs, from the perspective of investors, issuers, the various market participants, and other interested persons and regulatory authorities.

To achieve the Committee's goals, members will be appointed that can represent effectively the varied interests affected by the range of issues to be considered. The Committee's membership may include, among others, persons who can represent investors, issuers, market participants, independent public accountants, regulators and the public at large. The Commission expects that the Committee's members will represent a variety of viewpoints and have varying experience, and that the Committee will be fairly balanced in terms of points of view, backgrounds and tasks. The Chairman of the Committee will be Commissioner Steven M.H. Wallman.

The Committee will conduct its operations in accordance with the provisions of the Federal Advisory Committee Act. The duties of the Committee will be solely advisory. Determinations of action to be taken and policy to be expressed with respect to matters upon which the Advisory Committee provides advice or recommendations shall be made solely by the Commission.

The Committee will meet at such intervals as are necessary to carry out its functions. It is expected that meetings of the full Committee generally will occur no more frequently than nine times; meetings of subgroups of the full Advisory Committee will likely occur more frequently. The Securities and Exchange Commission will provide necessary support services to the Committee.

The Committee will terminate at the end of one year from the date of its establishment unless, prior to such time, its charter is renewed in accordance with the Federal Advisory Committee Act, or unless the Chairman, with the concurrence of the other members of the Commission, determines that continuance of the Committee is no longer in the public interest.

Fifteen days after publication of this notice in the **Federal Register**, a copy of the charter of the Committee will be filed with the Chairman of the Commission, the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Commerce. A copy of the charter will also be furnished to the Library of Congress and placed in the Commisssion's Public Reference Room for public inspection.

Furthermore, upon establishment of the Committee, and in accordance with section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 10a, notice is hereby given that the first meeting of the Committee will be held on March 6, 1995 in room 1C30 at the Commission's main offices, 450 Fifth Street, N.W., Washington, D.C., beginning at 10:00 a.m. The meeting will be open to the public. The purpose of this meeting will be to discuss general organizational matters, to plan the progression of the Committee's work, and to begin discussion of the effects of the current regulatory scheme on capital formation in the United States.

Dated: February 13, 1995.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–4058 Filed 2–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35360; File No. SR–Amex–94–50]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to Proposed Commentary .02 to Rule 60

February 13, 1995.

Introduction

On November 14, 1994, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to codify the Amex's agreement with the New York Stock Exchange (''NYSE'') whereby the NYSE will not be held liable for damages sustained by an Amex member's or member organization's use of any NYSE system, service, or facility.

The proposed rule change was published for comment in Securities Exchange Act Release No. 35146 (December 23, 1994), 60 FR 516 (January 4, 1995). No comments were received on the proposal.

II. Background and Discussion

The proposed rule change emanates from several licensing agreements between the NYSE and Amex. For example, in 1993 the Amex licensed the NYSE electronic display book for

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

equities. As part of that licensing agreement, the NYSE required that it be protected from liability for damages sustained by Amex members and member organizations using the display book on the Amex floor. Consequently, the Amex adopted a policy statement disclaiming NYSE liability for such damages.[3]

Most recently, the Amex entered into an agreement with the NYSE to integrate the Amex's Equity Intra-Day Comparison System (''IDC'') into the NYSE's On-Line Comparison System (''OCS''), so that Amex equity and bond transactions can be compared through OCS. This will enable members to utilize the same computer terminal for the comparison of both Amex and NYSE securities and thus lessen the cost to the member firm community. The integration is being accomplished in two steps. Amex listed corporate bonds began to be compared through OCS on October 21, 1994, and equities are expected to be phased in by the end of the first quarter of 1995.

As the Amex may enter into additional agreements with the NYSE in the future relating to the use of other NYSE systems, services, or facilities by Amex member firms, this proposal would codify a liability disclaimer provision to cover not only the current situation involving the use of OCS, but also all future situations where Amex member firms are using other NYSE facilities in accordance with similar agreements with the NYSE.[4] The Amex plans to disseminate proposed Commentary .02 to its Rule 60 to the membership, upon SEC approval.

The Commission notes that the Amex Constitution (Article IV, Section 2(e)) currently provides that the Exchange shall not be liable for any damages incurred by a member firm growing out of its use of the facilities afforded by the Exchange for the conduct of its business (which includes the use of the Exchange's trading systems), except as the Exchange may otherwise provide. Further, the NYSE Constitution has a similar provision regarding use of its facilities by its members. Finally, the Commission notes that the terms of the proposed Commentary are merely a codification of the contractual agreements between the Amex and the NYSE wherein the Amex has agreed to disclaim NYSE's liability under the specified circumstances referred to herein.

The Commission believes that it is reasonable for the NYSE to be released from liability for injuries sustained by Amex members and member organizations using the NYSE's OCS. As noted above, the proposed rule change is similar to existing Amex and NSE rules that limit exchange liability. In addition, under similar circumstances, the Commission has allowed licensee exchanges to release licensors from certain liability for damages resulting from use of their product.[5] Finally, the Commission wishes to emphasize that this disclaimer only affects NYSE liability for losses sustained by Amex members and member organizations using OCS and does not extend to customer-related losses.

III. Conclusion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b).[6] In particular, the Commission believes the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, and to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities. The Commission also finds that the proposal is consistent with Section 17A[7] in that it furthers the use of new data processing and communications techniques that should result in more accurate clearance and settlement of securities transactions.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–Amex–94–50) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–4043 Filed 2–16–95; 8:45 am]

BILLING CODE 8010–01–M

[3] *See* Securities Exchange Act Release No. 32140 (April 14, 1993), 58 FR 21327 (April 20, 1993).

[4] The NYSE acknowledges that under New York State Common Law, a liability disclaimer such as the instant one does not insulate the NYSE from loss due to the gross negligence or willful misconduct. Conversation between Steve Abrams and Michael Simon, Milbank, Tweed, Hadley & McCloy, Counsel to NYSE, and Amy Bilbija, Attorney, Commission, dated December 2, 1994.

[5] For example, the Commission has approved limited disclaimers of liability for licensors of the indexes underlying index options. *See, e.g.*, Securities Exchange Act Release Nos. 31382 (October 30, 1992), 57 FR 52802 (November 5, 1992) (regarding options on Russell 2000 Index); and 19908 (June 24, 1983), 48 FR 30815 (July 5, 1983) (regarding options on Standard & Poor's 500 Stock Price Index).

[6] 15 U.S.C. § 78f(b) (1988).

[7] 15 U.S.C. 78q–1 (1988).

[8] 15 U.S.C. § 78s(b)(2) (1988).

[9] 17 CFR 200.30–3(a)(12) 1994.

[Release No. 34–35363; International Series Release No. 785 File No. SR–Amex–95–04]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change By the American Stock Exchange, Inc. Relating to the Listing of Warrants Based on the Value of the U.S. Dollar in Relation to the Mexican Peso

February 13, 1995.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 8, 1995, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared by the Amex. 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 Exchange proposes to approve for listing and trading under section 106 of the Amex Company Guide (''Guide'') warrants based on the value of the U.S. dollar in relation to the Mexican peso (''Mexican Peso Warrants''). The text of the proposed rule change is available at the Office of the Secretary, the Amex, and at the Commission.

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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discuss 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 Amex 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 the Statutory Basis for, the Proposed Rule Change

Under section 106 (Currency and Index Warrants) of the Guide, the Exchange may approve for listing warrants based on the relation of the

U.S. dollar to foreign currencies.[1] The Amex currently trades foreign currency warrants based upon the value of the U.S. dollar in relation to a single foreign currency (*e.g.*, Japanese yen and German mark) as well as warrants based on the value of the U.S. dollar in relation to multiple foreign currencies.[2]

The Exchange represents that Mexican Peso Warrants will conform to the listing guidelines under section 106 of the Guide, which provide, among other things, that: (1) the issuer must have assets in excess of U.S. $100,000,000 and otherwise substantially exceed the size and earnings requirements in section 101(A) of the Guide; (2) the term of the warrants will be for a period ranging from one to five years from the date of issuance; and (3) the minimum public distribution will be one million warrants, together with a minimum of 400 public holders, and an aggregate market value of at least U.S. $4,000,000 million.

Mexican Peso Warrants generally will be direct obligations of their issuers and will be cash-settled in U.S. dollars. Mexican Peso Warrants will either be exercisable throughout their life (*i.e.*, American-style) or exercisable only during a specified period immediately prior to the expiration date (*i.e.*, European-style). Upon exercise, the holder of a warrant structured as a ''put'' will receive payment in U.S. dollars to the extent that the value of the Mexican peso has declined in relation to the U.S. dollar below a pre-stated base level. Conversely, upon exercise, holders of a Mexican Peso Warrant structured as a ''call'' will receive payment in U.S. dollars to the extent that the value of the Mexican peso has increased in relation to the U.S. dollar above a pre-stated base level. Mexican Peso Warrants that are ''out-of-the-money'' at the time of expiration will expire worthless.

Notwithstanding any other Amex rule,[3] the Exchange will require that Mexican Peso Warrants be sold only to customers whose accounts have been approved for options trading pursuant to Amex Rule 921. Additionally, the options suitably standards in Amex Rule 923 will apply to recommendations in Mexican Peso Warrants. Moreover, all discretionary orders in Mexican Peso Warrants must be approved and initialed by a Senior Registered Options Principal or Registered Options Principal. Further, the Exchange will require that customer positions in Mexican Peso Warrants be subject to the margin requirements applicable to foreign currency options.

Finally, prior to the commencement of trading of Mexican Peso Warrants, the Amex will distribute a circular to its membership calling attention to specific risks associated with Mexican Peso Warrants.[4]

The Exchange believes that the proposed rule change is consistent with section 6(b) of the Act, in general, and furthers the objectives of section 6(b)(5) in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Amex does not believe that the proposed rule change will impose any inappropriate burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

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

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

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and coping in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR–Amex–95–04 and should be submitted by March 10, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–4044 Filed 2–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35361 International Series Release No. 784; File No. SR–NASD–94–51]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to Amendments to Parts VI and X of Schedule C of the NASD By-Laws Relating to Foreign Finders and Foreign Associates

February 13, 1995.

On September 27, 1994, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') 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] The rule change amends Parts VI and X of Schedule C of

[1] The Commission notes that the Exchange has filed a proposed rule change that would, among other things, revise the criteria pursuant to section 106 for listing stock index and currency warrants. These new standards will apply to Mexican Peso Warrants issued following approval of that proposed rule change. *See* Securities Exchange Act Release No. 35086 (December 12, 1994), 59 FR 65561 (December 20, 1994) (notice of File No. SR–Amex–94–38).

[2] *See* Securities Exchange Act Release Nos. 24555 (June 5, 1987), 52 FR 22570 (June 12, 1987) (approval of listing requirements for single foreign currency warrants), and 31627 (December 21, 1992), 57 FR 62399 (December 30, 1992) (approval of listing requirements for multiple foreign currency warrants).

[3] *See, e.g.*, Amex Rule 411, Commentary .01.

[4] The Commission notes that the Amex will be required to submit a draft of the circular to the Commission staff for approval prior to distribution to members.

[5] 17 CFR 200.30–3(a)(12) (1994).

[1] 15 U.S.C. Section 78s(b)(1).

[2] 17 CFR 240.19b–4.

the NASD By-Laws[3] relating to foreign finders and foreign associates.

Under the rule as amended, member firms and persons associated with a member will be permitted to pay transaction-related compensation to non-registered foreign persons based upon the business of customers such persons direct to member firms. The following conditions must be met in order for the ''foreign finder'' exemption to apply: (1) the member firm must assure itself that the non-registered foreign person who will receive the compensation (the finder) is not required to register in the U.S. as a broker/dealer nor is subject to a disqualification as defined in Article II, Section 4 of the NASD By-Laws;[4] (2) the member firm must further assure itself that the compensation arrangement does not violate applicable foreign law; (3) the finder must be a foreign national or a foreign entity domiciled abroad; (4) the customers directed to the member firm by the finder must be foreign nationals or foreign entities domiciled abroad transacting business in either foreign or U.S. securities; (5) the customers must receive a descriptive document that discloses the compensation being paid to the finder; (6) the customers must provide written acknowledgement of the existence of the compensation arrangement to the member firm and such acknowledgement must be retained and available for inspection by the Association; (7) records reflecting payments to the finder must be maintained on the member firm's books and the actual agreement between the member firm and the finder must be available for inspection by the Association; and (8) the confirmation of each transaction must indicate that a finder's fee is being paid pursuant to a compensation arrangement.

The amendment also will change the requirements with respect to foreign associates. Those persons designated as foreign associates pursuant to Part X of Schedule C of the NASD By-Laws[5] now will be subject to U–4 registration but still will not be required to pass a qualification examination.

Notice of the proposed rule change, together with its terms of substance was provided by issuance of a Commission release[6] and by publication in the **Federal Register**.[7] No comments were received in response to the notice. This order approves the proposed rule change.

As the NASD indicated in its rule filing, the scope of permissible business activities and the associated regulatory requirements differ between foreign finders and foreign associates. The NASD clarified these differences in a letter to the Commission.[8] The NASD states that, ''[t]he foreign associate will be registered with the NASD and will be deemed an associated person or employee of the member. The foreign associate would therefore be allowed to act in any registered capacity on behalf of the member [consistent with its designation as a foreign associate]. This could include acting as a trader or being the registered person responsible for servicing the accounts of [a] foreign national. The foreign finder would not be considered an associated person of the member and [its] activities would, therefore, be limited to those discussed in the rule filing.[9] Under the rule as amended, the sole involvement of a foreign finder in the business of a member firm will be the initial referral of non-U.S. customers to the firm.

The Commission has determined to approve the NASD's proposal. The Commission finds that the rule change is consistent with the requirements of the Act and the rules and regulations promulgated thereunder applicable to the NASD, including the requirements of Section 15A(b)(6) of the Act.[10] Section 15A(b)(6) requires, in part that the rules of a national securities association be designated to prevent fraudulent and manipulative acts and practices; to promote just and equitable principles of trade; to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission finds that the amendments to Parts VI and X of Schedule C to the NASD By-Laws[11] are consistent with the foregoing statutory provision. The addition of Part VI, Section 2 will allow member firms to use foreign finders to expand overseas business opportunities while requiring the maintenance of necessary safeguards for investor protection. Further, the changes to Part X of Schedule C will improve regulatory oversight of member firms and their foreign associates. Although foreign associates will continue to be free of the requirement of taking a qualification examination, the amendment will require foreign associates to be subject to U–4 registration.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change, SR–NASD–94–51 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–4045 Filed 2–16–95; 8:45 am]

BILLING CODE 8010–01–M

[3] *MASD Manual*, Schedules to the By-Laws, Schedule C, Parts VI and X, (CCH) ¶¶ 1787, 1791.

[4] *NASD Manual*, By Laws, Article II, Sec. 4, (CCH) ¶ 1124.

[5] *Supra, note 3.*

[6] Securities Exchange Act Release No. 34941 (November 4, 1994).

[7] 59 FR 56102 (November 10, 1994).

[8] Letter from Craig L. Landauer, Associate General Counsel, NASD, to Mark P. Barracca, Branch Chief, SEC, (Feb. 8, 1995).

[9] *Id.*

[10] 15 U.S.C. Section 78*o*–3(b)(6).

[11] *Supra*, note 3.

[12] 17 CFR 200.30–3(a)(12).

[Release No. 34–35362; File No. SR–OCC–94–13]

Self-Regulatory Organizations; The Options Clearing Corporation, Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending the Stockholders Agreement

February 13, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 28, 1994, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

OCC proposes to amend Section 2 of its Stockholders Agreement to extend the voting agreement contained therein for a term coextensive with the term of the Stockholders Agreement and to conform the Stockholders Agreement to an amendment made to OCC's Restated Certificate of Incorporation providing for public directors on OCC's board of directors.[2] OCC also proposes to amend its address and that of the Chicago Board Options Exchange, Inc. as they appear in the Stockholders Agreement.

[1] 15 U.S.C. § 78s(b)(1) (1988).

[2] For a description of the amendment to OCC's Restated Certificate of Incorporation providing for public directors on OCC's board of directors, refer to Securities Exchange Act Release No. 30449 (March 6, 1992), 57 FR 8949 [File No. 92–02] (order approving proposed rule change).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

OCC proposes to amend Section 2 of its Stockholders Agreement to extend the voting agreement for a term coextensive with the term of the Stockholders Agreement. OCC also proposes to amend the Stockholders Agreement so it conforms to an amendment made to OCC's Restated Certificate of Incorporation providing for public directors on the board of directors, which was approved by the Commission on March 6, 1992.[3] In addition, OCC proposes to amend its address and that of the CBOE as they appear in the Stockholders Agreement.

OCC, the American Stock Exchange, the Chicago Board Options Exchange, the New York Stock Exchange, the Pacific Stock Exchange, and the Philadelphia Stock Exchange are parties to a Stockholders Agreement dated January 3, 1975, as amended. Pursuant to Section 13 of the Stockholders Agreement, the voting agreement contained in Section 2 of the Stockholders Agreement will expire on January 3, 1995, unless extended.

In the past, Delaware law required that voting agreements among stockholders be limited to a term of ten years or less. However, a recent amendment to Delaware law eliminated the ten year limitation. Accordingly, the proposed amendment to the Stockholders Agreement would extend the voting agreement contained in Section 2 for a term coextensive with the term of the Stockholders Agreement which is effective until terminated by the mutual agreement of OCC and each stockholder.

OCC also proposes to amend the Stockholders Agreement to conform it to an amendment made to OCC's Restated Certificate of Incorporation providing for public directors. OCC proposes to: (1) define public director in the same manner as defined in OCC's Certificate of Incorporation and By-Laws; (2) to include public directors in Section 2, Voting Shares of Stock; and (3) to add language to Section 3, Clause (ii) regarding the election of public directors. OCC also proposes to amend the addresses of OCC and the CBOE as they appear in Section 15 (a) and (b) of the Stockholders Agreement, respectively.

The Commission believes that the proposed rule change to OCC's Stockholder's Agreement is consistent with Section 17A of the Act and specifically with Section 17A(b)(3)(C).[4] Section 17A(b)(3)(C) requires that a clearing agency assure fair representation of its shareholders or members and participants in the selection of its directors and administration of its affairs. The proposed rule change provides fair representation to stockholders by extending their voting rights to a term coextensive with the term of the Stockholders Agreement. The proposed rule change also assures fair representation in the selection of its directors and administration of its affairs by providing for public directors in conformity with OCC's Restated Certificate of Incorporation.

B. Self—Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii)[5] of the Act and pursuant to Rule 19b–4(e)(3)[6] promulgated thereunder, because the proposal is concerned solely with the administration of OCC. At any time within sixty days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR–OCC–94–13 and should be submitted by March 10, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–4046 Filed 2–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26231]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

February 10, 1995.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by

[3] *Supra* note 2.

[4] 15 U.S.C. § 78q(b)(3)(C) (1988).

[5] 15 U.S.C. § 78s(b)(3)(A)(iii) (1988).

[6] 17 CFR 240.19b–4(e)(3) (1994).

[7] 17 CFR 200.30–3(a)(12) (1994).

March 6, 1995, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Allegheny Power System, Inc. (70–8553)

Allegheny Power System, Inc. (''APS''), 12 East 49th Street, New York, New York 10017, a registered holding company, has filed a declaration under sections 6(a) and 7 of the Act.

By prior Commission orders in this matter, dated August 5, 1977, April 29, 1980, June 23, 1983, June 19, 1984, March 17, 1987 and September 14, 1990 (HCAR Nos. 20131, 21542, 22985, 23333, 24344 and 25150), APS was authorized to issue and sell a total aggregate number of 12 million shares of its common stock (''Common''), par value $2.50 per share, to its Dividend Reinvestment and Stock Purchase Plan (''Dividend Reinvestment Plan'') and to its Employee Stock Ownership and Savings Plan (''ESOSP''). Pursuant to Commission order dated October 21, 1993 (HCAR No. 25911), authorizing a 2 for 1 stock split effective November 4, 1993, the aggregate number of shares of Common was increased to 24,000,000 shares of Common, par value $1.25. As of December 30, 1994, APS has issued 18,294,149 and 4,654,343 shares of Common to the Dividend Reinvestment and ESOSP plans, respectively.

APS now proposes to issue up to 6,025,000 additional shares of its authorized and unissued Common, par value $1.25 per share, as follows: five million shares under its Dividend Reinvestment Plan; one million shares under its ESOSP; and 25,000 shares under its new Restricted Stock Plan for Outside Directors (''Outside Directors Plan''), which has been approved by the Board of Directors and does not require shareholder approval.

The Common will be sold to the Dividend Reinvestment Plan at a price equal to the average of the daily high and low sales prices of APS Common as published in the Wall Street Journal Report of New York Stock Exchange Composite Transactions for the ten trading days prior to the dividend payment date. The Common will be awarded yearly to the Outside Directors as part of their compensation, and will be subject to certain restrictions.

NCP Energy, Inc. (70–8561)

NCP Energy, Inc. (''NCP''), One Upper Pond Road, Parsippany, New Jersey 07054, a nonutility subsidiary of General Public Utilities Corporation (''GPU''), a registered holding company, has filed an application under sections 9(a) and 10 of the Act.

By order dated May 17, 1994 (HCAR No. 26053), Energy Initiatives, Inc. (''EII''), a nonutility subsidiary of GPU, was authorized to acquire from North Canadian Resources, Inc. (''NCRI'') all of the common stock of North Carolina Power Incorporated (since renamed NCP). At the closing, the requisite third party consents (''Requisite Consents'') to the acquisition of NCRI's interest in the Syracuse Cogeneration Project, which was held by NCRI's subsidiaries, Syracuse Investment, Inc. (''SII'') and NCP Syracuse, Inc., had not been obtained. Consequently, SII and NCP Syracuse, Inc. were excluded from the acquisition pending receipt of the Requisite Consents. Pursuant to an amendment to the acquisition agreement and due to an inability to obtain the Requisite Consents, EII subsequently agreed to acquire from SII: (i) a 4.9% limited partnership interest in Syracuse Orange Partners, L.P. (''SOP''), a Delaware limited partnership holding an 89% limited partnership interest in Project Orange Associates, L.P., a Delaware limited partnership and the owner of the Syracuse Cogeneration Project; and (ii) the right to receive distributions (''Distributions'') from the balance of SII's limited partner interest in SOP. NCRI has agreed to issue to NCP a promissory note (''Note'') to evidence NCP's right to receive the Distributions.

NCP proposes to acquire the Note from NCRI. The Note has an initial principal balance of $2,722,500 and is payable in installments with a final maturity of December 31, 2032. The Note bears interest at the rate of 10.6% per annum, compounding monthly to the extent not paid. Since the Note evidence NCP's right to receive Distributions, principal and interest are payable under the Note only if and to the extent that SII receives Distributions from SOP.

General Public Utilities Corporation (70–8569)

General Public Utilities Corporation (''GPU''), 100 Interpace Parkway, Parsippany, New Jersey 07054, a registered holding company, has filed a declaration under sections 6(a), 7 and 12(e) of the Act and rules 62 and 65 thereunder.

GPU proposes to amend its Articles of Incorporation to (1) increase the number of authorized shares of GPU common stock, $2.50 par value, from 150,000,000 to 350,000,000 and (2) eliminate preemptive rights of GPU shareholders. GPU proposes to present these amendments for action by its shareholders at GPU's annual meeting of shareholders to be held on May 4, 1995, and seeks authorization to solicit proxies from shareholders in connection with this meeting.

GPU states that it has 115,214,219 shares of its common stock issued and outstanding at January 31, 1995, leaving 34,785,781 shares available for issuance. GPU proposes to increase the number of authorized but unissued shares to provide flexibility to issue additional common stock to finance subsidiaries' construction programs; to make cash capital contributions to its nonutility subsidiaries in connection with the development of and investment in qualifying facilities, exempt wholesale generators and foreign utility companies; to meet general corporate requirements, including requirements under GPU's dividend reinvestment plan and benefit plans; to effect a stock split or stock dividend if the board of directors deems it advisable in the future; and to engage in other transactions requiring the issuance of common stock. If the proposed amendment is adopted, issuances of the additional authorized shares of common stock will not require further shareholder approval (unless otherwise required by law, the Articles of Incorporation or applicable securities exchange requirements), but issuances of additional common stock will be subject to the approval of the Commission under the Act.

GPU also proposes to eliminate a provision in its Articles of Incorporation that prohibits GPU from issuing a significant number of shares of additional common stock for cash except through a public offering without obtaining prior shareholder approval or first offering its shareholders the right to subscribe to purchase such additional shares. GPU states that these limited preemptive rights are no longer a significant benefit to shareholders and that elimination of these rights will give GPU greater flexibility to finance its capital requirements.

GPU proposes to submit the amendments for action at its annual meeting of shareholders to be held May 4, 1995, and to solicit proxies from shareholders in connection with the meeting. GPU states that adoption of

each amendment requires the affirmative vote of the holders of a majority of the outstanding share of common stock entitled to vote at the annual meeting.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–3976 Filed 2–16–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–20897; 811–4829]

Treasury First Inc.; Notice of Application

February 13, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Treasury First Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on May 19, 1994 and amended on July 27, 1994 and January 30, 1995.

HEARING OR NOTIFICATION OF HEARING. An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 10, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, c/o Edward S. Gelfand, Special Officer, Friedman & Phillips, 10920 Wilshire Boulevard, Suite 650, Los Angeles, CA 90024.

FOR FURTHER INFORMATION CONTACT: Elaine M. Boggs, Staff Attorney, at (202) 942–0572, or Robert A. Robertson, 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.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Maryland corporation. On September 4, 1986, applicant registered under the Act as an investment company. On May 19, 1987, applicant filed a registration statement to register its shares under the Securities Act of 1933. The registration statement was declared effective on June 1, 1987, and the initial public offering commenced on the same day.

2. On November 1, 1991, the SEC filed a civil suit against applicant, applicant's adviser, Cheshire Hall Advisers, Inc., (the ''Adviser''), and an affiliate of the Adviser, John T. Hall, in the United States District Court, Central District of California alleging various violations of the federal securities laws. The SEC alleged, among other things, the Hall, through the Adviser, misappropriated approximately $2.1 million from applicant. This amount represented approximately 75% of applicant's assets at the time of the alleged misappropriation.

3. As a result of the above action, applicant and the Adviser ceased doing business. On November 14, 1991, the Court issued an order (the ''Order'') that authorized the appointment of Edward S. Gelfand as Special Officer of applicant and the Adviser for the purpose of supervising and directing the liquidation of applicant and the Adviser as well as the deregistration of applicant under the Act.[1]

4. In November 1991, the Special Officer had control of $2,814.674.78 of applicant's assets. Of this amount, $2,664,674.78 was distributed to applicant's five shareholders *pro rata* in November 1991. The remaining $150,000 was placed in an account (the ''Account'') maintained by the Special Officer to be used for expenses incurred on applicant's behalf in connection with the winding up of applicant's affairs. From the Account, expenses for applicant totalling $91,623.55 were paid which included compensation and expenses of applicant's accountant.

5. On December 7, 1995, the Court issued a modification of the Order to approve the final report of the Special Officer and to relieve the Special Officer of this responsibility to dissolve and liquidate applicant. This order also authorized the final distribution of cash to applicant's shareholders. Accordingly, on December 30, 1994, the Special Officer distributed $60,165.47, representing the remaining amount in the Account plus interest, *pro rata* among applicant's shareholders.

6. The Special Officer had submitted a claim against a bond issued by Reliance Insurance Company to applicant. In the event of a recovery, the proceeds will be distributed to applicant's shareholders *pro rata*.[2]

7. The Special Officer is not aware of any liabilities other than those set forth in an audited financial statement prepared in 1991 by applicant's accountants.

8. Applicant is not now engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs. If the shareholders decide to dissolve applicant under state law after the claim is resolved, the shareholders would bear the cost associated with such dissolution.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–4047 Filed 2–16–95; 8:45 am]

BILLING CODE 8010–01–M

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[1] On the same date, the Court entered an injunction against the Adviser and Hall permanently enjoining them from future violations of the securities laws.

[2] The Special Officer submitted the claim to the insurance company on March 24, 1992. The bond had been issued in the amount of $300,000 to cover losses resulting from, among other things, dishonest or fraudulent acts committed by an employee of applicant. By letter dated December 9, 1992, the insurance company denied the claim but, nonetheless, requested additional information to evaluate the claim. According to a motion filed by the Special Officer with the Court on November 1, 1994, the Special Officer has retained Robert E. Goldman of Frydrych & Webster to prosecute the Claim. The motion further states that Mr. Goldman serves as counsel to a shareholder of applicant that owns approximately 86% of applicant but that he has agreed to prosecute the claim for the benefit of all shareholders.

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended February 10, 1995

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 50118
Date filed: February 7, 1995
Parties: Members of the International Air Transport Association
Subject: TC23 Reso/P 0675 dated December 2, 1994 Europe-Japan/Korea Resos r-1 to r-54

Proposed Effective Date: April 1, 1995
Docket Number: 50122
Date filed: February 9, 1995
Parties: Members of the International Air Transport Association
Subject: TC3 Reso/P 0604 dated Dec. 20, 1994 r-1 TC3 Reso/P 0607 dated Dec. 20, 1994 r-2 to r-9 TC3 Reso/P 0609 dated Dec. 20, 1994 r-10 to r-14 TC3 Reso/P 0611 dated Dec. 20, 1994 r-15 to r-17 TC3 Reso/P 0614 dated Dec. 20, 1994 r-18 to r-21 TC3 Reso/P 0618 dated Dec. 20, 1994 r-22 to r-34
Proposed Effective Date: April 1, 1995
Docket Number: 50123
Date filed: February 9, 1995
Parties: Members of the International Air Transport Association
Subject: TC3 Reso/P 0603 dated Dec. 20, 1994 r-1 to r-3 TC3 Reso/P 0605 dated Dec. 20, 1994 r-4 to r-9 TC3 Reso/P 0606 dated Dec. 20, 1994 r-10 to r-17 TC3 Reso/P 0608 dated Dec. 20, 1994 r-18 r-22 TC3 Reso/P 0610 dated Dec. 20, 1994 r-23 to 30 TC3 Reso/P 0612 dated Dec. 20, 1994 r-31 to r-38 TC3 Reso/P 0613 dated Dec. 20, 1994 r-39 to r-42 TC3 Reso/P 0615 dated Dec. 20, 1994 r-43 to r-55 TC3 Reso/P 0616 dated Dec. 20, 1994 r-56 to r-69 TC3 Reso/P 0617 dated Dec. 20, 1994 r-70 to 89 TC3 Reso/P 0619 dated Dec. 20, 1994 r-90 to 95 TC3 Reso/P 0620 dated Dec. 23, 1994 r-96 to r-117 TC3 Reso/P 0621 dated Dec. 23, 1994 r-118 to r-128 TC3 Reso/P 0622 dated Dec. 23, 1994 r-129 to r-138 TC3 Reso/P 0623 dated Dec. 23, 1994 r-139 to r-145
Proposed Effective Date: April 1, 1995

Myrna F. Adams,

Acting Chief, Documentary Services Division.

[FR Doc. 95–4034 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–62–P

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 10, 1995

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 50114
Date filed: February 6, 1995
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 6, 1995
Description: Application of American Trans Air, Inc., pursuant to 49 U.S.C. 41101 and Subpart Q of the Regulations, requests a certificate of public convenience and necessity authorizing ATA to engage in the scheduled foreign air transportation of persons, property and mail between the co-terminal points Indianapolis, Indiana, and Cincinnati, Ohio, on the one hand, and Grand Cayman Islands, on the other hand.
Docket Number: 50124
Date filed: February 9, 1995
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 9, 1995
Description: Application of ABX Air, Inc., pursuant to 49 U.S.C., Section 41102 and Subpart Q of the Regulations, for issuance of an amended certificate of public convenience and necessity for Route 377, so as to authorize Airborne to provide foreign air transportation of property and mail between any point or points in the United States, on the one hand, and any point or points in the United States, on the one hand, and any point or points in Canada, on the other hand.

Myrna F. Adams,

Acting Chief, Documentary Services Division.

[FR Doc. 95–4033 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Proposed Advisory Circular; Weld Repair of Aluminum Crankcases and Cylinders of Piston Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the reissuance of Advisory Circular (AC), No. 33–6, Weld Repair of Aluminum Crankcases and Cylinders of Piston Engines. The AC provides information and guidance concerning an acceptable method, but not the only method, for the development of process specifications for weld repairs on crankcases and cylinders of piston engines.

FOR FURTHER INFORMATION CONTACT: Locke Easton, Engine and Propeller Standards Staff, ANE–110, at the above address, telephone (617) 238–7113, fax (617) 238–7113.

SUPPLEMENTARY INFORMATION:

Background

This AC was formulated to provide guidelines for applicants in the development of repair procedures for weld repairs on crankcases and cylinders of piston engines. It addresses development of weld repairs which are not contained in the engine manufacturer's ''Instructions for Continued Airworthiness'' (Maintenance Manual). It provides guidance to clarify the areas which should be addressed by an applicant's repair procedure, and/or substantiating data when seeking an approval for weld repair on crankcases or cylinders.

This AC also includes information on critical areas of welding, qualifications of welders, inspection techniques, the thermal processes, and technical data required; and references industry and military specifications which are acceptable for use by repair stations as approved data.

This advisory circular, published under the authority granted to the Administrator by 49 U.S.C. 106(g), 49 U.S.C. App. 1354(a), 1421 and 1423, provides guidance for the development of process specifications for weld repairs on crankcases and cylinders of piston engines.

Issued in Burlington, Massachusetts, on February 2, 1995.

James C. Jones,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 95–4075 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–95–7]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication

of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 9, 1995.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, D.C., on February 6, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemptions

Docket No.: 27998
Petitioner: Petroleum Helicopters, Inc.
Sections of the FAR Affected: 14 CFR 43.3(g)
Description of Relief Sought: To permit pilots employed by Petroleum Helicopters, Inc., (PHI) to remove and replace the ''quick release'' dual controls on PHI's Bell 230 helicopters when maintenance personnel are unavailable.

Docket No.: 28066
Petitioner: The Boeing Company
Sections of the FAR Affected: 14 CFR 25.562(c)(5) and 25.785(a)
Description of Relief Sought: To allow the Boeing Company temporary exemption from the head injury criterion (HIC) of the FAR for front row economy class passenger seats on Boeing Model 777–200 airplanes until April 1, 1996, to implement design solutions.

[FR Doc. 95–4076 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–95–8]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 9, 1995.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on February 6, 1995.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 27662
Petitioner: Boeing
Sections of the FAR Affected: 14 CFR 25.809(f)(1), Amdt. 25–34
Description of Relief Sought: To reconsider Exemption No. 5993, originally a Partial Grant, which was issued for the 767–300F freighter airplanes with supernumerary occupants, and which in part denied a petition to allow a rope in lieu of an escape slide at the entry door. The petitioner cites primarily certain difficulties with reconfiguring the intended freighter rope design back to the existing passenger slide design and indicates an inertial reel installation is being developed for this door.

Docket No.: 27953
Petitioner: Aero Sports Connection, Inc.
Sections of the FAR Affected: 14 CFR part 103
Description of Relief Sought: To allow Aero Sports Connection, Inc., to conduct training by approved flight instructors in two-place ultralight vehicles.

Docket No.: 28029
Petitioner: Boeing Commercial Airplane Group
Sections of the FAR Affected: 14 CFR 25.841(a) and 25.1447(c)(1)
Description of Relief Sought: To allow the petitioner exemption from the 15,000 foot cabin pressure control system and cabin oxygen system limit requirements of the FAR to facilitate operation of the Boeing 757–200 airplane, currently certified for operation at a maximum airport altitude of 13,300 feet, to an airport altitude of 14,219 feet. This exemption, if granted, will allow the cabin pressure altitude to exceed 15,000 feet when landing at a high altitude airport or in the event of a pressurization failure, and provide automatic presentation of the cabin oxygen masks at 16,000 feet rather than 15,000 feet, as currently required by the FAR.

Dispositions of Petitions

Docket No.: 21882
Petitioner: China Airlines Limited
Sections of the FAR Affected: 14 CFR 61.77 (a) and (b) and 63.23 (a) and (b)
Description of Relief Sought/ Disposition: To extend and amend Exemption No. 4849, as amended, which permits China Airlines Limited pilots who operate two U.S.-registered Boeing 747–SP, N4508H and N4522V, aircraft to be eligible for special purpose airman certificates. The amendment adds an airbus 300–600R, N88881, aircraft to the list of aircraft that may be operated under this exemption.

GRANT, January 11, 1995, Exemption No. 4849D

Docket No.: 23358
Petitioner: Clarke Environmental Mosquito Management, Inc.
Sections of the FAR Affected: 14 CFR 91.313(c)
Description of Relief Sought/ Disposition: To extend Exemption No. 5010, as amended, which permits Clarke Environmental Mosquito Management, Inc., to carry passengers in restricted category aircraft (specifically two Bell 47G–5 helicopters) while performing aerial-site survey flights.
GRANT, January 18, 1995, Exemption No. 5010C

Docket No.: 25899
Petitioner: Executive Air Taxi Corp.
Sections of the FAR Affected: 14 CFR 43.3(g)
Description of Relief Sought/ Disposition: To permit Executive Air Taxi Corp., pilots to remove and reinstall passenger seats and approved stretcher bases in its single-engine and multi-engine aircraft.
PARTIAL GRANT, December 13, 1994, Exemption No. 5997

Docket No.: 26804
Petitioner: Mr. Jim Gallagher
Sections of the FAR Affected: 14 CFR 21.19(b)(1)
Description of Relief Sought/ Disposition: To permit Mr. Jim Gallagher to apply for a supplemental type certificate instead of a new type certificate for a design change that adds an engine to the Intrprinderea De Constructii Aeronautice (Romania) Model IS–28B2 glider.
PARTIAL GRANT, December 19, 1994, Exemption No. 6013

Docket No.: 27235
Petitioner: United Airlines, Inc.
Sections of the FAR Affected: 14 CFR appendix H, part 121
Description of Relief Sought/ Disposition: To extend Exemption No. 5807, which permits United Airlines, Inc., to conduct second-in-command initial training and checking (including type ratings when appropriate) in accordance with the Phase III simulator requirements of part 121, appendix H, when the simulator does not meet the motion, buffet, and sound requirements for a Phase III simulator.
GRANT, January 23, 1995, Exemption No. 5807A

Docket No.: 27405
Petitioner: Mandarin Airlines Co., Limited
Sections of the FAR Affected: 14 CFR 61.77 and 63.23
Description of Relief Sought/ Disposition: To extend Exemption No. 5592, which permits the issuance of U.S. special purpose pilot and flight engineer certificates to Mandarin's airmen, without meeting the requirement that they hold a current foreign certificate or license issued by a foreign contracting state to ICAO.
GRANT, January 20, 1995, Exemption No. 5592A

Docket No.: 27448
Petitioner: TurboCombustor Technology
Sections of the FAR Affected: 14 CFR 145.45(f)
Description of Relief Sought/ Disposition: To allow TurboCombustor Technology to keep copies of its Inspection Procedures Manual at service document stations throughout the shop. The manuals would be available for review by all supervisory and inspection personnel, in lieu of providing a copy to each individual as required by FAR.
GRANT, January 9, 1995, Exemption No. 6014

Docket No.: 27432
Petitioner: Dornier Luftfahrt GmbH
Sections of the FAR Affected: 14 CFR 25.562(c)(5)
Description of Relief Sought/ Disposition: To extend Exemption No. 5765, as amended, which exempts Dornier from the HIC requirements of § 25.562(c)(5) for front row passenger seats located behind bulkheads on Dornier Model 328 airplanes. Dornier's request for this to be a permanent exemption has been denied.
PARTIAL GRANT, December 30, 1994, Exemption No. 5765B

Docket No.: 27650
Petitioner: Reno Air
Sections of the FAR Affected: 14 CFR 47.49 and 91.203 (a) and (b)
Description of Relief Sought/ Disposition: To allow Reno Air to permit airline operations of U.S.-registered aircraft in domestic airline operations without the registration or airworthiness certifications on board the aircraft.
GRANT, January 12, 1995, Exemption No. 6019

Docket No.: 27695
Petitioner: General Electric Aircraft Engines
Sections of the FAR Affected: 14 CFR 21.325(b)(1)
Description of Relief Sought/ Disposition: To allow twenty export airworthiness approvals to be issued for Class I products (engines) that will be located in Europe.
GRANT, January 12, 1995, Exemption No. 6016

Docket No.: 27810
Petitioner: Mr. Hector M. Aguilar, Jr.
Sections of the FAR Affected: 14 CFR 65.71(a)(2)
Description of Relief Sought/ Disposition: To enable Mr. Aguilar to use a sign language interpreter to take the oral and practical examinations for the mechanic certificate and associated ratings, because he is hearing and speech impaired.
GRANT, January 9, 1995, Exemption No. 6015

Docket No.: 27849
Petitioner: Ilyushin Aviation Complex
Sections of the FAR Affected: 14 CFR 25.571(e)(1) and 25.631
Description of Relief Sought/ Disposition: To grant exemption from the bird speed requirements of § 25.571 and to deny exemption from the bird weight requirements of § 25.631.
PARTIAL GRANT, December 30, 1994, Exemption No. 6011

Docket No.: 27852
Petitioner: Higher Power Aviation, Inc.
Sections of the FAR Affected: 14 CFR 61.55(b)(2); 61.56(c)(1); 61.57(c) and (d); 61.58 (c)(1) and (d); 61.63(c)(2) and (d)(2) and (3); 61.65(c), (e)(2) and (3), and (g); 61.67(d)(2); 61.157(d)(1) and (2) and (e)(1) and (2); 61.191(c); and appendix A, part 61.
Description of Relief Sought/ Disposition: To permit Higher Power Aviation, Inc., to use FAA-approved simulators to meet certain flight experience requirements of part 61.
GRANT, January 20, 1995, Exemption No. 5986

Docket No.: 27896
Petitioner: Pacific West Training
Sections of the FAR Affected: 14 CFR 61.55(b)(2); 61.56(c)(1); 61.57(c) and (d); 61.58(c)(1) and (d); 61.63(c)(2) and (d)(2) and (3); 61.65(c), (e)(2) and (3), and (g); 61.67(d)(2); 61.157(d)(1) and (2) and (e)(1) and (2); 61.191(c); and appendix A, part 61.
Description of Relief Sought/ Disposition: To permit Pacific West Training to use FAA-approved simulators to meet certain flight experience requirements of part 61.
GRANT, January 20, 1995, Exemption No. 5987

[FR Doc. 95–4077 Filed 2–16–95; 8:45 am]
BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

Research and Development Programs Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will describe and discuss specific research and development projects and requests suggestions for agenda topics.

DATES AND TIMES: The National Highway Traffic Safety Administration will hold a public meeting devoted primarily to presentations of specific research and development projects on March 28, 1995, beginning at 1:30 p.m. and ending at approximately 5:00 p.m. The deadline for interested parties to suggest agenda topics is 4:15 p.m. on February 28, 1995. Questions may be submitted in advance regarding the Agency's research and development projects. They must be submitted in writing by March 21, 1995 to the address given below. If sufficient time is available, questions received after the March 21 date will be answered at the meeting in the discussion period. The individual, group or company asking a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by March 21 will be available at the meeting and will be mailed to requesters after the meeting.

ADDRESSES: The meeting will be held at the Ramada Inn, near Detroit Metro Airport, 8270 Wickham Rd., Romulus, MI 48174. Suggestions for specific R&D topics as described below and questions for the March 28, 1995, meeting relating to the Agency's research and development programs should be submitted to George L. Parker, Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, Room 6206, 400 Seventh St. SW, Washington, DC 20590. The fax number is 202–366–5930.

SUPPLEMENTARY INFORMATION: NHTSA intends to provide detailed presentation about its research and development programs in a series of quarterly public meetings. The series started in April, 1993. The purpose is to make available more complete and timely information regarding the Agency's research and development programs. This ninth meeting in the series will be held on March 28, 1995.

NHTSA requests suggestions from interested parties on the specific agenda topics. NHTSA will base its decisions about the agenda, in part, on the suggestions it receives by close of business at 4:15 p.m. on February 28, 1995. Before the meeting, it will publish a notice with an agenda listing the research and development topics to be discussed. NHTSA asks that the suggestions be taken from the list below and that they be limited to six, in priority order, so that the presentation at the March 28 R&D meeting can be most useful to the audience. Please note that almost all of these topics have been discussed at the previous eight meetings to some extent and that presentations at the ninth meeting will be reports on current status, results, and plans.

Specific Crashworthiness R&D topics are: Improved frontal crash protection, Advanced glazing research, Highway traffic injury studies, Head and neck injury research, Lower extremity injury research, Thorax injury research, Human injury simulation and analysis, Crash test dummy component development, Vehicle agressivity and fleet compatibility, Upgrade side crash protection, Upgrade seat and occupant restraint systems, Child safety research, and Electric and alternate fuel vehicle safety.

Specific Crash Avoidance R&D topics are: Tuck crashworthiness/occupant protection, Truck tire traction, Portable data acquisition system for crash avoidance research, Systems to enhance EMS response (automatic collision notification), Vehicle motion environment, Crash causal analysis, Guidelines for crash avoidance warning devices, Longer combination vehicle safety, Drowsy driver monitoring, Driver workload assessment, and Performance guidelines for IVHS systems (approach).

Specific topics from the National Center for Statistics and Analysis are: National safety belt use survey, New data elements for FARS and NASS, Special crash investigations program regarding air bag performance, Pedestrian special NASS data collection project, and Critical Outcome Data Evaluation System (CODES)—Linkage of databases on police accident reporting and medical outcomes.

Questions regarding research projects that have been submitted in writing not later than close of business on march 21, 1995, will be answered as time permits. A transcript of the meeting, copies of materials handed out at the meeting, and copies of the suggestions offered by commenters will be available for public inspection in the NHTSA Technical Reference Section, Room 5108, 400 Seventh Street, SW, Washington, DC 20590. Copies of the transcript will then be available at 10 cents a page, upon request to NHTSA Technical Reference Section. The Technical Reference Section is open to the public from 9:30 a.m. to 4:00 p.m.

NHTSA will provide technical aids to participants as necessary, during the NHTSA Industry Research and Development Meeting. Thus any person desiring assistance of ''auxiliary aids'' (e.g. sign-language interpreter, telecommunication devices for deaf persons (TTDs), readers taped texts, braille materials, or large print materials and/or a magnifying device), please contact Barbara Coleman on 202/366–1537 by COB March 21, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Stronbotne, Special Assistant for Technology Transfer Policy and Programs, Office of Research and Development, 400 Seventh Street, SW, Washington, DC 20590. Telephone: 202–366–4730. Fax number: 202–366–5930

Issued: February 9, 1995.

George L. Parker,

Associate Administrator for Research and Development.

[FR Doc. 95–4028 Filed 2–16–95; 8:45 am]

BILLING CODE 4910–59–M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 33

Friday, February 17, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

SECURITIES AND EXCHANGE COMMISSION

''FEDERAL REGISTER'' CITATION OF PREVIOUS ANNOUNCEMENT: [60 FR 6771, February 3, 1995].

STATUS: Open meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: February 3, 1995.

CHANGE IN THE MEETING: Cancellation.

The closed meeting scheduled for Friday, February 10, 1995, at 2:00 p.m., was cancelled.

Commissioner Roberts, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary (202) 942–7070.

Dated: February 15, 1995.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–4154 Filed 2–15–95; 1:14 pm]

BILLING CODE 8010–01–M

federal register

Friday
February 17, 1995

Part II

Environmental Protection Agency

40 CFR Part 435

Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Oil and Gas Extraction Point Source Category, Coastal Subcategory; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 435

[FRL–5149–7]

RIN 2040–AB72

Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards: Oil and Gas Extraction Point Source Category, Coastal Subcategory

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This proposed regulation would limit the discharge of pollutants into waters of the United States and the introduction of pollutants into publicly-owned treatment works by existing and new facilities in the coastal subcategory of the oil and gas extraction point source category.

This proposed regulation would establish effluent limitations guidelines and new source performance standards (NSPS) for direct dischargers based on ''best practicable control technology currently available'' (BPT), ''best conventional pollutant control technology'' (BCT), ''best available technology economically achievable'' (BAT), and ''best available demonstrated control technology'' (BADCT) for new sources. The proposal also would establish ''pretreatment standards for new sources'' (PSNS) and ''pretreatment standards for existing sources'' (PSES) for facilities discharging their wastewaters to publicly-owned treatment works (POTWs).

This regulation will reduce the discharge of pollutants into U.S. coastal water bodies by 4.3 billion pounds, thereby also reducing the impacts these discharges would otherwise incur to aquatic life and/or human health. As a result of consultation with stakeholders, the preamble solicits comments and data not only on issues raised by EPA, but also on those raised by State and local governments who will be implementing these regulations and by industry representatives who will be affected by them.

This proposal does not take into account the regulatory effects of the recently published final EPA Region VI NPDES General Permits for production facilities (January 9, 1995). With these permits in effect, the costs of this proposal will be reduced and the actual reduction of pollutant loadings to coastal waters would be approximately 71 percent less, or 1.25 billion pounds per year, due to today's proposal. EPA will more fully incorporate the regulatory effects of the Region VI General Permits upon promulgation of the final rule.

DATES: Comments on the proposal must be received by May 18, 1995. Two public meetings will be held during the comment period: on March 7, 1995, in New Orleans, Louisiana and on March 21, 1995, in Seattle, Washington. Both meetings will be held from 9:00 am to 12:00 pm.

ADDRESSES: Submit comments in writing to: Ms. Allison Wiedeman, Engineering and Analysis Division (4303), U.S. EPA, 401 M Street, S.W., Washington, DC 20460. Please submit any references cited in your comments. EPA would appreciate an original and two copies of your comments and enclosures (including references).

The public record supporting the proposed effluent limitations guidelines and standards is in the Water Docket located in the basement of the EPA Headquarters building, Room L102, 401 M Street S.W., Washington, DC 20460. For access to Docket materials call (202) 260–3027. The Docket staff requests that interested parties call, between 9:00 am and 3:30 pm, for an appointment before visiting the docket. The EPA regulations at 40 CFR Part 2 provide that a reasonable fee may be charged for copying.

The workshops covering the rulemaking will be held at the Minerals Management Service, Gulf of Mexico OCS Region, Office of the Regional Director, 1201 Elmwood Park Boulevard in New Orleans, Louisiana on March 7, 1995, and at the Federal Building, 915 2nd Avenue, North Auditorium in Seattle, Washington on March 21, 1995.

The background documents are available from the Office of Water Resource Center, RC–4100, at the U.S. EPA, Washington, DC address shown above; telephone (202) 260–7786 for the voice mail publication request line.

FOR FURTHER INFORMATION CONTACT: For technical information contact Ms. Allison Wiedeman at (202) 260–7179. For economic information contact Dr. Matthew Clark at (202) 260–7192.

SUPPLEMENTARY INFORMATION:

Public Meeting

No meeting materials will be distributed in advance of these meetings: all material will be distributed at the meetings. See **ADDRESSES** for information on location of the public meetings.

Docket

EPA notes that many documents in the record supporting these proposed rules have been claimed as confidential business information (CBI) and, therefore, are not included in the record that is available to the public in the Water Docket. To support the rulemaking, EPA is presenting certain information in aggregated form or is masking facility identities to preserve confidentiality claims. Further, the Agency has withheld from disclosure some data not claimed as confidential business information because release of this information could indirectly reveal information claimed to be confidential.

Some facility-specific data, which have been claimed as confidential business information, are available to the company that submitted the information. To ensure that all CBI is protected in accordance with EPA regulations, any requests for company-specific data should be submitted to EPA on company letterhead and signed by a responsible official authorized to receive such data. The request must list the specific data requested and include the following statement, ''I certify that EPA is authorized to transfer confidential business information submitted by my company, and that I am authorized to receive it.''

Overview

This preamble includes a description of the legal authority for these rules; a summary of the proposal; a description of the background documents that support these proposed regulations and other background information; and a description of the technical and economic methodologies used by EPA to develop these regulations. This preamble also solicits comment and data on specific areas of interest. The definitions, acronyms, and abbreviations used in this notice are defined in Appendix A to the preamble.

Organization of This Document

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II. Summary and Scope of the Proposed Regulations
  A. Purpose of this Rulemaking
  B. Summary of Proposed Coastal Guidelines
  C. The EPA Region VI Coastal Oil and Gas Production NPDES General Permit
  D. Preventing the Circumvention of Effluent Limitations Guidelines and New Source Performance Standards
  E. Common Sense Initiative
III. Background
  A. Clean Water Act
  B. Pollution Prevention Act
  C. Coastal Subcategory Definition
  D. New Source Definition
  E. Summary of Public Participation
IV. Description of the Industry
  A. Industry Description
  B. Location
  C. Activity

D. Waste Streams
E. Current NPDES Permits
V. Summary of Data Gathering Efforts
A. Information Used From the Offshore Guidelines
B. 1993 Coastal Oil and Gas Questionnaire
C. Investigation of Solids Control Technologies for Drilling Fluids
D. Sampling Visits to 10 Gulf of Mexico Coastal Production Facilities
E. State Discharge Monitoring Reports
F. Commercial Disposal Operations
G. Evaluation of NORM in Produced Waters
H. Alaska Operations
I. Region X Drilling Fluid Toxicity Data Study
J. California Operations
K. OSW Sampling Program
L. Estimation of the Inner Boundary of the Territorial Seas
. VI. Development of Effluent Limitations Guidelines and Standards
A. Drilling Fluids and Drill Cuttings (Drilling Wastes)
B. Produced Water
C. Produced Sand
D. Deck Drainage
E. Treatment, Workover, and Completion Fluids
F. Domestic Wastes
G. Sanitary Wastes
VII. Economic Analysis
A. Introduction
B. Economic Methodology
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VIII. Non Water Quality Environmental Impacts
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IX. Executive Order 12866
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A. Toxicity Limitation for Drilling Fluids and Drill Cuttings
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XIV. Related Rulemakings
XV. Solicitation of Data and Comments
XVI. Background Documents
Appendix A—Abbreviations, Acronyms, and Other Terms Used in This Notice

I. Legal Authority

These regulations are being proposed under the authority of sections 301, 304, 306, 307, 308, and 501 of the Clean Water Act (CWA), 33 U.S.C. sections 1311, 1314, 1316, 1317, 1318, and 1361.

II. Summary and Scope of the Proposed Regulations

A. Purpose of This Rulemaking

The purpose of this rulemaking is to propose effluent limitations guidelines and standards for the control of the discharge of pollutants for the Coastal Subcategory of the Oil and Gas Extraction Point Source Category. The discharge limitations proposed today apply to discharges from coastal oil and gas extraction facilities, including exploration, development and production operations. The processes and operations which comprise the coastal oil and gas subcategory (Standard Industrial Classification (SIC) Major Group 13) are currently regulated under 40 CFR Part 435, Subpart D. These regulations are being proposed under the authority of the CWA, as discussed in Section I of this notice. The regulations are also being proposed pursuant to a Consent Decree entered in *NRDC et al.* v. *Reilly,* (D D.C. No. 89–2980, January 31, 1992) and are consistent with EPA's latest Effluent Guidelines Plan under section 304(m) of the CWA. (See 59 FR 44234, August 26, 1994). The existing effluent limitations guidelines, which were issued on April 13, 1979 (44 FR 22069), are based on the achievement of best practicable control technology currently available (BPT). This proposed rule is referred to as the Coastal Guidelines throughout this preamble.

This summary section highlights key aspects of the proposed rule. The technology descriptions discussed later in this notice are presented in abbreviated form; more detailed descriptions are included in the Development Document for Proposed Effluent Limitations Guidelines and Standards for the Coastal Subcategory of the Oil and Gas Extraction Point Source Category, referred to hereafter as the ''Coastal Technical Development Document''. Today's proposal presents EPA's selected technology approach and several others that were considered in the regulation development process. The proposed rule is based on a detailed evaluation of data acquired during the development of the proposed limitations. As indicated below in the discussion of the specifics of the proposal, EPA welcomes comment on all options and issues and encourages commenters to submit additional data during the comment period. Also, EPA is willing to meet with interested parties during the comment period to ensure that EPA has the views of all parties and the best possible data upon which to base a decision for the final regulation. EPA emphasizes that it is soliciting comments on all options suggested in and raised by this proposal and that it may adopt any such options or combination of options in the final rule.

B. Summary of Proposed Coastal Guidelines

EPA proposes to establish regulations based on ''best practicable control technology currently available ''(BPT) for one specific wastestream for which BPT does not currently apply, and ''best conventional pollutant control technology'' (BCT), ''pretreatment standards for existing sources'' (PSES), ''best available technology economically achievable'' (BAT), best available demonstrated control technology (BADCT) for new sources, and ''pretreatment standards for new sources'' (PSNS) for the remaining waste streams.

Under this rule, EPA is co-proposing three options for the control of drilling fluids and cuttings (including any effluent from dewatering pit closures activities) for BAT effluent limitations guidelines, and NSPS. The three options considered contain zero discharge for all areas, except two of the options contain allowable discharges for Cook Inlet. One of these options, which would allow discharges meeting a more stringent toxicity limitation if selected for the final rule, would require an additional notice for public comment since the specific toxicity limitation has not been determined at this time. The three options are: Option 1—zero discharge of all areas except Cook Inlet where discharge limitations require toxicity of no less than 30,000 ppm (SPP), no discharge of free oil and diesel oil and no more than 1 mg/l mercury and 3 mg/l cadmium in the stock barite, Option 2—zero discharge for all areas except for Cook Inlet were discharge limitations would be the same as Option 1, except toxicity would be set to meet a limitation between 100,000 ppm (SPP) and 1 million ppm (SPP), and Option 3—zero discharge for all areas. EPA is proposing PSES and PSNS prohibiting all discharges of drilling fluids and drill cuttings. BCT for drilling fluids and cuttings is being proposed as zero discharge for the entire subcategory except for Cook Inlet, Alaska. BCT limitations for drilling fluids and cuttings for Cook Inlet would require no discharge of free oil (as determined by the static sheen test).

EPA is proposing to prohibit discharges of produced water from all coastal subcategory operations except those located in Cook Inlet, Alaska,

under BAT. Proposed BAT for coastal facilities in Cook Inlet would limit the discharge of oil and grease in produced water to a daily maximum of 42 mg/l and a thirty day average of 29 mg/l. EPA is proposing to prohibit discharges of produced water from all coastal subcategory operations under NSPA, PSNS, and PSES. BCT limits for produced waters in all coastal regions (including Cook Inlet) would be set equal to the current BPT limitations, which limit the discharge of oil and grease to a daily maximum of 72 mg/l and a thirty day average of 48 mg/l.

BCT for treatment, workover and completion fluids is proposed to be set equal to current BPT limits prohibiting discharges of free oil, with compliance to be determined by use of the static sheen test. EPA is co-proposing two options for BAT and NSPS limitations for treatment, workover and completion finds. Option 1 would require no discharge of free oil and prohibit discharges to freshwaters of Texas and Louisiana. This option reflects current practice. Option 2 would require the same limitations as the preferred option for produced water. This option would require for BAT that discharges of treatment, workover and completion fluids would be prohibited in all coastal areas except Cook Inlet. In Cook Inlet, these discharges would be required to meet a daily maximum oil and grease limitation of 42 mg/l and a 30 day average of 29 mg/l. Option 2 would require zero discharge of these fluids everywhere for NSPS. EPA proposes zero discharge as PSES, and PSNS for treatment, workover and completion fluids.

BPT, BCT, BAT, NSPS, PSES and PSNS are being proposed for produced sand and would prohibit all discharges of this wastestream. The only BPT effluent limitations guidelines being proposed today are for produced sand which is the only wastestream for which BPT limits have not been previously promulgated.

BCT, BAT, and NSPS limits being proposed for deck drainage would be set equal to current BPT limits prohibiting discharges of free oil, with compliance to be determined by use of the visual sheen test. EPA is proposing zero discharge for PSES and PSNS for deck drainage because collection and capture of this wastestream is technically impractical in many situations (as discussed later in Section VI.D.) such that its direction to POTW's would rarely if ever occur. EPA also believes that combining this wastestream with municipal treatment facilities that may already be at full capacity should not be encouraged.

BCT is being proposed for domestic wastes as equal to BPT (which is no discharge of floating solids) with an additional requirement prohibiting the discharge of garbage. BAT is being proposed for domestic wastes to prohibit discharge of foam. NSPS is being proposed for domestic wastes as equal to BCT and no discharge of foam and no discharge of garbage. No pretreatment standards are being established for domestic wastes.

BCT and NSPS limitations for sanitary wastes are being proposed as equal to the current BPT effluent limitations guidelines. Sanitary waste effluents from facilities continuously manned by ten (10) or more persons would contain a minimum residual chlorine content of 1 mg/1, with the chlorine level maintained as close to this concentration as possible. Coastal facilities continuously manned by nine or fewer persons or only intermittently manned by any number of persons must comply with a prohibition on the discharge of floating solids. BAT is not being developed for sanitary wastes because no toxic or nonconventional pollutants of concern have been identified in this waste stream. No pretreatment standards are being established for sanitary wastes.

Compliance with these proposed limitations would result in a yearly decrease of 4.3 billion pounds of toxic, nonconventional and conventional pollutants in produced water, from zero to 23 million pounds of toxic nonconventional and conventional pollutants in drilling fluids and drill cuttings (depending on the option considered), and zero to 3.9 million pounds of toxic, nonconventional, and conventional pollutants in treatment, workover, and completion fluids (depending on the option considered).

EPA expects a variety of human health, and environmental benefits to result from these reductions in effluent loadings. In particular, the benefits include: Relief to coastal waters which support spawning grounds, nurseries and habitats for commercial and recreational fisheries: Reducing documented aquatic ''dead zone'' impacts; reduction of potential cancer risks to anglers from consuming seafood contaminated by produced water radionuclides; and reducing potential exposure of endangered species to toxic contaminants. This proposal will result in total benefits ranging from $3.2 to $230 million (in 1990 $'s) due to reduced cancer risks and increased recreational values of wetlands.

Since the inception of the project in 1994, there have been periodic meetings with the industry and several trade associations, including the Louisiana and Texas Independent Oil and Gas Associations (TIOGA and LIOGA) and American Petroleum Institute (API) to discuss progress on the rulemaking. The Agency also has met with the Natural Resources Defense Council (NRDC) to discuss progress on this rulemaking. Because all of the facilities affected by this proposal are direct discharges, the Agency did not conduct an outreach survey of POTWs.

The Agency also held a public meeting on July 19, 1994. The purpose of the meeting was to present the project status and discuss the technical options under consideration for this proposal. Representatives from industry trade associations, individual industry companies, state regulatory authorities, the U.S. Department of Energy and Interior (Minerals Management Service) and the Sierra Club Legal Defense Fund attended.

The Agency will continue this process of consulting with state, local, and other affected parties after proposal in order to further minimize the potential for unfunded mandates that may result from this rule. These proposed requirements, when promulgated, will be implemented via the existing regulatory structure and no additional burden is expected.

C. The EPA Region VI Coastal Oil and Gas Production NPDES General Permits

EPA's Region VI has recently published final NPDES General permits regulating produced water and produced sand discharges to coastal waters in Louisiana and Texas (60 FR 2387, Jan. 9, 1995). The permits prohibit the discharge of produced water and produced sand derived from the coastal subcategory to any water subject to EPA jurisdiction under the Clean Water Act.

Much of the industry covered by today's proposed rulemaking is also covered by these General permits. However, a significant difference between the permits and this proposal is that the permits do not cover produced water discharges derived from the Offshore subcategory wells into the main deltaic passes of the Mississippi River, or to the Atchafalaya River below Morgan City including Wax Lake Outlet. The rulemaking being proposed today would cover these discharges (see the discussion below entitled ''C. Preventing the Circumvention of Effluent Limitations Guidelines and New Source Performance Standards'').

Due to the close proximity of the timing of the publication of the Region 6 permits and this proposal, this preamble presents the costs and impacts of today's rulemaking as if the Region Vi

General permits were not final. As presented in later sections of this preamble, today's proposal (including the facilities covered by the Region VI permit) would remove 4.3 billion pounds of pollutants in produced water from being discharged per year. The Region VI permit covers approximately 71 percent of the produced water volume being discharged in the coastal subcategory. The remaining 29 percent is derived from coastal facilities treating offshore produced waters and currently discharging them into main deltaic river passes in Louisiana, as well as from other coastal operations in the U.S. Thus, with the Region VI General permits final, this rule would actually result in the removal of 1.25 billion pounds (29 percent of 4.3 billion pounds) of pollutants per year from being discharged into coastal waters.

As also presented in later sections of this preamble, compliance costs of today's rulemaking (including the facilities covered by the Region VI permit) total approximately $40.4 million annually. With the Region VI General permits final, the costs of this rule would be reduced to approximately $19.9 million annually.

EPA will more fully incorporate regulatory effects of the Region VI General permits upon promulgation of the final rule.

D. Preventing the Circumvention of Effluent Limitations Guidelines and New Source Performance Standards

This rule also proposes a provision intended to prevent oil and gas facilities subject to Part 435 of this title from circumventing the effluent limitations guidelines, new source performance standards and pretreatment standards applicable to those facilities by moving effluent from one subcategory to another subcategory. When EPA establishes its effluent limitations guidelines and standards, it does so based on a determination, supported by analyses contained in the rulemaking record, that facilities in that subcategory, among other factors also considered under the CWA, can technologically and economically achieve the requirements of the rule. The purpose of the rule is not accomplished if facilities move effluent from a subcategory with more stringent requirements to a subcategory with less stringent requirements or if facilities move effluent from a subcategory with less stringent requirements to a subcategory with more stringent requirements and discharge effluent at the less stringent limitations. Until now, EPA has attempted to prevent this circumvention in the National Pollution Discharge Elimination System (NPDES) permits issued for this industry. EPA believes, however, that it would enhance the enforcement of these provisions to include them as part of the effluent limitations guidelines, new source performance standards and pretreatment standards.

Therefore, this rule proposes to prohibit oil and gas facilities from moving effluent from a subcategory with more stringent requirements to a subcategory with less stringent requirements, unless that effluent is discharged in compliance with the limitations imposed by the more stringent subcategory. For example, facilities could not move produced water generated from the onshore subcategory of the oil and gas industry (which is subject to zero discharge requirements) to the offshore subcategory of the oil and gas industry and dispose of the effluent at the offshore limitations and standards. Similarly, this rule proposes to prohibit facilities from moving produced water generated from the offshore subcategory to the coastal or onshore subcategory and discharging the produced water at the offshore limitations. (An offshore oil and gas facility could, however, pipe produced water to shore for treatment and return it to offshore waters for disposal at the offshore limits. Disposal of such produced water onshore however, would be subject to zero discharge.) EPA intends that these provisions would be applied prospectively in future NPDES permits.

E. Common Sense Initiative

On August 19, 1994, the Administrator established the Common Sense Initiative (CSI) Council in accordance with the Federal Advisory Committee Act (U.S.C. Appendix 2, Section 9 (c)) requirements. A principal goal of the CSI includes developing recommendations for optimal approaches to multimedia controls for industrial sectors including Petroleum Refining, Metal Plating and Finishing, Printing, Electronics and Computers, Auto Manufacturing, and Iron and Steel Manufacturing. The following are the six overall objectives of the CSI program, as stated in the ''Advisory Committee Charter.''

- Regulation. Review existing regulations for opportunities to get better environmental results at less cost. Improve new rules through increased coordination.
- Pollution Prevention. Actively promote pollution prevention as the standard business practice and a central ethic of environmental protection.
- Recordkeeping and Reporting. Make it easier to provide, use, and publicly disseminate relevant pollution and environmental information.
- Compliance and Enforcement. Find innovative ways to assist companies that seek to comply and exceed legal requirements while consistently enforcing the law for those that do not achieve compliance.
- Permitting. Improve permitting so that it works more efficiently, encourages innovation, and creates more opportunities for public participation.
- Environmental Technology. Give industry the incentives and flexibility to develop innovative technologies that meet and exceed environmental standards while cutting costs.

The coastal oil and gas extraction rulemaking effort was not among those included in the Common Sense Initiative. However, many oil and gas producers (mostly large companies) involved in coastal oil and gas extraction activities also have refineries. These companies are projected to incur costs associated with the requirements contained in this proposal, however, these costs are not projected to have an economic impact at the firm level. The Agency believes that the CSI objectives already have been incorporated into the coastal oil and gas extraction industry rulemaking, and the Agency intends to continue to pursue these objectives. The Agency particularly will focus on avenues for giving state and local authorities flexibility in implementing this rule, and giving the industry flexibility to develop innovative and costs effective compliance strategies. In developing this rule, EPA took advantage of several opportunities to gain the involvement of various stakeholders. Sections III. E, V and X of this preamble describe consultations with state and local governments and other parties including the industry. EPA has internally coordinated among relevant program offices in developing this rule as well. Section XIV describes related rulemakings that are being developed by EPA's Office of Air Quality, Planning and Standards, Underground Injection Control Program, and Spill Prevention, Control and Countermeasure Program. EPA will be monitoring these related rulemakings to assess their collective costs to the industry. Section VIII of the preamble describes the non-water quality impacts this proposed rule would have on other media including air emissions and solid waste disposal.

III. Background

A. Clean Water Act

1. Statutory Requirements of Regulations

The objective of the Clean Water Act (CWA) is to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters''. CWA § 101(a). To assist in achieving this objective, EPA issues effluent limitation guidelines, pretreatment standards, and new source performance standards for industrial dischargers. These guidelines and standards are summarized below:

a. Best Practicable Control Technology Currently Available (BPT)—Sec. 304(b)(1) of the CWA

BPT effluent limitations guidelines apply to discharges of conventional, priority, and non-conventional pollutants from existing sources. BPT guidelines are generally based on the average of the best existing performance by plants in a category or subcategory. In establishing BPT, EPA considers the cost of achieving effluent reductions in relation to the effluent reduction benefits, the age of equipment and facilities, the processes employed, process changes required, engineering aspects of the control technologies, non-water quality environmental impacts (including energy requirements), and other factors as the EPA Administrator deems appropriate. CWA § 304(b)(1)(B). Where existing performance is uniformly inadequate, BPT may be transferred from a different subcategory or category.

b. Best Conventional Pollutant Control Technology (BCT)—Sec. 304(b)(4) of the CWA

The 1977 amendments to the CWA established BCT as an additional level of control for discharges of conventional pollutants from existing industrial point sources. In addition to other factors specified in section 304(b)(4)(B), the CWA requires that BCT limitations be established in light of a two part ''cost-reasonableness'' test. EPA published a methodology for the development of BCT limitations which became effective August 22, 1986 (51 FR 24974, July 9, 1986).

Section 304(a)(4) designates the following as conventional pollutants: biochemical oxygen demanding pollutants (measured as BOD_5), total suspended solids (TSS), fecal coliform, pH, and any additional pollutants defined by the Administrator as conventional. The Administrator designated oil and grease as an additional conventional pollutant on July 30, 1979 (44 FR 44501).

c. Best Available Technology Economically Achievable (BAT)—Sec. 304(b)(2) of the CWA

In general, BAT effluent limitations guidelines represent the best existing economically achievable performance of plants in the industrial subcategory or category. The CWA establishes BAT as a principal national means of controlling the direct discharge of toxic and nonconventional pollutants. The factors considered in assessing BAT include the age of equipment and facilities involved, the process employed, potential process changes, non-water quality environmental impacts, including energy requirements, and such factors as the Administrator deems appropriate. The Agency retains considerable discretion in assigning the weight to be accorded these factors. An additional statutory factor considered in setting BAT is economic achievability across the subcategory. Generally, the achievability is determined on the basis of total costs to the industrial subcategory and their effect on the overall industry financial health. As with BPT, where existing performance is uniformly inadequate, BAT may be transferred from a different subcategory or category. BAT may be based upon process changes or internal controls, even when these technologies are not common industry practice.

d. Best Available Demonstrated Control Technology For New Sources (BADCT)—Section 306 of the CWA

NSPS are based on the best available demonstrated treatment technology and apply to all pollutants (conventional, nonconventional, and toxic). New plants have the opportunity to install the best and most efficient production processes and wastewater treatment technologies. Under NSPS, EPA is to consider the best demonstrated process changes, in-plant controls, and end-of-process control and treatment technologies that reduce pollution to the maximum extent feasible. In establishing NSPS, EPA is directed to take into consideration the cost of achieving the effluent reduction and any non-water quality environmental impacts and energy requirements.

e. Pretreatment Standards for Existing Sources (PSES)—Sec. 307(b) of the CWA

PSES are designed to prevent the discharge of pollutants that pass through, interfere with, or are otherwise incompatible with the operation of publicly-owned treatment works (POTW). The CWA authorizes EPA to establish pretreatment standards for pollutants that pass through POTWs or interfere with treatment processes or sludge disposal methods at POTWs. Pretreatment standards are technology-based and analogous to BAT effluent limitations guidelines.

The General Pretreatment Regulations, which set forth the framework for the implementation of categorical pretreatment standards, are found at 40 CFR Part 403. Those regulations contain a definition of pass-through that addresses localized rather than national instances of pass-through and establish pretreatment standards that apply to all non-domestic dischargers. See 52 FR 1586, January 14, 1987.

f. Pretreatment Standards for New Sources (PSNS)—Sec. 307(b) of the CWA

Like PSES, PSNS are designed to prevent the discharges of pollutants that pass through, interfere with, or are otherwise incompatible with the operation of POTWs. PSNS are to be issued at the same time as NSPS. New indirect dischargers have the opportunity to incorporate into their plants the best available demonstrated technologies. The Agency considers the same factors in promulgating PSNS as it considers in promulgating NSPS.

g. Best Management Practices (BMPs)

Section 304(e) of the CWA gives the Administrator the authority to publish regulations, in addition to the effluent limitations guidelines and standards listed above, to control plant site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage which the Administrator determines may contribute significant amounts of pollutants.

h. CWA Section 304(m) Requirements

Section 304(m) of the CWA requires EPA to establish schedules for (i) reviewing and revising existing effluent limitations guidelines and standards and (ii) promulgating new effluent guidelines. On January 2, 1990, EPA published an Effluent Guidelines Plan (55 FR 80), in which schedules were established for developing new and revised guidelines for several industry categories, including the coastal oil and gas industry. Natural Resources Defense Council, Inc., challenged the Effluent Guidelines Plan in a suit filed in the U.S. District Court for the District of Columbia, (NRDC *et al* v. Reilly, Civ. No. 89–2980). On January 31, 1992, the Court entered a consent decree (the ''304(m) Decree''), which establishes

schedules for, among other things, EPA's proposal and promulgation of effluent guidelines for a number of point source categories, including the Coastal Oil and Gas Industry. The most recent Effluent Guidelines Plan was published in the Federal Register on August 26, 1994 (59 FR 44234). This plan requires, among other things, that EPA propose the Coastal Guidelines by January 1995 and promulgate the Guidelines by July 1996.

2. Prior Federal Rulemakings and Other Notices

Coastal subcategory effluent limitations were proposed on October 13, 1976 (41 FR 44943). On April 13, 1979 (44 FR 22069) BPT effluent limitations guidelines were promulgated for all subcategories under the oil and gas category, but action on the BAT and NSPS regulations was deferred. Table 1 presents the 1979 BPT limitations.

TABLE 1.—COASTAL SUBCATEGORY BPT EFFLUENT LIMITATIONS [2]

Waste stream	Parameter	BPT effluent limitation
Produced Water	Oil and Grease	72 mg/l Daily Maximum 48 mg/l 30-Day Average.
Drilling Cuttings	Free Oil [1]	No Discharge.
Drilling Fluids	Free Oil [1]	No Discharge.
Well Treatment Fluids	Free Oil [1]	No Discharge.
Deck Drainage	Free Oil [1]	No Discharge.
Sanitary-M10	Residual Chlorine	1 mg/l (minimum).
Sanitary-M91M	Floating Solids	No Discharge.
Domestic Wastes	Floating Solids	No Discharge.

[1] The free oil ''no discharge'' limitation is implemented by requiring no oil sheen to be present upon discharge (visual sheen).
[2] 40 CFR Part 435, Subpart D.

On November 8, 1989, EPA published a notice of information and request for comments on the Coastal Oil and Gas subcategory effluent limitations guidelines development (54 FR 46919). The notice presented information known to date about control and treatment technologies, applicable to oil and gas wastes as well as the Agency's anticipated approach to effluent limitations guidelines development for BAT, BCT, and NSPS. It also solicited comments on the information presented as well as the limitations development approach and requested additional information where available.

B. Pollution Prevention Act

In the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13101 *et seq.*, Pub. L. 101–508, November 5, 1990), Congress declared pollution prevention the national policy of the United States. The PPA declares that pollution should be prevented or reduced whenever feasible; pollution that cannot be prevented or reduced should be recycled or reused in an environmentally safe manner wherever feasible; pollution that cannot be recycled should be treated in an environmentally safe manner wherever feasible; and disposal or release into the environment should be chosen only as a last resort.

Today's proposed rules are consistent with this policy. In fact, for the two major wastestreams generated by this industry, EPA is proposing zero discharge for drilling fluids and cuttings, as well as zero discharge for approximately 80 percent of the volume of produced water. Zero discharge of wastes is an alternative that prevents pollution to the maximum extent possible. As described later in this notice, development of these proposed rules focused on pollution-preventing technologies, such as drilling fluids closed-loop recycle systems and produced water injection systems, that some segments of the industry have already adopted.

C. Coastal Subcategory Definition

The coastal oil and gas regulations at 40 CFR 435.41(e) currently define the coastal subcategory as follows:

''(1) any body of water landward of the territorial seas as defined in 40 CFR 125.1(gg) or (2) any wetlands adjacent to such waters.'' Part 125 was revised at 44 FR 32948 (June 7, 1979).

EPA proposes to clarify the ''coastal'' definition in this rule. First, EPA intends to revise the regulation to state that the coastal subcategory would consist of ''any oil and gas facility located in or on a water of the United States landward of the territorial seas.'' As suggested by the preamble to the 1979 guidelines in discussing the coastal definition (44 FR 22017; April 13, 1979), EPA intended the subcategory to cover all facilities located over waters under CWA jurisdiction, including adjacent wetlands. Courts have made it clear that isolated wetlands with an interstate commerce connection, as well as adjacent wetlands, are waters of the United States subject to CWA jurisdiction. *See, e.g., Hoffman Homes, Inc.* v. *Administrator* 999 F.2d 256 (7th Cir. 1993). The revised definition would make it clear that facilities located in or on isolated wetlands would be considered to be coastal. This application of the coastal definition is consistent with the EPA Region 6 final general permit for coastal drilling operations. 58 FR 49126 (September 21, 1993).

In addition, the revised definition would no longer refer to 40 CFR 125.1(gg). Part 125 was revised at 44 FR 32948 (June 7, 1979) and no longer exists in the CFR. That provision, when it did exist, merely cited section 502(8) of the CWA which defines territorial seas as ''the belt of seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.'' 40 CFR 125.1(gg) (July 1, 1978). That statutory definition is still in effect.

Also, EPA would explicitly include in the definition of ''coastal'' certain wells located in the area between the Chapman line and the inner boundary of the territorial seas that were determined to be coastal as a result of a decision of the U.S. Court of Appeals for the Fifth Circuit. *American Petroleum Institute* v. *EPA*, 661 F.2d 340 (5th Cir. 1981). The Chapman line is formed by a series of 40 latitude and longitude coordinates that roughly parallel the Louisiana and Texas coastline to the Mexican border. EPA's interim final regulations issued in 1976 (41 FR 44942; October 13, 1976) defined ''coastal'' to include all land and water areas landward of the inner boundary of the territorial seas and eastward of the point defined by 89 degrees 45 minutes West Longitude and 29 degrees 46

minutes North latitude and continuing west of that point through the series of longitude and latitude coordinates (the Chapman Line) to the point 97 degrees 19 minutes West Longitude and continuing southward to the U.S.-Mexican border.) So defined, the coastal area included areas on the Gulf coast of Texas and Louisiana. The 1976 boundaries were set to include wells located in both water and on land within the geographic area defined as coastal.

On April 13, 1979 (44 FR 22069), EPA redefined the coastal subcategory as set forth at 40 CFR 435.41(e). This new definition eliminated reference to the Chapman line, and instead, defined coastal with respect to a well's location over water bodies or wetlands. Under this definition, certain wells located on land, but discharging to coastal areas, were reclassified into the onshore subcategory and others were reclassified as stripper wells, depending on their production rate. The wells that were classified as onshore were required to meet zero discharge which is the standard applicable to onshore facilities. Industry challenged EPA's 1979 final rule. In *American Petroleum Institute* v. *EPA*, 661 F.2d 340, 354-57 (5th Cir., 1981), the Court held that EPA had failed to consider adequately the cost to the reclassified facilities of this regulatory change. As a result of the Court's decision, EPA suspended the applicability of the onshore subcategory guidelines (40 CFR 435.30) to the reclassified wells and to any wells that came into existence in the affected area after the issuance of the 1979 redefinition. See 47 FR 31554 (July 21, 1982). Thus, the wells affected by this suspension are classified as coastal. To reflect this fact, the definition of coastal in 40 CFR 453.41(e) would be revised to include facilities subject to the suspension.

D. New Source Definition

The definition of ''new source'' as it applies to the Offshore Guidelines was discussed at length in EPA's 1985 proposal, (50 FR 34617-34619, August 26, 1985) and in EPA's final rule (58 FR 12456-12458, March 4, 1993). EPA proposes that this definition would also apply to the coastal oil and gas industry. As discussed in the 1985 proposal and 1993 final rule, provisions in the NPDES regulations define new source (40 CFR 122.2) and establish criteria for a new source determination (40 CFR 122.29(b)). EPA is proposing special definitions which are consistent with 40 CFR 122.29 and which provide that 40 CFR 122.2 and 122.29(b) shall apply ''except as otherwise provided in an applicable new source performance standard.'' (See 49 FR 38046, Sept. 26, 1984.)

In summary, for coastal operations a drilling operation would be a new source if the drilling rig is drilling a coastal development well (not an exploratory well) in a new water area. Exploratory or development well drilling from an existing platform or rig that has not moved since it drilled a previously existing well would not be a new source. For production, a new source would be a facility discharging from a new site.

EPA invites comments on the definition of new sources as it applies to the coastal oil and gas subcategory.

E. Summary of Public Participation

EPA encourages full public participation in developing the final Coastal Guidelines. During the data gathering activities that preceded development of the proposed rule, EPA received written comments on the 1989 Notice of Information and Request for Comments and has met with representatives from industry and environmental groups, as well as state and other federal agencies. To further public participation on this rule, on July 19, 1994, EPA held a public meeting about the content and the status of the proposed regulation. The meeting was announced in the **Federal Register** (59 FR 31186; June 17, 1994), and information packages were distributed at the meeting. The public meeting also gave interested parties an opportunity to provide information, data, and ideas to EPA on key issues. EPA will assess all comments and data received at that public meeting along with comments and data received as a result of this proposal as well as the 1989 Notice of Information, prior to promulgation.

During the development of the proposed Coastal Guidelines, EPA sent a questionnaire to industry under authority of section 308 of the CWA. During its design, EPA met with industry trade associations (on March 19, 1992) to discuss its plans to issue a questionnaire. Following the March meeting, EPA distributed a draft of the questionnaire to NRDC, industry representatives, and trade associations for review and comment. On May 7, 1992, EPA met with industry representatives to discuss industry comments. NRDC did not provide comments. A final questionnaire was subsequently completed, reviewed and approved by the Office of Management and Budget (OMB) and sent to coastal oil and gas operators on August 30, 1993.

IV. Description of the Industry

A. Industry Description

Drilling in coastal areas occurs onland as well as over water or wetlands. Drilling occurs in two phases: Exploration and development. Exploration activities are those operations involving the drilling of wells to locate hydrocarbon bearing formations and to determine the size, and production potential of hydrocarbon reserves. Development activities involve the drilling of production wells once a hydrocarbon reserve has been discovered and delineated.

Drilling for oil and gas is generally performed by rotary drilling methods which involve the use of a circularly rotating drill bit that grinds through the earth's crust as it descends. Drilling fluids are injected down through the drill bit via a pipe that is connected to the bit, and serve to cool and lubricate the bit during drilling. The rock chips that are generated as the bit drills through the earth are termed drill cuttings. The drilling fluid also serves to transport the drill cuttings back up to the surface through the space between the drill pipe and the well wall (this space is termed the annulus), in addition to controlling downhole pressure.

As drilling progresses, large pipes called ''casing'' are inserted into the well to line the well wall. Drilling continues until the hydrocarbon bearing formations are encountered. In coastal areas, wells depths range from approximately 8,000–12,000 feet deep, and it takes approximately 20–60 days to complete drilling.

On the surface, the drilling fluid and drill cuttings undergo an extensive separation process to remove as much solids (e.g., cuttings) from the fluid as possible. The fluid is then recycled into the system, and the cuttings become a waste product. Intermittently during drilling, and at the end of the drilling process, drilling fluids may become wastes if they can no longer be reused or recycled.

Once the target formations have been reached, and a determination made as to which have commercial potential, the well is made ready for production by a process termed ''completion''. Completion involves cleaning the well to remove drilling fluids and debris, the perforation of the casing that lines the producing formation, insertion of production tubing to transport the hydrocarbon fluids to the surface, and installation of the surface wellhead. The well is now ready for production, or actual extraction of hydrocarbons.

The hydrocarbons extracted from the well usually consist of a combination of oil, gas, and brines (produced water). These fluids are initially directed from the wellhead to a separation facility where gas and oil are separated out and either treated further or sent directly offsite for sales, and the produced waters undergo further separation to remove as much oil as possible from the water.

The separation facilities, or production facilities, consist of the treatment equipment and storage tanks that process the produced fluids. Production facilities may be configured to service one well, or as central facilities which service multiple satellite wells, also known as tank batteries or gathering centers.

Coastal production facilities can be located over water or on land. Production facilities located over water exist in generally two types of configurations: (1) Individual deep water multi-well platforms or; (2) central facilities supported on barges or wooden or concrete pilings that service multiple satellite wells in shallow water. Production facilities on land may service satellite wells in any combination of locations. The type of configuration is an important factor when examining costs of installing pollution control equipment.

Multi-well platforms, such as those found in the Gulf of Mexico offshore region, are not commonly found in the coastal region of the Gulf of Mexico. Based on an earlier mapping effort of all oil and gas wells, EPA determined that there are only four structures owned and operated by four different operators in the coastal Gulf of Mexico region that can be classified as multi-well platforms. However in the Gulf coastal areas, many single wellheads are located throughout the coastal waters, serviced by gathering centers located on-land or on platforms. Although there are some exceptions, in most cases those located on land can be accessed by car or truck (land-access) while those facilities located over water must be accessed by boat or barge (water-access). An analysis of the EPA 1993 Coastal Oil and Gas Questionnaire data results indicates that approximately 34 percent of the production facilities in the Gulf of Mexico are land accessed, and 66 percent are water-accessed facilities. (See Section V.B for description of the Questionnaire). This distinction is important when estimating regulatory compliance costs and impacts as described in sections VI and VIII. On the other hand, all coastal structures in Cook Inlet, Alaska are deep water multi-well platforms, all accessible only by water (or air) transportation.

Depending on operational preference or regulatory requirements, many of the coastal production facilities do not discharge produced water and thus, would not incur costs due to this rulemaking.

B. Location

Coastal oil and gas activities are located on water bodies inland of the inner boundary of the territorial seas. These water bodies include inland lakes, bays and sounds, as well as saline, brackish, and freshwater wetland areas. Although the definition includes water bodies even in all inland U.S. states, EPA knows of no existing operations other than those in certain states bordering the coast. Thus, at this time, the coastal oil and gas operations are located only in coastal states.

Current coastal oil and gas activity exists along the Gulf of Mexico coastal states of Texas, Louisiana, Alabama and Florida, in San Pedro Bay, California and also in Alaska's Cook Inlet and the North Slope areas. The majority of Gulf Coast activity takes place in Texas and Louisiana. There, coastal oil and gas operations exist in a number of topographical situations including bays, sounds, lakes, and wetlands. Coastal oil and gas activity in Alabama is located in Mobile Bay; and a small number of wells are also located in wetlands along the west coast of Florida.

Coastal oil and gas activity in California exists behind the barrier island that forms San Pedro Bay (in Long Beach Harbor). There, four man-made islands have been constructed solely for the purpose of oil and gas extraction.

Roughly one third of all the coastal oil and gas production activity exists in Alaska. Deep water platforms exist in the northern part of Cook Inlet. In addition, operations resembling onshore activities (as opposed to deep water platforms) are located on the tundra wetlands of Alaska's North Slope.

C. Activity

Table 2 summarizes the number of producing wells and annual drilling activities for the coastal subcategory and the number of producing facilities that would incur costs (those still discharging after the projected final date of July 1996) due to this rulemaking, by geographic locations.

TABLE 2.—PROFILE OF COASTAL OIL AND GAS INDUSTRY

Coastal location	Region	Number of producing wells (1992)	Number of production facilities (1992)	Number of production facilities that would incur costs under this rule	Annual drilling activity	Number of operators that would incur costs under this rule
Gulf of Mexico	TX & LA	4675	853	216	686	122
	AL, FL	56	ND [1]	0	7	0
Alaska	Cook Inlet	237	8	8	8	5
	North Slope	2085	12	0	161	0
California	Long Beach Harbor	586	4	0	7	0
Total		7639	877	224	869	127

[1] Not determined.

Eight hundred and seventy seven (877) production facilities listed in Table 1 are currently discharging produced water in the coastal areas of Texas (TX), saline and brackish coastal waters of Louisiana (LA), and the Cook Inlet of Alaska. All coastal production facilities in Mississippi (MS), Alabama (AL), Florida (FL), the North Slope, and California do not discharge treated produced water, but rather inject it either for disposal or for waterflooding.

There are no discharges of drilling fluids and cuttings from coastal operators except for those in Cook Inlet. The volumes and locations of discharges are discussed in more detail in Section VI. By July 1996, the scheduled date for promulgation of this rule, EPA estimates that there will be 216 facilities operated by 122 operators discharging produced water. This is based on data obtained directly from industry, the 1993 Coastal Oil and Gas Questionnaire, and state permit records.

D. Waste Streams

The primary wastewater sources from the exploration and development phases of the coastal oil and gas extraction industry include the following:

- Drilling fluids.
- Drill cuttings.
- Sanitary wastes.
- Deck drainage.
- Domestic wastes.

The primary wastewater sources from the production phase of the industry include the following:

- Produced water.
- Produced sand.
- Well treatment, workover, and completion fluids.
- Deck drainage.
- Domestic wastes.
- Sanitary wastes.

Drilling fluids and drill cuttings are the most significant waste streams from exploratory and development operations in terms of volume and pollutants. Produced water is the largest waste stream from production activities in terms of volumes of discharged and quantity of pollutants. Deck drainage, sanitary wastes, domestic wastes, produced sand, and well treatment, completion, and workover fluids are often classified under the term miscellaneous wastes.

A summary of the sources and characteristics of each of these wastes is presented in Section VI of this notice. Detailed discussions of the origins and characteristics of the waste water effluents from exploration, development, and production are included in the Coastal Technical Development Document. EPA has primarily focused data gathering efforts and data analyses on drilling fluids, drill cuttings, and produced water due to their volumes and potential toxicity. Information on the other waste streams discussed above is more limited. Their volumes are generally smaller, and in most cases are either infrequently discharged or are commingled with the major waste streams. However, EPA has determined that it is appropriate to propose regulations for these wastes as well.

E. Current NPDES Permits

Discharges from coastal oil and gas operations in the Gulf of Mexico, California, and Alaska are regulated by general and individual NPDES permits based on BPT, State Water Quality Standards, and on Best Professional Judgment (BPJ) of BCT and BAT levels of control. Table 3 lists the requirements in these permits.

EPA's Region VI has developed general NPDES permits for each phase of oil and gas operations (drilling and production). The drilling permits for Louisiana and Texas were proposed in 1990 and a final permits published on September 21, 1993 (58 FR 49126). Region VI proposed general production permits on December 22, 1992 (57 FR 60926), and final permits on January 9, 1995 (60 FR 2387).

EPA's Region X issued a BPT and BPJ general NPDES permit for oil and gas operations in the Upper Cook Inlet. However, although expired, conditions of this general permit are still fully effective and enforceable until the permit is reissued. Region X is currently in the process of reissuing the BPT and BPJ/BAT general permit for this area with proposal expected in early 1995. In addition to the general permit, the Region issued an individual permit regulating discharges from exploratory drilling operations in Upper Cook Inlet in May 1993. The individual permit was also based on BPT and BPJ/BAT.

The State of Alabama, which has been authorized to administer the NPDES program, has also issued a final NPDES general permit covering facilities in state waters, including offshore and coastal facilities (including Mobile Bay). (Permit #ALG280000, May 25, 1994). This permit specifically prohibits the discharge of drilling fluids and cuttings, and produced water. The permit also does not allow the discharge of produced sands or treatment, workover and completion fluids.

Regional permit requirements are based on other factors, in addition to technology pollutant removal performance, including water quality criteria.

TABLE 3.—NPDES PERMIT REQUIREMENTS [1]

[Regional Permit Requirements]

Wastestream	Region X (Cl 1986 BPT permit)	Region X exploration permit (1993)	Region VI final drilling permit (1993)	Region VI production permit (final) (1995)	Region IV permit (1994)
Produced Water	Monitor daily flow rate Oil & Grease: Phillips A Platform 20 mg/l daily max 15 mg/l mo. ave. Other facilities: 48/72 mg/l pH=6-9.	Not applicable	Covered in Production Permit.	No Discharge	No Discharge.
Produced Sand	No free oil (Static Sheen)	Not applicable	Not applicable	No Discharge	No Discharge.
Drilling Fluids and Cuttings.	(1) Toxicity: Discharge only approved generic muds. (2) No free oil- static sheen (3) No discharge oil-based muds. (4) 10 percent oil content for cuttings. (5) No diesel oil (6) 1/3 mg/kg Hg/Cd in dry barite. (7) Flow rate >40m = 1000 bbl/hr	(1) Flowrate = 750 bbl/hr (2) Use authorized muds only. (3) Toxicity: 30,000 ppm in SPP. (4) No free oil. (5) No discharge of oil-based fluids. (6) 5 percent (wt) oil content in cuttings. (7) No discharge of diesel oil. (8) 1 mg/kg Hg and 3 mg/kg Cd in stock barite.	No Discharge	Not applicable.	No Discharge.

TABLE 3.—NPDES PERMIT REQUIREMENTS [1]—Continued

[Regional Permit Requirements]

Wastestream	Region X (Cl 1986 BPT permit)	Region X exploration permit (1993)	Region VI final drilling permit (1993)	Region VI production permit (final) (1995)	Region IV permit (1994)
	>20-40m = 750 bbl/hr. >5-20m = 500 bbl/hr. <5m = No discharge.				
''Dewatering Effluent''.	Not separately regulated	Not separately regulated	No free oil 50 mg/l TSS. 125 mg/l COD pH = 6-9. 500 mg/l chlorides. 0.5 mg/l total Cr. 5.0 mg/l Zn Monitor volume.	Not applicable.	Not separately regulated.
Treatment, Completion, Workover Fluids.	No free oil (Static Sheen) No oil-based fluids pH = 6-9 Oil and grease limits apply to combined discharge of any TWC commingled with produced water	No discharge of free oil or oil-based fluids. Monitor frequency of discharge and volume pH = 6.5–8.5. Oil & grease = 72 daily max. & 48 mo. avg	Freshwater: No discharge. Saline water: No toxics, No free oil (visual sheen), pH = 6-9	Not applicable.	No Discharge.
Domestic Wastes	No free oil (No visible sheen) No Floating solids Monitor flow rate	Monitor flow rate No free oil (No visible sheen) No floating solids No visible foam	No discharge of solids (''garbage'').	Not applicable.	Flow = 10,000 gpd max. BOD_5 = 45 mg/l daily max. = 30 mg/l (mo. aver.) TSS = 45 mg/l daily max. = 30 mg/l (mo. aver.) Total residual chlorine = 1.0 mg/l (daily min) maintained as close to this value as possible. No Floating Solids.
Deck Drainage	No free oil (Visual Sheen) Monitor flow rate (mo. ave.).	Monitor flow rate (mo. avg.) No free oil (visual sheen).	No free oil (visual sheen) Monitor volume.	Not applicable.	Monitor daily flow No free oil (visual sheen)
Sanitary Wastes	No floating solids As close as possible to, but no less than 1.0 mg/l. BOD & SS [2] 24 hr = 60 mg/l 7 day = 45 mg/l	No free oil (No visible sheen) No floating solids No visible foam As close as possible but no less than 1 mg/l. BOD: 30 day=30 mg/l.	No floating solids BOD = 45 mg/l TSS = 45 mg/l fecal coliforms = 200/100 mls Monitor flow.	Not applicable.	Flow = 10,000 gpd max. BOD_5 = 45 mg/l daily max. = 30 mg/l (mo. aver.) TSS = 45 mg/l daily max. = 30 mg/l (mo. aver.) Total residual chlorine = 1.0 mg/l (daily min) maintained as close to this value as possible. No Floating Solids.

TABLE 3.—NPDES PERMIT REQUIREMENTS [1]—Continued

[Regional Permit Requirements]

Wastestream	Region X (CI 1986 BPT permit)	Region X exploration permit (1993)	Region VI final drilling permit (1993)	Region VI production permit (final) (1995)	Region IV permit (1994)
	30 day = 30 mg/l	24 hr = 60 mg/l ..... TSS: 30 day = TSS intake + 30 mg/l. 24 hr = TSS intake + 60 mg/l			

[1] For a complete presentation of the effluent limitations and their bases in the permits see the following: Region X Proposed General Permit for Cook Inlet: 50 FR 28974, 7/17/85, Region X Final Permit for Cook Inlet: 51 FR 35460, 10/3/86, Region VI Final General Permit for Drilling Operations: 58 FR 49126, 9/21/93, Region VI Proposed General Permit for Production Operations: 57 FR 60926, 12/22/92. The Region X Exploration Permit and the Region IV Permit are in the record for this rulemaking.

[2] Limits apply only to discharges to state waters and separately for BOD and SS.

V. Summary of Data Gathering Efforts

The major studies presenting information on coastal oil and gas effluents and treatment technologies which have bearing on this proposed rule are summarized in this section. These investigations include: underground injection of produced water and associated produced water treatment technologies; solids control technologies for drilling fluids; drilling fluids and drill cuttings waste generation, treatment, and disposal in coastal Alaska; and commercial non-hazardous oil and gas waste disposal facilities and technologies. In addition, EPA sent a CWA section 308 Questionnaire to the industry to gather information characterizing coastal oil and gas pollution control technology and the costs of such technologies. The questionnaire and results are described below.

A. Information Used From the Offshore Guidelines

Due to certain similarities in the technologies employed and wastes generated by the offshore and coastal subcategories of the oil and gas industry, certain data generated during the Offshore Guidelines development effort have been utilized in the development of this proposed rule where appropriate. Those data most influential in the development of this proposed rule, listed below, are summarized both in the Coastal Technical Development Document and described in more detail in the Development Document for the Effluent Limitations Guidelines and New Source Performance Standards for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category, (hereafter referred to as the Offshore Technical Development Document), Sections V and XVIII (EPA, January 1993).

- Produced water characteristics for Cook Inlet.
- Produced water characteristics for effluent from improved gas flotation.
- Drilling fluids and cuttings waste characteristics.
- Deck drainage characteristics.
- Domestic waste characteristics.
- Sanitary waste characteristics.
- Some non-water quality environmental impacts.

B. 1993 Coastal Oil and Gas Questionnaire

A comprehensive questionnaire entitled the ''1993 Coastal Oil and Gas 308 Questionnaire'' was developed under the authority of section 308 of the CWA. EPA distributed this questionnaire to all known coastal oil and gas operators. The Questionnaire requested information on oil and gas waste generated, their treatment and disposal methods and costs for waste treatment and disposal. The questionnaire also requested information regarding the financial profile of each operator surveyed.

Upon their return, EPA reviewed the questionnaires for completeness and technical content and then transcribed the responses into a computer readable format using double key-entry procedures. EPA prepared statistical estimates in order to extrapolate the results from the sampled wells and facilities to the entire coastal industry. EPA used the individual data and the statistical reports to determine waste volumes, treatment and disposal methods and costs of treatment and disposal methods. EPA also used the survey results to estimate future industrial activity. The statistical analysis of the questionnaire data is included in the record for this rulemaking.

C. Investigation of Solids Control Technologies for Drilling Fluids

In 1993, EPA collected samples and gathered technical data at three drilling operations in the coastal region of Louisiana. The purpose of this effort was to gather operating and cost information regarding closed-loop solids control technology (See description of this technology in Section VI.A) at active oil and gas well drilling operations. Two of the sites were drilling using land-based rigs, and the other operation was located in an inland bay and used a posted barge rig. One operator was a large independent, the other 2 were majors.[1]

Technical and cost information was collected on the following topics:

- Drilling waste volumes and disposal methods.
- Solids control equipment design and performance.
- Drilling fluids.
- Well design and construction.
- Drilling operations.
- Annular injection.
- Miscellaneous waste volumes and disposal methods.

EPA used the results of this investigation to determine methods and costs of drilling waste disposal, as well as miscellaneous waste volumes, and their treatment and disposal.

D. Sampling Visits to 10 Gulf of Mexico Coastal Production Facilities

EPA visited ten coastal oil and gas production facilities located in Texas

[1] The term ''major'' oil and gas company is used here to differentiate it from smaller operators in the industry. Major oil and gas companies are characterized by a high degree of vertical integration, *i.e.*, their activities encompass both ''upstream'' activities—oil exploration, development, and production and ''downstream'' activities—transportation, refining, and marketing. As a group the majors generally produce more oil and gas, earn significantly more revenue and income, have considerably larger assets, and have greater financial resources than the independent operators.

and Louisiana to gather operating and cost information regarding produced water injection and to collect samples of produced water and miscellaneous wastes. Samples were analyzed for a variety of analytes in the categories of organic chemicals, metals, conventional and non-conventional pollutants, and radionuclides. Sampling at each site was conducted for one day over a span of eight hours. Technical and cost data were collected in addition to the production waste samples.

EPA was careful, in its selection of Gulf Coast sites, to visit facilities that (1) were located in both Texas and Louisiana, (2) were located in different wetland situations (wetlands, or inland bays), and (3) that ranged in operator size (major to small independent). Nine of the ten facilities visited utilized injection wells for produced water disposal and one utilized surface discharge.

A focus of this site visit program was to investigate the technologies used to treat produced waters prior to injection. Several of the facilities employed cartridge filtration subsequent to BPT treatment (gravity separation sometimes assisted by heat or chemicals).

Aqueous samples were collected from settling tank effluent at all ten facilities, as well as the influent (settling effluent) and effluent of all four filtration systems. Samples were analyzed for the following analytes:

—TSS
—Oil and Grease
—Volatile Organics
—Semi-volatile Organics
—Metals
—Conventional Parameters
—Non-conventional Parameters
—Radionuclides

Cartridge filters were also collected at all the facilities that utilized them, and were analyzed for radionuclides concentrations. Samples of produced sands were also collected where available and analyzed for the same pollutants as for produced water.

In addition to the sampling activities, technical and cost information was collected on the following topics:

- Separator and treatment system technologies and configuration.
- Equipment space requirements.
- Support structures.
- Miscellaneous waste volumes treatment and disposal methods.
- Produced water volumes and disposal methods.
- Energy requirements.
- Injection well remedial work requirements.
- Ancillary equipment requirements (besides the injection well) for injection.
- Injection well design and operation.
- Production data.

The results from this study, together with data from the EPA 1993 Coastal Oil and Gas Questionnaire and state permit data, discussed below, formed the basis for EPA's produced water treatment and disposal cost analyses discussed later in Section VI.B. The analytical data was used to characterize produced water effluent characteristics from BPT treatment systems.

E. State Discharge Monitoring Reports

EPA obtained detailed information on produced water discharges from state discharge permits for operators in Texas and Louisiana. The Louisiana Department of Environmental Quality (LADEQ) and the Texas Railroad Commission (TRC) supplied EPA with state permits for all known dischargers in the coastal areas. The state permit information identifies the operator, the name of the producing field, the location of the production facility, the volume of produced water discharged, the location and permit number of the outfall, and in Louisiana only, the compliance date by which the discharge must cease. From these data, EPA estimated that 216 production facilities in both the Texas and Louisiana coastal region will be discharging after July 1996 (the projected date of issuance of this regulation). The list of these facilities is presented in the record for the rulemaking. From this list EPA estimated costs of produced water treatment and disposal on a per facility basis.

F. Commercial Disposal Operations

In May 1992, EPA visited two non hazardous oil and gas waste land treatment facilities and two waste transfer stations in Louisiana. The purpose of these visits was to investigate the transportation, handling, disposal methods employed and associated costs of these operations. Detailed information was gathered concerning the operation of the landfarm treatment process used for the disposal of non-hazardous oil field wastes, transportation equipment, transfer equipment, equipment fuel requirements and costs incurred by the facilities and costs charged to the customers. The information was used in the development of compliance costs and the non-water quality environmental impacts for the various regulatory options under consideration.

In March 1992, EPA visited two commercial produced water injection facilities in Louisiana. The purpose of the visits was to collect information regarding costs of produced water disposal and other operating costs as well as to collect samples of produced water, filter solids, used filters and tank bottoms solids for radioactivity analysis. Both facilities utilized sedimentation and filtration as treatment processes for produced water followed by underground injection. The technical information gathered at these sites was used in developing compliance costs and the non-water quality impacts for the various regulatory options under consideration. The results of the radioactivity analyses were used in an evaluation of radioactivity concentrations in oil and gas wastes.

G. Evaluation of NORM in Produced Waters

EPA reviewed all known data regarding the presence of naturally occurring radioactive materials (NORM) found in discharge of produced water and associated with scales and sludges on oil and gas production equipment.

EPA summarized produced water radioactivity data from 22 available studies focusing on data from coastal sites. Each of these 22 studies was summarized according to the location of the sites, sampling plans, and analytical methods used to measure the radionuclides. This information was used in characterizing NORM in produced water discharges in the Gulf Coast.

H. Alaska Operation

In August 1993, EPA embarked on a fact-finding mission regarding drilling and production operations and practices in both regions of Alaska, Cook Inlet and the North Slope. Information and data were obtained by direct visits to these areas, and by contacting the Alaska Oil and Gas Association (AOGA), state regulatory authorities, and individual operators. In addition, AOGA and individual operators submitted to EPA information on projects and technologies currently being developed and used in Cook Inlet and on the North Slope to dispose of drilling and production wastes, and the costs associated with these projects. Specific operating and cost information was obtained on zero discharge technologies including grinding and injection systems for drilling fluids and drill cuttings as well as produced water injection. EPA used the information obtained during this data gathering effort to estimate costs of treatment and control options for Alaska coastal facilities.

In March 1994, Cook Inlet Alaska oil and gas operators submitted to EPA information on drilling waste disposal alternatives and their costs and on

projected drilling schedules. Three alternatives were evaluated by the operators in terms of technological achievability and costs: discharge to Cook Inlet surface water, land-based disposal, and disposal by injection. EPA considered this information during its development of regulatory options and estimation of costs for disposal of drilling wastes in Cook Inlet. These same Cook Inlet operators also submitted to EPA information on the technological and economic feasibility of zero discharge of produced water from the largest shore-based production facility in the Inlet. This information presented the costs and technological achievability for three produced water injection alternatives including (1) Treatment and injection at the platforms, (2) treatment at onshore treatment facilities (for some platform operations) and onshore injection, and (3) treatment at onshore treatment facilities and injection back at the platforms. EPA considered this information during its development of zero discharge option for produced water and cost estimations in Cook Inlet.

I. Region X Drilling Fluid Toxicity Data Study

EPA evaluated a summary data base containing Region X permit compliance monitoring information including toxicity measurements of drilling fluids used in Alaska. The database contains 161 records of 96-hour LC50 data from coastal and offshore oil and gas wells in Alaska from 1985 to 1994. Drilling fluid toxicity levels were characterized for Alaska drilling activities, and particularly for activities in Cook Inlet. This data indicated that drilling fluids and cuttings being discharged in Cook Inlet may be able to meet a toxicity limitation of between 100,000 ppm (SPP) and 1,000,000 ppm (SPP).

EPA measures toxicity using a standard bioassay test known as the ''Drilling Fluids Toxicity Test'' (See 40 CFR 435 Subpart A, Appendix 2). Under this test, the species mysidopsis bahia is exposed to different concentrations of the drilling fluids and cuttings for a set time, 96 hours. An LC–50 toxicity test is performed by mixing a solution of seawater and drilling fluids and cuttings, allowing the solution to settle for one hour, decanting the liquid off from the settled solids, and then adding to the decant, or suspended particulate phase (SPP), the test organisms and determining the number of organisms alive after 96 hours. Then, by observing mortality rates and by calculation, the concentration required to kill 50 percent of the test animals in 96 hours is determined. The ''96-hour LC–50'' is defined as the lethal concentration of a toxicant that will kill 50 percent of the test organisms after a 96-hour exposure. Thus, the lower the LC–50 value, the higher the relative toxicity.

J. California Operations

EPA visited coastal oil and gas operations in Long Beach Harbor, California in February 1992. The visit was to one of the four man-made islands that have been constructed in the Harbor for the purpose of oil and gas extraction. The facilities on these islands are operated by THUMS, a consortium of five oil and gas operating companies (Texaco, Humble (now Exxon), Union, Mobil and Shell). EPA met with state regulatory officials and was given a tour of one of the islands by THUMS personnel. Both drilling and production were occurring at the time of the visit.

Information regarding waste generation, treatment, disposal, and costs were obtained during the visit. No discharges are occurring from the THUMS operations. The information provided EPA with specific waste disposal technology and cost information which has, where appropriate, been incorporated into cost analyses, and enabled EPA to characterize California coastal oil and gas operations.

K. OSW Sampling Program

EPA's Office of Solid Waste conducted a sampling program on associated oil and gas wastes in 1992. As part of this effort, samples were obtained for completion, workover, and treatment fluids. The parameters analyzed for were the same as those for produced water samples listed previously in Section V.D. EPA has used this data base to characterize the discharges of these fluids. Seven samples of treatment, workover and completion fluids were collected from operations in Texas, New Mexico and Oklahoma. The samples were analyzed for conventional, nonconventional and priority pollutants.

L. Estimation of the Inner Boundary of the Territorial Seas

As part of the Coastal Guidelines development effort, EPA specifically delineated the seaward boundary of the coastal subcategory (which is the inner boundary of the Territorial Seas). The purpose of this effort was to define an area in order to estimate the number of coastal wells and production facilities operating in that area. The purpose was not to determine a well's subcategory for regulatory permit writers. This delineation is in the form of latitude and longitude coordinates covering that part of the inner boundary of the Territorial Seas along Alaska's North Slope and Cook Inlet, Texas, Louisiana, Alabama and Southern California. Much of this boundary has been delineated on nautical charts published by the National Ocean Service of the National Oceanic and Atmospheric Administration (NOAA). In some locations however, this boundary has not previously been delineated by NOAA, and EPA completed the coordinates using established procedures described in the Convention of the Territorial Seas and the Contiguous Zone, Articles 3–13. The digital coordinates of the inner boundary of the Territorial Seas, for the above mentioned locations and a description of its derivation is included in the record for this rule. This digital boundary assisted EPA in its determination of the number of wells and production facilities that exist in this subcategory.

VI. Development of Effluent Limitations Guidelines and Standards

A. Drilling Fluids and Drill Cuttings (Drilling Wastes)

1. Waste Characterization

Drilling fluid and cuttings discharges are typically generated in bulk form and occur intermittently during well drilling and at the end of the drilling phase.

There are currently no drilling fluids and cuttings discharges in any coastal area except Cook Inlet. In Cook Inlet, operators do not currently practice zero discharge, except for a small volume of drilling fluids and cuttings wastes (approximately one percent) which are not discharged because they do not meet current permit limits. Generally, drilling fluids and cuttings volumes average approximately 14,000 barrels (bbl) per new well drilled in Cook Inlet. (NOTE: The barrel is a standard oil and gas measurement and is equal in volume to 42 gallons). Based on industry projections given to EPA, an average of 79,000 bbls drilling fluids and cuttings are generated each year (bpy) in the Inlet. Significant pollutants in these wastes include chromium, copper, lead, nickel, selenium, silver, beryllium and arsenic among the toxic metals. Toxic organics present include naphthalene, fluorene, and phenanthrene.

TSS makes up the bulk of the pollutant loadings, part of which is comprised of the toxic pollutants. TSS concentrations are very high due to the nature of the wastes. And because its TSS concentration is so high, discharges of drilling fluids and cuttings can cause

reduced light penetration resulting in decreased sea life primary productivity, fish kills or reduced growth rate, interference in development of fish eggs and larvae, modifications of fish movement and migration, and reduction of the abundance of food available to fish. Benthic smothering from settleable materials results in potential damage to invertebrate populations and potential alterations in spawning grounds and feeding habitats.

Operators use solids control equipment to remove drill cuttings from the drilling fluid systems which allows drilling fluids to be recycled and reduces the total amount of drilling wastes generated. Depending on the drilling solids control system and the method of waste storage and disposal onsite, a small wastestream, termed ''dewatering effluent'' may be segregated from the drilling fluids and cuttings. Dewatering effluent may be discharged from reserve pits or tanks which store drilling wastes for reuse or disposal. Dewatering effluent may also be generated in enhanced solids control systems. Enhanced solids control systems, also known as closed-loop solids control operations, remove solids from the drilling fluid at greater efficiencies than conventional solids removal systems. Increased solids removal efficiency minimizes the buildup of drilled solids in the drilling fluid system, and allows a greater percentage of drilling fluid to be recycled. Smaller volumes of new or freshly made fluids are required as a result. An added benefit of the closed-loop technology is that the amount of waste drilling fluids can be significantly reduced. The installation of reserve pits is unnecessary in closed-loop systems for this reason. Dewatering effluent is generated in the process of drilling fluids solids removal and can either be reused (it often contains expensive reusable chemicals), or disposed of.

EPA's general permit for drilling operations for TX and LA included limitations for the discharge of dewatering effluent (See Section VI.E). However, the 1993 Coastal Oil and Gas Questionnaire results show that few operators discharge dewatering effluent as a separate wastestream. Additionally, contacts with industry indicate that the volume of dewatering effluent from reserve pits is small if nonexistent as the use of pits is phasing out due to state permit conditions, environmental or land owner concern, or the expanding use of closed-loop systems. EPA site visits to drilling operations, where these closed-loop systems were in place, showed that none of the dewatering effluent was discharged. Instead, it is either recycled, or sent with other drilling wastes to commercial disposal. Operators at these facilities explained that it is less expensive to send this wastestream along with drilling fluids and drill cuttings for onshore disposal rather than to treat for discharge.

2. Selection of Pollutant Parameters

a. Pollutants Regulated

In the coastal subcategory, EPA is proposing to establish BAT, NSPS, and pretreatment standards that would require zero discharge of drilling fluids and drill cuttings. Where zero discharge is required, EPA would be controlling all pollutants in the wastestream.

EPA is also considering an alternative BAT limit applicable only to Cook Inlet, that in addition to the BPT requirement prohibiting the discharge of free oil, would also prohibit the discharge of diesel oil and limit toxicity and specify the cadmium and mercury content in stock barite. As presented in Section VI of the Offshore Technical Development Document, the prohibitions on the discharge of free oil and diesel oil would effectively remove toxic, nonconventional, and conventional pollutants. Diesel oil and free oil are considered, under BAT and NSPS, to be ''indicators'' for the control of specific toxic pollutants present in the complex hydrocarbon mixtures used in drilling fluid systems. These pollutants include benzene, toluene, ethylbenzene, naphthalene, phenanthrene, and phenol. Additionally, diesel oil may contain from 20 to 60 percent by volume polynuclear aromatic hydrocarbons (PAH's) which constitute the more toxic components of petroleum products.

Control of diesel oil would also result in the control of nonconventional pollutants under BAT and NSPS. Diesel oil contains a number of nonconventional pollutants, including PAHs such as methylnaphthalene, methylphenanthrene, and other alkylated forms of the listed organic priority pollutants.

EPA is proposing to establish BCT limitations for drill fluids and drill cuttings that would prohibit discharge of free oil (using the static sheen test) for Cook Inlet, and would require zero discharge everywhere else. The prohibition on the discharge of free oil (in addition to the zero discharge requirement) would effectively reduce or eliminate the oil and grease in these discharges. EPA is limiting free oil under BCT as a surrogate for oil and grease in recognition of the complex nature of the oils present in drilling fluids, including crude oil from the formation being drilled.

Prohibiting the discharge of diesel oil and free oil eliminates discharges of the above-listed constituents, to the extent that these constituents are present in either of these two parameters, and reduces the level of oil and grease present in the discharged drilling fluids and cuttings. Also under this alternative option, limitations on cadmium and mercury content in barite would control toxic and nonconventional pollutants in drilling fluids and cuttings discharges. This limitation would indirectly control the levels of toxic pollutant metals because cleaner barite that meets the mercury and cadmium limits is also likely to have reduced concentrations of other metals. Evaluation of the relationship between cadmium and mercury and the trace metals in barite shows a correlation between the concentration of mercury with the concentration of arsenic, chromium, copper, lead, molybdenum, sodium, tin, titanium and zinc (See the Offshore Technical Development Document in Section VI).

Toxicity of drilling fluids and cuttings is being regulated as a nonconventional pollutant that controls certain toxic and nonconventional pollutants. It has been shown, during EPA's development of the Offshore Guidelines, that control of toxicity encourages the use of less toxic, water-based drilling fluids, and where absolutely necessary, the use of less mineral oil added to a drilling fluid (and the pollutants, such as the PAH's, identified as constituents of mineral oil). A toxicity limitation would thus encourage the use of the lowest toxicity drilling fluids and the use of low-toxicity drilling fluid additives.

b. Pollutants Not Regulated.

Where zero discharge would be required, all pollutants would be controlled in drilling fluids and cuttings discharges. Where discharges with limitations would be required, (specifically if EPA selected the alternative BAT option in Cook Inlet), EPA has determined that it is not technically feasible to specifically control each of the toxic constituents of drilling fluids and cuttings that are controlled by the limits on the pollutants proposed for regulation.

EPA has determined that certain of the toxic and nonconventional pollutants are not controlled by the limitations on diesel oil, free oil, toxicity, and mercury and cadmium in stock barite. EPA exercised its discretion not to regulate these pollutants because EPA did not detect these pollutants in more than a very few of the samples from EPA's field sampling program and does not believe them to be found throughout the

industry; the pollutants when found are present in trace amounts not likely to cause toxic effects; and due to the large number and variation in additives or specialty chemicals that are only used intermittently and at a wide variety of drilling locations, it is not feasible to set limitations on specific compounds contained in additives or specialty chemicals.

3. Control and Treatment Technologies

a. Current Practice.

BPT effluent limitations guidelines for coastal drilling fluids and drill cuttings prohibit the discharge of free oil (using the visual sheen test). However, because of either EPA general permits, state requirements, or operational preference, no drilling fluids and cuttings discharges are occurring in the North Slope, the Gulf coast states, or California. The only coastal operators discharging drilling fluids and cuttings are located in Cook Inlet. In Cook Inlet, neither diesel nor mineral-oil-based drilling fluids or resultant cuttings may be discharged to surface waters because they have been shown to cause a visible sheen upon the receiving waters. Compliance with the BPT limitations may be achieved either by product substitution (substituting a water-based fluid for an oil-based fluid), recycle and/or reuse of the drilling fluid, or by onshore disposal of the drilling fluids and cuttings at an approved facility.

NPDES permits issued by EPA for Cook Inlet drilling operations have also included BAT limitations based on ''best professional judgement'' (BPJ). The permit requirements allow discharges of drilling fluids and drill cuttings provided certain limitations are met including a prohibition on the discharges of free oil and diesel oil, as well as limitations on mercury, cadmium, toxicity and oil content. (See Section IV.E for a summary of the permits). Operators may employ any number of the following waste management practices to meet those permit limitations:

* Product substitution—to meet prohibitions on free oil and diesel oil discharges, as well as the toxicity and/or clean barite limitations,
* Onshore treatment and/or disposal of drilling fluids and drill cuttings that do not meet the toxicity or clean barite limitations,
* Waste minimization—enhanced solids control to reduce the overall volume of drilling fluids and drill cuttings, and
* Conservation and recycling/reuse of drilling fluids.

Refer to the Coastal Technical Development Document, Sections VII-VIII for a detailed discussion of each of these waste minimization techniques.

b. Additional Technologies Considered.

EPA has evaluated an additional method for drilling fluid and cuttings control and treatment in order to achieve zero discharge: namely, grinding and injection of drilling wastes. This process involves the grinding of the drilling fluids and drill cuttings into a slurry that can be injected into a dedicated disposal well. The grinding system consists of a vibrating ball mill which pulverizes the cuttings and creates an injectable slurry. Recent information has shown that this comparatively contemporary technology has been successfully demonstrated on the North Slope for drilling waste disposal, and is being introduced both in the Gulf Coast coastal areas as well as in Cook Inlet. EPA, therefore believes that this technology is available to coastal operators.

In addition to grinding and injection, EPA has also investigated the feasibility of onshore disposal of this wastestream. For the coastal subcategory drilling activities, in areas other than Cook Inlet, current permits or practice (in the case of the North Slope) require zero discharge of drilling fluids and cuttings. On-land disposal sites located in Alaska are available in these areas and are being utilized to comply with the zero discharge requirement. On-land disposal sites are also available to two out of the five Cook Inlet operators. These two operators jointly operate an oil and gas landfill disposal site on the west side of the Inlet. Using projected drilling schedules provided by industry, EPA estimated that these two operators would generate approximately 76 percent of the drilling wastes produced by the Cook Inlet operators over the next seven years following the scheduled 1996 promulgation of this rule. EPA has determined that there is sufficient on-land disposal capacity to accept all of the drilling fluids and cuttings generated by these two operators at this disposal facility.

EPA investigated the logistical difficulties of storing and transporting drilling wastes in the Cook Inlet, due to the extensive tidal fluctuations, strong currents, and ice formation during winter months. While these climatological and tidal situations may cause complications, EPA has determined that they do not pose insurmountable technical barriers. EPA has taken into consideration supplementary costs incurred by additional winter transportation and storage of drilling wastes in its cost evaluation of the zero discharge requirement as described later in Section VI.A.

No on-land oil and gas waste disposal facilities are available in Alaska to the other three Cook Inlet operators who plan to drill after promulgation of this rule. EPA investigated the possibility of disposing of drilling wastes at an on-land oil and gas waste disposal site available to Cook Inlet operators located in Idaho. EPA determined that, while it is generally more economical to dispose of drill wastes via grinding and injection, in the case of smaller volumes of drilling wastes, it would be more cost effective to dispose of the wastes by shipping them to the Idaho disposal facility.

Land disposal of oil and gas wastes is also available to Cook Inlet operators at a disposal facility located in Oregon. EPA performed its costing of land disposal assuming the use of the Idaho facility (see discussion of costs later in this section). EPA expects that costs to dispose of the wastes at the Oregon facility would be close to or less than costs using the Idaho facility because transportation of wastes to the Oregon facility would utilize barging to a greater extent, making overall transportation costs less.

The results of this investigation show that the volume of drilling fluids and drill cuttings wastes generated in Cook Inlet can be either disposed of on-land or by grinding and injection. However, during the previous Offshore Guidelines rulemaking affecting Alaska offshore drilling operations, and early in the data gathering stages of this proposed rule, operators raised concerns that compliance with zero discharge could significantly interfere with drilling operations. EPA does not have sufficient information supporting these concerns, and solicits comments on these issues.

Therefore, for this proposal, EPA is also considering options which would allow the discharge of the drilling fluids and drill cuttings in Cook Inlet providing they were to meet certain limitations. These limitations would prohibit the discharge of diesel oil and free oil using the static sheen test, limit cadmium and mercury in the stock barite used in fluid compositions and toxicity at either 30,000 ppm (SPP) or a more stringent toxicity in range of 100,000 ppm (SPP) to 1 million ppm (SPP). Drilling fluids and drill cuttings not meeting these limitations would not be allowed to be discharged, and therefore, would have to be injected or sent to shore for disposal. EPA would base the more stringent toxicity limitations (based on further evaluation as discussed below), in part, on the volume of drilling wastes it determines

could be injected or disposed of onshore without interfering with ongoing drilling operations.

Prior to, and during the offshore rulemaking, EPA conducted bioassay tests on eight generic mud types (encompassing virtually all water-based muds, exclusive of specialty additives, primarily used on the outer continental shelf), and, EPA established a toxicity limitation of 30,000 ppm (SPP). Even in offshore Alaska, drilling was not evaluated for specific locations, thus technical drilling requirements for adequate drilling with a focus on small localized areas were not considered in setting the limitation for the offshore rule. One alternative option for the coastal rule would be to set the limitations for Cook Inlet equal to the offshore limitations for Alaska.

As discussed above, another option would retain the offshore limitations but require a more stringent toxicity requirement. The toxicity limit would be based on a relationship between the achievable toxicity of the drilling wastes and the volume of these wastes that could be disposed of onshore or by grinding and injection without interfering with ongoing drilling operations (e.g., some fraction of the volume of wastes generated and covered by the zero discharge option).

In order to determine the appropriate toxicity level for the more stringent toxicity option, EPA attempted to evaluate effluent toxicity test results for Cook Inlet drilling fluids and cuttings discharges. EPA reviewed permit compliance monitoring records, from EPA's Region 10, containing 161 sets of results for toxicity testing of drilling fluids and drill cuttings used in the Alaska offshore and coastal regions between 1985 and 1994. (The measure of toxicity is a 96 hour test that estimates the concentration of drilling fluids suspended particulate phase (SPP) that is lethal to 50 percent of the test organisms.) The records were summarized into a database which was evaluated on the basis of the toxicity of drilling fluids and drill cuttings used in Alaska as a whole and Cook Inlet in particular. After sorting the database to eliminate inadequate data, such as drilling fluids contaminated by pills and incomplete toxicity tests, 104 sets of results were retained for all of Alaska, with 59 of these from Cook Inlet.

Of the Cook Inlet bioassay test results, 83 percent were less toxic than 100,000 ppm (SPP); 60 percent were less toxic than 500,000 ppm; and one percent exhibited no toxic effect (i.e., 1 million ppm or greater with less than 50 percent mortality of the test organism). (Note that toxicity is inversely related to the 96-hour bioassay results so as the values cited above increase, toxicity decreases).

These evaluations utilized an available database obtained from EPA's Region 10, which provides an account of the relationship between toxicity and drilling fluids currently being discharged. The toxicity values are identified in the available database by operator, permit number, well name, date and base fluids system (mud). In addition, some of the values are related to an identified volume of muds discharged. However, many of the values in the summary do not have either a volume identified or whether the drilling fluids were discharged. This available database is presently being updated as EPA continues to identify the volume of drilling wastes having been discharged in Cook Inlet related to specific toxicity test results. EPA solicits any information useful in determining an appropriate toxicity limitation that individual Cook Inlet operators have including data on the specific amounts of drilling wastes generated versus discharged and their corresponding toxicity test results.

4. Options Considered

EPA has developed three options for the control and treatment of drilling fluids and drill cuttings. As mentioned earlier in this preamble, dewatering effluent may be a wastestream generated separately. However, because it consists of constituents that originate entirely within the drilling fluids and cuttings solids control system, EPA will not be regulating dewatering effluent separately. Rather, EPA proposes to make the drilling fluids and cuttings options applicable to the dewatering effluent wherever this wastestream may be generated.

The three options considered by EPA contain zero discharge for all areas, except two of the options contain allowable discharges for Cook Inlet. One of these options which would allow discharges meeting a more stringent toxicity limitation would require an additional notice for public comment since the specific toxicity limitation has not been determined at this time (as discussed in this section). The three options are:

Option 1: Zero discharge for all areas except Cook Inlet where discharge limitations require toxicity of no less than 30,000 ppm (SPP), no discharge of free oil and diesel oil and no more than 1 mg/1 mercury and 3 mg/1 cadmium in the stock barite.

Option 2: Zero discharge for all areas except for Cook Inlet where discharge limitations would be the same as Option 1, except toxicity would be set to meet a limitation between 100,000 ppm (SPP) and 1 million ppm (SPP).

Option 3: Zero Discharge for all areas.

As discussed later in this section, all of the above options are being co-proposed.

Option 1 would require zero discharge of drilling fluids and cuttings for all coastal drilling operations except those located in Cook Inlet. Allowable discharge limitations for drilling fluids and cuttings in Cook Inlet would require compliance with a toxicity value of no less than 30,000 ppm (SPP); no discharge of free oil (as determined by the static sheen test); no discharge of diesel oil and 1 mg/kg of mercury and 3 mg/kg of cadmium in the stock barite. (These are the same limitations as those for offshore drilling operations waste discharges in the Alaska.)

Option 2 would require all operators to meet the same zero discharge limitation for the drilling fluids and cuttings in all areas except for Cook Inlet. In Cook Inlet, the drilling fluids and cuttings discharges would be required to meet the same limitations as in Option 1 except that a more stringent toxicity limitation would be imposed. Instead of meeting a toxicity limitation of 30,000 ppm (SPP), a toxicity limitation between 100,000 ppm (SPP) and 1 million ppm (SPP) would be met.

The toxicity limitation range of between 100,000 ppm (SPP) and one million ppm (SPP) reflects the range of toxicity measurements resulting from EPA's evaluation of the current practice for drilling in Cook Inlet. As discussed previously in this section, an attempt was made in this evaluation to determine the volumes of drilling wastes being discharged and their respective toxicity levels. Because of the lack of identified discharge volumes for some of the toxicity test results, this determination could not be completed. Using the 83 percent of drilling wastes which reflects the fraction of test results less toxic than 100,000 ppm (SPP), and coincidentally also reflects the fraction of identified volumes less toxic than one million ppm (SPP), costs and discharge loadings were developed for this option. (The method used to derive this range is separate and distinct from the statistical methodologies generally used by EPA in effluent guidelines regulations to derive 30-day average and daily maximum limitations calculated from the 95th and 99th percentiles, respectively.) However, due to the above discussed limitations with the data base, EPA is currently only able to estimate an achievable toxicity limit in the range of 100,000 ppm (SPP) to one million ppm (SPP). As described earlier under

''Additional Technologies Considered'' of this section, EPA is continuing to evaluate toxicity test results and volumes and any other data for drilling fluids used and discharged in Cook Inlet in an effort to derive a more specific limitation and resulting revisions of costs and loadings. A supplemental notice presenting the data and revised results and soliciting comment would be necessary prior to promulgation.

Option 3 would prohibit the discharge of drilling fluids and cuttings from all coastal oil and gas drilling operations. This option utilizes grinding and injection and onshore disposal as a basis for complying with zero discharge of drilling fluids and cuttings.

The technology Options 1 and 2 for Cook Inlet have been developed taking into consideration the possibility that Cook Inlet operations are unique to the industry due to a combination of climate, transportation logistics, and structural and space limitations that interfere with the drilling operations. These options are based on a degree of recycling and reuse, onshore disposal and/or grinding and injection of a portion of the wastes if they cannot meet the limitations, in addition to product substitution in order to attain the limitations and be able to discharge a portion of the generated wastes.

EPA solicits comments on the two discharge options containing specific data on the toxicity levels achievable for drilling fluids compositions and drill cuttings and why the more toxic of the compositions must be used in order to successfully drill. Also, information is solicited on the degree to which zero discharge all would interfere with drilling operations in Cook Inlet, given the estimate of a limited amount of drilling planned.

5. BCT Options Selection

a. BCT Cost Test Methodology.

The methodology for determining ''cost reasonableness'' was proposed by EPA on October 29, 1982 (47 FR 49176) and became effective on August 22, 1986 (51 FR 24974). These rules set forth a procedure which includes two tests to determine the reasonableness of costs incurred to comply with candidate BCT technology options. If all candidate options fail either of the tests, or if no candidate technologies more stringent than BPT are identified, then BCT effluent limitations guidelines must be set at a level equal to BPT effluent limitations. The cost reasonableness methodology compares the cost of conventional pollutant removal under the BCT options considered with the cost of conventional pollutant removal at publicly owned treatment works (POTWs).

BCT limitations for conventional pollutants that are more stringent than BPT limitations are appropriate in instances where the cost of such limitations meet the following criteria:

- The POTW Test: The POTW test compares the cost per pound of conventional pollutants removed by industrial dischargers in upgrading from BPT to BCT candidate technologies with the cost per pound of removing conventional pollutants in upgrading POTWs from secondary treatment to advanced secondary treatment. The upgrade cost to industry must be less than the POTW benchmark of $0.53 per pound ($0.25 per pound in 1976 dollars indexed to 1992 dollars).
- The Industry Cost-Effectiveness Test: This test computes the ratio of two incremental costs. The ratio is also referred to as the industry cost test. The numerator is the cost per pound of conventional pollutants removed in upgrading from BPT to the BCT candidate technology; the denominator is the cost per pound of conventional pollutants removed by BPT relative to no treatment (i.e., this value compares raw wasteload to pollutant load after application of BPT). The industry cost test is a measure of the candidate technology's cost-effectiveness. This ratio is compared to an industry cost benchmark, which is based on POTW cost and pollutant removal data. The benchmark is a ratio of two incremental costs: the cost per pound to upgrade a POTW from secondary treatment to advanced secondary treatment divided by the cost per pound to initially achieve secondary treatment from raw wasteload. The result of the industry cost test is compared to the industry Tier I benchmark of 1.29. If the industry cost test result for a considered BCT technology is less than the benchmark, the candidate technology passes the industry cost-effectiveness test. In calculating the industry cost test, any BCT cost per pound less than $0.01 is considered to be the equivalent of de minimis or zero costs. In such an instance, the numerator of the industry cost test and therefore the entire ratio are taken to be zero and the result passes the industry cost test.

These two criteria represent the two-part BCT cost reasonableness test. Each of the regulatory options was analyzed according to this cost test to determine if BCT limitations are appropriate.

b. BCT Cost Calculations and Options Selection.

(i) Other than Cook Inlet.

In addition to considering setting the BCT limitations equal to BPT, EPA considered two additional BCT options for control of conventional pollutants in drilling fluids and drill cuttings. Both of these options would require zero discharge of drilling fluids and drill cuttings throughout the subcategory except in Cook Inlet. Because all operators throughout the entire subcategory, except in Cook Inlet, are currently meeting a zero discharge requirement, or in the case of dewatering effluent, are practicing zero discharge already, there is zero cost and zero removal of conventional pollutants for this limitation. Thus, EPA has determined that zero discharge passes the BCT cost tests and other statutory factors and proposes a BCT limitation equal to zero discharge for all areas except Cook Inlet.

(ii) Cook Inlet.

In Cook Inlet, EPA considered either zero discharge (Option 3, above), or allowing discharge based on requirements identified in Option 2, above. EPA did not consider Option 1 for Cook Inlet, allowing discharge at the current Offshore Guidelines limitations with a toxicity limit of 30,000 ppm (SPP), as a distinct BCT option because the amount of removal of the conventional pollutant oil and grease, as oil, from discharge by this level of toxicity could not be determined from that removed by the current BPT requirement of no free oil.

The POTW test (first part of the two part cost-reasonableness test) is calculated by comparing the cost per pound of conventional pollutant removed in upgrading from BPT to the BCT candidate options. EPA determined the costs of each BCT option for drilling fluids, drill cuttings, and drilling fluids and drill cuttings combined.

EPA included only oil and grease and TSS in the BCT analysis. EPA did not include BOD because it is not a parameter normally measured in wastewaters from this industry since it is associated with the oil content, e.g., oil and grease measurement. The use of BOD and oil and grease would result in double-counting, thus giving erroneous results. EPA did not include the parameter of settleable solids in the BCT analysis because settleable solids are not a conventional pollutant.

EPA calculated cost of the BPT limitations for drilling fluids and drill cuttings for Cook Inlet using the model well characteristics and disposal costs used for the offshore wells (in the development of the Offshore Guidelines). The volume of wastes (drilling fluids and cuttings) was based on the 1993 Coastal Oil and Gas Questionnaire data for Cook Inlet. EPA based the costs associated with meeting

the BPT requirement of ''no free oil'' on land-based disposal of oil-based drilling fluids and oil laden cuttings and substitution of mineral oil for diesel oil in pills. As was done in the Offshore Guidelines BCT determinations, oil content, which is normally measured in drilling wastes, was used as surrogate for the oil and grease conventional pollutant in the calculation of pollutant removals. The following are annual BPT costs and conventional pollutant removals per well for drilling fluids and cuttings:

Annual Cost (1992 Dollars):
Drilling Fluids—$40,275
Drill Cuttings—$22,355
TSS Removals (Annual):
Drilling Fluids—267,911 pounds
Drill Cuttings—297,880 pounds
Oil and Grease Removals (Annual):
Drilling Fluids—207,584 pounds
Drill Cuttings—92,895 pounds

The three options for Cook Inlet were evaluated according to the BCT cost reasonableness tests. The pollutant parameters used in this analysis were total suspended solids and oil and grease. All options, except the ''BPT'' option, no discharge of free oil, fail the BCT cost reasonableness test. Costs for the ''BPT'' option are equal to zero because it reflects current practice. The results of the POTW test (first part of the BCT cost test) for the zero discharge option (Option 3) is $0.151 per pound of conventional pollutant removed. A value of less than $0.534 per pound (1992$) is required to pass the POTW test. Thus, this option passes the POTW test. The results of the Industry Cost Ratio Test (ICR) is 2.097. As this value of 2.097 is greater than 1.29, zero discharge for drilling fluids and drill cuttings in Cook Inlet fails the second test. Thus, EPA proposes that BCT be equal to BPT for drilling fluids and drill cuttings discharges in Cook Inlet.

EPA conducted the same set of tests for Option 3 for the separate wastestreams of drilling fluids and cuttings. The results of the BCT cost tests for Option 2 and 3 are contained in Table 3 of the preamble, show that drilling fluids fail the second test, and cuttings pass. (Results for Option 1 are equal to zero and are not shown on Table 3).

The same set of tests are conducted for the Option 2, prohibitions on the discharge of free oil and diesel oil, limitations on cadmium and mercury in stock barite and toxicity limitation of between 100,000 and 1 million ppm (SPP) or greater. For the purpose of conducting these calculations, a volume fraction of 0.83 (83 percent) of the drilling fluids and cuttings was anticipated to comply with a toxicity limitation of between 100,000 ppm (SPP) and 1 million ppm (SPP). A summary of the results of these tests, also presented in Table 4, demonstrate drilling fluids and cuttings both fail the cost test. Thus, both candidate BCT options fail the ICR test, and BCT is set equal to Option 1 for this proposal which is equal to zero discharge everywhere except for Cook Inlet where BPT would apply.

The specific calculation of these BCT cost reasonableness tests for the drilling fluids and drill cutting options for Cook Inlet are discussed further in the Coastal Technical Development Document.

TABLE 4.—BCT Cost Test Results for Drilling Fluids and Drill Cuttings for Cook Inlet [1]

Regulatory option	Pollutant removal (lb/well)	Compliance cost [1] ($/well)	BCT cost ($/lb)	Pass POTW (<0.534) [2]	BPT cost ($/lb)	ICR ratio	Pass ICR (<1.29)
Drilling Fluids							
Option 2	191,693	129,026	0.673	No	0.085		
Option 3	1,127,603	418,888	0.371	Yes	0.085	4.365	No.
Drill Cuttings							
Option 2	389,756	30,226	0.078	Yes	0.057	1.368	No.
Option 3	2,292,681	98,258	0.043	Yes	0.057	0.754	Yes.
Drilling Fluids and Cuttings							
Option 2	581,449	159,252	0.274	Yes	0.072	3.806	No.
Option 3	3,420,284	517,146	0.151	Yes	0.072	2.097	No.

[1] Results of Option are equal to zero and are not shown in this table.
[2] Compliance Cost and Conventional Pollutants Removal are incremental to BPT.
[3] 1986 benchmark (0.46) adjusted to 1992 dollars $0.534.

6. BAT and NSPS Options

EPA is co-proposing all three options considered for the BAT and NSPS level of control for drilling fluids and drill cuttings. A discussion of the costs and impacts and description of the selection rationale is contained below.

a. Costs.

No costs would be incurred by the industry to comply with Option 1 because the requirements are reflective of current practice. Costs incurred by the coastal industry to comply with Option 2 would amount to approximately $1.4 million annually. These costs are attributed only to the Cook Inlet operators who would be required to meet the Offshore limitations and a more stringent toxicity limitation based on an estimate that 83 percent of the drilling fluids and drill cuttings would pass a toxicity limitation of between 100,000 ppm (SPP) and 1,000,000 ppm (SPP). Thus, 17 percent of the drilling wastes would need to be disposed of either onshore or by grinding and injection.

Costs to comply with Option 3 (zero discharge all) are attributed only to Cook Inlet operators not currently meeting a zero discharge requirement for drilling fluids and drill cuttings (all other coastal operators including the North Slope of Alaska are already practicing zero discharge). Costs to comply with this option are estimated to be approximately $3.9 million annually for Cook Inlet operators. EPA conducted an extensive analysis of possible waste disposal options available to Cook Inlet operators in order to estimate the costs to comply with a zero discharge requirement. The basis for this cost analysis is that approximately 76 percent of the drilling fluids and

cuttings generated in Cook Inlet would be hauled to shore for disposal onshore, and the other 24 percent would be injected following grinding, into dedicated disposal wells regulated by the Underground Injection Control (UIC) program.

Of the five Cook Inlet operators, two operators generate about 76 percent of the drilling fluids and drill cuttings in Cook Inlet and, have access to a landfill in Alaska. One operator has no future plans to drill. The remaining two operators, who generate about 24 percent of the drilling wastes, would be expected to, for costing purposes, grind and inject to comply with the zero discharge requirement. Out of the five Cook Inlet operators, information obtained by EPA in 1993 indicated that one of them had no plans to drill in the Inlet. Recent (1995) information from an additional Cook Inlet operator relates that this operator also no longer has plans to drill in the Inlet. EPA conservatively estimated that this operator would have drilled six new wells (out of a total of 36 for all of the Cook Inlet operators) in the next seven years. Due to the fact that this is very recent information, the cost and economic analyses presented in this preamble have not deleted these six drillings. Thus, the analysis was performed assuming only one operator, instead of two, operators will not be drilling. However, retaining these six drillings in the analyses will not only provide a conservative estimate of the costs and economic impacts, but may serve to cover future changes in oil and gas activity should decisions be made to resume drilling.

Costs for land disposal include water vessel transportation, storage prior to transport to the disposal facility, truck transportation to the disposal facility, and landfill disposal costs. Costs for grinding and injection include purchase or rental of the grinding, slurrying and pumping equipment, and costs to drill dedicated injection wells at the drill site.

To determine the volume of drilling wastes requiring disposal, EPA obtained the projected drilling schedules for the Cook Inlet operators using information from the 1993 Coastal Oil and Gas Questionnaire and contacts with industry. EPA's projections estimate that 36 new wells and 19 recompletions will be drilled in the seven years following scheduled promulgation of this rule. (Recompletions are drilling operations which utilize an existing well but drill to a deeper formation than that which the well was previously producing from). Using information about the volume of drilling fluids and drill cuttings generated per well, and the projected amount of drilling over the seven years following scheduled promulgation, EPA estimates that the total amount of drilling fluids and cuttings annually discharged from these drilling operations will be approximately 79,000 barrels.

EPA also considered the logistical difficulties of transporting drilling wastes in the Cook Inlet as part of in EPA's costing analysis of the options. To achieve zero discharge, certain platforms would transport drill wastes to the eastern side of Cook Inlet by supply boat during ice conditions, and store the wastes at a transfer station until they could be transported by barge to an existing landfill facility on the west side of the Inlet. During the summer months, transport of wastes would be accomplished by barge directly to the west side.

Costs for the two operators to dispose of their wastes in the Alaskan landfill average $39/barrel. Costs for the other two operators (one operator has no future plans to drill) to dispose of their wastes by grinding and injection average $53/bbl. A weighted average for disposal of 76 percent of the drilling wastes by Alaskan landfills and 24 percent by grinding and injection equates to $42/bbl. On a per well basis, this amounts to approximately $425,000 and $600,000 for each recompletion and new well drilled, respectively.

The costs to comply with Option 2 are approximately $1.4 million annually. Capital expenditures are close to those incurred to meet Option 3 due to the fact that most operators will be required to install the same equipment regardless of the amount of wastes requiring disposal. The economic impact analysis associated with this option would result in a 1.3 percent reduction in the estimated lifetime production for the existing platforms in Cook Inlet as a result of three wells not being drilled. The net present value of this production loss (reduction in producers' net income) is $263,000 or less than 0.1 percent of baseline net present value. The average well life decreases by 0.2 years as a result of this option.

The results of the economic impact analysis associated with the costs for the zero discharge all option (Option 3) for drilling fluids and cuttings show a 2.7 percent reduction in the estimated lifetime production for the existing platforms in Cook Inlet (an additional 2.6 percent over Option 2). The associated net present value loss of production is approximately $6.1 million. This is reflective of the estimate that Cook Inlet platforms may close on average, 11 months earlier than their projected average lifetime of 11 years without this requirement. There are no well or platform shutdowns or barriers to new drilling activities as a result of these costs. However, three new wells would not be drilled. The results of the economic impact analysis are discussed in Section VII of the preamble. For new sources, EPA expects that the costs of complying with NSPS would be equal to or less than those for existing sources.

An analysis of non-water quality environmental impacts for BAT and NSPS was performed. The estimated impacts for the options are discussed in Section VIII of the preamble. The increased energy use and air emissions and availability of land disposal sites and capacity are identified.

b. Rationale for Option Selection.

EPA has not selected a preferred option for control of drilling fluids and drill cuttings under BAT and NSPS but, rather is co-proposing all three options. EPA has determined, based on available information, that all three options are technologically and economically achievable and have acceptable non-water quality impacts. However, due to possible operational interferences (for Option 3), the lack of sufficient data to set a toxicity limitation more stringent than 30,000 ppm (SPP) (for Option 2) and the high cost-effectiveness results for both Options 2 and 3, a preferred option has not been selected. EPA solicits comments on the appropriateness of each option.

A large majority of operators are already discharging at levels less toxic than the toxicity limitations of 30,000 ppm (SPP) contained in Option 1. Thus, this is a no cost option incurring no economic or non-water quality environmental impacts.

Option 2 requires zero discharge for all operators except in Cook Inlet where operators would be required to meet the Offshore subcategory limitations in addition to a toxicity limitation of between 100,000 ppm (SPP) and 1,000,000 ppm (SPP). This option would cost $1.4 million annually and results in less than a 0.1 percent reduction in estimated lifetime production for Cook Inlet platforms which would not significantly reduce the profit potential for these operators. Option 2 would result in the removal of approximately 3.9 million pounds of pollutants being discharged per year (or 1264 pounds in toxic equivalents), assuming a volume of 17 percent of the discharges would not meet a toxicity limit of between 100,000 ppm and one million ppm (SPP) and would therefore be disposed of by grinding and injection or on land. Out of the 3.9 million pounds removed annually less than 0.02

percent consists of toxic priority pollutants (or 642 pounds).

Due to limitations with the data base, EPA is currently only able to estimate an achievable toxicity limit in the range of 100,000 ppm (SPP) to one million ppm (SPP). As described earlier under ''Additional Technologies Considered'' of this section, EPA is continuing to evaluate toxicity test results and volumes and other data for drilling fluids used and discharged in Cook Inlet in an effort to derive a more specific limitation. A supplemental notice presenting the data and soliciting comment would be necessary prior to promulgation.

Option 3 would cost the industry $3.9 million annually and result in the reduction of 23 million pounds of pollutants being discharged per year (or 7375 in toxic pounds equivalents). Zero discharge of drilling fluids and drill cuttings is widely practiced in other coastal areas other than Cook Inlet, including the Gulf of Mexico, California, and the North Slope of Alaska. In Cook Inlet, zero discharge is not currently practiced but for a small amount of drilling fluids (approximately one percent) that do not meet permit limits. Zero discharge is technologically available because operators are able to comply with zero discharge by either disposing of their drilling fluids and drill cuttings onshore or by grinding and injecting the waste. The costs of this option would result in a 2.7 percent reduction in the estimated lifetime production for Cook Inlet platforms, which would not significantly reduce the profit potential for these operators. Thus, EPA believes these costs are economically achievable. However, concerns have been raised that zero discharge would interfere with drilling operations, in part because the weather conditions and tidal fluctuations in the Inlet pose logistical difficulties for drilling waste transportation especially during winter months. In addition, while Option 3 would result in the removal of 23 million pounds of pollutants per year, less than 0.02 percent of which are toxic pollutants, the $3.9 million annually incurred by industry to remove the 3760 pounds of priority toxic pollutants indicates that this option is not cost effective. (See EPA's cost effectiveness report entitled Cost Effectiveness Analysis of Effluent Limitations Guidelines and Standards for the Coastal Oil and Gas Industry in the rulemaking record for this proposal and additional discussion in Section VII of this preamble.) In Cook Inlet, operators are not currently practicing zero discharge. EPA estimates that to comply with a total zero discharge requirement, 24 percent of the drilling fluids and drill cuttings would be ground and injected into dedicated wells, and 76 percent would be disposed of onshore.

EPA is soliciting comments on whether the drilling fluids and cuttings volumes removed by these options are deminimus, and on the effect that weather and transportation logistics, cost effectiveness, and other factors (e.g., types of fluids used and their composition, toxicity values, etc.) may have on the applicability, achievability and practicality of both Options 2 and 3.

EPA does not expect any new source development wells drilled in Cook Inlet in the seven years following the scheduled promulgation of this rule. This is because all development wells are expected to be drilled from existing platforms in Cook Inlet. According to the definition of new sources, these wells would be existing sources. Additionally, any drillings that may occur in the recently discovered Sunfish formation in Upper Cook Inlet, are projected to be exploratory wells, which are also existing sources according to the new source definition. Thus, no costs will be attributed to NSPS in Cook Inlet because no new sources are projected for this area. However, in the case that a new source would be drilled in Cook Inlet, EPA has determined that zero discharge would not pose a significant barrier to entry for the drilling project. The same options are being considered for NSPS as for BAT, and again, no one preferred NSPS option is being selected in this proposal. Costs may be less than BAT because process modifications can be incorporated into the drilling rig design prior to its installation rather than retrofitting an existing operation. Whenever EPA determines that BAT is economically achievable, equivalent NSPS requirements would also be economically achievable, and cause no significant barrier to entry. EPA solicits comments on whether NSPS should be more stringent than BAT for Cook Inlet drilling fluids and cuttings.

EPA also finds the non-water quality environmental impacts of Option 2 and zero discharge (Option 3) to be acceptable. Again, non-water quality environmental impacts attributable to this rule would occur only in Cook Inlet. The air emissions and energy requirements associated with waste transportation were calculated for the two operators expected to utilize onshore landfill disposal to accommodate the wastes from their drilling operations. For the remaining two operators who will be drilling and do not have access to onshore disposal, EPA has calculated the air emissions and energy requirements resulting from grinding and injection to meet zero discharge. EPA has found that these non-water quality environmental impacts represent only a very small fraction of the total air emissions and energy requirements from normal operations, and that these non-water quality environmental impacts are acceptable. As stated above, EPA does not expect any new sources to be initiated in Cook Inlet. EPA, however, believes that the non-water quality environmental impacts resulting from any such activity would be equal to or less than those anticipated for existing sources, which EPA has found acceptable.

8. PSES and PSNS

Section 307 of the CWA authorizes EPA to develop pretreatment standards for existing sources (PSES) and new sources (PSNS). Pretreatment standards are designed to prevent the discharge of pollutants that pass through, interfere with, or are otherwise incompatible with the operation of publicly owned treatment works (POTWs). The pretreatment standards for existing sources are to be technology based and analogous to the best available technology economically achievable (BAT) for direct dischargers. The pretreatment standards for new sources are to be technology-based and analogous to the best available demonstrated control technology used to determine NSPS for direct dischargers. New indirect discharging facilities, like new direct discharging facilities, have the opportunity to incorporate the best available demonstrated technologies, including process changes, and in-plant controls, and end-of-pipe treatment technologies. EPA determines which pollutants to regulate in PSES and PSNS on the basis of whether or not they pass through, interfere with, or are incompatible with the operation of POTWs.

Based on the 1993 Coastal Oil and Gas Questionnaire and other information reviewed as part of this rulemaking, EPA has not identified any existing coastal oil and gas facilities which discharge drilling fluids and cuttings to publicly owned treatment works (POTW's), nor are any new facilities projected to direct these wastes in such manner. However, due to the high solids content of drilling fluids and cuttings, EPA is proposing to establish pretreatment standards for existing and new sources equal to zero discharge because these wastes are incompatible with POTW operations. For further

discussion, see the Coastal Technical Development Document. For PSNS, zero discharge would not cause a barrier to entry for the same reasons as discussed previously under Part 6.b. of this Section.

B. Produced Water

1. Waste Characterization

Produced water is brought to the surface during the oil and gas extraction process and includes: formation water extracted along with oil and gas; injection water used for secondary oil recovery that has broken through the formation and mixed with the extracted hydrocarbons; and various well treatment chemicals added during the production and oil/water separation processes. Produced water is the highest volume waste in the coastal oil and gas industry. Depending on the age of a well and site-specific formation characteristics, the produced water can constitute between 2 percent and 98 percent of the gross fluid production at a particular well. Generally, in the early production phase of a well the produced water volume is relatively small and the hydrocarbon production makes up the bulk of the fluid. Over time, the formation approaches hydrocarbon depletion and the produced water volume usually exceeds the hydrocarbon production. Based on information received in the 1993 Coastal Oil and Gas Questionnaire, the average produced water rate from a well is approximately 1180 barrels per day (bpd) in Cook Inlet and 270 bpd in the Gulf coast. EPA estimates that 228 million barrels per year (bpy) of produced water is discharged to surface waters by the coastal oil and gas industry.

As part of this rulemaking, EPA has embarked upon a systematic effluent sampling program to identify and quantify the pollutants present in produced water, with an emphasis toward the identification of listed priority pollutants. Details of EPA's data collection activities are presented in Section V of this notice, with additional detail and sampling results discussed in the Coastal Technical Development Document. The information collected has confirmed the presence of a number of organic and metal priority pollutants in produced water.

Pollutants contained in coastal oil and gas industry produced water discharges from facilities with treatment systems used to meet the BPT level permit limits were identified as part of EPA's sampling effort. A summary of the data from these sampling activities is contained in the Coastal Technical Development Document. EPA's sampling data and the industry-supplied Cook Inlet Study identified many organic priority pollutants and all of the 13 metal priority pollutants as being present in BPT treated produced water discharges following some treatment for oil and grease (oil) removal. The priority organics most often present in significant amounts were benzene, naphthalene, phenol, toluene, 2-propanone, ethylbenzene and xylene. In addition to the priority pollutants, EPA identified total suspended solids, oil and grease, and a number of nonconventional pollutants including barium, chlorides, ammonia, magnesium, strontium and iron present in produced water.

2. Selection of Pollutant Parameters

a. Pollutants Regulated.

Where zero discharge would be required, all pollutants found in produced water discharges would be controlled. Where discharges would be allowed, *i.e.* Cook Inlet, EPA would be regulating oil and grease under BAT as an indicator pollutant controlling the discharge of toxic and nonconventional pollutants. Oil and grease would be limited under BCT as a conventional pollutant and under NSPS as both a conventional pollutant and as an indicator pollutant controlling the discharge of toxic and nonconventional pollutants.

It has been shown previously in the development of the Offshore Guidelines (See the Offshore Technical Development Document, Section VI) that oil and grease serves as an indicator for toxic pollutants in the produced water wastestream, including phenol, naphthalene, ethylbenzene, and toluene. During its development of the Offshore Guidelines, EPA showed that gas flotation technology (the technology basis for the oil and grease limitations) removes both metals and organic compounds, resulting in lower concentration levels in the discharge for the above priority pollutants (See Section IX of the Offshore Technical Development Document).

b. Pollutants Not Regulated.

The feasibility of regulating separately each of the constituents of produced water determined to be present was also evaluated during the development of the Offshore Guidelines (See Section VI of the Offshore Technical Development Document). EPA determined that it is not feasible to regulate each pollutant individually for reasons that include the following: (1) The variable nature of the number of constituents in the produced water, (2) the impracticality of measuring a large number of analytes, many of them at or just above trace levels, (3) use of technologies for removal of oil which are effective in removing many of the specific pollutants, and (4) many of the organic pollutants are directly associated with oil and grease because they are constituents of oil, and thus, are directly controlled by the oil and grease limitation. These reasons also apply to the Coastal Guidelines.

While the oil and grease limitations limit the discharge of toxic pollutants, EPA determined, during the Offshore Guidelines rulemaking, that certain of the toxic priority pollutants, such as pentachlorophenol, 1,1,-dichloroethane, and bis(2-chloroethyl) ether would not be controlled by the limitations on oil and grease in produced water. EPA is not proposing to regulate these pollutants in this rule because EPA did not detect them in the samples within the coastal oil and gas data base. (See the Coastal Technical Development Document).

3. Control and Treatment Technologies

a. Current Practice.

Based on information collected by the 1993 Coastal Oil and Gas Questionnaire as well as industry contacts, no coastal oil and gas facilities are discharging produced water in Alabama, Florida, California or Alaska's North Slope. This is due to a combination of factors including operational preference, waterflooding, and/or state requirements. In addition, the Louisiana Department of Environmental Quality issued regulations in 1992 (LAC:33,IX, 7.708) which prohibit discharges of produced water to fresh water areas characterized as ''upland'' after July 1, 1992. The regulation defines ''upland'' as ''any land not normally inundated with water and that would not, under normal circumstances, be characterized as swamp of fresh, intermediate, brackish or saline marsh''. The regulation does, however, allow discharges to the major deltaic passes of the Mississippi River and the Atchafalaya River. The same regulation also requires that discharges inland of the inner boundary of the Territorial Seas into intermediate, brackish or saline waters must either cease discharges or comply with a specific set of effluent limitations. These requirements must be met within a certain time frame, as required in the regulations, but, in most cases, no later than January 1997.

In addition, EPA proposed general NPDES permits (57 FR 60926, December 22, 1992) for production wastes which would impose a prohibition on discharges of produced water in coastal

areas of Texas and Louisiana. These permits were finalized January 9, 1995 (60 FR 2387). The permits would not, however, apply to facilities treating offshore waters and discharging into the main passes of the Mississippi and Atachafalaya River. Based on these permits requiring zero discharge, only Alaska's Cook Inlet and two sites in the Gulf of Mexico would be discharging produced water in the Coastal subcategory at the time this final rule is scheduled to be signed, currently July 1996.

The current BPT regulations established for the coastal subcategory limit the oil and grease content in the discharged produced water. Existing technologies for the removal of oil and grease include gravity separation, gas flotation, heat and/or chemical addition to assist oil-water separation, and filtration. Methods for the discharge or disposal of produced water from facilities in the coastal subcategory include free fall discharge to surface waters, discharge below the water surface, use of channels to convey the discharge to water bodies, and injection via regulated Class II Underground Injection Control (UIC) wells into underground formations. As an alternative, a number of production sites transport produced water by pipeline, truck or barge to shore facilities for disposal in UIC Class II wells. At times, this transport consists of the gross fluid produced and the oil-water separation takes place at the off-site facility.

While sampling data has indicated quantifiable reductions of naphthalene, lead, and ethylbenzene by BPT treatment (*i.e.*, by oil-water separation technology), this data also demonstrates the presence of significant levels of priority pollutants remaining in the treated effluent.

b. Additional Technologies.

In developing the proposed regulation, EPA evaluated several treatment technologies for application to the produced water wastestream. These technologies were considered for implementation at the coastal production sites and at the shore facilities where much of the produced water is currently treated for subsequent discharge to coastal subcategory waters.

(1) Improved Gas Flotation.

Gas flotation is a treatment process that separates low-density solids and/or liquid particles (*e.g.*, oil and grease) from liquid (e.g., water) by introducing small gas (usually air) bubbles into wastewater. As minute gas bubbles are released into the wastewater, suspended solids or liquid particles are captured by these bubbles, causing them to rise to the surface where they are skimmed off.

EPA considered as an option using gas flotation technology with chemical addition as a basis for improving BPT-level performance. This option would require all coastal discharges of produced water to comply with oil and grease limitations of 29 mg/l monthly average and a daily maximum of 42 mg/l. The technology basis for these limitations is improved operating performance of gas flotation technology. EPA has determined that gas flotation systems could be improved to increase removal efficiencies—*i.e.*, the amount of pollutants removed. Specific mechanisms include proper sizing of the gas flotation unit to improve hydraulic loading (water flow rate through the equipment), adjustment and closer monitoring of engineering parameters such as recycle rate and shear forces that can affect oil droplet size (the smaller the oil droplet, the more difficult the removal), additional maintenance of process equipment, and the addition of chemicals to the gas flotation unit. (See Offshore Technical Development Document Section IX).

The addition of chemicals can be a particularly effective means of increasing the amount of pollutants removed. Because the performance of gas flotation is highly dependent on ''bubble-particle interaction,'' chemicals that enhance that interaction will increase pollutant removal.

Gas flotation is a technology which has been used for many years in treating produced water in the offshore subcategory. In developing final effluent limitations guidelines and standards for the offshore subcategory (58 FR 12454; March 4, 1993), EPA evaluated comments and data submitted by the industry which strongly urged EPA to select improved gas flotation technology as the basis for BAT limits and NSPS, based on an Offshore Operator Committee's (OOC's) 83 Platform Composite Study. Industry further noted that chemical additives would improve the amount of oil and grease in produced water that could be removed. EPA thoroughly reviewed these comments and additional data, and agreed with industry that improved gas flotation should be used as the technology for setting BAT limits and NSPS in the offshore subcategory.

In establishing BAT limits and NSPS for produced water, EPA evaluated the effluent data from the platforms in the 83 Platform Composite Study identified as using improved gas flotation (*e.g.*, use of gravity separators and chemical additives). First, EPA modeled the offshore platform with ''median'' oil and grease effluent values (i.e., 50 percent of the platforms in the database had oil and grease effluent values above (and 50 percent below) the median of the effluent values measured at the median platform. Based on the oil and grease measured at the median platform after improved gas flotation treatment, and allowing for average ''within-platform'' variability, EPA set a daily maximum limit on oil and grease at 42 mg/l, and a 30-day average of 29 mg/l as the BAT limits and NSPS. (See 58 FR 12462, March 4, 1993).

In setting BAT limits and NSPS for the offshore rule, EPA had a choice among several different means of measuring what is termed ''oil and grease'' in produced water, two of which are known as Method 413.1 and Method 503E.

Under Method 413.1, freon is mixed with a sample of produced water. The container is then left at rest to separate the water phase from the freon phase, which includes those contaminants in produced water that dissolve in freon. The freon layer is then drained from the container and distilled by heating, leaving a residue. The residue is then weighed and reported as the weight of the ''oil and grease'' in that sample of produced water. The results are typically reported in milligrams of oil and grease per liter of produced water.

Under Method 503E the same steps are followed, with one exception. After the freon layer is drained from the container, but prior to distillation, silica gel is added to the freon, and weighed. Because the silica gel has the ability to adsorb polar materials (*e.g.*, some of the hydrocarbons and fatty acids present) that otherwise would have been measured as oil and grease in the freon residue by Method 413.1, the analytical result reported under Method 503E is less than that reported under Method 413.1. Because Method 413.1 measures more of the oil and grease in produced water, it gives a more complete picture of the efficiency of the treatment system. Because EPA had influent and effluent data showing that oil and grease, measured under Method 413.1, were removed by the use of improved gas flotation (Oil Content in Produced Brine on Ten Louisiana Production Platforms, September 1981) R.I.G. (No. 194), EPA used improved gas flotation as the technology basis for the rule and established the limitations as measured by Method 413.1 (See also Final Report, Analysis of Oil and Grease Data Associated with Treatment of Produced Water by Gas Flotation Technology, January 13, 1993, and 58 FR 12462, March 4, 1993).

(2) Filtration.

The primary purpose of filtration is to remove suspended matter, including

insoluble oils, from produced water. Additional removal of soluble pollutants can also be achieved, but it is not as significant as the reduction of conventional pollutants such as total suspended solids and oil and grease. EPA has considered several types of filtration systems as part of this rulemaking, including granular, membrane and cartridge filtration technologies. EPA's assessment of granular filtration is based in part on data collected from a coastal oil and gas facility as part of the offshore subcategory rulemaking (Three Facility Study). Although economically achievable, granular filtration was rejected as the technology basis for controlling discharges in this proposed rule. EPA's evaluation of granular filtration performance data indicates that while this technology does provide some removals of priority and nonconventional pollutants, the pollutant removal efficiency of granular filtration (in the range of 46–68 percent oil and grease removal) is generally not as effective as that attainable through improved operation of gas flotation technology (general oil and grease removal efficiency have been shown to be 90–95 percent). In addition, the capital and annual operating and maintenance costs associated with granular filtration are significantly higher than the costs of improving gas flotation systems.

EPA did not select membrane filtration as a technology basis for this proposed rule because it has not been sufficiently demonstrated as available to support national effluent limitations at this time. Membrane filtration is a commercially demonstrated technology in other industries and several manufacturers have been developing this technology for use in treating produced water. Although not yet available to the oil and gas industry, some operators have shown interest in the technology and limited testing of these systems has taken place. In developing the final limitations for the offshore subcategory, EPA determined that because of operational problems (e.g., fouling of the membrane, actual treatment capacity less than design capacity) this technology did not support use as a technology basis for final effluent limitations. (See 58 FR 12481; March 4, 1993.) In the absence of any data to the contrary, EPA believes that this technology still is not available for full-scale systems capable of long-term, effective treatment of produced water.

In evaluating reinjection of produced water, EPA noted that a number of coastal oil and gas sites were using cartridge filters as part of the treatment system. EPA collected wastewater samples to characterize the efficacy of cartridge filtration to determine whether this technology should serve as a basis for effluent limitations and standards. EPA's evaluation of cartridge filtration performance data indicates that this technology is capable of providing oil and grease removal only marginally better than that currently required by the existing BPT effluent limitations. In addition, EPA's evaluation did not identify any significant removals of the priority and nonconventional pollutants present in produced water. Thus, cartridge filtration was not selected as a basis for limiting produced water discharges.

3. Injection

EPA also considered using injection technology as a basis for setting a more stringent requirement under this rule. With the exception of Cook Inlet, injection of produced water is widely practiced by facilities in the coastal subcategory as well as in the onshore subcategory. Injection technology for produced water consists of injecting it, under pressure, into Class II UIC wells into underground formations. This option results in no discharge of produced water to surface waters.

Treatment of the produced water prior to injection is usually necessary, and such treatment often includes removal of oil and suspended matter by BPT oil separation technology followed by filtration technology. The removal of suspended matter prior to injection is required to prevent pressure build-up and plugging of the receiving formation and/or to protect injection pumps from damage.

While EPA determined that filtration was not a technology appropriate for serving as the basis for control of effluent prior to discharge, filtration was considered relevant technology for use as pretreatment prior to injection, thus, it is included as part of the basis for the injection technology option. EPA determined from information gathered on site visits in the Gulf coast area, as well as from industry contacts, that cartridge filtration is generally used following BPT oil/water separation technologies at injecting facilities accessible by water only. For facilities accessible by land, it was determined that rather than pretreat produced water using filtration, it is more cost effective to perform periodic well workovers on the injection well to remove clogged material from the wellbore. However, for facilities treating produced water flows greater than 64,000 bpd, EPA determined that it would be more appropriate to employ granular filtration after BPT separation technology because it is more cost effective to use this technology for higher flows rather than cartridge filtration.

4. Other Technologies

In developing effluent limitations for the offshore subcategory, EPA also considered other technologies such as carbon adsorption, biological treatment, chemical precipitation, and hydrocyclones. (See 56 FR 10688; March 13, 1991.) Carbon adsorption was rejected as a technology basis because the limited use of this technology did not give sufficient performance data to enable a full evaluation. Biological treatment was rejected because of problems associated with biologically treating the high dissolved solids (brine) waters. Operational problems and an inability to quantify reductions of priority pollutant metals led to rejection of chemical precipitation. Hydrocyclones were rejected as a technology basis for BAT/NSPS effluent limits because the performance data available demonstrated only that it was capable of meeting existing BPT limits for oil and grease, and data were lacking regarding removals of priority pollutants. EPA has not received any new information regarding treatment efficacy (as measured by priority pollutant removal) for these technologies, and is not aware of any information which would support conclusions different than those made for the Offshore Guidelines.

5. Options Considered

Five options were considered by EPA in developing BCT, BAT, NSPS, PSES and PSNS limitations for produced water. These options were based on either injection, improved gas flotation, or a combination of these technologies. The 5 options are listed below with limitations for oil and grease associated with the options allowing discharges:

Option 1—(BPT All): EPA has included as an option setting effluent limitations equal to the existing BPT requirements. Oil and grease would be limited in the effluent at 48 mg/l monthly average, and 72 mg/l daily maximum.

Option 2—(Improved Flotation All): All discharges of produced water would be required to meet limitations on oil and grease content of 29 mg/l 30-day average and a daily maximum of 42 mg/l. The technology basis for these limits is improved operating performance of gas flotation. The specific numerical limit of 29 mg/l 30-day average and 42 mg/l (daily maximum) are based on the statistical analyses of performance of

improved gas flotation conducted to develop oil and grease limits for the Offshore Guidelines. (See 58 FR 12462, March 4, 1993).

Option 3—(Zero Discharge; Cook Inlet BPT): With the exception of facilities in Cook Inlet, all coastal oil and gas facilities would be prohibited from discharging produced water. Coastal facilities in Cook Inlet would be required to comply with existing BPT effluent limitations (48/72 mg/l described above) for oil and grease.

Option 4—(Zero Discharge; Cook Inlet Improved Flotation): With the exception of facilities in Cook Inlet, all coastal oil and gas facilities would be prohibited from discharging produced water. Coastal facilities in Cook Inlet would be required to comply with the oil and grease limitations of 29 mg/l 30-day average and 42 mg/l daily maximum based on improved operating performance of gas flotation and the statistical analysis conducted for the Offshore Guidelines.

Option 5—(Zero Discharge All): This option would prohibit all discharges of produced water based using injection.

Specific alternatives have been developed for Cook Inlet to account for the different operational practices, and geological situations that exist at these platforms. As previously stated, zero discharge is widely, if not exclusively, practiced in all coastal areas except Cook Inlet. Injection of produced waters is not practiced in Cook Inlet because, where waterflooding is occurring, treated seawater is injected instead. Industry claims that injection of seawater other than produced water for enhanced recovery is practiced primarily because injection of produced water would cause formation fouling. Industry has claimed that fouling would occur due to bacteria and scale formation in produced water, and otherwise not present in seawater. EPA has determined that formation fouling problems associated with produced water injection are not insurmountable because filtration and anti-fouling chemicals can be added prior to injection, and periodic downhole workovers can be performed to reopen clogged formation surfaces.

An additional problem with injecting produced waters is that no other formations exist that can accommodate this wastestream other than the producing formation. Cook Inlet operators would experience significant additional cost associated with piping produced water if zero discharge was required from where it is currently treated to where it could be injected. Of the 13 producing platforms in the Inlet, 9 of them currently direct their extracted hydrocarbon fluids to one of 3 land-based separation and treatment facilities. These land-based facilities separate the hydrocarbons from the produced water, treat the produced water and then discharge it in accordance with EPA's Region X's NPDES general permit requirements. The Alaska Oil and Gas Conservation Commission has confirmed that no geological formations exist beneath the land-based facilities that are large enough to accept the approximately 100,000 barrels per day (bpd) of produced water generated from these facilities. Thus, produced water would be piped back to the platforms for injection if produced water discharges were prohibited. The costs for such piping would comprise 74 percent of the total costs for injection. This would be a major cost factor for the Inlet operations overall since the volume of produced water being discharged from these 3 land-based facilities amounts to approximately 99 percent of that discharged from all 13 platforms.

6. BCT Options

a. BCT Methodology.

The methodology to determine the appropriate technology option for BCT limitations is previously described in Section VI.A.

b. BCT Cost Test Calculations and Option Selection.

The five options previously described, were evaluated according to the BCT cost reasonableness tests. The pollutant parameters used in this analysis were total suspended solids and oil and grease. All options, except the ''BPT All'' option, fail the BCT cost reasonableness test and thus, EPA proposes to establish BCT limitations equal to BPT. Costs for the ''BPT All'' option are equal to zero because facilities are complying with the current BPT limitations. The range of the results for the POTW test (first part of the BCT cost test) for the other options is $1.35 to $3.70 per pound of conventional pollutant removed. Since a value of less than $0.53 per pound (1992$) is required to pass the POTW test these four options fail the first BCT cost test. Thus, EPA is proposing to establish the BCT limitations for produced water equal to BPT (48 mg/l monthly average; 72 mg/l daily maximum). The calculations for BCT cost reasonableness test for the produced water options are described in more detail in Section XI of the Coastal Technical Development Document. There are no incremental non-water quality environmental impacts associated with the BCT option because it is equal to BPT.

7. BAT and NSPS Options

EPA has selected Zero discharge; Cook Inlet improved gas flotation (Option 4) for the BAT and NSPS level of control for produced water. A discussion of the cost and impacts and a description of the selection rationale is contained below:

a. Costs.

The cost and pollutant removals associated with the options considered for BAT are presented in Table 5.

TABLE 5.—COSTS AND POLLUTANT REMOVALS FOR PRODUCED WATER BAT OPTIONS

Option	Costs (1992$) (x1000)	Pollutant removals (lbs) (x1000)
1. BPT all	0	0
2. Improved gas flotation all	12,400	12,440
3. Zero discharge; cook inlet BPT	28,600	4,306,800
4. Zero discharge; cook inlet improved gas flotation	30,860	4,308,300
5. Zero discharge all	49,700	5,484,800

These estimates are presented incremental to the baseline of current industry operating practices which is equal to BPT where discharges are occurring. Thus, as shown on Table 5, costs attributable to Option 1, which is equal to BPT, is zero. On January 9, 1995 (60 FR 2387), EPA promulgated general NPDES permits that would prohibit discharges of produced water from coastal facilities in Texas and Louisiana. For the purpose of this proposal, EPA's compliance cost estimates and economic impact assessments are determined without considering this permit. Had EPA's costing estimates assumed that the general permit would be in effect, the total estimated cost of the proposed BAT limitations for produced water for the entire coastal subcategory would be $10.4 million instead of $30.9 million annually.

In developing the costs of zero discharge for this option, EPA determined, based on Texas and Louisiana state permit data, the number and volume of produced water discharges that would be discharging by the time this final rule is scheduled to be signed July 1996. This investigation identified, by operator and oil and gas field, 216 produced water separation/treatment facilities that would be discharging approximately 180 million barrels per year (bpy) in Texas and

Louisiana as of July 1996. Costs are calculated without taking into account the regulatory effects of the zero discharge requirement imposed by the EPA Region VI General Permits (See Section II.C. of this preamble).

In determining the costs associated with zero discharge for the Gulf coast area, EPA utilized the following factors in the costing analyses:

General

* The only areas that will incur compliance costs are Cook Inlet in Alaska, Texas, and parts of Louisiana since all other coastal areas that have oil and gas activities currently practice zero discharge.

For Texas and Louisiana

* Produced water would be injected into Class II UIC injection wells. The capacity of each Class II injection well is 5,000 BPD.

* 90 percent of the injection wells would be converted from previously producing wells or dry holes.

* If a discharge is greater than 108 bpd (for water-based facilities) and 71 bpd (for land-based facilities), then the produced water would be injected onsite; if the discharge is less than those flows then it would be more cost effective to send the produced water offsite to a commercial facility for injection. (EPA's data from Texas and Louisiana coastal permits show that 77 percent of the produced water discharges would inject on-site).

* For purposes of estimation, all Texas separation/treatment facilities are located on land and all Louisiana separation/treatment facilities are located over water. EPA is aware that this is not entirely the case, *i.e.* some facilities in Louisiana are located over land and some Texas facilities are located over water. In the absence of specific location information on all of the 216 discharging facilities, EPA determined this to be a good approximation since the coastal topography of Louisiana consists of more extensive wetlands than that of Texas. (Location is an important factor when determining the cost of drilling an injection well, and the cost of produced water transportation. EPA's state permit data base shows that 24 percent of the produced water discharges are in Texas and the separation/treatment facilities are therefore considered to be on land).

* No pretreatment beyond BPT technology is required prior to injection for land-based facilities because it is more cost effective to perform downhole well workovers twice a year. Pretreatment beyond BPT treatment prior to injection consists of cartridge filtration for water-based facilities. For flows greater than 64,000 bpd, granular filtration is used as pretreatment.

* Capital costs are based on sizing equipment to accommodate future produced water volume, estimated to be approximately 1.5 times current flow.

* Where more than one produced water discharge location exists from one or more production facilities owned by the same operator in the same field, EPA combined the discharges to be injected into a single injection system. By combining discharges a savings would result due to installation of fewer injection wells.

For Cook Inlet

* No geological formations are available for produced water injection except the producing formations.

* No geological formations are available near or below the existing onland separation/treatment facilities. Thus, the produced waters would be required to be piped back to the platforms for injection.

* Pretreatment prior to injection consists of gas flotation and multimedia filtration. However, operators will use existing equipment where it currently exists, and no costs would be incurred for such existing equipment.

* During the development of this proposal, industry provided EPA with information on reservoir plugging and souring that may result from injecting produced water in the Cook Inlet. EPA, in its cost analysis, included costs for the addition of chemicals that would be added to the produced water being injected to alleviate the scaling and hydrogen sulfide (H2S) formation problems associated with injection in this area. Such chemicals include biocides and scale inhibitors. Annual workovers must also be performed on the injection wells.

EPA believes that the cost estimates are conservative for a number of reasons. As discussed previously, EPA determined costs to comply with a zero discharge requirement in the Gulf of Mexico based on the number of facilities that would be discharging after the expected date of promulgation for this rule (July 1996). A total of 216 facilities would still be discharging by then. However, 28 of these facilities in Louisiana will be required to cease discharging by January 1, 1997, because of the state water quality standard's no discharge requirement. Taking this January 1997 requirement into account as a portion of the baseline would further reduce costs by 25 percent.

Furthermore, EPA's cost estimates for zero discharge in the Gulf of Mexico are based on sizing produced water treatment equipment to accommodate future produced water volumes estimated to be approximately 1.5 times current flow. EPA believes using this factor, which is standard engineering practice, has resulted in a conservative cost estimate overall because many operators have indicated that they typically use a factor of 1.2 to 1.25 when sizing and costing produced water treatment equipment. Capital costs would be approximately 12 percent lower if a factor of 1.2 were used. Additionally, while EPA's costing included combining of operator discharges for injection within fields, the analysis showed that costs are not significantly different if they are not combined. This is because the high costs of piping to join discharges closely equal the costs of individual injection well installation.

EPA also calculated capital costs of produced water treatment on the basis that produced water flows increase the same for oil as for gas wells. While produced water volumes from gas producing wells will generally not increase at the rate of 1.5, EPA did not differentiate between the two.

EPA determined that no costs would be attributed to zero discharge for California, Florida, Alabama, certain parts of Louisiana, and the North Slope of Alaska because operators in these areas are already practicing zero discharge of all produced waters.

For improved gas flotation, costs were estimated based on an evaluation of this technology during development of the Offshore Guidelines (58 FR 12463). Improved performance of gas flotation units includes improved operation and maintenance of gas flotation treatment systems and chemical pretreatment to enhance system effectiveness. Costs are based on vendor-supplied data, industry information, cost analyses conducted by the Department of Energy, and EPA projections. Capital and O & M costs were applied specifically to the coastal oil and gas operations using nine modeled flows for land- and water-access production facilities. From these nine modeled flows, EPA conducted regression analyses to derive cost equations that would vary based on flow. These equations were then applied to the actual 216 discharging facilities to estimate costs on a site specific basis. Capital costs include equipment purchase, installation, and platform or concrete pad (for land based operations) retrofit. Operation and maintenance costs are estimated to be 10 percent of capital costs.

EPA solicits comments on these costs and also information regarding the longitude and latitude locations of

discharging produced water separation/treatment facilities in Texas.

The total annual cost of Option 4 for BAT control of produced water discharges from existing facilities is estimated at $30.9 million (1992 dollars) for the entire coastal subcategory. $29.2 million of this total would be incurred by operators in the Gulf Coast states of TX and LA in attaining zero discharge. The remaining $2.3 million would be incurred by Cook Inlet operators in complying with the oil and grease limitations. EPA finds this cost to be economically achievable for the reasons discussed later in Section VII of this preamble but are briefly summarized here. Total production losses realized from this option are expected to total 15.2 million bbls over the lifetime of the wells and platforms subject to this rule which equals up to 1.7 percent of total lifetime production for the Gulf and Cook Inlet combined. The net present value losses of producer income associated with this decrease in production is $153.2 million. A total of 111 wells in the Gulf coast area (2.4 percent of all current Gulf coast wells) and no Cook Inlet platforms are considered likely to shut in immediately when this proposal becomes final. Furthermore, a maximum of 12 Gulf operators might fail as a result of this BAT option (2.8 percent of the current Gulf operators). No company failures are expected in Cook Inlet. This option would reduce the pollutant loading from this wastestream by 4.3 billion pounds per year.

c. Rationale for Selection of BAT.

EPA proposes Zero Discharge; Cook Inlet Improved Gas Flotation Option 4: as BAT for produced water. This option prohibits discharges of produced water from all coastal facilities, except for those facilities located in Cook Inlet. Coastal facilities in Cook Inlet would be required to comply with the oil and grease limitations (29 mg/l 30-day average, 42 mg/l daily maximum) based on improved operating performance of gas flotation. EPA has determined this option to be economically achievable and technologically available, and that it reflects the BAT level of control.

Zero discharge is technologically available because injection of produced water is currently ongoing in much of the coastal subcategory at the present time and adequate geological formations exist to accept produced water. By 1996, 72 percent of the facilities in the Gulf region will be meeting zero discharge. The oil and grease limit applicable to Cook Inlet is technologically available for the reasons discussed elsewhere in this preamble, the record for this rule, as well as in cited portions of the rulemaking record for the Offshore Guidelines.

Option 4 is economically achievable because, as the economic analysis shows (in Section VII), total production losses in terms of oil production as a result of this proposed rule are expected to range between 1.0 percent and 1.7 percent of total lifetime production for both Cook Inlet and the Gulf. Additionally, only 2.4 percent of all current Gulf coastal wells (111 out of 4675 current Gulf coastal wells) and no Cook Inlet platforms are considered likely to shut in as a result of this rule. These shut-in wells tend to be relatively low-producing and marginal wells. At most, only 2.8 percent of the operators in the Gulf (12 of the estimated 435 Gulf coastal operators) might fail as a result of a zero discharge requirement and no firm failure is expected in Cook Inlet, as a result of meeting oil and grease limits of 29 mg/l 30-day average and 42 mg/l daily maximum for produced water. (The range of firm failures in the Gulf is actually 0-12, but because data were not available to rule out the possibility of failures, EPA assumed possible failures to be actual failures.) The ''average'' Gulf coastal firm does not discharge produced water and coastal firms are expected to face average (medium) declines in equity or working capital of 0 percent. Of the 122 discharging firms, average (medium) declines in equity or working capital of 0.37 percent and 2.63 percent, respectively, are expected to occur. These impacts, combined with the fact that most Gulf coastal operators (72 percent) will not be discharging by 1996, show Option 4 to be economically achievable.

Option 5, zero discharge all was not selected based on the unacceptable economic impacts estimated for the Cook Inlet operators. EPA's economic analysis shows that 3 of 13 platforms would be ''shut-in'' or closed down and believes that this economic impact is unacceptable in Cook Inlet. EPA did not select the ''Flotation All'' or ''BPT All'' options as preferred because they, applied industry-wide, do not represent BAT or NSPS level of control. As stated previously, all coastal operations in California, Alabama, Florida, some parts of Louisiana and the North Slope of Alaska do not discharge produced water, but inject their produced water underground either to comply with permit limitations or to enhance hydrocarbon recovery. EPA has therefore concluded that control options based on the continued discharge of produced water in all areas of the country do not represent BAT or NSPS. Non-water quality environmental impacts for the proposed Option 4 consist of incremental air emissions of approximately 2800 tons/year across the entire subcategory. Given that an average Gulf coast production facility may alone produce approximately 188 tons/year of emissions, this option would increase air emissions by about 13 percent. EPA considers this increase to be acceptable. A description of estimated non-water quality impacts, consisting of additional energy requirement and air emission created by complying with the proposed requirements and other options being considered are discussed in Section VIII of this preamble and in more detail in Chapter XIV of the Coastal Technical Development Document.

d. Rationale for Selection of NSPS.

For NSPS control of produced water discharges from new sources, EPA is proposing the ''Zero Discharge All'' (Option 5) prohibiting discharges of produced water from all new sources. Option 5 is economically achievable for the reasons discussed in the economic impact analysis and in Section VII, below. This NSPS option is estimated to cost approximately $4.5 million annually for the entire coastal subcategory. This cost would be incurred only by Gulf Coast operators where EPA estimates that approximately 6 new production facilities will be constructed per year. No new sources are expected in the Cook Inlet (See Section VII). However, were new sources to be installed in Cook Inlet, the preferred NSPS option of zero discharge is not expected to cause a barrier to entry because new project operations would still be quite profitable. For a new source, EPA estimates that the decline in internal rates of return would only be reduced from 39 to 37 percent and therefore would not be likely to affect the decision to undertake a new project. In addition, the impact on Net Present Value from the zero discharge requirement (2.9 percent) is not substantially different from the impacts on Net Present Value from the proposed BAT option for Cook Inlet platforms (2.4 percent). Thus existing and new platforms would face similar impacts on Net Present Value and Internal Rate of Return. In addition, as discussed in Section VIII, EPA has determined the non-water quality environmental impacts to be acceptable for the NSPS option for produced water. Total incremental emissions from the proposed option is approximately 64 tons/year for NSPS. As a comparison, an average Gulf coast production facility may produce approximately 188 tons/year of emissions. EPA considers this

increase in non-water quality impacts to be acceptable.

8. PSES and PSNS Options Selection

Based on the 1993 Coastal Survey and other information reviewed as part of this rulemaking, EPA has not identified any existing coastal oil and gas facilities which discharge produced water to publicly owned treatment works (POTWs), nor are any new facilities projected to direct their produced water discharge in such manner. However, because EPA is proposing a limitation requiring zero discharge for those existing facilities, there is the potential that some facilities may consider discharging to POTWs in order to avoid the BAT and /or NSPS limitations. Pretreatment standards for produced water are appropriate because EPA has identified the presence of a number of toxic and nonconventional pollutants, many of which are incompatible with the biological removal processes at POTWs. Large concentrations of dissolved solids in the form of various salts in the produced water cause the discharge to POTWs to be incompatible with the biological treatment processes because these ''brines'' can be lethal to the organisms present in the POTW biological treatment systems. (See the Coastal Technical Development Document for detailed information on produced water characterization.) EPA does not have sufficient data for conducting a pass through analysis for reasons discussed further in the Coastal Technical Development Document. EPA solicits data and comment on this particular issue.

EPA is proposing to require pretreatment standards for existing and new sources (PSES and PSNS, respectively) that would prohibit the discharge of produced water. The technology basis for compliance with PSES and PSNS would be the same as that for BAT and NSPS zero discharge limits. The cost projections for both PSES and PSNS are considered to be zero since no existing sources discharge to POTW's and there are no known plans for new sources to be installed in locations amenable to sewer hookup. Also, because no facilities are discharging to POTW's EPA proposes that PSES and PSNS requiring zero discharge be effective as of the effective date of this rule. Because zero discharge for new sources is economically achievable, the costs of complying with zero discharge would not be a barrier to entry. Non-water quality environmental impacts would be similar to those for new sources, which EPA has found to be acceptable. Thus, EPA has determined that pretreatment standards for new sources that are equal to NSPS are economically achievable and technologically available for PSNS and that the non-water quality environmental impacts are acceptable.

C. Produced Sand

1. Waste Characterization

Produced sand consists primarily of the slurried particles that surface from hydraulic fracturing and the accumulated formation sands and other particles (including scale) generated during production. Produced sand is generated during oil and gas production by the movement of sand particles in producing reservoirs into the wellbore. The generation of produced sand usually occurs in reservoirs comprised of geologically young, unconsolidated sand formations. The produced sand wastestream is considered a solid and consists primarily of sand and clay with varying amounts of mineral scale and corrosion products. This waste stream may also include sludges generated in the produced water treatment system, such as tank bottoms from oil/water separators and solids removed in filtration.

Produced sand is carried from the reservoir to the surface by the fluids produced from the well. The well fluids stream consists of hydrocarbons (oil or gas), water, and sand. At the surface, the production fluids are processed to segregate the specific components. The produced sand drops out of the fluids stream during the separation process and accumulates at low points in equipment. Produced sand is removed primarily during tank cleanouts. Because of its association with the hydrocarbon stream during extraction, produced sand is generally contaminated with crude oil or gas condensate.

Produced sand samples were obtained during EPA's sampling visits to 10 production facilities. Analysis of these samples showed oil and grease concentrations of 205 g/Kg. All toxic metals were present except silver, with most notable contributions from copper (32.15 mg/Kg) and lead (171.94 mg/Kg). Naturally Occurring Radioactive Material (NORM) was present at an average of 8.9 pCi/g in the samples which were taken from coastal facilities in the Gulf of Mexico. Toxic organics present were similar to those found in produced water including benzene, ethylbenzene, xylene, toluene, propanone and phenanthrene. All 10 sites disposed of the produced sands at commercial facilities. Produced sand volumes vary from well to well and are a function of produced water production, formation type, and well completion methods. Maximum produced sand volumes (out of these 10 sites) was 400 bpy per production facility. The 1993 Coastal Survey results showed that average volumes of produced sand ranged from 36 to 94 bpy per facility. Additional discussion of produced sand is presented in the Coastal Technical Development Document.

2. Selection of Pollutant Parameters

EPA is proposing to control all pollutants present in produced sand by prohibiting discharge of this wastestream.

3. Control and Treatment Technologies

No effluent limitations guidelines have been promulgated for discharges of produced sand in the coastal subcategory. The final NPDES permits for Texas, Louisiana, and the existing state NPDES permits for Alabama contain a zero discharge limit for produced sand.

Data from the 1993 Coastal Oil and Gas Questionnaire indicate that the predominant disposal method for produced sand is landfarming, with underground injection, landfilling, and onsite storage also taking place to some degree. Because of the cost of sand cleaning, in conjunction with the difficulties associated with cleaning some sand sufficiently to meet existing permit discharge limitations, operators use onshore (onsite or offsite) or downhole disposal. In fact, only one operator was identified in the 1993 Coastal Oil and Gas Questionnaire as discharging produced sand in the Gulf of Mexico, but this operator also stated that it planned to cease its discharge in the near future. All Cook Inlet operators submitted information stating that no produced sand discharges are occurring in this area.

4. Options Considered and Rationale for Options Selection

The only option considered is zero discharge of produced sands. Because current industrial practice for the coastal subcategory is predominately zero discharge, EPA considered this the appropriate option for this wastestream. The zero discharge requirement would eliminate the discharge of toxic pollutants present in produced sand. Because the industry practice of zero discharge is already so widespread, the zero discharge limitation will result in minimal increased cost to the industry.

EPA is proposing to set BPT, BCT, BAT and NSPS equal to zero discharge for produced sand. EPA has determined that zero discharge reflects the BPT,

BCT, BAT and NSPS levels of control because, as it is widely practiced throughout the industry, it is both economically achievable and technologically available. Zero discharge for NSPS would not cause a barrier to entry because, since it is equal to current practice, it will impose no cost. Zero discharge will have negligible economic impacts on the industry. As zero discharge reflects current practice, there are negligible incremental non-water quality environmental impacts from this option. Since proposed BCT would be set equal to the proposed BPT, there is no cost of BCT incremental to BPT. Therefore, this option passes the BCT cost reasonableness tests.

The technology basis for compliance with PSES and PSNS is the same as that for BAT and NSPS. EPA proposes pretreatment standards for produced sands equal to zero discharge because, like drilling fluids and cuttings, their high solids content would interfere with POTW operations. Because EPA is not aware of any produced sands being sent to POTWs, this requirement is not expected to result in operators incurring costs. Zero discharge for PSNS would not cause a barrier to entry for the same reasons as discussed above for NSPS. There are no additional non-water quality environmental impacts associated with this requirement because it reflects current practice.

D. Deck Drainage

1. Waste Characterization

Deck drainage consists of contaminated site and equipment runoff due to storm events and wastewater resulting from spills, drip pans, or washdown/cleaning operations, including washwater used to clean working areas. Deck drainage is generated during both the drilling and production phases of oil and gas operations. Currently, approximately 11.5 million bpy of deck drainage are discharged by facilities in the coastal subcategory. EPA estimates that 112,000 pounds of oil and grease are discharged in this wastestream annually. In addition to oil, various other chemicals used in drilling and production (actual hydrocarbon extraction) operations may be present in deck drainage. Limited treated effluent data are available for this wastestream, however, EPA has identified the presence of organic and metal priority pollutants in deck drainage. EPA's analytical data for deck drainage comes from the data acquired during the development of the Offshore Guidelines. EPA conducted a three facility sampling program (described in Section V of the Offshore Technical Development Document) during which samples were taken of untreated deck drainage. Eight of the toxic metals were detected, most notably lead (ranging in concentration from 25 - 352 ug/l) and zinc (ranging in concentration from 2970–6980 ug/l). Priority organics were also present including benzene, xylene, naphthalene and toluene. Other nonconventional pollutants found in deck drainage include aluminum, barium, iron, manganese, magnesium and titanium.

The content and concentrations of pollutants in deck drainage can also depend on chemicals used and stored at the oil and gas facility. An additional study on deck drainage from Cook Inlet platforms, reviewed during development of the Offshore Guidelines, showed that discharges from this wastestream may also include paraffins, sodium hydroxide, ethylene glycol, methanol and isopropyl alcohol. (Dalton, Dalton, and Newport, Assessment of Environmental Fate and Effects of Discharges from Oil and Gas Operations, March 1985.)

2. Selection of Pollutant Parameters

EPA has selected free oil as the pollutant parameter for control of deck drainage. The specific conventional, toxic and nonconventional pollutants found to be present in deck drainage are those primarily associated with oil, with the conventional pollutant oil and grease being the primary constituent. In addition, other chemicals used in the drilling and production activities and stored on the structures have the potential to be found in deck drainage. EPA believes that an oil and grease limitation together with incorporation of site specific Best Management Practices, as required under the stormwater program and as discussed below, will control the pollutants in this wastestream.

The specific conventional, toxic, and nonconventional pollutants controlled by the prohibition on the discharges of free oil are the conventional pollutant oil and grease and the constituents of oil that are toxic and nonconventional pollutants (see previous discussion in Section VI.B. describing the chemical constituents of oil). EPA has determined that it is not technically feasible to control these toxic pollutants specifically, and that the limitation on free oil in deck drainage reflects control of these toxic pollutants at the BAT and BADCT (NSPS) levels.

3. Control and Treatment Technologies

a. Current Practice.

BPT limitations for deck drainage prohibit the discharge of free oil. All equipment and deck space exposed to stormwater or washwater are surrounded with berms or collars. These berms capture the deck drainage where it flows through a drainage system leading to a sump tank. Initial oil/water separation takes place in the sump tank which is generally located beneath the deck floor or underground at land-based operations. Effluent from the sump tank may be directed to a skim pile, where additional oil/water separation occurs. (The skim pile is essentially a vertical bottomless pipe with internal baffles to collect the separated oil.)

The deck drainage treatment system is a gravity flow process, and the treatment tanks generally do not require a power source for operation. Thus, deck drainage generated at operations located in powerless, remote situations, (such as satellite wellheads) can be effectively treated.

The difficulties in obtaining a representative sample of deck drainage effluent (due to their submerged or underground location) preclude the use of the static sheen test for this wastestream. Thus, free oil is measured by the visual sheen test. Deck drainage treatment is discussed in more detail in the Coastal Technical Development Document.

b. Additional Technologies Considered.

EPA knows of no additional technologies for the treatment of deck drainage. However, EPA, as described in the proceeding section, has determined that deck drainage could in some circumstances be commingled with either produced water or drill fluids and thus, could become subject to the limitations imposed on these major wastestreams. EPA has also considered requiring best management practices (BMPs) on either a site-specific basis or as part of the Coastal Guidelines (See discussion under part 6.b. in this Section).

4. Options Considered

EPA has developed two options for the control of deck drainage. These are (1) establish limitations equal to BPT; or (2) establish limitations for the ''first flush'' of deck drainage equal to those for the major wastestreams it can be commingled with, and limitations equal to BPT after the first flush.

In addition to BPT technology described above, EPA examined additional treatment control options based on current industrial practices. The 1993 Coastal Oil and Gas Questionnaire as well as the industry site visits reveal that deck drainage is often commingled with produced waters prior to discharge or injection. Because

of this practice, EPA investigated an option requiring capture of the ''first flush'', or most contaminated portion of, deck drainage. Depending on whether the deck drainage is generated from drilling or production (actual hydrocarbon extraction) operations, this first flush would be subject to the same limitations as would be imposed on either produced water or drilling fluids and cuttings based on the assumption that these two wastestreams could be commingled. Thus, for deck drainage during production, EPA considered as an option zero discharge for the first flush everywhere except in Cook Inlet, where oil and grease limitations would apply. Zero discharge would be required for the first flush captured at drilling operations everywhere. After capturing the first flush, BPT limitations would apply to any remaining deck drainage at either production or drilling operations. Capture of all of deck drainage to meet zero discharge requirements would be impractical due to relatively heavy precipitation that occurs in the Gulf areas.

EPA considered employing a 500 barrel tank to capture the first flush. A tank of this size would be installed at production facilities, and would provide enough storage capacity to capture most, if not all, of the rainfall generated during a 3.5 inch rainfall event at an average size facility. Tanks smaller than 500 bbls would not be large enough to effectively capture the first flush of contaminated drainage. Tanks larger than this would be too costly to install. A 3.5 inch, 24 hour rainfall event would generally only be exceeded once per year in southern Louisiana (the coastal area receiving the most rainfall), and at most, two to three times. After collection, the 500 barrels (or less depending on the size storm event) of deck drainage would be directed through the produced water treatment and would be subject to the same limitations as required for produced water.

For drilling operations, the first 500 barrels would be subject to zero discharge. The basis for this requirement would be that the deck drainage would be directed to on-site drilling waste collection vessels or levees where they would be sent off-site for commercial disposal.

After collection and treatment of the first 500 bbls of deck drainage, any remaining discharge would be subject to the BPT limitations on free oil as measured by the visual sheen test.

The first flush option for deck drainage is estimated to eliminate discharge of more than 9 million bpy of deck drainage (about 78 percent of the total currently discharged) resulting in the removal 82,000 pounds per year of oil and grease.

5. BCT Option Selection

EPA conducted the BCT cost test (described previously in Section VI) for the two deck drainage options. The first flush option did not pass the POTW cost test. The result of this test analysis ranged from $2.13 to $3.45 per pound, and to pass the test, this value must be less than $0.534 per pound.

Thus, EPA has selected BPT, or a limitation prohibiting the discharge of free oil as the BCT limit, for deck drainage. This is a no-cost option because it reflects current practice. It is cost reasonable under the BCT cost test because the POTW test result and the industry cost-effectiveness test results are both zero (and therefore pass their respective tests).

6. Rationale for Selection BAT, NSPS, PSES and PSNS

a. Cost.

No costs are incurred by compliance with the option to require BPT limits for deck drainage. Costs to comply with the first flush option for operations in the Gulf of Mexico would be approximately $13.5 million per year. This includes the costs for both production and drilling operations to comply with a zero discharge requirement for the first flush followed by BPT for any remaining discharge after that. Costs to comply with this option for the Cook Inlet would be approximately $699,000 per year. This includes the costs of treating the first flush of deck drainage with produced water to meet oil and grease limitations of 29 mg/l 30-day average, and 42 mg/l daily maximum, followed by BPT for any remaining discharge after that. Total costs for this option would be approximately $14.2 million per year.

b. Rationale for Selection of BAT and NSPS.

EPA has selected BPT as its preferred option for BAT and NSPS for deck drainage. Since free oil discharges are already prohibited under BPT, there are no incremental compliance costs, pollutant removals, or non-water quality environmental impacts associated with this control option. Since this preferred option limits free oil equal to existing BPT standards, it is technologically available and economically achievable.

EPA has rejected the first flush option for control of deck drainage for several reasons primarily relating to whether this option is technically available to operators throughout the coastal subcategory. Deck drainage is currently captured by drains and flows via gravity to separation tanks below the deck floor. However, the problems associated with capture and treatment beyond gravity feed, power independent systems, are compounded by the possibilities of back-to-back storms which, may cause first flush overflows from an already full 500 bbl tank. In addition, tanks the size of 500 barrels are too large to be placed under deck floors. Installation of a 500 bbl tank would require construction of additional platform space, and the installation of large pumps capable of pumping sudden and sometimes large flows from a drainage collection system up into the tank. The additional deck space would add significantly, especially for water-based facilities, to the cost of this option. Further, many coastal facilities are unmanned and have no power source available to them. Deck drainage can be channelled and treated without power under the BPT limitations.

Capturing deck drainage at drilling operations poses additional technical difficulties. Drilling operations on land may involve an area of approximately 350 square feet. A ring levee is typically excavated around the entire perimeter of a drilling operation to contain contaminated runoff. This ring levee may have a volume of 6,000 bbls, sufficient to contain 500 bbls of the first flush. However, collection of these 500 bbls when 6,000 bbls may be present in the ring levee would not effectively capture the first flush. Costs to install a separate collection system including pumps and tanks, would add significantly to the cost of this option.

While costs are significant, the technological difficulties involved with adequately capturing deck drainage at coastal facilities is the principal reason why this option was not selected. EPA has selected the option requiring no discharge of free oil for BAT and NSPS control of deck drainage. EPA has determined that these limitations and standards properly reflect BAT and NSPS levels of control. EPA did not identify any other available technology for this waste stream. EPA solicits comments on the existence and practicality of treatment systems other than BPT.

EPA's proposed option does not include best management practices (BMPs) for this wastestream as part of these guidelines. EPA currently believes that current industry practices, in conjunction with the requirements as proposed in the proposed general stormwater rule (58 FR 61262-61268, November 19, 1993), would be sufficient to minimize the introduction of contaminants to this wastestream to the extent possible. These stormwater

requirements, if promulgated as proposed, would require an oil and gas operator to develop and implement a site-specific storm water pollution prevention plan consisting of a set of BMP's depending on specific sources of pollutants at each site. As noted in the stormwater proposal, the two types of BMP's most effective in reducing storm water contamination are to minimize exposure (e.g., covering, curbing, or diking) and treatment type BMP's which are used to reduce or remove pollutants in storm water discharges (e.g., oil/water separators, sediment basins, or detention ponds).

EPA solicits comment as to whether BMPs should be required for deck drainage as part of the Coastal Guidelines. Such BMPs may include (1) segregation of deck drainage from oil leaks from pump bearings and seals by using drip pans and other collection devices, (2) segregation of contaminated process area deck drainage and runoff from relatively uncontaminated runoff from areas such as living quarters, and walkways, (3) installation of roofs and sheds to divert uncontaminated rainfall from areas with a high potential for generating contaminated runoff, (4) careful handling of drilling fluid materials and treatment chemicals to prevent spills, (5) use of local containment devises such as liners, dikes and drip pans where chemicals are being unpackaged and where wastes are being stored and transferred.

7. PSES and PSNS

EPA is proposing to limit PSES and PSNS for deck drainage as zero discharge. EPA believes that zero discharge for PSES and PSNS is preferable to establishing a limit equal to BPT because generally slugs of deck drainage would interfere with biological treatment processes at POTW's. This is discussed further in the Coastal Technical Development Document. In addition, EPA did not have sufficient data to conduct a pass through analysis of the pollutants found in deck drainage for the reasons discussed further in the Coastal Technical Development Document. EPA solicits comments and data on this issue. Moreover, technical difficulties associated with capture of deck drainage that make it difficult to require limitations other than the BPT, no free oil limit makes it unlikely that this wastestream would be sent to POTW's. EPA solicits comment on whether it would be possible for collection of deck drainage and transmission to a POTW to occur.

E. Treatment, Workover, and Completion Fluids

1. Waste Characterization

Well treatment, workover, and completion fluids are primarily generated during production. Well treatment and workover fluids are inserted downhole in a producing well to increase a well's productivity or to allow safe maintenance of the well. Completion fluids are also inserted downhole after a well has been drilled, and serve to clean the wellbore, and maintain pressure prior to production. In most operations, these fluids resurface once production is initiated and can either be reused, or must be disposed of.

According to results obtained in the 1993 Coastal Oil and Gas Questionnaire, EPA estimates that approximately 275,000 bbls (205,000 and 70,000 bpy of treatment/workover and completion fluids respectively) or these fluids are discharged annually from coastal oil and gas operations in Texas and Louisiana. This amounts to an average of 587 bbls of treatment and workover fluids discharged per year, per well, from approximately 350 wells. For completion fluids, this amounts to an average of 209 bbls discharged per year per well from 334 wells. The 1993 Questionnaire also provides information showing that treatment, workover and completion fluids discharged are commingled with the produced water in Texas and Louisiana prior to injection or discharge. Florida, Alabama and North Slope coastal oil and gas operators do not discharge these fluids.

Based on the 1993 Coastal Oil and Gas Questionnaire and EPA's Region X Discharge Monitoring Reports (described in Section V) all Cook Inlet operators commingle these fluids with produced water for treatment prior to discharge.

The composition of the discharges is highly dependent on the fluid's purpose, but they generally consist of acids (in the case of treatment) or weighted brines (for workover of completion). The principal pollutant in these fluids is oil and grease ranging in concentration from 15–722mg/l. Total suspended solids, another major constituent in these fluids, is present in concentrations ranging from 65 to 1600 mg/l. Prominent priority metals that exist in these wastes include chromium, copper, lead, and zinc. Priority organics are also present including acetone, benzene, ethylbenzene, xylene, toluene, and naphthalene.

EPA estimates that, approximately 22,000 pounds of oil and grease, 50,000 pounds of TSS, 292 pounds of toxic metals, and 417 lbs of toxic organics are being discharged annually in the Gulf of Mexico. In addition, approximately 3.4 million pounds of nonconventionals are being discharged including boron, calcium, cobalt, iron, manganese, molybdenum, tin, vanadium, and yttrium.

2. Selection of Pollutant Parameters

Where zero discharge would be required, EPA would be regulating all conventional, toxic, and non-conventional pollutants found in well treatment, completion and workover fluids.

In Cook Inlet, where discharge would be allowed under Option 2, the parameter ''oil and grease'' would be regulated as an indicator for toxic pollutants. EPA has data indicating that the control of oil and grease will control certain toxic pollutants (including phenol, naphthalene, ethylbenzene, toluene and zinc) as discussed in the Offshore Technical Development Document. As presented in Section VI of the Offshore Technical Development Document when discussing the prohibitions on the discharge of free oil, removal of oil from the discharge effectively removes certain toxic pollutants. Free oil is considered to be ''indicator'' for the control of specific toxic pollutants present in complex hydrocarbon mixtures. These pollutants include benzene, toluene, ethylbenzene, naphthalene, phenanthrene, and phenol.

Under EPA's proposed BCT limits, applicable to conventional pollutants, EPA would prohibit the discharge of ''free oil,'' as determined by the static sheen test. EPA would prohibit discharge of ''free oil'' as a surrogate for control over the conventional pollutant ''oil and grease'' in recognition of the complex nature of the oils present in drilling fluids, including crude oil from the formation being drilled.

As will also be discussed below, EPA has determined that it is not feasible to regulate separately each of the constituents in these fluids because these fluids in most instances become part of the produced water wastestream and take on the same characteristics as produced water. Due to the variation of types of fluids used, the volumes and their correspondingly variable constituent concentrations, EPA believes it is impractical to measure and control each individual parameter.

While the oil and grease and, in certain instances, the no free oil limitations limit the discharges of toxic and conventional pollutants found in well treatment, completion and workover fluids, certain other pollutants

are not controlled. EPA proposes to exercise its discretion not to regulate these pollutants because EPA has not detected them in more than a very few of the samples within the subcategory and the pollutants when found are present in trace amounts not likely to cause toxic effects. This is consistent with EPA's findings in the Offshore Guidelines. (See EPA's data base for these fluids in the Coastal Technical Development Document).

3. Control and Treatment Technologies

Current practice in the control of discharges from these fluids is to meet the BPT limitations of no free oil (using the visual sheen test). EPA's final general permit applicable to the discharges from coastal oil and gas drilling operations in Texas and Louisiana further prohibits discharges of treatment, workover and completion fluids to freshwater areas. Methods for treatment and discharge, reuse or disposal include:

* Treatment and disposal along with the produced water
* Neutralization for pH control and discharge to surface waters
* Reuse
* Onshore disposal and/or treatment and discharge in coastal or offshore areas.

4. Options Considered

EPA has considered two options for the treatment of treatment, workover, and completion fluids. These are (1) Prohibit the discharges of free oil (equal to the BPT limits) and prohibit the discharges of these fluids to freshwaters of Texas and Louisiana, (2) Limit the discharges equal to EPA's preferred options for produced waters. For produced water BAT limits, EPA is proposing zero discharge everywhere except Cook Inlet, where the proposed produced water control option is to meet limitations on oil and grease of 42 mg/l daily maximum and 29 mg/l 30-day average. For NSPS, PSES, and PSNS, EPA is proposing zero discharge everywhere for produced water.

There are no additional costs to comply with Option 1 because it reflects the current requirements imposed on the industry.

Option 2 would require for BAT, that zero discharge be met for treatment, completion, and workover fluids for all areas except the Cook Inlet, where operators are currently commingling these wastes with produced water, and would be required to meet oil and grease limitations of 29 mg/l 30-day average and 42 mg/l daily maximum. This would annually remove 72,000 pounds of conventionals, 709 pounds of priority toxic pollutants and an additional 3.4 million pounds of nonconventional pollutants. For NSPS, EPA would require zero discharge everywhere, including Cook Inlet. This would remove annually 9,400 pounds of conventionals, 92 pounds of priority toxic pollutants and an additional 440,000 pounds of nonconventional pollutants. EPA is not applying a separate cost in Cook Inlet to comply with this option because these costs are already included in the costs of complying with the produced water option for Cook Inlet (oil and grease limits of 29 mg/l 30-day average/42 mg/l daily maximum).

However, for the Gulf, costs attributed to this option would be operating and maintenance costs associated with commingling with produced water and on-site injection, or hauling off-site to a commercial disposal facility if commingling is not possible. In costing this option for the Gulf, EPA estimated that 77 percent of treatment, workover and completion fluids currently being discharged would be commingled with produced water. This estimate comes from information indicating that 77 percent of produced water discharges are flows greater than 110 bpd (See Section VI) and would be disposed of by onsite injection because flows greater than 110 bpd will be large enough to accommodate the introduction of treatment, workover and completion fluids without fouling the produced water treatment system. The other 23 percent are less than 110 bpd and therefore it would be more cost effective to send the produced waters off-site for disposal rather than install an injection well. (See the Coastal Technical Development Document, Section XII).

Based on these estimates, EPA calculated the costs of compliance with Option 2. These costs included operating and maintenance costs on a dollar per bbl basis for on-site commingling and injection with produced water, and costs of transportation and disposal for commercial disposal. The BAT limits would cost approximately $610,000 annually in the Gulf.

Costs for NSPS requiring zero discharge for treatment, workover and completion fluids were calculated based on EPA's estimate that 187 new wells will be drilled per year in the Gulf Coast (this estimate was obtained from the 1993 Coastal Oil and Gas Questionnaire results). Of these 187, EPA estimated that 76 percent (142 facilities) would be located in Louisiana freshwaters and would not discharge due to state water quality standards (this estimate is also based on the Questionnaire results). The remaining 45 facilities would each generate approximately 800 bbls of treatment, workover and completion fluids per year. Costs to meet zero discharge, based on commingling these fluids with produced water or directing them separately to commercial disposal facilities, are estimated to be approximately $520,000 per year over the next 15 years. These costs are only for the Gulf coast operations. No new sources are expected to be installed in Cook Inlet.

5. Rationale for Selection of Proposed Regulations

a. BCT, BAT, and NSPS.

EPA is proposing to establish BCT limitations equal to BPT, prohibiting the discharge of free oil in well treatment, workover, and completion fluids. Compliance with this limitation would be determined by the static sheen test. Since BPT reflects current practice, this proposed BCT limitation is cost reasonable under the BCT cost test. Based on the available data regarding the levels of conventional pollutants present in these wastes, EPA did not identify any other options which would pass the BCT cost test other than establishing BCT equal to the existing BPT limits. Additional information regarding the results of the BCT cost test for these wastes is presented in the Coastal Technical Development Document. There are no costs or non-water quality environmental impacts associated with this proposed BCT limitation and, since it is equal to BPT, it is technologically available and economically achievable.

EPA is co-proposing both options considered for well treatment, workover, and completion fluids for BAT and NSPS. EPA has determined that both options are technologically and economically achievable and have acceptable non-water quality impacts.

However, due to the high cost effectiveness results for Option 2 (requiring the same limitations as proposed for produced water) a preferred option has not been selected. EPA solicits comment on the appropriateness of either option. Option 1, which would prohibit the discharge of free oil and prohibit the discharge of treatment, workover and completion of fluids to freshwaters of Texas and Louisiana, reflects current regulatory requirements and thus will incur no additional compliance costs, economic or non-water quality environmental impacts. This option would result in no incremental removal of pollutants from this wastestream beyond the existing BPT requirements.

Option 2 would require for BAT zero discharge of treatment, completion, and workover fluids except for Cook Inlet, where EPA would establish oil and grease limitations of 29 mg/l 30-day average, 42 mg/l daily maximum. For NSPS, this option would require zero discharge of all treatment, completion, and workover fluids from all new sources.

Zero discharge is being achieved by many operators (except those in Texas, saline waters of Louisiana, and Cook Inlet) for the treatment, workover, and completion fluids wastestream. The technology basis for zero discharge is commingling this wastestream with produced water or sending it separately to off-site commercial disposal facilities. For Cook Inlet, this option, which also contains allowable discharge limitations is based on commingling with produced water, because commingling of these wastestreams is currently occurring in this area. The specific oil and grease limits proposed are technologically available for the same reasons they are available for control of produced water, as discussed above.

The zero discharge limitation would eliminate all discharges of toxic, conventional, and nonconventional pollutants. The oil and grease limits would be technologically based on improved gas flotation performance (See Section VI.B. of this preamble) and serve to limit the discharge of toxic and conventional pollutants to surface waters.

Zero discharge for treatment, workover and completion fluids in Cook Inlet was not selected for this BAT option because these fluids are commingled with produced water as an integral part of their operations, and because zero discharge for produced water was determined to be uneconomical for Cook Inlet operators.

The costs to meet Option 2 for BAT ($610,000) are relatively minimal since this amount is negligible in comparison to total annual production revenue from Gulf coastal operations.

Costs to achieve zero discharge everywhere for Option 2 NSPS are expected to be negligible. Out of the 187 new wells that will be drilled in the Gulf Coast, 76 percent will not discharge these fluids in freshwaters because of water quality standards requirements. The remaining 45 facilities will each generate approximately 800 bbls of treatment, workover and completion fluids per year (estimates of volumes from the 1993 Coastal Oil and Gas Questionnaire). While some of these fluids may be directed for treatment and disposal to existing production facilities, EPA is conservatively estimating costs of the Option 2 NSPS assuming all of these fluids would be directed to new production facilities for treatment and disposal (or be treated on-site at the new source). For the Gulf, the NSPS requirements under this Option 2 would be the same as those for BAT, thus costs would either be equal to BAT, or less than BAT since new sources can more efficiently design their facilities to comply with zero discharge. Costs for new sources in the Gulf generating treatment, workover and completion fluids to meet zero discharge would be approximately $520,000 per year which is negligible in relation to annual production revenue from Gulf coastal operators.

For Cook Inlet, costs to meet Option 2 requirements for treatment, workover and completion fluids are included in the cost analysis for produced water because current practice there is commingling of these wastestreams (See Section VI.E.). While EPA does not anticipate any new sources to be constructed in Cook Inlet, and therefore has not attributed any costs to NSPS, the NSPS would not cause a significant barrier to entry. These impacts are only a small incremental increase over the impacts resulting from the controls on produced water and drilling fluids and cuttings. Finally the non-water quality environmental impacts of this Option 2 are believed to be acceptable, because like their volumes, they are relatively small (See Section VIII of this preamble) as discussed below.

Option 2 would result in the removal of 3.9 million pounds of conventional, toxic and non-conventional pollutants annually (a total of 2140 in toxic pound equivalents). However the amount of toxic priority pollutants removed is approximately 0.02 percent of this total. The annual compliance costs of $1.1 million (for BAT and NSPS combined) to remove 800 pounds of priority toxic pollutants indicates that this option is not cost effective. (See also EPA's cost effectiveness analyses entitled Cost Effectiveness Analysis of Effluent Limitations Guidelines and Standards for the Coastal Oil and Gas Industry found in the rulemaking record for this proposal).

EPA is soliciting comments on whether the volumes of treatment, workover and completion fluids removed by these options are deminimus, and on the applicability, achievability and practicality of both Options 1 and 2.

b. PSES and PSNS.

Pretreatment standards for treatment workover and completion fluids are being proposed equal to zero discharge. This is because their chemical composition, like produced water, tends to be high in total dissolved solids which may interfere with POTW operations. EPA did not have sufficient data, however, to conduct a pass-through analysis for the pollutants contained in this wastestream. Both interference and pass-through are discussed further in the Coastal Technical Development Document. EPA solicits comments on these issues. Zero discharge for NSPS would not pose barrier to entry for the same reason as discussed under NSPS for this wastestream.

EPA solicits comments on both the occurrence of treatment, workover and completion fluid discharges into POTW's and the appropriateness of pretreatment standards requiring zero discharge for this wastestream.

F. Domestic Wastes

Domestic wastes result from laundries, galleys, showers, etc. Detergents are often part of this wastestream. Waste flows may vary from zero for intermittently manned facilities to several thousand gallons per day for large facilities.

The conventional pollutant of concern in domestic waste is floating solids. The BPT limitations for deck drainage are no discharge of floating solids. To comply with this limit, domestic waste is ground up so as not to cause floating solids on discharge. EPA is proposing to limit floating solids as well for BCT and NSPS. In addition, EPA is proposing to prohibit discharges of foam for BAT and NSPS. Foam is a nonconventional pollutant and its limitation is intended to control discharges that include detergents.

EPA is also proposing to limit discharges of garbage as included in U.S. Coast Guard regulations at 33 CFR Part 151. These Coast Guard regulations implement Annex V of the Convention to Prevent Pollution from Ships (MARPOL) and the Act to Prevent Pollution from Ships, 33, U.S.C. 1901 et seq. (The definition of ''garbage'' is included in 33 CFR 151.05).

The pollutant limitations described above for domestic wastes are all technologically available and economically achievable and reflect the BCT, BAT and NSPS levels of control. Under the Coast Guard regulations, discharges of garbage, including plastics, from vessels and fixed and floating platforms engaged in the exploration, exploitation and associated offshore processing of seabed mineral resources are prohibited with one exception. Victual waste (not including plastics) may be discharged from fixed

or floating platforms located beyond 12 nautical miles from nearest land, if such waste is passed through a screen with openings no greater than 25 millimeters (approximately one inch) in diameter. Because vessels and fixed and floating platforms must comply with these limits, EPA believes that all coastal facilities are able to comply with this limit. While not all coastal facilities are located on platforms, compliance with a no garbage standard should be as achievable, if not more so for shallow water or land based facilities that have access to garbage collection services. Further, the final drilling permit promulgated by Region VI for coastal Texas and Louisiana incorporates these Coast Guard regulations.

Since these BCT, BAT and NSPS limitations for domestic waste are already in either existing NPDES permits or Coast Guard regulations, these limitations will not result in any additional compliance cost, and thus these limits are economically achievable. Also, these limits and standards will have no additional non-water quality environmental impacts. There are no incremental costs associated with the BCT limitations; therefore, it is considered to pass the two part BCT cost reasonableness test.

No discharge of visible foam is required by Region X's NPDES permit for Cook Inlet drilling. No discharge of floating solids is included in the Region X's BPT Cook Inlet general permit, the Region X's drilling permit and Region IV's general permit for coastal operators.

Pretreatment standards are not being developed for domestic wastes because they are compatible with POTWs.

G. Sanitary Wastes

Sanitary wastes from coastal oil and gas facilities are comprised of human body wastes from toilets and urinals. The volume of these wastes vary widely with time, occupancy, and site characteristics. A larger facility, such as an offshore platform, typically discharges about 35 gallons of sanitary waste daily. Sanitary discharges from coastal facilities would be expected to be less than this value since the manning levels at most coastal facilities is less than that at offshore locations.

Existing BPT limitations for facilities continuously manned by 10 or more people requires sanitary effluent to have a minimum residual chlorine content of 1 mg/l, with the chlorine concentration to remain as close to this level as possible. Facilities intermittently manned or continuously manned by fewer than 10 people must comply with a BPT prohibition on the discharge of floating solids. EPA's Regions VI and IV NPDES general permits for coastal facilities also impose limits on the discharge of TSS, fecal coliform count, BOD and floating solids. EPA's Region X general NPDES permit for Cook Inlet also requires limitations for these same parameters in addition to requirements for foam and free oil.

EPA considered zero discharge of sanitary wastes based on off-site disposal to municipal treatment facilities or injection with other oil and gas wastes. Off-site disposal would require pump out operations, that while available to certain land facilities, are not available to remote or water-based operations. Because sanitary wastes are not exclusively associated with oil and gas operations, which are routinely injected in Class II wells, zero discharge based on Class II injection was not considered for sanitary wastes. EPA solicits comments on the selected option for sanitary wastes regarding the pollutant regulated, the limitation itself, and other possible disposal options, including marine sanitation devices that are designed to prevent discharge (Type III, 33 CFR 159.3(s)).

EPA is proposing to limit sanitary waste discharges for BCT and NSPS equal to BPT limitations. Sanitary waste effluents from facilities continuously manned by ten (10) or more persons must contain a minimum residual chlorine content of 1 mg/l, with the chlorine level maintained as close to this concentration as possible. Coastal facilities continuously manned by nine or fewer persons or only intermittently manned by any number of persons must comply with a prohibition on the discharge of floating solids.

Since there are no increased control requirements beyond those already required by BPT effluent guidelines, there are no incremental compliance costs or non-water quality environmental impacts associated with BCT and NSPS limitations for sanitary wastes. Since these limitations are equal to BPT, they are available and economically achievable. In addition, the BCT limitation is also considered to be cost reasonable under the BCT cost test. Since the POTW test result and the industry cost-effectiveness test results are both zero (and therefore pass their respective tests), the limitation is cost reasonable.

EPA is not establishing BAT effluent limitations for the sanitary waste stream because no toxic or nonconventional pollutants of concern have been identified in these wastes.

Pretreatment standards are not being developed for sanitary wastes because they are compatible with POTWs.

VII. Economic Analysis

A. Introduction

EPA's economic impact assessment is presented in the Economic Impact Analysis of Proposed Effluent Limitations and Guidelines, and Standards for the Coastal Oil and Gas Industry (hereinafter, ''EIA''). This report details the investment and annualized costs of compliance with the rule for the industry as a whole and the impacts of the compliance costs on affected wells, platforms, and operators in the coastal oil and gas industry, both existing and future. The report also estimates the economic effect of compliance costs on Federal and State revenues, balance of trade considerations, and inflation.

EPA also has conducted an analysis of the cost-effectiveness of alternative treatment options. The results of the cost-effectiveness analysis are expressed in terms of the incremental costs per pound-equivalent removed. Pound-equivalents account for the differences in toxicity among the pollutants removed. Total pound-equivalents are derived by taking the number of pounds of a pollutant removed and multiplying this number by a toxic weighting factor. The toxic weighting factor is derived using ambient water quality criteria and toxicity values. The toxic weighting factors are then standardized by relating them to a particular pollutant, in this case copper.

Cost-effectiveness is calculated as the ratio of incremental annualized costs of an option to the incremental pound-equivalents removed by that option. This analysis, Cost-Effectiveness Analysis of Effluent Limitations Guidelines and Standards for the Coastal Oil and Gas Industry (hereinafter, the ''CE Report''), is included in the record of this rulemaking. Since the discharges are primarily to a marine or brackish environment, salt-water toxic weighting factors (which typically are lower than freshwater toxic weighting factors, thus they generate lower pound-equivalents overall) were used wherever they were available.

Cost-effectiveness is a measure of costs and relative economic efficiency of the technology options being considered to remove toxic pollutants. EPA includes direct compliance costs, such as capital expenditures, operations and maintenance costs and in some cases monitoring costs (*i.e.*, direct compliance costs), when estimating cost-effectiveness. EPA has not included in previous effluent guidelines and standards costs associated with the economic impact of the technology

options in the costs used in the cost-effectiveness analysis. Consistent with this, for this effluent guidelines, EPA has included capital expenditures and operation and maintenance, but not the cost of the lost oil/gas production in its analysis of the incremental cost-effectiveness of different technology options. EPA does consider the lost production as an economic impact on this industry, and has included lost production in its economic impact analysis. During the interagency review a question was raised whether EPA should treat the lost oil/gas production as a compliance cost to the facility. EPA solicits comments on: (1) Whether the possibly permanent loss in oil/gas production associated with premature closing of these wells may be different from lower production of manufacturing goods that occurs in any production period as a result of higher production costs, and (2) whether or not the lost production of oil/gas should be considered when determining the cost-effectiveness on the technology options for this industry.

B. Economic Methodology

The EIA provides the results of a number of measures of economic impact resulting from the proposed Coastal Guidelines. These measures include production losses (measured in terms of total lifetime production lost, losses in net present value (NPV)[2] of production, and years of production lost), impacts on federal and state revenues; impacts on firms; impacts on employment; impacts on inflation and balance of trade; impacts on small businesses; and impacts on new sources in terms of barriers to entry. All impacts measured in this EIA do not take into account the requirements of the EPA Region VI General Permits for the Coastal Oil and Gas Industry covering disposal of produced water.

These impacts are also based on the assumption that oil prices will remain, in real terms, approximately $18 per barrel over the timeframe of the analysis. This assumption is substantiated, at least for this decade, by recent industry forecasts. Note that if the price of oil changes significantly, impacts could also change.

1. Gulf of Mexico

EPA used the 1993 Coastal Oil and Gas Questionnaire authorized under section 308 of the CWA to obtain the information necessary to model impacts at wells determined to be currently discharging and which were determined to be continuing to discharge at least through the third quarter of 1996. Incremental compliance costs specific to these wells or the produced water separation and treatment facilities associated with these wells (prorated on a cost per barrel basis to make them well-specific) were used to derive the incremental costs to the affected wells. By Gulf of Mexico, the EIA does not generally include Gulf coastal facilities in Alabama and Florida, since coastal operators in these states are already required to meet zero discharge, and thus, these facilities would not incur additional costs from this rule.

A financial model showing cash flow over a maximum 30-year time frame (or less if a well's flow becomes negative before 30 years) was developed and adapted to each well using well-specific data in the Questionnaire. Costs included in the models include those associated with current production costs and revenues, which were extrapolated over the lifetime of the project to establish baseline lifetime production. Other baseline summary statistics included years of economic lifetime, corporate cost per barrel of oil equivalent (BOE), and net present value of lifetime production. Then, capital and annual operating and maintenance (O&M) costs associated with various regulatory options were added to the baseline costs. The model recalculates the economic lifetime of the wells, annualizes the regulatory costs over the new project lifetime, and recalculates production and financial summary statistics. Well impacts were evaluated by determining the change from the baseline values caused by the increased regulatory costs. Production losses are measured as reductions in hydrocarbon extraction resulting from immediate closure of existing wells and curtailed lifetimes. These were based on the decrease in production and decrease in net present values for the wells induced by the regulatory costs. That is, if a well became unprofitable with the additional costs, it was assumed to shut in, either in the first year or earlier than it might have under baseline assumptions.

To provide more accuracy in estimating the total annual costs to the Gulf of Mexico (GOM) coastal oil and gas industry, these costs were derived using state permit data on discharging facilities and compliance cost estimates developed on a per-facility basis. Thus costs were not based on extrapolations from survey data. These costs are pre-tax (although the financial models account for impacts based on the appropriate post-tax costs). EPA re-emphasizes that this analysis assumes that the Region VI permit for produced water is not part of the baseline scenario.

EPA also analyzed secondary impacts of the regulation. These include: revenue losses to the federal government due to tax shields on expenditures and loss of taxable revenues, revenue losses to State governments through lower severance tax payments and royalties, changes in the balance of trade and inflation, employment losses (both primary and secondary) based on production losses and firm failures, and employment gains (involved with manufacturing, installing, and operating pollution control equipment). Impacts on new sources also are investigated and a regulatory flexibility analysis is performed.

2. Cook Inlet

The same type of financial model used in the Gulf of Mexico portion of the analysis was adapted to model 14 platforms (one currently shut in but with potential for future production) in the Cook Inlet. The same types of impacts from a variety of regulatory options for this region also were estimated. One difference between the Cook Inlet model and the Gulf model is that the Cook Inlet model operates at the platform level instead of the well level. Impacts are evaluated for platforms, whose production rates change with the addition of new and recompleted wells.

C. Summary of Costs and Economic Impacts

1. Overview of Economic Analysis

The economic analysis has five major components: (1) An estimate of the number of existing wells (Gulf of Mexico) and platforms (Cook Inlet) and projected wells/platforms that incur costs under this rule; (2) an estimate of the annual aggregate (pre-tax) cost of complying with the regulation using capital and O&M costs per Cook Inlet platform or Gulf of Mexico treatment facility as estimated in the Development Document; (3) use of an economic model to evaluate per-well/platform impacts on production and economic life; (4) an evaluation of impacts on firms, future oil and gas production, Federal and State revenues, balance of trade, employment and other secondary effects; and (5) the performance of a regulatory flexibility analysis as required under the Regulatory Flexibility Act to determine whether impacts on small firms are disproportionate to those on large firms.

[2] Net present value is the total stream of production revenues minus costs over a period of years discounted back to present value, under the assumption that a future dollar is worth less than a dollar now.

The base year for the economic analysis is 1992, so all costs are reported in 1992 dollars. This is the year for which data were gathered in the 1993 Coastal Oil and Gas Questionnaire and was the most recent year for which a complete set of cost, revenue, and production data were available. Any costs not originally in 1992 dollars were inflated or deflated using the Engineering News Record Construction Cost Index, unless otherwise noted in the EIA (see EIA for details).

The industry profile used in this analysis is presented in Section IV. EPA estimates that there are 4,675 existing wells in the Gulf of Mexico Coastal Region, of which 1,588 are estimated to still be discharging produced water in 1996, according to estimates based on Questionnaire 308 survey results. By Gulf of Mexico, EPA has not included Alabama or Florida since these facilities are currently meeting zero discharge. As noted above, this costing approach is conservative because independent of this rule, an additional 28 production facilities (with an estimated 213 wells) in coastal Louisiana will be required by Louisiana state water quality standards to achieve zero discharge by January 1997. Six new production facilities are expected to be built each year in the Gulf region. The costs for these new projects are assigned as NSPS compliance costs. In Cook Inlet, no new facilities are anticipated, thus no NSPS costs are calculated for purposes of estimating the total costs of the rule. EPA has, however, analyzed whether the NSPS requirements for Cook Inlet would create a barrier to entry for any new sources that might begin to operate in Cook Inlet.

EPA examined the effect of BPT, BCT, BAT, and NSPS regulatory options. BPT options have no costs or impacts and are discussed no further here. BCT options were examined using BCT cost tests (see Section VI). BAT and NSPS economic impacts are discussed in this section. The following wastestreams are regulated by this rule: produced water; drilling wastes; well treatment, workover, and completion fluids; produced sand; deck drainage; sanitary wastes; and domestic wastes. For sanitary and domestic wastes, the BAT and NSPS options proposed are current permit conditions, thus no costs or impacts are incurred as a result of BAT or NSPS requirements for these wastestreams. For deck drainage, the limits are based on BPT, thus costs and impacts of BAT or NSPS requirements are zero. For produced sand, current practice is zero discharge, and zero discharge is the only option considered for BPT, BAT or NSPS. Thus, no costs or impacts are expected to result from BAT or NSPS requirements for produced sand. Therefore, the remainder of this section discusses the costs and impacts of BAT and NSPS options only for produced water; drilling waste; and treatment, workover, and completion fluids.

In all, there are 10 BAT regulatory options: 5 for produced water, 3 for drilling wastes, and 2 for treatment, workover, and completion fluids. These options are described in Section VI. The economic impacts from these options are assessed individually in this Section. Selected NSPS options are also discussed in these sections.

2. Total Costs and Impacts of the Regulations

This section presents the costs and impacts of the selected BAT and NSPS regulatory options. The total annual costs of the BAT and NSPS regulatory alternatives are presented in Table 6. Note that the costs and impacts of this rule would be substantially reduced if the effects of the recently finalized EPA Region VI General Permit were to be incorporated in this rule. The preferred BAT regulatory option for produced water is Option 4, zero discharge everywhere except in Cook Inlet where discharges are allowed provided oil and grease limitations, based on improved gas flotations, are met.

TABLE 6.—TOTAL COSTS OF BAT AND NSPS OPTIONS (1992$)

Wastestream [1]	Annual compliance costs ($ million/yr)				
	BAT			NSPS	
Produced water	30.86			4.48	
	Co-proposal			[2] 0	
	Opt 1	Opt 2	Opt 3		
Drilling fluids and cuttings	0	1.4	3.89		
	Co-proposal			Co-proposal	
	Opt 1	Opt 2		Opt 1	Opt 2
Treatment, workover, and completion fluids	0	0.61		0	0.52
Total	30.86–35.36			4.48–5.00	

[1] EPA selected no-cost options for all other wastestreams.
[2] No new sources expected in Cook Inlet.

The three options considered for drilling fluids and cuttings BAT and NSPS contain zero discharge for all areas, except two of the BAT options contain allowable discharges for Cook Inlet. One of these options which would allow discharges meeting a more stringent toxicity limitation if selected for the final rule, would require an additional notice for public comment since the specific toxicity limitation has not been determined at this time. The three options are: Option 1—zero discharge for all areas except Cook Inlet where discharge limitations require toxicity of no less than 30,000 ppm (SPP), no discharge of free oil and diesel oil and no more than 1 mg/l mercury and 3 mg/l cadmium in the stock barite, Option 2—zero discharge for all areas except for Cook Inlet where discharge limitations would be the same as Option 1, except toxicity would be set to meet a limitation between 100,000 pm (SPP) and 1 million ppm (SPP), and Option 3—zero discharge for all areas. EPA is co-proposing two options for BAT and NSPS for treatment, workover and completion fluids. Option 1 would require no discharge of free oil and

prohibit discharges to freshwaters of Texas and Louisiana. This option reflects current practice. Option 2 would require the same limitations as the preferred option for produced water. This option would require for BAT that, discharges of treatment, workover and completion fluids would be prohibited in all coastal areas except Cook Inlet. In Cook Inlet, these discharges would be required to meet a daily maximum oil and grease limitation of 42 mg/l and a 30 day average of 29 mg/l. Option 2 would require zero discharged of these fluids everywhere for NSPS.

The total cost of compliance with these selected BAT options is $30.9 million to $35.4 million per year in 1992$'s (or $33.5 million to $38.4 million in 1994$'s). Additionally, compliance with the BAT options would result in up to approximately $9.5 million in lost oil and gas revenues, taxes and royalties annually.[3]

NSPS requirements for produced water is zero discharge (only the Gulf is expected to have new sources). The options being co-proposed for NSPS for drilling fluids and cuttings and treatment, workover and completion fluids are the same as those considered for BAT. Total compliance cost of NSPS for this proposal ranges from $4.48 to approximately $5 million annually in 1992 $'s (or $4.9 to $5.4 million annually in 1994 $'s). Additionally, compliance with the selected NSPS options could also result in roughly $1 to 2 million in lost oil and gas revenues, royalties and taxes annually. Costs of NSPS for produced water are associated only with six new source production facilities per year projected in the Gulf region. No new sources are projected in Cook Inlet. For the six new production facilities constructed per year in the Gulf, costs of the produced water NSPS are estimated to be approximately $4.48 million per year or $38.4 million (present value) over a 15-year time frame.

Costs of NSPS for well treatment, workover and completion fluids are based on EPA projections that 45 new source wells would be discharging these fluids (without this rule) in the Gulf region. No new sources are projected in Cook Inlet. For the 45 new source wells in the Gulf region costs of the NSPS options for well treatment, workover and completion fluids are estimated to range from $0.00 to approximately $0.52 million per year or $0.00 to $4.4 million (present value) over a 15-year time frame.

Because current practice for control of drilling fluids and drill cuttings in the Gulf region is zero discharge and no new sources are projected in Cook Inlet, no additional costs will be incurred due to NSPS for drilling fluids and drill cuttings.

Total compliance cost of all BAT and NSPS requirements ranges from $35.34 million to $40.36 million per year in 1992 $'s (or $38.3 million to $43.8 million annually in 1994 $'s). These compliance costs will also result in up to $11.5 million in lost oil and gas revenues, royalties and taxes annually. Note that these costs are a small percentage of coastal revenues and operating costs (the direct costs of operating the business, i.e., not including general and administrative costs, depletion, depreciation, taxes, interest, etc.). Total revenues stemming from coastal operations among coastal firms (Texas, Louisiana, and Cook Inlet, Alaska, only) are estimated to be $6.1 billion per year. Thus the total annual cost of the proposed Coastal Guidelines is estimated to be at most 0.7 percent of annual coastal revenues. The total coastal operating costs among coastal firms is estimated to be $1.2 billion per year, thus annual compliance costs of this proposed rule are estimated to be up to 3.3 percent of total annual operating costs.

BAT production losses under the selected options are expected to total at most 40.2 million barrels of oil equivalent (BOE) over the lifetime of the wells and platforms as a result of the regulatory options (average postcompliance lifetime is 10 years in both the Gulf and Cook Inlet). In Cook Inlet, the production loss over the expected productive lifetime of the platforms is expected to be up to 12.4 million total BOE, which is 3.1 percent of the estimated lifetime production for the region. In the Gulf, the lifetime production loss is expected to be up to 27.9 million total BOE, which is 0.9 percent of a high estimate of lifetime production and 1.7 percent of a low estimate of lifetime production in the Gulf. For the two regions combined, the maximum 40.2 million BOE loss (or 17.9 million BOE in present value) in production is 1.1 percent to 2.0 percent of total lifetime production. These losses are associated with declines in the net present value of producer income totalling up to $144.5 million in the Gulf and $15.9 million in Cook Inlet for a total of $160.4 million or 0.7 to 1.5 percent of total net present value of baseline producer income in the two regions.[4] These losses result from both immediate shut in of wells or platforms and/or shortened economic lifetimes. A total of up to 111 Gulf wells (2.4 percent of all current coastal Gulf wells) and no Cook Inlet platforms are considered likely to shut in at once under the proposed options. These shut-in wells tend to be relatively low-producing or marginal wells as can be seen from the relatively lower percentage of production affected as compared to a higher percentage of wells.

A maximum of 12 firms owning and/or operating Gulf Coastal wells might possibly fail as a result of the proposed regulatory options. Data were not available to rule out the possibility of firm failure, so they were counted as potential firm failures, thus the actual number of firm failures could be as few as none. No failures are predicted for operators in Cook Inlet. It is estimated that the majority (72 percent) of firms in the Gulf Coastal region by 1996 will not discharge produced water. Thus, most firms will incur no compliance costs. The Gulf Coastal firms, therefore, are potentially expected to face average (median) declines in equity or working capital of 0 percent. Discharging firms are potentially expected to face average (median) declines in equity and working capital of 0.37 percent and 2.63 percent, respectively.

The options potentially could result in a present value loss of up to $91 million in federal and state income tax revenues over an average of 10 years, or up to $13.6 million, on average, annually (primarily federal taxes). This loss is only 11 percent of income taxes from discharging wells and platforms alone. Losses to state revenues due to a potential loss of severance taxes total $10.8 million over 10 years, or $1.6 million, on average, annually. This loss is only 3.8 percent of severance taxes from discharging wells and platforms alone. The states could also potentially lose royalties totaling at most, an estimated present value of $39.4 million over 10 years, or $5.9 million, on average, annually, which is only 5.8 percent of royalties collected from discharging wells and platforms alone. These effects are negligible compared to federal and state revenues and royalties collected.

The proposed rule is not expected to affect energy prices, international trade, or inflation, and would have a minimal impact on national-level employment. Primary employment losses would be

[3] The industry will not experience the entire impact of these costs because depreciation allowances and increased costs of production stemming from these compliance costs will serve to reduce taxable income. Thus a portion of these costs will be borne by federal and state governments rather than industry or individual firm owners. This portion is known as industry's ''tax shield.'' This impact to governments is, however, noted in the analyses discussed below.

[4] The losses of $160.4 million included costs of technology and resulting production losses.

expected to be 181 full-time equivalents (FTEs), which is 3.1 percent of total Gulf and Cook Inlet employment (minus baseline employment losses). Primary and secondary losses are expected to total 518 FTEs. Net employment losses (including secondary effects and accounting for employment gains) are expected to be 121 FTEs. Additionally, an estimated 1,561 FTEs would be lost in the Gulf, on average, five years sooner (in 10 years rather than in 15 years) because of declines in wells' productive lifetimes. However, because these impacts are not felt, on average, for 10 years and because ample time is available for industry to adjust to declines in wells' productive lives through natural job attrition, these impacts are not considered major. This loss is equivalent to declines in total Gulf coastal employment averaging 3 percent per year over a 10-year period under the regulation, compared to declines averaging 2 percent a year over a 15-year period without the regulation or at most 337 FTEs on an equivalent first year loss basis. Table 7 summarizes the impacts discussed above. In Cook Inlet, platforms shut in, on average, 1 year earlier (in 10 years instead of 11 years). This impact is considered minor because ample time is still available for workers to find alternative employment.

TABLE 7.—SUMMARY OF ECONOMIC IMPACTS TO GULF OF MEXICO AND COOK INLET REGIONS FROM THE SELECTED BAT OPTIONS

Impact [1]	Option No. 4 produced water	Drilling waste			TWC		Total impacts [2]
		OPT 1	OPT 2	OPT 3	OPT 1	OPT 2	
Number of wells or platforms shut in:							
Wells	111	0	0	0	0	0	111 wells.
Platforms	0	0	0	0	0	0	0 platforms.
Present value of lost production (million BOE).	15.2	0	2.7	5.4	Negl.	Negl.	15.2 to 17.9.
Total production lost (million BOE)	32.4	0	3.6	7.8	Negl.	Negl.	32.4 to 40.2.
Present value of producer income lost ($000)	$153,209	0	$263	$6,089	Negl.	Negl.	$153,209 to $160,409.
Present value of federal taxes lost ($000)	$84,903	0	$2,586	$7,925	Negl.	Negl.	$84,903 to $90,950.
Present value of lost severance taxes ($000)	$10,676	0	$133	$272	Negl.	Negl.	$10,676 to $10,815.
Present value of lost royalties to states	$34,255	0	$4,274	$9,394	Negl.	.....	$34,255 to $39,375.
Total present value losses ($000) [3]	$283,043	0	$7,256	$23,680	Negl.	Negl.	$283,043 to $301,549.

[1] Impacts from selected options for other wastestreams are expected to be negligible.
[2] Impacts are not additive. Some double counting or undercounting of impacts occurs in the Cook Inlet analysis if produced water impacts are added to drilling waste impacts. The total reflects the removal of double counting, with corrections made for undercounting.
[3] Includes only dollar figures in columns. Losses comprise both compliance costs and value of lost production (net operating costs). Note that these losses are not annual losses.

Based on the impacts predicted, EPA finds the costs of the proposed BAT limitations to be economically achievable for the Coastal Oil and Gas Industry.

NSPS requirements for produced water in the Gulf (Cook Inlet NSPS impacts are discussed below), for drilling wastes, and for miscellaneous wastes are equivalent to BAT requirements. Costs for designing in compliance equipment are typically less than those for retrofitting the same compliance equipment to existing operations. Since new sources would most likely face costs of compliance equal to or less than existing operations, NSPS for Cook Inlet produced water are projected to pose no barriers to entry.

NSPS for produced water in Cook Inlet are more stringent than BAT requirements; however, declines in net present value of production for existing platforms under Coastal Guidelines BAT limitations (2.4 percent) are only negligibly less than net present value declines modeled for new sources under a zero discharge scenario (2.9 percent). Further, the modeled NSPS platform shows excellent internal rates of return (a measure of profitability) postcompliance, so NSPS should not play a major role in a decision to undertake the construction, development, and operation of a platform. Thus EPA finds that no significant barriers to entry will be created by NSPS for produced water in Cook Inlet and that these standards should be economically achievable, given the minimal impact on net present value and the internal rate of return.

D. Produced Water

1. BAT

As noted earlier, this analysis of impacts associated with the effluent guidelines for produced water does not consider the effects of the Region VI General Permit for produced water. Because the Region VI General Permit has been promulgated as zero discharge, the costs and impacts of the limits on produced water in the Gulf of Mexico would be substantially less.

Total production losses associated with the proposed option, Option #4 for produced water (zero discharge except for Cook Inlet), are expected to total 32.4 million BOE (or 15.2 million BOE in present value) over the lifetime of the wells and platforms subject to the rule.[5] In Cook Inlet, the production loss is expected to be 4.6 million BOE, which is 1.6 percent of the estimated lifetime production for the region. In the Gulf, the production loss is expected to be 27.9 million BOE. Lifetime production in the Gulf is estimated to be 1,055 to 3,183 million BOE (693 to 13,910 BOE in present value terms) (over a 30-year time frame, based on a low and high estimate of decline rate in the region). Thus, this lost production is 0.9 to 1.7 percent of expected lifetime production in the Gulf. For the two regions combined, the lost production of 32.4 million BOE would result in a loss of 1.0 percent to 1.7 percent of total lifetime production. These losses are associated with declines in the net present value of producer income totalling $144.5 million in the Gulf and $8.8 million in Cook Inlet for a total of $153.3 million (total lifetime losses). These losses result from both immediate shut in of wells or platforms and

[5] Total losses calculated independently for produced water and drilling waste will not add exactly to the number cited above for combined losses because the independent estimates double count a very small portion of lost production in Alaska (about 1.3 percent of production).

shortened economic lifetimes. A total of 111 Gulf wells (2.4 percent of all current coastal Gulf wells) and no Cook Inlet platforms are considered likely to shut in as a result of this rule. These shut-in wells tend to be relatively low-producing and marginal wells.

At most, 12 firms owning and/or operating Gulf Coastal wells (2.8 percent of the estimated 435 Gulf Coastal region operators) might potentially fail as a result of the selected BAT option (i.e., data are not available to rule out this possibility, although the actual number could be as small as none). No firm failures are predicted for operators in Cook Inlet. The ''average'' Gulf Coastal firm does not discharge produced water (there are a total of 435 firms and more than 50 percent—actually 72 percent—will not be discharging in coastal areas by 1996). Thus, Gulf Coastal firms are potentially expected to face average (median) declines in equity or working capital of 0 percent since the majority of Gulf firms do not discharge and thus will not incur compliance costs. Of the 122 discharging firms, average (median) declines in equity or working capital of 0.37 percent or 2.63 percent are expected to occur, respectively.

The selected option potentially could result in a $84.9 million loss in federal tax revenues over an average of 10 years, or $12.6 million, on average, annually. This loss is only 10 percent of income taxes collected from discharging wells and platforms alone. Losses to state revenues due to a potential loss of severance taxes total $10.7 million or $1.6 million, on average, annually. This loss is only 3.8 percent of severance taxes from dischargers alone. State royalties lost total $34.3 million, or $5.1 million, on average, annually. This loss is only 5.1 percent of royalties from dischargers alone. These effects are negligible compared to federal and state revenues and royalties collected.

The selected option is not expected to affect energy prices, international trade, or inflation, and will have a minimal impact on national-level employment. Primary employment losses are expected to be 181 FTEs. Primary and secondary losses are expected to total 518 FTEs. Net employment losses (including secondary effects and employment gains) are expected to be 128 FTEs. Table 8 summarizes the impacts from the proposed produced water option.

Based on the minimal impacts predicted, EPA finds that the proposed BAT option for produced water is economically achievable for the Coastal Oil and Gas Industry.

2. NSPS

This section discusses the barrier-to-entry analysis for all regions but Cook Inlet first, then NSPS relative to Cook Inlet is discussed separately. Total annual costs associated with NSPS requirements for produced water in the Gulf of Mexico (the only region where NSPS projects are of concern) are $4.5 million per year. The selected NSPS requirement is equivalent to BAT requirements in this region. Because NSPS is equivalent to BAT outside of Cook Inlet region, and BAT has been found to be economically achievable, NSPS requirements for all but Cook Inlet (which will be discussed separately below) would not pose a barrier to entry and are considered economically achievable.

TABLE 8.—SUMMARY OF ECONOMIC IMPACTS TO GULF OF MEXICO AND COOK INLET REGIONS FROM PRODUCED WATER BAT OPTION NO. 4

[Zero discharge except Cook Inlet]

Impact	Option No. 4 produced water
Number of wells or platforms shut in.	111 wells. 0 platforms.
Present value of production loss (million BOE).	15.2.
Total production lost (million BOE).	32.4.
Net present value of producer income lost ($000).	$153,209.
Present value of federal taxes lost ($000).	$84,903.
Present value of lost severance taxes.	$10,676.
Present value of lost royalties to states.	$34,255.
Total present value losses ($000).	$283,043.
Employment effects	128 FTEs lost.

Two NSPS economic models were run for Cook Inlet in the EIA for the Offshore Effluent Guidelines (EPA, 1993, Table 7–19; Table 7–21).[6] These models include a 24-slot gas/oil platform and a 12-slot gas platform. The gas/oil platform was estimated to incur incremental compliance costs for produced water disposal under a zero discharge requirement of $1.8 million annually (inflated to 1992 dollars). The key impacts affecting whether a new project would be undertaken (which would lead to conclusions about barriers to entry) include impacts on net present value (NPV) and impacts on the internal rate of return (IRR). The gas/oil 24 is projected to face declines in NPV of 2.9 percent from baseline under a zero discharge requirement for produced water. IRR drops 5.1 percent, however, this drop is estimated to be from 39 percent in the baseline to 37 percent in the zero-discharge scenario. These impacts are not likely to affect the decision to undertake a project in Cook Inlet (given production levels similar to existing Cook Inlet platforms). Additionally, the impact on NPV from the zero-discharge requirement is not substantially different from the impacts on NPV from the proposed BAT option under the Coastal Guidelines at existing Cook Inlet platforms. The decline in NPV projected for the Coastal rule BAT option is 2.4 percent. Thus, existing platforms and new platforms will face similar impacts on NPV even though the NSPS requirement is more environmentally stringent than the BAT requirement.

Costs and impacts associated with the Cook Inlet 12-slot platform are much less than those associated with the 24-slot platform or with existing platforms under the proposed BAT option for produced water under the Coastal Guidelines (see EPA, 1993, Table 7–21 and Section D.1 of this preamble).

Based on the analyses performed for the Offshore Guidelines (which continue to be relevant analyses for the Coastal Guidelines), EPA concludes that impacts on new sources in Cook Inlet are minimal and that NSPS requirements should pose no significant barriers to entry for two reasons: (1) declines in returns (measured as NPV and IRR) most likely would not affect the decision to undertake a new project since operations would still be quite profitable and (2) the level of impacts on new sources from NSPS requirements are not substantially greater than those on existing sources from BAT requirements.

E. Drilling Fluids and Drill Cuttings

1. BAT

As noted above, current practice in the Gulf of Mexico region is zero discharge of drilling fluids and drill cuttings; and therefore, this proposed rule would result in no additional costs to Gulf operators. The three options being co-proposed affect Cook Inlet operations. Option 1 would result in no economic impacts. Option 2 would cause a total 3.6 million BOE loss in production over 15 years. This represents a 1.2 percent reduction in the estimated lifetime production for the

[6] NSPS models were run for Cook Inlet in the Offshore EIA because EPA considered including Cook Inlet in the offshore subcategory, but finally included the operations in the Coastal subcategory. The NSPS models constructed for the Offshore EIA were used as the basis for modeling the existing Cook Inlet platforms in the Coastal Guidelines EIA, thus comparisons between NSPS platforms and BAT platforms can be made.

existing platforms in Cook Inlet as result of three wells not being drilled. The net present value of this production loss (reduction in producers' net income) is $263,000 or less than 0.1 percent of baseline net present value. The average well life decreases by 0.2 years as a result of this option. Additionally, Federal income tax receipts would decline by $2.6 million, state income tax receipts by $133,000 and royalties paid to Alaska by $4.3 million.

Option 3 would cause a production loss of 7.8 million BOE, which is equal to a 2.5 percent decline in the lifetime production in Cook Inlet. No platforms are expected to close. Federal income tax lost (over the life of the platforms) is estimated to decline $7.9 million (3.4 percent of baseline), or $1.3 million, on average, per year. No firm failures are predicted for operators in Cook Inlet. Total state severance tax revenues are predicted to decline by $0.27 million (0.5 percent of baseline), or $0.04 million, on average, annually. Option 3 are not expected to affect energy prices, international trade, or inflation, and would have a minimal impact on national-level employment. Employment losses are not expected. Employment gains (including secondary effects) are expected to be approximately 7 FTEs, under either Option 2 or Option 3.

Based on the impacts predicted, EPA finds that the costs of all three options for drilling wastes are economically achievable for the Coastal Oil and Gas Industry. Table 9 summarizes the impacts from the proposed BAT options for drilling waste.

TABLE 9.—SUMMARY OF TOTAL ECONOMIC IMPACTS FROM DRILLING WASTE OPTION NO. 3

Impact	Option No. 3 drilling waste		
	Opt 1	Opt 2	Opt 3
Number of Wells or platforms shut in:			
Wells	0	0	0.
Platforms	0	0	0.
Present value of total production lost (million BOE)	0	2.7	5.4.
Total production lost (million BOE)	0	3.6	7.8.
Net present value of producer income lost ($000)	0	$263	$6,089.
Present value of federal taxes lost ($000)	0	$2,586	$7,925.
Present value of lost severance taxes ($000)	0	$133	272.
Present value of lost royalties to states	0	$4,274	$9,394.
Total present value losses ($000)	0	$7,256	$23,680.
Employment effects	0	7 FTEs gained	7 FTEs gained.

2. NSPS

The same options are being considered for NSPS as were for BAT. Thus, both new platforms and existing platforms face the same requirements. Since costs for new operations to design in compliance equipment should be as expensive as or less expensive than those for existing operations to retrofit the same compliance equipment, no significant barriers to entry are predicted to exist. Furthermore, since BAT was found to be economically achievable, NSPS is considered economically achievable.

F. Treatment, Workover, and Completion Fluids

1. BAT

No costs are incurred for Option 1. Costs of disposing of treatment, workover, and completion fluids under Option 2 are approximately $610,000 annually for all Gulf wells estimated to discharge treatment, workover, and completion fluids. A typical Gulf Coast well produces an average of 36 barrels of oil per day according to the 1993 Coastal Oil and Gas Questionnaire. At $18 per barrel, total annual production revenue at a typical well is estimated to be $237,000. Treatment, workover, and completion fluids disposal costs are estimated to be 0.74 percent of annual production revenues at a typical Gulf Coastal well, and no major impacts are expected as a result of either of the selected option (refer to Table 6). For this reason, EPA finds that the costs of Option 2 for treatment, workover, and completion fluids should be economically achievable for the Coastal Oil and Gas Industry.

2. NSPS

The options considered for NSPS for treatment, workover, and completion fluids are the same as those for BAT. Because NSPS is equivalent to BAT in the Gulf, new operations face the same or lower costs as existing operations. Thus, treatment, workover and completion fluids disposal costs for Option 2 will be 0.7 percent or less of annual production revenues at a typical Gulf coastal well. In Cook Inlet, there are no costs for zero discharge of this wastestream because this wastestream is commingled with produced water, and thus, the cost has already been accounted for in costing zero discharge for produced water. Option 2 NSPS requirements will not pose a significant barrier to entry. Furthermore, since BAT in the Gulf and NSPS in Cook Inlet is economically achievable, NSPS is economically achievable.

G. Cost-Effectiveness Analysis

In addition to the foregoing analyses, EPA has performed a cost-effectiveness analysis for the selected options for produced water; treatment, workover, and completion fluids; and drilling wastes. According to EPA's standard procedures for calculating cost-effectiveness, all the options considered for each waste stream have been ranked in order of increasing pounds-equivalent (PE) removed (see the introduction to this section for a discussion of pounds-equivalent, a methodology for putting pollutants of differing toxicity on a comparable basis.) Cost-effectiveness is calculated as the ratio of the incremental annual costs to the incremental pounds-equivalent removed under each option. So that comparisons of the cost-effectiveness among regulated industries can be made, annual costs for all cost-effectiveness analyses are reported in 1981 dollars.

In 1981 dollars, the incremental cost-effectiveness for the selected options are:

—$3/PE for produced water
—$0/PE for Option 1, $769/PE for Option 2 and $292/PE for Option 3 for drilling wastes
—$0/PE for Option 1 and $200/PE for Option 2 for treatment, workover, and completion fluids

H. Regulatory Flexibility

All of the firms expected to fail (0 to 12 firms) as a result of the proposed rule

are small entities (i.e., they employ fewer than 500 employees), however, nearly all the firms operating in the Coastal region are small (approximately 372 out of an estimated 435 firms, or 86 percent are small firms). Thus 0 percent to 3 percent of small firms could potentially fail as a result of this rule. The high end of this estimate is very conservative because these firms might not fail; however, but data were unavailable to rule out the possibility. Thus these firms were considered to have the potential to fail as a result of the proposed rule. Due to data constraints, a cash flow analysis was not undertaken, but potential effects on working capital and equity were analyzed. In general, the average small firm that is currently discharging produced water or other wastes will experience a somewhat greater decline in working capital or equity than that for large firms. Among small dischargers, the median change in equity is 1.26 percent as compared with 0.02 percent for large firms, and the change in working capital is 4.54 percent, versus 0.05 percent for large firms. However, the typical small discharging firm will not experience a change in equity or working capital of more than 5 percent. Additionally most small firms are currently not discharging any wastes, thus will experience no change in equity or working capital. When these nondischarging firms are also considered, the median small firm operating in the coastal region will experience no change in equity or working capital. Thus EPA does not find that impacts on small firms will be disproportionately greater than those on large firms.

VIII. Non Water Quality Environmental Impacts

The elimination or reduction of one form of pollution has the potential to aggravate other environmental problems. Under sections 304(b) and 306 of the CWA, EPA is required to consider these non-water quality environmental impacts (including energy requirements) in developing effluent limitations guidelines and NSPS. In compliance with these provisions, EPA has evaluated the effect of these regulations on air pollution, solid waste generation and management, consumptive water use, and energy consumption. Because the technology basis for the limitation on drilling fluids and drill cuttings may require transporting the wastes to shore for treatment and/or disposal, adequate onshore disposal capacity for this waste is critical in assessing the options. Safety, and impacts of marine traffic on coastal waterways, were other factors also considered. EPA evaluated the non-water quality environmental impacts on a regional basis because the different regions each have their own unique considerations.

A. Drilling Fluids and Cuttings

The control technology basis for compliance with the options considered for the drilling fluids and drill cuttings wastestreams is a combination of product substitution, grinding followed by injection, and/or transportation of drilling wastes to shore for treatment and/or disposal. The non-water quality environmental impacts associated with the treatment and control of these wastes are summarized in Table 10. These non-water quality environmental impacts are those associated with drilling fluids and cuttings disposal and treatment alternatives only in Cook Inlet. All other coastal areas are currently achieving zero discharge of these wastes and, thus the control options cause no additional impacts. Non-water quality environmental impacts estimates are presented in more detail in the Coastal Technical Development Document.

TABLE 10.—NON-WATER QUALITY IMPACTS FOR DRILLING WASTE CONTROL OPTIONS

Options	Volume of waste transported to onshore disposal [3]	Volume of ground and injected waste (bbls)	Air emissions (tons/yr)	Fuel requirements (BOE) [2]/year
Option 1: Zero for all except BPT for Cook Inlet [1]	0	0	0	0
Option 2: Zero for all except for Cook Inlet with more stringent toxicity limit	93,984	0	9	1,700
Option 3: Zero for all	422,780	130,066	12.5	2,300

[1] Option one represents current standards such that no additional barrels of wastes or resulting air emissions or fuel requirements are required.
[2] BOE (barrels of oil equivalents).
[3] The volume of barged waste does not include wastes that would be ground and injected. The air emissions and fuel requirements presented in this table are a result of transporting these barged wastes and for grinding and injecting the rest.

1. Energy Requirements

Energy requirements for Options 2 and 3 were calculated by identifying those activities necessary to support onshore disposal of drilling wastes and injection at the platform. The only landfill available for disposal of drilling wastes in Cook Inlet is privately owned and operated. Access to this landfill is limited to only the two operators that own and operate it. The landfill, which is located on the west side of Cook Inlet, is only operated for four months in the summer because of climate conditions that are specific to Cook Inlet. Drilling wastes are first transported by supply boats from the platform to a temporary storage facility on the east side of Cook Inlet to be unloaded and temporarily stored. Barges are used to transport drilling wastes from the east to the west side of Cook Inlet. Trucks are then used to transport the muds and cuttings to the landfill. For the other operators in Cook Inlet, the technology basis for Option 3 (zero discharge) is grinding followed by injection at the platform. For Option 2 (which includes a 100,000 ppm (SPP) to 1,000,000 ppm (SPP) toxicity limitation that all operators would not be able to meet), the technology basis would be transportation and disposal to the lower contiguous United States for those operators not having access to Alaska landfills Option 2.

EPA used the volumes of drilling waste requiring onshore disposal to estimate the number of supply boat trips necessary to haul the waste to shore. Projections made regarding boat use included types of boats used for waste transport, the distance travelled by the boats, allowances for maneuvering, idling and loading operations at the drill site, and import activities at the marine transfer station. EPA estimated fuel required to operate the cranes at the drill site and import based on projections of crane usage. EPA determined crane usage by considering the drilling waste volumes to be handled and estimates of crane handling capacity. EPA also used drilling waste

volumes to determine the number of truck trips required. The number of truck trips, in conjunction with the distance travelled between the marine transfer station and the disposal site, enabled an estimate of fuel usage. The use of land-spreading equipment at the disposal site was based on the drilling waste volumes and the projected capacity of the equipment. In evaluating the zero discharge requirement, EPA calculated for those operators that do not have access to the landfill in Cook Inlet, fuel requirements for grinding and injection equipment. The equipment evaluated included the pumps running the cuttings grinding system (the ball mills and conveyors) and the injection pumps. The methodology used to determine fuel consumption is further discussed in the Coastal Technical Development Document. Table 9 summarizes the incremental increase in energy requirements for the drilling fluids and drill cuttings options considered for this rule.

2. Air Emissions

EPA estimated air emissions resulting from the grinding and injection equipment systems, or the operation of boats, cranes, trucks and earth-moving equipment necessary to either dispose of drilling fluids and drill cuttings onshore or to grind and inject these wastes by using emission factors relating the production of air pollutants to time of equipment operation and amount of fuel consumed. The incremental increase in air emissions associated with the control options considered by EPA in this final rulemaking are presented in Table 9.

In developing regulations to control air pollution from OCS sources pursuant to the 1990 Clean Air Act Amendments, the EPA Office of Air Quality Planning and Standards estimated the air emissions associated with various stages of oil/gas resource development activities (''Control Costs Associated With Air Emission Regulations For OCS Facilities,'' Final Report September 30, 1991. Prepared by Mathtech, Inc. for EPA). In this study, EPA estimated levels of both controlled and uncontrolled emissions from exploration, development, and production operations. Information from this study was used to determine emissions from coastal operations independent of this rule. Nitrogen oxides (NO_X) emissions from exploratory drilling activities were estimated at 78 tons/operation. For comparison, the zero discharge requirement for all drilling activities in the Cook Inlet projected over the next seven years from scheduled promulgation is estimated at approximately 54 tons of NO_X for each well subject to the zero discharge limitations.

3. Solid Waste Generation and Management

The regulatory options considered for this rule will not cause generation of additional solids as a result of the treatment technology. However, as already discussed, spent drilling fluids and drill cuttings may be disposed of onshore to comply with these options.

There are currently no commercially operating disposal sites in Cook Inlet accepting drilling wastes. The only land disposal facility accepting drilling wastes from Cook Inlet operations is privately owned and operated. The lack of commercial disposal sites would require operators that do not own a land disposal facility to either transport the drilling wastes to the nearest known commercial disposal facility located in Idaho or inject the drilling wastes into underground formations.

Capacity estimates for the only available disposal facility in Cook Inlet show that this landfill has enough storage capacity to accept the volume of drilling fluids and cuttings (422,780 bbls over the next seven years following promulgation of this rule) that would be generated under Option 3 (zero discharge) from the two operators that it now serves. The volume of drilling wastes generated by these two operators under the zero discharge option represents about 71 percent of the excess available capacity at this landfill. The other Cook Inlet operators would not dispose of their drilling fluids and cuttings by landfilling, but rather by grinding and injection (See Section VI), which does not require land disposal.

Under Option 2, the estimated volume of drilling fluids and cuttings requiring land disposal is estimated to be approximately 17 percent of the total wastes generated over the next seven years following promulgation of this rule (or 17 percent of 552,846 bbls which is approximately to 94,000 bbls). This is based on the estimate of 83 percent compliance with a toxicity limitation between 100,000 ppm (SPP) and 1,000,000 ppm (SPP). EPA estimates that the two operators having access to the Cook Inlet landfill will send their portion of these wastes there (amounting to approximately 72,000 bbls), and as shown above, there would be sufficient landfill capacity to accommodate this as well as the zero discharge option. The other three operators not having access to the Cook Inlet landfill would most likely dispose of their drilling fluids and cuttings for this option (amounting to approximately 22,000 bbls) in a landfill available in Idaho, rather than grind and inject them (See Section VI), because this is less expensive than installing grinding and injection equipment for these smaller volumes. Because of this small volume of wastes, EPA assumed that there is ample landfill capacity in the lower 48 states for disposal of 22,000 bbls of wastes that would be generated over the seven years following the scheduled promulgation.

4. Consumptive Water Use

Since little or no additional water is required above that of usual consumption, no consumptive water loss is expected as a result of this rule.

5. Safety

EPA investigated the possibility of an increase in injuries and fatalities that would occur as a result of hauling additional volumes of drilling wastes to shore. EPA acknowledges that safety concerns always exist at oil and gas facilities, regardless of whether pollution control is required. EPA believes that the appropriate response to these concerns is adequate worker safety training and procedures as is practiced as part of the normal and proper operation of oil and gas facilities.

6. Increased Vessel Traffic in Cook Inlet

EPA estimates that a total of 231 boat trips would be required to comply with a zero discharge requirement. This estimate is for all drilling that will take place in the next seven years after expected promulgation of the rule. In actuality, EPA determined, from drilling schedules supplied by industry, that drilling would only occur for seven years after promulgation. Thus, these 231 boat trips equate to approximately 33 additional boat trips per year for seven years. EPA does not expect this to cause traffic problems in the Inlet. In fact, it will serve to provide service companies with additional work. EPA has calculated expected job gains associated with the manufacture, installation and operation of technologies required to comply with this rulemaking.

However, job gains could also be realized due to increased boat trips and related work required of service companies. These job gain estimates have not been quantified.

B. Produced Water

In assessing the non-water quality environmental impacts of the options considered for control of produced water, EPA projected the incremental increase in energy requirements and air

emissions associated with the regulatory options considered. These non-water quality environmental impacts are presented in Table 11.

TABLE 11.—NON-WATER QUALITY ENVIRONMENTAL IMPACTS FOR PRODUCED WATER

Option	Fuel requirements (BOE/yr)		Total emissions (tons/yr)	
	BAT	NSPS[1]	BAT	NSPS[1]
1. BPT All	0	0	0	0
2. Oil and Grease	28,595	1,712	258	17
3. Zero Discharge; Cook Inlet BPT 48/72	258,946	5,948	2,799	64
4. Zero Discharge; Cook Inlet Oil and Grease	260,376	5,948	2,801	64
5. Zero Discharge All	343,759	5,948	2,899	64

[1] Impacts are associated only with new sources in the Gulf of Mexico. No new sources are expected in other coastal areas.

For small volume production facilities in the Gulf, produced water would be transported to commercial facilities for injection to comply with the options based on either gas flotation or injection because it is less expensive for smaller flows than installing injection or gas flotation equipment on-site. Produced water transportation (via barge or truck), and vacuum pumps to unload produced water at the commercial facilities are sources included in fuel use and air emissions calculations. For medium to large volume facilities in the Gulf and in Cook Inlet, either gas flotation or injection would be the technology bases to comply with the options. EPA determined the fuel requirements and air emissions for these technologies by evaluating:

- Power requirements to operate feed pumps and gas flotation devices
- Injection pumps and feed pumps for injection and pretreatment technology

Energy consumption for the different options was determined based on the produced water flowrates and the associated power requirements for operating treatment and injection systems.

EPA calculated the air emissions for each discharging facility by taking the product of specific emission factors, the usage in hours (that is, hours per year), and the horsepower requirements. EPA calculated total emissions for zero discharge based on the use of reciprocating natural gas fired engines as the power source for the injection pumps. According to industry, these engines are commonly used in coastal production facilities. Air emissions increases calculated for the produced water options include nitrogen oxides (NO_X), sulfur dioxide (SO_2), and hydrocarbons. See the Coastal Technical Development Document for more detail on the estimated compliance costs and EPA's calculation of pollutant removals and non-water quality environmental impacts.

The only increase in vessel waterway traffic due to these options would be for the small facilities that would be required to barge their produced waters to a commercial facility. This amounts to approximately 50 facilities out of a total of 216. Because vessels generally service several facilities on any given trip, EPA expects this increase to be small enough that it will be absorbed into current vessel operations. Additionally, use of the coastal waterways by the oil and gas industry accounts for less than 10 percent of all commercial traffic according to data from the Minerals Management Service. A slight increase in vessel traffic due to this rule would have negligible effect on the water traffic overall.

C. Treatment, Workover and Completion Fluids

The non-water quality environmental impacts associated with disposal of treatment, workover and completion fluids are the fuel requirements and air emissions resulting from transportation to commercial disposal where operators choose this method to comply with the rule. No incremental energy requirements and air emissions have been estimated for existing facilities that treat and discharge or inject treatment, workover and completion fluids onsite. This is because the control options for the facilities that treat and inject onsite are based on commingling treatment, workover and completion fluids with the produced water and, therefore, non-water quality environmental impacts associated with this activity have already been taken into account in assessing the impacts of control options for produced water.

Option 1, requiring BPT limits and zero discharge to freshwaters in Louisiana, would not cause additional non-water quality impacts because it reflects current practice (zero discharge of these fluids is a requirement in the Region VI general drilling permit).

Option 2, requiring limitations equal to those for produced water, would result in the consumption of approximately 1000 and 300 additional BOE per year, for BAT and NSPS respectively, and the generation of 12 and 3 tons of additional emissions per year for BAT and NSPS respectively.

IX. Executive Order 12866

Under Executive Order 12866, (58 FR 51735; October 4, 1993) the EPA must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is a ''significant'' regulatory action. As such, this action was submitted to OMB for review. Changes made in response to OMB suggestions or recommendation will be documented in the public record for this rulemaking.

X. Executive Order 12875

Executive Order No. 12875 requires Federal Agencies to consider the impacts that unfunded mandates will have on state, local, or tribal governments. The coastal oil and gas industry is not associated with tribal governments, and the burden to state and local regulatory authorities is expected to be minimal, if not decreased, by the implementation of this rule.

The CWA, section 301 prohibits discharges of pollutants unless permitted under sections 402 or 404 of the CWA. Effluent limitations guidelines, new source performance standards and pretreatment standards are implemented through the National Pollutant Discharge Elimination System (NPDES) permits issued under section 402 of the CWA by EPA's Regions or, if delegated NPDES authority, the delegated states. Generally, coastal oil and gas facilities are permitted by EPA Regions, or in the case of Alabama, by the Alabama NPDES program, using general permits which cover an entire area specified in that permit. For example, Region VI's general permit for coastal drilling operations covers all coastal operations in Texas and Louisiana, except for a few facilities whose operations are noted in the permit. Alabama currently requires zero discharge in their permits for coastal oil and gas operations.

These proposed requirements, when promulgated, will be implemented via the existing regulatory structure and no additional burden is expected. In the absence of effluent limitations guidelines, establishing BAT, BCT, NSPS, PSES and PSNS, permit limitations are to be developed on as case-by-case ''Best Professional Judgement'' (BPJ) basis. In addition, all NPDES permits must incorporate state water quality standards. Once, these Coastal Guidelines are in place, the Regions will no longer be required to expend both in-house and contractor efforts in BPJ developments, and where zero discharge is required, the Regions and states will no longer be required to determine permit limitations based on water quality standards. Thus, these guidelines will actually serve to reduce the regulatory burden on the Regions and states that permit existing sources in the coastal oil and gas industry. As it could take approximately $100,000 for contractor support, and at least one in-house FTE per general permit development based on BPJ and water quality requirements, this could result in substantial savings. However, issuance of NSPS creates a class of facilities that is regulated as new sources which may need to be permitted by the regions and states. Because the number of new sources is projected to be very small and can be permitted by general permits, we expect this to be a minimal resource requirement.

Since the inception of the project in 1994, there have been periodic meetings with the industry and several trade associations, including the Louisiana and Texas Independent Oil and Gas Associations (TIOGA and LIOGA) and American Petroleum Institute (API) to discuss progress on the rulemaking. The Agency also has met with the Natural Resources Defense Council (NRDC) to discuss progress on this rulemaking. Because all of the facilities affected by this proposal are direct dischargers, the Agency did not conduct an outreach survey of POTWs.

The Agency also held a public meeting on July 19, 1994. The purpose of the meeting was to present the project status and discuss the technical options under consideration for this proposal. Representatives from industry trade associations, individual industry companies, state regulatory authorities the U.S. Department of Energy and Interior (Minerals Management Service) and the Sierra Club Legal Defense Fund attended.

The Agency will continue this process of consulting with state, local, and other affected parties after proposal in order to further minimize the potential for unfunded mandates that may result from this rule.

XI. Paperwork Reduction Act

The proposed coastal oil and gas effluent limitations guidelines and standards contain no new information collection activities, and therefore, no information collection request will be submitted to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

XII. Environmental Benefits Analysis

A. Introduction

The Water Quality Benefit Analysis (Benefit Analysis) evaluates the effect of current discharges and the benefits of proposed limitations for the coastal subcategory of the oil and gas extraction industry on the coastal environment. The benefit analysis considers two separate geographic areas: Gulf of Mexico (Louisiana and Texas) and Cook Inlet, Alaska. The benefit analysis examines potential impacts from current produced water discharges in both geographic areas, and from drilling fluids and drill cuttings discharges in Cook Inlet. Effect of drilling fluids and drill cutting discharges are not evaluated for Gulf of Mexico coastal operations since they are prohibited by state authorities and existing NPDES permits. Three types of benefits are analyzed: quantified and non-monetized, quantified and monetized, and non-quantified and non-monetized benefits.

Coastal waters maintain diverse ecosystems which act as spawning grounds, nurseries and habitats for important estuarine and marine species (finfish and shellfish); support highly valuable commercial and recreational fisheries; and provide critical habitat for seabirds, shore birds and terrestrial wildlife. The commercial fisheries in Texas and Louisiana (finfish, shrimp, crabs and oysters) were valued at $476 million in 1992. Commercial species spend a significant portion of their life cycle in bays and estuaries. The 1993 value of Cook Inlet commercial fisheries (finfish, clams,crabs and shrimp) was $48 million. Approximately $30 million of this total was from Upper Cook Inlet salmon fisheries. The estimated consumer surplus associated with Cook Inlet recreational fisheries is about $26 million per year (in 1993 dollars). In addition, personal use and subsistence fisheries provide food source and cultural values to Alaskan residents and Alaskan native populations. Coastal waters also serve as critical habitats for numerous federally designated endangered and threatened species (including 32 in coastal areas of Texas and Louisiana) , and migrating waterfowl.

Coastal waters are generally shallow, where tidal action has limited effect, and dilution and dispersion are more limited than offshore waters. Additionally, pollutants can migrate much more readily into sediments, where they may have long residence times. Consequently, these receiving environments are highly sensitive to pollutant discharges compared to open offshore areas. Many of the pollutants in coastal oil and gas discharges are either conventional pollutants, aquatic toxicants, human carcinogens, or human systemic toxicants. The impact of these pollutants on aquatic biota include acute toxicity; chronic toxicity; effects on reproductive functions; physical destruction of spawning and feeding habitats; and loss of prey organisms. In addition, many of these pollutants are persistent, resistant to biodegradation and accumulate in aquatic organisms. Chemical contamination of aquatic biota may also directly or indirectly impact local aquatic and terrestrial wildlife and humans consuming exposed biota.

Conventional pollutants, such as TSS and oil & grease can have adverse effects on human health and environment. For example, habitat degradation can result from increased suspended particulate matter that reduces light penetration and thus primary productivity. Suspended solids in the water column can have a direct effect on the fish either killing them, or reducing their growth rate and/or resistance to disease, preventing successful development of fish eggs and larvae, modifying fish movement and migration and reducing the abundance of food available to fish. Settleable materials which blanket the bottom of the water bodies cause benthic smothering, damage invertebrate populations and can alter spawning grounds and feeding habitat. Oil and grease can have lethal effect on fish, by coating surface gills causing asphyxia, or depleting oxygen levels due to excessive biological demand, or reducing reaeration because of surface film. Oil and grease can also have detrimental effects on waterfowl by destroying the buoyancy and insulation of their feathers. Bioaccumulation of oil substances can cause human health problems including tainting of fish and bioaccumulation of carcinogenic polycyclic aromatic compounds.

Benefits of this proposed rule include elimination of toxic, conventional, and nonconventional pollutants, or reduction to levels below those considered to impact receiving water's biota, and elimination or reduced impacts on human health. Potential benefits may ultimately include reduced aquatic habitat degradation; improved recreational fisheries; improved subsistence and personal use fisheries (important to low-income anglers and Alaska's Native anglers, etc.); improved commercial fisheries; improved aesthetic quality of waters; improved recreational opportunities; and decreased harm to threatened or endangered species in Gulf of Mexico and Cook Inlet.

B. Quantitative Estimate of Benefits

(1) Gulf of Mexico. The Gulf of Mexico benefits associated with produced water include: (a) non-monetized benefits (*i.e.*, (i) review of case studies of environmental impacts of produced water that document adverse chemical and biological impacts resulting from its discharge into coastal waters in the Gulf of Mexico; (ii) modeled water quality benefits expressed as reduction/elimination in exceedances of human health or aquatic life state water quality standards; and (iii) estimated reduction of total point source toxic loading contribution to Texas and Louisiana estuarine drainage systems, and (b) monetized benefits (*i.e.*, (i) estimated reduction of carcinogenic risk from consumption of seafood contaminated with Ra^{226} and Ra^{228} based on limited observations and modeled levels; and (ii) estimated ecological benefits of zero discharge of produced water.))

(a) Quantified Non-Monetized Benefits.

(i) Documented Case Studies. A comprehensive review of available data identified 25 study sites (12 in Louisiana and 13 in Texas) that examined impacts of produced water discharges on coastal environment. The majority of evaluated study sites are in water depths less than 3 meters, and include variable environments (*i.e.*, wetlands, saltmarshes, and fresh or brackish marshes), and both relatively low and high energy areas. The documented impacts show elevated hydrocarbons and metals in water column and sediments, and reveal impacts on biota (*i.e.*, depressed community structure such as abundance or diversity) up to 1,000 meters (and more) from the produced water discharge. The salinity effects are typically detected up to 300 meters from the discharge, and up to 800 meters in dead-end canals. A benthic dead zone (no benthic fauna) is documented up to 15 meters and severely depressed benthic communities are noted to 150 to 400 meters from produced water outfalls.

(ii) Projected Water Quality Benefits. The effects of toxic pollutants in current (BPT) produced water discharges on receiving water quality and benefits of proposed effluent guidelines are evaluated. Plume dispersion modeling is performed to project in-stream concentrations of 66 pollutants (representing subcategory-wide produced water discharge) at the edge of the state-prescribed mixing zones for Texas and Louisiana at one and three meters water depths. The in-stream concentrations are compared to Texas and Louisiana state standards; Texas has standards for 12 of the pollutants and Louisiana for 14. The results based on the mean discharge rate show one pollutant (silver) in Texas exceeds its chronic standard at the one meter depth; in Louisiana, one pollutant (copper) exceeds two acute standards (daily average and maximum), two pollutants (copper and lead) exceed two chronic standards, and one pollutant (benzene) exceeds two human health standards at the one meter depth, and at three meter depth one pollutant (copper) exceeds its acute standard, and one pollutant (benzene) exceeds two human health standards at the three meter depth. The proposed BAT zero discharge option would eliminate all projected exceedances.

(iii) Projected Reduction of Point Source Toxic Loading Contribution to Texas and Louisiana Estuarine Drainage Systems. The watershed pollutant loadings from produced water are compared to other industrial and municipal point sources (*i.e.*, excluding pollutant loadings from nonpoint sources and atmospheric deposition) for Texas and Louisiana estuarine drainage systems. At the current (BPT) discharge level, produced water in Texas contributes about 20 percent, and in Louisiana about 60 percent of total point source mass pollutant loadings into their respective watersheds. The proposed zero discharge would eliminate produced water pollutant loading contribution to the Texas and Louisiana coastal watershed.

(b) Quantified Monetized Benefits. (i) Projected Cancer Risk Reduction Benefits. Upper bound individual cancer risks from consuming fish contaminated with Ra^{226} and Ra^{228} from current produced water discharges are estimated for recreational and subsistence anglers, and aggregate human cancer risks are projected and monetized. Risks are estimated using two types of data: (1) Measured field seafood data (*i.e.*, because background levels could not be adequately determined average Ra^{226} and Ra^{228} levels were used based on field samples of fish, crabs and oysters collected within 3,000 meters of produced water discharges in coastal subcategory areas of Louisiana), and (2) modelled effluent data (*i.e.*, using current subcategory-wide produced water concentrations of Ra^{226} and Ra^{228} and plume dispersion model at mean outfall discharge rates to estimate Ra^{226} and Ra^{228} levels in seafood). [Using the estimated Ra^{226} and Ra^{228} concentrations in seafood, EPA estimates individual cancer risks assuming two different consumption rates of 147.3 g/day for subsistence anglers and 15 g/day for recreational anglers]. In addition, all individual cancer risks are adjusted by factors of 0.2 and 0.75 to account for ingestion of seafood from locations some of which are not contaminated with the Ra^{226} and Ra^{228} in coastal produced water discharges. Projected individual cancer risks for both risk assessment approaches are at 10^{-4} level for subsistence anglers, and at 10^{-6} level recreational anglers. The proposed zero discharge of produced water will eliminate these estimated cancer risks over time. Based on measured field data, the proposed BAT is projected to

eliminate 1.1 to 4.3 annual cancer cases and the monetized benefits from cancer cases avoidance are projected to range from $2.3 to $43 million. Using the modelling approach, the proposed BAT is projected to eliminate 1.2 to 4.6 cancer cases per year, resulting in monetized benefits in $ 2.4 to $46 million per year.

The temporal dynamics of both impacts and benefits assessments is relevant to the human health risk assessment. For the assessments of cancer reduction benefits, the methodology is consistent with estimating costs for the rule, using a one-year ''snap-shot'' approach. Allocating the full value of annual benefits within one year following cessation of produced water discharges may appear to over-estimate potential annual benefits in cases where incomplete recovery has occurred. However, in such cases where impacts are incompletely recovered, a consideration of total impact would need to include any impacts expected to occur beyond that year. This analysis does not attempt to identify or allocate benefits on a yearly basis, but merely averages total benefits so that monetized benefits may be compared to costs that are developed using the same approach.

(ii) Projected Ecological Benefits for Texas and Louisiana Bays. A potential ecological benefit of zero discharge of produced water in Texas and Louisiana coastal areas is projected from a Trinity Bay case study. This study shows that measures of total benthic abundance and species richness are depressed by discharges, up to distances between 1.7 kilometers and 4 kilometers from the point of discharge. (Data on abundance of other species, such as waterfowl were not collected.) Taking into account the severity of these impacts at different distances, the equivalent acreage affected in this case study ranges from 200 to 2,817 acres. Extrapolating from this case study to the other sites that would be affected by this rule, EPA estimates that the total Texas and Louisiana acreage affected ranges from 14,607 acres to 195,488 acres. EPA identified numerous values for an acre of wetland but none were marginal estimates for Texas or Louisiana, and some did not net out the cost of recreational use. A literature review for wetland value estimates conducted for Mineral Management Services (MMS) in 1991, reports that different studies have estimated recreational and commercial wetland values for coastal Louisiana ranging from $57 to $940 per acre per year (with a median value of $410 per acre per year) in 1990 dollars. Using this range of values, the estimated increase of Texas and Louisiana Bay recreational values ranges from $0.8 million to $184 million per year in 1990 dollars ($1.0 million to $210 million in 1994 dollars). These per acre estimates are consistent with the estimated average recreational value of the acreage of Galveston Bay, which ranges from $336 to $730 per acre. (The Galveston Bay estimates do not net out the cost to recreational users of using the resource.) These estimates may not be marginal values as they are calculated from the total recreational value of Galveston Bay and total acreage of the Bay. There may be concern that the value of wetland recovery diminishes as the amount of recovered acreage increases and therefore these average values would overstate the relevant marginal values by an unknown amount. As these studies use different estimation methods, cover different types of wetlands, marshes and coastal waters which may differ from those affected by this rule, and generally reflect average values rather than the social valuation of small (marginal) changes in acreage, EPA solicits comments on the appropriateness of this benefit analysis and requests data on marginal values of wetlands, in particular in Texas and Louisiana.

(iii) Total Monetized Benefits. EPA estimates that total monetized benefits (*i.e.* combining cancer risk reduction and ecological benefits) resulting from proposed zero discharge of produced water range from approximately $3.2 to $230 million per year in 1990 dollars ($3.7 million to $263 million in 1994 dollars).

(2) Cook Inlet. Quantified benefits analyzed in Cook Inlet include non-monetized quantified benefits associated with proposed regulations of produced water and drilling fluids and drill cuttings. These benefits include modeled water quality benefits expressed: (a) as a reduction of mixing zone needed for produced water discharges to meet Alaska state water quality standards, and (b) as a reduction or elimination in exceedances of Alaska state water quality standards at the edge of mixing zone from drilling fluids and drill cutting discharges.

(a) Produced Water. The effects of toxic pollutants in current (BPT) produced water discharges on receiving water quality and benefits of proposed effluent guidelines are evaluated. Plume dispersion modeling is performed to project in-stream concentration of 21 pollutants at the edge of the mixing zones from eight outfalls representing Cook Inlet produced water discharge; the in-stream concentrations are then compared to the Alaska's state limitations. Unlike the Gulf of Mexico, Alaska state requirements do not have spatially-defined mixing zones. (Alaska determines the extent of the mixing zone needed to achieve compliance with water quality standards and evaluates reasonableness of this calculated mixing zone). The water quality assessment for Cook Inlet therefore determines the spatial extent of mixing zones needed for each evaluated outfall to meet all state standards at current discharge and at the proposed BAT. For the eight outfalls modeled, the distance from each facility where all state standards are met ranges from within 50 feet to 2,500 meters at current (BPT) level, and from within 50 feet to 2,000 meters at proposed BAT.

(b) Drilling Fluids and Drill Cuttings. Discharges of drilling fluids and drill cuttings are modelled using Offshore Operator's Committee (OOC) Mud Discharge Model to project in-stream concentrations of 19 pollutants in water column at the edge of a 100 meter mixing zone. The projected pollutant concentrations are then compared to the Alaska state water quality standards. The discharge rates are modeled in accordance with the maximum discharge rates allowable under the existing NPDES general permit for Cook Inlet (1,000 bph in water depths exceeding 40 meters; 750 bph in water depths from 20 to 40 meters; and 500 bph in water depths from 5 to 20 meters). Discharges are prohibited in waters between the shore and the 5 meter isobath. The modeling results show four standards are exceeded (human health standards for beryllium and fluorene and the drinking water standards for aluminum and iron) at 40 meter water depth; at 20 meters water depth five standards are exceeded (human health standards for beryllium, fluorene, and phenanthrene, and drinking water standards for aluminum and iron); and six standards are exceeded at the 10 meters water depth (human health standards for beryllium, fluorene, and phenanthrene, and drinking water standards for aluminum, antimony, and iron) at both current BPT discharge and the alternative BAT Option 2 which would allow discharge of drilling fluids and drill cuttings with certain limitations. The zero discharge option (Option 3) would eliminate all projected exceedances.

C. Description of Non-Quantified Benefits

The Benefit Analysis attempts to quantify, and whenever appropriate, to monetize specific environmental benefits that may result from the options proposed for this rule. However, some of the potential benefits could not be

quantified or monetized because of the lack of data, or because sufficient information to define the causal relationship between coastal oil and gas production activities and environmental effects is not available. The evaluated non-quantified benefits include: (1) an analysis of environmental equity issues related to this rulemaking; (2) effects on threatened or endangered species and migratory waterfowl, and potential benefits from the proposed rule for ecosystem health for coastal areas of Gulf of Mexico and Cook Inlet.

(1) An Analysis of Environmental Equity Issues. An analysis of potential impacts on socioeconomic and ethnic groups in coastal areas of Texas, Louisiana, and Cook Inlet conducted to address environmental equity issues related to the discharges from coastal oil and gas facilities indicates that the subsistence and personal use of fisheries in both geographic areas may be appreciable, indicating potential environmental equity concerns for low income subsistence and personal use anglers including Alaska's Native populations. These socioeconomic and ethnic groups are known to be frequent recreational or subsistence anglers and are consuming a high rate of seafood, and could consequently be at higher than average risk, providing they consume seafood that may be contaminated with coastal oil and gas pollutants. The subsistence and personal use fisheries in these areas also provide food sources that would otherwise have to be purchased elsewhere. In addition, Cook Inlet fisheries are of cultural value to Alaskan Native populations in that they allow the continuance of a traditional lifestyle dependent on the natural resources of the Inlet. A zero discharge and control of discharges of produced water, and zero discharge of drilling fluids and drill cuttings, and well treatment, workover and completion fluids discharges would reduce these impacts.

(2) Effects on Threatened and Endangered Species. The proposed regulation may also have beneficial effects on 32 threatened and endangered species in coastal area of Texas and Louisiana (such as Brown Pelican, Hawksbill Sea Turtle, Leatherback Sea Turtle, Ocelot, and others) that use these areas as part of their habitat. The Upper Cook Inlet is an important pathway for spawning fish and nonendangered mammals which are resident or occur seasonally in Cook Inlet including sea lion, fur seal, harbor seal, sea otter and beluga whale. The Cook Inlet area is also a critical habitat for seabirds, shorebirds, and migrating waterfowl, including the Cackling Canada Goose, Pacific Black Brant, Emperor Goose, and Tule Goose. There are at least four endangered cetacean species which may occur in or near Cook Inlet. These include the humpback whale, fin whale, sei whale, and gray whale. Endangered avian species which may occur as migrants in or near Cook Inlet include the short-tailed albatross, American peregrine falcon, and Arctic peregrine falcon. Control of produced water and treatment, workover, and completion fluids discharges and zero discharge of drilling fluids and drill cuttings, would reduce these impacts.

D. EPA Region VI Production Permit

The benefits of the proposed rule evaluated in the benefit analysis are based on discharges and discharge locations that were projected for the proposed guidelines (without the published final Region 6 NPDES General permits regulating produced water discharges to coastal waters in Louisiana and Texas in effect). Because of the close timing of the publication of these final General permits and the proposed effluent guidelines, little opportunity for in-depth re-analysis of environmental benefits occurred. The approach selected is to proportionate quantified benefits based on a simple flow proportion (*i.e.,* the 29 percent share of produced water flow), attributable to the facilities excluded from coverage under the General permits but covered by the proposed effluent guidelines. Using this approach, EPA estimates that with the Region 6 General permits final, quantified monetized benefits may be in the $0.9 to $67 million range in 1990 dollars ($1.1 to $76 million in 1994 dollars). EPA will re-evaluate environmental benefits of the coastal oil and gas subcategory effluent guidelines upon promulgation of the final rule.

XIII. Regulatory Implementation

A. Toxicity Limitation for Drilling Fluids and Drill Cuttings

Under the alternative option EPA considered for drilling fluids and drill cuttings, EPA would establish a toxicity limit for this waste stream. The toxicity limitation would apply to any periodic blowdown of drilling fluid as well as to bulk discharges of drilling fluids and drill cuttings systems. The reader is referred to the Offshore Guidelines (58 FR, March 4, 1993, page 12502) for an explanation of the regulatory implementation for the toxicity limit.

B. Diesel Prohibition for Drilling Fluids and Drill Cuttings

Under EPA's alternative option for drilling fluids and drill cuttings, diesel oil and muds and cuttings contaminated with diesel would be prohibited from discharge from Cook Inlet oil platforms. The reader is referred to the Offshore Guidelines (58 FR 12502) for a discussion on the implementation of this requirement.

C. Upset and Bypass Provisions

A recurring issue of concern has been whether industry guidelines should include provisions authorizing noncompliance with effluent limitations during periods of ''upsets'' or ''bypasses''. The reader is referred to the Offshore Guidelines (58 FR 12501) for a discussion on upset and bypass provisions.

D. Variances and Modifications

Once this regulation is in effect, the effluent limitations must be applied in all NPDES permits thereafter issued to discharges covered under this effluent limitations guideline subcategory. Under the CWA certain variances from BAT and BCT limitations are provided for. A section 301(n) (Fundamentally Different Factors) variance is applicable to the BAT and BCT and pretreatment limits in this rule. The reader is referred to the Offshore Guidelines (58 FR 12502) for a discussion on the applicability of variances.

E. Synthetic Drilling Fluids

During the Offshore Oil and Gas Guidelines rulemaking, several industry commenters noted recent developments in formulating new (synthetic) drilling fluids as substitutes for the traditional water-based or oil-based fluids. The newer drilling fluids provide improved environmental and operational benefits when compared to many of the traditional fluids being used. The industry commenters contended that the new drilling fluids are not being used due to potential interpretation of effluent guidelines and permit limitations. Prohibitions on the use of oil-based fluids and inverse emulsions were identified as potential barriers to use. Commenters also specifically identified the sheen test, which is used to prohibit the discharge of fluids and cuttings containing free oil, as giving false positive results due to a discoloration which may occur when cuttings containing small amounts of some of the synthetic fluids are discharged.

Since the promulgation of the Offshore Guidelines, data have been submitted to document the enhanced

environmental performance of synthetic fluids. These data show lower toxicity than several of the generic fluids used as the basis for the offshore toxicity limit of 30,000 ppm (SPP). Results of laboratory and field (seabed) evaluations of the biodegradation of one synthetic fluid demonstrated good biodegradation. Case histories of field use have documented enhanced operational and environmental performance, which can include reductions in waste generated and improvement of non-water quality impacts. Laboratory data have indicated no detectable priority pollutants to be present in synthetic fluids.

In the preamble to the March 4, 1993, final Offshore Guidelines (58 FR 12496), EPA identified several issues raised by commenters for which additional information was solicited. While EPA wishes to encourage the use of less toxic drilling fluids, EPA was concerned that without a substitute for the static sheen test, it would not be possible to enforce the no free oil limit. EPA also solicited specific data concerning the toxicity of new synthetic drilling fluids. Subsequently, several industry companies have submitted additional information. EPA has reviewed this information and is conducting additional work to further evaluate the issues. This work is related to the analytical capability to identify the synthetic fluids versus diesel, mineral or crude (formation) oils which may cause a sheen when used fluids or cuttings are discharged and the toxicity of the synthetic fluids. Results of the submitted analytical methods investigations, summarized gas chromatography mass copy (GC/MS) identification of polyalphaolafin synthetic fluids. The usefulness and limitations of the methods were discussed. Use of GC equipment shows promise for detecting low concentrations of oil in synthetic fluids, *e.g.*, less than 1 percent, but requires further evaluation. Based on the results of the initial work and work performed as part of the final Offshore Guidelines to differentiate between mineral oil and diesel oil (58 FR 12502), the ''methods for the determination of Diesel, Mineral and Crude Oils in Offshore Oil and Gas Industry Discharges'' (EPA 821–R–92–008) may be useful, with or without slight modifications, as an alternative or verification step to the free oil and diesel oil discharge prohibitions.

EPA solicits data on the use to-date of synthetic fluids and any data, including well logs, toxicity and analytical methods testing and in-situ seabed and water column physical, chemical and biological testing. EPA will evaluate all submitted data, including information in the offshore rulemaking record, in order to assess the environmental and performance benefits that could be achieved by using synthetic fluids, and take those regulatory actions that may be appropriate to mitigate or eliminate barriers to using these fluids.

F. Removal Credits for Indirect Dischargers

Many industrial facilities discharge large quantities of pollutants to POTWs where their wastewaters mix with wastewater from other sources, domestic sewage from private residences and run-off from various sources prior to treatment and discharge by the POTW. Industrial discharges frequently contain pollutants that are generally not removed as effectively by treatment at the POTWs as by the industries themselves.

The introduction of pollutants to a POTW from industrial discharges may pose several problems. These include potential interference with the POTW's operation or pass-through of pollutants if inadequately treated. As discussed, Congress, in section 307(b) of the Act, directed EPA to establish pretreatment standards to prevent these potential problems. Congress also recognized that, in certain instances, POTWs could provide some or all of the treatment of an industrial user's wastewater that would be required pursuant to the pretreatment standard. Consequently, Congress established a discretionary program for POTWs to grant ''removal credits'' to their indirect dischargers. The credit, in the form of a less stringent pretreatment standard, allows an increased concentration of a pollutant in the flow from the indirect discharger's facility to the POTW.

Section 307(b) of the CWA establishes a three-part test for obtaining removal credit authority for a given pollutant. Removal credits may be authorized only if (1) the POTW ''removes all or any part of such toxic pollutant,'' (2) the POTW's ultimate discharge would ''not violate that effluent limitation, or standard which would be applicable to that toxic pollutant if it were discharged'' directly rather than through a POTW and (3) the POTW's discharge would ''not prevent sludge use and disposal by such [POTW] in accordance with section [405].* * *'' Section 307(b).

EPA has promulgated removal credit regulations in 40 CFR 403.7. The United States Court of Appeals for the Third Circuit has interpreted the statute to require EPA to promulgate comprehensive sewage sludge regulations before any removal credits could be authorized. *NRDC* v. *EPA*, 790 F.2d 289, 292 (3rd Cir. 1986) *cert. denied*. 479 U.S. 1084 (1987). Congress made this explicit in the Water Quality Act of 1987 which provided that EPA could not authorize any removal credits until it issued the sewage sludge use and disposal regulations required by section 405(d)(2)(a)(ii).

Additional discussion of the availability of removal credits is contained in the Coastal Technical Development Document. This rule proposes to establish pretreatment standards for existing and new sources as zero discharge for drilling fluids and drill cuttings; produced water; well treatment, workover, and completion fluids; and deck drainage, and EPA's pretreatment regulations at 40 CFR 403.7(a)(i) limit such authorization to when the POTW demonstrates and continues to achieve consistent removal of the pollutant in accordance with 403.7(b), it is highly unlikely that removal credits would be available for these discharges.

EPA welcomes comment on when and how removal credits may be authorized for the pollutants in the circumstances of the coastal oil and gas subcategory.

XIV. Related Rulemakings

In addition to these Coastal Guidelines, EPA is in the process of developing other regulations that specifically affect the oil and gas industry. These other rulemakings, summarized below, are in the developmental stages, and have not, as yet, been proposed. EPA's offices are coordinating their efforts with the intent to monitor these related rulemakings to assess their collective costs to industry.

A. National Emission Standards for Hazardous Air Pollutants

National emission standards for hazardous air pollutants (NESHAP) are being developed for the oil and gas production industry by EPA's Office of Air Quality, Planning and Standards (OAQPS), under authority of section 112 (d) of the Clean Air Act as amended in 1990. Section 112 (d) of the Clean Air Act directs the EPA to promulgate regulations establishing hazardous air pollutant (HAP) emissions standards for each category of major and area sources that has been listed by EPA for regulation under section 112 (c). The 189 pollutants that are designated as HAP are listed in section 112 (d). For major sources, or facilities which emit 10 or more tons per year (TPY) of an individual HAP pollutant or 25 or more TPY of multiple HAPs, the air emission standards are based on ''maximum achievable control technology'' or MACT.

Major sources within the coastal oil and gas subcategory have been identified by OAQPS as stand alone glycol dehydrators, tank batteries, gas plants, and offshore production platforms. In most cases, OAQPS believes that, in order to be a major source, a coastal production facility must have glycol dehydrators located on-site: a production facility alone may not produce enough emissions to be classified as a major source.

EPA plans to propose MACT standards for the oil and gas industry by June 1995 and promulgate them by June 1996. OAQPS estimates that the total cost of these standards will be $13 million. Offshore production platforms are under the jurisdiction of the Minerals Management Service and thus, are not affected by these MACT Standards. EPA solicits information regarding the percentage of coastal oil and gas operations that will be impacted by this rule.

2. Area of Review Requirements for Injection Wells

The Safe Drinking Water Act of 1974 (SDWA) charges EPA with protecting underground sources of drinking water (USDWs). As part of this mandate, EPA developed a program, known as the Underground Injection Control Program (UIC), to regulate the underground injection of produced water, and promulgate regulations concerning the construction, operation, and closure of Class II injection wells. Such regulations were originally promulgated in 1980 (45 FR 42500, June, 24, 1980).

As a result of a recent 5-year study on the effectiveness of these regulations, EPA concluded that more detailed minimum national standards, than those promulgated in 1980, are necessary to prevent endangerment of USDWs.

EPA is currently in the process of developing such national standards that would establish:

* A minimum national standard for well construction,
* More frequent mechanical integrity testing when the construction of a well does not meet that minimum standard, and
* A requirement for Area of Review studies for wells located in areas where USDWs are subject to significant risk of indirect flow via improperly constructed or abandoned wells.

The schedule for proposal and promulgation of this rulemaking is not specified. Early estimates are that these UIC requirements would cost less than $50 million per year for the entire U.S. oil and gas industry for the first 5 years after promulgation, and are expected to decrease after 5 years.

It is not known at this time what percentage of this cost will be incurred by the coastal oil and gas industry. EPA solicits comment regarding this.

3. Spill Prevention, Control, and Countermeasure

EPA's Oil Pollution Prevention regulation at 40 CFR part 112, otherwise known as the Spill Prevention, Control, and Countermeasure (SPCC) regulation was promulgated in 1973 under section 311 (j) of the CWA. The SPCC regulation applies to all oil extraction and production facilities that have an oil storage capacity above certain thresholds (*i.e.* an overall aboveground oil storage capacity greater than 1,320 gallons or greater than 660 in a single container, or an underground oil storage capacity of greater than 42,000 gallons) and are located such that a discharge could reasonably be expected to reach U.S. waters. EPA estimates that there are approximately 435,000 SPCC-regulated facilities. Approximately 3,000 of these facilities are either coastal or offshore facilities.

Under the SPCC regulations, facility owners or operators are required to prepare and implement written SPCC plans that discuss conformance with procedures, methods, and equipment and other requirements to prevent discharge of oil and to contain such discharges.

On July 1, 1994, (59 FR 34070, July 1, 1994) EPA issued a final rule for certain onshore facilities to prepare, submit to EPA, and implement plans to respond to a worst case discharge of oil to meet section 4202(a) of the Oil Pollution Act (OPA). EPA is in the process of developing requirements to meet Section 420.2(a) of OPA specifically for coastal facilities (Note: Coastal and offshore facilities in the SPCC program are collectively referred to as ''offshore''. However, this current rulemaking is specifically with respect to facilities landward of the inner boundary of the territorial seas, and that are not onshore.) These regulations will, among other things, require that owners or operators of all coastal facilities prepare and submit to the Federal government a plan for responding to a worst case discharge of oil.

EPA plans to propose these requirements by 1995, and promulgate them by 1996. Costs to the industry to comply with these requirements are as yet unknown. EPA solicits information regarding the storage capacities of coastal oil production facilities to determine the percentage of this industry under the Coastal Oil and Gas subcategory that would be affected by the SPCC regulations.

XV. Solicitation of Data and Comments

EPA encourages public participation in this rulemaking and invites comments on any aspect of these proposed regulations. The EPA asks that comments address any perceived deficiencies in the record of this proposal and that suggested revisions or corrections be supported by data where possible. The preceding parts of this notice identify specific areas where comments are solicited. In addition, EPA particularly requests comments and information on the following:

(1) Combining the Onshore and Coastal Subcategories

EPA's proposed coastal rule requires zero discharge for all drilling fluids and cuttings, as well as zero discharge for all produced waters except from Cook Inlet operations. Because the effluent limitations for the onshore subcategory of the oil and gas industry require zero discharge for all oil and gas wastes (44 FR 22069, April 13, 1979), EPA is considering the appropriateness of combining these two subcategories for regulation of the major wastestreams. Combining the subcategories would not only simplify the rule itself but, could result in reduction of administrative burden in permit development, and facility location determination; EPA solicits comment on the appropriateness of combining these two subcategories.

XVI. Background Documents

The basis for this regulation is detailed in two major documents, each of which is supported in turn by additional information and analyses in the rulemaking record. EPA's technical foundation for the regulation is detailed in the Development Document for Proposed Effluent Limitations Guidelines and Standards for the Coastal Subcategory of the Oil and Gas Extraction Point Source Category. EPA's economic analysis is presented in the Economic Impact Analysis of Proposed Effluent Limitations Guidelines and Standards for the Coastal Subcategory of the Offshore Oil and Gas Industry. These documents are available from the Office of Water Resource Center. (See **ADDRESSES**) The public record for this rulemaking is available for review at EPA's Water Docket. (See **ADDRESSES**)

Appendix A to the Preamble—Abbreviations, Acronyms, and Other Terms Used in This Document

Act—Clean Water Act.
Agency—Environmental Protection Agency.
BADCT—The best available demonstrated control technology, for new sources under section 306 of the Clean Water Act.

BAT—The best available technology economically achievable, under section 304(b)(2)(B) of the Clean Water Act.
bbl—barrel, 42 U.S. gallons.
bpd—barrels per day.
bpy—barrels per year.
BCT—Best conventional pollutant control technology under section 304(b)(4)(B) of the Clean Water Act.
BMP—Best management practices under section 304(e) of the Clean Water Act.
BOD—Biochemical oxygen demand.
BOE—Barrels of oil equivalent.
BPT—Best practicable control technology currently available, under section 304(b)(1) of the Clean Water Act.
CFR—Code of Federal Regulations.
Clean Water Act—Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*).
Conventional pollutants—Constituents of wastewater as determined by section 304(a)(4) of the Clean Water Act, including, but not limited to, pollutants classified as biochemical oxygen demanding, suspended solids, oil and grease, fecal coliform, and pH.
CWA—Clean Water Act.
Direct discharger—A facility which discharges or may discharge pollutants to waters of the United States.
EIA—Economic Impact Analysis.
EPA—Environmental Protection Agency.
Indirect discharger—A facility that introduces wastewater into a publicly owned treatment works.
IRR—Internal Rate of Return.
LC50—The concentration of a test material that is lethal to 50 percent of the test organisms in a bioassay.
mg/l—milligrams per liter.
Nonconventional pollutants—Pollutants that have not been designated as either conventional pollutants or priority pollutants.
NORM—Naturally Occurring Radioactive Materials.
NPDES—The National Pollutant Discharge Elimination System.
NPV—Net Present Value.
NSPS—New source performance standards under section 306 of the Clean Water Act.
OCS—Offshore Continental Shelf.
OMB—Office of Management and Budget.
POTW—Publicly Owned Treatment Works.
ppm—parts per million.
Priority pollutants—The 65 pollutants and classes of pollutants declared toxic under section 307(a) of the Clean Water Act.
PSES—Pretreatment standards for existing sources of indirect discharges, under section 307(b) of the Clean Water Act.
PSNS—Pretreatment standards for new sources of indirect discharges, under sections 307 (b) and (c) of the Clean Water Act.
SIC—Standard Industrial Classification.
SPP—Suspended particulate phase.
TSS—Total Suspended Solids.
Coastal Technical Development Document—Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Coastal Subcategory of the Oil and Gas Extraction Point Source Category.
Offshore Technical Development Document—Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Offshore Subcategory of the Oil and Gas Extraction Point Source Category.
U.S.C.—United States Code.

List of Subjects in 40 CFR Part 435

Environmental protection, Oil and gas extraction, Pollution prevention, Waste treatment and disposal, Water pollution control.

Dated: January 31, 1995.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 435 is proposed to be amended as follows:

PART 435—OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

1. The authority citation for part 435 is revised to read as follows:

Authority: 33 U.S.C. 1311, 1314, 1316, 1317, 1318 and 1361.

2. Subpart A is proposed to be amended by revising § 435.10 to read as follows:

Subpart A—Offshore Subcategory

§ 435.10 Applicability; description of the offshore subcategory.

The provisions of this subpart are applicable to those facilities engaged in field exploration, drilling, well production, and well treatment in the oil and gas industry which are located in waters that are seaward of the inner boundary of the territorial seas (''offshore'') as defined in section 502(g) of the Clean Water Act.

3. Subpart G consisting of § 435.70 is proposed to be added to read as follows:

Subpart G—General Provisions

§ 435.70 Applicability.

(a) *Purpose.* This subpart is intended to prevent oil and gas facilities subject to this part from circumventing the effluent limitations guidelines and standards applicable to those facilities by moving effluent produced in one subcategory to another subcategory for disposal under less stringent requirements than intended by this part.

(b) *Applicability.* The effluent limitations and standards applicable to an oil and gas facility shall be determined as follows:

(1) An oil and gas facility, operator, or its agent or contractor may move its wastewaters from a facility located in one subcategory to another subcategory for treatment and return it to a location covered by the original subcategory for disposal. In such case, the effluent limitations guidelines, new source performance standards, or pretreatment standards for the original subcategory apply.

(2) An oil and gas facility, operator, or its agent or contractor may move its wastewaters from a facility located in one subcategory to another subcategory for disposal or treatment and disposal, provided:

(i) If an oil and gas facility, operator or its agent or contractor moves wastewaters from a wellhead located in one subcategory to another subcategory where oil and gas facilities are governed by less stringent effluent limitations guidelines, new source performance standards, or pretreatment standards, the more stringent effluent limitations guidelines, new source performance standards, or pretreatment standards applicable to the subcategory where the wellhead is located shall apply.

(ii) If an oil and gas facility, operator or its agent moves effluent from a wellhead located in one subcategory to another subcategory where oil and gas facilities are governed by more stringent effluent limitations guidelines, new source performance standard, or pretreatment standards, the more stringent effluent limitations guidelines, new source performance standards, or pretreatment standards applicable at the point of discharge shall apply.

4. Subpart D is proposed to be amended by revising §§ 435.40 and 435.41 to read as follows:

Subpart D—Coastal Subcategory

§ 435.40 Applicability; description of the coastal subcategory.

The provisions of this subpart are applicable to those facilities engaged in field exploration, drilling, well production, and well treatment in the oil and gas industry in areas defined as ''coastal.'' The term *coastal* means:

(a) Any oil and gas facility located in or on a water of the United States landward of the territorial seas; or

(b)(1) Oil and gas facilities in existence on April 13, 1979 or thereafter and are located landward from the inner boundary of the territorial seas and bounded on the inland side by the line defined by the inner boundary of the territorial seas eastward of the point defined by 89°45′ W. Longitude and 29°46′ N. Latitude and continuing as follows west of that point:

Direction to west longitude	Direction to north latitude
West, 89°48′	North, 29°50′.
West, 90°12′	North, 30°06′.
West, 90°20′	South, 29°35′.
West, 90°35′	South, 29°30′.
West, 90°43′	South, 29°25′.

Direction to west longitude	Direction to north latitude
West, 90°57′	North, 29°32′.
West, 91°02′	North, 29°40′.
West, 91°14′	South, 29°32′.
West, 91°27′	North, 29°37′.
West, 92°33′	North, 29°46′.
West, 91°46′	North, 29°50′.
West, 91°50′	North, 29°55′.
West, 91°56′	South, 29°50′.
West, 92°10′	South, 29°44′.
West, 92°55′	North, 29°46′.
West, 93°15′	North, 30°14′.
West, 93°49′	South, 30°07′.
West, 94°03′	South, 30°03′.
West, 94°10′	South, 30°00′.
West, 94°20′	South, 29°53′.
West, 95°00′	South, 29°35′.
West, 95°13′	South, 29°28′.
East, 95°08′	South, 29°15′.
West, 95°11′	South, 29°08′.
West, 95°22′	South, 28°56′.
West, 95°30′	South, 28°55′.
West, 95°33′	South, 28°49′.
West, 95°40′	South, 28°47′.
West, 96°42′	South, 28°41′.
East, 96°40′	South, 28°28′.
West, 96°54′	South, 28°20′.
West, 97°03′	South, 28°13′.
West, 97°15′	South, 27°58′.
West, 97°40′	South, 27°45′.
West, 97°46′	South, 27°28′.
West, 97°51′	South, 27°22′.
East, 97°46′	South, 27°14′.
East, 97°30′	South, 26°30′.
East, 97°26′	South, 26°11′.

(2) East to 97°19′ W. Longitude and Southward to the U.S.—Mexican border.

§ 435.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided in this section, the general definitions, abbreviations and methods of analysis set forth in 40 CFR part 401 shall apply to this subpart.

(b) The term *average of daily values for 30 consecutive days* is the average of the daily values obtained during any 30 consecutive day period.

(c) The term *Cook Inlet* means all of the production platforms (''existing sources'' or ''existing dischargers'') and exploratory operations (''new dischargers'') addressed by EPA's Region X in the general NPDES permit for Cook Inlet.

(d) The term *daily values* as applied to produced water effluent limitations and NSPS refers to the daily measurements used to assess compliance with the maximum for any one day.

(e) The term *deck drainage* refers to any waste resulting from deck washings, spillage, rainwater, and runoff from gutters and drains including drip pans and work areas within facilities subject to this subpart.

(f) The term *development facility* means any fixed or mobile structure subject to this subpart that is engaged in the drilling of productive wells.

(g) The term *dewatering effluent* means wastewater from drilling fluids and cuttings dewatering activities (including but not limited to reserve pits or other tanks or vessels, and chemical or mechanical treatment occurring during the drilling solids separation/recycle/disposal process).

(h) The term *diesel oil* refers to the grade of distillate fuel oil, as specified in the American Society for Testing and Materials Standard Specification for Diesel Fuel Oils D975–91, that is typically used as the continuous phase in conventional oil-based drilling fluids. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. Copies may be inspected at the Office of the Federal Register, 800 North Capitol Street, N.W., Suite 700, Washington, DC.

(i) The term *domestic waste* refers to materials discharged from sinks, showers, laundries, safety showers, eye-wash stations, hand-wash stations, fish cleaning stations, and galleys located within facilities subject to this subpart.

(j) The term *drill cuttings* refers to the particles generated by drilling into subsurface geologic formations and carried to the surface with the drilling fluid.

(k) The term *drilling fluid* refers to the circulating fluid (mud) used in the rotary drilling of wells to clean and condition the hole and to counterbalance formation pressure. A water-based drilling fluid is the conventional drilling mud in which water is the continuous phase and the suspending medium for solids, whether or not oil is present. An oil-based drilling fluid has diesel oil, mineral oil, or some other oil as its continuous phase with water as the dispersed phase.

(l) The term *exploratory facility* means any fixed or mobile structure subject to this subpart that is engaged in the drilling of wells to determine the nature of potential hydrocarbon reservoirs.

(m) The term *garbage* means all kinds of victual, domestic, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of coastal oil and gas facility and liable to be disposed of continuously or periodically, except dishwater, graywater, and those substances that are defined or listed in other Annexes to MARPOL 73/78. MARPOL 73/78 is available from the National Technical Information Service (NTIS) (reference number ADA 183 505), 5285 Port Royal Road, Springfield, VA 22161.

(n) The term *maximum* as applied to BAT effluent limitations and NSPS for drilling fluids and drill cuttings means the maximum concentration allowed as measured in any single sample of the barite.

(o) The term *maximum for any one day* as applied to BPT, BCT and BAT effluent limitations and NSPS for oil and grease in produced water means the maximum concentration allowed as measured by the average of four grab samples collected over a 24-hour period that are analyzed separately. Alternatively, for BAT and NSPS the maximum concentration allowed may be determined on the basis of physical composition of the four grab samples prior to a single analysis.

(p) The term *minimum* as applied to BAT effluent limitations and NSPS for drilling fluids and drill cuttings means the minimum 96-hour LC50 value allowed as measured in any single sample of the discharged waste stream. The term *minimum* as applied to BPT and BCT effluent limitations and NSPS for sanitary wastes means the minimum concentration value allowed as measured in any single sample of the discharged waste stream.

(q) The term *M9IM* means those coastal facilities continuously manned by nine (9) or fewer persons or only intermittently manned by any number of persons.

(r) The term *M10* means those coastal facilities continuously manned by ten (10) or more persons.

(s)(1) The term *new source* means any facility or activity of this subcategory that meets the definition of ''new source'' under 40 CFR 122.2 and meets the criteria for determination of new sources under 40 CFR 122.29(b) applied consistently with all of the following definitions:

(i) The term *water area* as used in the term ''site'' in 40 CFR 122.29 and 122.2 means the water area and ocean floor beneath any exploratory, development, or production facility where such facility is conducting its exploratory, development or production activities.

(ii) The term *significant site preparation work* as used in 40 CFR 122.29 means the process of surveying, clearing or preparing an area of the ocean floor for the purpose of constructing or placing a development or production facility on or over the site.

(2) ''New Source'' does *not* include facilities covered by an existing NPDES permit immediately prior to the effective date of this subpart pending

EPA issuance of a new source NPDES permit.

(t) The term *no discharge of free oil* means that waste streams may not be discharged when they would cause a film or sheen upon or a discoloration of the surface of the receiving water or fail the static sheen test defined in Appendix 1 to 40 CFR part 435, subpart A.

(u) The term *produced sand* refers to slurried particles used in hydraulic fracturing, the accumulated formation sands and scales particles generated during production. Produced sand also includes desander discharge from the produced water waste stream, and blowdown of the water phase from the produced water treating system.

(v) The term *produced water* refers to the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process.

(w) The term *production facility* means any fixed or mobile structure subject to this subpart that is either engaged in well completion or used for active recovery of hydrocarbons from producing formations. It includes facilities that are engaged in hydrocarbon fluids separation even if located separately from wellheads.

(x) The term *sanitary waste* refers to human body waste discharged from toilets and urinals located within facilities subject to this subpart.

(y) The term *static sheen test* refers to the standard test procedure that has been developed for this industrial subcategory for the purpose of demonstrating compliance with the requirement of no discharge of free oil. The methodology for performing the static sheen test is presented in appendix 1 to 40 CFR part 435, subpart A.

(z) The term *toxicity* as applied to BAT effluent limitations and NSPS for drilling fluids and drill cuttings refers to the bioassay test procedure presented in appendix 2 of 40 CFR part 435, subpart A.

(aa) The term *well completion fluids* refers to salt solutions, weighted brines, polymers, and various additives used to prevent damage to the well bore during operations which prepare the drilled well for hydrocarbon production.

(bb) The term *well treatment fluids* refers to any fluid used to restore or improve productivity by chemically or physically altering hydrocarbon-bearing strata after a well has been drilled.

(cc) The term *workover fluids* refers to salt solutions, weighted brines, polymers, or other specialty additives used in a producing well to allow for maintenance, repair or abandonment procedures.

(dd) The term *96-hour LC50* refers to the concentration (parts per million) or percent of the suspended particulate phase (SPP) from a sample that is lethal to 50 percent of the test organisms exposed to that concentration of the SPP after 96 hours of constant exposure.

5. Section 435.42 is proposed to be amended by revising the introductory text and be in the table to paragraph (a) by adding at the end an entry for ''Produced Sand'' to read as follows:

§ 435.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available (BPT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) * * *

BPT EFFLUENT LIMITATIONS

Pollutant parameter waste source	Maximum for any 1 day	Average of values for 30 consecutive days shall not exceed	Residual chlorine minimum for any 1 day
* * *	*	*	*
Produced Sand	zero discharge	zero discharge	NA

* * * * *

6. Sections 435.43 through 435.47 are proposed to be added to subpart D to read as follows:

§ 435.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this Subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT):

BAT EFFLUENT LIMITATIONS

Stream	Pollutant parameter	BAT effluent limitations
Produced Water:		
(A) All coastal areas except Cook Inlet		No discharge.
(B) Cook Inlet	Oil & Grease	The maximum for any one day shall not exceed 42 mg/l, and the 30-day average shall not exceed 29 mg/l.
Drilling Fluids and Drill Cuttings:		
Option 1:		
(A) All coastal areas except Cook Inlet		No discharge.
(B) Cook Inlet	Free Oil [1]	No discharge.
	Diesel Oil	No discharge.
	Mercury	1 mg/kg dry weight maximum in the stock barite.

BAT EFFLUENT LIMITATIONS—Continued

Stream	Pollutant parameter	BAT effluent limitations
	Cadmium	3 mg/kg dry weight maximum in the stock barite.
	Toxicity	Minimum 96-hour LC50 of the SPP shall be 3 percent by volume.[3]
Option 2:		
(A) All coastal areas except Cook Inlet		No discharge.
(B) Cook Inlet	Free Oil1[1]	No discharge.
	Diesel Oil	No discharge.
	Mercury	1 mg/kg dry weight maximum in the stock barite.
	Cadmium	3 mg/kg dry weight maximum in the stock barite.
	Toxicity	Minimum 96-hour LC50 of the SPP shall be 10 percent to 100 percent by volume.[3]
Option 3:		
All coastal areas		No discharge.
Well Treatment, Workover and Completion Fluids:		
Option 1:		
(A) All coastal areas except freshwater of Texas and Louisiana.	Free Oil[1]	No discharge.
(B) Freshwaters of Texas and Louisiana		No discharge.
Option 2:		
(A) All coastal areas except Cook Inlet		No discharge.
(B) Cook Inlet	Oil and Grease	The maximum for any one day shall not exceed 42 mg/l, and the 30-day average shall not exceed 29 mg/l.
Produced Sand		No discharge.
Deck Drainage	Free Oil[2]	No discharge.
Domestic Waste	Foam	No discharge.

[1] As determined by the static sheen test
[2] As determined by the presence of a film or sheen upon or a discoloration of the surface of the receiving water (visual sheen).
[3] As determined by the toxicity test (see appendix 2 of 40 CFR part 435, subpart A).

§ 435.44 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT).

Except as provided in 40 CFR 125.30 through 125.32, any existing point source subject to this subpart must achieve the following effluent limitations representing the degree of effluent reduction attainable by the application of the best conventional pollutant control technology (BCT):

BCT EFFLUENT LIMITATIONS

Stream	Pollutant parameter	BCT effluent limitations
Produced Water (all facilities)	Oil & Grease	The maximum for any one day shall not exceed 72 mg/l and the 30-day average shall not exceed 48 mg/l.
Drilling Fluids and Drill Cuttings:		
All facilities except Cook Inlet		No discharge.
Cook Inlet	Free Oil	No discharge.[1]
Well Treatment, Workover and Completion Fluids.	Free Oil	No discharge.[1]
Produced Sand		No discharge
Deck Drainage	Free Oil	No discharge.[2]
Sanitary Waste:		
Sanitary M10	Residual Chlorine	Minimum of 1 mg/l maintained as close to this concentration as possible.
Sanitary M91M	Floating Solids	No discharge.
Domestic Waste	Floating Solids and garbage.	No discharge of Floating Solids or garbage.[3]

[1] As determined by static sheen test 40 CFR part 435, subpart A, appendix 1.
[2] As determined by the presence of a film or sheen upon or a discoloration of the surface of the receiving water (visual sheen).
[3] As defined in 40 CFR 435.41(1).

§ 435.45 Standards of performance for new sources (NSPS).

Any new source subject to this subpart must achieve the following new source performance standards (NSPS):

NSPS EFFLUENT LIMITATIONS

Stream	Pollutant parameter	NSPS/PSNS effluent limitations
Produced Water (all facilities)		No discharge.
Drilling Fluids and Drill Cuttings:		
Option 1:		
(A) All coastal areas except Cook Inlet		No discharge.
(B) Cook Inlet	Free Oil [1]	No discharge.
	Diesel Oil	No discharge.
	Mercury	1 mg/kg dry weight maximum in the stock barite.
	Cadmium	3 mg/kg dry weight maximum in the stock barite.
	Toxicity	Minimum 96-hour LC50 of the SPP shall be 3 percent by volume.[3]
Option 2:		
(A) All coastal areas except Cook Inlet		No discharge.
(B) Cook Inlet	Free Oil [1]	No discharge.
	Diesel Oil	No discharge.
	Mercury	1 mg/kg dry weight maximum in the stock barite.
	Cadmium	3 mg/kg dry weight maximum in the stock barite.
	Toxicity	Minimum 96-hour LC50 of the SPP shall be 10 percent to 100 percent to 100 percent by volume.[3]
Option 3:		
All coastal areas		No discharge.
Well Treatment, Workover and Completion Fluids:		
Option 1:		
(A) All coastal areas except freshwater of Texas and Louisiana.	Free Oil [1]	No discharge.
(B) Freshwaters of Texas and Louisiana		No discharge.
Option 2:		
(A) All coastal areas except Cook Inlet		No discharge.
(B) Cook Inlet	Oil and Grease	The maximum for any one day shall not exceed 42 mg/l, and the 30-day average shall not exceed 29 mg/l.
Produced Sand		No discharge.
Deck Drainage	Free Oil [2]	No discharge.
Sanitary Waste:		
Sanitary M10	Residual Chlorine	Minimum of 1 mg/l and maintained as close to this concentration as possible.
Sanitary M91M	Floating Solids	No discharge.
Domestic Waste	Floating Solids, Garbage [4] and Foam.	No discharge of floating solids or garbage or foam.

[1] As determined by the static sheen test.
[2] As determined by the presence of a film or sheen upon or a discoloration of the surface of the receiving water (visual sheen).
[3] As determined by the toxicity test (see appendix 2 of 40 CFR part 435, subpart A).
[4] As defined in 40 CFR 435.41(1).

§ 435.46 Pretreatment Standards of performance for existing sources (PSES).

Except as provided in 40 CFR 403.7 and 403.13, any existing source with discharges subject to this subpart that introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and by the effective date of this rule achieve the following pretreatment standards for existing sources (PSES).

PSES EFFLUENT LIMITATIONS

Stream	Pollutant parameter	PSES effluent limitations
Produced Water		No discharge.
Drilling Fluids and Drill Cuttings		No discharge.
Well Treatment, Workover and Completion Fluids		No discharge.
Produced Sand		No discharge.
Deck Drainage		No discharge.

§ 435.47 Pretreatment Standards of performance for new sources (PSNS).

Except as provided in 40 CFR 403.7 and 403.13, any new source with discharges subject to this subpart that introduces pollutants into a publicly owned treatment works must comply with 40 CFR part 403 and by the effective date of this rule achieve the following pretreatment standards for new sources (PSNS).

PSNS EFFLUENT LIMITATIONS

Stream	Pollutant parameter	PSNS effluent limitations
Produced Water(all facilities)		No discharge.
Drilling fluids and Drill Cuttings		No discharge.
Well Treatment, Workover and Completion Fluids		No discharge.
Produced Sand		No discharge.
Deck Drainage		No discharge.

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federal register

Friday
February 17, 1995

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD20

Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed Special Rule.

SUMMARY: The implementing regulations for threatened wildlife generally incorporate the prohibitions of Section 9 of the Endangered Species Act (Act) of 1973, as amended, for endangered wildlife, except when a ''special rule'' promulgated pursuant to Section 4(d) of the Act has been issued with respect to a particular threatened species. At the time the northern spotted owl, *Strix occidentalis caurina,* (spotted owl) was listed as a threatened species in 1990, the Fish and Wildlife Service (Service) did not promulgate a special section 4(d) rule and, therefore, all of the section 9 prohibitions, including the ''take'' prohibitions, became applicable to the species. Subsequent to the listing of the spotted owl, a Federal Late-Successional and Old-growth (LSOG) forest management strategy (Plan) was developed and then formally adopted on April 13, 1994, in a Record of Decision (ROD) that amended land management plans for Federal forests in northern California, Oregon, and Washington. Although this proposed rule refers to the Federal LSOG forest strategy as the ''Forest Plan'', it is noted that the strategy is not a stand-alone management Plan but rather effected a series of amendments to Forest Service and the Bureau of Land Management planning documents. In recognition of the significant contribution the Plan does make toward spotted owl conservation and management, the Service now proposes a special rule, pursuant to section 4(d) of the Act, to replace the blanket prohibition against incidental take of spotted owls with a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California.

DATES: Comments from all interested parties must be received by May 18, 1995.

The Service seeks comments from the interested public, agencies, and interest groups on this proposed special rule and the potential environmental effects of its implementation. A Draft Environmental Impact Statement (DEIS) is being developed to accompany this proposed rule and will be published soon after the proposed rule. The end of the comment period on this proposed rule will be extended to coincide with the end of the public comment period on the DEIS.

ADDRESSES: Comments and materials concerning this proposed rule should be sent to Mr. Michael J. Spear, Regional Director, Region 1, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181. The complete file for this proposed rule will be available for public inspection, by appointment during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Curt Smitch, Assistant Regional Director, North Pacific Coast Ecosystem, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501 (206/534–9330); or Mr. Gerry Jackson, Deputy Assistant Regional Director, North Pacific Coast Ecosystem, 911 N.E. 11th Avenue, Portland Oregon 97232–4181, (503/231–6159).

SUPPLEMENTARY INFORMATION:

Abstract

The implementing regulations for threatened wildlife generally incorporate the prohibitions of section 9 of the Endangered Species Act (Act) of 1973, as amended, for endangered wildlife, except when a ''special rule'' promulgated pursuant to Section 4(d) of the Act has been issued with respect to a particular threatened species. When the northern spotted owl, *Strix occidentalis caurina,* (spotted owl) was listed as a threatened species in 1990, the Fish and Wildlife Service (Service) did not promulgate a special 4(d) rule. Therefore, all of the Section 9 prohibitions for endangered species were made applicable to the spotted owl throughout its range, including the prohibitions against ''take'' that apply to endangered species under the Act.

Subsequent to the listing of the spotted owl, a new Federal forest management strategy was developed and proposed by the Forest Ecosystem Management Assessment Team (FEMAT), which was established by President Clinton following the April 2, 1993, Forest Conference in Portland, Oregon. FEMAT was established to develop options for the management of Federal LSOG-forest ecosystems in northern California, Oregon, and Washington within the range of the spotted owl. FEMAT outlined those options in the report, *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment,* which drew heavily upon previous scientific studies conducted on the northern spotted owl. On July 1, 1993, the President identified ''Option 9'' in the FEMAT Report as the preferred alternative for managing Federal LSOG-forests in northern California, Oregon, and Washington. The proposed management scenario under Option 9 of FEMAT established a system of late-successional forest and riparian reserves that would, in conjunction with Administratively withdrawn and Congressionally reserved areas, provide the foundation of protected ''old growth'' habitat that would benefit spotted owls, marbled murrelets, salmon and many other old growth associated species; adaptive management areas (AMAs) and surrounding ''matrix'' lands would constitute the remaining forest management designations on Federal lands in the planning area. Future timber harvesting activities on Federal lands within the range of the northern spotted owl were expected to occur primarily in AMAs and Federal lands determined to constitute the ''matrix.''

A draft Supplemental Environmental Impact Statement was issued in July 1993 to assess the environmental impacts of the alternatives which were set forth in the FEMAT Report. A final SEIS was completed in February 1994, and a Record of Decision was signed on April 13, 1994. This process culminated in the formal administrative adoption of Alternative 9 (a revised version of Option 9 as it had been presented in the FEMAT Report), which has now become known, simply, as the Forest Plan or Plan. This Plan provides a firm foundation for the conservation needs of the spotted owl, especially in light of the net addition of approximately 600,000 acres of Federal forest lands to protected reserve status between its original formulation in the FEMAT Report and the Record of Decision. On December 21, 1994, Federal District Court Judge William L. Dwyer, issued his order upholding the adequacy of the Plan. Judge Dwyer said ''The order now entered,* * *, will mark the first time in several years that the owl-habitat forests will be managed by the responsible agencies under a plan found lawful by the courts. It will also mark the first time that the Forest Service and BLM have worked together to preserve ecosystems common to their jurisdictions.''

Despite enhanced owl protection under the final Forest Plan, however, the Service believes that some supplemental support from non-Federal forest lands remains necessary and

advisable for owl conservation in certain parts of the range of the owl.

Based upon the possibility that the preferred alternative of FEMAT (Option 9) would eventually be adopted, the Service published a Notice of Intent (NOI) in the **Federal Register** (58 FR 69132) on December 29, 1993, and sent out a mailer advising the public of its intention to prepare an Environmental Impact Statement (EIS) for a proposed special rule that would ease restrictions for the spotted owl on certain non-Federal forest lands. In response, the Service received and evaluated more than 8,500 public comments. Taking these comments into consideration, and based upon additional analyses, the Service now proposes a special rule that would reduce the prohibition against incidental take of spotted owls in the course of timber harvest and related activities on specified non-Federal forest lands in Washington and California.

For reasons discussed in more detail later, the Service is not including Oregon, at this time, within the geographic scope of this proposed special rule. The Service is aware of ongoing efforts within Oregon between the Governor's office and large and small landowners to fashion an ''Oregon Alternative'' to the Service's proposed action for the State, as set out in the December 29, 1993, NOI. The Service is supportive of this effort and will maintain the regulatory status quo for spotted owls in Oregon in anticipation that an ''Oregon Alternative'' approach to owl conservation will be developed. Thus, by excluding Oregon altogether from this proposed special rule, the Service retains for Oregon the original level of protection against take for the owl established when the species was listed on June 26, 1990.

In assessing the conservation needs of the northern spotted owl on non-Federal lands, the Service was particularly mindful of—(1) The level of protection to be provided the owl under the Federal reserve and riparian buffer systems established under the Forest Plan, as well as the matrix and adaptive management area prescriptions under the Plan; (2) the range, location, and number of spotted owls on non-Federal and Federal lands; (3) recently developed State programs to regulate forest practices to benefit the spotted owl; and (4) emerging non-Federal landowner habitat management and owl conservation strategies such as Habitat Conservation Plans and agreements to avoid the incidental take of owls.

This special rule proposes to replace the currently applicable blanket prohibition against incidental take on non-Federal lands throughout the owls' range with a more particularized set of prohibitions for Washington and California. For the State of Washington, incidental take restrictions would be relaxed for approximately 5.24 million acres of non-Federal land in conifer forests. While only a considerably smaller acreage figure of non-Federal forest land is presently affected by incidental take prohibitions for the spotted owl, the fear of future owl restrictions is a significant concern of forest landowners throughout the range of the spotted owl. This proposed rule would ease incidental take restrictions on designated non-Federal lands by limiting the incidental take prohibition for timber harvest activities to actions that fail to maintain the 70 acres of suitable owl habitat closest to a site center for a spotted owl. By proposing this action, the Service is not implying that incidental take cannot occur until harvest activities approach and actually invade an owl's activity center. Rather, the Service is proposing that, in certain portions of the owl's range, the incidental take of an owl will no longer be a prohibited activity unless it involves harvest activities within an activity center.

Current incidental take restrictions would be retained for those spotted owls whose site centers are located within six designated zones or ''Special Emphasis Areas'' (SEAs) in the State of Washington. The six SEAs include the western portion of the Olympic Peninsula, the Finney Block area, the I–90 Corridor, the Mineral Block area, the Siouxon Creek area and the Columbia Gorge/White Salmon areas. These areas were generally chosen to fill in gaps in protection under the Forest Plan where the Federal land base alone appears currently to be inadequate to provide for the conservation of the owl.

In addition, the Service proposes to implement a ''Local Option Conservation Planning'' program in Washington to provide an opportunity for additional relief from incidental take prohibitions for non-Federal landowners who own between 80 and 5,000 acres of forest lands within an SEA. The Local Option process is envisioned to be the equivalent of a ''short form'' Habitat Conservation Plan. The local option conservation planning process would not apply to those areas where the Service determines that suitable owl habitat (nesting, roosting or foraging habitat) on non-Federal lands within SEAs can reasonably be expected to provide important demographic support for Federal owl reserves. These ''Local Option'' conservation plans would provide non-Federal landowners with the flexibility to develop alternative prescriptions or restrictions for their lands which could achieve a level of protection comparable to the conservation objectives set forth for the owl in this rule.

For the State of California, this proposed rule would recognize the significant conservation benefits accorded the northern spotted owl under California law by easing the Federal prohibition against incidental take from timber harvest activities in most of the Klamath province of that State. The zone in which this would occur would be called the Klamath Province Relief Area. The incidental take prohibition for timber harvests in this Relief Area would be limited to actions which fail to maintain the 70 acres of suitable owl habitat closest to a site center for a spotted owl. Additional relief could be provided to non-Federal landowners in four potential ''California Conservation Planning Areas'' (CCPAs) referred to as the California Coastal Area, Hardwood Region, Wells Mountain-Bully Choop area, and the California Cascades pursuant to the planning process under the California Natural Communities Conservation Planning (NCCP) Act or through completion of a Habitat Conservation Plan (HCP) under Section 10(a)(1)(B) of the Act (Figure 1 to § 17.41(c)).

Except for acreage actually located within owl activity centers, the Service also proposes that small landowners who own no more than 80 acres of forest lands within a given SEA in Washington or one of the four potential CCPAs in California, as of the publication date of this proposed rule in the **Federal Register**, would be relieved of the general prohibition against incidental take. The only exception to this proposal would be for any small landowner who owns any or all of the 70 acres of forested lands closest to an owl site center. The incidental take restriction would continue to apply within such 70 acres.

The Service also proposes to provide landowners within SEAs in Washington or potential CCPAs in California additional flexibility for avoiding incidental take liability if their lands are intermingled with Federal matrix or Adaptive Management Area (AMA) lands. In such situations, non-Federal landowners would be provided the alternative option at their choosing of adopting the final harvest prescriptions delineated for the surrounding Federal matrix or AMA lands, in lieu of management practices which comply with current incidental take restrictions. The one exception to this policy would

be where the adoption of final matrix or AMA harvest prescriptions could result in the incidental take of an owl whose site center is located within a Forest Plan reserve or Congressionally reserved or Administratively withdrawn areas. In such a case, the incidental take restrictions would continue to apply for at least two more years, pending review of the status of owls in affected reserve or withdrawn areas.

For Tribal forest lands in Washington and California, the Service proposes to lift the Federal prohibition against the incidental take of the spotted owl except for harvest activities within the immediate 70 acres around a site center. Timber harvests conducted in accordance with Tribal resource regulations would not be subjected to any additional Federal prohibitions against incidental take of the owl.

Additionally, the Service proposes to include a ''sunset'' provision that would lift the incidental take restrictions within an SEA or CCPA once the owl conservation goals for that area are achieved. The Service also proposes to provide a ''safe harbor'' of certainty for harvest activities within SEAs or CCPAs where more than 40 percent suitable owl habitat would be retained after harvest within an owl's median annual home range. In those instances where the ''safe harbor'' provision would apply, landowners would not be subject to a take prohibition violation under any circumstances should an incidental take of an owl nevertheless occur despite the landowner's efforts to avoid take. The ''safe harbor'' provision would not apply, however, to any timber harvest activities within the closest 70 acres of suitable owl habitat surrounding an owl site center regardless of the percentage of suitable owl habitat left within an owl's median annual home range.

In addition, the proposal sets out a new approach to provide incentives to non-Federal landowners to restore or enhance degraded spotted owl habitat, or to maintain existing suitable owl habitat, without being penalized if their conservation efforts subsequently attract spotted owls.

Definitions

As used in this proposed rule:

''Activity center'' means the closest 70 acres of suitable habitat around the nest tree of a pair of owls or around the primary roost of a non-nesting pair or territorial single owl (see ''site center'').

''Adaptive management area'' means the ten landscape units that were adopted in the April 13, 1994, Record of Decision for development and testing of technical and social approaches to achieving specific ecological, economic, and other social objectives.

''Administratively withdrawn area'' means lands that are excluded from planned or programmed timber harvest under current agency planning documents or the preferred alternative for draft agency planning documents.

''California Conservation Planning Area (CCPA)'' means areas in which the State of California Resources Agency could conduct planning for spotted owls under the auspices of the California Natural Communities Conservation Planning Act (CNCCPA) of 1991.

''Congressionally reserved area'' means those lands with Congressional designations that preclude timber harvest, as well as other Federal lands not administered by the Forest Service or Bureau of Land Management, including National Parks and Monuments, Wild and Scenic Rivers, National Wildlife Refuges, and military reservations.

''Conservation'' as defined in the Endangered Species Act generally means the use of all methods and procedures that are necessary to bring any endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary.

''Demographic support'' refers to the effects on a population from a combination of births and deaths such that the net result is a stable or increasing population. For the spotted owl this would occur through provision and maintenance of: (1) Both suitable and dispersal habitat to support individual owls; (2) small clusters or larger groups of successfully breeding owls; and (3) the successful interaction and movement between individuals and pairs.

''Dispersal'' refers to movements through all habitat types by: (1) juvenile spotted owls from the time they leave their natal area until they establish their own territory; (2) non-territorial single spotted owls; or (3) displaced adults searching for new territories.

''Dispersal habitat'' means forest stands with adequate tree size, structure, and canopy closure to provide—(1) cover for dispersing owls from avian predators; and (2) foraging opportunities during dispersal events.

''Federal reserve'' or ''Forest Plan reserve'' means those Federal lands delineated in the April 13, 1994, Record of Decision in which programmed timber harvest is not allowed and is otherwise severely limited. There are two types of reserves—late-successional reserves, which are designed to produce contiguous blocks of older forest stands, and riparian reserves, which consist of protected strips along the banks of rivers, streams, lakes, and wetlands which act as a buffer between these water bodies and areas where timber harvesting is allowed.

''Habitat Conservation Plan'' (HCP) means an agreement between the U.S. Fish and Wildlife Service and either a private entity, local or county government or State under section 10(a)(1)(B) of the Act that specifies conservation measures that would be implemented in exchange for a permit that would allow the incidental take of a listed species.

''Home range'' means the area a spotted owl uses and traverses in the course of normal activities in fulfilling its biological needs during the course of its life span.

''Incidental Take'' means any taking otherwise prohibited, if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

''Matrix'' means those Federal lands generally available for programmed timber harvest which are outside of the Congressionally reserved and Administratively withdrawn areas, Federal reserves and adaptive management areas as delineated in the Standards and Guidelines adopted in the April 13, 1994, Record of Decision.

''Province'' or ''Physiographic Province'' means one of twelve geographic areas throughout the range of the northern spotted owl which have similar sets of biological and physical characteristics and processes due to effects of climate and geology which result in common patterns of soils and broad-scale vegetative communities.

''Record of Decision'' means the April 13, 1994, *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (USDA/USDI 1994).

''Site Center'' means the actual nest tree of a pair of spotted owls or the primary roost of a non-nesting pair or territorial single owl.

''Special Emphasis Area (SEA)'' means one of six specific areas in the State of Washington where the Service has determined that it would be necessary and advisable to continue to apply broad protection from incidental take to support conservation efforts for the spotted owl.

''Suitable Habitat'' means those areas with the vegetative structure and composition that generally have been found to support successful nesting, roosting, and foraging activities of a territorial single or breeding pair of spotted owls. Suitable habitat is

sometimes referred to as nesting, roosting, and foraging (NRF) habitat.

''Take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct with respect to a spotted owl.

''Threatened Species'' means a plant or wildlife species defined through the Endangered Species Act that is likely to become within the foreseeable future an endangered species throughout all or a significant portion of its range.

''Timber harvest and related activity'' means any activity that would result in the removal or degradation of suitable habitat.

Background

Regulatory History of the Northern Spotted Owl

The Service listed the northern spotted owl as a threatened species on June 26, 1990, because of the past and continued projected loss of suitable habitat throughout its range (55 FR 26114). This habitat loss has been caused primarily by timber harvesting, but has been exacerbated by the effects of catastrophic events such as fire, volcanic eruption, and wind storms.

The inadequacy of regulatory mechanisms existing in 1990 under State and Federal law also contributed to the decision to list the northern spotted owl as a threatened species. During the period immediately prior to listing, when the status of the owl was under review, the annual Federal timber harvest in Oregon and Washington averaged approximately 5 billion board feet per year. Much of that harvest comprised suitable spotted owl habitat. Thus, Federal timber harvest policies at that time contributed significantly to the decline of the owl.

State protection for the owl in 1990 was also inadequate. Since that time, California, Oregon and Washington have all recognized the plight of the owl and have adopted forest management rules designed to protect this threatened species. The degree of protection accorded the northern spotted owl currently varies under State law. The northern spotted owl is listed under Washington law as an endangered species, under Oregon law as threatened, and under California law as a sensitive species.

On January 15, 1992, the Service designated critical habitat for the northern spotted owl (57 FR 1796). The critical habitat designation encompassed 6.9 million acres of Federal land in 190 critical habitat units in the States of California, Oregon, and Washington; non-Federal lands were not included in the critical habitat designation. Of the total acreage that was designated, 20 percent is in California, 47 percent is in Oregon, and 32 percent is in Washington.

Following the April 2, 1993, Forest Conference in Portland, Oregon, President Clinton established a Forest Ecosystem Management Assessment Team (FEMAT) to develop options for the management of Federal LSOG-forest ecosystems to provide habitat that would support stable populations of species associated with late-successional forests, including the northern spotted owl. FEMAT developed ten options for the management of LSOG-forest ecosystems on Federal lands in California, Oregon, and Washington, which are outlined in the Team's report, ''Forest Ecosystem Management: An Ecological, Economic, and Social Assessment'' (USDA et al. 1993). On July 1, 1993, the President identified Option 9 as the preferred alternative for amending the Federal agencies' land management plans with respect to LSOG forest habitat. A modified version of Option 9 was adopted in the April 13, 1994, Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (ROD). It is based on a system of late-successional reserves, riparian reserves, adaptive management areas, and a matrix of Federal lands interspersed with non-Federal lands. These designations complemented existing Administratively withdrawn and Congressionally reserved lands.

The adoption of the Forest Plan was subsequently upheld in Federal court. On December 21, 1994, Federal District Court Judge William L. Dwyer rejected plaintiffs' challenges and issued an order upholding the President's Forest Plan.

An underlying premise for the President's selection of the Forest Plan was that Federal lands should carry a disproportionately heavier burden for providing for the conservation of the northern spotted owl, enabling an easing of restrictions on incidental take for the owl on large areas of non-Federal lands. President Clinton thus directed the U.S. Fish and Wildlife Service to issue regulations pursuant to section 4(d) of the Act looking to ease, where appropriate, restrictions on the incidental take of spotted owls on non-Federal lands.

On December 29, 1993, the Service published in the **Federal Register** a Notice of Intent (NOI) to prepare an Environmental Impact Statement in support of a 4(d) rule for the spotted owl (58 FR 69132). The NOI spelled out various alternative approaches for a 4(d) rule, including a preferred approach or proposed action. This provided a preliminary opportunity for public input prior to the actual publication of this proposed rule.

Summary of Public Comments on Scoping Notice on 4(d) Rule

The Service received more than 8,500 comments from the public on its scoping notice for a section 4(d) rule EIS for the spotted owl. Most comments received were in response to a January 3, 1994, special mailer sent by the Service to approximately 80,000 recipients. The Service specifically asked for suggestions on issues to be addressed in the 4(d) rule. In general, the comments reinforced issues and concerns identified in previous planning efforts for the spotted owl.

In the scoping notice, the Service sought comments on ten specific issues. The comments received are summarized below, by issue:

(1) Biological, commercial, trade, or other relevant data on the distribution and abundance of the northern spotted owl on non-Federal lands in California, Washington and Oregon.

No new data or information was provided to the Service relative to this issue.

(2) Biological, commercial, trade or other relevant data on the distribution and abundance of the northern spotted owl that identifies the effects of the alternatives for a section 4(d) rule on the northern spotted owl.

No new data or information was provided to the Service relative to this issue.

(3) The scope of the issues that have been identified for the environmental impact statement on a proposed special rule.

In addition to the issues identified in the scoping notice, commenters identified several additional issues for the Service to consider. Several commenters objected to any provision requiring that 40 percent of suitable habitat be retained within the median annual home range circle of an owl located within SEAs, and, because it means that 60 percent of suitable habitat within a home range may be lost, requested an explanation of the biological basis for such a provision. They also requested that the Service consider how habitat modification on non-Federal land will affect owls on adjacent Federal lands.

Comments from non-Federal landowners requested that the Service consider the possible economic benefits of a variety of silvicultural regulations

to protect owl habitat. They also asked that the Service evaluate whether the SEA concept fully takes into account the contributions already provided by State agencies and those already in place on Federal lands, and whether the regulatory burden of the SEAs is disproportionate to the benefits.

(4) The range of alternatives that have been identified for the environmental impact statement on a proposed special rule.

A number of commenters provided suggestions for additional alternatives for Service consideration. These included requests to increase or relieve the prohibitions against incidental take, to consider the development of a program based entirely on voluntary participation by forest land managers, to not use SEAs and use only 70 acre owl circles rangewide, and to provide incidental take protection only to landowners who sell to domestic markets. Some commenters requested that the Service provide an alternative with incentives for growing habitat, or to buy or exchange land instead of promulgating a section 4(d) rule. Another suggestion was to transplant spotted owls rather than use a special rule to provide for connectivity, and depend on Federal lands to provide the land base for connectivity.

Other suggested alternatives included using existing exceptions to prohibitions, such as the HCP process, in combination with a final recovery plan for the owl; protecting previously proposed critical habitat on private lands in addition to, or instead of, the SEAs; and applying the 50–11–40 rule to SEAs in addition to, or instead of, retaining 40 percent of suitable habitat within a home range.

Modifications of the alternatives were also suggested. Some examples include replacing the SEAs in Washington with the areas proposed to the Washington Forest Practices Board in a report by the Spotted Owl Scientific Advisory Group (SAG report), to add an SEA for southwestern Washington, and to reduce or exclude the Olympic Peninsula SEA.

Comments specific to California alternatives included requests to provide a separate 4(d) rule for California; to apply the Washington/Oregon approach with SEAs to California; to repeal existing owl rules and designate specific ''no take'' areas; and to maintain existing prohibitions of take and adopt the California Board of Forestry's new late-successional forest rules.

(5) Input on how suitable habitat for the marbled murrelet should be identified and how it should be protected, and data on marbled murrelet distribution and abundance on non-Federal lands.

Numerous comments were received on the marbled murrelet, with most stating that it is inappropriate to include the murrelet in the regulatory process for the spotted owl because not enough information about murrelets is available at this time to attempt a regulatory definition of incidental take, and that any rule for the murrelet should be done separately. One commenter stated that the Service should consider adopting an interim 4(d) rule for marbled murrelets that can be refined at a later date because they are associated with the same forest ecosystem as the spotted owl, and that all suitable murrelet habitat should be addressed including marine habitat. Another suggested that, in identifying marbled murrelet habitat, the emphasis should be on a definition that recognizes large contiguous areas of habitat capable of supporting large numbers of birds, and not on defining the lowest possible quantity and stand size used.

(6) Input on the use of ''local options'' to allow individuals to propose adjustment to prohibitions against take of northern spotted owls without going through the normal habitat conservation planning process.

The potential use of the local option plan was responded to favorably by many commenters. Most said that a ''local option'' plan should be included as an additional tool to protect owls and to provide landowner flexibility, and that these should provide the same legal protection as HCPs. Others stated that the rule should provide flexibility for applying local options based on the expertise and knowledge of State forestry associations, State governments, and forest landowners.

(7) Consideration of a small landowner exemption for non-commercial forest land of ten acres or less.

Many commenters addressed this issue with the majority recommending that the Service carefully examine and explain the rationale and biological basis for such an exemption, and suggesting that any provision to have less restrictive measures for small landowners would unfairly shift the burden of responsibility to the larger landowners. Others suggested that such an exemption may tend to break large ownerships into smaller ownerships. Some expressed the view that while appealing, it may set up an arbitrary distinction between landowners based on size, and that the 10 acre size specified in the scoping notice was too small to be meaningful.

(8) Boundaries of the SEAs in the proposed action, including the impacts and effects of alternative boundaries.

Few suggestions were received relative to specific boundary changes. Many comments were received regarding the number of SEAs, the designation or lack of designation of specific SEAs, and the general use of the SEA concept. Among the comments specific to the boundaries was the suggestion that the Mineral Block and I–90 Corridor SEAs should extend no farther west than necessary to provide reasonable connectivity between the Federal conservation areas to the north and south.

Regarding the Olympic Peninsula SEA, comments included the assertion that there should be no SEA on the Olympic Peninsula because Federal lands should be relied on for owl conservation in this area. Another suggestion was that the Service move the southern boundary of the proposed Olympic Peninsula SEA northward to run east and west from the southern boundary of the Olympia National Forest. It was further suggested that only the State of Washington's Olympic Experimental Forest be included in the SEA for the Olympic Peninsula, and that this SEA be rescinded following the approval of an HCP for the State Forest.

Many commenters were specifically concerned about the failure to designate the White Salmon landscape as an SEA to provide demographic interchange between owls on the Yakima Indian Reservation and Federal lands in the eastern Washington Cascades. Other commenters noted that there is no demonstrated need for an SEA in the White Salmon or Hood River areas.

Many commenters asked that the Service provide the scientific basis for determining the configurations and boundaries of the SEAs. There were further suggestions that for SEA boundaries, the rule must specify the requirements of ''owl shadows'' (restrictions on adjacent lands near an owl site center) both within and outside of SEA's. Some commenters stated that the Service should eliminate all SEAs as they would provide further harvest restrictions which would be unduly burdensome, and that they go beyond the Act by mandating conservation measures on privately owned land.

(9) Possible mitigation measures, such as multi-species Habitat Conservation Plans or conservation agreements that provide long-term enforceable and protective land management prescriptions for non-Federal lands.

Several commenters referenced the use of the HCP process, requesting that the Service clarify the relationship

between HCPs and the 4(d) rule. Specifically, they asked, in the absence of an SEA designation, what guarantees would there be that habitat will be protected between the time the 4(d) rule goes into effect (and relief is granted) and the time HCPs are completed. There was also concern expressed that there may be a lack of incentives for other landowners to develop HCPs if there is no SEA designated. Others suggested the 4(d) rule state that it will not apply to lands covered by an approved HCP. Specific to California were recommendations that the Service encourage the State to continue to recognize Federally approved HCPs as a valid means of complying with regulations the State adopts as a result of the 4(d) process.

(10) Retention of Federal incidental take restrictions for Indian forest lands included within the boundary of an SEA.

Many comments were received regarding this issue, and most suggested that it may be inappropriate to impose Federal take prohibitions on tribal lands. One commenter stated that in promulgating the special rule, the Service should direct attention to the special status of Indian tribal lands as distinct and separate in treatment from other non-Federal State and private lands; the Service should adopt a special rule that exempts Indian forest lands from the prohibitions against incidental take, including any that may be in SEAs.

Some proponents of owl protection stated that the Service should not lift take prohibitions on tribal lands in the absence of criteria to ensure that the owl is adequately protected by tribal management practices. They noted that progress on the part of the tribes is variable, and this should be evaluated before lifting restrictions within SEAs. Others commented that the special rule should ensure that measures governing incidental take of the owl on Indian forest lands contribute to the conservation of the species.

In addition to the ten issues for which the Service requested input, comments were received on numerous other issues relative to the proposed action. Three general areas of interest were common in the comments from non-industrial landowners—(1) the proposed section 4(d) rule was a disincentive to grow habitat for spotted owls and to practice good silviculture; (2) the proposed rule represented an unconstitutional taking of private property and that private landowners should be compensated; and (3) the proposed 4(d) rule places an unfair burden on non-Federal lands and actually provides little relief to private lands.

Comments from industrial landowners included a request for ''safe harbor'' from prosecution if the requirements of the 4(d) rule were met and more that 40 percent suitable habitat was left within an owl circle after harvest; and the suggestion that the 4(d) rule assist in addressing the issue of access across Federal lands to non-Federal lands. Concern also was expressed about potential conflict with anti-trust laws when implementing, among several landowners, the requirement that 40 percent suitable habitat be left within a home range circle, and some asked that an anti-trust exemption be provided for multiple landowners who have to deal with landscape issues. One commenter also asserted that the creation of SEAs is a *de facto* designation of critical habitat that must comply with the requirements of § 4(B)(2). Several commenters stated that there is no legal basis under the Act for burdening private lands with recovery of a threatened species, and that the 4(d) rule was essentially a recovery mechanism being forced on private lands.

Proponents of spotted owl protection alleged that the scientific basis for the proposed action is unclear, and it is particularly unclear in how it relates to the recovery standards and objectives for the owl. They suggested that any special rule for the spotted owl must be part of a coordinated recovery approach among all Federal agencies with responsibility for the owl. There were numerous references to the SAG report, and that the special rule should provide the level of protection as proposed in the SAG report.

Several commenters asked that the rule provide clearer definitions for ''take'' and ''suitable habitat.'' There were requests for information on the land ownership within SEAs, the number of owls present, and the anticipated level of incidental take. Others also requested information regarding the specific acreage of State and private lands off limits to harvest under the proposed action. There also were questions about how the rule would describe and determine the 70 acres to be protected around active spotted owl nests outside of SEAs.

After reviewing these public comments, as well as other owl management strategies and analyses, the Service now proposes this special rule in response to the President's directive to review the blanket set of incidental take prohibitions for the northern spotted owl that has been in effect since the listing. In particular, this proposed rule would relax incidental take restrictions for the owl for timber harvests for certain non-Federal lands in Washington and northern California. This proposed special rule excludes Oregon, however, and does not propose any changes in the regulatory prohibitions to protect the owl which are currently applicable within that State. In March and December 1994, the Service received letters from the Oregon Congressional Delegation requesting that further work on a 4(d) rule for Oregon be suspended to provide an opportunity for consensus to emerge among State officials and private landowners on a strategy for the conservation of the spotted owl. Recognizing the benefits that such a consensus approach offers, the Service agreed in May 1994, to suspend further work on a federally developed 4(d) special rule proposal for Oregon in order to encourage the development of a ''stakeholder'' based ''Oregon Alternative''.

The Governor's office in Oregon has taken the lead in working cooperatively with non-Federal landowners through the Oregon Forest Industries Council, Oregon Small Woodlands Association, Northwest Forestry Association, Douglas County, and others to develop an alternative owl conservation strategy. The Service is supportive of this approach and is willing to review and consider any State conservation proposal which results from this process.

Under the existing regulatory structure implementing section 4(d) of the Endangered Species Act, each section 4(d) ''special rule'' for a threatened species must contain all of the applicable prohibitions and exceptions for that species throughout its range (50 CFR 17.31(c)). Thus, in the past, Oregon would have been included in this proposed 4(d) rule, even if only to preserve the current regulatory status quo protecting the spotted owl in Oregon.

In reviewing the request for exclusion from Oregon, the Service has assessed whether it would be advantageous to adopt a new approach for dealing with special rule situations in the future by authorizing the revision of a listing of a threatened species through the subsequent publication of a special rule that covers only part of, but not all of, the range of the species. Under this approach, the general prohibitions and exceptions applicable to threatened species not covered by special rules would continue to apply in that part of the range of the species not included under the provisions of a subsequent special rule. After consideration of the

relevant factors on this matter, the Service has decided to adopt this new approach for special rules and is simultaneously proposing additional technical amendments to 50 CFR 17.11 and 50 CFR 1731(c) to accomplish this change.

In the specific case of the northern spotted owl, the owl was originally listed as threatened without a special rule, and is subject to the same general prohibitions and exceptions which are applicable to endangered species pursuant to the current provisions of 50 CFR 17.31(a). These general prohibitions include a rangewide prohibition against the incidental take or harm of an owl. These prohibitions apply throughout the owl's range, including the State of Oregon. The Service now proposes a section 4(d) special rule for the owl that applies only to the States of Washington and California. Because the proposal for a special rule only encompasses Washington and California, under its current formulation owls in Oregon would remain fully protected against incidental take or harm under the prohibitions established for the owl when it was originally listed. As previously noted, the Service is presently proposing the requisite technical changes to 50 CFR 17.11 and 50 CFR 17.31(c), as discussed above, to allow for the issuance of a special rule that applies to only part of the range of a threatened species like the spotted owl, while retaining the original protective prohibitions for the remainder of the species' range in Oregon.

If a new ''Oregon Alternative'' proposal for the owl is subsequently developed which is found to be consistent with the requirements of the Act, the Service will initiate an analysis of the new proposal under the National Environmental Policy Act and initiate appropriate regulatory proceedings at that time.

Section 4(d) of the Endangered Species Act

The scope and authority for this proposed rule stems from section 4(d) of the Act, which grants the Secretary of the Interior broad administrative discretion to promulgate regulations that he deems to be necessary and advisable to meet the conservation objectives for a threatened species. The section also confers authority to the Secretary to apply to a threatened species any or all of the prohibitions against take that the Act makes expressly applicable to endangered species. The pertinent parts of section 4(d) provide:

* * * Whenever any species is listed as a threatened species pursuant to subsection (C) of this section, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species. The Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1) . . . with respect to endangered species.* * *

As applied, this provision empowers the Service to promulgate a special rule which adopts species-specific protective regulations upon listing a species as threatened. Such a special rule may include imposition of the section 9(a) prohibition against ''take,'' in some or all of its particular manifestations, and in all or a portion of the species' range, as well as other protective measures. While Congress expressly mandated certain protections for endangered species by statute (the section 9(a)(1) prohibitions), it intended to provide the Service with flexibility in determining what protections are necessary and advisable for threatened species. Section 4(d) is that grant of rulemaking authority, and it provides the Secretary with broad discretion to adopt regulations for the conservation of threatened species.

In many circumstances the Service declines to issue a special rule for a threatened species at the time it is listed, often because the Service does not have sufficiently specific knowledge or the resources necessary to develop a tailor-made rule. In this event, the general threatened species regulations at 50 CFR 17.31 come into effect, which provide for automatic application to threatened species of the prohibitions the Act itself makes applicable to endangered species. These ''blanket'' prohibitions act as a ''safety net'' for threatened species until such time as the Service determines that it is appropriate to issue a special rule for the species.

This latter course has been followed with respect to the northern spotted owl. When the species was listed as threatened in June of 1990, the Service did not promulgate a species-specific special take rule under Rule 4(d), and thus the blanket prohibitions were triggered into effect. The Service now has determined that it is appropriate to issue a special rule tailor-made for this species, based on the Service's more particularized knowledge about the respective conservation needs of the owl across the various portions of its range, and the change in LSOG-forest management occasioned by adoption of the Forest Plan. Because this proposed rule does not involve regulated take, *e.g.*, authorization of private predator control or sport seasons, the provisions of section 3(3) regarding examination of population pressures are not invoked.

The adoption of the Forest Plan—a comprehensive, interagency strategy for management of Federal-LSOG forests in the owl's range designating nearly 7.5 million acres as late-successional reserves—is the major predicate for the Service's proposal of this special rule for the owl. Upon issuing the Biological Opinion on the Forest Plan, the Service stated that the plan ''will accomplish or exceed the standards expected for the Federal contribution to recovery of the northern spotted owl and assurance of adequate habitat for its reproduction and dispersal.'' Thus, the Forest Plan is the primary foundation block for owl recovery. This proposed rule would complement the Forest Plan and provide for the conservation of the owl by retaining taking prohibitions on non-Federal lands in a manner designed to build on the protections the Forest Plan has provided. Further, the Service has concluded that the owl take prohibitions that would no longer apply under this proposed rule are no longer either necessary or advisable to provide for the conservation of the owl, especially in light of the Forest Plan's adoption.

In addition, as has been the case in other section 4(d) regulations, the proposed rule ultimately would promote overall owl recovery efforts in other ways. For example, with respect to a 4(d) rule issued for the threatened population of gray wolves (*Canis lupus*) in Minnesota, the Service determined that a government-implemented depredation control program that includes the possibility of lethal control measures would alleviate a source of public hostility to the wolf and would, therefore, be protective of the species (see 50 CFR 17.40(d)). For the Louisiana black bear (*Ursus americanus luteolus*), the Service promulgated a regulation under section 4(d) that authorized the unintentional take of bear incidental to normal forest practices so long as suitable habitat diversity for the bear was maintained (see 50 CFR 17.40(i); 56 FR 588, 593). As another instance, the Service has proposed to authorize the take of the threatened coastal California gnatcatcher (*Polioptila californica californica*) incidental to land use activities conducted in accordance with a State of California-sponsored Natural Community Conservation Plan (58 FR 16758). In the case of the northern spotted owl, the Service is coordinating applicability of the take prohibition with the comprehensive management strategy in the Forest Plan and the

initiation of a comprehensive campaign to encourage Habitat Conservation Planning in key portions of the owl's range.

Generally, incidental take could involve either the harm or harassment of a spotted owl. The harassment of the northern spotted owl would occur through disturbance of active nesting pairs or territorial single owls within an activity center; harm would result from significant owl habitat removal around and beyond spotted owl site centers.

Incidental Take of Spotted Owls: ''Harassment''

Timber harvest and related activities that disturb the breeding and nesting functions of spotted owls within activity centers during the breeding season can be considered incidental harassment of individual spotted owls. Incidental harassment may include activities that could result in disturbance of nesting spotted owls or the abandonment of eggs, nestlings, or fledgling spotted owls. More specifically, incidental harassment of spotted owls generally can include harvest activities that occur within the closest 70 acres of suitable habitat surrounding a site center during the owl's reproductive period. (The reproductive period generally is between March 1 and September 30 of each year. These dates may be modified where credible scientific information establishes a different time period for a given area.) Actions with the potential to disturb nesting spotted owls include, but are not limited to, harvest related activities such as felling, bucking, and yarding; road construction; and blasting.

A study by Miller (1989) examined the area used by fledgling spotted owl juveniles in Oregon. Radio-telemetry data showed that the average amount of nesting, roosting, and foraging habitat used by fledgling spotted owls prior to dispersal was approximately 70 acres in size. Under existing conditions in many areas, these activity centers are seldom evenly distributed around a nest tree. Mortality rates for juvenile spotted owls are significantly higher than for adults (Forsman *et al.* 1984, Gutierrez *et al.* 1985, Miller 1989). Studies of juvenile dispersal in Oregon and California indicated that few of the juvenile spotted owls survived to reproduce (Miller 1989, Gutierrez *et al.* 1985). These research studies all reported very high mortality during pre-dispersal.

Based on this and other information, the Service believes that the maintenance of the closest 70 acres of existing suitable (nesting, roosting, and foraging) habitat surrounding the nest tree will contribute to a secure core area and is crucial to maximize fledgling success and to provide a partial buffer against disturbance around the site center. To avoid harassment, resident spotted owls are considered to be nesting unless surveys conducted during the breeding season indicate that not to be the case.

Incidental Take of Spotted Owls: ''Harm''

To successfully reproduce and maintain populations, studies have suggested spotted owls require substantial quantities of suitable (nesting, roosting, and foraging) habitat arrayed around their site centers.

A number of radio-telemetry studies have described the quantity and characteristics of habitat used by spotted owls. Studies by Hayes *et al.* (1989) found a strong positive relationship between the abundance of spotted owls and the percentage of older forests in the study area. A similar analysis was performed on data collected by Bart and Forsman (1992). The results showed that the number of spotted owls per square mile, pairs of owls per square mile, young per square mile, and young per pair increased with increasing amounts of older forest within the study area. Productivity (number of young fledged per pair) increased significantly with increasing amounts of older forest. Productivity in areas with greater than 60 percent older forest was approximately three times higher than productivity in areas with less than 20 percent older forest.

Documentation in the 1990 Status Review of the Northern Spotted Owl (USDI 1990a) indicates that productivity per pair is lowest in areas with small amounts of older forest. This strongly suggests that, even if some spotted owls persist in such areas, there is reason to believe they are not reproducing and surviving at replacement levels.

The above research findings have supported the determination in the past that reduced quantities of suitable habitat are likely to result in lower spotted owl abundance and productivity rates. It has also been suggested that a significant reduction of nesting, roosting, and foraging habitat within the median annual home range of a spotted owl pair or resident single creates a much higher risk of adverse effects that actually kill or injure owls by significantly impairing essential behavioral patterns, including breeding, feeding, and/or sheltering. These are the primary elements of effects that ultimately can cause harm to, and the incidental take of, spotted owls.

Recognizing the need to assist the public in avoiding the incidental take of listed species, the Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) issued a joint policy statement on July 1, 1994, committing the agencies to provide as much guidance and assistance to the general public as possible so as to avoid liability under the ESA for incidental takings (59 FR 34272, 1994). The policy statement also committed the agencies to designate in future listing packages a key contact person within either the Service or NMFS, as appropriate, to answer incidental take questions from the general public.

In the particular case of the spotted owl, the Service has encouraged the public to conduct owl surveys of property proposed for harvest or development, as a primary means of avoiding harassment or harm to an owl. The Service has recommended that such surveys be conducted according to a March 17, 1992, Service-endorsed survey protocol (USFWS 1992), available upon request from the FWS Ecological Services State Offices listed below:

Sacramento Field Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite E–1803, Sacramento, California 95825, 916–978–4866, Attn: Field Supervisor

Oregon State Office, U.S. Fish and Wildlife Service, 2600 S.E. 98th Avenue, Suite 100, Portland, Oregon 97266, 503–231–6179, Attn: Field Supervisor

Washington State Office, U.S. Fish and Wildlife Service, 3704 Griffin Lane S.E., Suite 102, Olympia, Washington 98501–2192, 206–753–9440, Attn: Field Supervisor

Biology of the Northern Spotted Owl

The spotted owl is a long-lived bird that has a high degree of nest-site fidelity within an established territory. This proposed rule incorporates, by reference, recent documents addressing the biology and ecology of the spotted owl, its habitat, and associated management strategies in Washington, Oregon, and California, including: the final rules listing the spotted owl as threatened and designating its critical habitat; the Interagency Scientific Committee (ISC) report (Thomas *et al.* 1990); the Scientific Analysis Team report (Thomas *et al.* 1993); the final draft Recovery Plan for the Northern Spotted Owl (USDI 1992); the Forest Ecosystem Management Assessment Team (FEMAT) report (USDA *et al.* 1993); the supporting documents for the Forest Plan (USDA/USDI 1994 a and b); and the Contribution of Federal and Non-Federal Habitat to Persistence of the Northern Spotted Owl on the Olympic Peninsula, Washington

(Holthausen *et al.* 1994). The proposed rule also considered the Washington Spotted Owl Scientific Advisory Group reports (Hanson *et al.* 1993 and Buchanan *et al.* 1994).

The range of the spotted owl has been divided into 12 physiographic provinces (USDA/USDI 1994a): the Eastern and Western Cascades, Western Lowlands, and Olympic Peninsula Provinces in Washington; the Eastern and Western Cascades, Coast Range, Willamette Valley, and Klamath Provinces in Oregon; and the Klamath, Coast, and Cascades Provinces in California. The Klamath province was divided into two subprovinces by State—the Oregon Klamath Province and the California Klamath Province—even though the two provinces are part of the same geographic area (Figure 4 to § 17.41(c)).

Habitat Characteristics

Northern spotted owls generally have large home ranges and use large tracts of land containing significant acreage of older forest to meet their biological needs. The median annual home range size of a northern spotted owl, which varies in size from province to province, is approximated by a circle centered on an owl site center. Estimated median annual home range sizes represent the area used by half of the spotted owl pairs or resident singles studied to date within each province to meet their annual life history needs.

Home range sizes were estimated by analyzing radio-telemetry home range data from studies conducted on the annual movements of spotted owl pairs, referenced in the 1990 Status Review (1990a) and the Interagency Scientific Committee report (Thomas *et al.* 1990).

Based on studies of owl habitat preferences, including habitat structure and use and prey preference throughout the range of the owl, spotted owl habitat consists of four components: (1) Nesting, (2) roosting, (3) foraging, and (4) dispersal. Although this habitat is variable over the range of the spotted owl, some general attributes are common to the owl's life-history requirements throughout its range. The age of a forest is not as important for determining habitat suitability for the northern spotted owl as the structure and composition of the forest. Northern interior forests typically may require 150 to 200 years to attain the attributes of nesting and roosting habitat; however, characteristics of nesting and roosting habitat are sometimes found in younger forests, usually those with significant remnant trees from earlier late-successional stands.

The attributes of superior nesting and roosting habitat typically include a moderate to high canopy closure (60 to 80 percent closure); a multi-layered, multi-species canopy with large overstory trees; a high incidence of large trees with various deformities (e.g., large cavities, broken tops, mistletoe infections, and debris accumulations); large accumulations of fallen trees and other debris; and sufficient open space below the canopy for owls to fly (Thomas, *et al.* 1990).

Spotted owls use a wider array of forest types for foraging, including more open and fragmented habitat. Habitat that meets the spotted owl's need for nesting and roosting also provides foraging habitat. However, some habitat that supports foraging may be inadequate for nesting and roosting. In much of the species' northern range, large, dense forests are also chosen as foraging habitat, probably because they provide relatively high densities of favored prey, the northern flying squirrel (*Glaucomys sabrinus*), as well as cover from predators. Because much of the flying squirrel's diet is fungal material, old decadent forests provide superior foraging habitat for owls. In southern, lower-elevation portions of the owl's range, the species often forages along the edges of dense forests and in more open forests, preying on the dusky-footed woodrat (*Neotoma fuscipes*).

In general terms, suitable habitat means those areas with the vegetative structure and composition necessary to provide for successful nesting, roosting and foraging activities sufficient to support a territorial single or breeding pair of spotted owls. Suitable habitat is sometime referred to as nesting, roosting and foraging (NRF) habitat.

Although habitat that allows spotted owls to disperse may be unsuitable for nesting, roosting, or foraging, it provides an important linkage among blocks of nesting habitat both locally and over the range of the northern spotted owl. This linkage is essential to the conservation of the spotted owl. Dispersal habitat, at a minimum, consists of forest stands with adequate tree size and canopy closure to provide some degree of protection to spotted owls from avian predators and to allow the owls to forage at least occasionally.

Suitable and dispersal habitat vary by province and are described separately under the discussion of each province in the following section.

Discussion of Spotted Owl Provinces by State

As previously noted, the range of the northern spotted owl has been subdivided into 12 separate provinces (Figure 4 to § 17.41(c)). For purposes of this rule, the Klamath province has been divided into two provinces by State—the California Klamath province and the Oregon Klamath province—even though the two provinces are part of the same geographic area. In California, the three provinces are the California Cascades, California Klamath, and California Coast. The Oregon Coast Ranges, Willamette Valley, Oregon Klamath, Western Oregon Cascades, and Eastern Oregon Cascades constitute the five provinces of Oregon. The four Washington provinces are the Eastern Washington Cascades, Western Washington Cascades, Western Washington Lowlands, and the Olympic Peninsula. Only the seven provinces in Washington and California are the subject of incidental take prohibition modifications under this proposed rule and will therefore be discussed in more detail below.

Washington

1. Washington Olympic Peninsula Province

The Washington Olympic Peninsula province is bordered by the Pacific Ocean on the west, the Straits of Juan de Fuca on the north, Hood Canal on the east, and State Highway 12 to the south (Figure 4 to § 17.41(c)). Of the three million acres in the province, approximately 51 percent are in Federal ownership. The central portion of the province is high, mountainous terrain, surrounded by lower elevation forest that provides habitat for the spotted owl. Almost all Federal lands on the Peninsula have either been designated as a late successional or riparian reserves under the Forest Plan or have been Congressionally withdrawn from timber harvest; only 8,400 acres of Federal forest land on the Peninsula are available for programmed timber harvest. In general, the province is demographically isolated from other parts of the owl's range. Natural catastrophic events such as windstorms and wildfires are threats that have the capability of destroying thousands of acres of habitat.

The recent report by Holthausen *et al.* concluded that ''* * * it is likely, but not assured, that a stable population of owls would be maintained * * *'' on Federal lands in the Olympic Peninsula Province. However, the report also notes it would be ''unlikely'' that owls would persist on ''* * * the western coastal strip of the National Park, * * *'' if non-Federal habitat on the western side of the Peninsula were excluded from current Federal protection for owls. The report went on to explain that ''the retention of non-Federal habitat in the

western portion of the peninsula was particularly significant and provided for a larger area of core habitat on Federal land in model analyses. In addition, the retention of this habitat would likely increase the chances of maintaining a population on the coastal strip of the Olympic National Park.'' When comparing the relative value of an SEA on the western side of the Peninsula with a possible SEA on the northern side of the Peninsula, the report noted that the western SEA ''made a much greater contribution to owl numbers and occupancy rates than did the northern SEA * * *. Mean numbers of pairs over the 100-year simulation was as large with the western SEA alone as with both SEAs.'' Thus, non-Federal lands on the northern portion of the Peninsula were not viewed as having any appreciable capability of making a significant contribution to the long-term conservation of the spotted owl on the Olympic Peninsula.

Finally, the report stated that attempts to maintain a ''habitat connection across southwestern Washington * * * would have little effect on the status of the owl population on the Peninsula if that population was stable or nearly stable.'' In other words, recent analysis suggests that the likelihood of addressing past concerns about the need to connect the Olympic Peninsula owl population to southwestern Washington owls in order to maintain a viable population is very low, given current conditions, especially when relying on the application of incidental take prohibitions. According to Holthausen, et. al, ''* * * the populations of owls on the Peninsula is sufficiently large to avoid any short to mid-term loss of genetic variation, * * *'' Except for the western portion of the Peninsula where non-Federal lands are still important, the major problem for owls on the Peninsula is the past loss of suitable habitat on Federal lands.

a. *NRF Habitat.* NRF habitat on the Olympic Peninsula consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with multiple canopy layers; multiple large overstory conifers greater than 20 inches in diameter at breast height (dbh); and total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

b. *Dispersal Habitat.* Dispersal habitat on the Olympic Peninsula consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with smaller dominant trees or lower canopy closure than NRF habitat; multiple canopy layers of multiple large overstory conifers greater than 10 inches dbh; and a total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

2. Western Washington Lowlands Province

This province consists of the lowlands outside of the Olympic Province that extend east from the Pacific Ocean to the western foothills of the Washington Cascades (Figure 4 to § 17.41(c)). The Canadian border forms the northern boundary and the Columbia River the southern boundary of the province. Forest lands in the north and central portions of the province along Puget Sound have been converted to agricultural, industrial and urban areas. The southwestern portion is dominated by commercial tree farming. Of the 6.5 million acres within this province, only one percent is under Federal management.

a. *NRF Habitat.* NRF habitat in the Western Washington Lowlands consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with multiple canopy layers; multiple large overstory conifers greater than 20 inches dbh; and total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

b. *Dispersal Habitat.* Dispersal habitat in the Western Washington Lowlands consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with smaller dominant trees or lower canopy closure than NRF habitat; multiple canopy layers of multiple large overstory conifers greater than 10 inches dbh; and a total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

Spotted owls in this province have extremely low population levels due to isolation of populations within the province and limited nesting, roosting, and foraging habitat. The limited amount of habitat in this province also contributes to the demographic isolation of the Olympic Peninsula Province. As noted previously in the discussion on the Olympic Peninsula, however, the recent study by Holthausen *et al.* suggested that even substantial conservation efforts in Southwest Washington would be unlikely to make any meaningful contribution to maintaining a stable, long-term population of owls on the Olympic Peninsula. Thus, while Southwest Washington is important as part of the historic range of the owl, the continued application of blanket incidental take prohibitions to the exceptionally limited suitable habitat that still exists there makes any contribution to owls on the Olympic Peninsula minimal at best.

Currently, the Service is attempting to address these conservation opportunity limitations through a creative new approach which targets the development of comprehensive multi-species Habitat Conservation Plans with several of the large landowners in this province. The Service has premised this cooperative approach, as opposed to designating this area as a Special Emphasis Area, on the positive commitments it has received from major landowners in this region to negotiate comprehensive HCPs. In addition, one of the landowners has entered into a ''take avoidance'' agreement while working on their HCP. The take avoidance agreement insures that no owls will be lost as the result of timber harvest during the period in which the HCP is being developed.

3. Western Washington Cascades Province

The Western Washington Cascades province occupies the land west of the Cascades crest, from the Columbia River north to the Canadian Border and west to the Western Washington Lowland province (Figure 4 to § 17.41(c)). This province contains about 6.1 million acres of land, of which approximately 61 percent is in Federal ownership. Most of the non-federal lands occur along the western edge of the province and along the major mountain passes in checkerboard ownership with Federal lands.

a. *NRF Habitat.* NRF habitat in the Western Washington Cascades Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with multiple canopy layers; multiple large overstory conifers greater than 20 inches dbh; and total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

b. *Dispersal Habitat.* Dispersal habitat in the Western Washington Cascades Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with smaller dominant trees or lower canopy closure than NRF habitat; multiple canopy layers of multiple large overstory conifers greater than 10 inches dbh; and a total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

A Habitat Conservation Plan (HCP) was recently approved by the Fish and Wildlife Service to cover Murray Pacific Corporation lands in Lewis County in this Province. The permit for this 100-year Habitat Conservation Plan for the northern spotted owl was signed on September 24, 1993, for the Murray Pacific Corporation, a Tacoma,

Washington, based timber company. The plan provides for the development and maintenance of dispersal habitat for the spotted owl that is well distributed over the 54,610 acres of the company's land, while allowing limited taking of spotted owls that is incidental to the company's timber harvest activities.

The Murray Pacific planning area is situated between the Mineral Block (an isolated block of Forest Service land) and the main portion of the Gifford Pinchot National Forest, that is located immediately south of Mt. Rainier National Park. The Mineral Block has been designated as a late-successional Federal reserve under the Forest Plan. The management of Murray Pacific property will promote the opportunity for the dispersal of spotted owls to and from this isolated reserve, providing a link with the Cascade Mountains population. The Mineral Block also hosts the most westerly extension of spotted owls in the Cascade Mountains.

General threats to the spotted owl in this province include low population levels, limited habitat in the northern portion of the province, declining habitat, and dispersal problems in areas of limited Federal ownership.

4. Eastern Washington Cascades Province

This province lies east of the crest of the Cascades Mountains from the Columbia River north to the Canadian Border (Figure 4 to § 17.41(c)). The province extends east to where suitable spotted owl habitat naturally diminishes and drier pine forests become prevalent. Approximately 62 percent of the province's 5.7 million acres is in Federal ownership.

a. *NRF Habitat.* NRF habitat in the Eastern Washington Cascades Province consists, as a general matter, of coniferous forest with stands that contain greater than 20 percent fir (Douglas fir, grand fir) and/or hemlock trees; multiple canopy layers of multiple large overstory conifers greater than 12 inches dbh; and a canopy closure among dominant, co-dominant and understory trees of greater than 50 percent.

b. *Dispersal Habitat.* Dispersal habitat in the Eastern Washington Cascades Province consists, as a general matter, of coniferous forest with stands that contain greater than 20 percent fir trees with smaller dominant trees or lower canopy closure than NRF habitat multiple canopy layers of multiple large overstory conifers of greater than 11 inches dbh; and total canopy closure among dominant, co-dominant and understory trees of greater than 50 percent.

Threats to the spotted owl in this province include natural fragmentation of spotted owl habitat by geological features; loss of spotted owl habitat from wildfires; loss of habitat from timber harvest activities; and low spotted owl populations in some areas of the province.

California

1. California Coastal Province

Extending from the Oregon border south to San Francisco Bay, this province lies west of the Six Rivers and Mendocino National Forests (Figure 4 to § 17.41(c)). It consists of approximately 5.6 million acres, of which about 87 percent is in non-Federal ownership. Timber management is the primary land use on about 2 million acres, and is concentrated in the heavily-forested redwood zone located within 20 miles of the Pacific Ocean coastline. In the more inland and southerly portions of the province, owl habitat is largely confined to the lower portions of drainages and is naturally fragmented by grasslands, hardwoods, and chaparral, as well as by agricultural and urban areas.

a. *NRF Habitat.* NRF habitat in the California Coastal Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests with multiple canopy layers; multiple overstory conifers greater than 16 inches dbh; and total canopy closure among dominant, co-dominant, and understory trees of greater than 60 percent. Some nest sites may occur in stands of smaller trees or with a lower canopy closure; however, such sites are not typical.

b. *Dispersal Habitat.* Dispersal habitat in the California Coastal Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests, with smaller dominant trees or lower canopy closure than in NRF habitat; multiple canopy layers, with multiple large overstory conifers greater than 10 inches dbh; a total canopy closure among dominant, co-dominant; and understory trees of greater than 40 percent.

This province is unique in that it supports several hundred pairs of spotted owls (over ⅓ of the State's population) within managed second-growth timber stands. Factors that appear to contribute to the suitability of these second-growth stands include the rapid growth of trees in the coastal environment, the prevalence of hardwood understories, and the widespread occurrence of a favored prey species, the dusky-footed woodrat. The primary threat to the spotted owl in this region is habitat alteration, but, due to the spotted owl's widespread distribution, the predominance of selection harvest methods, the rapid regrowth of habitat, and effective and comprehensive State wildlife conservation and forest practice regulations, threats are considered low to moderate in this portion of the spotted owl's range.

Because Federal lands in this province are limited, they play a small role in spotted owl conservation in this province. Significant non-Federal contributions to conservation are in place or under development in this area. In addition to efforts by the state, described in more detail later, several large timber companies in the coastal province have made substantial investments in information-gathering and planning for spotted owl conservation. The Simpson Timber Company has completed a Habitat Conservation Plan and received a section 10(a) permit for the incidental take of a limited number of spotted owls on its 380,000-acre property. Pursuant to this plan, Simpson Timber has set aside 40,000 acres of suitable owl habitat for at least ten years, is conducting research on habitat characteristics, and has banded over 600 spotted owls.

2. California Klamath Province

This province lies to the east of the California Coastal province, and is contiguous with the Oregon Klamath province (Figure 4 to § 17.41(c)). The California Klamath province consists of approximately 6.2 million acres, of which about 76 percent is in Federal ownership. The U.S. Forest Service is the primary land manager. About 25 percent of the Forest Service lands in the province are believed to be currently suitable for nesting, roosting, and foraging by the spotted owl.

a. *NRF Habitat.* NRF habitat in the California Klamath Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests with multiple canopy layers; multiple overstory conifers greater than 16 inches dbh; and total canopy closure among dominant, co-dominant, and understory trees of greater than 60 percent. Some nest sites may occur in stands of smaller trees or with a lower canopy closure; however, such sites are not typical.

b. *Dispersal Habitat.* Dispersal habitat in the California Klamath Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests, with smaller dominant trees or lower canopy closure than in NRF habitat; multiple canopy layers, with multiple large overstory conifers greater than 10 inches dbh; a

total canopy closure among dominant, co-dominant; and understory trees of greater than 40 percent.

In many areas of the province, spotted owl habitat is naturally fragmented by chaparral, stands of deciduous hardwoods, and low-elevation vegetation types. In portions of the area, suppression of fire over the last century may have encouraged development of mixed-conifer habitat suitable for spotted owls. However, during the same period, timber harvest has removed substantial amounts of suitable habitat. Owl populations throughout the province were believed to be declining due to habitat loss at the time of listing, and data suggest that populations may well be continuing to decline in the province's only demographic study area (Franklin *et al.* 1992). In the southern portion of the province, especially on the Mendocino National Forest, spotted owls and nesting, roosting, and foraging habitat are more scattered than in northern areas due to both natural conditions and recent harvest. However, despite extensive habitat fragmentation in some areas during the last two decades, spotted owl populations appear to remain distributed throughout most parts of the province.

Until the listing of the spotted owl, continued habitat alteration due to clear-cutting was a primary threat to the species in this province. The most important threat to habitat at the present time is wildfire. In the past six years, large fires have destroyed or degraded substantial quantities of owl habitat on the Klamath, Shasta-Trinity, and Mendocino National Forests.

The Hoopa Valley Indian Reservation occupies about 88,000 acres along the western margin of this province. The Hoopa Tribe has conducted forestry operations under section 7 consultation conducted between the Bureau of Indian Affairs and the Service, and is preparing a comprehensive integrated resource management plan for forestry and wildlife on their lands. The Tribe is also developing a Geographic Information System (GIS) data base to integrate spotted owl conservation into its timber management program. The maintenance of adequate dispersal condition in this area would improve the intra-provincial connectivity and dispersal between Federal reserves.

3. California Cascades Province

This province lies east of the California Klamath province. It consists of approximately 2.5 million acres, of which about 46 percent is in Federal ownership (Figure 3 to § 17.41(c)). Checkerboard Federal and non-Federal ownership patterns predominate. Due to the relatively dry climate and the history of recurrent wildfires in this province, spotted owl habitat is naturally fragmented by chaparral and stands of deciduous hardwoods. As is the case in the California Klamath Province, the suppression of wildfire over the last century may have encouraged development of mixed-conifer habitat suitable for spotted owls. However, timber harvest has removed substantial amounts of suitable habitat. Existing spotted owl sites are widely scattered, and the potential for dispersal across the province appears to be limited. This province provides the demographic and genetic linkage between the northern spotted owl and the California spotted owl of the Sierra Nevada range.

a. *NRF Habitat.* NRF habitat in the California Cascades Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests with multiple canopy layers; multiple overstory conifers greater than 16 inches dbh; and total canopy closure among dominant, co-dominant, and understory trees of greater than 60 percent. Some nest sites may occur in stands of smaller trees or with a lower canopy closure; however, such sites are not typical.

b. *Dispersal Habitat.* Dispersal habitat in the California Cascades Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests, with smaller dominant trees or lower canopy closure than in NRF habitat; multiple canopy layers, with multiple large overstory conifers greater than 10 inches dbh; a total canopy closure among dominant, co-dominant; and understory trees of greater than 40 percent.

Currently, threats in this province include low population numbers, difficulty in providing for interacting population clusters, and fragmented dispersal habitat. Catastrophic wildfire is also an important threat to habitat. In 1992, a 70,000-acre fire in Shasta County substantially reduced the likelihood of contact between the northern spotted owl and the California spotted owl for the next several decades.

Northern Spotted Owl Populations on Non-Federal Lands

Due primarily to historic timber harvest patterns, approximately 75 percent of the known rangewide population of spotted owls is centered on Federal lands. Owl site centers on non-Federal lands are usually found in remnant stands of older forest, or in younger forests that have had time to regenerate following harvest. In addition, adjacent forested non-Federal lands can provide foraging and dispersal habitat for owls whose site centers are on Federal lands.

As of July 1, 1994, there were 5,431 known locations, or site centers, of northern spotted owl pairs or resident single owls in Washington, Oregon, and California (located between 1989 and 1993)—851 sites (16 percent) in Washington, 2,893 (53 percent) in Oregon, and 1,687 (31 percent) in California. In Washington and Oregon, owl site centers on non-Federal lands are typically widely scattered. Currently, 1,319 or 24 percent of known owl site centers are located on non-Federal lands—140 in Washington, 342 in Oregon, and 837 in California. Of those in California, 631 or 75 percent of the site centers located on non-Federal lands are located in the California Coast Province, where owls are relatively common in second-growth timber stands. Site centers in the interior provinces of California are typically scattered. In addition to the site centers located on non-Federal lands in Washington, Oregon, and California, preliminary analyses indicate that there are 151 site centers in Washington, 810 centers in Oregon, and 204 centers in California, located on Federal lands that are dependent upon some percentage of suitable owl habitat on adjacent non-Federal lands to support the owls.

Non-Federal lands in certain portions of the owl's range are still necessary to support and supplement the Federal lands-based owl conservation strategy. While the type of support needed varies depending on local conditions, the three general types of conservation support needed within specially designated areas are:

(1) Habitat on non-Federal lands near Federal reserves where existing owl populations are low to provide demographic support for owl populations. Areas that are needed to provide demographic support for Federal reserves include, in Washington: the western portion of the Olympic Peninsula Province and portions of the Eastern and Western Cascade provinces; and in California: the Cascades Province and the southern portion of the Klamath Province;

(2) Dispersal habitat between Federal reserves, where Federal lands may not be distributed to prevent isolation of populations, or between non-Federal ownerships where the distance between reserves is not great. Where distances are large, scattered breeding sites may be important to improve connection between populations. Areas that can provide valuable dispersal habitat on non-Federal lands include, in Washington—the western portion of the Olympic Peninsula Province and

portions of the Eastern and Western Cascade Provinces; and in California—the Coast and Cascades Provinces and small portions of the Klamath Province; and

(3) Suitable habitat for breeding populations in areas where Federal ownership is limited. In these areas, functioning spotted owl populations are desired to maintain a widely distributed population of owls. Areas where non-Federal owl populations are believed to play an important role in this regard include, in Washington—the western portion of the Olympic Peninsula Province; and, in California—the Coast and Cascades Provinces.

Recent Conservation Programs and Strategies for the Northern Spotted Owl

Non-Federal Management Efforts

To varying degrees, the laws, regulations, and policies of California, Oregon, and Washington provide protection and contribute to the conservation of the spotted owl. Each of the three states is a cooperator with the Secretary of the Interior under section 6 of the Act and each State has cooperative agreements with the Service to carry out conservation activities for listed and candidate species of plants and animals. Under these agreements, the States work cooperatively with the Service on endangered and threatened species conservation projects and are eligible for cost-share grant money from the Service to carry out State-directed species research and conservation activities. Since the spotted owl was Federally listed, Washington, Oregon, and California have recognized the Federal status of the spotted owl and have adopted forest management rules offering various levels of protection for the species. In addition, numerous changes have been made to State forest practices rules in the last few years in response to the needs of declining species like the spotted owl, the marbled murrelet, and various runs of salmon. Relevant authorities and programs existing in the States of Washington and California are also briefly described below.

California

California has adopted the most protective forest management regulations for the spotted owl in the Pacific Northwest. The State has also been in the forefront of efforts to approach forest management from an ecosystem perspective.

Pursuant to the California Forest Practice Act, the California Board of Forestry establishes regulations under Title 14 of the California Code of Regulations governing timber harvest on private and State lands (14 CFR § 895, 898, 919, 939). Registered Professional Foresters licensed by the Board must submit Timber Harvest Plans (THP) to the California Department of Forestry and Fire Protection for review and approval. The California Department of Fish and Game is also responsible for reviewing THPs. THPs may be denied on a number of grounds, including potential take of Federally or State listed threatened or endangered species.

Following the Federal listing of the northern spotted owl, the Board of Forestry implemented no-take rules using standards based on biological advice from the Service. These standards include maintenance of over 1,300 acres of suitable owl habitat within 1.3 miles of every spotted owl site center and 500 acres within 0.7 miles. The rules instituted a special review process for all proposed private timber harvest to ensure that incidental take would not occur. The process encouraged surveys for spotted owls in THP areas according to a Service-endorsed protocol (USFWS 1992). The Board's no-take rules have maintained options for future management by providing protection for habitat around every known spotted owl site center, and have resulted in greatly increased knowledge of the species' numbers and distribution. Other Forest Practice Rules, including riparian buffers and limitations on clear-cut size, may provide additional contributions to the maintenance of spotted owl habitat in northern California. These include the 40-acre limitation on clear-cut size, limits on adjacency of clear-cuts, and protection of riparian buffers.

The Board of Forestry (Board) also recently adopted rules establishing regulatory incentives for large-acreage landowners who develop sustained yield plans (SYPs). The SYP rules may provide considerable benefit to spotted owls, because ownerships operating under these rules must maintain specified portions of each watershed in timber stands of large size classes for several decades, thus providing spotted owl habitat components throughout the landscape.

The Department of Fish and Game and Department of Forestry and Fire Protection jointly maintain an interagency data base of Federal and non-Federal spotted owl locations. The Forest Practice Rules require that all information on spotted owl sites that is generated during timber harvest planning be submitted to this data base, and relevant data are made available to all parties planning timber harvest or other activities. Thus, the data base is a functional tool in protection of the species.

Following the listing of the northern spotted owl, the California Board of Forestry directed the Department of Forestry and Fire Protection to prepare a Habitat Conservation Plan (HCP) and section 10(a)(1)(B) incidental take permit application to address all private timber harvest regulated by the Board. Following a three-year planning effort by that Department and a number of cooperators from agencies, industry, and environmental groups, the Board tabled consideration of the draft Habitat Conservation Plan because significant issues remained unresolved, most notably the funding mechanism. The draft plan nevertheless represented a significant cooperative commitment to resolve conservation issues by the State and other concerned parties and many of the biological elements of the draft HCP may have future application.

Washington

The spotted owl is listed under Washington law as an endangered species. The Washington Department of Natural Resources has the responsibility for regulating timber harvest activities on non-Federal lands under the authority of the Washington State Forest Practices Act (76.09 RCW) and its implementing regulations (WAC 222.08–222.50). These regulations are promulgated by the Forest Practices Board.

Recent regulations (WAC 222.16.080(1)(h) have required forest practices on the 500 acres of suitable habitat surrounding the site center of known spotted owls to be reviewed under the State Environmental Policy Act, WAC 222.16.080(1)(h). In practice, this rule has led landowners to avoid applying for permits for forest practices within the 500-acre area. This regulation expired on February 9, 1994, and has been extended pending approval of a final rule. The Forest Practices Board has established a Scientific Advisory Group to recommend the scientific basis for a new rule to replace the current rule. No other forest practices regulation expressly addresses the protection of spotted owl habitat from timber harvest activities. However, the Department notifies individual landowners when a proposed forest practice occurs within the median annual home range of a known spotted owl pair or resident single, and advises the landowner to contact the Service. In addition, several other regulations contribute habitat benefitting spotted owls, including regulations requiring riparian zone protection, wetlands protection, and retention of wildlife reserve trees.

Riparian management zone regulations require the minimum retention of 25-foot wide buffers along the sides of fish-bearing streams with a varying ratio of trees to be retained per 1,000 feet of stream within the buffers, based on stream location, width and bottom composition.

Wetland management regulations require the establishment of a zone surrounding non-forested wetlands which varies in width from a minimum of 25 to 50 feet depending on the size and category of the wetland. The regulations also require the retention of a minimum number of trees (75) per acre and that a percentage of those trees meet minimum size classifications (six inches dbh) depending on the type of wetland. Of this total, 25 trees are to be more than 12 inches dbh, and five of them are to be more than 20 inches dbh, where they exist.

Clear-cut size and green-up regulations limit the maximum size of clear-cut harvest units to 120 acres, unless a State environmental Policy Act review is undertaken that could boost the potential size of the harvest to 240 acres. The perimeter of harvest units must meet minimum stand qualifications to maintain age class diversity adjacent to the harvest unit before harvest may proceed.

Wildlife reserve tree regulations require the retention of three snags (minimum of 12 inches dbh), two green recruitment trees (minimum 10 inches dbh), and two down logs (minimum 12 inches diameter at the small end).

Besides regulating forest practices in Washington, the Department of Natural Resources (WDNR) administers approximately five million acres of State lands, 2.1 million acres of which are forested and managed in trust for various beneficiaries. The WDNR has avoided the take of spotted owls on its lands and has begun preparation of an HCP under section 10(a)(1)(B) of the Act for all State lands in the range of the owl. The WDNR is also developing a conservation strategy for the spotted owl that would be applied to the Congressionally mandated 264,000-acre State Experimental Forest on the Olympic Peninsula.

Apart from these efforts by State government, various private efforts are underway to conserve spotted owls, including the development of, or commitment to, HCPs and ''no take'' agreements by several major landowners in the State. In addition, the Yakima Indian Nation is developing a conservation strategy for the spotted owl while continuing to follow its previous interim spotted owl strategy and selective timber harvest regime.

Past Federal Management Strategies

Prior to its listing as a threatened species, many different approaches to northern spotted owl management and research were undertaken by Federal and State resource agencies, for example, designation of ''spotted owl habitat areas'' or ''SOHAs.'' Each of these approaches fulfilled different conservation objectives for the northern spotted owl. The conservation objective of the earliest attempts at spotted owl management, which began in the mid-1970s, was to temporarily protect sites that supported individual pairs of spotted owls. In the 1980s, management strategies were based on conservation objectives that tried to avoid land use conflicts while managing spotted owls and late-successional forest habitat; these management strategies were generally inadequate. A complete discussion of the history and chronology of past spotted owl management attempts can be found in Thomas *et al.* (1990).

Recent (post-listing) Federal northern spotted owl management strategies have been based on the establishment of a system of large, dispersed Federal land reserves, with conservation objectives somewhat different from earlier strategies. These management strategies were designed to meet the following conservation objectives—(1) provide habitat to sustain approximately 20 or more breeding pairs of spotted owls on each Federal reserve; (2) decrease the chance of catastrophic loss of populations in reserves; (3) lower the risk of losing spotted owls from a reserve due to a single catastrophic event; and (4) ensure that adequate habitat existed between the reserves for dispersal of owls throughout its range. To fulfill these objectives, these management strategies proposed establishing a reserve network of Federal lands based on blocks of late-successional habitat of sufficient size and proximity to each other to maintain viable populations of the spotted owl throughout its range. Assessments of these strategies have generally recognized that, in certain areas of the northern spotted owl's range, Federal lands are not, by themselves, adequate to support the full recovery of the owl although they could provide a major contribution toward the owl's conservation in other parts of its range (USDI 1992).

To meet their conservation objectives, these management strategies generally established Federal reserves designed to sustain at least 20 pairs of spotted owls where conditions allowed. These strategies assumed that any smaller late-successional Federal reserves should be placed closer together to increase the probability of successful spotted owl dispersal between the reserves. In addition, plans provided dispersal habitat sufficient to support movements between blocks. For this reserve design, successful dispersal would accomplish two objectives—it would help prevent genetic isolation in individual owl populations and it would allow spotted owls to naturally recolonize important areas that have few or no spotted owls present. By allowing spotted owls to disperse between a series of discrete reserves, this reserve design could maintain a spotted owl population over a large area even if a single reserve was lost to catastrophe.

By way of example, the Interagency Scientific Committee (ISC) developed a conservation strategy based on managing large, well-distributed Federal blocks of suitable spotted owl habitat that were sufficiently connected to maintain a stable and well-distributed population of spotted owls throughout their range (Thomas *et al.* 1990). The ISC did not integrate non-Federal lands into its conservation strategy. To provide dispersal habitat between these reserves, the ISC recommended a ''50–11–40 rule'' where 50 percent of Federal forest habitat (based on quarter-townships) would be managed to retain dominant or co-dominant trees with an average of 11 inches dbh and provide a minimum 40 percent canopy closure. Canopy closure refers to the degree to which the crowns (tops) of trees obscure the sky when viewed from below. The ''50–11–40'' rule was set forth as one method of providing for dispersal habitat on Federal forest lands; other prescriptions have been and can be developed which provide comparable dispersal conditions, e.g., Murray Pacific HCP dispersal prescription.

The Federal Forest Plan

The range of the spotted owl includes approximately 24,518,000 acres of Federal lands of which 20,577,000 acres are forested. The Forest Plan represents a management strategy for Federal LSOG-forests in the coastal western states of California, Oregon, and Washington that provides habitat to support the persistence of well distributed populations of species that are associated with late-successional forests, including the northern spotted owl.

The Forest Plan established a network of reserves totalling over 11.5 million acres of Federal land in northern California, Oregon, and Washington. That total includes 7.43 million acres of late-successional reserves, 2.63 million

acres of riparian reserves, and 1.48 million acres of administratively withdrawn areas. This acreage is in addition to 7.32 million acres of Congressionally reserved lands.

The late-successional reserves currently provide 3.2 million acres of suitable habitat for the spotted owl. The interim riparian reserve provide an additional 0.74 million acres of suitable habitat and the administratively withdrawn areas provide an additional 0.31 million acres of this habitat.

Late-successional reserves are expected to provide the primary contribution to the recovery of the spotted owl by maintaining large clusters of spotted owls and spotted owl habitat throughout a significant portion of the range of the species. The reserves are expected to increase in value for spotted owl recovery as young forested stands grow into suitable habitat and increase their capacity to support additional numbers of stable spotted owl pairs.

Programmed timber harvest operations are not allowed in late-successional reserves under the Forest Plan. However, carefully controlled thinning activities are allowed in any stand of one of these reserves less than 80 years of age. Salvage operations also would be allowed on these reserves in areas where catastrophic loss exceeded ten acres. In both cases, harvest proposals must be reviewed by an interagency oversight group to ensure sound ecosystem management.

No programmed timber harvest is allowed in riparian reserves under the Forest Plan and Federal agencies are required to minimize the effects of roads, cattle grazing, and mining activities in these areas. These riparian reserves are eventually expected to provide a considerable amount of late-successional forest, because they currently represent approximately 31 percent of the lands that would otherwise be designated as Matrix. Based on current information (USDA *et al.* 1993), approximately .74 million acres (28 percent) of the 2.63 million acres in riparian reserves currently provide suitable nesting, roosting, and foraging habitat for spotted owls and 1.42 million (54 percent) of the riparian reserves provide suitable dispersal habitat for spotted owls.

The Forest Plan places 1.5 million acres of Federal land in 10 special ''Adaptive Management Areas (AMAs).'' Management activities in these AMAs would emphasize innovative forestry techniques with the goal of speeding attainment of late-successional characteristics and on restoring watersheds. These activities are expected to benefit northern spotted owl management in the long-term, but would not be expected to contribute substantially to owl conservation needs in the short-term. Suitable habitat for the northern spotted owl represents approximately 0.37 million acres of the lands that have been designated as AMAs.

Programmed timber harvests also are allowed on approximately four million acres of Federal forests designated as the Matrix under the Forest Plan. The Plan differs from previously proposed strategies in that the 50–11–40 rule does not apply to Matrix areas between late-successional and other Federal forest reserves. The Plan concluded that the need for spotted owl dispersal habitat could be met with the combination of reserves as proposed, plus additional Matrix prescriptions.

In Washington and Oregon, the Plan requires leaving 15 percent of the trees (''green tree retention'') in all harvest units on AMAs and matrix areas outside of the Coast Ranges and Bureau of Land Management lands in southern Oregon. The Plan encourages these trees to be left in small clumps with the expectation that they, along with the riparian reserves, would contribute to the creation of dispersal habitat. The Forest Plan adopted this prescription to improve the future condition of these forests. These prescriptions could ultimately be adjusted as a result of watershed analysis and other planning activities related to the implementation of the Forest Plan.

In California, the Forest Plan incorporates the Matrix prescriptions contained in the draft National Forest land management plans. These prescriptions are designed to maintain dispersal habitat in a variety of timber types.

The FEMAT report (p. IV–43 and p. IV–153) stated that implementation of Option 9 (which served as the basis for the Forest Plan) would result in a projected future likelihood of 83 percent that spotted owl ''habitat is of sufficient quality, distribution, and abundance to allow the species population to stabilize in well distributed areas of Federal lands,'' and a projected future likelihood of only 18 percent that ''habitat is of sufficient quality, distribution, and abundance to allow the species population to stabilize, but with some significant gaps in the historic species distribution on Federal land. These gaps cause some limitation in interactions among local populations.'' Moreover, implementation of Option 9 was rated by FEMAT as resulting in a zero likelihood that ''habitat only allows continued species existence in refugia, with strong limitations on interactions among local populations'', and a similar zero likelihood that implementation of the option would result in ''species extirpation from Federal lands''.

These probability judgments reflect the contributions to conservation expected to be provided by the implementation of the Forest Plan on Federal lands. They indicate a high likelihood that, over the long-term, the Forest Plan will provide conditions on Federal lands that would contribute significantly to the conservation and recovery needs of the spotted owl. This assessment is consistent with the Federal policy to provide the predominant protection for spotted owls on Federal lands and it is within this context that the Service proposes to modify the incidental take prohibitions for certain non-Federal lands.

General Approach Used to Develop This Special Rule

The goal of this proposed rule was to identify non-Federal lands that are no longer either necessary or advisable to the conservation of the spotted owl given the contributions of the Forest Plan the likely possibility of numerous large scale, multi-species Habitat Conservation Plans, and other measures and practices in effect. In reviewing the alternatives identified in the NOI, the Service evaluated the contributions to the conservation of the owl provided by the Forest Plan, past Federal owl conservation strategies, existing State forest practices regulations, tribal conservation and private timber management plans, as well as public comments provided in response to the NOI.

The Service considered various factors in identifying areas of non-Federal land where relief could be provided and other areas where incidental take restrictions should be maintained at this time. The Service first considered the conservation benefits that the Federal Forest Plan provided the owl for a given area. These benefits were then compared and contrasted with the conservation goals for the area originally established under the Final Draft Recovery Plan for the northern spotted owl. The Service focused particularly on Forest Plan impacts affecting the conservation of owl habitat and owl numbers, as well as the size and location of Federal reserves. It then identified certain areas of non-Federal land which were still important for owl conservation and what the conservation goals should be for such areas. The Service gave particular care and attention to the non-Federal lands

which were noted as important in the Report of the Forest Ecosystem Management Assessment Team (FEMAT), IV 150–151. In identifying boundaries for such areas, the Service considered, among other things, current owl population status on non-Federal lands, the need for owl population support within adjacent Federal reserves, and the need for connectivity between such reserves. The Service also attempted to exclude wherever possible large areas of non-Federal land with little or no owl habitat.

The Forest Plan is a habitat based conservation strategy that would anchor and secure millions of acres of Federal land across the range of the spotted owl, an unprecedented commitment of Federal resources towards the conservation of the owl. Given that commitment to a habitat based strategy and the scope of the Forest Plan, the Service no longer believes that it is essential to the conservation of the spotted owl to continue to prohibit the incidental take of the owl on all non-Federal land located within the range of the owl. The Service also believes that the combination of Federal and non-Federal habitat based strategies for the spotted owl contained in this proposed rule, the Forest Plan and multi-species Habitat Conservation Plans will, over time, further the conservation of the species and its recovery.

When developing objectives for regulatory relief for non-Federal lands which were consistent with the Forest Plan, the Service evaluated past biological information and has concluded that it is still important to retain the closest 70 acres of suitable owl habitat surrounding site center regardless of whether the center is in an area of proposed relief or not. The Service also believes that the substantial loss of suitable habitat within the estimated median annual home range of an owl is likely to result in inadequate nesting, juvenile development, and adult dispersal and survival, and will significantly increase the likelihood of actual harm to, and incidental take of, an owl.

As the riparian reserve, matrix, adaptive management areas, and late-successional reserve management criteria of the Forest Plan are implemented, along with the requirements of underlying State law and other provisions proposed in this rule for owl protection, dispersal and connectivity conditions for the species' survival should improve over time throughout its range. For this reason, the Service has chosen not to include in this proposed rule mandatory dispersal prescriptions such as the 50–11–40 rule which was designed originally to generate dispersal habitat conditions for Federal lands only.

For those areas where satisfactory dispersal conditions likely are not present, the Service believes that such conditions can be achieved over time through other means such as full protection against incidental take, large scale Habitat Conservation Planning (HCPs), Local Option Conservation Plans, or voluntary conservation contributions by non-Federal landowners. Recognizing the limitations on Federal authority to mandate the development of dispersal habitat in these areas, this proposed rule would encourage non-Federal landowners to manage their lands in ways that are more consistent with the conservation of the spotted owl. In some areas it would remove the disincentives associated with maintaining suitable spotted owl habitat, and, would bring more certainty to future planning for timber management as well as for owl conservation activities.

Upon consideration of all of the above factors, the following summarizes the provisions of this 4(d) rule:

Regulatory Provisions Common to Both Washington and California

Some protective measures for the owl would be identical for both the State of Washington and California. The prohibition on killing or injuring of spotted owls would not be relieved in any part of the owl's range by this proposed rule. Similarly, timber harvesting of the closest 70 acres of suitable owl habitat surrounding a site center would remain prohibited throughout Washington and California, unless the site has been determined to be abandoned.

In addition, the Service would retain for an additional two years, the prohibition against incidental take as applied to owls which are dependent upon non-Federal lands and whose site centers are located within Federal Forest Plan Reserves or Congressionally reserved or Administratively withdrawn areas which are outside of Special Emphasis Areas or are on the western portion of the Olympic Peninsula in Washington, or are located on Federal Forest Plan reserves or Congressionally reserved or Administratively withdrawn areas within the Klamath Province in California. At the end of this period, the Service will review any new information or data involving the status of such owls and their habitats in the affected areas, including the results of any completed watershed analysis and other planning efforts under the Federal Forest Plan. In particular, the Service would assess on a local area-by-area basis whether the continuation of the incidental take prohibition on affected, adjacent non-Federal lands was still necessary and advisable for achieving the conservation goals of the Forest Plan for that area. The Service would then lift the incidental take restrictions where warranted and require the protection of only the closest 70 acres of suitable habitat surrounding an affected site center.

Relief From Current Incidental Take Provisions in Washington

A total of approximately 10.6 million acres of non-Federal land in the range of the spotted owl in Washington (the Washington Lowlands Province, portions of the Western and Eastern Cascades Provinces and portions of the Olympic Peninsula Province) would be excluded from the boundaries of proposed Special Emphasis Areas (SEAs) and be exempted from the future application of current incidental take restrictions for the northern spotted owl. Of this land base outside SEAs, 8.3 million acres have some sort of forest cover of which 5.24 million acres are in conifer cover. Actually, only a small percentage of these lands are currently affected by present incidental take prohibitions for owls. Absent this proposed rule, however, much of this remaining land could potentially be affected should a spotted owl relocate to any adjacent suitable owl habitat at some point in the future. Approximately 1.7 million acres of non-Federal lands would be left inside of SEAs. Of this acreage figure, 1.3 million acres of non-Federal land is in conifer forest and would remain subject to the incidental take prohibitions for any owl found present in this area. In fact, only a portion of this acreage inside SEAs is currently affected by the presence of owls. Of the approximately 510,000 acres of non-Federal forestland which are today under incidental take restrictions for known owl sites, no less than 325,000 acres or almost 60 percent would be relieved from such restrictions as a result of this rule.

Of the 140 spotted owl site centers on non-Federal lands in Washington, 84 are in the six proposed SEAs and would retain current incidental take protection. Fifty-six spotted owl site centers are outside SEAs on non-Federal lands and would be released from current incidental take prohibitions. There are an additional 121 site centers on Federal lands within the proposed SEA's, of which 68 may be dependent on non-Federal lands. There are also 83 site centers on Federal lands outside the SEAs that may be dependent on non-

Federal lands. Of the 83 site centers outside of SEAs, 71 site centers are located within either a Federal Forest Plan Reserve or a Congressionally reserved or Administratively withdrawn area. The Olympic Peninsula contains 41 of these sites with the remaining 30 sites located outside of SEAs in the rest of the State.

Activities Outside of Designated SEAs

The Service proposes to reduce the current prohibition against the incidental taking of owls for those non-Federal lands which are located outside of SEAs proposed in Washington. In areas outside of SEAs, a non-Federal landowner would only be required to retain the closest 70 acres of suitable owl habitat surrounding an owl site center. Legal and administrative boundaries were used wherever possible to assist in refining identified SEA boundaries. As noted above, the Service estimates that approximately 10.6 million acres of non-Federal land in Washington lie outside of SEAs, of which 5.24 million acres are forested with conifers. These would be the primary areas receiving relief under this rule for Washington. In these areas, the incidental take of owls would not be prohibited as long as timber harvest activities did not take place within the closest 70 acres of suitable owl habitat immediately surrounding an owl site center.

As noted previously, the above reduction to 70-acres would not be applicable for non-Federal lands affected by any owl site center which is located within a Forest Plan reserve or Congressionally reserved or Administratively withdrawn area which is outside of an SEA. The Service intends to reassess the importance of these sites within the next two years as additional data and planning information is developed under the Forest Plan. The one region in Washington where this two-year retention of prohibitions would not be applied outside of an SEA would be on portions of the Olympic Peninsula. On the northern, eastern, and southern parts of the Peninsula, non-Federal landowners would only be required to preserve the closest 70 acres of suitable habitat surrounding a site center regardless of whether the site center is located within a Federal reserve or withdrawn area. The Service believes that the recent Reanalysis Team Report for the Olympic Peninsula (Holthausen, *et al.*, 1994) addresses the issue of the contribution that such non-Federal areas provide toward achieving the goal of recovery of the owls on the Peninsula. Under these circumstances, the Service does not believe that it is essential that existing incidental take restrictions be retained for an additional two years for these three areas on the Peninsula.

Designation of Special Emphasis Areas

The six areas discussed below (Figure 5 to § 17.41(c)) would be designated as SEAs within Washington:

(a) Columbia River Gorge/White Salmon (Figure 6 to § 17.41(c)).

The Columbia River Gorge portion of this SEA is in the southern portion of the Washington Cascades province, north of the Columbia River and west of the Cascade crest. Non-Federal lands link owls and owl habitat between Federal reserves in the Washington Cascades and Oregon Cascades along the Columbia River Gorge, thereby contributing to the objectives of the Forest Plan.

The White Salmon portion of this SEA is bordered by the Yakima Indian Reservation to the northeast, Federal lands and the Cascade crest to the west and the Columbia River to the south. The White Salmon area was not included within the ''Proposed Action'' for the December 29, 1993, NOI (58 FR 69132), but was included within ''Alternative C'' of that NOI. As a result of public comments received in response to the NOI, however, and recent analysis of spotted owl habitat in Washington (Hanson, *et al.* 1993), the Service has concluded that the inclusion of the White Salmon area as part of this SEA is warranted. These non-Federal lands are an important link to the owl population found on the Yakima Indian Reservation to owl populations in Federal reserves to the southwest. This portion of the SEA would provide a route around high-elevation terrain on Federal lands, through lower-elevation forests on non-Federal lands to provide that needed link. It also widens the zone of protection for the Cascades along the Columbia River.

This combined SEA contains 37,000 acres of Federal land and 262,000 acres of non-Federal lands. Sixteen owl site centers are on non-Federal lands and 3 site centers are on Federal land within this SEA, with one site activity center on Federal lands which relies to some degree upon adjacent non-Federal lands. The conservation goals for this combined SEA are to maintain connections between provinces and the owl population on the Yakima Indian Reservation, and to provide demographic support to the owl population in the Federal reserves.

(b) Siouxon Creek (Figure 7 to § 17.41(c)).

This SEA is located along Swift Creek Reservoir and the Upper Lewis River, south of the Mt. St. Helens National Monument. As with the White Salmon SEA, this area was not included within the ''Proposed Action'' for the December 29, 1993, NOI (58 FR 69132), but was included within ''Alternative C'' of the NOI. Because of the public comments received in response to the NOI and further analysis of spotted owl habitat in Washington (Hanson, *et al.* 1993), the Service has determined that the inclusion of the Siouxon Creek SEA in the 4(d) Rule is warranted. This SEA contains seven owl site centers, five on non-Federal land and two on Federal land, and includes approximately 44,000 acres of non-Federal land and 1,000 acres of Federal land. Owls on these non-Federal lands are needed to supply demographic support to owl populations on adjacent Federal reserves and dispersal habitat is needed to provide connectivity through the Lewis River Valley between the reserves.

(c) Mineral Block (Figure 8 to § 17.41(c)).

This SEA surrounds a block of Federal land (Mineral Block) that has been designated as a Federal reserve under the Forest Plan. The Mineral Block is about 12 miles west of the main part of the Gifford Pinchot National Forest. It is too small to support a population of 20 owl pairs. Owl site centers on adjacent non-Federal lands would support this population and to provide a link to the Gifford Pinchot National Forest.

This SEA contains 39,000 acres of Federal land and 259,000 acres of non-Federal lands. Twelve owl site centers are on non-Federal lands in the SEA; 17 centers are located on Federal lands of which five rely to some degree upon adjacent non-Federal lands. The conservation goals for this SEA are to provide demographic support for the owl population in the Federal reserve.

(d) I–90 Corridor (Figure 9 to § 17.41(c)).

This SEA is north and south of Interstate-90 (I–90) between North Bend and Ellensburg, Washington. This area is in checkerboard, intermingled Federal and non-Federal ownership, a portion of which is included in the Snoqualmie Pass AMA under the Forest Plan. This general area has been repeatedly identified as being important to the conservation of the owl to maintain a connectivity link between the northern and southern portions of the Washington Cascades (Thomas *et al.*, 1990 and Hanson *et al.* 1993). Existing habitat for spotted owls is locally sparse and highly fragmented.

Non-Federal lands in this SEA would support the efforts of the Forest Plan by providing dispersal habitat (and some nesting, roosting and foraging habitat) for owl populations that are on the north and south sides of I–90, and between Federal reserves and the AMA. Owls that are on non-Federal land would provide valuable demographic support of owl populations in adjacent Federal reserves that are low in numbers. Federal reserves that are in checkerboard ownership are also in need of demographic support for owls because of their fragmented ownership pattern and degraded habitat conditions.

This SEA contains 383,000 acres of Federal land and 400,000 acres of non-Federal lands. Twenty-nine owl site centers are on non-Federal lands in this SEA; 78 site centers are located on Federal lands of which 53 rely to some degree upon adjacent non-Federal lands. Conservation goals for this SEA include demographic support for adjacent late-successional reserves and connectivity between reserves. Changes to the eastern boundaries of this SEA from the NOI in this proposal were made to better promote dispersal success of owls located within the eastern portion of this SEA.

(e) Finney Block (Figure 10 to § 17.41(c)).

This SEA includes the non-Federal lands that surround the Finney Block AMA on the Mt. Baker-Snoqualmie National Forest. This SEA would link owl populations in Federal reserves with the owl population in the AMA. Owls located on non-Federal lands in this SEA also would bolster the owl populations in the Federal reserves and the AMA. These actions would supplement the Federal efforts under the Forest Plan by contributing to the stabilization of owl populations within this portion of the species range.

This SEA contains 196,000 acres of Federal land and 266,000 acres of non-Federal lands. Two owl site centers are on non-Federal land in this SEA; 21 centers are located on Federal lands of which seven rely to some degree upon adjacent non-Federal lands. Conservation goals for this SEA include demographic support for the AMA and Federal reserves and connectivity between Federal reserves.

(f) Hoh/Clearwater (Olympic Peninsula) (Figure 11 to § 17.41(c)).

Upon consideration of a recent reanalysis of owl persistence on the Olympic Peninsula (Holthausen *et al.* 1994) and other data and information, the Service has decided to alter its approach to the Olympic Peninsula from that set out in the NOI in December of 1993. The Service now proposes to significantly scale back the size of the SEA for the Peninsula and to relieve incidental take restrictions for spotted owls for the remainder of the Peninsula. Of the Federal lands on the Olympic Peninsula, only 8,400 acres of suitable owl habitat are available for timber harvest under the Federal Forest Plan.

There has been long standing concern about the viability and persistence of spotted owls on the Olympic Peninsula. A recent reanalysis of the contribution of Federal and non-Federal habitat to persistence of the northern spotted owl on the Olympic Peninsula (Holthausen *et al.* 1994) concluded that there were 155 known owl pairs on the Olympic Peninsula and estimated a total population of between 282 and 321 pairs. These estimates are substantially higher than earlier reported estimates.

The Hoh/Clearwater SEA encompassing the western portion of the Peninsula contains about 1,000 acres of Federal lands and 471,000 acres of non-Federal lands. Twenty owl site centers are located on non-Federal lands in this SEA. Conservation goals for this SEA are to maintain demographic support for Federal reserves, maintain a well-distributed population, and provide connectivity within the province and between late-successional reserves. Changes in this SEA from the NOI were made to support the Federal effort in this province by drawing upon the resources of the remaining non-Federal concentration of owls and owl habitat on the western side of the Peninsula. The reanalysis report assessed the relative value of the Hoh/Clearwater SEA boundaries as proposed by the Service and did not compare or contrast alternative SEA boundary configurations for the western side of the Peninsula.

Although recommendations were included in recent reports (USDI 1992, Hanson *et al.* 1993, Buchanan *et al.* 1994) to retain incidental take restrictions on non-Federal lands in southwestern Washington, the Service believes that current non-Federal conservation planning activities (e.g., multi-species HCPs and no-take plans), new analyses (Holthausen *et al.* 1994), and other relevant factors support the decision not to propose southwestern Washington as an SEA. The Service reached this conclusion on Southwest Washington for a variety of reasons. First, while Southwest Washington constitutes an important part of the historic range of the spotted owl, there presently are only a small number of isolated owl pairs or resident singles across a vast expanse of marginal owl habitat. The inclusion of this area in an SEA would briefly protect home range areas for the few owls in the area, but once those owls die or move away, the protection for their home range areas would fade away as well, resulting in the eventual harvest of the areas. Moreover, while Southwest Washington previously had been assigned an important conservation function for providing connectivity with the isolated population of owls on the Olympic Peninsula in the Final Draft Spotted Owl Recovery Plan, recent reanalysis by Holthausen *et al.* indicates that the feasibility of the area ever serving this connectivity function, especially through application of incidental take prohibitions, is very low.

Apart from considerations involving the Olympic Peninsula, the limited number of owls in southwest Washington and lack of present suitable habitat provide further support to the Service's decision to take an innovative approach to owl conservation in this area. While the Service might be able to prevent someone from destroying certain areas of existing suitable owl habitat where an owl is present, the Act cannot be used to force people to restore or enhance owl habitat that has already been destroyed or degraded. Thus, most landowners in Southwest Washington have little to no incentive at present to develop habitat that is attractive to owls.

The acquisition of sufficient non-Federal land in Southwest Washington to establish a network of owl conservation reserves is not a feasible alternative either. The Final Draft Recovery Plan for the Spotted Owl estimated that the cost of such a reserve network could range from $200 million to $2 billion. Thus, neither land acquisition nor traditional enforcement policies are feasible catalysts for owl conservation in an area such as this which has limited suitable owl habitat.

Recognizing the historic role that Southwest Washington played within the range of the owl, the Service is attempting to address these problems by aggressively moving forward with the development of multi-species Habitat Conservation Plans with several of the large landowners in this province. In addition, one of the landowners has entered into a ''take avoidance'' agreement covering 100,000 acres while working on their HCP. The agreement ensures that no owls will be taken as the result of timber harvest during the period in which the HCP is being developed. Thus, innovative approaches towards conservation provide the only realistic hope for facilitating long-term owl use and dispersal within Southwestern Washington.

Retention of Incidental Take Restrictions for Activities Inside of SEAs

Subject to certain specified exceptions, the Service generally would retain existing incidental take protection for owls located within SEAs. The Service also would retain full incidental take protection for any owl whose site center is located within and along the boundary of an SEA and is dependent upon adjacent non-Federal lands located outside of the SEA to avoid harm. Thus, there are two categories of non-Federal lands which could remain subject to existing incidental take restrictions for an owl whose site center is located within the boundary of an SEA—those adjacent non-Federal lands located inside an SEA and those adjacent lands located outside of an SEA boundary but which are still necessary to provide sufficient suitable owl habitat so as to avoid the incidental take of an owl.

One modification that the Service proposes to make to existing incidental take restrictions within SEAs would involve non-Federal lands surrounded by or located in matrix and AMA areas designated under the Federal Forest Plan. The Service proposes to authorize such affected non-Federal landowners involved in harvest activities to apply either the final management prescriptions delineated for the surrounding Federal Matrix/AMA land, as determined through the watershed analysis or AMA planning processes, as appropriate, or such management practices which comply with the current incidental take restrictions.

Application of either management strategy would absolve the affected non-Federal landowner from any liability for incidental take of an owl under the Act. This would result in the application of more uniform owl conservation standards within a matrix or AMA area regardless of land ownership.

The one exception to this policy would be where the adoption of matrix or AMA prescriptions could result in the incidental take of an owl whose site center is located within a Forest Plan reserve or Congressionally reserved or Administratively withdrawn area. As would be the case for similar site centers outside of SEAs, the incidental take restrictions would continue to apply for at least two more years for site centers within reserve or withdrawn areas. At the end of this period, the Service will review any new data or information involving the status of such owls and their habitats in the affected areas, including the results of any completed watershed analysis and other planning efforts under the Forest Plan. As noted previously in a discussion of this review process, the Service would assess on an area-by-area basis whether the continuation of the incidental take prohibition on affected non-Federal lands was still necessary and advisable for achieving the conservation goals of the Forest Plan. The Service would lift the incidental take restrictions where warranted and authorize the adoption of the final matrix or AMA prescriptions, at the discretion of the affected non-Federal landowner, as a means of avoiding an unauthorized incidental take of an owl.

One limited exception that the Service proposes to make to current incidental take restrictions within SEAs would involve small landowners. Except for the closest 70 acres of suitable habitat around owl site centers themselves, the Service proposes to relieve incidental take restrictions for small landowners who own, as of the date of this proposed rulemaking, no more than 80 acres of forestlands in a given SEA in Washington. The Service would also extend this proposal to small landowners who are outside of, but adjacent to, an SEA and whose lands are affected by the incidental take restrictions for an owl whose site center is located within the SEA. For these landowners, the maximum ownership figure of 80 acres would be calculated based upon the amount of land they owned inside an SEA and the amount of land outside the boundary of an SEA which was affected by current incidental take restrictions for an owl inside an SEA.

The 80-acre figure for small landowners was selected after an analysis of land ownership patterns and an accounting for the size and location of lands covered by the Forest Plan, State forestlands, industrial forestlands, and known large ownerships of non-industrial forestlands. The Service also considered the fact that past Forest Service studies have shown that only a very small fraction of small landowners own forested lands for the exclusive purpose of economic return from commercial harvest. In addition, most small landowners utilize selective harvest techniques or small clear cuts which would generate only very minor and incremental effects on any particular owl. Despite their normal practices, however, the small landowners of the Northwest have resorted to ''panic cutting'' over their fear of Federal restrictions to protect owls. It is this category of landowner, in particular, who needs to be provided sufficient assurances of relief so they revert back to their past practices of low impact forestry.

Based on this analysis, the Service concluded that relief from the incidental take prohibition for owls for landowners with less than 80 acres of forestland within, or adjacent to, SEAs would have a *deminimis* impact upon owl conservation across the State. Moreover, given various technology limitations and the potential causation and burden of proof problems associated with proving incidental take to an owl from small scale land use activities of any one particular small landowner, the Service believes that there is a better allocation of its limited law enforcement resources than to attempt to enforce incidental take restrictions on someone owning 80 acres or less of forest land.

The Service also proposes a ''Local Option Conservation Plan'' or Local Option approach to provide small and mid-sized landowners with additional flexibility in dealing with incidental take restrictions.

The prohibition against incidental take in SEAs indirectly assists in maintaining pockets of suitable and dispersal habitat through the continued protection of suitable owl habitat around site centers. This prohibition also helps provide future stocks of juvenile spotted owls who would be more likely to migrate between key reserves. Since a primary need in many of these connectors is the development and maintenance of spotted owl dispersal habitat, the Service acknowledges that alternative means may be developed for achieving that objective. The use of the general incidental take prohibition in SEAs in Washington is valuable when dealing with a wide-ranging species like the northern spotted owl. Nevertheless, the Service recognizes the value in providing flexibility in a section 4(d) rule to allow for the modification of such prohibitions to better reflect local ecological conditions for a given area. Furthermore, in focusing on a single species objective in Special Emphasis Areas, broader landscape, watershed, or ecosystem conservation possibilities may be foreclosed. One of the key lessons the Service has learned in dealing with northern spotted owl issues over the years is that the variability of habitats and silvicultural practices is such that there might be more than one approach for providing conservation benefits to the owl. For that reason, this rule proposes to establish a Local Conservation Planning Option.

The ''Local Option'' process would be limited to non-Federal landowners who own, as of the date of this proposed rulemaking, between 80 and 5,000 acres of forestlands in an SEA in Washington.

This process could result in the authorization for the incidental take of an owl in exchange for an agreement to grow or maintain dispersal habitat. The local option conservation planning process would not apply, however, to those particular areas within a given SEA where the continued maintenance of suitable owl habitat on non-Federal lands is determined to be necessary and advisable in order to provide demographic support for adjacent Federal owl reserves.

There is no official acreage designation defining a large acreage landowner that is common to the three States of Washington, Oregon and California. Definitions of small, medium and large land ownerships vary and more often differentiate between non-industrial or non-commercial private landowners. For purposes of various State regulatory analyses, taxation or economic policies, and Association memberships, e.g. Washington Farm Forestry Association, acreages ranging from 2,000 to 10,000 acres have been used to differentiate between industrial and non-industrial landowners. For example, 5,000 acres is generally the for adjacent Federal owl reserves.

There is no official acreage designation defining a large acreage landowner that is common to the three States of Washington, Oregon and California. Definitions of small, medium and large land ownerships vary and more often differentiate between non-industrial or non-commercial private landowners. For purposes of various State regulatory analyses, taxation or economic policies, and Association memberships, e.g. Washington Farm Forestry Association, acreages ranging from 2,000 to 10,000 acres have been used to differentiate between industrial and non-industrial landowners. For example, 5,000 acres is generally the maximum acreage break-off point in Oregon to distinguish a non-industrial forestland owner from an industrial one. Contracts with a mill will also qualify landowners as industrial. Given the range of acreage figures that has been utilized among the three States, the Service believes that a 5,000 acre break point is reasonable for purposes of this 4(d) rule. Accordingly, landowners with less than 80 acres of forestland within an SEA have been treated as small landowners within this rule and have been provided specific relief up front. Landowners with overall forestland holdings greater than 80 acres and not more than 5,000 acres within an SEA are considered to be medium sized landowners and may pursue the ''Local Option'' process to seek greater flexibility in addressing prohibitions an incidental take. Finally, non-Federal landowners who have 5,000 or more acres of forestlands within an SEA in Washington would only receive relief from incidental take prohibitions for the spotted owl by completing an HCP and obtaining a permit under Section 10(a)(1)(B) of the Act.

The landowner-initiated Local Option process must still provide for the primary spotted owl conservation objective specified for the Special Emphasis Area where the property is located. The Service encourages individual and adjacent multiple landowners to take advantage of this option cooperatively to achieve broader ecosystem conservation objectives which could have these benefits:

—multiple landowners could collaborate to provide greater management flexibility, more effective conservation benefits, and to minimize administrative costs;
—multiple species and habitats could be considered, potentially reducing the need to list declining species or anticipating requirements of future listings;
—land management treatments could become more consistent from Federal to non-Federal lands, particularly in checkerboard areas; and
—landowners could exercise additional flexibility to plan their forestry operations so as to best reflect localized environmental conditions within a Special Emphasis Area.

This proposed rule would provide non-Federal landowners in Washington, in cooperation with the appropriate State agencies, the option of developing cooperative local conservation plans for timber harvests in areas of up to 5,000 acres within SEAs where the incidental take prohibition for the northern spotted owl would not be relieved by this proposed rule. These cooperative plans could provide non-Federal landowners with the opportunity to develop alternative management strategies or prescriptions for addressing the conservation needs of the owl.

The Local Option Conservation Planning process is designed to encourage creative approaches to the conservation of the spotted owl by building flexibility into the regulatory process. Such efforts encourage coordinated management of listed species, like the northern spotted owl and the marbled murrelet. If a Local Option Plan is approved by the Service in consultation with the appropriate State wildlife agency, the prohibition against take of northern spotted owls incidental to timber harvests may be modified, to some degree, as specified in the Plan. The Service will review each proposed Local Option Plan cooperatively with the affected State wildlife agency to ensure that the conservation objectives for the owl in the affected area will not be precluded and that the proposal is complementary to the Federal Forest Plan.

Under the local option process of this proposed rule, the primary focus would be on the spotted owl, although there might be opportunities for conserving other associated plant and animal species. Approval of a local option conservation plan would be an expedited process (compared to the HCP permit mechanism) through incorporation of specific conservation criteria and guidance provided by this proposed rule.

A non-Federal landowner or local or State government may submit an application to the Service for approval of a proposed local option plan. If requested, the Service would provide further guidance for the development of a local option plan for a particular area. However, the applicant is responsible ultimately for the preparation of a local option plan proposal. The Service will be responsible for ensuring the plan's compliance with the National Environmental Policy Act. Appropriate State of Washington agencies may elect to participate with the Service in the review of local option plan proposals for areas within the State. In addition, if the State's regulations are consistent with this rule, a local option plan proposal could be certified through a State review process.

In determining the criteria for approval of a local option plan, the Service has considered the information and approval requirements set forth at 50 CFR 17.32(b) for a section 10 HCP permit. Those requirements have been further streamlined for local option planning and have been tailored to meet the specific conservation needs of the spotted owl.

Service approval of a local option conservation plan will be based on consideration of the information required to be submitted with an application for approval of a plan. Applications for approval of a local option conservation plan must be submitted to the Field Supervisor of the Fish and Wildlife Service office in Olympia, Washington.

One additional proposed provision affecting timber harvest activities within an SEA involves the recognition and establishment of a ''safe harbor'' from owl incidental take liability where more than 40 percent suitable habitat remains, post-harvest, within an owl's median annual home range. Although

some studies have suggested that rates of owl reproduction and survival may be affected to some degree at a percent of suitable habitat above 40 percent, the benefits of timber management certainty and the problem of enforcement difficulties tied to issues of causation nevertheless warrant a ''safe harbor'' approach. Thus, in those instances where more than 40 percent suitable owl habitat remains within an owl's median annual home range after harvest, a landowner would not be liable for prosecution should the incidental take of an owl nevertheless occur despite their best efforts to avoid take.

Relief From Current Incidental Take Provisions in California

This proposed rule contains a shift in approach for California which has evolved since the publication of the NOI in December of 1993. The December 29, 1993, NOI did not specify any particular area in California where incidental take prohibitions would be relaxed, but instead stated the Service's intent to defer to California law to provide for the conservation of the spotted owl. In anticipation of that possibility, the California Board of Forestry considered a May 1994 proposal from the California Resources Agency that would have required maintenance of suitable owl habitat as a portion of every watershed. The timber industry regarded the proposal as too restrictive, and regulatory agencies believed it would be too expensive to administer, so, the Board of Forestry tabled the proposal.

To provide a possible resolution of this impasse, the Service proposes a new structure in this proposed rule as it applies to California which is consistent with the Service's original underlying biological assumptions for the owl in that State, as set forth in the December 29, 1993, NOI. The Service proposes to provide some immediate relief from incidental take in most of the California Klamath Province and for small landowners in the remainder of northern California within the range of the northern spotted owl. To encourage additional comprehensive conservation planning for the spotted owl and other species which is available under the California Natural Communities Conservation Planning program (NCCP), additional relief for four other areas of northern California (the California Cascades, Coastal, Hardwood, and Wells Mountain-Bully Choop Regions) (Figure 1 to § 17.41(c)) would be available contingent upon the successful completion of a NCCP initiative for spotted owls which is complementary to, or not consistent with the owl conservation goals of the Federal Forest Plan as applied in that State. The actual scope and extent of relief for these four areas would be one of the primary issues to be addressed through the NCCP process. These four areas are called potential ''California Conservation Planning Areas'' (CCPAs) for purposes of this proposed rule.

Relief From Current Incidental Take Restrictions Inside The Klamath Province Relief Area

The proposed rule would result in a reduction of the prohibition against incidental taking of owls for non-Federal lands within most of the Klamath Province in a zone called the Klamath Province Relief Area (Figure 1 to § 17.41(c)). There are 105 spotted owl site centers located on non-Federal land within the Klamath Province Relief Center. An additional 117 site centers are on Federal land within the Relief Area which are dependent to some degree upon adjacent non-Federal lands. Within the area of relief, a landowner would only be required to retain the closest 70 acres of suitable owl habitat surrounding a site center. Thus, the incidental take of the spotted owl would not be prohibited for timber harvest activities outside those 70 acres. Such relief would not be provided throughout the entire Klamath Province however. In particular, it would not be provided in those areas that overlap with the boundaries of potential CCPAs, including the Wells Mountain-Bully Choop and the Hardwood Region Areas of the Klamath Province (Figure 1 to § 17.41(c)). Relief would also not be provided for those owls in the Klamath Province Relief Area whose site centers are located on Federal Forest Plan reserves or Congressionally reserved or Administratively withdrawn areas and are dependent upon adjacent non-Federal lands. As noted previously in a discussion of similar site centers in the State of Washington, the Service will reassess the need for such continued protection over the next two years and will provide additional relief where warranted at the end of this assessment.

The California Cascades, Coastal, Hardwood Region and Wells Mountain-Bully Choop CCPAs

California's NCCP program (California Fish and Game Code 2800 *et seq.*) was initiated in 1991 to develop plans that would preserve biological diversity and reconcile development and wildlife needs on a local and regional level. It is designed to encourage public/private sector cooperation, maintain local control over land use decisions, and meet the objectives of State and Federal laws by preserving species and ecosystems before they are on the verge of extinction. Planning criteria and conservation strategies for certain species and communities are developed by scientific review panels.

The California Resources Agency has indicated a willingness to consider initiating an NCCP process for portions of the range of the spotted owl. The Service would encourage the California Resources Agency to convene key stakeholders and regulatory agencies in an NCCP process for the California Cascades, Coastal, Hardwood and Wells Mountain-Bully Choop areas of the State (Figures 2 and 3 to § 17.41(c)). The Service recognizes that the actual designation of any CCPA is a discretionary administrative matter controlled by the California Resources Agency. Accordingly, this proposed rule would recognize these four regions as potential CCPA areas, serving as a ''place holder'' in the 4(d) rule until such time as an NCCP planning process is undertaken and completed. One goal of such a planning effort would be to facilitate and encourage the development of ownership-wide or Region-wide management plans and criteria which adequately provide for the conservation needs of the owl and which complement the owl conservation goals of the Federal Forest Plan. The actual content and scope of such plans would be developed through the NCCP process itself. Ultimately, the planning process must address, to the satisfaction of the State regulatory agencies and the Service, an appropriate balance between providing some measure of regulatory relief while achieving or maintaining the conservation goals for the spotted owl for a particular region.

Under the NCCP approach, the incidental take of the spotted owl would not be prohibited under the Act if take were the result of activities conducted according to an approved CCPA plan. This would require the Service to first determine, in consultation with the California Departments of Fish and Game and Forestry and Fire Protection, that the plan meets the overall requirements of the Act and the conservation goals for the owl in that area and is complementary to the Federal Forest Plan. The process should also consider the extent to which new Board of Forestry Sustained Yield Plans (SYPs) could be used as a basis for incidental take authorization, provided that such SYPs had been reviewed and approved by the Service after consultation with appropriate State agencies. A joint State and Federal National Environmental Policy Act/

California Environmental Quality Act (NEPA)/(CEQA) document could be prepared to review the environmental effects of each CCPA plan, including any incidental take of owls.

Potential CCPA boundaries described below were derived from earlier planning efforts by the State (CDF 1992) and knowledge of current Federal conservation efforts. To the extent that the boundaries of these potential CCPAs are somewhat different from traditional past descriptions of spotted owl provinces in California, they merely represent sub-units of owl provinces.

The areas discussed below could be designated as CCPAs under the California NCCP Act for purposes of northern spotted owl or possible multi-species conservation planning. Of the 837 spotted owl site centers on non-Federal lands in California, 732 are in the combined, proposed CCPAs. There are an additional 228 site centers on Federal lands within the proposed CCPAs, of which 87 rely to some degree upon adjacent non-Federal lands.

(a) *Coastal Area* (Figure 2 to § 17.41(c)).

Extending from the Oregon border south to San Francisco Bay, this area is west of the Six Rivers and Mendocino National Forests. It consists of approximately 293,000 acres of Federal land, and 3.6 million acres of non-Federal land. Timber management is the primary land use on about 2 million acres and is concentrated in the heavily forested redwood zone within 20 miles of the Pacific Ocean coastline. In the more inland and southerly portions of the area, spotted owl habitat is largely confined to the lower portions of drainages and is naturally fragmented by grasslands, hardwoods, and chaparral.

The coastal area of northern California plays an important role in the conservation of the species. It represents more than 10 percent of the range of the spotted owl and has substantial owl populations in managed forests. Approximately 642 owl site centers located on non-Federal lands are known in this area, virtually all of them are in managed second-growth timber stands; 66 site centers are located on Federal lands of which 30 rely to some degree upon adjacent non-Federal lands.

Due to the owl's widespread distribution, the predominance of selective harvest methods, and the rapid regrowth of habitat, the degree of threat to the species in much of this area appears to be relatively low. According to analyses conducted by the California Resources Agency (Berbach *et al.* 1993), more than 75 percent of the quarter-townships in the three northern coastal counties (Del Norte, Humboldt, and Mendocino) meet or exceed the standard for spotted owl dispersal habitat described by the ISC (Thomas *et al.* 1990). Some degree of incidental take could be accommodated while maintaining a well-distributed spotted owl population. The magnitude of such incidental take, however, would be one of the items to be addressed through the NCCP process.

Because Federal lands are limited, they play a small role in the conservation of the species in the California Coastal area. The Forest Plan has placed most of the existing late-successional forests in the BLM's scattered parcels (a few thousand acres) into reserves, and Redwood National Park also provides late-successional habitat in the northern portion of this area. However, these limited Federal reserves cannot support enough spotted owls to provide for the conservation of the species in the coastal province. Therefore, non-Federal lands are generally very important to the conservation of the spotted owl.

Significant non-Federal conservation efforts are already in place or under development in the California Coastal area. Several timber companies have made substantial investments in information-gathering and planning for owl conservation. The Simpson Timber Company has completed an HCP (Simpson 1992) and received a permit for incidental take of a limited number of spotted owls on its 380,000-acre property. Pursuant to the HCP, Simpson Timber has set aside 40,000 acres for at least 10 years, is conducting research on habitat characteristics, and has banded more than 600 owls. The Pacific Lumber Company is conducting banding and radio-telemetry studies, and has completed a management plan for its 200,000-acre property that maintains owl habitat in every watershed and protects all spotted owl nest sites from take. The Georgia-Pacific and Louisiana-Pacific Corporations have conducted banding and radio-telemetry studies in cooperation with the CDFG; analyses of these data are under way. Numerous smaller-acreage landowners have conducted surveys and provided data to the State's spotted owl database.

Planning a conservation strategy for spotted owls in the California Coastal area is a complex task due to the large number of landowners (conservatively estimated at 30,000 to 50,000 (CDF 1992). Therefore, except for a small landowner exemption for people owning less than 80 acres of forestland within a given CCPA and an additional adjustment for non-Federal lands within matrix and AMA areas, the Service is not proposing to remove the prohibition of incidental take for this area at this time, but will cooperate in anticipated efforts by the California Resources Agency to utilize the NCCP process to further refine an acceptable owl conservation program for this area that addresses the question of additional relief.

(b) *Hardwood Region* (Figure 2 to § 17.41(c)).

In the southern portion of the California Coast Province and the California Klamath Province, suitable habitat is scattered due to effects of climate, soils, and human development. This area, which includes much of Lake, Sonoma, Napa, and Marin Counties is dominated by hardwoods and was designated as the Hardwoods Subprovince during the California HCP planning effort (CDF 1992). It consists of approximately 755,000 acres of Federal land and 2.0 million acres of non-Federal land. Approximately 57 owl site centers located on non-Federal lands are known in this area; 70 site centers are located on Federal land of which 9 rely to some degree upon non-Federal lands. In this area, spotted owls are widely scattered and often isolated in small patches of habitat. Because the area contains minimal Federal land, maintenance of the species' current range would depend almost entirely on providing for owls on non-Federal lands.

(c) *Wells Mountains—Bully Choop* (Figure 3 to § 17.41(c)).

This area is in eastern Trinity County south of the Salmon-Trinity Alps Wilderness, and, as identified in the draft Recovery Plan, provides an important link between the California Klamath Province and the California Cascades Province. This area consists of approximately 116,000 acres of Federal land and 176,000 acres of non-Federal lands, and is managed under Sierra-Pacific Industries' no-take owl management plan. Approximately 13 owl site centers located on non-Federal lands are known in this area; 7 site centers are located on Federal lands of which all 7 rely to some degree upon adjacent non-Federal lands. Conservation goals include maintenance of owl populations and dispersal habitat.

(d) *California Cascades* (Figure 3 to § 17.41(c)).

The California Cascades Province is east of the California Klamath Province. It consists of approximately 1.3 million acres of Federal land and 1.6 million acres of non-Federal land. Checkerboard Federal/non-Federal ownership patterns predominate. Due to the relatively dry climate and the history of recurrent

wildfires in this province, spotted owl habitat is naturally fragmented by chaparral and stands of deciduous hardwoods. In portions of the province, exclusion of fire during the last century may have encouraged development of mixed-conifer habitat suitable for spotted owls. However, during the same period, timber harvest has removed substantial amounts of suitable habitat. Approximately 105 widely scattered site centers are known. Of these sites, 20 are centered on non-Federal lands and 85 are centered on Federal lands, of which 46 rely to some degree upon adjacent non-Federal lands. The potential for dispersal throughout the province appears to be limited. This province provides the demographic and genetic link between the northern spotted owl and the California spotted owl (*Strix occidentalis occidentalis*) of the Sierra Nevada range.

Currently, threats in this province include low population numbers, the difficulty in providing for interacting population clusters, and fragmented dispersal habitat. Catastrophic wildfire is a significant threat to habitat. In 1992, a 70,000-acre fire in Shasta County substantially reduced the likelihood of contact between the northern spotted owl and the California spotted owl for the next several decades.

Due to the existing habitat condition and the importance of the province in linking the two subspecies, the entire province has been designated as an area of concern by every spotted owl management plan to date. The Forest Plan provides protection of habitat in the home range of each northern spotted owl found in the province. The province contains the 172,000-acre Goosenest AMA on the Klamath National Forest. Sierra-Pacific Industries' owl management plan covers the majority of the extensive non-Federal checkerboard ownership in the province. The primary conservation needs for both Federal and non-Federal lands are research on habitat use by nesting and dispersing spotted owls, and providing habitat for a well-distributed population and dispersal throughout the province. Because of the poor biological status of the owl in this province, the opportunity for large scale relief in this area is very limited at present. Should additional data or information suggest that the status of the owl has stabilized or is improving, options for this Province would be reconsidered.

Other Related Provisions

As is the case in the State of Washington, the proposed rule would also include a ''safe harbor'' for any timber harvest activity where more than 40 percent suitable habitat remained, post harvest, within an owl's median annual home range. This provision would be relevant for harvest activities within the four potential CCPAs.

The Service proposes to provide immediate relief upon the effective date of the final rule from owl incidental take restrictions for small landowners in California. Such relief would be independent of, and in advance of any Natural Community Conservation Planning (NCCP) process. Except within the 70-acre owl activity centers themselves, the Service proposes to relieve small landowners who own no more than 80 acres of forestland in a given CCPA as of the date of publishing this proposed rule in the **Federal Register**, from the prohibition against the incidental take of owls. The 80 acres/small landowner relief provision would remain in effect regardless of whether an NCCP process was ultimately successful in a given CCPA. The relief provision would be applicable in all four potential CCPAs. It would be unnecessary in the Klamath Province Relief Area, which is the subject of a broader proposal to relax incidental take restrictions.

The Service also proposes to modify existing incidental take restrictions within potential CCPAs that would involve non-Federal lands located amid matrix or Adoptive Management Areas (AMA) designated under the Federal Forest Plan. Where such non-Federal lands are subject to incidental take prohibitions for a given owl, the Service proposes to authorize the affected non-Federal landowners to apply either the final management prescriptions for the surrounding Federal Matrix/AMA land, as determined through the watershed analysis or AMA planning processes, as appropriate, or such management practices which comply with the current incidental take restrictions.

Application of either management strategy would absolve the affected non-Federal landowner from any liability for incidental take of an owl under the Act, resulting in the application of more uniform owl conservation standards within a matrix/AMA area regardless of land ownership.

The one exception to this policy would be where the adoption of matrix or AMA prescriptions could result in the incidental take of an owl whose site center is located within a Forest Plan reserve or Congressionally reserved or Administratively withdrawn area. In such a case, the incidental take restrictions would continue to apply for at least two more years. At the end of this period, the Service will review any new data or information involving the status of such owls and their habitats in the affected areas, including the results of any completed watershed analysis and other planning efforts under the Forest Plan. As noted previously in a discussion of this review process, the Service would assess on an area-by-area basis whether the continuation of the incidental take prohibition on affected non-Federal lands was still necessary and advisable for achieving the owl conservation goals of the Forest Plan. The Service would lift the incidental take restrictions where warranted and authorize the adoption of the final matrix or AMA prescriptions, at the discretion of the affected non-Federal landowner, as a means of avoiding an unauthorized incidental take of an owl.

Table 1 provides a summary of the various areas where incidental take relief could be provided or prohibitions retained in the two States affected by this proposed rule.

TABLE 1

Landowner type	Washington owl sites outside SEAs	Washington owl sites inside SEAs	California owl sites inside Klamath relief area	California owl sites inside CCPAs
Less than 80 acres.	Relief for all landowners except for 70-acre core.	Relief except for 70-acre core	Relief for all landowners except for 70-acre core.	Relief except for 70-acre core.
80–5,000 Acres	Relief for all landowners except for 70-acre core or where current restrictions are necessary to protect owls on a Federal reserve or withdrawn area (except for Olympic Peninsula).	Matrix/AMA prescription option. Additional relief contingent upon acceptable Local Option Plan.	Relief for all landowners except for 70-acre core or where current restrictions are necessary to protect owls on a Federal reserve or withdrawn area.	Matrix/AMA prescription option. Additional relief contingent upon successful completion of NCCP process.
More than 5,000 Acres.	Relief for all landowners except for 70-acre core or where current restrictions are necessary to protect owls on a Federal reserve or withdrawn area (except for the Olympic Peninsula).	Matrix/AMA prescription option. Additional relief contingent upon acceptable Local Option Plan.	Relief for all landowners except for 70-acre core or where current restrictions are necessary to protect owls on a Federal reserve or withdrawn area.	Matrix/AMA prescription option. Additional relief contingent upon successful completion of NCCP process.

Incidental Take on Tribal Lands

For Indian forest lands, as that term is defined at 25 CFR 163.1, in California and Washington, the proposed rule would result in the reduction of the current Federal prohibition against the incidental take of the spotted owl. Under this proposal, Tribes would be required to maintain only the closest 70 acres of suitable owl habitat around an owl site center. Any additional restrictions or prohibitions under Tribal law would continue to apply. The Service is proposing this approach in recognition of the conservation benefits provided the northern spotted owl under harvest methods practiced by many Indian Nations, such as the Yakima Indian Nation in Washington. Many tribal lands are already managed under conservation strategies for the owl or are of little habitat value for the bird. Moreover, the Service notes that the Secretary's trust responsibility for Native Americans provides him with additional fiduciary factors to weigh in exercising his broad discretionary authority under Section 4(d) of the Act.

Sunset Provision

The Service proposes a process that could result in the modification of the prohibitions of incidental take that are retained under this proposed rule should future biological information so warrant in either California or Washington.

Under this sunset provision, the Service would periodically evaluate the conservation goals for non-Federal lands within SEAs or possible CCPAs and would decide whether the conservation goals for owls in those areas have been accomplished as a result of future HCPs, no-take agreements, or other affirmative conservation activities. Should the Service conclude that success has been achieved in reaching the conservation needs of the species within a given area, restrictions due to incidental take prohibitions could be further modified or lifted, as information warrants.

Other Federal Mechanisms for Promoting the Conservation of the Spotted Owl

The listing of the spotted owl, the designation of its critical habitat, and the application of Act regulations at 50 CFR Part 17 have extended the protection of the Act to this species. Under section 7 of the Act and the implementing consultation regulations at 50 CFR 402, individual project review occurs through the consultation process for those actions authorized, funded, or carried out by Federal agencies that may affect a listed species like the spotted owl or its designated critical habitat. The Section 7 consultation process is designed to ensure that a proposed action is not likely to jeopardize the continued existence of the species or adversely modify its critical habitat. The consultation process also requires the Service to determine what level of incidental take is likely to occur as a result of that action. After completing this determination, the Service issues an incidental take statement that is designed to minimize both the level and the impact of take on listed species.

In 1982, Congress amended section 10(a)(1)(B) of the Act to provide an additional mechanism for encouraging non-Federal support for the conservation of listed species. More commonly known as Habitat Conservation Planning or HCPs, this mechanism authorizes the incidental take of a listed species in exchange for a commitment from a private developer or landowner for a long-term conservation program for the affected species.

Section 10(a)(1)(B) of the Act, requires non-Federal applicants to develop Habitat Conservation Plans for listed species which would be incidentally taken in the course of otherwise lawful activities, and to submit such plans along with an application for an incidental take permit. Such plans can direct significant private sector resources in support of the overall conservation of the affected species on non-Federal lands. Three section 10(a)(1)(B) incidental take permits for the northern spotted owl have already been issued by the Service. A number of other non-Federal entities are in the process of developing HCPs for the spotted owl. The section 10 HCP process will remain available to non-Federal landowners under the proposed rule and will provide an additional alternative for adjusting the incidental take prohibitions set forth in this proposed rule. The initiation of a major and aggressive Habitat Conservation Planning Program for non-Federal forestlands in the Pacific Northwest is an integral and crucial component of the Administration's overall owl conservation program. When combined with the conservation goals of the Federal Forest Plan and this proposed section 4(d) rule, the Service's Habitat Conservation Planning initiative provides the third element for a comprehensive strategy for the owl.

Incentives for Restoring or Enhancing Owl Habitat

Prohibitions against the incidental take of the spotted owl have existed since the species was Federally listed in June of 1990. The Service believes that many landowners have felt threatened by the current regulations which could

be viewed as a disincentive to enhance, restore, or maintain habitat in a condition that is suitable for owl nesting, roosting, foraging, or dispersal. The disincentive stems from landowners' fears that owls might establish residence on, or move through, their property and impede their ability to manage their timber resources. This disincentive has had the effect of increasing timber harvest of currently suitable owl habitat and younger forests on non-Federal lands which are not presently affected by the presence of an owl. With regard to younger forests in particular, this concern or fear has accelerated harvest rotations in an effort to avoid the regrowth of habitat that is useable by owls.

For those non-Federal lands which are not currently affected by incidental take restrictions for spotted owls, the Service proposes to provide a new incentive to landowners to voluntarily manage their lands in a manner which aids in owl conservation without increased regulatory liability for the landowner. In particular, the Service desires to encourage landowners to restore or enhance former owl habitat which has been previously altered and is of little current value to the owl. The Service is also interested in encouraging owners of current suitable owl habitat to maintain that habitat and to forego premature cutting as the only perceived means of avoiding future incidental take restrictions for the owl.

The Service would offer to work directly with a non-Federal landowner through a written conservation or cooperative agreement for the purpose of managing, restoring or enhancing forest habitat so as to contribute to the survival and recovery of the owl. Working with the affected landowner, the Service would first establish an environmental baseline for the property to confirm that no Endangered Species Act-based spotted owl restrictions currently apply to the land. The Service might provide such other conservation advice or assistance as is feasible and available. The agreement would be of sufficient duration so as to enhance the conservation of the owl or to provide some benefit to the owl while still allowing economic use of the property during the term of the agreement.

At the end of the agreement, or at any time thereafter, the landowner would be free to use his or her property as desired without restrictions under the Act for the spotted owl. This would be the case even if an owl established residence or dependency upon the property at some point during or after the terms of the agreement. During the life of the agreement, the landowner also would be authorized to incidentally take any spotted owl which was otherwise in accordance with the use of the property under the agreement.

The Service believes that an incentives program of this sort will encourage primarily the development of dispersal habitat under restoration and enhancement agreements and will slow down the harvest of suitable owl habitat under habitat maintenance agreements. Under any of these approaches, there is a potential benefit for the spotted owl. Most owls using dispersal habitat are not likely to remain dependent upon that habitat as part of a resident pair or as a single. Instead, they are likely to use the area as a corridor for moving from one block of suitable habitat to another. Under these circumstances, any incidental take that might otherwise occur through land use activities on the property is likely to be inconsequential or very limited in impact or duration.

In addition, the opportunity for subsequent immunity from incidental take restrictions should provide an incentive to owners of suitable owl habitat to forego panic cutting and to enter into habitat maintenance agreements. By discouraging legal but potentially unsustainable harvests now, and stretching the retention of suitable owl habitat for the life of a maintenance agreement, the Service and the landowner would keep such habitat available for owl use during the pendency of the agreement.

Incidental Take of Other Listed Species

Several other Federally-listed species occur in the late-successional and old-growth forests that provide habitat for the spotted owl. The bald eagle (*Haliaeetus leucocephalus*), peregrine falcon (*Falco peregrinus*), gray wolf, grizzly bear (*Ursus arctos*), and marbled murrelet are known to occur on non-Federal lands in the range of the owl; the prohibition of take of these species incidental to timber harvest would remain in place.

The Service is concerned about the effects of harvest activities on the marbled murrelet, particularly since the range of the spotted owl significantly overlaps the range of the murrelet. Some areas of relief under this proposed rule for the spotted owl might also provide habitat that is occupied by the marbled murrelet. Since the date of the original listing of the murrelet, the Service has been acquiring as much additional data and information as possible to identify the constituent elements of suitable murrelet habitat, as well as to expand a landowner's ability to determine whether or not such habitat is occupied. Significant progress also has been made in the development of a draft recovery plan for the murrelet. The draft recovery plan should be available for public comments in two to three months. In order to aid a landowner in determining whether a property is occupied by murrelets, the Service encourages landowners to contact one of the Fish and Wildlife Service's three Ecological Services State Offices noted previously in this document, and request guidance or information on delineating suitable murrelet habitat and conducting murrelet surveys to determine presence of murrelets on a given piece of property. This will ensure that landowners who might receive relief from owl restrictions under this proposed rule are aware of the latest data on occupied habitat for murrelets.

The Service recognizes that additional incidental take of spotted owls may occur in SEAs in Washington and CCPAs in California, as HCPs or other long-term conservation agreements, e.g. local option conservation plans, are implemented and further take is authorized. However, the Service believes that the overall level of incidental take is acceptable in light of the habitat-based conservation strategy in the Forest Plan and the fact that such plans or agreements must satisfy the conservation requirements of the Act. The Service will review the effects of the proposed rule under a section 7 consultation as part of the process to complete this proposed rule.

In Washington and California, the Service believes that the relief from prohibitions for non-Federal landowners outside of SEAs or CCPAs and for non-Federal landowners with holdings of less than 80 acres of forestland in a given SEA or CCPA would not preclude the recovery of the spotted owl and will facilitate the maintenance of habitat conditions in some areas by removing disincentives that currently account for the premature cutting of habitat.

In general, the contributions of Federal, State, Tribal and private land management and conservation efforts for protection of the spotted owl and other species allow for reduction of the prohibitions on incidental take of the owl in many areas on non-Federal lands. As a result of this proposed rule, landowners would have more certainty about the conditions under which incidental take is likely to occur. Finally, the Service points to the long-term benefit to the owl of enhanced public support for the Act.

Public Comments Solicited

The Service intends that any final action resulting from this proposed rule

would be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other government agencies, the scientific community, industry, or any other interested party concerning this proposed rule are solicited. In particular, the Service seeks comments on:

(1) The distribution, abundance, and population trends of spotted owls on non-Federal lands in Washington and California as they would relate to the approaches described in this proposed rule;

(2) The boundaries of the proposed SEAs or CCPAs identified for Washington and California and suggestions for modification of these boundaries. In order to better assess available data on the region, the Service particularly would like to encourage public comment on the question of whether it is necessary and advisable for the conservation of the spotted owl to designate a Special Emphasis Area on the western side of the Olympic Peninsula, and if so, whether the present proposed boundaries of the Hoh/Clearwater Special Emphasis Area are warranted or whether they should be reduced in size or significantly reconfigured.

(3) The distribution and abundance of spotted owl populations that are outside of SEAs or CCPAs;

(4) The biological and economic implications of applying the proposed rule in Washington and California;

(5) The applicability of the definitions of suitable habitat and dispersal habitat for the spotted owl, specific to provinces if possible;

(6) The implications of the proposed rule on small-acreage (less than 80 acres), medium-acreage (80 to 5,000 acres), and large-acreage (more than 5,000 acres) non-Federal landowners and comments on how these different ownerships are addressed in the proposed rule;

(7) The scope and effect of the ''local option'' process for landowners who own 80 to 5,000 acres in SEAs in the State of Washington;

(8) The biological or economic implication of proposing a different SEA/CCPA approach where non-Federal buffers would be retained around any owl site centers located on Federal reserves in designated areas, and whether SEA/CCPA boundaries would change as a result of applying this type of approach; and

(9) Recommendations or comments on how to implement the proposed Habitat Enhancement Agreement conservation program for the owl, particularly with regards to possible provisions of such agreements, scope of duration of such agreements and land use assurances to private landowners which would be necessary to encourage voluntary participation.

Final promulgation of the proposed rule will take into consideration the comments and any information received by the Service. Any information the Service receives during the comment period may lead to a final rule that differs from this proposed rule.

The Act provides for a public hearing on the proposed rule, if requested. Requests must be received within 45 days of the date of publication of this proposed rule. Such requests must be written and addressed to: Regional Director, Region 1, U.S. Fish & Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181.

Section 7 Consultation

Review, pursuant to section 7 of the Act, will be conducted prior to issuance of a final rule to ensure that the proposed action will not jeopardize the continued existence of the spotted owl or any other listed species.

National Environmental Policy Act

The Fish and Wildlife Service is complying with NEPA in implementing the provisions of this proposed rule. The Service prepared an environmental assessment on this proposal and has decided to engage in a more intensive assessment of impacts through the preparation of an environmental impact statement (EIS). The Service is preparing a draft EIS at this time. The draft EIS will be published and available for public review and comment approximately 60 days after publication of this proposed rule. The end of the public comment period for the proposed rule will ultimately be extended to coincide with the end of the public comment period for the draft EIS.

Required Determinations

This proposed rule was reviewed under Executive Order 12866. The Service has not yet made a determination of the economic effects of the proposed rule on small entities as required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Specific economic effects of the proposed action will be discussed in the economic analysis that is included in the Environmental Impact Statement (EIS) for the proposed action. The EIS will be published and available for public comment at a later date. This rule does not require a Federalism assessment under Executive Order 12612 because it would not have any significant federalism effects as described in the order. The collection of information contained in this proposed rule have been approved by the Office of Management and Budget under U.S.C. 3501 *et seq.* and assigned clearance number 1018–0022. The Service has determined that this proposed action qualifies for categorical exclusion under the requirements of Executive Order 12630, ''Government Actions and Interference with Constitutionally Protected Property Rights'', and preparation of a Takings Implications Assessment is not required. Regulations that authorize take of listed species, as is proposed in this special rule, are designated as categorical exclusions.

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Authors

The principal authors of this proposed rule are Gerry Jackson, U.S. Fish and Wildlife Service, Deputy Assistant Regional Director, North Pacific Coast Ecosystem, 911 N.E. 11th Avenue, Portland, Oregon 97232; Curt Smitch, U.S. Fish and Wildlife Service, Assistant Regional Director, North Pacific Coast Ecosystem, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501; and Don Barry, Counselor to Assistant Secretary for Fish, Wildlife and Parks, 1849 C Street NW, Washington, DC 20240.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

§ 17.11 [Amended]

2. Section 17.11(h), is amended by revising the ''special rules'' column in the table entry for ''Owl, northern spotted'' under BIRDS to read ''17.41(c)'' instead of ''NA''.

3. Section 17.41 is amended by adding paragraph (c) to read as follows:

§ 17.41 Special rules—birds.

* * * * *

(c) Northern spotted owl (*Strix occidentalis caurina*).

(1) *Prohibitions.* Except as provided in this paragraph (c)(1) or by a permit issued under paragraph (c)(2) of this section, the following prohibitions apply to the northern spotted owl.

(i) *Taking.* Except as provided in this paragraph (c)(1)(i), no person shall take a northern spotted owl in Washington or California.

(A) *Taking pursuant to cooperative agreements.* Any employee or agent of the Fish and Wildlife Service (Service), or of a conservation agency of the State of Washington or State of California that is carrying out a conservation program pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Endangered Species Act, who is designated by his/her agency for such purposes, may, when acting in the course of his/her official duties, take a northern spotted owl covered by an approved cooperative agreement to carry out a conservation program under the agreement in Washington or California.

(B) *Taking by designated officials.* Any employee or agent of the Service, National Park Service, Bureau of Land Management, U.S. Forest Service, Washington Department of Wildlife, or California Department of Fish and Game, who is designated by his/her agency for such purposes, may, when acting in the course of his/her official duties, take a northern spotted owl in Washington or California if such action is necessary to:

(*1*) Aid a sick, injured or orphaned owl;

(*2*) Dispose of a dead owl; or

(*3*) Salvage a dead owl which may be useful for scientific study: *Provided,* that any taking pursuant to paragraph (c)(1)(i)(B) of this section must be reported in writing to the U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, DC 20036, within 5 days. The specimen may only be retained, disposed of or salvaged in accordance with directions from the Service.

(C) *Incidental Take on Tribal Lands.* On Indian forest lands in Washington and California, as defined in 25 CFR 163.1, any person may, when acting in accordance with tribal forestry rules and regulations, take a northern spotted owl incidental to timber harvest activity if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center.

(D) *Spotted Owl Habitat Enhancement Agreement.* Any person who has voluntarily entered into a Cooperative Habitat Enhancement Agreement (Agreement) with the Service for the purpose of restoring, enhancing or maintaining forestland habitat to aid in the conservation of the spotted owl may, pursuant to the terms of that Agreement, incidentally take spotted owls on the subject lands either during or after the period when the Agreement is in effect: *Provided,* that such Agreements shall only apply to parcels of land that are free of all incidental take restrictions for the spotted owl as of the date that such Agreements enter into force and effect, and that such Agreements must be of sufficient duration to aid in the conservation of the spotted owl.

(E) *Incidental Take in State of Washington.* The provisions of this paragraph (c)(1)(i)(E) shall apply to the incidental take of northern spotted owls from timber harvest activity in the State of Washington.

(*1*) *Outside Special Emphasis Areas (SEA).* Any person may take a northern spotted owl incidental to timber harvest activity outside an SEA if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center: *Provided,* that such incidental take is not authorized with regard to an owl whose site center is located within and along

the boundary of an SEA; or a Federal reserve or Congressionally reserved or Administratively withdrawn area which is otherwise located off the Olympic Peninsula.

(*2*) *Inside SEAs—Matrix and Adaptive Management Area authorization.* Any person may take a northern spotted owl incidental to timber harvest activity within an SEA if the harvest is on non-Federal land surrounded by or located within Federal Matrix or Adaptive Management Area lands and complies with the final Federal harvest prescriptions or restrictions adopted for such lands: *Provided,* that this authorization shall not apply to any northern spotted owl whose site center is located within a Federal Reserve or a Congressionally reserved area or Administratively withdrawn area.

(*3*) *Inside SEAs—Small landowners.* Any person who owns, on February 17, 1995, no more than 80 acres of forestland within a given SEA, may take a northern spotted owl incidental to timber harvest activity within such 80 acres if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center.

(*4*) *Inside SEAs—Local option conservation plans.* (*i*) *Authorization.* Any person who owns on February 17, 1995 more than 80 acres, but not more than 5000 acres, of forestland in a given SEA may take a northern spotted owl incidental to timber harvest activity conducted on such land in accordance with a Local Option Conservation Plan approved by the Service.

(*ii*) *Application.* Each application for a Local Option Conservation Plan shall be submitted to the Service's State Supervisor, U.S. Fish and Wildlife Service, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501, on an official application (Form 3–200) provided by the Service. Each application must include, as an attachment, a plan that contains a description of the area to be covered by the proposed plan; the size of the affected land ownership(s) and the intended duration of the plan; the number of affected spotted owls and the habitat condition in the area to be covered by the proposed plan, if known; the extent to which the plan will contribute to or be consistent with the owl conservation needs identified for the SEA affected by the plan; the extent to which the incidental take of spotted owls resulting from timber activities under the plan will be complementary with the goals of the Federal Forest Plan for the affected area; the extent to which the land is adjacent to, or interspersed within, Federal Matrix or Adaptive Management Area lands and a description of the final management prescriptions delineated for any such lands, if known; the measures to be taken to minimize and mitigate the impacts of incidental take of spotted owls; the impact of the plan on affected watershed(s); what commitments the landowner(s) will provide to ensure implementation or adequate funding for the plan; what procedures will be used to deal with any unforeseen circumstances which could result in significant adverse effects to spotted owls in the affected area; any additional measures the Service requires as being necessary or appropriate for the goals of the plan to be met, e.g., reporting and review requirements; and, where the State has implemented regulations for a local option conservation plan review process that complements or is consistent with this proposed rule, whether the State has certified the plan.

(*iii*) *Approval.* After consideration of the information submitted with an application and received during a public comment period, the Service shall approve a Local Option Conservation Plan if it finds that any anticipated taking will be incidental; the applicant will minimize and mitigate the impact of such takings; the local option conservation plan contributes to or is consistent with the conservation needs of the northern spotted owl in the affected SEA and will not result in the incidental take of a spotted owl deemed essential for providing demographic support for a Federal reserve established under the Federal Forest Plan as necessary to achieve conservation objectives; the applicant will provide adequate assurances or funding for the implementation of the local option plan; and the taking will not appreciably reduce the likelihood of survival and recovery of any listed species in the wild.

(*5*) *Safe Harbor Authorization.* Any person may take a northern spotted owl incidental to timber harvest activity within an SEA if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center, and does not reduce, to less than 40 percent, the amount of nesting, roosting and foraging habitat within the median annual home range of the affected owl.

(*6*) *Sunset provision.* The Service shall periodically review and evaluate the effectiveness of the conservation measures and program for the spotted owl for each SEA. If the review indicates that the conservation goals for an SEA have been effectively achieved, the Service shall propose regulations to modify or withdraw the incidental take prohibitions in this paragraph as appropriate with respect to such SEA.

(F) *Incidental Take in State of California.* The provisions of this paragraph (c)(1)(i)(F) shall apply to the incidental take of northern spotted owls from timber harvest activity in the State of California.

(*1*) *Klamath Province Relief Area.* Any person may take a northern spotted owl incidental to timber harvest activity in the Klamath Province Relief Area (Figure 1 to § 17.41(c)) if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center: *Provided,* that such incidental take is not authorized with regard to an owl whose site center is located within and along the boundary of a Federal reserve or a Congressionally reserved or Administratively withdrawn area.

(*2*) *Potential California Conservation Planning Areas.* (*i*) *Matrix and Adaptive Management Area authorization.* Any person may take a northern spotted owl incidental to timber harvest activity within a potential California Conservation Planning Area (CCPA) if the harvest is on non-Federal land surrounded by or located within Federal Matrix or Adaptive Management Area lands and complies with the final Federal harvest prescriptions or restrictions adopted for such lands: *Provided,* that this authorization shall not apply to any northern spotted owl whose site center is located within a Federal reserve or a Congressionally reserved or Administratively withdrawn area.

(*ii*) *Small landowners.* Any person who owns, on February 17, 1995, no more than 80 acres of forestland within a given potential CCPA may take a northern spotted owl incidental to timber harvest activity within such 80 acres if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center.

(*iii*) *Natural Communities Conservation Plans.* Any person may take a northern spotted owl incidental to timber harvest activity within a potential CCPA if the harvest is conducted in accordance with a Natural Communities Conservation Plan (Plan) for spotted owls prepared by the State of California and approved by the Service. The Service shall approve any such Plan if it finds that the Plan is consistent with achieving the conservation goals for the spotted owl in the affected CCPA, is complementary to the Federal Forest Plan and is consistent with the criteria of section 10(a)(2) of the Endangered Species Act (16 USC 1539(a)(2)).

(*iv*) *Safe Harbor Authorization*. Any person may take northern spotted owls incidental to timber harvest activity within a potential CCPA if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center, and does not reduce, to less than 40 percent, the amount of nesting, roosting and foraging habitat within the median annual home range of the affected owl.

(*v*) *Sunset provision*. The Service shall periodically review and evaluate the effectiveness of the conservation measures and program for the spotted owl established for each CCPA. If the review indicates that the conservation goals for a CCPA have been effectively achieved, the Service shall propose regulations to modify or withdraw the incidental take prohibitions of this paragraph, as appropriate, with respect to such CCPA.

(ii) *Unlawfully taken owls*. No person shall possess, sell, deliver, carry, transport, or ship, any northern spotted owl taken in violation of paragraph (c)(1)(i) of this section: *Provided*, that Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(iii) *Commercial transportation*. No person shall deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity any northern spotted owl.

(iv) *Sales*. No person shall sell or offer for sale in interstate or foreign commerce any northern spotted owl.

(v) *Importation or exportation*. No person shall import into the United States, or export from the United States, any northern spotted owl.

(2) *Permits*. In accordance with the provisions of § 17.32 of this Part, permits are available to authorize otherwise prohibited activities involving the northern spotted owl in Washington and California.

(3) *Definitions*. As used in this paragraph (c):

(i) *Administratively withdrawn area* means lands that are excluded from planned or programmed timber harvest under agency planning documents or the preferred alternative for draft agency planning documents.

(ii) *Adaptive management area* means the 10 landscape units that were adopted in the April 13, 1994 *Record of Decision for Amendments to U.S. Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl* (USDA/USDI 1994) for development and testing of technical and social approaches to achieving specific ecological, economic, and other social objectives.

(iii) *Congressionally reserved area* means lands with Congressional designations that preclude timber harvest, as well as other Federal lands not administered by the Forest Service or Bureau of Land Management, including National Parks and Monuments, Wild and Scenic Rivers, National Wildlife Refuges, and military reservations.

(iv) *Federal Forest Plan* means the Federal forest management strategies, standards and guidelines adopted in the April 13, 1994, Record of Decision for the Final Supplemental Environmental Impact Statement for 19 National Forests and 7 Bureau of Land Management Districts located within the range of the northern spotted owl.

(v) *Federal Matrix Land* means those Federal lands generally available for programmed timber harvest which are outside of the Congressionally reserved and Administratively withdrawn areas, Federal reserves and Adaptive Management Areas as delineated in the Standards and Guidelines adopted in the April 13, 1994, Record of Decision.

(vi) *Federal Reserve* means those Federal lands delineated in the April 13, 1994, Record of Decision on which programmed timber harvest is not allowed and is otherwise severely limited. There are two types of reserves: late-successional reserves, which are designed to produce contiguous blocks of older forest stands; and riparian reserves, which consist of protected strips along the banks of rivers, streams, lakes, and wetlands that act as a buffer between these water bodies and areas where timber harvesting is allowed.

(vii) *Home range* means the area a spotted owl traverses in the course of normal activities in fulfilling its biological needs during the course of its life span.

(viii) *Nesting, roosting and foraging habitat or suitable habitat* means those areas with the following vegetative structure and composition necessary to assure successful nesting, roosting, and foraging activities for a territorial single or breeding pair of spotted owls:

(A) In the California provinces, suitable habitat consists, as a general matter, of coniferous or mixed coniferous/hardwood forests with multiple canopy layers; multiple overstory conifers greater than 16 inches in diameter at breast height (dbh); and total canopy closure among dominant, co-dominant, and understory trees of greater than 60 percent;

(B) In the Western Washington Lowlands province, the Western Washington Cascades province, and the Washington Olympic Peninsula province, suitable habitat consists, as a general matter, of coniferous or mixed coniferous/hardwood forests with multiple canopy layers; multiple large overstory conifers greater than 20 inches dbh, and total canopy closure among dominant, co-dominant and understory species of greater than 60 percent;

(C) In the Eastern Washington Cascades province, suitable habitat consists, as a general matter, of coniferous forests with stands that contain greater than 20 percent fir (Douglas fir, Grand fir) and/or hemlock trees; multiple canopy layers of multiple large overstory conifers greater than 12 inches dbh; and total canopy closure among dominant, co-dominant and understory species of greater than 50 percent.

(ix) *Northern spotted owl, spotted owl, or owl* means any northern spotted owl (*Strix occidentalis caurina*), alive or dead, and any part, egg, nest, or product thereof.

(x) *Person* has the meaning provided in 16 USC 1532(13).

(xi) *Potential California Conservation Planning Area (CCPA)* means any of the following four areas in the State of California (Figure 1 to § 17.41(c)):

(A) *California Coastal Area (Humboldt Meridian and Baseline)* (Figure 2 to § 17.41(c)) Beginning at the intersection of the California-Oregon State Line and the shoreline of the Pacific Ocean, then east along the California-Oregon State Line, then south along the east border of S33 T19NR01E, S04 T18NR01E, S09 T18NR01E, S16 T18NR01E, S21 T18NR01E, S28 T18NR01E, S33 T18NR01E, then west along the south border of S33 T18NR01E, then south along the east border of S05 T17NR01E, S06 T17NR01E, then east along the north border of S16 T17NR01E, then south along the east border of S16 T17NR01E, S21 T17NR01E, S28 T17NR01E, S33 T17NR01E, and S04 T16NR01E, then east along the north border of S10 T16NR01E, then south along the east border of S10 T16NR01E, S15 T16NR01E, then east along the north border of S23 T16NR01E, then south along the east border of S23 T16NR01E and S26 T16NR01E, then east along the north border of S36 T16NR01E, then south along the east border of S36 T16NR01E, then east along the north border of S06 T15NR02E, then south along the east border of S06 T15NR02E, S07 T15NR02E, S18 T15NR02E, then east along the north border of S20 T15NR02E, S21 T15NR02E, S22 T15NR02E, S23 T15NR02E, then north along the west border of S13 T15NR02E,

S12 T15NR02E, then east along the north border of S12 T15NR02E, S07 T15NR03E, S08 T15NR03E, then south along the east border of S08 T15NR03E, S17 T15NR03E, then west along the south border of S17 T15NR03E, then south along the east border of S19 T15NR03E, S30 T15NR03E, S31 T15NR03E, then west along the south border of S31 T15NR03E, then south along the east border of T14NR02E, T13NR02, and T12NR02E, then east along the north border of T12NR03E, then south along the east border of T12NR03E and T11NR03E, then east along the north border of S06 T10NR04E, then south along the east border of S06 T10NR04E, S07 T10NR04E, S18 T10NR04E, S19 T10NR04E, S30 T10NR04E, S31 T10NR04E, S06 T09NR04E, S07 T09NR04E, S18 T09NR04E, then southwest along the north border of the Hoopa Valley Indian Reservation, then southeast along the west border of the Hoopa Valley Indian Reservation, then south along the east border of S17 T07NR04E, S20 T07NR04E, S29 T07NR04E, S32 T07NR04E, S05 T06NR04E, S08 T06NR04E, S17 T06NR04E, S20 T06NR04E, S29 T06NR04E, S32 T06NR04E, then east along the north border of S04 T05NR04E, then south along the east border of S04 T05NR04E, then east along the north border of S10 T05NR04E, then south along the east border of S10 T05NR04E, S15 T05NR04E, S22 T05NR04E, then east along the north border of S26 T05NR04E, S25 T05NR04E, then south along the east border of T05NR04E and T04NR04E, then east along the north border of S31 T04NR05E, then south along the east border of S31 T04NR05E, S06 T3NR05E, S07 T3NR05E, S18 T3NR05E, then east along the north border of S20 T03NR05E, S21 T03NR05E, then south along the east border of S21 T3NR05E, S28 T3NR05E, S33 T3NR05E, S04 T02NR05E, S09 T02NR05E, S16 T02NR05E, then east along the north border of S22 T02NR05E, then south along the east border of S22 T02NR05E, then east along the north border of S26 T02NR05E, S25 T02NR05E, then south along the east border of T02NR05E, then east along the north border of T01NR06E, then south along the east border of S03 T01NR06E, S10 T01NR06E, S15 T01NR06E, S22 T01NR06E, then east along the north border of S26 T01NR06E, then south along the east border of S26 T01NR06E, then east along the north border of S36 T01NR06e, S31 T01NR07E, then north along the east border of S29 T01NR07E, then east along the north border of S29 T01NR07E, then south along the east border of S29 T01NR07E, S32 T01NR07E, then west along the south border of T01NR07E, then south along the east border of T01SR06E, then west along the south border of S24 T01SR06E, S23 T01SR06E, S22 T01SR06E, S21 T01SR06E, S20 T01SR06E, S19 T01SR06E, S24 T01SR05E, S23 T01SR05E, then south along the east border of S27 T01SR05E, S34 T01SR05E, then east along the north border of S02 T02SR05E, then south along the east border of S02 T02SR05E, S11 T02SR05E, S14 T02SR05E, then east along the north border of S24 T02SR05E, then south along the east border of T02SR05E, then east along the north border of S31 T02SR06E, then south along the east border of S31 T02SR06E, then east along the north border of S06 T03SR06E, S05 T03SR06E, S04 T03SR06E, S03 T03SR06E, S02 T03SR06E, S01 T03SR06E, then south along the east border of T03SR06E, then west along Ruth Zenia Road, Alderpoint Bluff Road, Zenia Bluff Road, Alder Point Road, then south along Harris Road, Bell Springs Road, and U.S. Highway 101, then west along Sebatopol Road, Bodega Highway, and California Highway 1, then north along California Highway 1, then west along Salmon Creek, then north along the shoreline of the Pacific Ocean to the point of beginning.

(B) *Hardwood Region (Mt Diablo Meridian and Baseline Except Where Township Designation Is Followed by * Which Indicates Humboldt Meridian and Baseline)* (Figure 2 to § 17.41(c))

Beginning at the Intersection of Ruth Zenia Road and the east border of T03SR06E*, then south along the east border of T03SR06E*, then east along the north border of T04SR07E* and T04SR08E*, then south along the east border of T04SR08E* and T05SR08E*,/ ****Meridian Change/ then east along the north border of T05SR08E* and T25NR12W, then south along the east border of T25NR12W, then east along the north border of S18 T25NR11W, S17 T25NR11W, S16 T25NR11W, then south along the east border of S16 T25NR11W, S21 T25NR11W, then west along the south border of S21 T25NR11W, S20 T25NR11W, then south along the east border of S30 T25NR11W, then west along the south border of S30 T25NR11W, then south along the east border of T25NR12W, S01 T24NR12W, and S12 T24NR12W, then east and south along the border of the Trinity National Forest, then east along the north border of S32 T24NR11W, then south along the east border of S32 T24NR11W, then east along the north border of S04 T23NR11W, then south along the east border of S04 T23NR11W, S09 T23NR11W, S16 T23NR11W, then east along the north border of S22 T23NR11W, S23 T23NR11W, S24 T23NR11W, S19 T23NR10W, then south along the east border of S19 T23NR10W, S30 T23NR10W, S31 T23NR10W, then east along California State Highway 162, then south along the eastern border of the East Cascades Province, then north along the shoreline of the Pacific Ocean, then east along Salmon Creek, then south along California Highway 1, then east along Bodega Highway and Sebastopol Road, then north along U.S. Highway 101, Bell Springs Road, and Harris Road, then east along Alder Point Road, Zenia Bluff Road, Alderpoint Bluff Road and Ruth Zenia Road to the point of beginning.

(C) *Wells Mountain-Bully Choop Area (Mt. Diablo Meridian and Baseline)* (Figure 3 to § 17.41(c))

Beginning at the northwest corner of S04 T34NR11W, then east along the north border of T34NR11W, then south along the east border of S03 T34NR11W and S10 T34NR11W, then east along the north border of S14 T34NR11W, S13 T34NR11W, S18 T34NR10W, then north along the east border of S08 T34NR10W, then east along the north border of S08 T34NR10W, then south along the east border of S08 T34NR10W, S17 T34NR10W, S20 T34NR10W, S29 T34NR10W, then east along the north border of S33 T34NR10W, then south along the east border of S33 T34NR10W, then east along the north border of S03 T34NR10W, then north along the west border of S35 T34NR10W, S26 T34NR10W, S23 T34NR10W, then east along the north border of S23 T34NR10W, then north along the west border of S13 T34NR10W, then east along the north border of S13 T34NR10W, S18 T34NR09W, S17 T34NR09W, and S16 T34NR09W, then north along California Highway 3, then east along the border of the Whiskeytown-Shasta-Trinity National Recreation Area, then south along the east border of S03 T34NR09W, then east along the north border of S11 T34NR09W, S12 T34NR09W, then south along the east border of T34NR09W, then east along the north border of S19 T34NR08W, S20 T34NR08W, then south along the east border of S20 T34NR08W, S29 T34NR08W, S32 T34NR08W, then west along the south border of S32 T34NR08W, then south along the east border of S06 T33NR08W, then east along the north border of S08 T33NR08W and S09 T33NR08W, then north along the west border of S03 T33NR08W, then east along the north

border of T33NR08W and T33NR07W, then south along Trinity Mountain Road, then east along California Highway 299, then south along the east border of S26 T32NR06W, S35 T32NR06W, S02 T31NR06W, then west along the south border of the southeast of S02 T31NR06W, then south along the east border of the northwest of S11 T31NR06W, then west along the south border of the northwest of S11 T31NR06W and northeast S10 of T31NR06W, then south along Mule Town Road, then west along the boundary of the Klamath Province, then north along the west border of the northeast of S20 T30NR09W, then west along the Shasta-Trinity County Line, then north along the west border of T30NR09W, then east along the south border of T31NR09W and T31NR10W, then south along the east border of S05 T30NR10W, then east along the south border of S05 T30NR10W, then north along the west border of S05 T30NR10W, then west along the south border of T31NR10W, then north along the west border of T31NR10W and T32NR10W, then east along California Highway 3, then west along California Highway 299, then north along the west border of S28 T34NR11W, S21 T34NR11W, S16 T34NR11W, S09 T34NR11W, S04 T34NR11W to the point of beginning.

(D) *California Cascades, (Mt Diablo Meridian and Baseline)* (Figure 3 to § 17.41(c))

Beginning at the Intersection of Interstate Highway 5 and the California-Oregon State Line, then east along the California-Oregon State Line, then south along the Eastern Boundary of the California Cascades Province, then north along Mule Town Road, then east along the north border of the southeast of S10 T31NR06W and southwest of S11 T31NR06W, then north along the west border of the northeast of S11 T31NR06W, then east along the north border of the northeast of S11 T31NR06W, then north along the west border of S01 T31NR06W, S36 T32NR06W, and S25 T32NR06W, then west along California Highway 299, then north along Trinity Mountain Road, then east along the south border of T34NR07W and T34NR08W, then south along the east border of S04 T33NR08W, then west along the south border of S04 T33NR08W and S05 T33NR08W, then north along the west border of S05 T33NR08W, then east along the north border of S05 T33NR08W, then north along the west border of S33 T34NR08W, S28 T34NR08W, S21 T34NR08W, then west along the south border of S17 T34NR08W, S18 T34NR08W, then north along the west border of S18 T34NR08W and S07 T34NR08W, then east along the south border of S01 T34NR09W, S02 T34NR09W, then north along the west border of the S02 T34NR09W, then west along the border of the Whiskeytown-Shasta-Trinity National Recreation Area then south along California Highway 3, then west along the south border of S09 T34NR09W, S08 T34NR09W, and S07 T34NR09W, then north along the west border of S07 T34NR09W, then east along the north border of S07 T34NR09W, then north along the west border of S05 T34NR09W, S32 T35NR09W, then west along the south border of S30 T35NR09W, then north along the west border of T35NR09W, then east along the north border of S19 T35NR09W, then north along the west border of S17 T35NR09W, then east along the north border of S17 T35NR09W, S16 T35NR09W, S15 T35NR09W, then north along the west border of S11 T35NR09W, then east along the north border of S11 T35NR09W, then north along the west border of S01 T35NR09W, then east along the north border of T35NR09W and T35NR08W, then north along the west border of S32 T36NR08W and S29 T36NR08W, then east along the north border of S29 T36NR08W, then north along the west border of S21 T36NR08W, S16 T36NR08W, S09 T36NR08W, S04 T36NR08W, then east along the north border of T36NR08W, then north along the west border of S34 T37NR08W, S27 T37NR08W, and S22 T37NR08W, then west along the south border of S16 T37NR08W, S17 T37NR08W, then north along the west border of S17 T37NR08W and S08 T37NR08W, then east along the north border of S08 T37NR08W, then north along the west border of S04 T37NR08W, then east along the north border of T37NR08W, then north along the west border of S36 T38NR08W, then east along the north border of S36 T38NR08W, then north along the west border of S30 T38NR07W, then west along the south border of S24 T38NR08W, then north along the west border of S24 T38NR08W and S13 T38NR08W, then east along the north border of S13 T38NR08W, then north along the west border of S07 T38NR07W, then east along the north border of S07 T38NR07W, S08 T38NR07W, S09 T38NR07W, then north along the west border of S03 T38NR07W, S34 T39NR07W, S27 T39NR07W, S22 T39NR07W, and S15 T39NR07W, then west and north along California Highway 3 and Interstate Highway 5 to the point of beginning.

(xii) *Province or physiographic province* means a geographic area having a similar set of biological and physical characteristics and processes due to effects of climate and geology which result in patterns of soils and broad-scale plant communities. Habitat patterns, wildlife distributions, and historical land use patterns may differ significantly from those of adjacent provinces. The seven northern spotted owl provinces in the States of Washington and California are the Olympic Peninsula Province, the Western Washington Lowlands Province, the Western and Eastern Washington Cascades Provinces, and the California Coastal, Klamath and Cascades Provinces (Figure 4 to § 17.41(c)).

(xiii) *Record of Decision (ROD)* means the April 13, 1994, *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl* (USDA/USDI 1994).

(xiv) *Special Emphasis Area (SEA)* means any of the following six areas (Figure 5 to § 17.41(c)) in the State of Washington (references are in relation to the Willamette Meridian and baseline):

(A) *Columbia River Gorge/White Salmon* (Figure 6 to § 17.41(c))

(*1*) *Columbia River Gorge Segment* (Figure 6 to § 17.41(c)) Beginning at the northwest corner of T03NR05E, then east along the north border of T03NR05E, T03NR06E, T03NR07E, T03NR07.5E, and T03NR08E, then south along the east border of T03NR08E, then west along the north Shore of the Columbia River, then north along the west border of T01NR05E, T02NR05E, and T03NR05E to the Point of Beginning.

(*2*) *White Salmon Segment* (Figure 6 to § 17.41(c)) Beginning at the northwest corner of T06NR10E, then east Along the north border of T06NR10E, then north along the west border of T07NR11E, then east along the north border of S19 T07NR11E, S20 T07NR11E, S21 T07NR11E, then south along the east border of S21 T07NR11E, S28 T07NR11E, then south along the west border of the Yakama Indian Reservation, then south along the east border of T05NR11E, T04NR11E, then southwest along Rattle Snake Creek, then south along the east border of T04NR10E and T03NR10E, then west along the north Shore of the Columbia River, then north along the west border of T03NR09E, then east along the north border of T03NR09E, then north along the west border of T04NR10E, T05NR10E, and T06NR10E to the point of beginning.

(B) *Siouxon Creek* (Figure 7 to § 17.41(c)) Beginning at the intersection of the south border of S16 T06NR04E and the Cowlitz-Clark County line, then north and east along the Cowlitz-Clark County line, then south along the west border of S31 T07NR05E, then east along the north border of the SW of NW, SE of NW, and SW of NE S31 T07NR05E, then north along the west border of the NE of NE S31 T07NR05E, then east along the Lewis River, then south along the east border of S30 T07NR05E, then east along the north border of S32 T07NR05E, then north along the west border of the SE of SW S29 T07NR05E, then east along the Lewis River, then south along the east border of the SW of SE S29 T07NR05E, then east along the north border of S32 T07NR05E, then north along the west border of S28 T07NR05E, then east along the north border of S28 T07NR05E, then south along the east border of the NE of NE S28 T07NR05E, then west along the south border of the NE of NE S28 T07NR05E, then south along the east border of the SW of NE S28 T07NR05E, then east along the north border of the NE of SE S28 T07NR05E, then south along the east border S28 T07NR05E, then east along the channel of Swift Reservoir and the Lewis River, then south and west along the Gifford Pinchot National Forest boundary, then south along the Clark-Skamania County line, then west along Canyon Creek, then north along the west border of S03 T05NR04E and S34 T06NR04E, then west along the south border of NE of SE, NW of SE, and NE of SW S33 to 6NR04E, then north along the west border of the NE of SW S33 T06NR04E, then east along the north border of the NE of SW S33 T06NR04E, then north along the west border of the NE S33 T06NR04E and SE S28 T06NR04E, then east along the north border of the SE of S28 T06NR04E, then north along the west border of the SE of NE and NE of NE S28 T06NR04E, then east along the north border of S28 T06NR04E, then north along the west border S22 T06NR04E, then west along the south border of S16 T06NR04E to the point of beginning.

(C) *Mineral Block* (Figure 8 to § 17.41(c)) Beginning at the northwest corner of T15NR03E, then east along the north border of T15NR03E, T15NR04E, T15NR05E and T15NR06E, then south along the east border of T15NR06E and T14NR06E, then west along the south border of T14NR06E, then south along the east border of T13NR06E and T12NR06E, then west along the south border of S24, S23, S23, S21, S20, and S19 T12NR06E, then south along the east border of S24 T12NR05E, then west along the south border of S24, S23, S22, S21, S20, and S19 T12NR05E, then north along the west border of T12NR05E, then northwest along U.S. Highway 12, then west along the Tilton River, then north along the west border of T13NR03E, T14NR03E, and T15NR03E, to the point of beginning.

(D) *I–90 Corridor* (Figure 9 to § 17.41(c)) Beginning at the northwest corner of T22NR09E, then east along the north border of T22NR09E and T22NR10E, then north along the west border of T22NR11E, then east along the north border of T22NR11E, then north along the west border of T22NR12E, then east along the north border of T22NR12E, T22NR13E, T22NR14E, T22NR15E, T22NR16E, and T22NR17E, then north along the west border of S34 T23NR17E, S27 T23NR17E, S22 T23NR17E, S15 T23NR17E, S10 T23NR17E, S03 T23NR17E, then east along the north border of S03 T23NR17E, then north along the west border of S34 T24NR17E, S27 T24NR17E, and S22 TNR17E, then east along the north border of S22 T24NR17E, S23 T24NR17E, S24 T24NR17E, S19 T24NR18E, S20 T24NR18E, S21 T24NR18E, then south along the east border of S21 T24NR18E, S28 T24NR18E, S33 T24NR18E, then west along the south border of S33 T24NR18E, then south along the east border of S04 T23NR18E, S09 T23NR18E, S16 T23NR18E, S21 T23NR18E, S8 T23NR18E, S33 T23NR18E, then east along the north border of S04 T22NR18E, then south along the east border of S04 T22NR18E, S09 T22NR18E, S16 T22NR18E, S21 T22NR18E, S28 T22NR18E, S33 T22NR18E, then west along the south border of T22NR18E, T2NR17E, then south along the east border of T21NR16E, then west along the south border of T21NR16E, then south along the east border of T20NR16E, then west along the south border of S13 T20NR16E, S14 T20NR16E, S15 T20NR16E, S16 T20NR16E, S17 T20NR16E, S18 T20NR16E, then south along the east border of T20NR15E, T19NR15E, then east along the north border of T18NR15E, then south along the east border of T18NR15E, T17NR15E, then west along the south border of T17NR15E, then north along the west border of T17NR15E, T18NR15E, then west along the south border of T19NR15E, T19NR14E, T19NR13E, T19NR12E, T19NR11E, T19NR10E, T19NR09E, T19NR08E, then north along the west border of T19NR08E, then east along the north border of T19NR08E, then north along the west border of T20NR09E, T21NR09E, and T22NR09E to the point of beginning.

(E) *Finney Block* (Figure 10 to § 17.41(c)) Beginning at the northwest corner of T36NR07E, then east along the north border of T36NR07E, T36NR08E and T36NR09E, then south along the east border of T36NR09E, then east along the north border of T35NR10E and T35NR11E, then south along the east border of T35NR11E, then west along the south border of T35NR11E, then south along the east border of T34NR10E, T33NR10E, T32NR10E, then west along the south border of T32NR10E, T32NR09E, T32NR08E, and T32NR07E, then north along the west border of S34 T32NR07E, then west along the south border of the southeast of the northeast quarter of S34 T32NR07E, then north along the west border of the southeast of the northeast quarter of S34 T32NR07E, then west along the south border of the northwest of the northeast quarter of S34 T32NR07E, northeast quarter of the northwest quarter of S34 T32NR07E, northwest quarter of the northwest quarter of S34 T32NR07E, and northeast quarter of the northeast quarter of S32 T32NR07E, then north along the west border of the northwest quarter of the northwest quarter of S32 T32NR07E, then west along south border of S29 T32NR07E, S30 T32NR07E, then south along the east border of the northwest of the northeast quarter, the southwest of the northeast quarter, the northwest of the southeast quarter, and the southwest of the southeast quarter of S31 of T32NR07E, then west along the south border of T32NR07E, then north along the west border of T32NR07E, T33NR07E, T34NR07E, T35NR07E, and T36NR07E to the point of beginning.

(F) *Hoh/Clearwater (Olympic Peninsula)* (Figure 11 to § 17.41(c)) (*1*) *Hoh/Clearwater—North.*

Beginning at the Intersection of the Olympic National Park Boundary, and the north border of T30NR15W, then east along the north border of T30NR15W, T30NR14W, T30NR13W, then south along the Olympic National Forest Boundary, then east along the north border of the southwest quarter of the southwest quarter of S23 T29NR13W, then south along the east border of the southwest quarter of the southwest quarter of S23 T29NR13W, then west along the south border of the southwest quarter of the southwest quarter of S23 T29NR13W, then south along the east border S27 T29NR13W, then east along the north border of the southwest quarter of the southwest quarter of S26 T29NR13W, the southeast quarter of the southwest quarter of S26

T29NR13W, and the southwest quarter of the southeast quarter of S26 T29NR13W, then south along the east border of the southwest quarter of the southeast quarter of S26 T29NR13W, then east along the north border of S35 T29NR13W, then south along the east border of S35 T29NR13W, then east along the north border of the southwest quarter of the northwest quarter of S36 T29NR13W, the southeast quarter of the northwest quarter of S36 T29NR13W, the southwest quarter of the northeast quarter of S36 T29NR13W, and the southeast quarter of the northeast quarter of S36 T29NR13W, then south along the east border of T29NR13W and T28NR13W, then east along the north border of T27NR12W, then south along the Olympic National Park Boundary, then west along the south border of S20 T25NR10W and S19 T25NR10W, then south along the east border of S25 T25NR11W and S36 T25NR11W, then east along the north border of T24NR11W, then south and west along the Olympic National Park Boundary, then west along the north border of the Quinalt Indian Reservation, then north along the Olympic National Park Boundary to the point of beginning.

(*2*) *Hoh/Clearwater—South.* Beginning at the Intersection of U.S. Highway 101 and the Queets River Road in S34 T24N R12W, then north along the Queets River Road, then south along the east border of S34 T24NR12W, then east along the Olympic National Forest boundary, then south along the east border of T24NR11W and S01 T23NR11W, then east and south along the border of the Quinalt Indian Reservation, then west along U.S. Highway 101 to the point of beginning.

(xv) *Site center* means the actual nest tree of a pair of spotted owls or the primary roost for a non-nesting pair or territorial single.

(xvi) *Timber harvest activity or harvest* means any activity which results in the harvest or felling of trees comprising the suitable habitat of a northern spotted owl.

(4) *Information Collection.* The collection of information requirements contained in § 17.41(c) have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0022. This information is being collected to provide information necessary to evaluate permit applications and make decisions, according to criteria established in various Federal wildlife and plant conservation statutes and regulations, on the issuance or denial of permits. Response is required to obtain or retain a permit. Public burden for this collection of information is estimated to vary from 15 minutes to 4 hours per response, with an average of 1.028 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Office, MS–224 ARLSQ, Fish and Wildlife Service, Washington, DC 20240 and the Office of Management and Budget, Paperwork Reduction Project (1018–0022), Washington, DC 20503.

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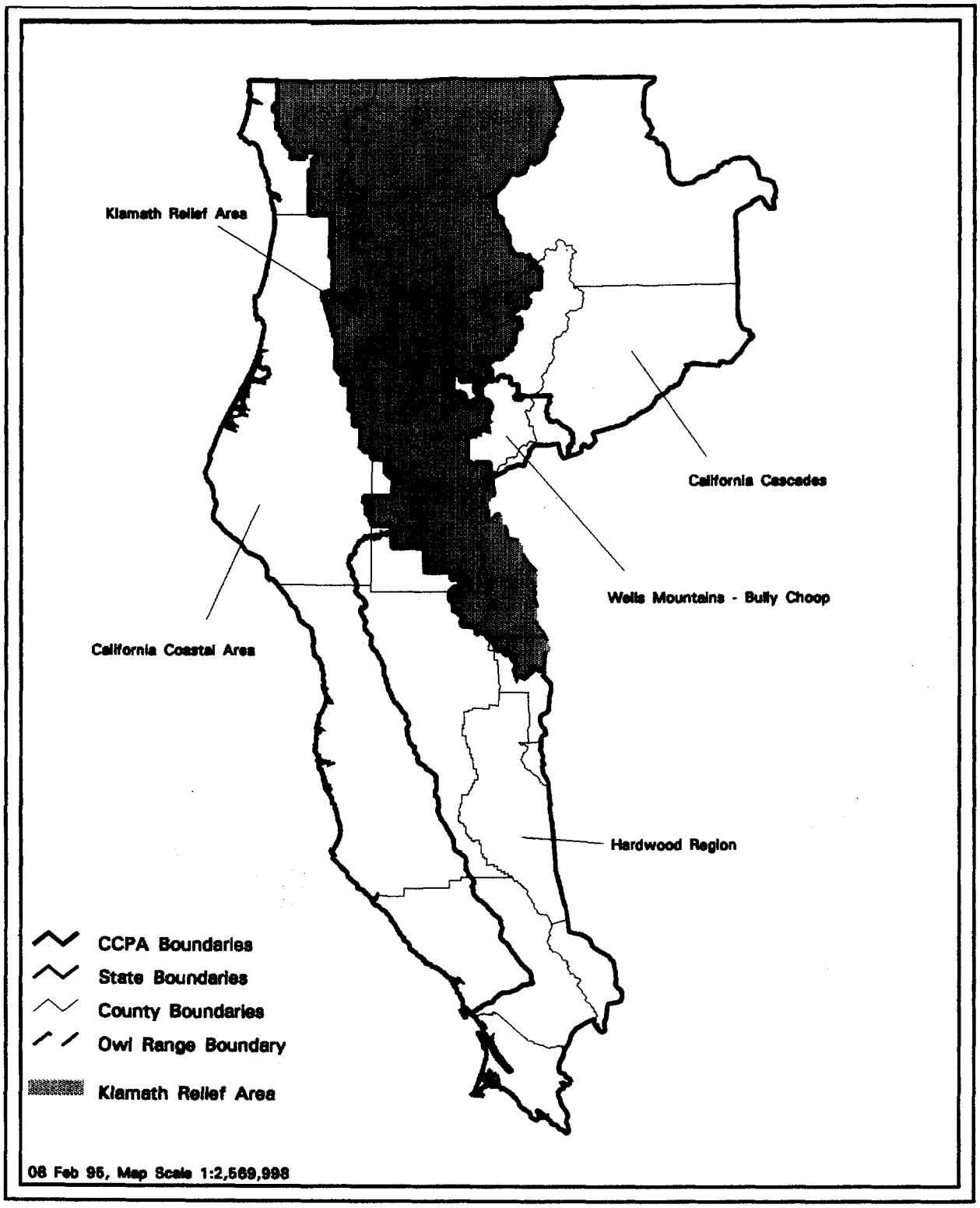

Figure 1 to § 17.41 (c) California Conservation Planning Areas (CCPAs).

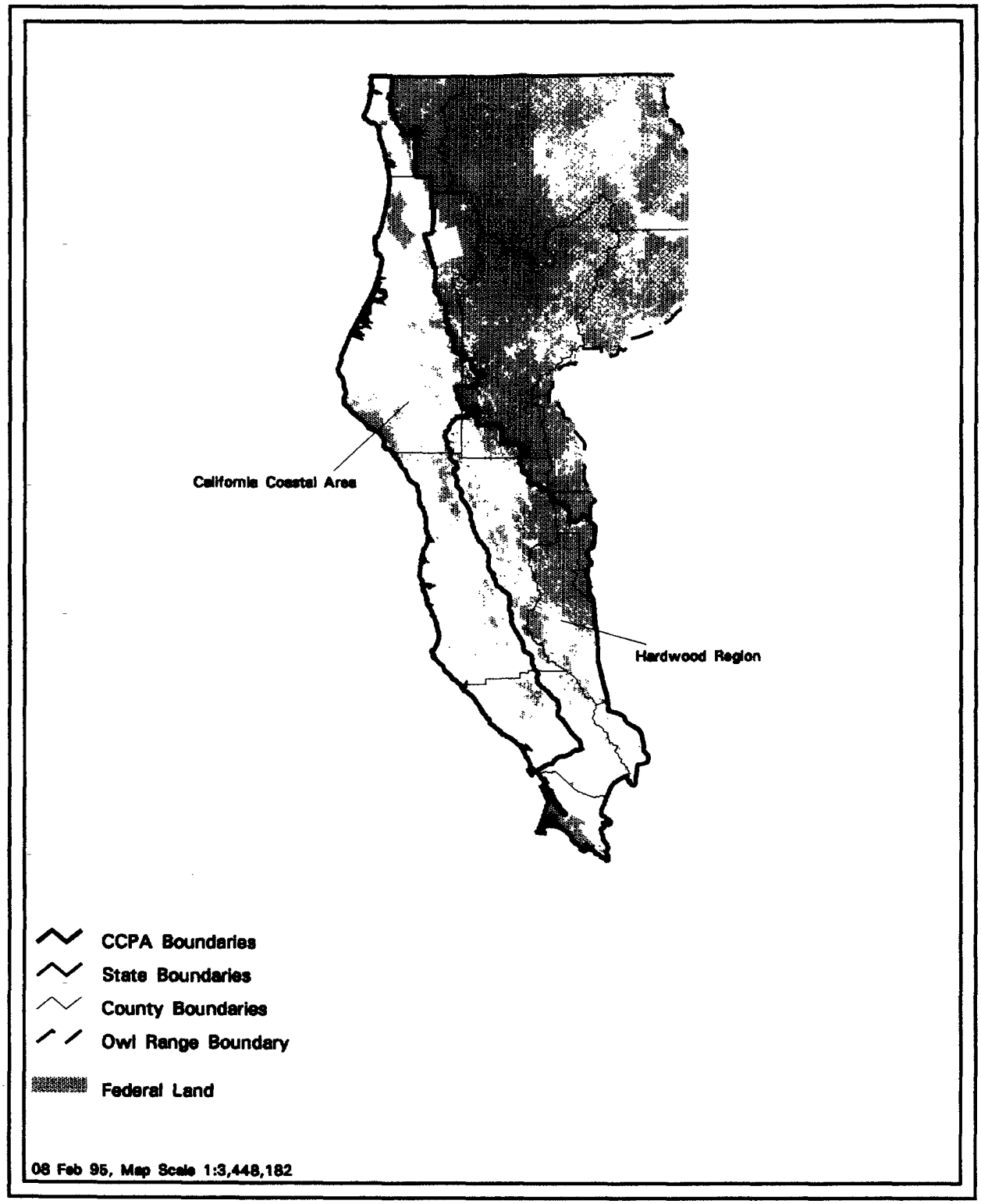

Figure 2 to § 17.41 (c) California Coastal and Hardwood Region Conservation Planning Areas.

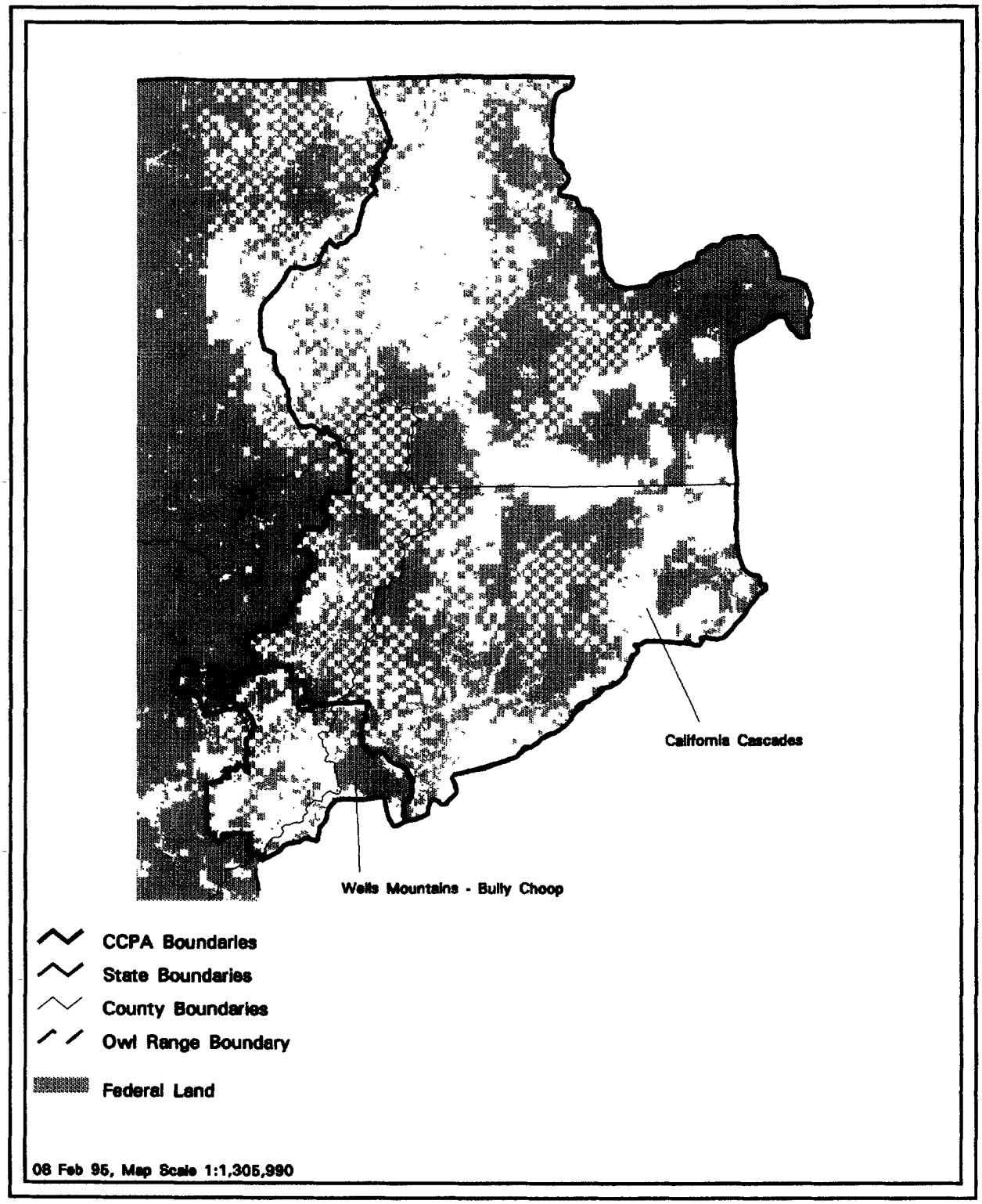

Figure 3 to § 17.41 (c) California Cascades and Wells Mountains - Bully Choop Conservation Planning Areas.

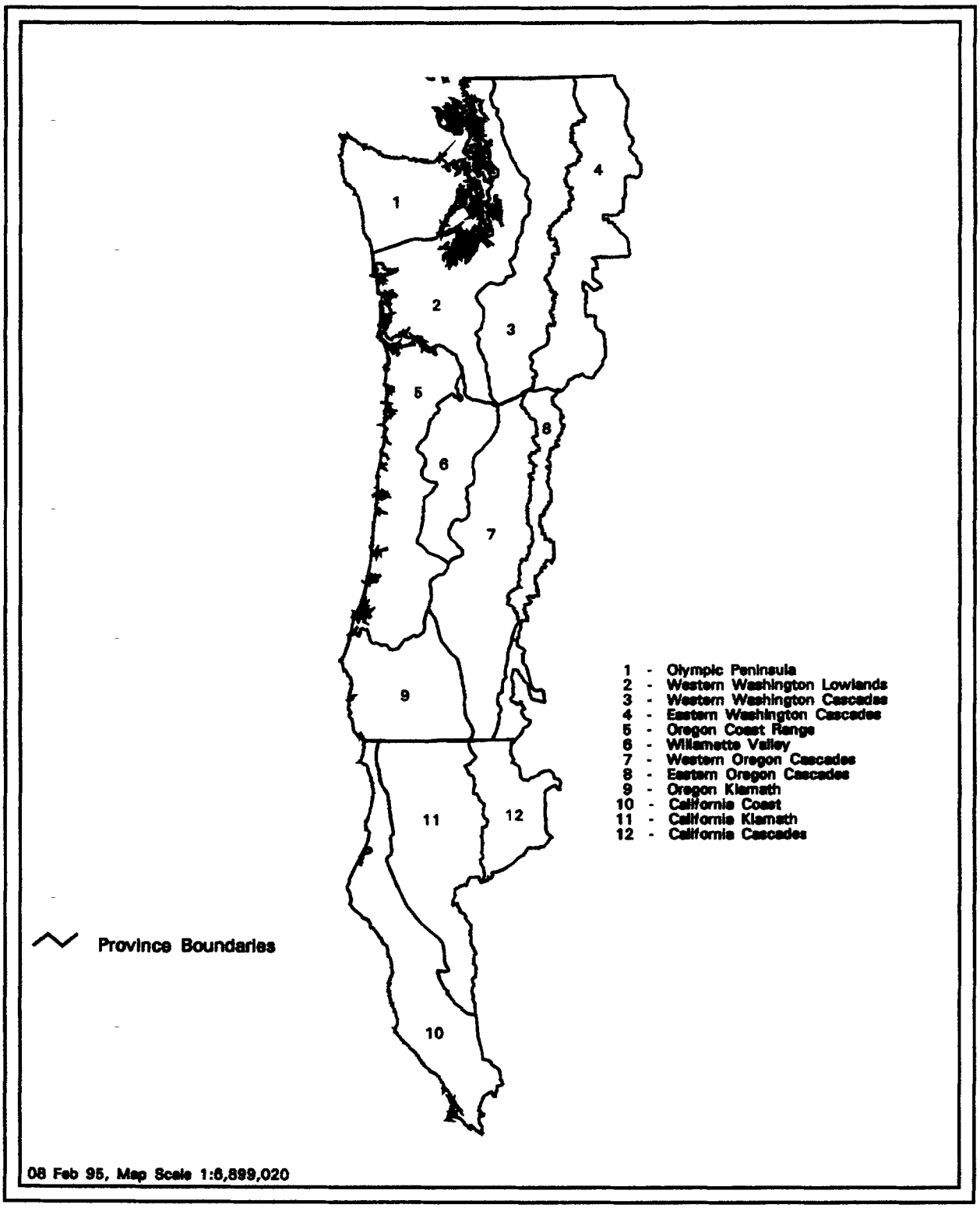

Figure 4 to § 17.41 (c) Physiographic Provinces within the range of the Northern Spotted Owl.

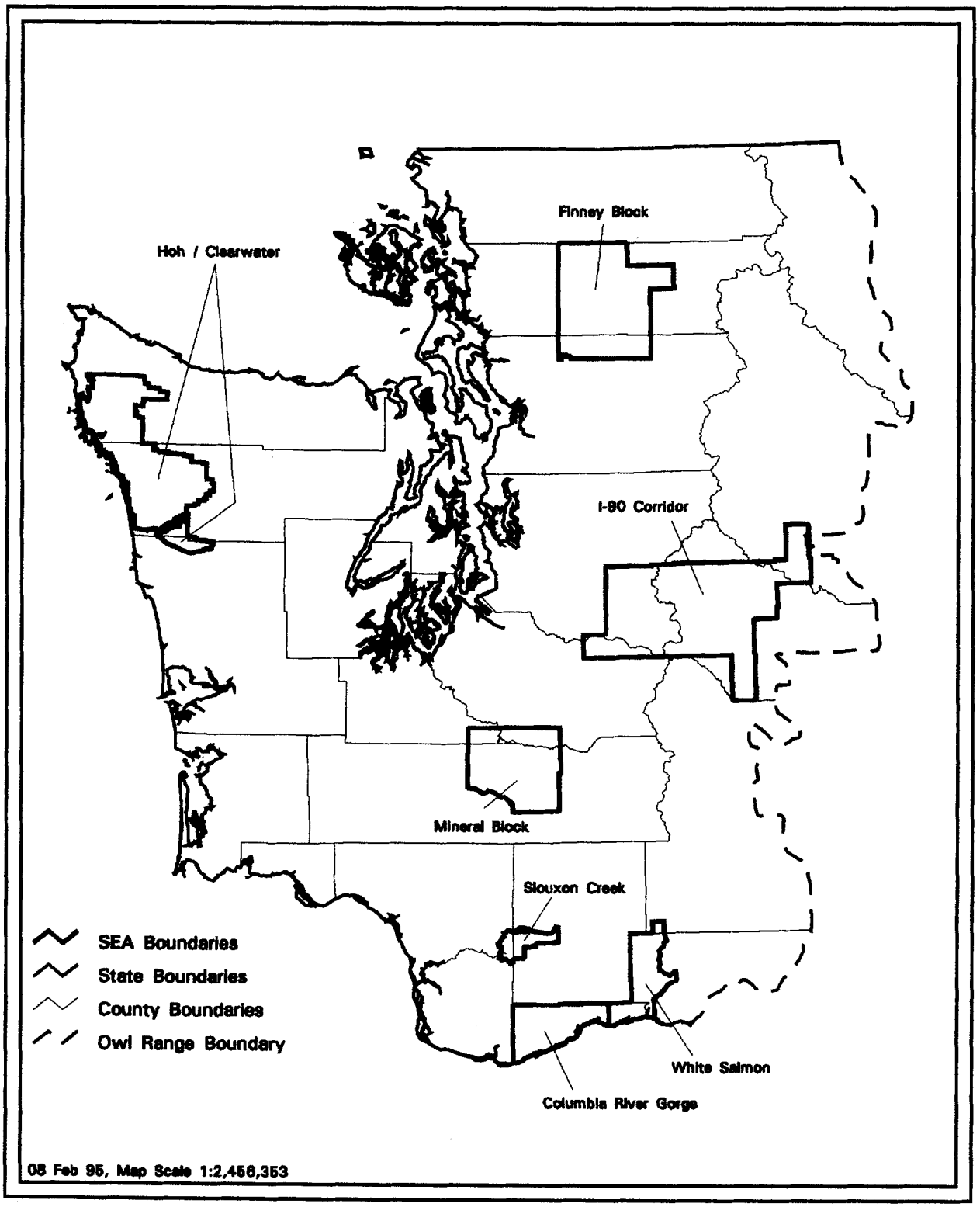

Figure 5 to § 17.41 (c) Special Emphasis Area (SEA) boundaries in Washington.

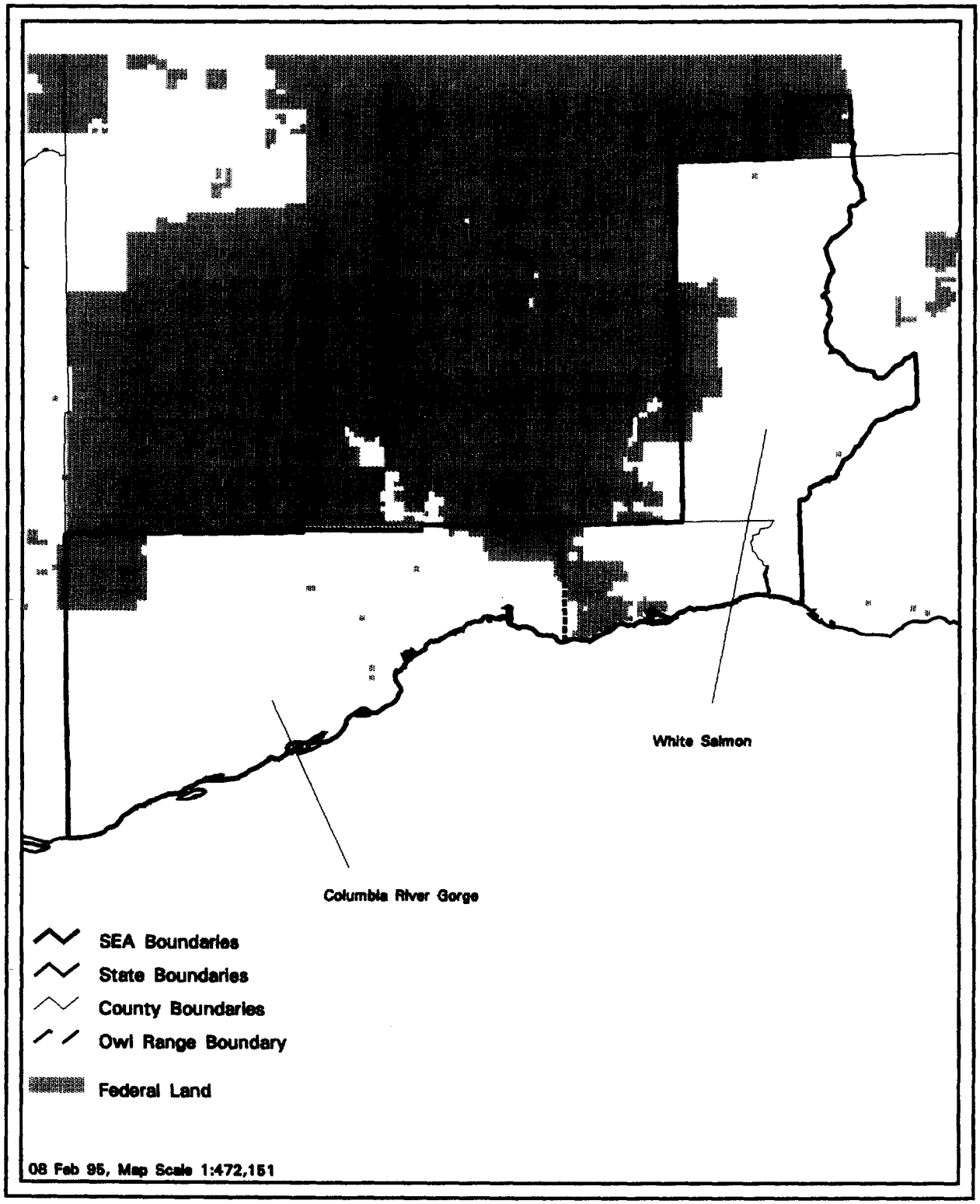

Figure 6 to § 17.41 (c) White Salmon and Columbia River Gorge SEA in Washington.

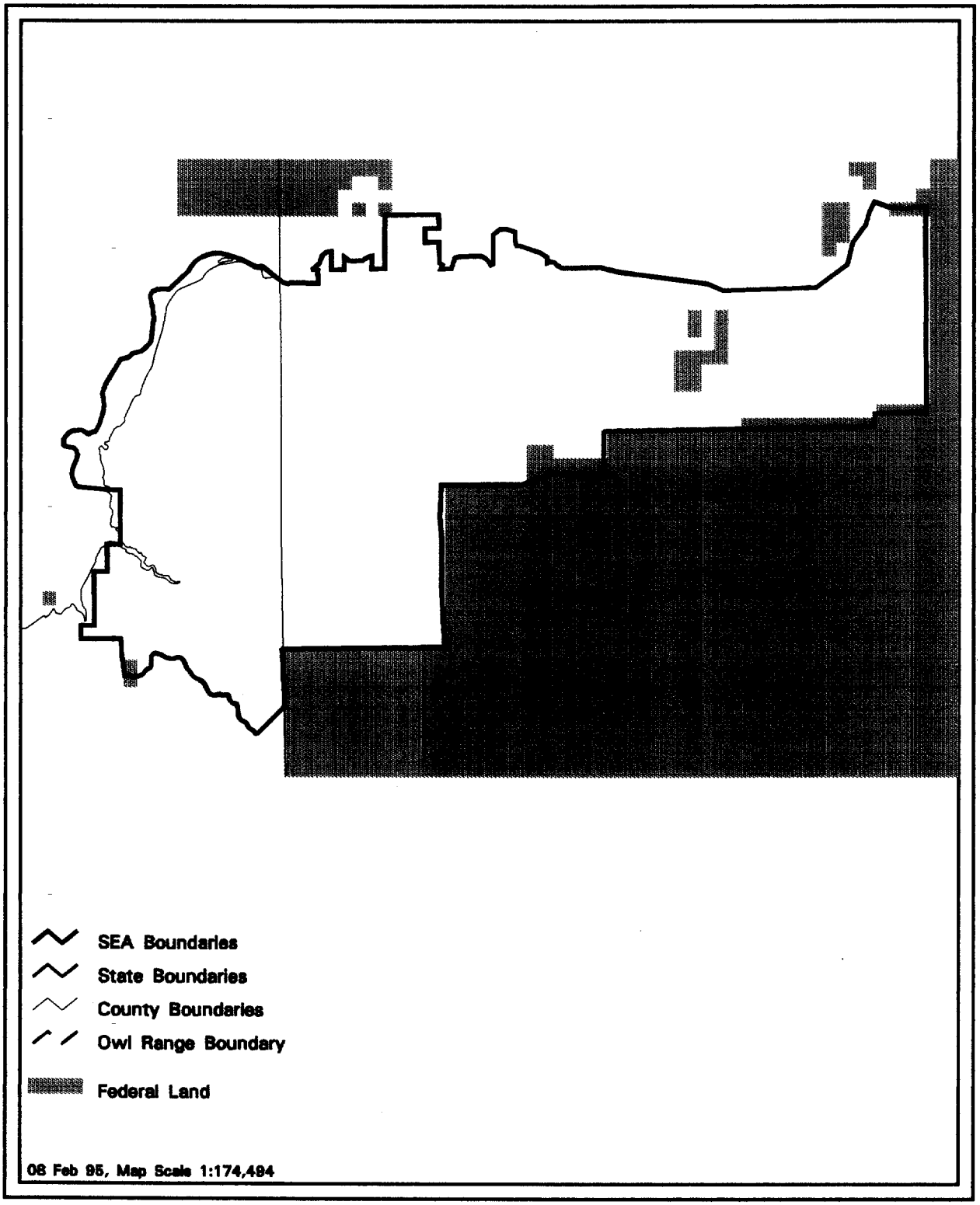

Figure 7 to § 17.41 (c) Siouxon Creek SEA in Washington.

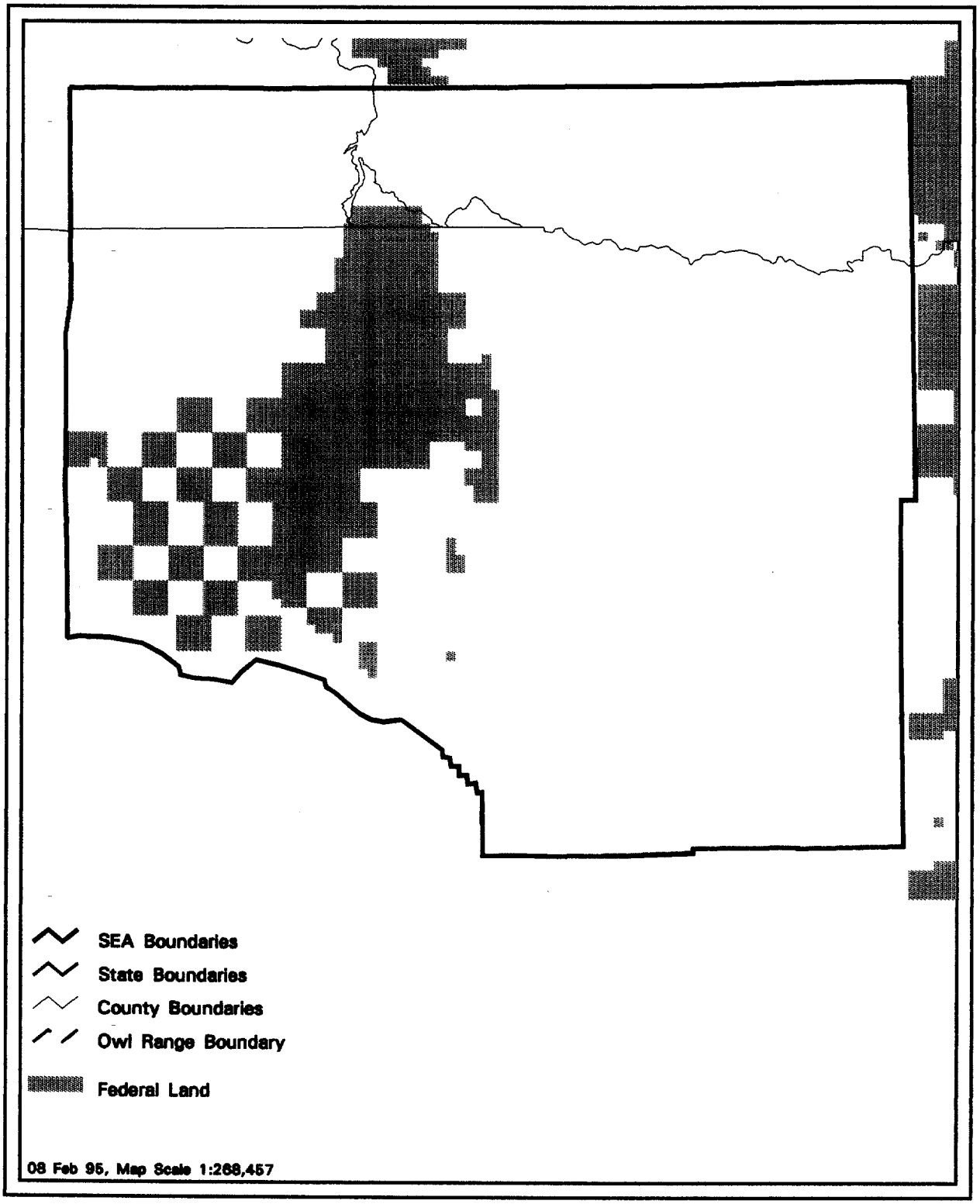

Figure 8 to § 17.41 (c) Mineral Block SEA in Washington.

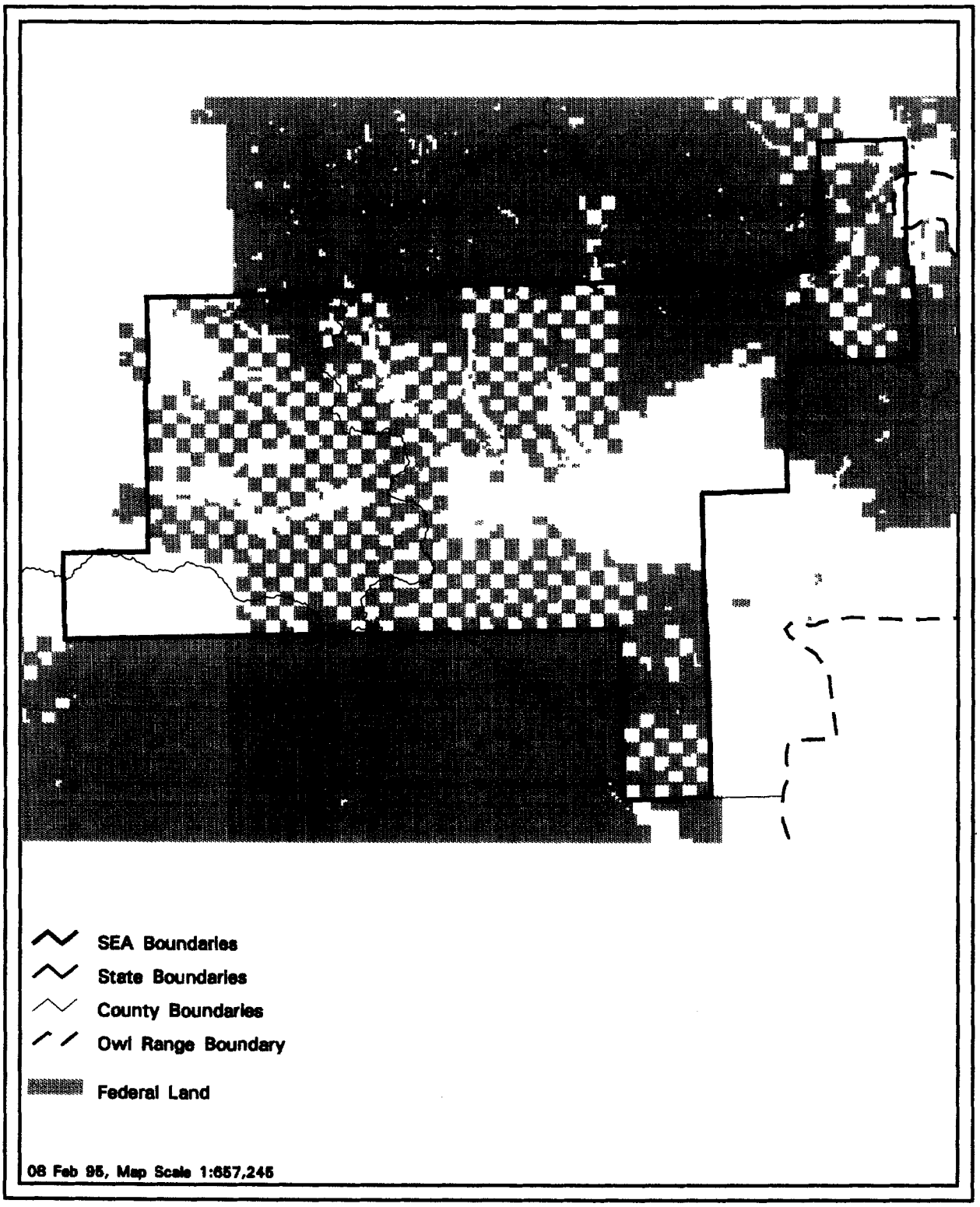

Figure 9 to § 17.41 (c) I-90 Corridor SEA in Washington.

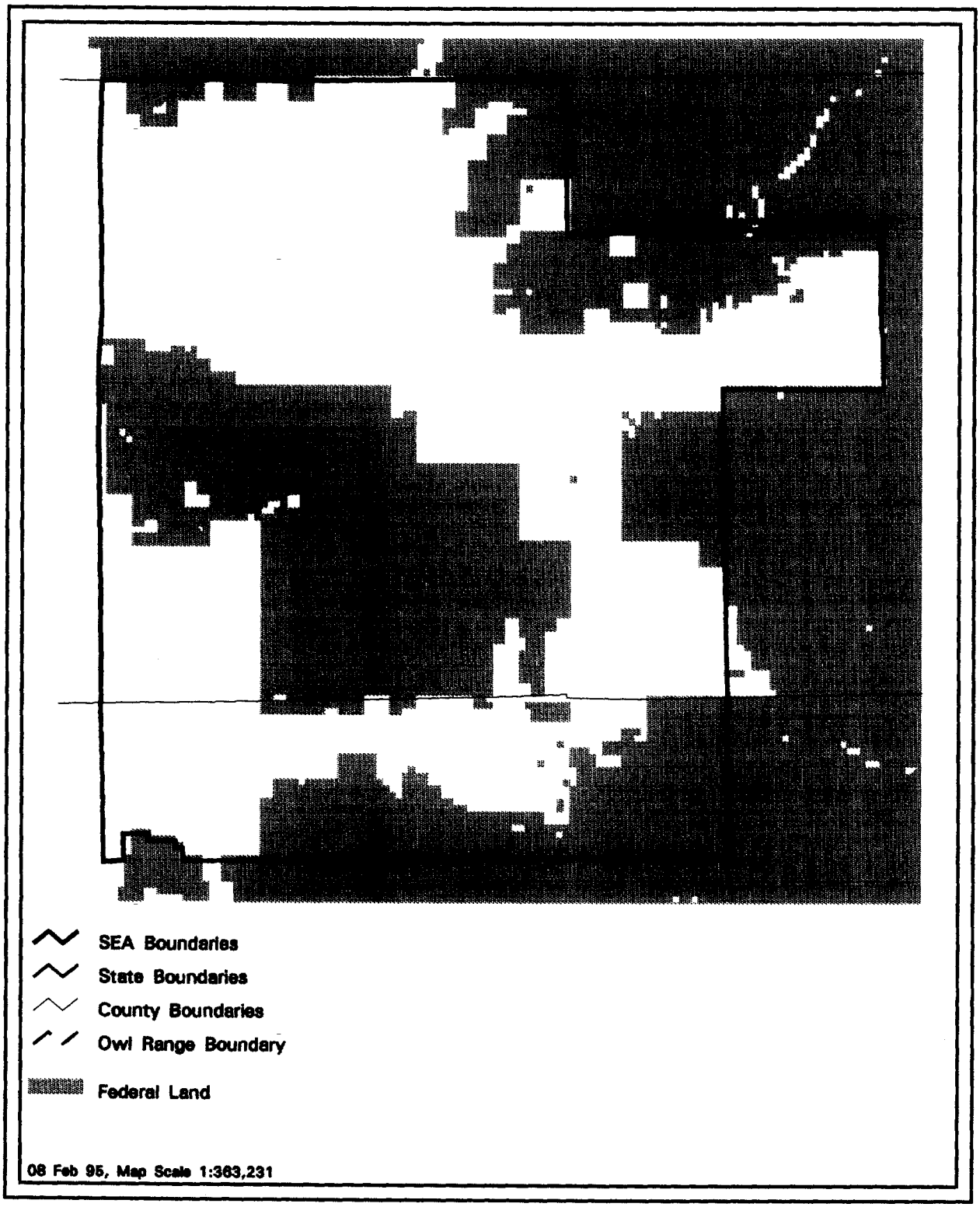

Figure 10 to § 17.41 (c) Finney Block SEA in Washington.

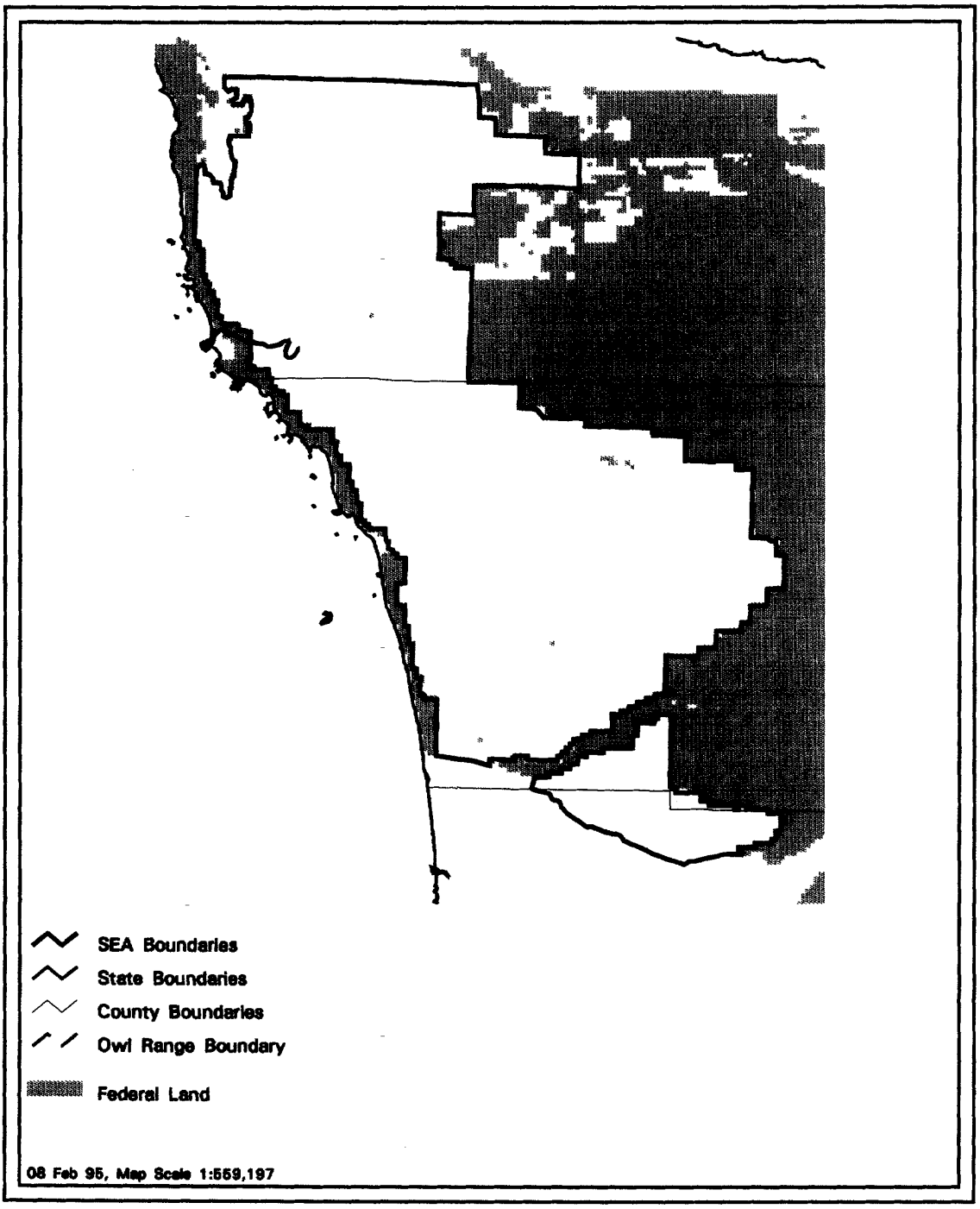

Figure 11 to § 17.41 (c) Hoh / Clearwater SEA in Washington.

Dated: February 13, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–3922 Filed 2–16–95; 8:45 am]

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federal register

Friday
February 17, 1995

Part IV

Department of Housing and Urban Development

Government National Mortgage Association

24 CFR Parts 390 and 395

Guaranteed Multiclass Securities; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

24 CFR Parts 390 and 395

[Docket No. R–95–1698; FR–3554–F–01]

Government National Mortgage Association Guaranteed Multiclass Securities

AGENCY: Government National Mortgage Association, HUD.

ACTION: Final rule.

SUMMARY: This final rule codifies the provisions of two Notices published in the **Federal Register** on May 26, 1994 and September 30, 1994, as authorized by Congress. Both Notices provided for a comment period. The September 30 Notice responded to comments on the May 26 Notice. This rule provides guidance to entities wishing to participate in the GNMA guaranteed multiclass securities program and describes certain other aspects of the program.

EFFECTIVE DATE: March 20, 1995.

FOR FURTHER INFORMATION CONTACT: Guy S. Wilson, Vice President, Government National Mortgage Association, Room 6151, 451 Seventh Street SW., Washington, DC 20410–9000, telephone (202) 401–8970. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708–3649. (These telephone numbers are not toll-free.) Copies of this rule will be made available on tape or large print for those with impaired vision that request them. They may be obtained at the above address.

SUPPLEMENTARY INFORMATION:

I. Background

Section 3004 of the Omnibus Budget Reconciliation Act of 1993 provides for initial implementation of the Government National Mortgage Association (the ''Association'' or ''GNMA'') guaranteed multiclass securities program by a Notice published in the **Federal Register**, effective upon publication, by adding section 306(g)(3)(E)(ii) to the National Housing Act (12 U.S.C. 1721(g)(3)(E)(ii)). The implementation Notice for the initial stage of this program, which provided for participation by a limited number of entities, was published on May 26, 1994 (59 FR 27290) (''May 26 Notice''). A supplemental Notice was published on September 30, 1994 (59 FR 50148) (''September 30 Notice'') to implement the full participation stage.

Under section 306(g)(3)(E)(ii), GNMA is required to publish a final rule not later than 12 months after publication of the initial notice, which is May 26, 1995. GNMA has developed the multiclass securities program, and is now ready to publish the final rule.

II. Program Revisions for Final Rule

The Department has decided to make one program revision in this rule to the provisions of the September 30 Notice. For structured securities, GNMA has decided to require applications from Sponsors and Co-sponsors, but not from other participants.

The Sponsor selects the other participants (trust counsel, accounting firms). The Sponsor selects a trustee from institutions approved by GNMA. However, the participants selected by the Sponsor must comply with GNMA program requirements, such as those described in §§ 395.15 and 395.20.

III. Comments and Responses

No comments were received on the September 30 Notice.

IV. Findings and Certifications

A. Environmental Review

A Finding of No Significant Impact with respect to the environment was made when the May 26 Notice was published, in accordance with HUD regulations at 24 CFR Part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The changes made in the September 30 Notice and in this final rule do not affect the validity of that Finding. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410–0500.

B. Regulatory Review

The material in this rule has been reviewed by OMB under Executive Order 12866 as a significant regulatory action. Any changes made as a result of that review are clearly identified in the docket file for this rule, which is available for public inspection in the Office of HUD's Rules Docket Clerk, Room 10276, 451 Seventh Street, SW, Washington, DC 20410–0500.

C. Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this rule does not have ''federalism implications'' because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government. This rule only affects participants and investors in the GNMA guaranteed single and multiclass securities industry. States and their political subdivisions would not be affected.

D. Impact on the Family

The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this rule does not have potential significant impact on family formation, maintenance, and general well-being because it only affects participants and investors in GNMA guaranteed single and multiclass securities.

E. Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule before publication and by approving it certifies that this rule will not have a significant impact on a substantial number of small entities.

F. Regulatory Agenda

This rule was listed as item number 1858 under GNMA in the Department's Semiannual Regulatory Agenda published on November 14, 1994 (59 FR 57632, 57666), under Executive Order 12866 and the Regulatory Flexibility Act.

G. Catalog

There is no catalog of Federal Domestic Assistance number for the program affected by this rule.

List of Subjects

24 CFR Part 390

Mortgages, Securities.

24 CFR Part 395

Mortgages, Securities.

Accordingly and under the authority of 42 U.S.C. 3535(d), Chapter III, Government National Mortgage Association, of Title 24 of the Code of Federal Regulations, is amended as follows:

1. A new subchapter D is added to chapter III as set forth below.

2. In Chapter III, part 390 is transferred from subchapter C to the newly established subchapter D.

3. A new part 395, consisting of §§ 395.1 through 395.60, is added to subchapter D to read as follows:

SUBCHAPTER D—GUARANTEE OF MORTGAGE-BACKED AND MULTICLASS SECURITIES

PART 395—MULTICLASS SECURITIES

Sec.
395.1 Scope of part.
395.5 Definitions.
395.10 Eligible collateral.
395.15 Participation requirements.
395.20 Eligible participants.
395.25 Fees.
395.30 GNMA guaranty.
395.35 Investors.
395.40 Consultation.
395.45 Limitation on GNMA liability.
395.50 Administration of multiclass securities.
395.55 Basis for removal from participation.
395.60 Removal procedure.

Authority: 12 U.S.C. 1721(g) and 1723a(a); and 42 U.S.C. 3535(d).

§ 395.1 Scope of part.

The Government National Mortgage Association is authorized by section 306(g) of the National Housing Act, upon such terms and conditions as it may deem appropriate, to guarantee the timely payment of principal of and interest on securities that are based on and backed by a trust or pool composed of mortgages that are eligible under section 306(g). The Association's guaranty of mortgage-backed securities is backed by the full faith and credit of the United States. This part is limited to multiclass securities. It does not purport to set forth all the procedures and requirements that apply to the issuance and guaranty of such securities. All such transactions are governed by the specific terms and provisions of the contracts entered into by the parties and by the GNMA Multiclass Securities Guide. Further information and copies of the Guide may be obtained from the Government National Mortgage Association, 451 Seventh Street, S.W., Washington, D.C. 20410.

§ 395.5 Definitions.

As used in this part, the following terms shall have the meanings indicated.

Association. The Government National Mortgage Association.

Consolidated securities. A series of multiclass securities each class of which provides for payments proportionate with payments on the underlying eligible collateral.

Depositor. The entity that deposits, or executes an agreement to deposit, as contained in the GNMA Multiclass Securities Guide, eligible collateral into a trust in exchange for consolidated securities.

GNMA. Government National Mortgage Association.

GNMA electronic bulletin board. An information distribution system established by GNMA for the Multiclass Securities program.

GNMA MBS certificates. The GNMA guaranteed mortgage-backed securities issued under part 390.

Government mortgages. Mortgages that are eligible under section 306(g) (12 U.S.C. 1721(g)) for inclusion in GNMA mortgage-backed securities pools.

Participant. For structured securities, the sponsor, co-sponsor, trustee, trust counsel, accounting firm, and their contractors. For consolidated securities, the depositor. Other entities may be designated as participants in the GNMA Multiclass Securities Guide.

Sponsor. With respect to structured securities, the entity that establishes the required trust by executing the trust agreement and depositing the eligible collateral in the trust in exchange for the structured securities.

Structured securities. Securities of a series at least one class of which provides for payments of principal or interest disproportionately from payments on the underlying eligible collateral.

§ 395.10 Eligible collateral.

GNMA, in its discretion, shall determine what collateral is eligible for inclusion in the Multiclass Securities program. Eligible collateral may include GNMA MBS certificates, government mortgages, consolidated securities, and other securities approved by GNMA. Categories of these GNMA MBS certificates, government mortgages, consolidated securities, and other securities as approved by GNMA become eligible collateral when they are published as eligible collateral in the GNMA Multiclass Securities Guide or on the GNMA electronic bulletin board. Eligibility of collateral previously designated as eligible may be withdrawn by publication in the GNMA Multiclass Securities Guide or on the GNMA electronic bulletin board. Eligible collateral may differ for various GNMA guaranteed multiclass securities.

§ 395.15 Participation requirements.

To participate in the GNMA Multiclass Securities program, a participant must meet the following criteria:

(a) *Certification.* A participant must submit such certifications and other documents as are required by the GNMA Multiclass Securities Guide.

(b) *Compliance with GNMA Multiclass Securities Guide.* By completing a multiclass securities transaction, a participant is deemed to have represented and warranted to GNMA that it has complied with, and that it agrees to comply with, the GNMA Multiclass Securities Guide in effect as of the date that GNMA's guaranty is placed on the securities.

(c) *Material changes in status.* A participant must report, as required in the GNMA Multiclass Securities Guide, material adverse changes in status including voluntary and non-voluntary terminations, defaults, fines and findings of material non-conformance with rules and policies of state and federal agencies and federal government sponsored enterprises.

(d) *Integrity.* The participant must conduct its business operations in accordance with industry practices, ethics and standards, and maintain its books and records in an appropriate manner, as determined by the Association.

§ 395.20 Eligible participants.

In addition to requirements set forth in this part, a participant must meet the following requirements.

(a) *Structured securities—(1) Description.* GNMA guarantees the payment of principal and interest on structured securities issued by trusts organized by sponsors in accordance with procedures established and approved by GNMA. The structured securities are backed by eligible collateral, as described in this part, held by the trustee.

(2) *Eligibility requirements for participants*—(i) *Sponsors.* A sponsor must:

(A) Apply and be approved;

(B) Demonstrate to the satisfaction of the Association its capacity to accumulate the eligible collateral, as described in this part, needed for a proposed structured securities issuance;

(C) Be in good standing with and either have been responsible for at least one structured securities transaction with the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, or have demonstrated to GNMA's satisfaction its capability to act as sponsor of GNMA guaranteed structured securities;

(D) Have the minimum required amount, as set forth in the Multiclass Securities Guide, in shareholders' equity or partners' capital, evidenced by the sponsor's audited financial statements, which must have been issued within the preceding 12-month period;

(E) Represent the structural integrity of the issuance under all cash flow scenarios and demonstrate to GNMA's satisfaction its ability to indemnify GNMA for a breach of this representation;

(F) Comply with GNMA's policies regarding participation by minority and/or women-owned businesses and take appropriate measures to assure compliance by the other participants as specified in the GNMA Multiclass Securities Guide; and

(G) Provide GNMA with the opinions of trust counsel and accounting firms which are acceptable to GNMA and on which GNMA may rely.

(ii) *Co-sponsors.* A Co-sponsor must submit an application and a certification, as set forth in the GNMA Multiclass Securities Guide, as to its status as a minority and/or women-owned business.

(iii) *Trustees.* A trustee is selected by the Sponsor from institutions approved by GNMA using such procedures as GNMA deems appropriate.

(b) *Consolidated securities*—(1) *Description.* A depositor delivers, or executes an agreement to deliver, eligible collateral to a trust in exchange for a single GNMA guaranteed multiclass security, as set forth in the GNMA Multiclass Securities Guide.

(2) *Eligibility requirements for participant.* A Depositor must certify that:

(i) It is an ''accredited investor'' within the meaning of 17 CFR 230.501(a)(1), (a)(3) or (a)(7);

(ii) It has authority to deliver, and will deliver, the collateral to the trustee and that the collateral is free and clear of all liens and encumbrances; and

(iii) The information set forth by the depositor regarding the eligible collateral is true and correct.

(c) *Other types of GNMA guaranteed multiclass securities.* GNMA will set forth the requirements for the guaranty by GNMA of other types of multiclass securities, and the eligibility requirements for the appropriate participants, in the GNMA Multiclass Securities Guide or on the GNMA electronic bulletin board.

§ 395.25 Fees.

The Association, in its discretion, through publication in the GNMA Multiclass Securities Guide or on the GNMA electronic bulletin board, may impose fees for application, guaranty, transfer, change from book entry to certificated form, or other related fees. Fees may vary, at GNMA's discretion, depending upon, but not limited to, such factors as size, collateral characteristics, expense or risk of the guaranty transaction undertaken.

§ 395.30 GNMA guaranty.

The Association guarantees the timely payment of principal and interest as provided by the terms of the multiclass security. The Association's guaranty is backed by the full faith and credit of the United States.

§ 395.35 Investors.

GNMA guaranteed multiclass securities may not be suitable investments for all investors. No investor should purchase securities of any class unless the investor understands, and is able to bear, the prepayment, yield, liquidity and market risks associated with the class. The Association assumes no obligation or liability to any person with regard to determining the suitability of such securities for such investor.

§ 395.40 Consultation.

The Association may consult with persons or entities in such manner as the Association deems appropriate to ensure the efficient commencement and operation of the Multiclass Securities program.

§ 395.45 Limitation on GNMA liability.

Except for its guaranty, the Association undertakes no obligation and assumes no liability to any person with regard to or on account of the existence or operation of this part or the conduct of any participants in the Multiclass Securities program.

§ 395.50 Administration of multiclass securities.

The GNMA guaranteed multiclass securities will be administered in accordance with GNMA requirements described in the GNMA Multiclass Securities Guide.

§ 395.55 Basis for removal from participation.

A participant may be removed from the Multiclass Securities program if GNMA, in its discretion, determines that any of the following exists or has occurred:

(a) The participant, at any time, fails to meet any condition for eligibility;

(b) The participant fails to comply with any provision of the GNMA Multiclass Securities Guide or this part;

(c) The participant is unable or fails to truthfully, correctly or fully submit such certifications as are required; and

(d) Such further reasons as GNMA determines necessary to protect the safety and soundness of the Multiclass Securities program, as set out in the GNMA Multiclass Securities Guide.

§ 395.60 Removal procedure.

(a) A participant may be suspended from participation in the Multiclass Securities program upon written notice from GNMA, which shall include the reasons for the suspension. The participant shall have the opportunity to submit a written presentation to the President of GNMA, or designee, in support of its reinstatement, subject to such limitations as GNMA in its discretion may impose as to length, time for submission, or otherwise. A determination by the President of GNMA, or designee, shall exhaust the participant's administrative remedies.

(b) If a participant is suspended from the Multiclass Securities program, GNMA shall have no obligation to complete a pending transaction involving the participant.

(c) After a participant has been removed from the Multiclass Securities program, the participant may request reinstatement. Approval of the reinstatement is at the sole discretion of the Association.

Dated: January 19, 1995.

Dwight P. Robinson,

President.

[FR Doc. 95–3853 Filed 2–16–95; 8:45 am]

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federal register

Friday
February 17, 1995

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Funding Availability for Continuum of Care Homeless Assistance; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–95–3877; FR–3873–N–01]

Notice of Funding Availability for Continuum of Care Homeless Assistance; Supportive Housing Program (SHP); Shelter Plus Care (S+C); Sec. 8 Moderate Rehabilitation Single Room Occupancy Program for Homeless Individuals (SRO)

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

ACTION: Notice of funding availability (NOFA).

SUMMARY: This Notice announces the availability of approximately $900 million for applications for assistance designed to help communities develop continuum of care systems to assist homeless persons. These funds are available under three programs to fill gaps within the context of developing coordinated systems for combating homelessness. The three programs are: Supportive Housing; Shelter Plus Care; and Section 8 Moderate Rehabilitation for Single Room Occupancy Dwellings for Homeless Individuals. Funds will be awarded competitively. This notice of funding availability (NOFA) contains information concerning the continuum of care approach, eligible applicants, eligible activities, application requirements, and application processing.

DEADLINE DATE: All applications are due in HUD Headquarters on or before close of business on April 7, 1995. HUD will treat as ineligible for consideration applications that are received after that deadline. Applications may not be sent by facsimile (FAX).

ADDRESSES: For a copy of application packages, please contact a HUD Field Office or call the American Communities information center at 1–800–998–9999. Prior to close of business on the deadline date completed applications will be accepted at the following address: Processing and Control Unit, Room 7255, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, Attention: Continuum of Care Funding. At close of business on the deadline date applications will be received at either room 7255 or the South lobby of the Department of Housing and Urban Development at the above address. Two copies of the application must also be sent to the HUD Field Office serving the area in which the applicant's project is located. A list of Field Offices appears in the appendix of this NOFA. Field Office copies must be received by the application deadline as well, but a determination that an application was received on time will be made solely on receipt of the application at HUD Headquarters in Washington.

FOR FURTHER INFORMATION: Please contact the HUD Field Office for the area in which the project is located for additional information. Telephone numbers are included in the list of Field Offices set forth in the appendix of this NOFA.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, and assigned OMB approval numbers 2506–0131, 2506–0112, and 2506–0118.

I. Substantive Description

(a) Authority

The Supportive Housing program is authorized by title IV, subtitle C, of the Stewart B. McKinney Homeless Assistance Act (McKinney Act), as amended, 42 USC 11381. Regulations for this program are contained in 24 CFR part 583, as amended by an interim rule published in the **Federal Register** on May 10, 1994, and a final rule published in the **Federal Register** on July 19, 1994. Funds made available under this NOFA for the Supportive Housing program are subject to the requirements of the amended regulations.

The Shelter Plus Care program is authorized by title IV, subtitle F, of the McKinney Act, as amended, 42 USC 11403. Regulations for this program are contained in 24 CFR part 582, as amended by an interim rule published in the **Federal Register** on May 10, 1994. Funds made available under this NOFA for the Shelter Plus Care program are subject to the requirements of the amended regulations.

The Section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for Homeless Individuals is authorized by section 441 of the McKinney Act, as amended, 42 USC 11401. Regulations for this program are contained in 24 CFR part 882, subpart H, as amended by an interim rule published in the **Federal Register** on May 10, 1994. Funds made available under this NOFA for the Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals are subject to the requirements of the amended regulations.

(b) Funding Availability

Approximately $900 million is available under this NOFA. This consists of approximate amounts of $600 million for Supportive Housing, $150 million for Shelter Plus Care, and $150 million for SRO. All of the funds available under this NOFA were appropriated under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Pub. L. 103–327, approved September 28, 1994). Any unobligated funds from previous competitions or additional funds that may become available as a result of deobligations or recaptures from previous awards may also be used to fund applications for the same program submitted in response to this NOFA. HUD reserves the right to reallocate funds from one program to another if an insufficient number of approvable applications are received for a program. HUD also reserves the right to fund less than the full amount requested in any application.

(c) Purpose

The purpose of this NOFA is to fund projects and activities which will fill gaps within the context of developing continuum of care systems to assist homeless persons. A continuum of care system consists of four basic components:

(1) A system of outreach and assessment for determining the needs and conditions of an individual or family who is homeless, or whether assistance is necessary to prevent an individual from becoming homeless;

(2) Emergency shelters with appropriate supportive services to help ensure that homeless individuals and families receive adequate emergency shelter and referral to necessary service providers or housing finders;

(3) Transitional housing with appropriate supportive services to help those homeless individuals and families who are not prepared to make the transition to permanent housing and independent living; and

(4) Permanent housing, or permanent supportive housing, to help meet the long-term needs of homeless individuals and families.

While not all homeless individuals and families in a community will need to access all four, unless all four components are coordinated within a

community, none will be successful. A strong homeless prevention strategy is also key to the success of the continuum of care.

Developing a continuum of care system involves a community process for coordinating resources. The community process should include nonprofit organizations, State and local government agencies, other homeless providers, housing developers and service providers, private foundations, neighborhood groups, and homeless or formerly homeless persons.

(d) Coordinating Resources

The Department recognizes that differing statutory requirements of the three programs covered by this NOFA are barriers to creating continuum of care systems that are truly responsive to community needs. The Department is continuing to pursue legislative changes necessary to provide localities and providers with the flexibility they need to create comprehensive systems that completely address the many dimensions of the problem in a coordinated fashion. Meanwhile, under this NOFA, the Department will continue to move in that direction by using its funding resources to help increase the level of coordination among nonprofit organizations, government agencies and other entities that is necessary to develop systematic approaches for successfully addressing homelessness.

To further the purpose of this NOFA, heavy emphasis is placed upon coordination in the application selection criteria. In preparing its application, the applicant should, to the maximum extent possible, coordinate its efforts with other providers of services and housing to homeless persons, such as nonprofit organizations, government agencies, and housing developers, and consult with homeless or formerly homeless persons.

Scoring high on the ''Coordination'' selection criteria will be important to the success of an application in this competition. High scores will depend on organizations working together to: create, maintain and build upon a community-wide inventory of current services and housing for homeless families and individuals; identify the full spectrum of needs of homeless families and individuals; and coordinate efforts to obtain resources to fill gaps between the current inventory and needs. Applicants are advised to pay special attention to the ''Coordination'' selection criteria before beginning the process of developing an application.

(e) Use of NOFA Funds and Matching Funds to Fill Gaps

Funds available under this NOFA and matching funds may be used in the following ways to fill gaps within the context of developing a continuum of care system:

(1) *Outreach/Assessment.* The Supportive Housing program may provide funding for outreach to homeless persons and assessment of their needs. The Shelter Plus Care program requires a supportive services match; outreach and assessment activities count toward that match. The SRO program applicants receive rating points for the extent to which supportive services, including outreach and assessment, are provided.

(2) *Transitional housing and necessary social services.* The Supportive Housing program may be used to provide transitional housing with services, including both facility-based transitional housing and scattered-site transitional services. The Supportive Housing program may also be used to provide a safe haven, as described in section I.(g)(1) of this NOFA.

(3) *Permanent housing or permanent supportive housing.* The Supportive Housing program may be used to provide permanent supportive housing *for persons with disabilities,* including both facility-based and scattered-site permanent supportive housing. The Shelter Plus Care program may be used to provide permanent supportive housing *for persons with disabilities* in a variety of housing rental situations. This program requires a supportive services match; all supportive service activities count toward that match. The SRO program provides permanent housing for homeless individuals with incomes that do not exceed the low-income standard of the Section 8 housing program. The SRO program applicants receive rating points for the extent to which supportive services are provided. Providing permanent housing for homeless families is not available under the SRO program or the SRO component of the Shelter Plus Care (S+C) program because an SRO unit is designed for a single individual. Permanent housing for homeless families is only eligible under the other components of the S+C program and under the Supportive Housing program if an adult member has a disability.

(f) Targeting

This NOFA is targeted to serving persons who are sleeping in emergency shelters (including hotels or motels used as shelter for homeless families), other facilities for homeless persons, or places not meant for human habitation, such as cars, parks, sidewalks, or abandoned buildings. This includes persons who ordinarily live in such places but are in a hospital or other institution on a short-term basis (short-term is considered to be 30 consecutive days or less.) For the Section 8 SRO program, individuals currently residing in units to be assisted and who are eligible for assistance under Section 8 of the United States Housing Act of 1937 may also be served under this NOFA.

(g) Program Summaries

The chart below summarizes key aspects of the Supportive Housing Program, the Shelter Plus Care Program, and the Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals. Descriptions are contained in the applicable program regulations.

Element	Supportive housing	Shelter plus care	Section 8 SRO
Authorizing Legislation	Subtitle C of Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended.	Subtitle F of Title IV of the Stewart B. McKinney Homeless Assistance Act, as amended.	Section 441 of the Stewart B. McKinney Homeless Assistance Act, as amended.
Implementing Regulations	24 CFR part 583, as amended May 10 and July 19, 1994.	24 CFR part 582, as amended May 10, 1994.	24 CFR part 882, subpart H, as amended May 10, 1994.
Eligible Applicant(s)	• States • Units of general local government. • Public housing agencies (PHAs) • Tribes • Private nonprofit organizations • CMHCs that are public nonprofit organizations	• States • Units of general local government. • Tribes • PHAs	• PHAs • Private nonprofit organizations.
Components	• Transitional housing • Permanent housing for disabled persons. • Innovative supportive housing • Supportive services not in conjunction with supportive housing. • Safe Havens	• Tenant-based • Sponsor-based • Project-based • SRO-based	• SRO housing.
Eligible Activities	• Acquisition • Rehabilitation • New construction • Leasing • Operating costs • Supportive services	• Rental assistance	• Rental Assistance.
Eligible Populations	• Homeless persons	• Homeless disabled individuals • Homeless disabled individuals and their families.	• Homeless individuals • Section 8 eligible current occupants.
Populations Given Special Consideration.	• Homeless persons with disabilities. • Homeless families with children.	• Homeless persons who: • are seriously mentally ill • have chronic problems with alcohol and/or drugs. • have AIDS and related diseases.	• N/A
Initial Term of Assistance	3 years	5 years: TRA, SRA, and PRA if no rehab 10 years: SRO and PRA if rehab.	10 years.

(h) Special Program Provisions

(1) Supportive Housing Program

Minimum percentages. Approximately $600 million is available for assistance under the Supportive Housing Program. In accordance with section 429 of the McKinney Act, as amended, HUD will allocate Supportive Housing funds as follows: not less than 25 percent for projects that primarily serve homeless families with children; not less than 25 percent for projects that primarily serve homeless persons with disabilities; and not less than 10 percent for supportive services not provided in conjunction with supportive housing. After applications are rated and ranked, based on the criteria described below, HUD will determine if the conditionally selected projects achieve these minimum percentages. If not, HUD will skip higher-ranked applications in a category for which the minimum percent has been achieved in order to achieve the minimum percent for another category. If there are an insufficient number of conditionally selected applications in a category to achieve its minimum percent, the unused balance will be used for the next highest-ranked approvable Supportive Housing application.

Safe havens. As described in the program summaries chart above, the Supportive Housing program includes five different types of projects. Safe haven projects are one type. As used in this NOFA, a safe haven is a form of supportive housing designed specifically to provide a safe residence for homeless persons with serious mental illness who are currently residing primarily in public or private places not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, and who have been unwilling or unable to participate in mental health or substance abuse treatment programs or to receive other supportive services.

For many persons with mental illness who have been living on the street, the transition to permanent housing is best made in stages, starting with a small, highly supportive environment where an individual can feel at ease, out of danger, and subject to relatively few immediate service demands. Traditional supportive housing settings often assume a readiness by the clientele to accept a degree of structure and service participation that could overwhelm and defeat a person with mental illness who has come fresh from the street.

Safe havens are designed to provide persons with serious mental illness who have been living on the streets with a secure, non-threatening, non-institutional, supportive environment. These facilities can serve as a ''portal of entry'' to the service system and provide access to basic services such as food, clothing, bathing facilities, telephones, storage space, and a mailing address.

Safe havens do not require participation in services and referrals as a condition of occupancy. Rather, it is hoped that after a period of stabilization in a safe haven, residents will be more willing to participate in services and referrals, and will eventually be ready to move to a more traditional form of housing. While all rules applicable to

the Supportive Housing Program apply to safe havens, to ensure that safe havens projects are competitive with other Supportive Housing projects, the ''Quality of Project Plan'' rating criteria in this NOFA have been modified to reflect the special characteristics of safe havens.

Specifically, the term ''safe haven'' means a structure or a clearly identifiable portion of a structure: (1) that proposes to serve hard-to-reach homeless persons with severe mental illness; (2) that provides 24-hour residence for eligible persons who may reside for an unspecified duration; (3) that provides private or semi-private accommodations; (4) that may provide for the common use of kitchen facilities, dining rooms, and bathrooms; and, (5) in which overnight occupancy is limited to no more than 25 persons. A ''safe haven'' may also provide supportive services to eligible persons who are not residents on a drop-in basis. To be considered for funding under the Safe Havens component of the Supportive Housing Program, a proposed project must be consistent with the five features listed above.

(2) Shelter Plus Care Program

Approximately $150 million is available for assistance under the Shelter Plus Care program. In accordance with section 463(a) of the McKinney Act, as amended by the 1992 Act, at least 10 percent of Shelter Plus Care funds will be allocated for each of the four components of the program: Tenant-based Rental Assistance; Sponsor-based Rental Assistance; Project-based Rental Assistance; and Section 8 Moderate Rehabilitation of Single Room Occupancy Dwellings for Homeless Individuals (provided there are sufficient numbers of approvable applications to achieve these percentages). After applications are rated and ranked, based on the criteria described below, HUD will determine if the conditionally selected projects achieve these minimum percentages. If necessary, HUD will skip higher-ranked applications for a component for which the minimum percent has been achieved in order to achieve the minimum percent for another component. If there are an insufficient number of approvable applications in a component to achieve its minimum percent, the unused balance will be used for the next highest-ranked approvable Shelter Plus Care application.

Any applicant that is a unit of general local government, a local public housing authority, or an Indian tribe may submit only one Shelter Plus Care application. Any applicant that is a State or a State public housing authority may submit applications for more than one jurisdiction but must submit a separate application for each and may only submit one application for each jurisdiction. In accordance with section 455(b) of the McKinney Act, no more than 10 percent of the assistance made available for Shelter Plus Care in any fiscal year may be used for programs located within any one unit of general local government. Ten percent for this fiscal year equals $15 million.

With regard to the Shelter Plus Care/Section 8 SRO component, applicant States, units of general local government and Indian tribes must subcontract with a Public Housing Authority to administer the Shelter Plus Care assistance. Also with regard to this component, no single project may contain more than 100 units.

(3) Section 8 Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals

Approximately $150 million is available for assistance under the SRO program. Applicants need to be aware of the following limitations on the allocation of Section 8 SRO funds:

- A separate application must be submitted for each site for which assistance is requested and, under section 8(e)(2) of the United States Housing Act of 1937, no single project may contain more than 100 units;
- Under section 441(c) of the McKinney Act, no city or urban county may have projects receiving a total of more than 10 percent of the assistance made available under this program;
- Applicants that are private nonprofit organizations must subcontract with a Public Housing Authority to administer the SRO assistance; and
- Under section 441(e) of the McKinney Act and 24 CFR 882.805(g)(1), HUD publishes the SRO per unit rehabilitation cost limit each year to take into account changes in construction costs. For purposes of Fiscal Year 1995 funding, the cost limitation is raised from $15,900 to $16,100 per unit to take into account increases in construction costs during the past 12-month period.

II. Application Requirements

An application for Supportive Housing, Shelter Plus Care, or Section 8 SRO assistance consists of narrative, numerical, and financial information. The application requires a description of: gaps that need to be filled in the community's response to homelessness; how the proposed project will help the community develop a continuum of care system by filling one of these gaps; the proposed project, including the plan for housing and/or services to be provided to participants; resources expected for the project and the amount of assistance requested; the experience of all organizations who will be involved in the project; and the sources and number of proposed participants. An application also contains certifications that the applicant will comply with fair housing and civil rights requirements, program regulations, and other Federal requirements, and (in most cases) that the proposed activities are consistent with the HUD-approved Consolidated Plan (or Comprehensive Housing Affordability Strategy if still in effect) of the applicable State or unit of general local government.

The specific application requirements will be specified in the application package for each program. This package includes all required forms and certifications, and may be obtained from a HUD Field Office listed in the appendix of this NOFA or by calling the American Communities information center on 1–800–998–9999.

Care should be taken in the selection of projects and in the preparation of applications to ensure that environmental and historic preservation impediments do not cause an application to be denied or approval severely delayed. In general, any application HUD receives from a state or local government will require that the environmental assessment be prepared by the local or state government before the grant application can be approved. The environmental assessments for non-governmental applicants will be conducted by HUD. Questions about which environmental and historic preservation laws may apply should be addressed to the HUD Field Office.

III. Application Selection Process

The Department will use the same review, rating, and conditional selection process for all three programs (S+C, SRO, and SHP):

(a) Review

Applications will be reviewed to ensure that they meet the following requirements:

(1) *Applicant eligibility.* The applicant and project sponsor, if relevant, must be eligible to apply for the specific program.

(2) *Eligible population to be served.* The population to be served must meet the eligibility requirements of the specific program.

(3) *Eligible activities.* The activities for which assistance is requested must be eligible under the specific program.

(4) *Fair housing and equal opportunity*. Organizations that receive assistance through the application must be in compliance with applicable civil rights laws and Executive Orders.

(5) *Vacancy rate*. For the Section 8 SRO program, at least 25 percent of the units to be assisted at any one site must be vacant at the time of application.

(b) Rating and Conditional Selection

Applications for S+C, SRO, and SHP grants will be conditionally selected in three separate categories, one for each program. To rate applications, the Department may establish panels including persons not currently employed by HUD to obtain outside points of view, including views from other Federal agencies.

After all points have been awarded, applications will be ranked from highest point score to lowest for each program. A bonus of 2 points will be added in determining the final score of any project that will serve homeless persons living within the boundaries of a federal Empowerment Zone or Enterprise Community. Whether an application is conditionally selected will depend on its overall ranking compared to other applications submitted for the same program, except that HUD reserves the right to select lower rated applications if necessary to achieve geographic diversity; ensure that the overall amount of assistance received by a jurisdiction is not disproportionate to the jurisdiction's overall need for homeless assistance, as calculated from generally available data; or achieve diversity of assistance provided in a community as determined through a comparison of applications from a given jurisdiction.

For all programs, in the event of a tie between applicants, the applicant with the highest score for the coordination criterion will be selected. If a tie remains, the applicant with the highest score for the quality of project criterion will be selected. In the event of a procedural error that, when corrected, would result in selection of an otherwise eligible applicant during the funding round under this NOFA, HUD may select that applicant when sufficient funds become available.

For Shelter Plus Care and Supportive Housing, in cases where the applicant requests assistance for more than one of the components of the program within one application, the components will not be rated separately. Rather, the application will be rated as a whole. (For Section 8 SRO, only one project is allowed per application.)

(c) Core Selection Criteria

The following five core selection criteria apply to each of the programs covered by this NOFA and account for 105 of the 110 points available for award.

(1) *Coordination*. HUD will award up to 40 points based on the extent to which the application demonstrates:

- Participation in a community process for developing a continuum of care strategy, which could include nonprofit organizations, State and local governmental agencies, other homeless providers, housing developers and service providers, private foundations, local businesses and the investment banking community, neighborhood groups, and homeless or formerly homeless persons.
- Need for the type of project proposed in the area to be served, and that the proposed project will effectively and appropriately fill a gap in the community's response to homelessness.
- Coordination with other applicants, if any, applying for assistance under this NOFA for projects in the same local jurisdiction. (If more than one organization within a local jurisdiction is submitting an application under this NOFA, higher scores will be assigned where it is clear that the proposed projects have been coordinated within a single, appropriate continuum of care strategy and that each project effectively and appropriately fills a gap in the community's response to homelessness.)
- Use by the project of mainstream services, such as income supports, mental health services, and substance abuse treatment, and how the project uses or will use mainstream housing programs, such as Section 8 rental assistance, HOME, and State programs, and other permanent housing resources to complete the continuum of care.

(2) *Need*. HUD will award up to 20 points based on:

- the jurisdiction's need for homeless assistance, as calculated from generally available data including data on poverty, housing overcrowding, population, age of housing and growth lag; and
- the extent of need in that jurisdiction taking into account the higher rated applications and the extent of need nationwide.

(3) *Quality of project*. HUD will award up to 25 points based on the extent to which the applicant demonstrates that the proposed project will:

- Reach out and engage potential eligible participants. The most needy are homeless persons who are sleeping in places not meant for human habitation, such as cars, tunnels and parks, and persons who are staying at shelters, transitional housing or other facilities for homeless persons who originally came from the streets or emergency shelter.
- Provide appropriate housing. HUD will consider how the housing fits the needs of participants and ensures their safety; empowers participants through involvement in decision-making and project operations; employs participants in the project or otherwise helps increase their incomes; and ensures that transportation is available and accessible. HUD will also consider project staffing and the scale of the project, viewing the concentration of very large numbers of homeless persons at one location unfavorably.

For transitional housing projects, appropriateness of housing also includes how the project assists participants in locating and succeeding in permanent housing, and provides necessary follow-up services upon the completion of transitional housing. For permanent housing projects, appropriateness of housing also includes how the project assists integration of participants into the surrounding community.

- Provide appropriate services. HUD will consider whether the project provides up-front, individualized, needs assessments and ongoing case management, how services fit the needs of participants, and the availability of needed services.
- For projects serving families, the project serves the family together, and works to strengthen the family structure. Projects that mix families with singles populations in the same structure will be viewed unfavorably.
- For safe haven projects, the above factors are modified to award up to 25 points on the extent to which the applicant demonstrates how the project will link persons to other housing and supportive services after stabilization in a safe haven, the availability of basic services in the safe haven, and how the security of participants will be assured by the applicant.

The rating under this criterion will also consider the extent to which the project represents an innovative approach when viewed nationally that promises to be successful and replicable. Applications submitted under the ''innovative supportive housing'' component of the Supportive Housing Program must achieve points for innovation.

Applications receiving less than 8 points under the quality of project criterion will not be selected for a grant award.

(4) *Capacity*. HUD will award up to 15 points based on extent to which all the organizations involved in the project demonstrate:

• Experience in carrying out similar activities to those proposed either as an ongoing provider of housing and/or services to homeless people, or as an ongoing provider of housing and/or services who is in some way tangibly connected to an ongoing homeless delivery system.

• Timeliness in the speed with which the project will become operational, taking into account differences in the types of projects proposed for funding.

The rating under this criterion will also consider the Department's knowledge of the prior experience of the applicant (and any organizations that will participate in carrying out the program) in serving homeless persons and in carrying out programs similar to those proposed in the application, and the prior performance of the applicant (and any organizations that will participate in carrying out the program) with any-HUD administered programs.

An applicant receiving less than 7 points under the capacity criterion will not be selected for a grant award.

(5) *Leveraging*. HUD will award up to 5 points based on the extent to which the amount of assistance to be provided under this grant is supplemented with documented cash or in-kind resources from public and private sources that will be used for the project. For S+C and SRO applications, leveraging will be based on documented resources for supportive services. For SHP applications, leveraging will be based on documented resources for any project activity.

(d) Supportive Housing Additional Selection Criterion

The following selection criterion accounts for the remaining 5 points available for award for SHP applications.

(1) *Cost effectiveness*. HUD will award up to 5 points based on the extent to which supportive services are provided from resources other than the Supportive Housing Program grant.

(e) Shelter Plus Care Additional Selection Criterion

The following selection criterion accounts for the remaining 5 points available for award for S+C applications.

(1) *Serving targeted disabilities*. Within the eligible population to be served, HUD will award up to *5 points* based on the percentage of individuals to be served (beyond 50 percent) who experience serious mental illness, have chronic alcohol and/or drug abuse problems, or have AIDS and related diseases in relation to the total number of people proposed to be served.

(f) Section 8 SRO Additional Selection Criterion

The following selection criterion accounts for the remaining 5 points available for award for Section 8 SRO applications.

(1) *Availability of vacant units*. HUD will award up to *5 points* based on the percentage of units (beyond the required 25 percent) proposed for assistance which are vacant at the time of application.

(g) Clarification of Application Information

In accordance with the provisions of 24 CFR part 4, subpart B, HUD may contact an applicant to seek clarification of an item in the application, or to request additional or missing information, but the clarification or the request for additional or missing information shall not relate to items that would improve the substantive quality of the application pertinent to the funding decision.

(h) Technical Assistance

Prior to the application deadline, HUD staff will be available to provide advice, guidance and general technical assistance to potential applicants on application requirements and program policies. Following conditional selection, HUD staff will be available to assist in clarifying or confirming information that is a prerequisite to the offer of a grant agreement by HUD. However, between the application deadline and the announcement of conditional selections, HUD will accept no information that would improve the substantive quality of the application pertinent to the funding decision.

IV. Grant Award Process

HUD will notify conditionally selected applicants in writing. As necessary, HUD will subsequently request them to submit additional project information, which may include documentation to show the project is feasible; documentation of firm commitments for cash match; documentation showing site control; information necessary for HUD to perform an environmental review, where applicable; and such other documentation as specified by HUD in writing to the applicant, that confirms or clarifies information provided in the application. SRO and S+C/SRO applicants will be notified of the date of the two month deadline for submission of such information; other S+C applicants and all SHP applicants will be notified of the date of the one month deadline for submission of such information. If an applicant is unable to meet any conditions for grant award within the specified timeframe, HUD reserves the right not to award funds to the applicant, but instead to either: use them to select the next highest ranked application(s) from the original competition for which there are sufficient funds available; or add them to funds available for the next competition for the applicable program.

V. Special Incentive for Purchase of HUD-Owned Single Family Properties Under the Single Family Property Disposition Homeless Program

Supportive Housing funds may be used to purchase HUD-owned single family (one- to four unit) properties under the Single Family Property Disposition Homeless Program, provided the properties are used to house homeless persons. This includes both eligible homes owned by HUD and those presently under lease.

The Department is offering a special incentive for the purchase of HUD-owned single family properties located in zip code areas designated by HUD as ''revitalization'' areas. Lessees and other qualifying nonprofit organizations and governmental entities may purchase uninsurable properties in revitalization areas at a 30 percent discount; FHA insurable properties in revitalization areas are offered at a discount of 10 percent. There are 230 revitalization areas nationwide. Contact your local HUD Office for assistance in identifying revitalization areas.

Qualifying nonprofit organizations and governmental entities may purchase HUD-owned homes outside revitalization areas at a discount approved by the Secretary, usually 10 percent. However, if five or more homes are purchased and closed simultaneously, a 15 percent discount will be applied in all areas. The sales price, to which any discount will be applied, is the current fair market value, or the value established at the time of the lease, whichever is less, provided that the lessee agrees to use the property either to house homeless persons for 10 years or to resell only to a lower-income buyer.

The incentives described above should be especially attractive to organizations currently operating transitional housing for the homeless in homes leased from HUD. Providers with a maximum five-year lease term may purchase uninsurable properties at the 30 percent discount in revitalization

areas, thus making the purchase of their leased property far more affordable. Lessees operating satisfactory homeless programs, and who purchase, will also have a competitive advantage under the rating criterion, ''Capacity'', since they may demonstrate experience with HUD homeless programs.

VI. Employment Opportunities for Homeless Persons

A key goal of the continuum of care approach is to assist homeless persons achieve independent living whenever possible. Each of the three programs under this NOFA has as a goal increasing the skill level and/or income of program participants. Employment opportunities not only help achieve these goals but are also important in rebuilding self-esteem.

The McKinney Act recognizes the importance of employment opportunities in requiring that, to the maximum extent practicable, recipients involve homeless persons through employment, volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating the project and in providing supportive services. Under the Supportive Housing Program, employment assistance activities are eligible, and grant recipients can use these funds for such activities as job training, wages, and educational awards for homeless persons. While Shelter Plus Care Program and SRO Program funds may only be used for rental assistance, employment assistance activities paid from other sources count towards the match requirement of the Shelter Plus Care Program and can also count for purposes of the ''leveraging'' rating criterion.

Inclusion in the application of employment assistance activities for homeless persons may improve the rating score under the ''Quality of Project'' criterion, making the application more competitive.

VII. Linking Homeless Assistance Programs and AmeriCorps

The Corporation for National Service, established in 1993 to engage Americans of all ages and backgrounds in community-based service, supports a range of national and community service programs. AmeriCorps, one of the national service programs supported by the Corporation, engages thousands of young Americans on a full or part-time basis to help communities address their toughest challenges, while earning support for college, graduate school, or job training.

Applicants for the Supportive Housing Program are encouraged to link their proposed projects with AmeriCorps. AmeriCorps Members can be an excellent source of committed, caring staff. An applicant may call The Corporation for National Service in Washington, DC, on (202) 606–5000 to ask for the State Commission contact name and phone number. Through the information received from the State Commission, the applicant may contact an AmeriCorps Program Sponsor in the local area. The Sponsor recruits, selects, trains, and places individuals who become AmeriCorps Members.

Full-time AmeriCorps members (those working 1,700 hours over a 9 to 12 month period) are eligible to receive approximately $7,600 as a living allowance, health care and child care if necessary, and a post-service award of $4,725 to be used for current or future college, graduate school, or job training, or to repay existing qualified loans. AmeriCorps is able to support a greater number of Members if other organizations or programs, such as the Supportive Housing Program, can pay the program and Member-related expenses, with AmeriCorps providing the post-service educational awards.

For Supportive Housing, applicants may request funds for paying operating and supportive services costs. These costs may include payment for AmeriCorps Members, such as living allowances, health care costs, and reasonable overhead costs of the AmeriCorps program sponsor, but may not exceed the cost which would be paid by the applicant for the same services when procured from a contractor. An applicant does not fill out a special exhibit for AmeriCorps Members. Instead, the costs for the AmeriCorps Members are included in the operating and supportive services budgets, as appropriate, just as other staff costs are.

If Members are used in operating the Supportive Housing project, the costs are subject to the requirement that operating costs be shared. Examples of how Members may be used in operating a project include maintenance, security, and facility management. Supportive services are not subject to cost-sharing, so if Members are engaged in delivering supportive services, such as substance abuse counseling, case management, or recreational programs, no local share is required.

VIII. Other Matters

Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of Section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the ''Byrd Amendment'') and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of Federal contracts, grants, or loans from using appropriated funds for lobbying the Executive or Legislative branches of the Federal government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients and sub-recipients of assistance exceeding $100,000 must certify that no Federal funds have been or will be spent on lobbying activities in connection with the assistance.

Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) and (l) of the HUD regulations, the policies and procedures set forth in this document are determined not to have the potential for having a significant impact on the quality of the human environment, and therefore are exempt from further environmental reviews under the National Environmental Policy Act of 1969. (This same determination was made at the time of development of the interim rule on the Supportive Housing Program, Shelter Plus Care, and Section 8 Moderate Rehabilitation Single Room Occupany Program for Homeless Individuals, that was published in the **Federal Register** on May 10, 1994 (59 FR 24252).

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family*, has determined that the policies announced in this Notice would have a significant impact on the formation, maintenance, and general well-being of families, but since this impact would be beneficial, no further analysis under the Order is necessary.

Executive Order 12612, Federalism

The General Counsel has determined, as the Designated Official for HUD under section 6(a) of Executive Order 12612, *Federalism*, that the policies contained in this Notice will not have federalism implications and, thus, are not subject to review under the Order. The promotion of activities and policies to end homelessness is a recognized goal of general benefit without direct

implications on the relationship between the national government and the states or on the distribution of power and responsibilities among various levels of government.

Drug-Free Workplace Certification

The Drug-Free Workplace Act of 1988 requires grantees of Federal agencies to certify that they will provide drug-free workplaces. Thus, each applicant must certify that it will comply with drug-free workplace requirements in accordance with 24 CFR part 24, subpart F.

Accountability in the Provision of HUD Assistance

HUD has promulgated a final rule to implement section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act). The final rule is codified at 24 CFR part 12. Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published at 57 FR 1942 additional information that gave the public (including applicants for, and recipients of, HUD assistance) further information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 are applicable to assistance awarded under this NOFA as follows:

Documentation and Public Access Requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these documentation and public access requirements.)

Disclosures

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

Section 103 HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants who have questions should contact the HUD Office of Ethics (202) 708–3815 (TDD/Voice). (This is not a toll-free number.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

Section 112 HUD Reform Act

Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department *and* those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912) as 24 CFR part 86. If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule.

Submissions

Applications which are mailed prior to April 7, 1995 but received within ten (10) days after that date will be deemed to have been received by that date if postmarked by the United States Postal Service by no later than April 4, 1995. Overnight delivery items received after April 7, 1995 will be deemed to have been received by that date upon submission of documentary evidence that they were placed in transit with the overnight delivery service by no later than April 6, 1995.

Authority: 42 U.S.C. 11403 note; 42 U.S.C. 11389; 42 U.S.C. 1437a, 1437c, and 1437f; 42 U.S.C. 3535(d); 24 CFR parts 582, 583, and 882.

Dated: February 8, 1995.

Andrew Cuomo,

Assistant Secretary for Community Planning and Development.

Appendix: List of HUD Field Offices

Telephone numbers for Telecommunications Devices for the Deaf (TDD machines) are listed for field offices; all HUD numbers, including those noted *, may be reached via TDD by dialing the Federal Information Relay Service on 1–800–877–TDDY or (1–800–877–8339) or (202) 708–9300.

Alabama—John D. Harmon, Beacon Ridge Tower, 600 Beacon Pkwy. West, Suite 300, Birmingham, AL 35209–3144; (205) 290–7645; TDD (205) 290–7624.

Alaska—Dean Zinck, 949 E. 36th Avenue, Suite 401, Anchorage, AK 99508–4399; (907) 271–3669; TDD (907) 271–4328.

Arizona—Lou Kislin, 400 N. 5th St., Suite 1600, Arizona Center, Phoenix AZ 85004; (602) 379–4754; TDD (602) 379–4461.

Arkansas—Billy M. Parsley, TCBY Tower, 425 West Capitol Ave., Suite 900, Little Rock, AR 72201–3488; (501) 324–6375; TDD (501) 324–5931.

California—(Southern) Herbert L. Roberts, 1615 W. Olympic Blvd., Los Angeles, CA 90015–3801; (213) 251–7235; TDD (213) 251–7038. (Northern) Steve Sachs, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102–3448; (415) 556–5576; TDD (415) 556–8357.

Colorado—Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO

80202–3607; (303) 672–5414; TDD (303) 672–5248.

Connecticut—Daniel Kolesar, 330 Main St., Hartford, CT 06106–1860; (203) 240–4508; TDD (203) 240–4522.

Delaware—John Kane, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106–3392; (215) 597–2665; TDD (215) 597–5564.

District of Columbia—James H. McDaniel, 820 First St., NE, Washington, DC (and MD and VA suburbs) 20002; (202) 275–0994; TDD (202) 275–0772.

Florida—James N. Nichol, 301 West Bay St., Suite 2200, Jacksonville, FL 32202–5121; (904) 232–3587; TDD (904) 791–1241.

Georgia—John Perry, Russell Fed. Bldg., Room 688, 75 Spring St., SW, Atlanta, GA 30303–3388; (404) 331–5139; TDD (404) 730–2654.

Hawaii and Pacific)—Patti A. Nicholas, 7 Waterfront Plaza, Suite 500, 500 Ala Moana Blvd., Honolulu, HI 96813–4918; (808) 522–8180; TDD (808) 541–1356.

Idaho—John G. Bonham, 520 SW 6th Ave., Portland, OR 97204–1596;(503) 326–7018; TDD * via 1–800–877–8339.

Illinois—Jim Barnes, 77 W. Jackson Blvd., Chicago, IL 60604–3507; (312) 353–1696; TDD (312) 353–7143.

Indiana—Robert F. Poffenberger, 151 N. Delaware St., Indianapolis, IN 46204–2526; (317) 226–5169; TDD * via 1–800–877–8339.

Iowa—Gregory A. Bevirt, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955; (402) 492–3144; TDD (402) 492–3183.

Kansas—William Rotert, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101–2406; (913) 551–5484; TDD (913) 551–6972.

Kentucky—Ben Cook, P.O. Box 1044, 601 W. Broadway, Louisville, KY 40201–1044; (502) 582–5394; TDD (502) 582–5139.

Lousiana—Greg Hamilton, P.O. Box 70288, 1661 Canal St., New Orleans, LA 70112–2887; (504) 589–7212; TDD (504) 589–7237.

Maine—David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640; TDD (603) 666–7518.

Maryland—Harold Young, 10 South Howard Street, 5th Floor, Baltimore, MD 21202–0000; (410) 962–2520x3116; TDD (410) 962–0106.

Massachusetts—Frank Del Vecchio, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222–1092; (617) 565–5342; TDD (617) 565–5453.

Michigan—Richard Paul, Patrick McNamara Bldg., 477 Michigan Ave., Detroit, MI 48226–2592; (313) 226–4343; TDD * via 1–800–877–8339.

Minnesota—Shawn Huckleby, 220 2nd St. South, Minneapolis, MN 55401–2195; (612) 370–3019; TDD (612) 370–3186.

Mississippi—Jeanie E. Smith, Dr. A. H. McCoy Fed. Bldg., 100 W. Capitol St., Room 910, Jackson, MS 39269–1096; (601) 965–4765; TDD (601) 965–4171.

Missouri—(Eastern) David H. Long, 1222 Spruce St., St. Louis, MO 63103–2836; (314) 539–6524; TDD (314) 539–6331;. (Western) William Rotert, Gateway Towers 2, 400 State Ave., Kansas City, KS 66101–2406; (913) 551–54843; TDD (913) 551–6972.

Montana—Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TDD (303) 672–5248.

Nebraska—Gregory A. Bevirt, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955; (402) 492–3144; TDD (402) 492–3183.

Nevada—(Las Vegas, Clark Cnty) Lou Kislin, 400 N. 5th St., Suite 1600, 2 Arizona Center, Phoenix, AZ 85004; (602) 379–4754; TDD (602) 379–4461; (Remainder of State) Steve Sachs, 450 Golden Gate Ave., P.O. Box 36003, San Francisco, CA 94102–3448; (415) 556–5576; TDD (415) 556-8357.

New Hampshire—David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640; TDD (603) 666–7518.

New Jersey—Frank Sagarese, 1 Newark Center, Newark, NJ 07102; (201) 622–7900; TDD (201) 645–3298.

New Mexico—Katie Worsham, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113–2905; (817) 885–5483; TDD (817) 885–5447.

New York—(Upstate) Michael F. Merrill, Lafayette Ct., 465 Main St., Buffalo, NY 14203–1780; (716) 846–5768; TDD * via 1–800–877–8339; (Downstate) Jack Johnson, 26 Federal Plaza, New York, NY 10278–0068; (212) 264–2885; TDD (212) 264–0927.

North Carolina—Charles T. Ferebee, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407; (910) 547–4005; TDD (910) 547–4055.

North Dakota—Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TDD (303) 672–5248.

Ohio—Jack E. Riordan, 200 North High St., Columbus, OH 43215–2499; (614) 469–6743; TDD (614) 469–6694.

Oklahoma—Ted Allen, Murrah Fed. Bldg., 200 NW 5th St., Oklahoma City, OK 73102–3202; (405) 231–4973; TDD (405) 231–4181.

Oregon—John G. Bonham, 520 SW 6th Ave., Portland, OR 97204–1596 (503) 326–7018; TDD * via 1–800–877–8339.

Pennsylvania—(Western) Bruce Crawford, Old Post Office and Courthouse Bldg., 700 Grant St., Pittsburgh, PA 15219–1906; (412) 644–5493; TDD (412) 644–5747; (Eastern) Joyce Gaskins, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106–3392; (215) 597–2665; TDD (215) 597–5564.

Puerto Rico (and Caribbean)—Carmen R. Cabrera, 159 Carlos Chardon Ave., San Juan, PR 00918–1804; (809) 766–5576; TDD (809) 766–5909.

Rhode Island—Frank Del Vecchio, Thomas P. O'Neill, Jr., Fed. Bldg., 10 Causeway St., Boston, MA 02222–1092; (617) 565–5342; TDD (617) 565–5453.

South Carolina—Louis E. Bradley, Fed. Bldg., 1835–45 Assembly St., Columbia, SC 29201–2480; (803) 765–5564; TDD * via 1–800–877–8339.

South Dakota—Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TDD (303) 672–5248.

Tennessee—Virginia Peck, 710 Locust St., Knoxville, TN 37902–2526; (615) 545–4396; TDD (615) 545–4559.

Texas—(Northern) Katie Worsham, 1600 Throckmorton, P.O. Box 2905, Fort Worth, TX 76113–2905; (817) 885–5483; TDD (817) 885–5447; (Southern) John T. Maldonado, Washington Sq., 800 Dolorosa, San Antonio, TX 78207–4563; (210) 229–6820; TDD (210) 229–6885.

Utah—Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TDD (303) 672–5248.

Vermont—David Lafond, Norris Cotton Fed. Bldg., 275 Chestnut St., Manchester, NH 03101–2487; (603) 666–7640; TDD (603) 666–7518.

Virginia—Joseph Aversano, 3600 W. Broad St., P.O. Box 90331, Richmond, VA 23230–0331; (804) 278–4503; TDD (804) 278–4501.

Washington—John Peters, Federal Office Bldg., 909 First Ave., Suite 200, Seattle, WA 98104–1000; (206) 220–5150; TDD (206) 220–5185.

West Virginia—Bruce Crawford, Old Post Office & Courthouse Bldg., 700 Grant St., Pittsburgh, PA 15219–1906; (412) 644–5493; TDD (412) 644–5747.

Wisconsin—Lana J. Vacha, Henry Reuss Fed. Plaza, 310 W. Wisconsin Ave., Ste. 1380, Milwaukee, WI 53203–2289; (414) 297–3113; TDD * via 1–800–877–8339.

Wyoming—Sharon Jewell, First Interstate Tower North, 633 17th St., Denver, CO 80202–3607; (303) 672–5414; TDD (303) 672–5248.

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Friday
February 17, 1995

Part VI

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Federally Assisted Low Income Housing Drug Elimination Grants; Funding Availability for Fiscal Year 1995; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N–95–3869; FR–3858–N–01]

Federally Assisted Low Income Housing Drug Elimination Grants; Notice of Funding Availability—FY 1995

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of funding availability (NOFA) for fiscal year (FY) 1995.

SUMMARY: This NOFA announces HUD's FY 1995 funding of $17,800,737 for Federally Assisted Low Income Housing Drug Elimination Grants. The purposes of the Assisted Housing Drug Elimination Program are to eliminate drug-related crime and related problems in and around the premises of federally assisted low income housing, and to make available grants to help owners of such housing carry out plans to address these issues. This document describes the purpose of the NOFA, applicant eligibility, available amounts, selection criteria, financial requirements, management, and application processing, including how to apply, how selections will be made, and how applicants will be notified of results.

DATES: No applications will be accepted after 4:00 p.m. (local time) by the local HUD Office on April 18, 1995. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, HUD will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems. A ''FAX'' will not constitute delivery.

ADDRESSES: (a) *Application form:* An application form may be obtained from the local HUD Office having jurisdiction over the location of the applicant project. The HUD Office will be available to provide technical assistance on the preparation of applications during the application period. In addition, applications may be obtained from the Multifamily Housing Clearinghouse by calling 1–800–685–8470; or for hearing- or speech-impaired persons (202) 708–4594 (TDD). (The TDD number is not a toll-free number.)

(b) *Application submission:* Applications (original and one copy) must be received by the deadline at the appropriate HUD Office with jurisdiction over the applicant project, Attention: Director of Multifamily Housing. It is not sufficient for the application to bear a postage date within the submission time period. Applications submitted by facsimile are not acceptable. Applications received after the deadline will not be considered.

FOR FURTHER INFORMATION CONTACT: For application material and project-specific guidance, please contact the Office of the Director of Multifamily Housing in the HUD Office having jurisdiction over the project(s) in question. A list of HUD Offices is attached to this NOFA.

For other information, contact Lessley Wiles, Office of Multifamily Housing Management, Department of Housing and Urban Development, Room 6176, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 708–2654, Ext. 2618. TDD number (202) 708–4594. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this NOFA have been approved by the Office of Management and Budget, under section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520), and assigned OMB control number 2502–0476.

I. Purpose and Substantive Description

(a) Authority

These grants are authorized under Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.), as amended by section 581 of the National Affordable Housing Act of 1990 (NAHA) (Pub. L. 101–625, approved November 28, 1990) and section 161 of the Housing and Community Development Act of 1992 (HCDA 1992) (Pub. L. 102–550, approved October 28, 1992).

Note: This NOFA does NOT apply to the funding available under the statute for Public and Indian Housing.

(b) Allocation Amounts

(1) Federal Fiscal Year 1995 Funding

The amount available for funding under this Notice of Funding Availability (NOFA) is $17,800,737. Section 581 of NAHA expanded the Drug Elimination Program to include federally assisted low-income housing. The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1995, (Pub. L. 103–327, approved September 28, 1994) appropriated $290 million for the Drug Elimination Program, and made not more than $17,406,250 of the total Drug Elimination Program appropriation available for federally assisted low-income housing. The additional $394,487 represent funds available from recaptured and carry-over funds from prior year appropriations for the Federally Assisted Low-Income Housing Drug Elimination Grant Program.

Of the total $290 million appropriated, $247,168,750 will fund the Public and Indian Housing Drug Elimination Program; $13,925,000 will fund the Youth Sports Program; $10 million will fund drug elimination technical assistance and training; and $1.5 million will fund drug information clearinghouse services. The remaining $17,406,250 plus the $394,487 is being made available under this NOFA.

HUD is allocating grant funds under this NOFA to four ''Award Offices'' on the basis of a formula allocation. This formula allocation reflects the number of eligible federally assisted low-income housing units in specific geographic areas and the level of drug-related crime within each area, according to statistics compiled by the U.S. Department of Justice, Federal Bureau of Investigation (''Uniform Crime Reports for Drug Abuse Violations—1990'').

(2) Maximum Grant Award Amounts

The maximum grant award amount is limited to $125,000 per project.

(3) Reallocation

Any grant funds under this NOFA that are allocated, but that are not reserved for grantees, must be released to HUD Headquarters for reallocation. HUD reserves the right to fund portions of full applications. If the HUD Award Office determines that an application cannot be partially funded and there are insufficient funds to fund the application fully, any remaining funds after all other applications have been selected will be released to HUD Headquarters for reallocation. Amounts that may become available due to deobligation will also be reallocated to Headquarters.

All reallocated funds will be awarded in the following manner: HUD Award Offices will submit to Headquarters a list of applications, with their scores and amount of funding requested, that would have been funded had there been sufficient funds in the appropriate allocation to do so. Headquarters will select applications from those submitted by the HUD Award Offices, using a random number lottery overseen by the Offices of Housing, General Counsel,

and Inspector General, and make awards from any available reallocated funds.

(4) Reduction of Requested Grant Amounts

HUD may award an amount less than requested if:

(i) HUD determines the amount requested for an eligible activity is unreasonable;

(ii) Insufficient amounts remain under the allocation to fund the full amount requested by the applicant and HUD determines that partial funding is a viable option;

(iii) HUD determines that some elements of the proposed plan are suitable for funding and others are not; or

(iv) For any other reason where good cause exists.

(5) Distribution of Funds

In past years, funds under this program were allocated to the ten HUD Regional Offices. Due to HUD's reorganization, those offices no longer exist. Therefore, this year HUD is allocating funds to four Award Offices, which will receive the scores from each HUD Office that has received, rated, ranked, and scored its applications. Those Award Offices will, in turn, request funding for the properties with the highest score from each HUD Office. If sufficient funds remain, the next highest scored applications, regardless of HUD Office, will be awarded funds. HUD is allocating grant funds under this NOFA to the four Award Offices, in accordance with the following schedule:

Award office	States covered	Allocation
Buffalo	Maine New Hampshire. Vermont. Massachusetts. Connecticut. Rhode Island. New York. New Jersey. Pennsylvania. Delaware. Maryland. District of Columbia. West Virginia. Virginia.	$4,414,583
Knoxville	Kentucky Tennessee. North Carolina. South Carolina. Georgia. Alabama. Puerto Rico. Mississippi. Florida. Iowa. Kansas. Missouri. Nebraska.	4,467,985
Minneapolis	Illinois Indiana. Minnesota. Wisconsin. Michigan. Ohio.	4,343,380
Little Rock	Arkansas Louisiana. New Mexico. Oklahoma. Texas. Colorado. Montana. North Dakota. South Dakota. Utah. Wyoming. Arizona. California. Hawaii. Nevada. Alaska. Idaho. Oregon. Washington.	4,574,789

(c) Eligibility

The following is a listing of eligible activities, ineligible activities, eligible applicants, and general grant requirements under this NOFA.

(1) Eligible Activities

Please note that the maximum term of the grant is 12 months.

It is the goal and intent of the Federally Assisted Low-Income Housing Drug Elimination Grant Program to foster a sense of community in dealing with the issues of drug-related criminal activity. Programs that foster interrelationships between the residents, the housing owner and management, the local law enforcement agencies, and other community groups impacting on the housing are greatly desired and encouraged. Resident participation in the determination of programs and activities to be undertaken is critical to the success of all aspects of the program. Working jointly with community groups, the neighborhood law enforcement precinct, residents of adjacent properties, and the community as a whole can enhance and magnify the effect of specific program activities and should be the goal of all applicants.

(i) *Physical Improvements to Enhance Security.* Physical improvements that are specifically designed to enhance security are eligible for funding under this program. The improvements may include (but are not limited to) systems designed to limit building access to project residents, the installation of barriers, lighting systems, fences, bolts, and locks; the landscaping or reconfiguration of common areas to discourage drug-related crime; and other physical improvements designed to enhance security and discourage drug-related activities. In particular, HUD is seeking plans that provide successful, proven, and cost effective deterrents to drug-related crime that are designed to address the realities of low-income assisted housing environments. All physical improvements must also be accessible to persons with disabilities. For example, some types of locks or buzzer systems are not accessible to persons with limited strength or mobility, or to persons who are hearing-impaired. All physical improvements must meet the accessibility requirements of 24 CFR part 8.

(ii) *Programs to Reduce the use of Drugs.* Programs designed to reduce the use of drugs in and around federally assisted low-income housing projects, including drug abuse prevention, intervention, referral, and treatment programs, are eligible for funding under this program. The program should facilitate drug prevention, intervention, and treatment efforts, to include outreach to community resources and youth activities, and facilitate bringing these resources onto the premises, or provide resident referrals to treatment programs or transportation to out-patient treatment programs away from the premises. Funding is permitted for reasonable, necessary, and justified leasing of vehicles for resident youth and adult education and training activities directly related to ''Programs to reduce the use of drugs'' under this section. Alcohol-related activities/programs are not eligible for funding under this NOFA.

(A) Drug Prevention. Drug prevention programs that will be considered for funding under this NOFA must provide a comprehensive drug prevention approach for residents that will address the individual resident and his or her relationship to family, peers, and the community. Prevention programs must include activities designed to identify and change the factors present in federally assisted low-income housing that lead to drug-related problems, and thereby lower the risk of drug usage. Many components of a comprehensive approach, such as refusal and restraint skills, training programs, or drug-related family counseling, may already be available in the community of the applicant's housing projects, and the applicant must act to bring those available program components onto the premises. Activities that should be included in these programs are:

(*1*) Drug Education Opportunities for Residents. The causes and effects of

illegal drug usage must be discussed in a formal setting to provide both young people and adults the working knowledge and skills they need to make informed decisions to confront the potential and immediate dangers of illegal drugs. Grantees may contract (in accordance with 24 CFR part 85.36) with drug education professionals to provide appropriate training or workshops. The drug education professionals contracted to provide these services shall be required to base their services upon the program plan of the grantee. These educational opportunities may be a part of resident meetings, youth activities, or other gatherings of residents.

(*2*) Family and Other Support Services. Drug prevention programs must demonstrate that they will provide directly or otherwise make available services designed to distribute drug education information, to foster effective parenting skills, and to provide referrals for treatment and other available support services in the project or the community for federally-assisted low-income housing families.

(*3*) Youth Services. Drug prevention programs must demonstrate that they have included groups composed of young people as a part of their prevention programs. These groups must be coordinated by adults with the active participation of youth to organize youth leadership, sports, recreational, cultural, and other activities involving housing youth. The dissemination of drug education information, the development of peer leadership skills, and other drug prevention activities must be a component of youth services. Activities or services funded under this program may not also be funded under the Youth Sports Program.

(*4*) Economic/Educational Opportunities for Residents and Youth. Drug prevention programs should demonstrate a capacity to provide residents the opportunity for referral to established higher education or vocational institutions with the goal of developing or building on the residents' skills to pursue educational, vocational, and economic goals. The program must also demonstrate the ability to provide residents the opportunity to interact with private sector businesses in their immediate community for the same desired goals.

(B) Intervention. The aim of intervention is to identify federally assisted low-income housing resident drug users and assist them in modifying their behavior and in obtaining early treatment, if necessary. The applicant must establish a program with the goal of preventing drug problems from continuing once detected.

(C) Drug Treatment. (*1*) Treatment funded under this program shall be in or around the premises of the federally assisted low-income housing projects proposed for funding.

(*2*) Funds awarded under this program shall be targeted towards the development and implementation of new drug referral treatment services and/or aftercare, or the improvement or expansion of such program services for residents.

(*3*) Each proposed drug treatment program should address the following goals:

(*i*) Increase resident accessibility to drug treatment services;

(*ii*) Decrease criminal activity in and around federally assisted low-income housing projects by reducing illicit drug use among residents; and

(*iii*) Provide services designed for youth and/or maternal drug abusers (e.g., prenatal/postpartum care, specialized counseling in women's issues, parenting classes, or other drug supportive services).

(*4*) Approaches that have proven effective with similar populations will be considered for funding. Programs should meet the following criteria:

(*i*) Applicants may provide the service of formal referral arrangements to other treatment programs not in or around the project when the resident is able to obtain treatment costs from sources other than this program. Applicants may also provide transportation for residents to out-patient treatment and/or support programs.

(*ii*) Provide family/collateral counseling.

(*iii*) Provide linkages to educational/vocational counseling.

(*iv*) Provide coordination of services to appropriate local drug agencies, HIV-related service agencies, and mental health and public health programs.

(*v*) Applicants must demonstrate a working partnership with the Single State Agency or State license provider or authority with drug program coordination responsibilities to coordinate, develop, and implement the drug treatment proposal. In particular, applicants must review and determine with the Single State Agency or State license provider or authority with drug program coordination responsibilities whether:

(*A*) The drug treatment provider(s) has provided drug treatment services to similar populations, identified in the application, for two prior years; and

(*B*) The drug treatment proposal is consistent with the State treatment plan and the treatment service meets all State licensing requirements.

(*vi*) Funding is not permitted for treatment of residents at any in-patient medical treatment programs/facilities.

(*vii*) Funding is not permitted for detoxification procedures, short term or long term, designed to reduce or eliminate the presence of toxic substances in the body tissues of a patient.

(*viii*) Funding is not permitted for maintenance drug programs. Maintenance drugs are medications that are prescribed regularly for a long period of supportive therapy (e.g., methadone maintenance), rather than for immediate control of a disorder.

(iii) *Resident Councils (RCs).* Providing funding to resident councils to strengthen their role in developing programs of eligible activities involving site residents is eligible for funding under this program.

(2) *Ineligible Activities.* Funding is not permitted for any activities listed below:

(i) Any activity or improvement that is normally funded from project operating revenues for routine maintenance or repairs, or those activities or improvements that may be funded through reasonable and affordable rent increases;

(ii) The acquisition of real property or physical improvements that involve the demolition of any units in the project or displacement of tenants.

(iii) Costs incurred prior to the effective date of the grant agreement, including, but not limited to, consultant fees for surveys related to the application or its preparation;

(iv) Reimbursement of local law enforcement agencies for additional security and protective services;

(v) The employment of one or more individuals:

(A) To investigate drug-related crime on or about the real property comprising any federally assisted low-income project; and

(B) To provide evidence relating to such crime in any administrative or judicial proceeding;

(vi) The provision of training, communications equipment, and other related equipment for use by voluntary tenant patrols acting in cooperation with local law enforcement officials.

(3) *Eligible Applicants.* The applicant must be the owner of a federally assisted low-income housing project under:

(i) Section 221(d)(3), section 221(d)(4) or 236 of the National Housing Act. (Note, however, that only section 221(d)(4) and section 221(d)(3) market rate projects with project-based assistance contracts are considered federally assisted low-income housing.

Therefore, section 221(d)(4) and section 221(d)(3) market rate projects with tenant-based assistance contracts are not considered federally assisted low-income housing and are not eligible for funding.)

(ii) Section 101 of the Housing and Urban Development Act of 1965; or

(iii) Section 8 of the United States Housing Act of 1937.

(4) *General Grant Requirements.* The following requirements apply to all activities, programs, or functions used to plan, budget, and evaluate the work funded under this program.

(i) After applications have been ranked and selected, HUD and the applicant shall enter into a grant agreement setting forth the amount of the grant, the physical improvements or other eligible activities to be undertaken, financial controls, and special conditions, including sanctions for violation of the agreement.

(ii) The policies, guidelines, and requirements of this NOFA, 48 CFR part 31, other applicable OMB cost principles, HUD program regulations, HUD Handbooks, and the terms of grant/special conditions and subgrant agreements apply to the acceptance and use of assistance by grantees and will be followed in determining the reasonableness and allocability of costs. All costs must be reasonable and necessary.

(iii) The term of funded activities may not exceed 12 months.

(iv) Owners must ensure that any funds received under this program are not commingled with other HUD or project operating funds.

(v) To avoid duplicate funding, owners must establish controls to assure that any funds from other sources, such as Reserve for Replacement or Rent Increases, are not used to fund the physical improvements to be undertaken under this program.

(vi) Employment preference. A grantee under this program shall give preference to the employment of residents, and comply with section 3 of the Housing and Urban Development Act of 1968 and 24 CFR part 135, to carry out any of the eligible activities under this part, so long as such residents have qualifications and training comparable to nonresident applicants.

(vii) Termination of funding. HUD may terminate funding if the grantee fails to undertake the approved program activities on a timely basis in accordance with the grant agreement, adhere to grant agreement requirements or special conditions, or submit timely and accurate reports.

(viii) Subgrants (subcontracting).

(A) A grantee may directly undertake any of the eligible activities under this NOFA or it may contract with a qualified third party, including incorporated Resident Councils (RCs). Resident groups that are not incorporated RCs may share with the grantee in the implementation of the program, but may not receive funds as subgrantees.

(B) Subgrants or cash contributions to incorporated RCs may be made only under a written agreement executed between the grantee and the RC. The agreement must include a program budget that is acceptable to the grantee and that is otherwise consistent with the grant application budget. The agreement must obligate the incorporated RC to permit the grantee to inspect and audit the RC financial records related to the agreement, and to account to the grantee on the use of grant funds and on the implementation of program activities. In addition, the agreement must describe the nature of the activities to be undertaken by the subgrantee, the scope of the subgrantee's authority, and the amount of insurance to be obtained by the grantee and the subgrantee to protect their respective interests.

(C) The grantee shall be responsible for monitoring, and for providing technical assistance to, any subgrantee to ensure compliance with HUD program requirements, including OMB Circular Nos. A–110 and A–122, that apply to the acceptance and use of assistance by private nonprofit organizations. The procurement requirements of Attachment O of Circular A–110 apply to RCs. The grantee must also ensure that subgrantees have appropriate insurance liability coverage.

(d) Selection Criteria and Ranking Factors

HUD will review each application to determine that it meets the requirements of this NOFA and to assign points in accordance with the selection criteria. A total of 200 points is the maximum score available under the selection criteria. An application must receive a score of at least 151 points out of the maximum of 200 points that may be awarded under this competition to be eligible for funding. After assigning points to each application, HUD Offices will rank the applications in order. The Award Office will select the highest ranking application from each HUD Office whose eligible activities can be fully funded. The Award Office will then select the highest scored unfunded application submitted to it regardless of Field Office and continue the process until all funds allocated to it have been awarded or to the point where there are insufficient acceptable applications for which to award funds. Grants under this program are categorically excluded from review under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321). However, prior to the award of grant funds under the program, HUD will perform an environmental review to the extent required under the provisions of 24 CFR 50.4. Each application submitted will be evaluated on the basis of the following selection criteria:

(1) The Quality of the Plan To Address the Problem (Maximum Points: 50)

In assessing this criterion, HUD will consider the following factors:

(i) The quality of the applicant's plan to address the drug-related crime problem, and the problems associated with drug-related crime, in the projects proposed for funding, and how well the activities proposed for funding fit in with the plan. (maximum points: 10)

(ii) The anticipated effectiveness of the plan and the proposed activities in reducing or eliminating drug-related crime problems over an extended period. (maximum points: 10)

(iii) How the activities identified in the plan will affect and address the problem of drug-related crime in adjacent properties. (maximum points: 5)

(iv) Evidence that the proposed activities have been found successful in similar circumstances in terms of controlling drug-related crime. (maximum points: 5)

(v) Whether the property is located within an area identified as having a Safe Neighborhood Action Plan (SNAP) or similar plan or program designated for combatting drug-related criminal activity. (20 points if so located, 0 points if not.)

(2) The Support of Local Government/ Law Enforcement Agencies (Maximum Points: 20)

In assessing this criterion, HUD will consider the following factors:

(i) Evidence that the project owner has sought assistance in deterring drug-related crime problems and the extent to which the owner has participated in programs that are available from local governments or law enforcement agencies; (maximum points: 10) and

(ii) The level of support by the local government or law enforcement agency for the applicant's proposed activities (Maximum points: 10)

(3) The Extent of the Drug-Related Crime Problem in the Housing Project Proposed for Assistance (Maximum Points: 50)

In assessing this criterion, HUD will consider the degree of severity of the drug-related crime problem in the project proposed for funding, as demonstrated by the information required to be submitted under section III.(h) of this NOFA.

(4) The Support of Residents in Planning and Implementing the Proposed Activities. (Maximum Points: 30)

In assessing this criterion, HUD will consider the following factors:

(i) Evidence that comments and suggestions have been sought from residents to the proposed plan for this program and the degree to which residents will be involved in implementation. (maximum points: 20)

(ii) Evidence of resident support for the proposed plan. (maximum points: 10)

(5) Capacity of Owner and Management To Undertake the Proposed Activities: (Maximum Points: 50)

In assessing this criterion, HUD will consider the following:

(i) The most recent Management Review completed by the HUD Office. (Note: The HUD Office will conduct another management review after application submission if the most recent management review is more than one year old). (maximum points: 40)

(ii) Submission of evidence that project owners have initiated other efforts to reduce drug-related crime by working with tenant/law enforcement groups (e.g., establishment of ''Tenant Watches'' or similar efforts). (maximum points: 5)

(iii) Submission of evidence that project management carefully screens applicants for units and takes appropriate steps to deal with tenants known or suspected to exhibit drug-related criminal behavior. (maximum points: 5)

II. Application Process

(a) Application Form

An application form may be obtained from the HUD Office having jurisdiction over the location of the applicant project. The HUD Office will be available to provide technical assistance on the preparation of applications during the application period.

(b) Application Submission

A separate application must be submitted for each project. An application (original and one copy) must be received by the deadline at the appropriate HUD Office with jurisdiction over the applicant project, Attention: Director of Multifamily Housing. It is not sufficient for the application to bear a postage date within the submission time period. Applications submitted by facsimile (''FAX'') are not acceptable and will not be considered. Applications received after the deadline will not be considered. No applications will be accepted after 4:00 p.m. (local time) for the appropriate HUD Office on April 18, 1995. This application deadline is firm as to date and hour. In the interest of fairness to all competing applicants, the Department will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery-related problems.

(c) Application Notification

HUD will notify all applicants whether or not they were selected for funding.

III. Checklist of Application Submission Requirements

To qualify for a grant under this program, an applicant must submit an application to HUD that contains the following:

(a) Application for Federal Assistance form (Standard Form SF–424 and SF–424A). The form must be signed by the applicant.

(b) A description of the applicant's plan for addressing the problem of drug-related crime in the projects for which funding is sought, which should include the activities to be funded under this program along with all other initiatives being undertaken by the applicant. The description should also include a discussion of:

(1) The anticipated effectiveness of the plan and the proposed activities in reducing or eliminating drug-related crime problems over an extended period.

(2) How the activities identified in the plan will affect and address the problem of drug-related crime in adjacent properties.

(3) Other efforts that project owners have initiated to reduce drug-related crime by working with tenant/law enforcement groups (e.g., establishment of ''Tenant Watches'' or similar efforts).

(4) Procedures that project management uses to screen applicants for units and steps taken to deal with tenants known or suspected to exhibit drug-related criminal behavior.

(c) Each applicant for funding for physical improvements must submit a written plan fully describing the physical improvements to be undertaken with dollar costs per unit for each item. This plan must be signed by the owner.

(d) Each applicant must submit a letter from the local government or police (law enforcement) agency that describes the type of drug-related crime in the project proposed for grant funding and its immediate environs, and expresses a commitment to assist the owner in taking steps to reduce or eliminate the drug-related crime problems of the project.

(e) A description of the procedure used to involve residents in the development of the plan and written summaries of any comments and suggestions received from residents on the proposed plan, along with evidence that the owner carefully considered the comments of residents and incorporated their suggestions in the plan, when practical.

(f) A description of the support of residents for the proposed activities and the ways in which residents will be involved in implementing the plan. Letters of support from residents or a resolution from the resident organization may be used.

(g) A copy of the most recent management review performed by HUD and evidence supporting the capacity of the owner and management to undertake the proposed activities.

(h) Detailed information, such as local government and police reports, evidencing the degree of drug-related crime in the project and adjacent properties to demonstrate the degree of severity of the drug-related crime problem. This information may consist of:

(1) Objective data. The best available objective data on the nature, source, and extent of the problem of drug-related crime, and the problems associated with drug-related crime. These data may include (but are not necessarily limited to) crime statistics from Federal, State, tribal or local law enforcement agencies, or information from the applicant's records on the types and sources of drug-related crime in the project proposed for assistance; descriptive data as to the types of offenders committing drug-related crime in the applicant's project (e.g., age, residence, etc.); the number of lease terminations or evictions for drug-related criminal activity; the number of emergency room admissions for drug use or drug-related crime; the number of police calls for

drug-related criminal activity; the number of residents placed in treatment for substance abuse; and the school drop-out rate and level of absenteeism for youth. If crime statistics are not available at the project or precinct level, the applicant may use other reliable, objective data including those derived from the owner's records or those of private groups that collect such data. The crime statistics should be reported both in real numbers, and as a percentage of the residents in each project (e.g., 20 arrests for distribution of heroin in a project with 100 residents reflects a 20 percent occurrence rate). The data should cover the past three-year period and, to the extent feasible, should indicate whether these data reflect a percentage increase or decrease in drug-related crime over the past several years. Applicants must address in their assessment how these crimes have affected the project and how the applicant's overall plan and strategy is specifically tailored to address these drug-related crime problems.

(2) Other data on the extent of drug-related crime. To the extent that objective data as described under paragraph (1) of this section may not be available, or to complement that data, the assessment may use relevant information from other sources that have a direct bearing on drug-related crime problems in the project proposed for assistance. However, if other relevant information is to be used in place of, rather than to complement, objective data, the application must indicate the reason(s) why objective data could not be obtained and what efforts were made to obtain it. Examples of other data include: resident/staff surveys on drug-related issues or on-site reviews to determine drug activity; the use of local government or scholarly studies or other research conducted in the past year that analyze drug activity in the targeted project; vandalism costs and related vacancies attributable to drug-related crime; information from schools, health service providers, residents and police; and the opinions and observations of individuals having direct knowledge of drug-related crime problems concerning the nature and extent of those problems in the project proposed for assistance. (These individuals may include law enforcement officials, resident or community leaders, school officials, community medical officials, drug treatment or counseling professionals, or other social service providers.)

(i) If applying for drug treatment program funding, a certification that the applicant has notified and consulted with the relevant Single State Agency or other local authority with drug program coordination responsibilities concerning its application; and that the proposed drug treatment program has been reviewed by the relevant Single State Agency or other local authority and that it is consistent with the State treatment plan; and that the relevant Single State Agency or other local authority has determined that the drug treatment provider(s) has provided drug treatment services to similar populations, identified in the application, for two prior years.

(j) Drug-free workplace. The certification with regard to the drug-free workplace required by 24 CFR part 24, subpart F and appendix C.

(k) Disclosure of Lobbying Activities. If the amount applied for is greater than $100,000, the certification with regard to lobbying required by 24 CFR part 87 must be included. See section VI.(h), below, of this NOFA. If the amount applied for is greater than $100,000, and the applicant has made or has agreed to make any payment using nonappropriated funds for lobbying activity, as described in 24 CFR part 87, the submission must also include the Disclosure of Lobbying Activities Form (SF–LLL).

(l) Form HUD–2880, Applicant/Recipient Disclosure/Update Report.

IV. Corrections to Deficient Applications

HUD will notify the applicant within 10 working days of the receipt of the application if there are any curable technical deficiencies in the application. Curable technical deficiencies relate to minimum eligibility requirements (such as certifications and signatures) that are necessary for funding approval but that do not relate to the quality of the applicant's program proposal under the selection criteria. The owner must submit corrections in accordance with the information provided by HUD within 14 calendar days of the date of the HUD notification.

V. Other Matters

(a) Nondiscrimination and Equal Opportunity

The following nondiscrimination and equal opportunity requirements apply:

(1) The requirements of Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) (42 U.S.C. 3600–20) and implementing regulations issued at subchapter A of title 24 of the Code of Federal Regulations, as amended by 54 FR 3232 (published January 23, 1989); Executive Order 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR part 107; and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d–2000d–4) (Nondiscrimination in Federally Assisted Programs) and implementing regulations issued at 24 CFR part 1;

(2) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and implementing regulations at 24 CFR part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8;

(3) The requirements of Executive Order 11246 (Equal Employment Opportunity) and the regulations issued under the Order at 41 CFR Chapter 60;

(4) The requirements of Executive Orders 11625, 12432, and 12138. Consistent with HUD's responsibilities under these Orders, recipients must make efforts to encourage the use of minority and women's business enterprises in connection with funded activities.

(b) Environmental Impact

At the time of the publication of the proposed rule for the Federally Assisted Low Income Housing Drug Elimination Program, a Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations at 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The initial finding applies to this NOFA, and is available for public inspection and copying from 7:30 to 5:30 weekdays in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street, SW., Washington, DC 20410.

(c) Federalism Impact

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that the provisions of this NOFA do not have federalism implications within the meaning of the Order. The NOFA announces the availability of funds and provides the application requirements for Federally Assisted Low Income Housing Drug Elimination Grants, which fund activities designed to deter drug-related crime. Deterring drug-related crime is a recognized goal of general benefit without direct implications on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among various levels of government.

(d) Family Impact

The General Counsel, as the Designated Official under Executive Order 12606, *The Family,* has determined that the policies announced in this NOFA would not have potential for significant impact on family formation, maintenance, and general well-being, except indirectly to the extent of the social and other benefits expected from this program of assistance.

(e) Section 102 HUD Reform Act Applicant/Recipient Disclosures

Accountability in the Provision of HUD Assistance

HUD has promulgated a final rule to implement section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act). The final rule is codified at 24 CFR part 12. Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992, HUD published in the **Federal Register** (57 FR 1942) additional information that gave the public (including applicants for, and recipients of, HUD assistance) further information on the implementation of section 102. The documentation, public access, and disclosure requirements of section 102 are applicable to assistance awarded under this NOFA as follows:

Documentation and Public Access

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly **Federal Register** notice of all recipients of HUD assistance awarded on a competitive basis. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these requirements.)

Disclosures. HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR subpart C, and the notice published in the **Federal Register** on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.)

(f) Section 103 HUD Reform Act

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 was published May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified at 24 CFR part 4, applies to this funding competition. The requirements of the rule continue to apply until the announcement of the selection of successful applicants.

HUD employees involved in the review of applications and in the making of funding decisions are limited by 24 CFR part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4. Applicants who have general questions about what information may be discussed with them during the selection may contact the HUD Office of Ethics (202) 708–3815 or (202) 708–9300 (TDD). (These are not toll-free numbers.)

(g) Section 112 HUD Reform Act

Section 13 of the Department of Housing and Urban Development Act contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by HUD and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the **Federal Register** on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence HUD in these ways, they are urged to read the final rule, particularly the examples contained in Appendix A of the rule.

(h) Prohibition Against Lobbying Activities

The use of funds awarded under this NOFA is subject to the disclosure requirements and prohibitions of section 319 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1990 (31 U.S.C. 1352) (the Byrd Amendment) and the implementing regulations at 24 CFR part 87. These authorities prohibit recipients of federal contracts, grants, or loans from using appropriated funds for lobbying the executive or legislative branches of the federal government in connection with a specific contract, grant, or loan. The prohibition also covers the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. Under 24 CFR part 87, applicants, recipients, and subrecipients of assistance exceeding $100,000 must certify that no federal funds have been or will be spent on lobbying activities in connection with the assistance. Indian Housing Authorities (IHAs) established by an Indian tribe as a result of the exercise of their sovereign power are excluded from coverage, but IHAs established under State law are not excluded from coverage.

Authority: 42 U.S.C. 11901 *et. seq.*

Dated: January 31, 1995.

Nicolas P. Retsinas,

Assistant Secretary for Housing—Federal Housing Commissioner.

Appendix A: Field Office Addresses and Telephone Numbers

Note: The first line of the mailing address for all offices is U.S. Department of Housing and Urban Development. Telephone numbers listed are not toll-free.

HUD—New England Area

Connecticut State Office, First Floor, 330 Main Street, Hartford, CT 06106–1860, (203) 240–4523

Maine State Office, 99 Franklin Street, Bangor, ME 04401–4925, (207) 945–0467

Massachusetts State Office, Room 375, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Boston, MA 02222–1092, (617) 565–5234

New Hampshire State Office, Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101–2487, (603) 666–7681

Rhode Island State Office, Sixth Floor, 10 Weybosset Street, Providence, RI 02903–2808, (401) 528–5351

Vermont State Office, Room 244, Federal Building, 11 Elmwood Ave., P.O. Box 879, Burlington, VT 05402–0879, (802) 951–6290

HUD—New York, New Jersey Area

New Jersey State Office, Thirteenth Floor, One Newark Center, Newark, NJ 07102–5260, (201) 622–7900

New York State Office, 26 Federal Plaza, New York, NY 10278–0068, (212) 264–6500

Albany Area Office, 52 Corporate Circle, Albany, NY 12203–5121, (518) 464–4200

Buffalo Area Office, Fifth Floor, Lafayette Court, 465 Main Street, Buffalo, NY 14203–1780, (716) 846–5755

Camden Area Office, Second Floor, Hudson Building, 800 Hudson Square, Camden, NJ 08102–1156, (609) 757–5081

HUD—Midatlantic Area

Delaware State Office, Suite 850, 824 Market Street, Wilmington, DE 19801–3016, (302) 573–6300

District of Columbia Office, 820 First Street, NE, Washington, D.C. 20002–4502, (202) 275–9200

Maryland State Office, Fifth Floor, City Crescent Building, 10 South Howard Street, Baltimore, MD 21201–2505, (401) 962–2520

Pennsylvania State Office, Liberty Square Building, 105 South 7th Street, Philadelphia, PA 19106–3392, (215) 597–2560

Virginia State Office, The 3600 Centre, 3600 West Broad Street, P.O. Box 90331, Richmond, VA 23230–0331, (804) 278–4507

West Virginia State Office, Suite 708, 405 Capitol Street, Charleston, WV 25301–1795, (304) 347–7000,

Pittsburgh Area Office, 412 Old Post Office Courthouse, 7th Avenue and Grant Street, Pittsburgh, PA 15219–1906, (412) 644–6428

HUD—Southeast/Caribbean Area

Alabama State Office, Suite 300, Beacon Ridge Tower, 600 Beacon Parkway, West, Birmingham, AL 35209–3144, (205) 290–7617

Caribbean Office, New San Juan Office Building, 159 Carlos Chardon Avenue, San Juan, PR 00918–1804, (809) 766–6121

Florida State Office, Suite 3100, 8600 Northwest 36th Street, P.O. Box 4022, Miami, FL 33166–4022, (305) 717–2500

Georgia State Office, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, GA 30303–3388, (404) 331–5136

Kentucky State Office, 601 West Broadway, P.O. Box 1044, Louisville, KY 40201–1044, (502) 582–5251

Mississippi State Office, Suite 910, Doctor A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, MS 39269–1016, (601) 965–5308

North Carolina State Office, Koger Building, 2306 West Meadowview Road, Greensboro, NC 27407–3707, (919) 547–4001

South Carolina State Office, Strom Thurmond Federal Building, 1835 Assembly Street, Columbia, SC 29201–2480, (803) 765–5592

Tennessee State Office, Suite 200, 251 Cumberland Bend Drive, Nashville, TN 37228–1803, (615) 736–5213

Coral Gables Area Office, Gables 1 Tower, 1320 South Dixie Highway, Coral Gables, FL 33146–2911, (305) 662–4500

Jacksonville Area Office, Suite 2200, Southern Bell Tower, 301 West Bay Street, Jacksonville, FL 32202–5121, (904) 232–2626

Knoxville Area Office, Third Floor, John J. Duncan Federal Building, 710 Locust Street, Knoxville, TN 37902–2526, (615) 545–4384

Memphis Area Office, Suite 1200, One Memphis Place, 200 Jefferson Avenue, Memphis, TN 38103–2335, (901) 544–3367

Orlando Area Office, Suite 270, Langley Building, 3751 Maguire Boulevard, Orlando, FL 32803–3032, (407) 648–6441

Tampa Area Office, Suite 700, Timberlake Federal Building Annex, 501 East Polk Street, Tampa, FL 33602–3945, (813) 228–2501

HUD—Midwest Area

Illinois State Office, Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, IL 60604–3507, (312) 353–5680

Indiana State Office, 151 North Delaware Street, Indianapolis, IN 46204–2526, (317) 226–6303

Michigan State Office, Patrick V. McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–7900

Minnesota State Office, 220 Second Street, South, Minneapolis, MN 55401–2195, (612) 370–3000

Ohio State Office, 200 North High Street, Columbus, OH 43215–2499, (614) 469–5737

Wisconsin State Office, Suite 1380, Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, WI 53203–2289, (414) 297–3214

Cincinnati Area Office, Room 9002 Federal Office Building, 550 Main Street, Cincinnati, OH 45202–3253, (513) 684–2884

Cleveland Area Office, Fifth Floor, Renaissance Building, 1350 Euclid Avenue, Cleveland, OH 44115–1815, (216) 522–4058

Flint Area Office, Room 200, 605 North Saginaw Street, Flint, MI 48502–1953, (313) 766–5109

Grand Rapids Area Office, 2922 Fuller Avenue, NE, Grand Rapids, MI 49505–3499, (616) 456–2100

Springfield Area Office, Suite 206, 509 West Capitol Street, Springfield, IL 62704–1906, (217) 492–4085

HUD—Southwest Area

Arkansas State Office, Suite 900, TCBY Tower, 425 West Capitol Avenue, Little Rock, AR 72201–3488 (501) 324–5931,

Louisiana State Office, Fisk Federal Building, 1661 Canal Street, New Orleans, LA 70112–2887 (504) 589–7200,

New Mexico State Office, 625 Truman Street, NE, Albuquerque, NM 87110–6443 (505) 262–6463

Oklahoma State Office, Murrah Federal Building, 200 N.W. 5th Street, Oklahoma City, OK 73102–3202, (405) 231–4181

Texas State Office, 1600 Throckmorton Street, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 885–5401

Dallas Area Office, Room 860, 525 Griffin Street, Dallas, TX 75202–5007, (214) 767–8359

Houston Area Office, Suite 200, Norfolk Tower, 2211 Norfolk, Houston, TX 77098–4096, (713) 834–3274

Lubbock Area Office, Federal Office Building, 1205 Texas Avenue, Lubbock, TX 79401–4093, (806) 743–7265

San Antonio Area Office, Washington Square, 800 Dolorosa Street, San Antonio, TX 78207–4563, (210) 229–6800

Shreveport Area Office, Suite 1510, 401 Edwards Street, Shreveport, LA 71101–3107, (318) 676–3385

Tulsa Area Office, Suite 110, Boston Place, 1516 South Boston Street, Tulsa, OK 74119–4032, (918) 581–7434

Great Plains

Iowa State Office, Room 239, Federal Building, 210 Walnut Street, Des Moines, IA 50309–2155, (515) 284–4512

Kansas/Missouri State Office, Room 200, Gateway Tower II, 400 State Avenue, Kansas City, KS 66101–2406, (913) 551–5462

Nebraska State Office, Executive Tower Centre, 10909 Mill Valley Road, Omaha, NE 68154–3955, (402) 492–3100

Saint Louis Area Field Office, Third Floor, Robert A. Young Federal Building, 1222 Spruce Street, St. Louis, MO 63103–2836, (314) 539–6583

HUD—Rocky Mountains Area

Colorado State Office, 633 17th Street, Denver, CO 80202–3607, (303) 672–5440

Montana State Office, Room 340, Federal Office Building, Drawer 10095, 301 S. Park, Helena, MT 59626–0095, (406) 449–5205

North Dakota State Office, Federal Building, 653 2nd Avenue North, P.O. Box 2483, Fargo, ND 58108–2483, (701) 239–5136

South Dakota State Office, Suite I–201, 2400 West 49th Street, Sioux Falls, SD 57105–6558, (605) 330–4223,

Utah State Office Suite 550, 257 Tower, 257 East, 200 South, Salt Lake City, UT 84111–2048

Wyoming State Office, 4225 Federal Office Building, 100 East B Street, P.O. Box 120, Casper, WY 82602–1918, (307) 261–5252

HUD—Pacific/Hawaii Area

Arizona State Office, Suite 1600, Two Arizona Center, 400 North 5th Street, Phoenix, AZ 85004–2361, (602) 379–4434

California State Office, Philip Burton Federal Building and U.S. Courthouse, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 556–4752

Hawaii State Office, Suite 500, 7 Waterfront Plaza, 500 Ala Moana Boulevard, Honolulu, HI 96813–4918, (808) 522–8175

Nevada State Office, Suite 205, 1500 E. Tropicana Avenue, Las Vegas, NV 89119–6516, (702) 388–6500

Fresno Area Office, Suite 138, 1630 E. Shaw Avenue, Fresno, CA 93710–8193, (209) 487–5033

Los Angeles Area Office, 1615 West Olympic Boulevard, Los Angeles, CA 90015–3801, (213) 251–7122

Reno Area Office, Suite 114, 1575 Delucchi Lane, Reno, NV 89502–6581, (702) 784–5356

Sacramento Area Office, Suite 200, 777 12th Avenue, Sacramento, CA 95814–1997, (916) 551–1351

San Diego Area Office, Suite 300, Mission City Corporate Center, 2365 Northside Drive, San Diego, CA 92108–2712, (619) 557–5310

Santa Ana Area Office, Suite 500, 3 Hutton Centre, Santa Ana, CA 92707–5764, (714) 957–7333

Tucson Area Office, Suite 700, Security Pacific Bank Plaza, 33 North Stone Avenue, Tucson, AZ 85701–1467, (602) 670–6237

HUD—Northwest/Alaska Area

Alaska State Office, Suite 401, University Plaza Building, 949 East 36th Avenue, Anchorage, AK 99508–4399, (907) 271–4170

Idaho State Office, Suite 220, Plaza IV, 800 Park Boulevard, Boise, ID 83712–7743, (208) 334–1990

Oregon State Office, 520 S.W. 6th Avenue, Portland, OR 97204–1596, (503) 326–2561

Washington State Office, Suite 200, Seattle Federal Office Building, 909 First Avenue, Seattle, WA 98104–1000, (206) 220–5101

Spokane Area Office, Eighth Floor East, Farm Credit Bank Building, West 601 First Avenue, Spokane, WA 99204–0317, (509) 353–2510

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Friday
February 17, 1995

Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AD20

Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed Special Rule.

SUMMARY: The implementing regulations for threatened wildlife generally incorporate the prohibitions of Section 9 of the Endangered Species Act (Act) of 1973, as amended, for endangered wildlife, except when a ''special rule'' promulgated pursuant to Section 4(d) of the Act has been issued with respect to a particular threatened species. At the time the northern spotted owl, *Strix occidentalis caurina,* (spotted owl) was listed as a threatened species in 1990, the Fish and Wildlife Service (Service) did not promulgate a special section 4(d) rule and, therefore, all of the section 9 prohibitions, including the ''take'' prohibitions, became applicable to the species. Subsequent to the listing of the spotted owl, a Federal Late-Successional and Old-growth (LSOG) forest management strategy (Plan) was developed and then formally adopted on April 13, 1994, in a Record of Decision (ROD) that amended land management plans for Federal forests in northern California, Oregon, and Washington. Although this proposed rule refers to the Federal LSOG forest strategy as the ''Forest Plan'', it is noted that the strategy is not a stand-alone management Plan but rather effected a series of amendments to Forest Service and the Bureau of Land Management planning documents. In recognition of the significant contribution the Plan does make toward spotted owl conservation and management, the Service now proposes a special rule, pursuant to section 4(d) of the Act, to replace the blanket prohibition against incidental take of spotted owls with a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California.

DATES: Comments from all interested parties must be received by May 18, 1995.

The Service seeks comments from the interested public, agencies, and interest groups on this proposed special rule and the potential environmental effects of its implementation. A Draft Environmental Impact Statement (DEIS) is being developed to accompany this proposed rule and will be published soon after the proposed rule. The end of the comment period on this proposed rule will be extended to coincide with the end of the public comment period on the DEIS.

ADDRESSES: Comments and materials concerning this proposed rule should be sent to Mr. Michael J. Spear, Regional Director, Region 1, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181. The complete file for this proposed rule will be available for public inspection, by appointment during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Curt Smitch, Assistant Regional Director, North Pacific Coast Ecosystem, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501 (206/534–9330); or Mr. Gerry Jackson, Deputy Assistant Regional Director, North Pacific Coast Ecosystem, 911 N.E. 11th Avenue, Portland Oregon 97232–4181, (503/231–6159).

SUPPLEMENTARY INFORMATION:

Abstract

The implementing regulations for threatened wildlife generally incorporate the prohibitions of section 9 of the Endangered Species Act (Act) of 1973, as amended, for endangered wildlife, except when a ''special rule'' promulgated pursuant to Section 4(d) of the Act has been issued with respect to a particular threatened species. When the northern spotted owl, *Strix occidentalis caurina,* (spotted owl) was listed as a threatened species in 1990, the Fish and Wildlife Service (Service) did not promulgate a special 4(d) rule. Therefore, all of the Section 9 prohibitions for endangered species were made applicable to the spotted owl throughout its range, including the prohibitions against ''take'' that apply to endangered species under the Act.

Subsequent to the listing of the spotted owl, a new Federal forest management strategy was developed and proposed by the Forest Ecosystem Management Assessment Team (FEMAT), which was established by President Clinton following the April 2, 1993, Forest Conference in Portland, Oregon. FEMAT was established to develop options for the management of Federal LSOG-forest ecosystems in northern California, Oregon, and Washington within the range of the spotted owl. FEMAT outlined those options in the report, *Forest Ecosystem Management: An Ecological, Economic, and Social Assessment,* which drew heavily upon previous scientific studies conducted on the northern spotted owl. On July 1, 1993, the President identified ''Option 9'' in the FEMAT Report as the preferred alternative for managing Federal LSOG-forests in northern California, Oregon, and Washington. The proposed management scenario under Option 9 of FEMAT established a system of late-successional forest and riparian reserves that would, in conjunction with Administratively withdrawn and Congressionally reserved areas, provide the foundation of protected ''old growth'' habitat that would benefit spotted owls, marbled murrelets, salmon and many other old growth associated species; adaptive management areas (AMAs) and surrounding ''matrix'' lands would constitute the remaining forest management designations on Federal lands in the planning area. Future timber harvesting activities on Federal lands within the range of the northern spotted owl were expected to occur primarily in AMAs and Federal lands determined to constitute the ''matrix.''

A draft Supplemental Environmental Impact Statement was issued in July 1993 to assess the environmental impacts of the alternatives which were set forth in the FEMAT Report. A final SEIS was completed in February 1994, and a Record of Decision was signed on April 13, 1994. This process culminated in the formal administrative adoption of Alternative 9 (a revised version of Option 9 as it had been presented in the FEMAT Report), which has now become known, simply, as the Forest Plan or Plan. This Plan provides a firm foundation for the conservation needs of the spotted owl, especially in light of the net addition of approximately 600,000 acres of Federal forest lands to protected reserve status between its original formulation in the FEMAT Report and the Record of Decision. On December 21, 1994, Federal District Court Judge William L. Dwyer, issued his order upholding the adequacy of the Plan. Judge Dwyer said ''The order now entered,* * *, will mark the first time in several years that the owl-habitat forests will be managed by the responsible agencies under a plan found lawful by the courts. It will also mark the first time that the Forest Service and BLM have worked together to preserve ecosystems common to their jurisdictions.''

Despite enhanced owl protection under the final Forest Plan, however, the Service believes that some supplemental support from non-Federal forest lands remains necessary and

advisable for owl conservation in certain parts of the range of the owl.

Based upon the possibility that the preferred alternative of FEMAT (Option 9) would eventually be adopted, the Service published a Notice of Intent (NOI) in the **Federal Register** (58 FR 69132) on December 29, 1993, and sent out a mailer advising the public of its intention to prepare an Environmental Impact Statement (EIS) for a proposed special rule that would ease restrictions for the spotted owl on certain non-Federal forest lands. In response, the Service received and evaluated more than 8,500 public comments. Taking these comments into consideration, and based upon additional analyses, the Service now proposes a special rule that would reduce the prohibition against incidental take of spotted owls in the course of timber harvest and related activities on specified non-Federal forest lands in Washington and California.

For reasons discussed in more detail later, the Service is not including Oregon, at this time, within the geographic scope of this proposed special rule. The Service is aware of ongoing efforts within Oregon between the Governor's office and large and small landowners to fashion an ''Oregon Alternative'' to the Service's proposed action for the State, as set out in the December 29, 1993, NOI. The Service is supportive of this effort and will maintain the regulatory status quo for spotted owls in Oregon in anticipation that an ''Oregon Alternative'' approach to owl conservation will be developed. Thus, by excluding Oregon altogether from this proposed special rule, the Service retains for Oregon the original level of protection against take for the owl established when the species was listed on June 26, 1990.

In assessing the conservation needs of the northern spotted owl on non-Federal lands, the Service was particularly mindful of—(1) The level of protection to be provided the owl under the Federal reserve and riparian buffer systems established under the Forest Plan, as well as the matrix and adaptive management area prescriptions under the Plan; (2) the range, location, and number of spotted owls on non-Federal and Federal lands; (3) recently developed State programs to regulate forest practices to benefit the spotted owl; and (4) emerging non-Federal landowner habitat management and owl conservation strategies such as Habitat Conservation Plans and agreements to avoid the incidental take of owls.

This special rule proposes to replace the currently applicable blanket prohibition against incidental take on non-Federal lands throughout the owls' range with a more particularized set of prohibitions for Washington and California. For the State of Washington, incidental take restrictions would be relaxed for approximately 5.24 million acres of non-Federal land in conifer forests. While only a considerably smaller acreage figure of non-Federal forest land is presently affected by incidental take prohibitions for the spotted owl, the fear of future owl restrictions is a significant concern of forest landowners throughout the range of the spotted owl. This proposed rule would ease incidental take restrictions on designated non-Federal lands by limiting the incidental take prohibition for timber harvest activities to actions that fail to maintain the 70 acres of suitable owl habitat closest to a site center for a spotted owl. By proposing this action, the Service is not implying that incidental take cannot occur until harvest activities approach and actually invade an owl's activity center. Rather, the Service is proposing that, in certain portions of the owl's range, the incidental take of an owl will no longer be a prohibited activity unless it involves harvest activities within an activity center.

Current incidental take restrictions would be retained for those spotted owls whose site centers are located within six designated zones or ''Special Emphasis Areas'' (SEAs) in the State of Washington. The six SEAs include the western portion of the Olympic Peninsula, the Finney Block area, the I–90 Corridor, the Mineral Block area, the Siouxon Creek area and the Columbia Gorge/White Salmon areas. These areas were generally chosen to fill in gaps in protection under the Forest Plan where the Federal land base alone appears currently to be inadequate to provide for the conservation of the owl.

In addition, the Service proposes to implement a ''Local Option Conservation Planning'' program in Washington to provide an opportunity for additional relief from incidental take prohibitions for non-Federal landowners who own between 80 and 5,000 acres of forest lands within an SEA. The Local Option process is envisioned to be the equivalent of a ''short form'' Habitat Conservation Plan. The local option conservation planning process would not apply to those areas where the Service determines that suitable owl habitat (nesting, roosting or foraging habitat) on non-Federal lands within SEAs can reasonably be expected to provide important demographic support for Federal owl reserves. These ''Local Option'' conservation plans would provide non-Federal landowners with the flexibility to develop alternative prescriptions or restrictions for their lands which could achieve a level of protection comparable to the conservation objectives set forth for the owl in this rule.

For the State of California, this proposed rule would recognize the significant conservation benefits accorded the northern spotted owl under California law by easing the Federal prohibition against incidental take from timber harvest activities in most of the Klamath province of that State. The zone in which this would occur would be called the Klamath Province Relief Area. The incidental take prohibition for timber harvests in this Relief Area would be limited to actions which fail to maintain the 70 acres of suitable owl habitat closest to a site center for a spotted owl. Additional relief could be provided to non-Federal landowners in four potential ''California Conservation Planning Areas'' (CCPAs) referred to as the California Coastal Area, Hardwood Region, Wells Mountain-Bully Choop area, and the California Cascades pursuant to the planning process under the California Natural Communities Conservation Planning (NCCP) Act or through completion of a Habitat Conservation Plan (HCP) under Section 10(a)(1)(B) of the Act (Figure 1 to § 17.41(c)).

Except for acreage actually located within owl activity centers, the Service also proposes that small landowners who own no more than 80 acres of forest lands within a given SEA in Washington or one of the four potential CCPAs in California, as of the publication date of this proposed rule in the **Federal Register**, would be relieved of the general prohibition against incidental take. The only exception to this proposal would be for any small landowner who owns any or all of the 70 acres of forested lands closest to an owl site center. The incidental take restriction would continue to apply within such 70 acres.

The Service also proposes to provide landowners within SEAs in Washington or potential CCPAs in California additional flexibility for avoiding incidental take liability if their lands are intermingled with Federal matrix or Adaptive Management Area (AMA) lands. In such situations, non-Federal landowners would be provided the alternative option at their choosing of adopting the final harvest prescriptions delineated for the surrounding Federal matrix or AMA lands, in lieu of management practices which comply with current incidental take restrictions. The one exception to this policy would

be where the adoption of final matrix or AMA harvest prescriptions could result in the incidental take of an owl whose site center is located within a Forest Plan reserve or Congressionally reserved or Administratively withdrawn areas. In such a case, the incidental take restrictions would continue to apply for at least two more years, pending review of the status of owls in affected reserve or withdrawn areas.

For Tribal forest lands in Washington and California, the Service proposes to lift the Federal prohibition against the incidental take of the spotted owl except for harvest activities within the immediate 70 acres around a site center. Timber harvests conducted in accordance with Tribal resource regulations would not be subjected to any additional Federal prohibitions against incidental take of the owl.

Additionally, the Service proposes to include a ''sunset'' provision that would lift the incidental take restrictions within an SEA or CCPA once the owl conservation goals for that area are achieved. The Service also proposes to provide a ''safe harbor'' of certainty for harvest activities within SEAs or CCPAs where more than 40 percent suitable owl habitat would be retained after harvest within an owl's median annual home range. In those instances where the ''safe harbor'' provision would apply, landowners would not be subject to a take prohibition violation under any circumstances should an incidental take of an owl nevertheless occur despite the landowner's efforts to avoid take. The ''safe harbor'' provision would not apply, however, to any timber harvest activities within the closest 70 acres of suitable owl habitat surrounding an owl site center regardless of the percentage of suitable owl habitat left within an owl's median annual home range.

In addition, the proposal sets out a new approach to provide incentives to non-Federal landowners to restore or enhance degraded spotted owl habitat, or to maintain existing suitable owl habitat, without being penalized if their conservation efforts subsequently attract spotted owls.

Definitions

As used in this proposed rule:

''Activity center'' means the closest 70 acres of suitable habitat around the nest tree of a pair of owls or around the primary roost of a non-nesting pair or territorial single owl (see ''site center'').

''Adaptive management area'' means the ten landscape units that were adopted in the April 13, 1994, Record of Decision for development and testing of technical and social approaches to achieving specific ecological, economic, and other social objectives.

''Administratively withdrawn area'' means lands that are excluded from planned or programmed timber harvest under current agency planning documents or the preferred alternative for draft agency planning documents.

''California Conservation Planning Area (CCPA)'' means areas in which the State of California Resources Agency could conduct planning for spotted owls under the auspices of the California Natural Communities Conservation Planning Act (CNCCPA) of 1991.

''Congressionally reserved area'' means those lands with Congressional designations that preclude timber harvest, as well as other Federal lands not administered by the Forest Service or Bureau of Land Management, including National Parks and Monuments, Wild and Scenic Rivers, National Wildlife Refuges, and military reservations.

''Conservation'' as defined in the Endangered Species Act generally means the use of all methods and procedures that are necessary to bring any endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary.

''Demographic support'' refers to the effects on a population from a combination of births and deaths such that the net result is a stable or increasing population. For the spotted owl this would occur through provision and maintenance of: (1) Both suitable and dispersal habitat to support individual owls; (2) small clusters or larger groups of successfully breeding owls; and (3) the successful interaction and movement between individuals and pairs.

''Dispersal'' refers to movements through all habitat types by: (1) juvenile spotted owls from the time they leave their natal area until they establish their own territory; (2) non-territorial single spotted owls; or (3) displaced adults searching for new territories.

''Dispersal habitat'' means forest stands with adequate tree size, structure, and canopy closure to provide—(1) cover for dispersing owls from avian predators; and (2) foraging opportunities during dispersal events.

''Federal reserve'' or ''Forest Plan reserve'' means those Federal lands delineated in the April 13, 1994, Record of Decision in which programmed timber harvest is not allowed and is otherwise severely limited. There are two types of reserves—late-successional reserves, which are designed to produce contiguous blocks of older forest stands, and riparian reserves, which consist of protected strips along the banks of rivers, streams, lakes, and wetlands which act as a buffer between these water bodies and areas where timber harvesting is allowed.

''Habitat Conservation Plan'' (HCP) means an agreement between the U.S. Fish and Wildlife Service and either a private entity, local or county government or State under section 10(a)(1)(B) of the Act that specifies conservation measures that would be implemented in exchange for a permit that would allow the incidental take of a listed species.

''Home range'' means the area a spotted owl uses and traverses in the course of normal activities in fulfilling its biological needs during the course of its life span.

''Incidental Take'' means any taking otherwise prohibited, if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

''Matrix'' means those Federal lands generally available for programmed timber harvest which are outside of the Congressionally reserved and Administratively withdrawn areas, Federal reserves and adaptive management areas as delineated in the Standards and Guidelines adopted in the April 13, 1994, Record of Decision.

''Province'' or ''Physiographic Province'' means one of twelve geographic areas throughout the range of the northern spotted owl which have similar sets of biological and physical characteristics and processes due to effects of climate and geology which result in common patterns of soils and broad-scale vegetative communities.

''Record of Decision'' means the April 13, 1994, *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl* (USDA/USDI 1994).

''Site Center'' means the actual nest tree of a pair of spotted owls or the primary roost of a non-nesting pair or territorial single owl.

''Special Emphasis Area (SEA)'' means one of six specific areas in the State of Washington where the Service has determined that it would be necessary and advisable to continue to apply broad protection from incidental take to support conservation efforts for the spotted owl.

''Suitable Habitat'' means those areas with the vegetative structure and composition that generally have been found to support successful nesting, roosting, and foraging activities of a territorial single or breeding pair of spotted owls. Suitable habitat is

sometimes referred to as nesting, roosting, and foraging (NRF) habitat.

''Take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct with respect to a spotted owl.

''Threatened Species'' means a plant or wildlife species defined through the Endangered Species Act that is likely to become within the foreseeable future an endangered species throughout all or a significant portion of its range.

''Timber harvest and related activity'' means any activity that would result in the removal or degradation of suitable habitat.

Background

Regulatory History of the Northern Spotted Owl

The Service listed the northern spotted owl as a threatened species on June 26, 1990, because of the past and continued projected loss of suitable habitat throughout its range (55 FR 26114). This habitat loss has been caused primarily by timber harvesting, but has been exacerbated by the effects of catastrophic events such as fire, volcanic eruption, and wind storms.

The inadequacy of regulatory mechanisms existing in 1990 under State and Federal law also contributed to the decision to list the northern spotted owl as a threatened species. During the period immediately prior to listing, when the status of the owl was under review, the annual Federal timber harvest in Oregon and Washington averaged approximately 5 billion board feet per year. Much of that harvest comprised suitable spotted owl habitat. Thus, Federal timber harvest policies at that time contributed significantly to the decline of the owl.

State protection for the owl in 1990 was also inadequate. Since that time, California, Oregon and Washington have all recognized the plight of the owl and have adopted forest management rules designed to protect this threatened species. The degree of protection accorded the northern spotted owl currently varies under State law. The northern spotted owl is listed under Washington law as an endangered species, under Oregon law as threatened, and under California law as a sensitive species.

On January 15, 1992, the Service designated critical habitat for the northern spotted owl (57 FR 1796). The critical habitat designation encompassed 6.9 million acres of Federal land in 190 critical habitat units in the States of California, Oregon, and Washington; non-Federal lands were not included in the critical habitat designation. Of the total acreage that was designated, 20 percent is in California, 47 percent is in Oregon, and 32 percent is in Washington.

Following the April 2, 1993, Forest Conference in Portland, Oregon, President Clinton established a Forest Ecosystem Management Assessment Team (FEMAT) to develop options for the management of Federal LSOG-forest ecosystems to provide habitat that would support stable populations of species associated with late-successional forests, including the northern spotted owl. FEMAT developed ten options for the management of LSOG-forest ecosystems on Federal lands in California, Oregon, and Washington, which are outlined in the Team's report, ''Forest Ecosystem Management: An Ecological, Economic, and Social Assessment'' (USDA et al. 1993). On July 1, 1993, the President identified Option 9 as the preferred alternative for amending the Federal agencies' land management plans with respect to LSOG forest habitat. A modified version of Option 9 was adopted in the April 13, 1994, Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl (ROD). It is based on a system of late-successional reserves, riparian reserves, adaptive management areas, and a matrix of Federal lands interspersed with non-Federal lands. These designations complemented existing Administratively withdrawn and Congressionally reserved lands.

The adoption of the Forest Plan was subsequently upheld in Federal court. On December 21, 1994, Federal District Court Judge William L. Dwyer rejected plaintiffs' challenges and issued an order upholding the President's Forest Plan.

An underlying premise for the President's selection of the Forest Plan was that Federal lands should carry a disproportionately heavier burden for providing for the conservation of the northern spotted owl, enabling an easing of restrictions on incidental take for the owl on large areas of non-Federal lands. President Clinton thus directed the U.S. Fish and Wildlife Service to issue regulations pursuant to section 4(d) of the Act looking to ease, where appropriate, restrictions on the incidental take of spotted owls on non-Federal lands.

On December 29, 1993, the Service published in the **Federal Register** a Notice of Intent (NOI) to prepare an Environmental Impact Statement in support of a 4(d) rule for the spotted owl (58 FR 69132). The NOI spelled out various alternative approaches for a 4(d) rule, including a preferred approach or proposed action. This provided a preliminary opportunity for public input prior to the actual publication of this proposed rule.

Summary of Public Comments on Scoping Notice on 4(d) Rule

The Service received more than 8,500 comments from the public on its scoping notice for a section 4(d) rule EIS for the spotted owl. Most comments received were in response to a January 3, 1994, special mailer sent by the Service to approximately 80,000 recipients. The Service specifically asked for suggestions on issues to be addressed in the 4(d) rule. In general, the comments reinforced issues and concerns identified in previous planning efforts for the spotted owl.

In the scoping notice, the Service sought comments on ten specific issues. The comments received are summarized below, by issue:

(1) Biological, commercial, trade, or other relevant data on the distribution and abundance of the northern spotted owl on non-Federal lands in California, Washington and Oregon.

No new data or information was provided to the Service relative to this issue.

(2) Biological, commercial, trade or other relevant data on the distribution and abundance of the northern spotted owl that identifies the effects of the alternatives for a section 4(d) rule on the northern spotted owl.

No new data or information was provided to the Service relative to this issue.

(3) The scope of the issues that have been identified for the environmental impact statement on a proposed special rule.

In addition to the issues identified in the scoping notice, commenters identified several additional issues for the Service to consider. Several commenters objected to any provision requiring that 40 percent of suitable habitat be retained within the median annual home range circle of an owl located within SEAs, and, because it means that 60 percent of suitable habitat within a home range may be lost, requested an explanation of the biological basis for such a provision. They also requested that the Service consider how habitat modification on non-Federal land will affect owls on adjacent Federal lands.

Comments from non-Federal landowners requested that the Service consider the possible economic benefits of a variety of silvicultural regulations

to protect owl habitat. They also asked that the Service evaluate whether the SEA concept fully takes into account the contributions already provided by State agencies and those already in place on Federal lands, and whether the regulatory burden of the SEAs is disproportionate to the benefits.

(4) The range of alternatives that have been identified for the environmental impact statement on a proposed special rule.

A number of commenters provided suggestions for additional alternatives for Service consideration. These included requests to increase or relieve the prohibitions against incidental take, to consider the development of a program based entirely on voluntary participation by forest land managers, to not use SEAs and use only 70 acre owl circles rangewide, and to provide incidental take protection only to landowners who sell to domestic markets. Some commenters requested that the Service provide an alternative with incentives for growing habitat, or to buy or exchange land instead of promulgating a section 4(d) rule. Another suggestion was to transplant spotted owls rather than use a special rule to provide for connectivity, and depend on Federal lands to provide the land base for connectivity.

Other suggested alternatives included using existing exceptions to prohibitions, such as the HCP process, in combination with a final recovery plan for the owl; protecting previously proposed critical habitat on private lands in addition to, or instead of, the SEAs; and applying the 50–11–40 rule to SEAs in addition to, or instead of, retaining 40 percent of suitable habitat within a home range.

Modifications of the alternatives were also suggested. Some examples include replacing the SEAs in Washington with the areas proposed to the Washington Forest Practices Board in a report by the Spotted Owl Scientific Advisory Group (SAG report), to add an SEA for southwestern Washington, and to reduce or exclude the Olympic Peninsula SEA.

Comments specific to California alternatives included requests to provide a separate 4(d) rule for California; to apply the Washington/Oregon approach with SEAs to California; to repeal existing owl rules and designate specific ''no take'' areas; and to maintain existing prohibitions of take and adopt the California Board of Forestry's new late-successional forest rules.

(5) Input on how suitable habitat for the marbled murrelet should be identified and how it should be protected, and data on marbled murrelet distribution and abundance on non-Federal lands.

Numerous comments were received on the marbled murrelet, with most stating that it is inappropriate to include the murrelet in the regulatory process for the spotted owl because not enough information about murrelets is available at this time to attempt a regulatory definition of incidental take, and that any rule for the murrelet should be done separately. One commenter stated that the Service should consider adopting an interim 4(d) rule for marbled murrelets that can be refined at a later date because they are associated with the same forest ecosystem as the spotted owl, and that all suitable murrelet habitat should be addressed including marine habitat. Another suggested that, in identifying marbled murrelet habitat, the emphasis should be on a definition that recognizes large contiguous areas of habitat capable of supporting large numbers of birds, and not on defining the lowest possible quantity and stand size used.

(6) Input on the use of ''local options'' to allow individuals to propose adjustment to prohibitions against take of northern spotted owls without going through the normal habitat conservation planning process.

The potential use of the local option plan was responded to favorably by many commenters. Most said that a ''local option'' plan should be included as an additional tool to protect owls and to provide landowner flexibility, and that these should provide the same legal protection as HCPs. Others stated that the rule should provide flexibility for applying local options based on the expertise and knowledge of State forestry associations, State governments, and forest landowners.

(7) Consideration of a small landowner exemption for non-commercial forest land of ten acres or less.

Many commenters addressed this issue with the majority recommending that the Service carefully examine and explain the rationale and biological basis for such an exemption, and suggesting that any provision to have less restrictive measures for small landowners would unfairly shift the burden of responsibility to the larger landowners. Others suggested that such an exemption may tend to break large ownerships into smaller ownerships. Some expressed the view that while appealing, it may set up an arbitrary distinction between landowners based on size, and that the 10 acre size specified in the scoping notice was too small to be meaningful.

(8) Boundaries of the SEAs in the proposed action, including the impacts and effects of alternative boundaries.

Few suggestions were received relative to specific boundary changes. Many comments were received regarding the number of SEAs, the designation or lack of designation of specific SEAs, and the general use of the SEA concept. Among the comments specific to the boundaries was the suggestion that the Mineral Block and I–90 Corridor SEAs should extend no farther west than necessary to provide reasonable connectivity between the Federal conservation areas to the north and south.

Regarding the Olympic Peninsula SEA, comments included the assertion that there should be no SEA on the Olympic Peninsula because Federal lands should be relied on for owl conservation in this area. Another suggestion was that the Service move the southern boundary of the proposed Olympic Peninsula SEA northward to run east and west from the southern boundary of the Olympia National Forest. It was further suggested that only the State of Washington's Olympic Experimental Forest be included in the SEA for the Olympic Peninsula, and that this SEA be rescinded following the approval of an HCP for the State Forest.

Many commenters were specifically concerned about the failure to designate the White Salmon landscape as an SEA to provide demographic interchange between owls on the Yakima Indian Reservation and Federal lands in the eastern Washington Cascades. Other commenters noted that there is no demonstrated need for an SEA in the White Salmon or Hood River areas.

Many commenters asked that the Service provide the scientific basis for determining the configurations and boundaries of the SEAs. There were further suggestions that for SEA boundaries, the rule must specify the requirements of ''owl shadows'' (restrictions on adjacent lands near an owl site center) both within and outside of SEA's. Some commenters stated that the Service should eliminate all SEAs as they would provide further harvest restrictions which would be unduly burdensome, and that they go beyond the Act by mandating conservation measures on privately owned land.

(9) Possible mitigation measures, such as multi-species Habitat Conservation Plans or conservation agreements that provide long-term enforceable and protective land management prescriptions for non-Federal lands.

Several commenters referenced the use of the HCP process, requesting that the Service clarify the relationship

between HCPs and the 4(d) rule. Specifically, they asked, in the absence of an SEA designation, what guarantees would there be that habitat will be protected between the time the 4(d) rule goes into effect (and relief is granted) and the time HCPs are completed. There was also concern expressed that there may be a lack of incentives for other landowners to develop HCPs if there is no SEA designated. Others suggested the 4(d) rule state that it will not apply to lands covered by an approved HCP. Specific to California were recommendations that the Service encourage the State to continue to recognize Federally approved HCPs as a valid means of complying with regulations the State adopts as a result of the 4(d) process.

(10) Retention of Federal incidental take restrictions for Indian forest lands included within the boundary of an SEA.

Many comments were received regarding this issue, and most suggested that it may be inappropriate to impose Federal take prohibitions on tribal lands. One commenter stated that in promulgating the special rule, the Service should direct attention to the special status of Indian tribal lands as distinct and separate in treatment from other non-Federal State and private lands; the Service should adopt a special rule that exempts Indian forest lands from the prohibitions against incidental take, including any that may be in SEAs.

Some proponents of owl protection stated that the Service should not lift take prohibitions on tribal lands in the absence of criteria to ensure that the owl is adequately protected by tribal management practices. They noted that progress on the part of the tribes is variable, and this should be evaluated before lifting restrictions within SEAs. Others commented that the special rule should ensure that measures governing incidental take of the owl on Indian forest lands contribute to the conservation of the species.

In addition to the ten issues for which the Service requested input, comments were received on numerous other issues relative to the proposed action. Three general areas of interest were common in the comments from non-industrial landowners—(1) the proposed section 4(d) rule was a disincentive to grow habitat for spotted owls and to practice good silviculture; (2) the proposed rule represented an unconstitutional taking of private property and that private landowners should be compensated; and (3) the proposed 4(d) rule places an unfair burden on non-Federal lands and actually provides little relief to private lands.

Comments from industrial landowners included a request for ''safe harbor'' from prosecution if the requirements of the 4(d) rule were met and more that 40 percent suitable habitat was left within an owl circle after harvest; and the suggestion that the 4(d) rule assist in addressing the issue of access across Federal lands to non-Federal lands. Concern also was expressed about potential conflict with anti-trust laws when implementing, among several landowners, the requirement that 40 percent suitable habitat be left within a home range circle, and some asked that an anti-trust exemption be provided for multiple landowners who have to deal with landscape issues. One commenter also asserted that the creation of SEAs is a *de facto* designation of critical habitat that must comply with the requirements of § 4(B)(2). Several commenters stated that there is no legal basis under the Act for burdening private lands with recovery of a threatened species, and that the 4(d) rule was essentially a recovery mechanism being forced on private lands.

Proponents of spotted owl protection alleged that the scientific basis for the proposed action is unclear, and it is particularly unclear in how it relates to the recovery standards and objectives for the owl. They suggested that any special rule for the spotted owl must be part of a coordinated recovery approach among all Federal agencies with responsibility for the owl. There were numerous references to the SAG report, and that the special rule should provide the level of protection as proposed in the SAG report.

Several commenters asked that the rule provide clearer definitions for ''take'' and ''suitable habitat.'' There were requests for information on the land ownership within SEAs, the number of owls present, and the anticipated level of incidental take. Others also requested information regarding the specific acreage of State and private lands off limits to harvest under the proposed action. There also were questions about how the rule would describe and determine the 70 acres to be protected around active spotted owl nests outside of SEAs.

After reviewing these public comments, as well as other owl management strategies and analyses, the Service now proposes this special rule in response to the President's directive to review the blanket set of incidental take prohibitions for the northern spotted owl that has been in effect since the listing. In particular, this proposed rule would relax incidental take restrictions for the owl for timber harvests for certain non-Federal lands in Washington and northern California. This proposed special rule excludes Oregon, however, and does not propose any changes in the regulatory prohibitions to protect the owl which are currently applicable within that State. In March and December 1994, the Service received letters from the Oregon Congressional Delegation requesting that further work on a 4(d) rule for Oregon be suspended to provide an opportunity for consensus to emerge among State officials and private landowners on a strategy for the conservation of the spotted owl. Recognizing the benefits that such a consensus approach offers, the Service agreed in May 1994, to suspend further work on a federally developed 4(d) special rule proposal for Oregon in order to encourage the development of a ''stakeholder'' based ''Oregon Alternative''.

The Governor's office in Oregon has taken the lead in working cooperatively with non-Federal landowners through the Oregon Forest Industries Council, Oregon Small Woodlands Association, Northwest Forestry Association, Douglas County, and others to develop an alternative owl conservation strategy. The Service is supportive of this approach and is willing to review and consider any State conservation proposal which results from this process.

Under the existing regulatory structure implementing section 4(d) of the Endangered Species Act, each section 4(d) ''special rule'' for a threatened species must contain all of the applicable prohibitions and exceptions for that species throughout its range (50 CFR 17.31(c)). Thus, in the past, Oregon would have been included in this proposed 4(d) rule, even if only to preserve the current regulatory status quo protecting the spotted owl in Oregon.

In reviewing the request for exclusion from Oregon, the Service has assessed whether it would be advantageous to adopt a new approach for dealing with special rule situations in the future by authorizing the revision of a listing of a threatened species through the subsequent publication of a special rule that covers only part of, but not all of, the range of the species. Under this approach, the general prohibitions and exceptions applicable to threatened species not covered by special rules would continue to apply in that part of the range of the species not included under the provisions of a subsequent special rule. After consideration of the

relevant factors on this matter, the Service has decided to adopt this new approach for special rules and is simultaneously proposing additional technical amendments to 50 CFR 17.11 and 50 CFR 1731(c) to accomplish this change.

In the specific case of the northern spotted owl, the owl was originally listed as threatened without a special rule, and is subject to the same general prohibitions and exceptions which are applicable to endangered species pursuant to the current provisions of 50 CFR 17.31(a). These general prohibitions include a rangewide prohibition against the incidental take or harm of an owl. These prohibitions apply throughout the owl's range, including the State of Oregon. The Service now proposes a section 4(d) special rule for the owl that applies only to the States of Washington and California. Because the proposal for a special rule only encompasses Washington and California, under its current formulation owls in Oregon would remain fully protected against incidental take or harm under the prohibitions established for the owl when it was originally listed. As previously noted, the Service is presently proposing the requisite technical changes to 50 CFR 17.11 and 50 CFR 17.31(c), as discussed above, to allow for the issuance of a special rule that applies to only part of the range of a threatened species like the spotted owl, while retaining the original protective prohibitions for the remainder of the species' range in Oregon.

If a new ''Oregon Alternative'' proposal for the owl is subsequently developed which is found to be consistent with the requirements of the Act, the Service will initiate an analysis of the new proposal under the National Environmental Policy Act and initiate appropriate regulatory proceedings at that time.

Section 4(d) of the Endangered Species Act

The scope and authority for this proposed rule stems from section 4(d) of the Act, which grants the Secretary of the Interior broad administrative discretion to promulgate regulations that he deems to be necessary and advisable to meet the conservation objectives for a threatened species. The section also confers authority to the Secretary to apply to a threatened species any or all of the prohibitions against take that the Act makes expressly applicable to endangered species. The pertinent parts of section 4(d) provide:

* * * Whenever any species is listed as a threatened species pursuant to subsection (C) of this section, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species. The Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1) . . . with respect to endangered species.* * *

As applied, this provision empowers the Service to promulgate a special rule which adopts species-specific protective regulations upon listing a species as threatened. Such a special rule may include imposition of the section 9(a) prohibition against ''take,'' in some or all of its particular manifestations, and in all or a portion of the species' range, as well as other protective measures. While Congress expressly mandated certain protections for endangered species by statute (the section 9(a)(1) prohibitions), it intended to provide the Service with flexibility in determining what protections are necessary and advisable for threatened species. Section 4(d) is that grant of rulemaking authority, and it provides the Secretary with broad discretion to adopt regulations for the conservation of threatened species.

In many circumstances the Service declines to issue a special rule for a threatened species at the time it is listed, often because the Service does not have sufficiently specific knowledge or the resources necessary to develop a tailor-made rule. In this event, the general threatened species regulations at 50 CFR 17.31 come into effect, which provide for automatic application to threatened species of the prohibitions the Act itself makes applicable to endangered species. These ''blanket'' prohibitions act as a ''safety net'' for threatened species until such time as the Service determines that it is appropriate to issue a special rule for the species.

This latter course has been followed with respect to the northern spotted owl. When the species was listed as threatened in June of 1990, the Service did not promulgate a species-specific special take rule under Rule 4(d), and thus the blanket prohibitions were triggered into effect. The Service now has determined that it is appropriate to issue a special rule tailor-made for this species, based on the Service's more particularized knowledge about the respective conservation needs of the owl across the various portions of its range, and the change in LSOG-forest management occasioned by adoption of the Forest Plan. Because this proposed rule does not involve regulated take, *e.g.*, authorization of private predator control or sport seasons, the provisions of section 3(3) regarding examination of population pressures are not invoked.

The adoption of the Forest Plan—a comprehensive, interagency strategy for management of Federal-LSOG forests in the owl's range designating nearly 7.5 million acres as late-successional reserves—is the major predicate for the Service's proposal of this special rule for the owl. Upon issuing the Biological Opinion on the Forest Plan, the Service stated that the plan ''will accomplish or exceed the standards expected for the Federal contribution to recovery of the northern spotted owl and assurance of adequate habitat for its reproduction and dispersal.'' Thus, the Forest Plan is the primary foundation block for owl recovery. This proposed rule would complement the Forest Plan and provide for the conservation of the owl by retaining taking prohibitions on non-Federal lands in a manner designed to build on the protections the Forest Plan has provided. Further, the Service has concluded that the owl take prohibitions that would no longer apply under this proposed rule are no longer either necessary or advisable to provide for the conservation of the owl, especially in light of the Forest Plan's adoption.

In addition, as has been the case in other section 4(d) regulations, the proposed rule ultimately would promote overall owl recovery efforts in other ways. For example, with respect to a 4(d) rule issued for the threatened population of gray wolves (*Canis lupus*) in Minnesota, the Service determined that a government-implemented depredation control program that includes the possibility of lethal control measures would alleviate a source of public hostility to the wolf and would, therefore, be protective of the species (see 50 CFR 17.40(d)). For the Louisiana black bear (*Ursus americanus luteolus*), the Service promulgated a regulation under section 4(d) that authorized the unintentional take of bear incidental to normal forest practices so long as suitable habitat diversity for the bear was maintained (see 50 CFR 17.40(i); 56 FR 588, 593). As another instance, the Service has proposed to authorize the take of the threatened coastal California gnatcatcher (*Polioptila californica californica*) incidental to land use activities conducted in accordance with a State of California-sponsored Natural Community Conservation Plan (58 FR 16758). In the case of the northern spotted owl, the Service is coordinating applicability of the take prohibition with the comprehensive management strategy in the Forest Plan and the

initiation of a comprehensive campaign to encourage Habitat Conservation Planning in key portions of the owl's range.

Generally, incidental take could involve either the harm or harassment of a spotted owl. The harassment of the northern spotted owl would occur through disturbance of active nesting pairs or territorial single owls within an activity center; harm would result from significant owl habitat removal around and beyond spotted owl site centers.

Incidental Take of Spotted Owls: ''Harassment''

Timber harvest and related activities that disturb the breeding and nesting functions of spotted owls within activity centers during the breeding season can be considered incidental harassment of individual spotted owls. Incidental harassment may include activities that could result in disturbance of nesting spotted owls or the abandonment of eggs, nestlings, or fledgling spotted owls. More specifically, incidental harassment of spotted owls generally can include harvest activities that occur within the closest 70 acres of suitable habitat surrounding a site center during the owl's reproductive period. (The reproductive period generally is between March 1 and September 30 of each year. These dates may be modified where credible scientific information establishes a different time period for a given area.) Actions with the potential to disturb nesting spotted owls include, but are not limited to, harvest related activities such as felling, bucking, and yarding; road construction; and blasting.

A study by Miller (1989) examined the area used by fledgling spotted owl juveniles in Oregon. Radio-telemetry data showed that the average amount of nesting, roosting, and foraging habitat used by fledgling spotted owls prior to dispersal was approximately 70 acres in size. Under existing conditions in many areas, these activity centers are seldom evenly distributed around a nest tree. Mortality rates for juvenile spotted owls are significantly higher than for adults (Forsman *et al.* 1984, Gutierrez *et al.* 1985, Miller 1989). Studies of juvenile dispersal in Oregon and California indicated that few of the juvenile spotted owls survived to reproduce (Miller 1989, Gutierrez *et al.* 1985). These research studies all reported very high mortality during pre-dispersal.

Based on this and other information, the Service believes that the maintenance of the closest 70 acres of existing suitable (nesting, roosting, and foraging) habitat surrounding the nest tree will contribute to a secure core area and is crucial to maximize fledgling success and to provide a partial buffer against disturbance around the site center. To avoid harassment, resident spotted owls are considered to be nesting unless surveys conducted during the breeding season indicate that not to be the case.

Incidental Take of Spotted Owls: ''Harm''

To successfully reproduce and maintain populations, studies have suggested spotted owls require substantial quantities of suitable (nesting, roosting, and foraging) habitat arrayed around their site centers.

A number of radio-telemetry studies have described the quantity and characteristics of habitat used by spotted owls. Studies by Hayes *et al.* (1989) found a strong positive relationship between the abundance of spotted owls and the percentage of older forests in the study area. A similar analysis was performed on data collected by Bart and Forsman (1992). The results showed that the number of spotted owls per square mile, pairs of owls per square mile, young per square mile, and young per pair increased with increasing amounts of older forest within the study area. Productivity (number of young fledged per pair) increased significantly with increasing amounts of older forest. Productivity in areas with greater than 60 percent older forest was approximately three times higher than productivity in areas with less than 20 percent older forest.

Documentation in the 1990 Status Review of the Northern Spotted Owl (USDI 1990a) indicates that productivity per pair is lowest in areas with small amounts of older forest. This strongly suggests that, even if some spotted owls persist in such areas, there is reason to believe they are not reproducing and surviving at replacement levels.

The above research findings have supported the determination in the past that reduced quantities of suitable habitat are likely to result in lower spotted owl abundance and productivity rates. It has also been suggested that a significant reduction of nesting, roosting, and foraging habitat within the median annual home range of a spotted owl pair or resident single creates a much higher risk of adverse effects that actually kill or injure owls by significantly impairing essential behavioral patterns, including breeding, feeding, and/or sheltering. These are the primary elements of effects that ultimately can cause harm to, and the incidental take of, spotted owls.

Recognizing the need to assist the public in avoiding the incidental take of listed species, the Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) issued a joint policy statement on July 1, 1994, committing the agencies to provide as much guidance and assistance to the general public as possible so as to avoid liability under the ESA for incidental takings (59 FR 34272, 1994). The policy statement also committed the agencies to designate in future listing packages a key contact person within either the Service or NMFS, as appropriate, to answer incidental take questions from the general public.

In the particular case of the spotted owl, the Service has encouraged the public to conduct owl surveys of property proposed for harvest or development, as a primary means of avoiding harassment or harm to an owl. The Service has recommended that such surveys be conducted according to a March 17, 1992, Service-endorsed survey protocol (USFWS 1992), available upon request from the FWS Ecological Services State Offices listed below:

Sacramento Field Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite E–1803, Sacramento, California 95825, 916–978–4866, Attn: Field Supervisor

Oregon State Office, U.S. Fish and Wildlife Service, 2600 S.E. 98th Avenue, Suite 100, Portland, Oregon 97266, 503–231–6179, Attn: Field Supervisor

Washington State Office, U.S. Fish and Wildlife Service, 3704 Griffin Lane S.E., Suite 102, Olympia, Washington 98501–2192, 206–753–9440, Attn: Field Supervisor

Biology of the Northern Spotted Owl

The spotted owl is a long-lived bird that has a high degree of nest-site fidelity within an established territory. This proposed rule incorporates, by reference, recent documents addressing the biology and ecology of the spotted owl, its habitat, and associated management strategies in Washington, Oregon, and California, including: the final rules listing the spotted owl as threatened and designating its critical habitat; the Interagency Scientific Committee (ISC) report (Thomas *et al.* 1990); the Scientific Analysis Team report (Thomas *et al.* 1993); the final draft Recovery Plan for the Northern Spotted Owl (USDI 1992); the Forest Ecosystem Management Assessment Team (FEMAT) report (USDA *et al.* 1993); the supporting documents for the Forest Plan (USDA/USDI 1994 a and b); and the Contribution of Federal and Non-Federal Habitat to Persistence of the Northern Spotted Owl on the Olympic Peninsula, Washington

(Holthausen *et al.* 1994). The proposed rule also considered the Washington Spotted Owl Scientific Advisory Group reports (Hanson *et al.* 1993 and Buchanan *et al.* 1994).

The range of the spotted owl has been divided into 12 physiographic provinces (USDA/USDI 1994a): the Eastern and Western Cascades, Western Lowlands, and Olympic Peninsula Provinces in Washington; the Eastern and Western Cascades, Coast Range, Willamette Valley, and Klamath Provinces in Oregon; and the Klamath, Coast, and Cascades Provinces in California. The Klamath province was divided into two subprovinces by State—the Oregon Klamath Province and the California Klamath Province—even though the two provinces are part of the same geographic area (Figure 4 to § 17.41(c)).

Habitat Characteristics

Northern spotted owls generally have large home ranges and use large tracts of land containing significant acreage of older forest to meet their biological needs. The median annual home range size of a northern spotted owl, which varies in size from province to province, is approximated by a circle centered on an owl site center. Estimated median annual home range sizes represent the area used by half of the spotted owl pairs or resident singles studied to date within each province to meet their annual life history needs.

Home range sizes were estimated by analyzing radio-telemetry home range data from studies conducted on the annual movements of spotted owl pairs, referenced in the 1990 Status Review (1990a) and the Interagency Scientific Committee report (Thomas *et al.* 1990).

Based on studies of owl habitat preferences, including habitat structure and use and prey preference throughout the range of the owl, spotted owl habitat consists of four components: (1) Nesting, (2) roosting, (3) foraging, and (4) dispersal. Although this habitat is variable over the range of the spotted owl, some general attributes are common to the owl's life-history requirements throughout its range. The age of a forest is not as important for determining habitat suitability for the northern spotted owl as the structure and composition of the forest. Northern interior forests typically may require 150 to 200 years to attain the attributes of nesting and roosting habitat; however, characteristics of nesting and roosting habitat are sometimes found in younger forests, usually those with significant remnant trees from earlier late-successional stands.

The attributes of superior nesting and roosting habitat typically include a moderate to high canopy closure (60 to 80 percent closure); a multi-layered, multi-species canopy with large overstory trees; a high incidence of large trees with various deformities (e.g., large cavities, broken tops, mistletoe infections, and debris accumulations); large accumulations of fallen trees and other debris; and sufficient open space below the canopy for owls to fly (Thomas, *et al.* 1990).

Spotted owls use a wider array of forest types for foraging, including more open and fragmented habitat. Habitat that meets the spotted owl's need for nesting and roosting also provides foraging habitat. However, some habitat that supports foraging may be inadequate for nesting and roosting. In much of the species' northern range, large, dense forests are also chosen as foraging habitat, probably because they provide relatively high densities of favored prey, the northern flying squirrel (*Glaucomys sabrinus*), as well as cover from predators. Because much of the flying squirrel's diet is fungal material, old decadent forests provide superior foraging habitat for owls. In southern, lower-elevation portions of the owl's range, the species often forages along the edges of dense forests and in more open forests, preying on the dusky-footed woodrat (*Neotoma fuscipes*).

In general terms, suitable habitat means those areas with the vegetative structure and composition necessary to provide for successful nesting, roosting and foraging activities sufficient to support a territorial single or breeding pair of spotted owls. Suitable habitat is sometime referred to as nesting, roosting and foraging (NRF) habitat.

Although habitat that allows spotted owls to disperse may be unsuitable for nesting, roosting, or foraging, it provides an important linkage among blocks of nesting habitat both locally and over the range of the northern spotted owl. This linkage is essential to the conservation of the spotted owl. Dispersal habitat, at a minimum, consists of forest stands with adequate tree size and canopy closure to provide some degree of protection to spotted owls from avian predators and to allow the owls to forage at least occasionally.

Suitable and dispersal habitat vary by province and are described separately under the discussion of each province in the following section.

Discussion of Spotted Owl Provinces by State

As previously noted, the range of the northern spotted owl has been subdivided into 12 separate provinces (Figure 4 to § 17.41(c)). For purposes of this rule, the Klamath province has been divided into two provinces by State—the California Klamath province and the Oregon Klamath province—even though the two provinces are part of the same geographic area. In California, the three provinces are the California Cascades, California Klamath, and California Coast. The Oregon Coast Ranges, Willamette Valley, Oregon Klamath, Western Oregon Cascades, and Eastern Oregon Cascades constitute the five provinces of Oregon. The four Washington provinces are the Eastern Washington Cascades, Western Washington Cascades, Western Washington Lowlands, and the Olympic Peninsula. Only the seven provinces in Washington and California are the subject of incidental take prohibition modifications under this proposed rule and will therefore be discussed in more detail below.

Washington

1. Washington Olympic Peninsula Province

The Washington Olympic Peninsula province is bordered by the Pacific Ocean on the west, the Straits of Juan de Fuca on the north, Hood Canal on the east, and State Highway 12 to the south (Figure 4 to § 17.41(c)). Of the three million acres in the province, approximately 51 percent are in Federal ownership. The central portion of the province is high, mountainous terrain, surrounded by lower elevation forest that provides habitat for the spotted owl. Almost all Federal lands on the Peninsula have either been designated as a late successional or riparian reserves under the Forest Plan or have been Congressionally withdrawn from timber harvest; only 8,400 acres of Federal forest land on the Peninsula are available for programmed timber harvest. In general, the province is demographically isolated from other parts of the owl's range. Natural catastrophic events such as windstorms and wildfires are threats that have the capability of destroying thousands of acres of habitat.

The recent report by Holthausen *et al.* concluded that ''* * * it is likely, but not assured, that a stable population of owls would be maintained * * *'' on Federal lands in the Olympic Peninsula Province. However, the report also notes it would be ''unlikely'' that owls would persist on ''* * * the western coastal strip of the National Park, * * *'' if non-Federal habitat on the western side of the Peninsula were excluded from current Federal protection for owls. The report went on to explain that ''the retention of non-Federal habitat in the

western portion of the peninsula was particularly significant and provided for a larger area of core habitat on Federal land in model analyses. In addition, the retention of this habitat would likely increase the chances of maintaining a population on the coastal strip of the Olympic National Park.'' When comparing the relative value of an SEA on the western side of the Peninsula with a possible SEA on the northern side of the Peninsula, the report noted that the western SEA ''made a much greater contribution to owl numbers and occupancy rates than did the northern SEA * * *. Mean numbers of pairs over the 100-year simulation was as large with the western SEA alone as with both SEAs.'' Thus, non-Federal lands on the northern portion of the Peninsula were not viewed as having any appreciable capability of making a significant contribution to the long-term conservation of the spotted owl on the Olympic Peninsula.

Finally, the report stated that attempts to maintain a ''habitat connection across southwestern Washington * * * would have little effect on the status of the owl population on the Peninsula if that population was stable or nearly stable.'' In other words, recent analysis suggests that the likelihood of addressing past concerns about the need to connect the Olympic Peninsula owl population to southwestern Washington owls in order to maintain a viable population is very low, given current conditions, especially when relying on the application of incidental take prohibitions. According to Holthausen, et. al, ''* * * the populations of owls on the Peninsula is sufficiently large to avoid any short to mid-term loss of genetic variation, * * *'' Except for the western portion of the Peninsula where non-Federal lands are still important, the major problem for owls on the Peninsula is the past loss of suitable habitat on Federal lands.

a. *NRF Habitat.* NRF habitat on the Olympic Peninsula consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with multiple canopy layers; multiple large overstory conifers greater than 20 inches in diameter at breast height (dbh); and total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

b. *Dispersal Habitat.* Dispersal habitat on the Olympic Peninsula consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with smaller dominant trees or lower canopy closure than NRF habitat; multiple canopy layers of multiple large overstory conifers greater than 10 inches dbh; and a total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

2. Western Washington Lowlands Province

This province consists of the lowlands outside of the Olympic Province that extend east from the Pacific Ocean to the western foothills of the Washington Cascades (Figure 4 to § 17.41(c)). The Canadian border forms the northern boundary and the Columbia River the southern boundary of the province. Forest lands in the north and central portions of the province along Puget Sound have been converted to agricultural, industrial and urban areas. The southwestern portion is dominated by commercial tree farming. Of the 6.5 million acres within this province, only one percent is under Federal management.

a. *NRF Habitat.* NRF habitat in the Western Washington Lowlands consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with multiple canopy layers; multiple large overstory conifers greater than 20 inches dbh; and total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

b. *Dispersal Habitat.* Dispersal habitat in the Western Washington Lowlands consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with smaller dominant trees or lower canopy closure than NRF habitat; multiple canopy layers of multiple large overstory conifers greater than 10 inches dbh; and a total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

Spotted owls in this province have extremely low population levels due to isolation of populations within the province and limited nesting, roosting, and foraging habitat. The limited amount of habitat in this province also contributes to the demographic isolation of the Olympic Peninsula Province. As noted previously in the discussion on the Olympic Peninsula, however, the recent study by Holthausen *et al.* suggested that even substantial conservation efforts in Southwest Washington would be unlikely to make any meaningful contribution to maintaining a stable, long-term population of owls on the Olympic Peninsula. Thus, while Southwest Washington is important as part of the historic range of the owl, the continued application of blanket incidental take prohibitions to the exceptionally limited suitable habitat that still exists there makes any contribution to owls on the Olympic Peninsula minimal at best.

Currently, the Service is attempting to address these conservation opportunity limitations through a creative new approach which targets the development of comprehensive multi-species Habitat Conservation Plans with several of the large landowners in this province. The Service has premised this cooperative approach, as opposed to designating this area as a Special Emphasis Area, on the positive commitments it has received from major landowners in this region to negotiate comprehensive HCPs. In addition, one of the landowners has entered into a ''take avoidance'' agreement while working on their HCP. The take avoidance agreement insures that no owls will be lost as the result of timber harvest during the period in which the HCP is being developed.

3. Western Washington Cascades Province

The Western Washington Cascades province occupies the land west of the Cascades crest, from the Columbia River north to the Canadian Border and west to the Western Washington Lowland province (Figure 4 to § 17.41(c)). This province contains about 6.1 million acres of land, of which approximately 61 percent is in Federal ownership. Most of the non-federal lands occur along the western edge of the province and along the major mountain passes in checkerboard ownership with Federal lands.

a. *NRF Habitat.* NRF habitat in the Western Washington Cascades Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with multiple canopy layers; multiple large overstory conifers greater than 20 inches dbh; and total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

b. *Dispersal Habitat.* Dispersal habitat in the Western Washington Cascades Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forest with smaller dominant trees or lower canopy closure than NRF habitat; multiple canopy layers of multiple large overstory conifers greater than 10 inches dbh; and a total canopy closure among dominant, co-dominant and understory trees of greater than 60 percent.

A Habitat Conservation Plan (HCP) was recently approved by the Fish and Wildlife Service to cover Murray Pacific Corporation lands in Lewis County in this Province. The permit for this 100-year Habitat Conservation Plan for the northern spotted owl was signed on September 24, 1993, for the Murray Pacific Corporation, a Tacoma,

Washington, based timber company. The plan provides for the development and maintenance of dispersal habitat for the spotted owl that is well distributed over the 54,610 acres of the company's land, while allowing limited taking of spotted owls that is incidental to the company's timber harvest activities.

The Murray Pacific planning area is situated between the Mineral Block (an isolated block of Forest Service land) and the main portion of the Gifford Pinchot National Forest, that is located immediately south of Mt. Rainier National Park. The Mineral Block has been designated as a late-successional Federal reserve under the Forest Plan. The management of Murray Pacific property will promote the opportunity for the dispersal of spotted owls to and from this isolated reserve, providing a link with the Cascade Mountains population. The Mineral Block also hosts the most westerly extension of spotted owls in the Cascade Mountains.

General threats to the spotted owl in this province include low population levels, limited habitat in the northern portion of the province, declining habitat, and dispersal problems in areas of limited Federal ownership.

4. Eastern Washington Cascades Province

This province lies east of the crest of the Cascades Mountains from the Columbia River north to the Canadian Border (Figure 4 to § 17.41(c)). The province extends east to where suitable spotted owl habitat naturally diminishes and drier pine forests become prevalent. Approximately 62 percent of the province's 5.7 million acres is in Federal ownership.

a. *NRF Habitat.* NRF habitat in the Eastern Washington Cascades Province consists, as a general matter, of coniferous forest with stands that contain greater than 20 percent fir (Douglas fir, grand fir) and/or hemlock trees; multiple canopy layers of multiple large overstory conifers greater than 12 inches dbh; and a canopy closure among dominant, co-dominant and understory trees of greater than 50 percent.

b. *Dispersal Habitat.* Dispersal habitat in the Eastern Washington Cascades Province consists, as a general matter, of coniferous forest with stands that contain greater than 20 percent fir trees with smaller dominant trees or lower canopy closure than NRF habitat multiple canopy layers of multiple large overstory conifers of greater than 11 inches dbh; and total canopy closure among dominant, co-dominant and understory trees of greater than 50 percent.

Threats to the spotted owl in this province include natural fragmentation of spotted owl habitat by geological features; loss of spotted owl habitat from wildfires; loss of habitat from timber harvest activities; and low spotted owl populations in some areas of the province.

California

1. California Coastal Province

Extending from the Oregon border south to San Francisco Bay, this province lies west of the Six Rivers and Mendocino National Forests (Figure 4 to § 17.41(c)). It consists of approximately 5.6 million acres, of which about 87 percent is in non-Federal ownership. Timber management is the primary land use on about 2 million acres, and is concentrated in the heavily-forested redwood zone located within 20 miles of the Pacific Ocean coastline. In the more inland and southerly portions of the province, owl habitat is largely confined to the lower portions of drainages and is naturally fragmented by grasslands, hardwoods, and chaparral, as well as by agricultural and urban areas.

a. *NRF Habitat.* NRF habitat in the California Coastal Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests with multiple canopy layers; multiple overstory conifers greater than 16 inches dbh; and total canopy closure among dominant, co-dominant, and understory trees of greater than 60 percent. Some nest sites may occur in stands of smaller trees or with a lower canopy closure; however, such sites are not typical.

b. *Dispersal Habitat.* Dispersal habitat in the California Coastal Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests, with smaller dominant trees or lower canopy closure than in NRF habitat; multiple canopy layers, with multiple large overstory conifers greater than 10 inches dbh; a total canopy closure among dominant, co-dominant; and understory trees of greater than 40 percent.

This province is unique in that it supports several hundred pairs of spotted owls (over ⅓ of the State's population) within managed second-growth timber stands. Factors that appear to contribute to the suitability of these second-growth stands include the rapid growth of trees in the coastal environment, the prevalence of hardwood understories, and the widespread occurrence of a favored prey species, the dusky-footed woodrat. The primary threat to the spotted owl in this region is habitat alteration, but, due to the spotted owl's widespread distribution, the predominance of selection harvest methods, the rapid regrowth of habitat, and effective and comprehensive State wildlife conservation and forest practice regulations, threats are considered low to moderate in this portion of the spotted owl's range.

Because Federal lands in this province are limited, they play a small role in spotted owl conservation in this province. Significant non-Federal contributions to conservation are in place or under development in this area. In addition to efforts by the state, described in more detail later, several large timber companies in the coastal province have made substantial investments in information-gathering and planning for spotted owl conservation. The Simpson Timber Company has completed a Habitat Conservation Plan and received a section 10(a) permit for the incidental take of a limited number of spotted owls on its 380,000-acre property. Pursuant to this plan, Simpson Timber has set aside 40,000 acres of suitable owl habitat for at least ten years, is conducting research on habitat characteristics, and has banded over 600 spotted owls.

2. California Klamath Province

This province lies to the east of the California Coastal province, and is contiguous with the Oregon Klamath province (Figure 4 to § 17.41(c)). The California Klamath province consists of approximately 6.2 million acres, of which about 76 percent is in Federal ownership. The U.S. Forest Service is the primary land manager. About 25 percent of the Forest Service lands in the province are believed to be currently suitable for nesting, roosting, and foraging by the spotted owl.

a. *NRF Habitat.* NRF habitat in the California Klamath Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests with multiple canopy layers; multiple overstory conifers greater than 16 inches dbh; and total canopy closure among dominant, co-dominant, and understory trees of greater than 60 percent. Some nest sites may occur in stands of smaller trees or with a lower canopy closure; however, such sites are not typical.

b. *Dispersal Habitat.* Dispersal habitat in the California Klamath Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests, with smaller dominant trees or lower canopy closure than in NRF habitat; multiple canopy layers, with multiple large overstory conifers greater than 10 inches dbh; a

total canopy closure among dominant, co-dominant; and understory trees of greater than 40 percent.

In many areas of the province, spotted owl habitat is naturally fragmented by chaparral, stands of deciduous hardwoods, and low-elevation vegetation types. In portions of the area, suppression of fire over the last century may have encouraged development of mixed-conifer habitat suitable for spotted owls. However, during the same period, timber harvest has removed substantial amounts of suitable habitat. Owl populations throughout the province were believed to be declining due to habitat loss at the time of listing, and data suggest that populations may well be continuing to decline in the province's only demographic study area (Franklin *et al.* 1992). In the southern portion of the province, especially on the Mendocino National Forest, spotted owls and nesting, roosting, and foraging habitat are more scattered than in northern areas due to both natural conditions and recent harvest. However, despite extensive habitat fragmentation in some areas during the last two decades, spotted owl populations appear to remain distributed throughout most parts of the province.

Until the listing of the spotted owl, continued habitat alteration due to clear-cutting was a primary threat to the species in this province. The most important threat to habitat at the present time is wildfire. In the past six years, large fires have destroyed or degraded substantial quantities of owl habitat on the Klamath, Shasta-Trinity, and Mendocino National Forests.

The Hoopa Valley Indian Reservation occupies about 88,000 acres along the western margin of this province. The Hoopa Tribe has conducted forestry operations under section 7 consultation conducted between the Bureau of Indian Affairs and the Service, and is preparing a comprehensive integrated resource management plan for forestry and wildlife on their lands. The Tribe is also developing a Geographic Information System (GIS) data base to integrate spotted owl conservation into its timber management program. The maintenance of adequate dispersal condition in this area would improve the intra-provincial connectivity and dispersal between Federal reserves.

3. California Cascades Province

This province lies east of the California Klamath province. It consists of approximately 2.5 million acres, of which about 46 percent is in Federal ownership (Figure 3 to § 17.41(c)). Checkerboard Federal and non-Federal ownership patterns predominate. Due to the relatively dry climate and the history of recurrent wildfires in this province, spotted owl habitat is naturally fragmented by chaparral and stands of deciduous hardwoods. As is the case in the California Klamath Province, the suppression of wildfire over the last century may have encouraged development of mixed-conifer habitat suitable for spotted owls. However, timber harvest has removed substantial amounts of suitable habitat. Existing spotted owl sites are widely scattered, and the potential for dispersal across the province appears to be limited. This province provides the demographic and genetic linkage between the northern spotted owl and the California spotted owl of the Sierra Nevada range.

a. *NRF Habitat.* NRF habitat in the California Cascades Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests with multiple canopy layers; multiple overstory conifers greater than 16 inches dbh; and total canopy closure among dominant, co-dominant, and understory trees of greater than 60 percent. Some nest sites may occur in stands of smaller trees or with a lower canopy closure; however, such sites are not typical.

b. *Dispersal Habitat.* Dispersal habitat in the California Cascades Province consists, as a general matter, of coniferous or mixed coniferous/hardwood forests, with smaller dominant trees or lower canopy closure than in NRF habitat; multiple canopy layers, with multiple large overstory conifers greater than 10 inches dbh; a total canopy closure among dominant, co-dominant; and understory trees of greater than 40 percent.

Currently, threats in this province include low population numbers, difficulty in providing for interacting population clusters, and fragmented dispersal habitat. Catastrophic wildfire is also an important threat to habitat. In 1992, a 70,000-acre fire in Shasta County substantially reduced the likelihood of contact between the northern spotted owl and the California spotted owl for the next several decades.

Northern Spotted Owl Populations on Non-Federal Lands

Due primarily to historic timber harvest patterns, approximately 75 percent of the known rangewide population of spotted owls is centered on Federal lands. Owl site centers on non-Federal lands are usually found in remnant stands of older forest, or in younger forests that have had time to regenerate following harvest. In addition, adjacent forested non-Federal lands can provide foraging and dispersal habitat for owls whose site centers are on Federal lands.

As of July 1, 1994, there were 5,431 known locations, or site centers, of northern spotted owl pairs or resident single owls in Washington, Oregon, and California (located between 1989 and 1993)—851 sites (16 percent) in Washington, 2,893 (53 percent) in Oregon, and 1,687 (31 percent) in California. In Washington and Oregon, owl site centers on non-Federal lands are typically widely scattered. Currently, 1,319 or 24 percent of known owl site centers are located on non-Federal lands—140 in Washington, 342 in Oregon, and 837 in California. Of those in California, 631 or 75 percent of the site centers located on non-Federal lands are located in the California Coast Province, where owls are relatively common in second-growth timber stands. Site centers in the interior provinces of California are typically scattered. In addition to the site centers located on non-Federal lands in Washington, Oregon, and California, preliminary analyses indicate that there are 151 site centers in Washington, 810 centers in Oregon, and 204 centers in California, located on Federal lands that are dependent upon some percentage of suitable owl habitat on adjacent non-Federal lands to support the owls.

Non-Federal lands in certain portions of the owl's range are still necessary to support and supplement the Federal lands-based owl conservation strategy. While the type of support needed varies depending on local conditions, the three general types of conservation support needed within specially designated areas are:

(1) Habitat on non-Federal lands near Federal reserves where existing owl populations are low to provide demographic support for owl populations. Areas that are needed to provide demographic support for Federal reserves include, in Washington: the western portion of the Olympic Peninsula Province and portions of the Eastern and Western Cascade provinces; and in California: the Cascades Province and the southern portion of the Klamath Province;

(2) Dispersal habitat between Federal reserves, where Federal lands may not be distributed to prevent isolation of populations, or between non-Federal ownerships where the distance between reserves is not great. Where distances are large, scattered breeding sites may be important to improve connection between populations. Areas that can provide valuable dispersal habitat on non-Federal lands include, in Washington—the western portion of the Olympic Peninsula Province and

portions of the Eastern and Western Cascade Provinces; and in California—the Coast and Cascades Provinces and small portions of the Klamath Province; and

(3) Suitable habitat for breeding populations in areas where Federal ownership is limited. In these areas, functioning spotted owl populations are desired to maintain a widely distributed population of owls. Areas where non-Federal owl populations are believed to play an important role in this regard include, in Washington—the western portion of the Olympic Peninsula Province; and, in California—the Coast and Cascades Provinces.

Recent Conservation Programs and Strategies for the Northern Spotted Owl

Non-Federal Management Efforts

To varying degrees, the laws, regulations, and policies of California, Oregon, and Washington provide protection and contribute to the conservation of the spotted owl. Each of the three states is a cooperator with the Secretary of the Interior under section 6 of the Act and each State has cooperative agreements with the Service to carry out conservation activities for listed and candidate species of plants and animals. Under these agreements, the States work cooperatively with the Service on endangered and threatened species conservation projects and are eligible for cost-share grant money from the Service to carry out State-directed species research and conservation activities. Since the spotted owl was Federally listed, Washington, Oregon, and California have recognized the Federal status of the spotted owl and have adopted forest management rules offering various levels of protection for the species. In addition, numerous changes have been made to State forest practices rules in the last few years in response to the needs of declining species like the spotted owl, the marbled murrelet, and various runs of salmon. Relevant authorities and programs existing in the States of Washington and California are also briefly described below.

California

California has adopted the most protective forest management regulations for the spotted owl in the Pacific Northwest. The State has also been in the forefront of efforts to approach forest management from an ecosystem perspective.

Pursuant to the California Forest Practice Act, the California Board of Forestry establishes regulations under Title 14 of the California Code of Regulations governing timber harvest on private and State lands (14 CFR § 895, 898, 919, 939). Registered Professional Foresters licensed by the Board must submit Timber Harvest Plans (THP) to the California Department of Forestry and Fire Protection for review and approval. The California Department of Fish and Game is also responsible for reviewing THPs. THPs may be denied on a number of grounds, including potential take of Federally or State listed threatened or endangered species.

Following the Federal listing of the northern spotted owl, the Board of Forestry implemented no-take rules using standards based on biological advice from the Service. These standards include maintenance of over 1,300 acres of suitable owl habitat within 1.3 miles of every spotted owl site center and 500 acres within 0.7 miles. The rules instituted a special review process for all proposed private timber harvest to ensure that incidental take would not occur. The process encouraged surveys for spotted owls in THP areas according to a Service-endorsed protocol (USFWS 1992). The Board's no-take rules have maintained options for future management by providing protection for habitat around every known spotted owl site center, and have resulted in greatly increased knowledge of the species' numbers and distribution. Other Forest Practice Rules, including riparian buffers and limitations on clear-cut size, may provide additional contributions to the maintenance of spotted owl habitat in northern California. These include the 40-acre limitation on clear-cut size, limits on adjacency of clear-cuts, and protection of riparian buffers.

The Board of Forestry (Board) also recently adopted rules establishing regulatory incentives for large-acreage landowners who develop sustained yield plans (SYPs). The SYP rules may provide considerable benefit to spotted owls, because ownerships operating under these rules must maintain specified portions of each watershed in timber stands of large size classes for several decades, thus providing spotted owl habitat components throughout the landscape.

The Department of Fish and Game and Department of Forestry and Fire Protection jointly maintain an interagency data base of Federal and non-Federal spotted owl locations. The Forest Practice Rules require that all information on spotted owl sites that is generated during timber harvest planning be submitted to this data base, and relevant data are made available to all parties planning timber harvest or other activities. Thus, the data base is a functional tool in protection of the species.

Following the listing of the northern spotted owl, the California Board of Forestry directed the Department of Forestry and Fire Protection to prepare a Habitat Conservation Plan (HCP) and section 10(a)(1)(B) incidental take permit application to address all private timber harvest regulated by the Board. Following a three-year planning effort by that Department and a number of cooperators from agencies, industry, and environmental groups, the Board tabled consideration of the draft Habitat Conservation Plan because significant issues remained unresolved, most notably the funding mechanism. The draft plan nevertheless represented a significant cooperative commitment to resolve conservation issues by the State and other concerned parties and many of the biological elements of the draft HCP may have future application.

Washington

The spotted owl is listed under Washington law as an endangered species. The Washington Department of Natural Resources has the responsibility for regulating timber harvest activities on non-Federal lands under the authority of the Washington State Forest Practices Act (76.09 RCW) and its implementing regulations (WAC 222.08–222.50). These regulations are promulgated by the Forest Practices Board.

Recent regulations (WAC 222.16.080(1)(h) have required forest practices on the 500 acres of suitable habitat surrounding the site center of known spotted owls to be reviewed under the State Environmental Policy Act, WAC 222.16.080(1)(h). In practice, this rule has led landowners to avoid applying for permits for forest practices within the 500-acre area. This regulation expired on February 9, 1994, and has been extended pending approval of a final rule. The Forest Practices Board has established a Scientific Advisory Group to recommend the scientific basis for a new rule to replace the current rule. No other forest practices regulation expressly addresses the protection of spotted owl habitat from timber harvest activities. However, the Department notifies individual landowners when a proposed forest practice occurs within the median annual home range of a known spotted owl pair or resident single, and advises the landowner to contact the Service. In addition, several other regulations contribute habitat benefitting spotted owls, including regulations requiring riparian zone protection, wetlands protection, and retention of wildlife reserve trees.

Riparian management zone regulations require the minimum retention of 25-foot wide buffers along the sides of fish-bearing streams with a varying ratio of trees to be retained per 1,000 feet of stream within the buffers, based on stream location, width and bottom composition.

Wetland management regulations require the establishment of a zone surrounding non-forested wetlands which varies in width from a minimum of 25 to 50 feet depending on the size and category of the wetland. The regulations also require the retention of a minimum number of trees (75) per acre and that a percentage of those trees meet minimum size classifications (six inches dbh) depending on the type of wetland. Of this total, 25 trees are to be more than 12 inches dbh, and five of them are to be more than 20 inches dbh, where they exist.

Clear-cut size and green-up regulations limit the maximum size of clear-cut harvest units to 120 acres, unless a State environmental Policy Act review is undertaken that could boost the potential size of the harvest to 240 acres. The perimeter of harvest units must meet minimum stand qualifications to maintain age class diversity adjacent to the harvest unit before harvest may proceed.

Wildlife reserve tree regulations require the retention of three snags (minimum of 12 inches dbh), two green recruitment trees (minimum 10 inches dbh), and two down logs (minimum 12 inches diameter at the small end).

Besides regulating forest practices in Washington, the Department of Natural Resources (WDNR) administers approximately five million acres of State lands, 2.1 million acres of which are forested and managed in trust for various beneficiaries. The WDNR has avoided the take of spotted owls on its lands and has begun preparation of an HCP under section 10(a)(1)(B) of the Act for all State lands in the range of the owl. The WDNR is also developing a conservation strategy for the spotted owl that would be applied to the Congressionally mandated 264,000-acre State Experimental Forest on the Olympic Peninsula.

Apart from these efforts by State government, various private efforts are underway to conserve spotted owls, including the development of, or commitment to, HCPs and ''no take'' agreements by several major landowners in the State. In addition, the Yakima Indian Nation is developing a conservation strategy for the spotted owl while continuing to follow its previous interim spotted owl strategy and selective timber harvest regime.

Past Federal Management Strategies

Prior to its listing as a threatened species, many different approaches to northern spotted owl management and research were undertaken by Federal and State resource agencies, for example, designation of ''spotted owl habitat areas'' or ''SOHAs.'' Each of these approaches fulfilled different conservation objectives for the northern spotted owl. The conservation objective of the earliest attempts at spotted owl management, which began in the mid-1970s, was to temporarily protect sites that supported individual pairs of spotted owls. In the 1980s, management strategies were based on conservation objectives that tried to avoid land use conflicts while managing spotted owls and late-successional forest habitat; these management strategies were generally inadequate. A complete discussion of the history and chronology of past spotted owl management attempts can be found in Thomas *et al.* (1990).

Recent (post-listing) Federal northern spotted owl management strategies have been based on the establishment of a system of large, dispersed Federal land reserves, with conservation objectives somewhat different from earlier strategies. These management strategies were designed to meet the following conservation objectives—(1) provide habitat to sustain approximately 20 or more breeding pairs of spotted owls on each Federal reserve; (2) decrease the chance of catastrophic loss of populations in reserves; (3) lower the risk of losing spotted owls from a reserve due to a single catastrophic event; and (4) ensure that adequate habitat existed between the reserves for dispersal of owls throughout its range. To fulfill these objectives, these management strategies proposed establishing a reserve network of Federal lands based on blocks of late-successional habitat of sufficient size and proximity to each other to maintain viable populations of the spotted owl throughout its range. Assessments of these strategies have generally recognized that, in certain areas of the northern spotted owl's range, Federal lands are not, by themselves, adequate to support the full recovery of the owl although they could provide a major contribution toward the owl's conservation in other parts of its range (USDI 1992).

To meet their conservation objectives, these management strategies generally established Federal reserves designed to sustain at least 20 pairs of spotted owls where conditions allowed. These strategies assumed that any smaller late-successional Federal reserves should be placed closer together to increase the probability of successful spotted owl dispersal between the reserves. In addition, plans provided dispersal habitat sufficient to support movements between blocks. For this reserve design, successful dispersal would accomplish two objectives—it would help prevent genetic isolation in individual owl populations and it would allow spotted owls to naturally recolonize important areas that have few or no spotted owls present. By allowing spotted owls to disperse between a series of discrete reserves, this reserve design could maintain a spotted owl population over a large area even if a single reserve was lost to catastrophe.

By way of example, the Interagency Scientific Committee (ISC) developed a conservation strategy based on managing large, well-distributed Federal blocks of suitable spotted owl habitat that were sufficiently connected to maintain a stable and well-distributed population of spotted owls throughout their range (Thomas *et al.* 1990). The ISC did not integrate non-Federal lands into its conservation strategy. To provide dispersal habitat between these reserves, the ISC recommended a ''50–11–40 rule'' where 50 percent of Federal forest habitat (based on quarter-townships) would be managed to retain dominant or co-dominant trees with an average of 11 inches dbh and provide a minimum 40 percent canopy closure. Canopy closure refers to the degree to which the crowns (tops) of trees obscure the sky when viewed from below. The ''50–11–40'' rule was set forth as one method of providing for dispersal habitat on Federal forest lands; other prescriptions have been and can be developed which provide comparable dispersal conditions, e.g., Murray Pacific HCP dispersal prescription.

The Federal Forest Plan

The range of the spotted owl includes approximately 24,518,000 acres of Federal lands of which 20,577,000 acres are forested. The Forest Plan represents a management strategy for Federal LSOG-forests in the coastal western states of California, Oregon, and Washington that provides habitat to support the persistence of well distributed populations of species that are associated with late-successional forests, including the northern spotted owl.

The Forest Plan established a network of reserves totalling over 11.5 million acres of Federal land in northern California, Oregon, and Washington. That total includes 7.43 million acres of late-successional reserves, 2.63 million

acres of riparian reserves, and 1.48 million acres of administratively withdrawn areas. This acreage is in addition to 7.32 million acres of Congressionally reserved lands.

The late-successional reserves currently provide 3.2 million acres of suitable habitat for the spotted owl. The interim riparian reserve provide an additional 0.74 million acres of suitable habitat and the administratively withdrawn areas provide an additional 0.31 million acres of this habitat.

Late-successional reserves are expected to provide the primary contribution to the recovery of the spotted owl by maintaining large clusters of spotted owls and spotted owl habitat throughout a significant portion of the range of the species. The reserves are expected to increase in value for spotted owl recovery as young forested stands grow into suitable habitat and increase their capacity to support additional numbers of stable spotted owl pairs.

Programmed timber harvest operations are not allowed in late-successional reserves under the Forest Plan. However, carefully controlled thinning activities are allowed in any stand of one of these reserves less than 80 years of age. Salvage operations also would be allowed on these reserves in areas where catastrophic loss exceeded ten acres. In both cases, harvest proposals must be reviewed by an interagency oversight group to ensure sound ecosystem management.

No programmed timber harvest is allowed in riparian reserves under the Forest Plan and Federal agencies are required to minimize the effects of roads, cattle grazing, and mining activities in these areas. These riparian reserves are eventually expected to provide a considerable amount of late-successional forest, because they currently represent approximately 31 percent of the lands that would otherwise be designated as Matrix. Based on current information (USDA *et al.* 1993), approximately .74 million acres (28 percent) of the 2.63 million acres in riparian reserves currently provide suitable nesting, roosting, and foraging habitat for spotted owls and 1.42 million (54 percent) of the riparian reserves provide suitable dispersal habitat for spotted owls.

The Forest Plan places 1.5 million acres of Federal land in 10 special ''Adaptive Management Areas (AMAs).'' Management activities in these AMAs would emphasize innovative forestry techniques with the goal of speeding attainment of late-successional characteristics and on restoring watersheds. These activities are expected to benefit northern spotted owl management in the long-term, but would not be expected to contribute substantially to owl conservation needs in the short-term. Suitable habitat for the northern spotted owl represents approximately 0.37 million acres of the lands that have been designated as AMAs.

Programmed timber harvests also are allowed on approximately four million acres of Federal forests designated as the Matrix under the Forest Plan. The Plan differs from previously proposed strategies in that the 50–11–40 rule does not apply to Matrix areas between late-successional and other Federal forest reserves. The Plan concluded that the need for spotted owl dispersal habitat could be met with the combination of reserves as proposed, plus additional Matrix prescriptions.

In Washington and Oregon, the Plan requires leaving 15 percent of the trees (''green tree retention'') in all harvest units on AMAs and matrix areas outside of the Coast Ranges and Bureau of Land Management lands in southern Oregon. The Plan encourages these trees to be left in small clumps with the expectation that they, along with the riparian reserves, would contribute to the creation of dispersal habitat. The Forest Plan adopted this prescription to improve the future condition of these forests. These prescriptions could ultimately be adjusted as a result of watershed analysis and other planning activities related to the implementation of the Forest Plan.

In California, the Forest Plan incorporates the Matrix prescriptions contained in the draft National Forest land management plans. These prescriptions are designed to maintain dispersal habitat in a variety of timber types.

The FEMAT report (p. IV–43 and p. IV–153) stated that implementation of Option 9 (which served as the basis for the Forest Plan) would result in a projected future likelihood of 83 percent that spotted owl ''habitat is of sufficient quality, distribution, and abundance to allow the species population to stabilize in well distributed areas of Federal lands,'' and a projected future likelihood of only 18 percent that ''habitat is of sufficient quality, distribution, and abundance to allow the species population to stabilize, but with some significant gaps in the historic species distribution on Federal land. These gaps cause some limitation in interactions among local populations.'' Moreover, implementation of Option 9 was rated by FEMAT as resulting in a zero likelihood that ''habitat only allows continued species existence in refugia, with strong limitations on interactions among local populations'', and a similar zero likelihood that implementation of the option would result in ''species extirpation from Federal lands''.

These probability judgments reflect the contributions to conservation expected to be provided by the implementation of the Forest Plan on Federal lands. They indicate a high likelihood that, over the long-term, the Forest Plan will provide conditions on Federal lands that would contribute significantly to the conservation and recovery needs of the spotted owl. This assessment is consistent with the Federal policy to provide the predominant protection for spotted owls on Federal lands and it is within this context that the Service proposes to modify the incidental take prohibitions for certain non-Federal lands.

General Approach Used to Develop This Special Rule

The goal of this proposed rule was to identify non-Federal lands that are no longer either necessary or advisable to the conservation of the spotted owl given the contributions of the Forest Plan the likely possibility of numerous large scale, multi-species Habitat Conservation Plans, and other measures and practices in effect. In reviewing the alternatives identified in the NOI, the Service evaluated the contributions to the conservation of the owl provided by the Forest Plan, past Federal owl conservation strategies, existing State forest practices regulations, tribal conservation and private timber management plans, as well as public comments provided in response to the NOI.

The Service considered various factors in identifying areas of non-Federal land where relief could be provided and other areas where incidental take restrictions should be maintained at this time. The Service first considered the conservation benefits that the Federal Forest Plan provided the owl for a given area. These benefits were then compared and contrasted with the conservation goals for the area originally established under the Final Draft Recovery Plan for the northern spotted owl. The Service focused particularly on Forest Plan impacts affecting the conservation of owl habitat and owl numbers, as well as the size and location of Federal reserves. It then identified certain areas of non-Federal land which were still important for owl conservation and what the conservation goals should be for such areas. The Service gave particular care and attention to the non-Federal lands

which were noted as important in the Report of the Forest Ecosystem Management Assessment Team (FEMAT), IV 150–151. In identifying boundaries for such areas, the Service considered, among other things, current owl population status on non-Federal lands, the need for owl population support within adjacent Federal reserves, and the need for connectivity between such reserves. The Service also attempted to exclude wherever possible large areas of non-Federal land with little or no owl habitat.

The Forest Plan is a habitat based conservation strategy that would anchor and secure millions of acres of Federal land across the range of the spotted owl, an unprecedented commitment of Federal resources towards the conservation of the owl. Given that commitment to a habitat based strategy and the scope of the Forest Plan, the Service no longer believes that it is essential to the conservation of the spotted owl to continue to prohibit the incidental take of the owl on all non-Federal land located within the range of the owl. The Service also believes that the combination of Federal and non-Federal habitat based strategies for the spotted owl contained in this proposed rule, the Forest Plan and multi-species Habitat Conservation Plans will, over time, further the conservation of the species and its recovery.

When developing objectives for regulatory relief for non-Federal lands which were consistent with the Forest Plan, the Service evaluated past biological information and has concluded that it is still important to retain the closest 70 acres of suitable owl habitat surrounding site center regardless of whether the center is in an area of proposed relief or not. The Service also believes that the substantial loss of suitable habitat within the estimated median annual home range of an owl is likely to result in inadequate nesting, juvenile development, and adult dispersal and survival, and will significantly increase the likelihood of actual harm to, and incidental take of, an owl.

As the riparian reserve, matrix, adaptive management areas, and late-successional reserve management criteria of the Forest Plan are implemented, along with the requirements of underlying State law and other provisions proposed in this rule for owl protection, dispersal and connectivity conditions for the species' survival should improve over time throughout its range. For this reason, the Service has chosen not to include in this proposed rule mandatory dispersal prescriptions such as the 50–11–40 rule which was designed originally to generate dispersal habitat conditions for Federal lands only.

For those areas where satisfactory dispersal conditions likely are not present, the Service believes that such conditions can be achieved over time through other means such as full protection against incidental take, large scale Habitat Conservation Planning (HCPs), Local Option Conservation Plans, or voluntary conservation contributions by non-Federal landowners. Recognizing the limitations on Federal authority to mandate the development of dispersal habitat in these areas, this proposed rule would encourage non-Federal landowners to manage their lands in ways that are more consistent with the conservation of the spotted owl. In some areas it would remove the disincentives associated with maintaining suitable spotted owl habitat, and, would bring more certainty to future planning for timber management as well as for owl conservation activities.

Upon consideration of all of the above factors, the following summarizes the provisions of this 4(d) rule:

Regulatory Provisions Common to Both Washington and California

Some protective measures for the owl would be identical for both the State of Washington and California. The prohibition on killing or injuring of spotted owls would not be relieved in any part of the owl's range by this proposed rule. Similarly, timber harvesting of the closest 70 acres of suitable owl habitat surrounding a site center would remain prohibited throughout Washington and California, unless the site has been determined to be abandoned.

In addition, the Service would retain for an additional two years, the prohibition against incidental take as applied to owls which are dependent upon non-Federal lands and whose site centers are located within Federal Forest Plan Reserves or Congressionally reserved or Administratively withdrawn areas which are outside of Special Emphasis Areas or are on the western portion of the Olympic Peninsula in Washington, or are located on Federal Forest Plan reserves or Congressionally reserved or Administratively withdrawn areas within the Klamath Province in California. At the end of this period, the Service will review any new information or data involving the status of such owls and their habitats in the affected areas, including the results of any completed watershed analysis and other planning efforts under the Federal Forest Plan. In particular, the Service would assess on a local area-by-area basis whether the continuation of the incidental take prohibition on affected, adjacent non-Federal lands was still necessary and advisable for achieving the conservation goals of the Forest Plan for that area. The Service would then lift the incidental take restrictions where warranted and require the protection of only the closest 70 acres of suitable habitat surrounding an affected site center.

Relief From Current Incidental Take Provisions in Washington

A total of approximately 10.6 million acres of non-Federal land in the range of the spotted owl in Washington (the Washington Lowlands Province, portions of the Western and Eastern Cascades Provinces and portions of the Olympic Peninsula Province) would be excluded from the boundaries of proposed Special Emphasis Areas (SEAs) and be exempted from the future application of current incidental take restrictions for the northern spotted owl. Of this land base outside SEAs, 8.3 million acres have some sort of forest cover of which 5.24 million acres are in conifer cover. Actually, only a small percentage of these lands are currently affected by present incidental take prohibitions for owls. Absent this proposed rule, however, much of this remaining land could potentially be affected should a spotted owl relocate to any adjacent suitable owl habitat at some point in the future. Approximately 1.7 million acres of non-Federal lands would be left inside of SEAs. Of this acreage figure, 1.3 million acres of non-Federal land is in conifer forest and would remain subject to the incidental take prohibitions for any owl found present in this area. In fact, only a portion of this acreage inside SEAs is currently affected by the presence of owls. Of the approximately 510,000 acres of non-Federal forestland which are today under incidental take restrictions for known owl sites, no less than 325,000 acres or almost 60 percent would be relieved from such restrictions as a result of this rule.

Of the 140 spotted owl site centers on non-Federal lands in Washington, 84 are in the six proposed SEAs and would retain current incidental take protection. Fifty-six spotted owl site centers are outside SEAs on non-Federal lands and would be released from current incidental take prohibitions. There are an additional 121 site centers on Federal lands within the proposed SEA's, of which 68 may be dependent on non-Federal lands. There are also 83 site centers on Federal lands outside the SEAs that may be dependent on non-

Federal lands. Of the 83 site centers outside of SEAs, 71 site centers are located within either a Federal Forest Plan Reserve or a Congressionally reserved or Administratively withdrawn area. The Olympic Peninsula contains 41 of these sites with the remaining 30 sites located outside of SEAs in the rest of the State.

Activities Outside of Designated SEAs

The Service proposes to reduce the current prohibition against the incidental taking of owls for those non-Federal lands which are located outside of SEAs proposed in Washington. In areas outside of SEAs, a non-Federal landowner would only be required to retain the closest 70 acres of suitable owl habitat surrounding an owl site center. Legal and administrative boundaries were used wherever possible to assist in refining identified SEA boundaries. As noted above, the Service estimates that approximately 10.6 million acres of non-Federal land in Washington lie outside of SEAs, of which 5.24 million acres are forested with conifers. These would be the primary areas receiving relief under this rule for Washington. In these areas, the incidental take of owls would not be prohibited as long as timber harvest activities did not take place within the closest 70 acres of suitable owl habitat immediately surrounding an owl site center.

As noted previously, the above reduction to 70-acres would not be applicable for non-Federal lands affected by any owl site center which is located within a Forest Plan reserve or Congressionally reserved or Administratively withdrawn area which is outside of an SEA. The Service intends to reassess the importance of these sites within the next two years as additional data and planning information is developed under the Forest Plan. The one region in Washington where this two-year retention of prohibitions would not be applied outside of an SEA would be on portions of the Olympic Peninsula. On the northern, eastern, and southern parts of the Peninsula, non-Federal landowners would only be required to preserve the closest 70 acres of suitable habitat surrounding a site center regardless of whether the site center is located within a Federal reserve or withdrawn area. The Service believes that the recent Reanalysis Team Report for the Olympic Peninsula (Holthausen, *et al.*, 1994) addresses the issue of the contribution that such non-Federal areas provide toward achieving the goal of recovery of the owls on the Peninsula. Under these circumstances, the Service does not believe that it is essential that existing incidental take restrictions be retained for an additional two years for these three areas on the Peninsula.

Designation of Special Emphasis Areas

The six areas discussed below (Figure 5 to § 17.41(c)) would be designated as SEAs within Washington:

(a) Columbia River Gorge/White Salmon (Figure 6 to § 17.41(c)).

The Columbia River Gorge portion of this SEA is in the southern portion of the Washington Cascades province, north of the Columbia River and west of the Cascade crest. Non-Federal lands link owls and owl habitat between Federal reserves in the Washington Cascades and Oregon Cascades along the Columbia River Gorge, thereby contributing to the objectives of the Forest Plan.

The White Salmon portion of this SEA is bordered by the Yakima Indian Reservation to the northeast, Federal lands and the Cascade crest to the west and the Columbia River to the south. The White Salmon area was not included within the ''Proposed Action'' for the December 29, 1993, NOI (58 FR 69132), but was included within ''Alternative C'' of that NOI. As a result of public comments received in response to the NOI, however, and recent analysis of spotted owl habitat in Washington (Hanson, *et al.* 1993), the Service has concluded that the inclusion of the White Salmon area as part of this SEA is warranted. These non-Federal lands are an important link to the owl population found on the Yakima Indian Reservation to owl populations in Federal reserves to the southwest. This portion of the SEA would provide a route around high-elevation terrain on Federal lands, through lower-elevation forests on non-Federal lands to provide that needed link. It also widens the zone of protection for the Cascades along the Columbia River.

This combined SEA contains 37,000 acres of Federal land and 262,000 acres of non-Federal lands. Sixteen owl site centers are on non-Federal lands and 3 site centers are on Federal land within this SEA, with one site activity center on Federal lands which relies to some degree upon adjacent non-Federal lands. The conservation goals for this combined SEA are to maintain connections between provinces and the owl population on the Yakima Indian Reservation, and to provide demographic support to the owl population in the Federal reserves.

(b) Siouxon Creek (Figure 7 to § 17.41(c)).

This SEA is located along Swift Creek Reservoir and the Upper Lewis River, south of the Mt. St. Helens National Monument. As with the White Salmon SEA, this area was not included within the ''Proposed Action'' for the December 29, 1993, NOI (58 FR 69132), but was included within ''Alternative C'' of the NOI. Because of the public comments received in response to the NOI and further analysis of spotted owl habitat in Washington (Hanson, *et al.* 1993), the Service has determined that the inclusion of the Siouxon Creek SEA in the 4(d) Rule is warranted. This SEA contains seven owl site centers, five on non-Federal land and two on Federal land, and includes approximately 44,000 acres of non-Federal land and 1,000 acres of Federal land. Owls on these non-Federal lands are needed to supply demographic support to owl populations on adjacent Federal reserves and dispersal habitat is needed to provide connectivity through the Lewis River Valley between the reserves.

(c) Mineral Block (Figure 8 to § 17.41(c)).

This SEA surrounds a block of Federal land (Mineral Block) that has been designated as a Federal reserve under the Forest Plan. The Mineral Block is about 12 miles west of the main part of the Gifford Pinchot National Forest. It is too small to support a population of 20 owl pairs. Owl site centers on adjacent non-Federal lands would support this population and to provide a link to the Gifford Pinchot National Forest.

This SEA contains 39,000 acres of Federal land and 259,000 acres of non-Federal lands. Twelve owl site centers are on non-Federal lands in the SEA; 17 centers are located on Federal lands of which five rely to some degree upon adjacent non-Federal lands. The conservation goals for this SEA are to provide demographic support for the owl population in the Federal reserve.

(d) I–90 Corridor (Figure 9 to § 17.41(c)).

This SEA is north and south of Interstate-90 (I–90) between North Bend and Ellensburg, Washington. This area is in checkerboard, intermingled Federal and non-Federal ownership, a portion of which is included in the Snoqualmie Pass AMA under the Forest Plan. This general area has been repeatedly identified as being important to the conservation of the owl to maintain a connectivity link between the northern and southern portions of the Washington Cascades (Thomas *et al.*, 1990 and Hanson *et al.* 1993). Existing habitat for spotted owls is locally sparse and highly fragmented.

Non-Federal lands in this SEA would support the efforts of the Forest Plan by providing dispersal habitat (and some nesting, roosting and foraging habitat) for owl populations that are on the north and south sides of I–90, and between Federal reserves and the AMA. Owls that are on non-Federal land would provide valuable demographic support of owl populations in adjacent Federal reserves that are low in numbers. Federal reserves that are in checkerboard ownership are also in need of demographic support for owls because of their fragmented ownership pattern and degraded habitat conditions.

This SEA contains 383,000 acres of Federal land and 400,000 acres of non-Federal lands. Twenty-nine owl site centers are on non-Federal lands in this SEA; 78 site centers are located on Federal lands of which 53 rely to some degree upon adjacent non-Federal lands. Conservation goals for this SEA include demographic support for adjacent late-successional reserves and connectivity between reserves. Changes to the eastern boundaries of this SEA from the NOI in this proposal were made to better promote dispersal success of owls located within the eastern portion of this SEA.

(e) Finney Block (Figure 10 to § 17.41(c)).

This SEA includes the non-Federal lands that surround the Finney Block AMA on the Mt. Baker-Snoqualmie National Forest. This SEA would link owl populations in Federal reserves with the owl population in the AMA. Owls located on non-Federal lands in this SEA also would bolster the owl populations in the Federal reserves and the AMA. These actions would supplement the Federal efforts under the Forest Plan by contributing to the stabilization of owl populations within this portion of the species range.

This SEA contains 196,000 acres of Federal land and 266,000 acres of non-Federal lands. Two owl site centers are on non-Federal land in this SEA; 21 centers are located on Federal lands of which seven rely to some degree upon adjacent non-Federal lands. Conservation goals for this SEA include demographic support for the AMA and Federal reserves and connectivity between Federal reserves.

(f) Hoh/Clearwater (Olympic Peninsula) (Figure 11 to § 17.41(c)).

Upon consideration of a recent reanalysis of owl persistence on the Olympic Peninsula (Holthausen *et al.* 1994) and other data and information, the Service has decided to alter its approach to the Olympic Peninsula from that set out in the NOI in December of 1993. The Service now proposes to significantly scale back the size of the SEA for the Peninsula and to relieve incidental take restrictions for spotted owls for the remainder of the Peninsula. Of the Federal lands on the Olympic Peninsula, only 8,400 acres of suitable owl habitat are available for timber harvest under the Federal Forest Plan.

There has been long standing concern about the viability and persistence of spotted owls on the Olympic Peninsula. A recent reanalysis of the contribution of Federal and non-Federal habitat to persistence of the northern spotted owl on the Olympic Peninsula (Holthausen *et al.* 1994) concluded that there were 155 known owl pairs on the Olympic Peninsula and estimated a total population of between 282 and 321 pairs. These estimates are substantially higher than earlier reported estimates.

The Hoh/Clearwater SEA encompassing the western portion of the Peninsula contains about 1,000 acres of Federal lands and 471,000 acres of non-Federal lands. Twenty owl site centers are located on non-Federal lands in this SEA. Conservation goals for this SEA are to maintain demographic support for Federal reserves, maintain a well-distributed population, and provide connectivity within the province and between late-successional reserves. Changes in this SEA from the NOI were made to support the Federal effort in this province by drawing upon the resources of the remaining non-Federal concentration of owls and owl habitat on the western side of the Peninsula. The reanalysis report assessed the relative value of the Hoh/Clearwater SEA boundaries as proposed by the Service and did not compare or contrast alternative SEA boundary configurations for the western side of the Peninsula.

Although recommendations were included in recent reports (USDI 1992, Hanson *et al.* 1993, Buchanan *et al.* 1994) to retain incidental take restrictions on non-Federal lands in southwestern Washington, the Service believes that current non-Federal conservation planning activities (e.g., multi-species HCPs and no-take plans), new analyses (Holthausen *et al.* 1994), and other relevant factors support the decision not to propose southwestern Washington as an SEA. The Service reached this conclusion on Southwest Washington for a variety of reasons. First, while Southwest Washington constitutes an important part of the historic range of the spotted owl, there presently are only a small number of isolated owl pairs or resident singles across a vast expanse of marginal owl habitat. The inclusion of this area in an SEA would briefly protect home range areas for the few owls in the area, but once those owls die or move away, the protection for their home range areas would fade away as well, resulting in the eventual harvest of the areas. Moreover, while Southwest Washington previously had been assigned an important conservation function for providing connectivity with the isolated population of owls on the Olympic Peninsula in the Final Draft Spotted Owl Recovery Plan, recent reanalysis by Holthausen *et al.* indicates that the feasibility of the area ever serving this connectivity function, especially through application of incidental take prohibitions, is very low.

Apart from considerations involving the Olympic Peninsula, the limited number of owls in southwest Washington and lack of present suitable habitat provide further support to the Service's decision to take an innovative approach to owl conservation in this area. While the Service might be able to prevent someone from destroying certain areas of existing suitable owl habitat where an owl is present, the Act cannot be used to force people to restore or enhance owl habitat that has already been destroyed or degraded. Thus, most landowners in Southwest Washington have little to no incentive at present to develop habitat that is attractive to owls.

The acquisition of sufficient non-Federal land in Southwest Washington to establish a network of owl conservation reserves is not a feasible alternative either. The Final Draft Recovery Plan for the Spotted Owl estimated that the cost of such a reserve network could range from $200 million to $2 billion. Thus, neither land acquisition nor traditional enforcement policies are feasible catalysts for owl conservation in an area such as this which has limited suitable owl habitat.

Recognizing the historic role that Southwest Washington played within the range of the owl, the Service is attempting to address these problems by aggressively moving forward with the development of multi-species Habitat Conservation Plans with several of the large landowners in this province. In addition, one of the landowners has entered into a ''take avoidance'' agreement covering 100,000 acres while working on their HCP. The agreement ensures that no owls will be taken as the result of timber harvest during the period in which the HCP is being developed. Thus, innovative approaches towards conservation provide the only realistic hope for facilitating long-term owl use and dispersal within Southwestern Washington.

Retention of Incidental Take Restrictions for Activities Inside of SEAs

Subject to certain specified exceptions, the Service generally would retain existing incidental take protection for owls located within SEAs. The Service also would retain full incidental take protection for any owl whose site center is located within and along the boundary of an SEA and is dependent upon adjacent non-Federal lands located outside of the SEA to avoid harm. Thus, there are two categories of non-Federal lands which could remain subject to existing incidental take restrictions for an owl whose site center is located within the boundary of an SEA—those adjacent non-Federal lands located inside an SEA and those adjacent lands located outside of an SEA boundary but which are still necessary to provide sufficient suitable owl habitat so as to avoid the incidental take of an owl.

One modification that the Service proposes to make to existing incidental take restrictions within SEAs would involve non-Federal lands surrounded by or located in matrix and AMA areas designated under the Federal Forest Plan. The Service proposes to authorize such affected non-Federal landowners involved in harvest activities to apply either the final management prescriptions delineated for the surrounding Federal Matrix/AMA land, as determined through the watershed analysis or AMA planning processes, as appropriate, or such management practices which comply with the current incidental take restrictions.

Application of either management strategy would absolve the affected non-Federal landowner from any liability for incidental take of an owl under the Act. This would result in the application of more uniform owl conservation standards within a matrix or AMA area regardless of land ownership.

The one exception to this policy would be where the adoption of matrix or AMA prescriptions could result in the incidental take of an owl whose site center is located within a Forest Plan reserve or Congressionally reserved or Administratively withdrawn area. As would be the case for similar site centers outside of SEAs, the incidental take restrictions would continue to apply for at least two more years for site centers within reserve or withdrawn areas. At the end of this period, the Service will review any new data or information involving the status of such owls and their habitats in the affected areas, including the results of any completed watershed analysis and other planning efforts under the Forest Plan. As noted previously in a discussion of this review process, the Service would assess on an area-by-area basis whether the continuation of the incidental take prohibition on affected non-Federal lands was still necessary and advisable for achieving the conservation goals of the Forest Plan. The Service would lift the incidental take restrictions where warranted and authorize the adoption of the final matrix or AMA prescriptions, at the discretion of the affected non-Federal landowner, as a means of avoiding an unauthorized incidental take of an owl.

One limited exception that the Service proposes to make to current incidental take restrictions within SEAs would involve small landowners. Except for the closest 70 acres of suitable habitat around owl site centers themselves, the Service proposes to relieve incidental take restrictions for small landowners who own, as of the date of this proposed rulemaking, no more than 80 acres of forestlands in a given SEA in Washington. The Service would also extend this proposal to small landowners who are outside of, but adjacent to, an SEA and whose lands are affected by the incidental take restrictions for an owl whose site center is located within the SEA. For these landowners, the maximum ownership figure of 80 acres would be calculated based upon the amount of land they owned inside an SEA and the amount of land outside the boundary of an SEA which was affected by current incidental take restrictions for an owl inside an SEA.

The 80-acre figure for small landowners was selected after an analysis of land ownership patterns and an accounting for the size and location of lands covered by the Forest Plan, State forestlands, industrial forestlands, and known large ownerships of non-industrial forestlands. The Service also considered the fact that past Forest Service studies have shown that only a very small fraction of small landowners own forested lands for the exclusive purpose of economic return from commercial harvest. In addition, most small landowners utilize selective harvest techniques or small clear cuts which would generate only very minor and incremental effects on any particular owl. Despite their normal practices, however, the small landowners of the Northwest have resorted to ''panic cutting'' over their fear of Federal restrictions to protect owls. It is this category of landowner, in particular, who needs to be provided sufficient assurances of relief so they revert back to their past practices of low impact forestry.

Based on this analysis, the Service concluded that relief from the incidental take prohibition for owls for landowners with less than 80 acres of forestland within, or adjacent to, SEAs would have a *deminimis* impact upon owl conservation across the State. Moreover, given various technology limitations and the potential causation and burden of proof problems associated with proving incidental take to an owl from small scale land use activities of any one particular small landowner, the Service believes that there is a better allocation of its limited law enforcement resources than to attempt to enforce incidental take restrictions on someone owning 80 acres or less of forest land.

The Service also proposes a ''Local Option Conservation Plan'' or Local Option approach to provide small and mid-sized landowners with additional flexibility in dealing with incidental take restrictions.

The prohibition against incidental take in SEAs indirectly assists in maintaining pockets of suitable and dispersal habitat through the continued protection of suitable owl habitat around site centers. This prohibition also helps provide future stocks of juvenile spotted owls who would be more likely to migrate between key reserves. Since a primary need in many of these connectors is the development and maintenance of spotted owl dispersal habitat, the Service acknowledges that alternative means may be developed for achieving that objective. The use of the general incidental take prohibition in SEAs in Washington is valuable when dealing with a wide-ranging species like the northern spotted owl. Nevertheless, the Service recognizes the value in providing flexibility in a section 4(d) rule to allow for the modification of such prohibitions to better reflect local ecological conditions for a given area. Furthermore, in focusing on a single species objective in Special Emphasis Areas, broader landscape, watershed, or ecosystem conservation possibilities may be foreclosed. One of the key lessons the Service has learned in dealing with northern spotted owl issues over the years is that the variability of habitats and silvicultural practices is such that there might be more than one approach for providing conservation benefits to the owl. For that reason, this rule proposes to establish a Local Conservation Planning Option.

The ''Local Option'' process would be limited to non-Federal landowners who own, as of the date of this proposed rulemaking, between 80 and 5,000 acres of forestlands in an SEA in Washington.

This process could result in the authorization for the incidental take of an owl in exchange for an agreement to grow or maintain dispersal habitat. The local option conservation planning process would not apply, however, to those particular areas within a given SEA where the continued maintenance of suitable owl habitat on non-Federal lands is determined to be necessary and advisable in order to provide demographic support for adjacent Federal owl reserves.

There is no official acreage designation defining a large acreage landowner that is common to the three States of Washington, Oregon and California. Definitions of small, medium and large land ownerships vary and more often differentiate between non-industrial or non-commercial private landowners. For purposes of various State regulatory analyses, taxation or economic policies, and Association memberships, e.g. Washington Farm Forestry Association, acreages ranging from 2,000 to 10,000 acres have been used to differentiate between industrial and non-industrial landowners. For example, 5,000 acres is generally the for adjacent Federal owl reserves.

There is no official acreage designation defining a large acreage landowner that is common to the three States of Washington, Oregon and California. Definitions of small, medium and large land ownerships vary and more often differentiate between non-industrial or non-commercial private landowners. For purposes of various State regulatory analyses, taxation or economic policies, and Association memberships, e.g. Washington Farm Forestry Association, acreages ranging from 2,000 to 10,000 acres have been used to differentiate between industrial and non-industrial landowners. For example, 5,000 acres is generally the maximum acreage break-off point in Oregon to distinguish a non-industrial forestland owner from an industrial one. Contracts with a mill will also qualify landowners as industrial. Given the range of acreage figures that has been utilized among the three States, the Service believes that a 5,000 acre break point is reasonable for purposes of this 4(d) rule. Accordingly, landowners with less than 80 acres of forestland within an SEA have been treated as small landowners within this rule and have been provided specific relief up front. Landowners with overall forestland holdings greater than 80 acres and not more than 5,000 acres within an SEA are considered to be medium sized landowners and may pursue the ''Local Option'' process to seek greater flexibility in addressing prohibitions an incidental take. Finally, non-Federal landowners who have 5,000 or more acres of forestlands within an SEA in Washington would only receive relief from incidental take prohibitions for the spotted owl by completing an HCP and obtaining a permit under Section 10(a)(1)(B) of the Act.

The landowner-initiated Local Option process must still provide for the primary spotted owl conservation objective specified for the Special Emphasis Area where the property is located. The Service encourages individual and adjacent multiple landowners to take advantage of this option cooperatively to achieve broader ecosystem conservation objectives which could have these benefits:

—multiple landowners could collaborate to provide greater management flexibility, more effective conservation benefits, and to minimize administrative costs;
—multiple species and habitats could be considered, potentially reducing the need to list declining species or anticipating requirements of future listings;
—land management treatments could become more consistent from Federal to non-Federal lands, particularly in checkerboard areas; and
—landowners could exercise additional flexibility to plan their forestry operations so as to best reflect localized environmental conditions within a Special Emphasis Area.

This proposed rule would provide non-Federal landowners in Washington, in cooperation with the appropriate State agencies, the option of developing cooperative local conservation plans for timber harvests in areas of up to 5,000 acres within SEAs where the incidental take prohibition for the northern spotted owl would not be relieved by this proposed rule. These cooperative plans could provide non-Federal landowners with the opportunity to develop alternative management strategies or prescriptions for addressing the conservation needs of the owl.

The Local Option Conservation Planning process is designed to encourage creative approaches to the conservation of the spotted owl by building flexibility into the regulatory process. Such efforts encourage coordinated management of listed species, like the northern spotted owl and the marbled murrelet. If a Local Option Plan is approved by the Service in consultation with the appropriate State wildlife agency, the prohibition against take of northern spotted owls incidental to timber harvests may be modified, to some degree, as specified in the Plan. The Service will review each proposed Local Option Plan cooperatively with the affected State wildlife agency to ensure that the conservation objectives for the owl in the affected area will not be precluded and that the proposal is complementary to the Federal Forest Plan.

Under the local option process of this proposed rule, the primary focus would be on the spotted owl, although there might be opportunities for conserving other associated plant and animal species. Approval of a local option conservation plan would be an expedited process (compared to the HCP permit mechanism) through incorporation of specific conservation criteria and guidance provided by this proposed rule.

A non-Federal landowner or local or State government may submit an application to the Service for approval of a proposed local option plan. If requested, the Service would provide further guidance for the development of a local option plan for a particular area. However, the applicant is responsible ultimately for the preparation of a local option plan proposal. The Service will be responsible for ensuring the plan's compliance with the National Environmental Policy Act. Appropriate State of Washington agencies may elect to participate with the Service in the review of local option plan proposals for areas within the State. In addition, if the State's regulations are consistent with this rule, a local option plan proposal could be certified through a State review process.

In determining the criteria for approval of a local option plan, the Service has considered the information and approval requirements set forth at 50 CFR 17.32(b) for a section 10 HCP permit. Those requirements have been further streamlined for local option planning and have been tailored to meet the specific conservation needs of the spotted owl.

Service approval of a local option conservation plan will be based on consideration of the information required to be submitted with an application for approval of a plan. Applications for approval of a local option conservation plan must be submitted to the Field Supervisor of the Fish and Wildlife Service office in Olympia, Washington.

One additional proposed provision affecting timber harvest activities within an SEA involves the recognition and establishment of a ''safe harbor'' from owl incidental take liability where more than 40 percent suitable habitat remains, post-harvest, within an owl's median annual home range. Although

some studies have suggested that rates of owl reproduction and survival may be affected to some degree at a percent of suitable habitat above 40 percent, the benefits of timber management certainty and the problem of enforcement difficulties tied to issues of causation nevertheless warrant a ''safe harbor'' approach. Thus, in those instances where more than 40 percent suitable owl habitat remains within an owl's median annual home range after harvest, a landowner would not be liable for prosecution should the incidental take of an owl nevertheless occur despite their best efforts to avoid take.

Relief From Current Incidental Take Provisions in California

This proposed rule contains a shift in approach for California which has evolved since the publication of the NOI in December of 1993. The December 29, 1993, NOI did not specify any particular area in California where incidental take prohibitions would be relaxed, but instead stated the Service's intent to defer to California law to provide for the conservation of the spotted owl. In anticipation of that possibility, the California Board of Forestry considered a May 1994 proposal from the California Resources Agency that would have required maintenance of suitable owl habitat as a portion of every watershed. The timber industry regarded the proposal as too restrictive, and regulatory agencies believed it would be too expensive to administer, so, the Board of Forestry tabled the proposal.

To provide a possible resolution of this impasse, the Service proposes a new structure in this proposed rule as it applies to California which is consistent with the Service's original underlying biological assumptions for the owl in that State, as set forth in the December 29, 1993, NOI. The Service proposes to provide some immediate relief from incidental take in most of the California Klamath Province and for small landowners in the remainder of northern California within the range of the northern spotted owl. To encourage additional comprehensive conservation planning for the spotted owl and other species which is available under the California Natural Communities Conservation Planning program (NCCP), additional relief for four other areas of northern California (the California Cascades, Coastal, Hardwood, and Wells Mountain-Bully Choop Regions) (Figure 1 to § 17.41(c)) would be available contingent upon the successful completion of a NCCP initiative for spotted owls which is complementary to, or not consistent with the owl conservation goals of the Federal Forest Plan as applied in that State. The actual scope and extent of relief for these four areas would be one of the primary issues to be addressed through the NCCP process. These four areas are called potential ''California Conservation Planning Areas'' (CCPAs) for purposes of this proposed rule.

Relief From Current Incidental Take Restrictions Inside The Klamath Province Relief Area

The proposed rule would result in a reduction of the prohibition against incidental taking of owls for non-Federal lands within most of the Klamath Province in a zone called the Klamath Province Relief Area (Figure 1 to § 17.41(c)). There are 105 spotted owl site centers located on non-Federal land within the Klamath Province Relief Center. An additional 117 site centers are on Federal land within the Relief Area which are dependent to some degree upon adjacent non-Federal lands. Within the area of relief, a landowner would only be required to retain the closest 70 acres of suitable owl habitat surrounding a site center. Thus, the incidental take of the spotted owl would not be prohibited for timber harvest activities outside those 70 acres. Such relief would not be provided throughout the entire Klamath Province however. In particular, it would not be provided in those areas that overlap with the boundaries of potential CCPAs, including the Wells Mountain-Bully Choop and the Hardwood Region Areas of the Klamath Province (Figure 1 to § 17.41(c)). Relief would also not be provided for those owls in the Klamath Province Relief Area whose site centers are located on Federal Forest Plan reserves or Congressionally reserved or Administratively withdrawn areas and are dependent upon adjacent non-Federal lands. As noted previously in a discussion of similar site centers in the State of Washington, the Service will reassess the need for such continued protection over the next two years and will provide additional relief where warranted at the end of this assessment.

The California Cascades, Coastal, Hardwood Region and Wells Mountain-Bully Choop CCPAs

California's NCCP program (California Fish and Game Code 2800 *et seq.*) was initiated in 1991 to develop plans that would preserve biological diversity and reconcile development and wildlife needs on a local and regional level. It is designed to encourage public/private sector cooperation, maintain local control over land use decisions, and meet the objectives of State and Federal laws by preserving species and ecosystems before they are on the verge of extinction. Planning criteria and conservation strategies for certain species and communities are developed by scientific review panels.

The California Resources Agency has indicated a willingness to consider initiating an NCCP process for portions of the range of the spotted owl. The Service would encourage the California Resources Agency to convene key stakeholders and regulatory agencies in an NCCP process for the California Cascades, Coastal, Hardwood and Wells Mountain-Bully Choop areas of the State (Figures 2 and 3 to § 17.41(c)). The Service recognizes that the actual designation of any CCPA is a discretionary administrative matter controlled by the California Resources Agency. Accordingly, this proposed rule would recognize these four regions as potential CCPA areas, serving as a ''place holder'' in the 4(d) rule until such time as an NCCP planning process is undertaken and completed. One goal of such a planning effort would be to facilitate and encourage the development of ownership-wide or Region-wide management plans and criteria which adequately provide for the conservation needs of the owl and which complement the owl conservation goals of the Federal Forest Plan. The actual content and scope of such plans would be developed through the NCCP process itself. Ultimately, the planning process must address, to the satisfaction of the State regulatory agencies and the Service, an appropriate balance between providing some measure of regulatory relief while achieving or maintaining the conservation goals for the spotted owl for a particular region.

Under the NCCP approach, the incidental take of the spotted owl would not be prohibited under the Act if take were the result of activities conducted according to an approved CCPA plan. This would require the Service to first determine, in consultation with the California Departments of Fish and Game and Forestry and Fire Protection, that the plan meets the overall requirements of the Act and the conservation goals for the owl in that area and is complementary to the Federal Forest Plan. The process should also consider the extent to which new Board of Forestry Sustained Yield Plans (SYPs) could be used as a basis for incidental take authorization, provided that such SYPs had been reviewed and approved by the Service after consultation with appropriate State agencies. A joint State and Federal National Environmental Policy Act/

California Environmental Quality Act (NEPA)/(CEQA) document could be prepared to review the environmental effects of each CCPA plan, including any incidental take of owls.

Potential CCPA boundaries described below were derived from earlier planning efforts by the State (CDF 1992) and knowledge of current Federal conservation efforts. To the extent that the boundaries of these potential CCPAs are somewhat different from traditional past descriptions of spotted owl provinces in California, they merely represent sub-units of owl provinces.

The areas discussed below could be designated as CCPAs under the California NCCP Act for purposes of northern spotted owl or possible multi-species conservation planning. Of the 837 spotted owl site centers on non-Federal lands in California, 732 are in the combined, proposed CCPAs. There are an additional 228 site centers on Federal lands within the proposed CCPAs, of which 87 rely to some degree upon adjacent non-Federal lands.

(a) *Coastal Area* (Figure 2 to § 17.41(c)).

Extending from the Oregon border south to San Francisco Bay, this area is west of the Six Rivers and Mendocino National Forests. It consists of approximately 293,000 acres of Federal land, and 3.6 million acres of non-Federal land. Timber management is the primary land use on about 2 million acres and is concentrated in the heavily forested redwood zone within 20 miles of the Pacific Ocean coastline. In the more inland and southerly portions of the area, spotted owl habitat is largely confined to the lower portions of drainages and is naturally fragmented by grasslands, hardwoods, and chaparral.

The coastal area of northern California plays an important role in the conservation of the species. It represents more than 10 percent of the range of the spotted owl and has substantial owl populations in managed forests. Approximately 642 owl site centers located on non-Federal lands are known in this area, virtually all of them are in managed second-growth timber stands; 66 site centers are located on Federal lands of which 30 rely to some degree upon adjacent non-Federal lands.

Due to the owl's widespread distribution, the predominance of selective harvest methods, and the rapid regrowth of habitat, the degree of threat to the species in much of this area appears to be relatively low. According to analyses conducted by the California Resources Agency (Berbach *et al.* 1993), more than 75 percent of the quarter-townships in the three northern coastal counties (Del Norte, Humboldt, and Mendocino) meet or exceed the standard for spotted owl dispersal habitat described by the ISC (Thomas *et al.* 1990). Some degree of incidental take could be accommodated while maintaining a well-distributed spotted owl population. The magnitude of such incidental take, however, would be one of the items to be addressed through the NCCP process.

Because Federal lands are limited, they play a small role in the conservation of the species in the California Coastal area. The Forest Plan has placed most of the existing late-successional forests in the BLM's scattered parcels (a few thousand acres) into reserves, and Redwood National Park also provides late-successional habitat in the northern portion of this area. However, these limited Federal reserves cannot support enough spotted owls to provide for the conservation of the species in the coastal province. Therefore, non-Federal lands are generally very important to the conservation of the spotted owl.

Significant non-Federal conservation efforts are already in place or under development in the California Coastal area. Several timber companies have made substantial investments in information-gathering and planning for owl conservation. The Simpson Timber Company has completed an HCP (Simpson 1992) and received a permit for incidental take of a limited number of spotted owls on its 380,000-acre property. Pursuant to the HCP, Simpson Timber has set aside 40,000 acres for at least 10 years, is conducting research on habitat characteristics, and has banded more than 600 owls. The Pacific Lumber Company is conducting banding and radio-telemetry studies, and has completed a management plan for its 200,000-acre property that maintains owl habitat in every watershed and protects all spotted owl nest sites from take. The Georgia-Pacific and Louisiana-Pacific Corporations have conducted banding and radio-telemetry studies in cooperation with the CDFG; analyses of these data are under way. Numerous smaller-acreage landowners have conducted surveys and provided data to the State's spotted owl database.

Planning a conservation strategy for spotted owls in the California Coastal area is a complex task due to the large number of landowners (conservatively estimated at 30,000 to 50,000 (CDF 1992). Therefore, except for a small landowner exemption for people owning less than 80 acres of forestland within a given CCPA and an additional adjustment for non-Federal lands within matrix and AMA areas, the Service is not proposing to remove the prohibition of incidental take for this area at this time, but will cooperate in anticipated efforts by the California Resources Agency to utilize the NCCP process to further refine an acceptable owl conservation program for this area that addresses the question of additional relief.

(b) *Hardwood Region* (Figure 2 to § 17.41(c)).

In the southern portion of the California Coast Province and the California Klamath Province, suitable habitat is scattered due to effects of climate, soils, and human development. This area, which includes much of Lake, Sonoma, Napa, and Marin Counties is dominated by hardwoods and was designated as the Hardwoods Subprovince during the California HCP planning effort (CDF 1992). It consists of approximately 755,000 acres of Federal land and 2.0 million acres of non-Federal land. Approximately 57 owl site centers located on non-Federal lands are known in this area; 70 site centers are located on Federal land of which 9 rely to some degree upon non-Federal lands. In this area, spotted owls are widely scattered and often isolated in small patches of habitat. Because the area contains minimal Federal land, maintenance of the species' current range would depend almost entirely on providing for owls on non-Federal lands.

(c) *Wells Mountains—Bully Choop* (Figure 3 to § 17.41(c)).

This area is in eastern Trinity County south of the Salmon-Trinity Alps Wilderness, and, as identified in the draft Recovery Plan, provides an important link between the California Klamath Province and the California Cascades Province. This area consists of approximately 116,000 acres of Federal land and 176,000 acres of non-Federal lands, and is managed under Sierra-Pacific Industries' no-take owl management plan. Approximately 13 owl site centers located on non-Federal lands are known in this area; 7 site centers are located on Federal lands of which all 7 rely to some degree upon adjacent non-Federal lands. Conservation goals include maintenance of owl populations and dispersal habitat.

(d) *California Cascades* (Figure 3 to § 17.41(c)).

The California Cascades Province is east of the California Klamath Province. It consists of approximately 1.3 million acres of Federal land and 1.6 million acres of non-Federal land. Checkerboard Federal/non-Federal ownership patterns predominate. Due to the relatively dry climate and the history of recurrent

wildfires in this province, spotted owl habitat is naturally fragmented by chaparral and stands of deciduous hardwoods. In portions of the province, exclusion of fire during the last century may have encouraged development of mixed-conifer habitat suitable for spotted owls. However, during the same period, timber harvest has removed substantial amounts of suitable habitat. Approximately 105 widely scattered site centers are known. Of these sites, 20 are centered on non-Federal lands and 85 are centered on Federal lands, of which 46 rely to some degree upon adjacent non-Federal lands. The potential for dispersal throughout the province appears to be limited. This province provides the demographic and genetic link between the northern spotted owl and the California spotted owl (*Strix occidentalis occidentalis*) of the Sierra Nevada range.

Currently, threats in this province include low population numbers, the difficulty in providing for interacting population clusters, and fragmented dispersal habitat. Catastrophic wildfire is a significant threat to habitat. In 1992, a 70,000-acre fire in Shasta County substantially reduced the likelihood of contact between the northern spotted owl and the California spotted owl for the next several decades.

Due to the existing habitat condition and the importance of the province in linking the two subspecies, the entire province has been designated as an area of concern by every spotted owl management plan to date. The Forest Plan provides protection of habitat in the home range of each northern spotted owl found in the province. The province contains the 172,000-acre Goosenest AMA on the Klamath National Forest. Sierra-Pacific Industries' owl management plan covers the majority of the extensive non-Federal checkerboard ownership in the province. The primary conservation needs for both Federal and non-Federal lands are research on habitat use by nesting and dispersing spotted owls, and providing habitat for a well-distributed population and dispersal throughout the province. Because of the poor biological status of the owl in this province, the opportunity for large scale relief in this area is very limited at present. Should additional data or information suggest that the status of the owl has stabilized or is improving, options for this Province would be reconsidered.

Other Related Provisions

As is the case in the State of Washington, the proposed rule would also include a ''safe harbor'' for any timber harvest activity where more than 40 percent suitable habitat remained, post harvest, within an owl's median annual home range. This provision would be relevant for harvest activities within the four potential CCPAs.

The Service proposes to provide immediate relief upon the effective date of the final rule from owl incidental take restrictions for small landowners in California. Such relief would be independent of, and in advance of any Natural Community Conservation Planning (NCCP) process. Except within the 70-acre owl activity centers themselves, the Service proposes to relieve small landowners who own no more than 80 acres of forestland in a given CCPA as of the date of publishing this proposed rule in the **Federal Register**, from the prohibition against the incidental take of owls. The 80 acres/small landowner relief provision would remain in effect regardless of whether an NCCP process was ultimately successful in a given CCPA. The relief provision would be applicable in all four potential CCPAs. It would be unnecessary in the Klamath Province Relief Area, which is the subject of a broader proposal to relax incidental take restrictions.

The Service also proposes to modify existing incidental take restrictions within potential CCPAs that would involve non-Federal lands located amid matrix or Adoptive Management Areas (AMA) designated under the Federal Forest Plan. Where such non-Federal lands are subject to incidental take prohibitions for a given owl, the Service proposes to authorize the affected non-Federal landowners to apply either the final management prescriptions for the surrounding Federal Matrix/AMA land, as determined through the watershed analysis or AMA planning processes, as appropriate, or such management practices which comply with the current incidental take restrictions.

Application of either management strategy would absolve the affected non-Federal landowner from any liability for incidental take of an owl under the Act, resulting in the application of more uniform owl conservation standards within a matrix/AMA area regardless of land ownership.

The one exception to this policy would be where the adoption of matrix or AMA prescriptions could result in the incidental take of an owl whose site center is located within a Forest Plan reserve or Congressionally reserved or Administratively withdrawn area. In such a case, the incidental take restrictions would continue to apply for at least two more years. At the end of this period, the Service will review any new data or information involving the status of such owls and their habitats in the affected areas, including the results of any completed watershed analysis and other planning efforts under the Forest Plan. As noted previously in a discussion of this review process, the Service would assess on an area-by-area basis whether the continuation of the incidental take prohibition on affected non-Federal lands was still necessary and advisable for achieving the owl conservation goals of the Forest Plan. The Service would lift the incidental take restrictions where warranted and authorize the adoption of the final matrix or AMA prescriptions, at the discretion of the affected non-Federal landowner, as a means of avoiding an unauthorized incidental take of an owl.

Table 1 provides a summary of the various areas where incidental take relief could be provided or prohibitions retained in the two States affected by this proposed rule.

TABLE 1

Landowner type	Washington owl sites outside SEAs	Washington owl sites inside SEAs	California owl sites inside Klamath relief area	California owl sites inside CCPAs
Less than 80 acres.	Relief for all landowners except for 70-acre core.	Relief except for 70-acre core	Relief for all landowners except for 70-acre core.	Relief except for 70-acre core.
80–5,000 Acres	Relief for all landowners except for 70-acre core or where current restrictions are necessary to protect owls on a Federal reserve or withdrawn area (except for Olympic Peninsula).	Matrix/AMA prescription option. Additional relief contingent upon acceptable Local Option Plan.	Relief for all landowners except for 70-acre core or where current restrictions are necessary to protect owls on a Federal reserve or withdrawn area.	Matrix/AMA prescription option. Additional relief contingent upon successful completion of NCCP process.
More than 5,000 Acres.	Relief for all landowners except for 70-acre core or where current restrictions are necessary to protect owls on a Federal reserve or withdrawn area (except for the Olympic Peninsula).	Matrix/AMA prescription option. Additional relief contingent upon acceptable Local Option Plan.	Relief for all landowners except for 70-acre core or where current restrictions are necessary to protect owls on a Federal reserve or withdrawn area.	Matrix/AMA prescription option. Additional relief contingent upon successful completion of NCCP process.

Incidental Take on Tribal Lands

For Indian forest lands, as that term is defined at 25 CFR 163.1, in California and Washington, the proposed rule would result in the reduction of the current Federal prohibition against the incidental take of the spotted owl. Under this proposal, Tribes would be required to maintain only the closest 70 acres of suitable owl habitat around an owl site center. Any additional restrictions or prohibitions under Tribal law would continue to apply. The Service is proposing this approach in recognition of the conservation benefits provided the northern spotted owl under harvest methods practiced by many Indian Nations, such as the Yakima Indian Nation in Washington. Many tribal lands are already managed under conservation strategies for the owl or are of little habitat value for the bird. Moreover, the Service notes that the Secretary's trust responsibility for Native Americans provides him with additional fiduciary factors to weigh in exercising his broad discretionary authority under Section 4(d) of the Act.

Sunset Provision

The Service proposes a process that could result in the modification of the prohibitions of incidental take that are retained under this proposed rule should future biological information so warrant in either California or Washington.

Under this sunset provision, the Service would periodically evaluate the conservation goals for non-Federal lands within SEAs or possible CCPAs and would decide whether the conservation goals for owls in those areas have been accomplished as a result of future HCPs, no-take agreements, or other affirmative conservation activities. Should the Service conclude that success has been achieved in reaching the conservation needs of the species within a given area, restrictions due to incidental take prohibitions could be further modified or lifted, as information warrants.

Other Federal Mechanisms for Promoting the Conservation of the Spotted Owl

The listing of the spotted owl, the designation of its critical habitat, and the application of Act regulations at 50 CFR Part 17 have extended the protection of the Act to this species. Under section 7 of the Act and the implementing consultation regulations at 50 CFR 402, individual project review occurs through the consultation process for those actions authorized, funded, or carried out by Federal agencies that may affect a listed species like the spotted owl or its designated critical habitat. The Section 7 consultation process is designed to ensure that a proposed action is not likely to jeopardize the continued existence of the species or adversely modify its critical habitat. The consultation process also requires the Service to determine what level of incidental take is likely to occur as a result of that action. After completing this determination, the Service issues an incidental take statement that is designed to minimize both the level and the impact of take on listed species.

In 1982, Congress amended section 10(a)(1)(B) of the Act to provide an additional mechanism for encouraging non-Federal support for the conservation of listed species. More commonly known as Habitat Conservation Planning or HCPs, this mechanism authorizes the incidental take of a listed species in exchange for a commitment from a private developer or landowner for a long-term conservation program for the affected species.

Section 10(a)(1)(B) of the Act, requires non-Federal applicants to develop Habitat Conservation Plans for listed species which would be incidentally taken in the course of otherwise lawful activities, and to submit such plans along with an application for an incidental take permit. Such plans can direct significant private sector resources in support of the overall conservation of the affected species on non-Federal lands. Three section 10(a)(1)(B) incidental take permits for the northern spotted owl have already been issued by the Service. A number of other non-Federal entities are in the process of developing HCPs for the spotted owl. The section 10 HCP process will remain available to non-Federal landowners under the proposed rule and will provide an additional alternative for adjusting the incidental take prohibitions set forth in this proposed rule. The initiation of a major and aggressive Habitat Conservation Planning Program for non-Federal forestlands in the Pacific Northwest is an integral and crucial component of the Administration's overall owl conservation program. When combined with the conservation goals of the Federal Forest Plan and this proposed section 4(d) rule, the Service's Habitat Conservation Planning initiative provides the third element for a comprehensive strategy for the owl.

Incentives for Restoring or Enhancing Owl Habitat

Prohibitions against the incidental take of the spotted owl have existed since the species was Federally listed in June of 1990. The Service believes that many landowners have felt threatened by the current regulations which could

be viewed as a disincentive to enhance, restore, or maintain habitat in a condition that is suitable for owl nesting, roosting, foraging, or dispersal. The disincentive stems from landowners' fears that owls might establish residence on, or move through, their property and impede their ability to manage their timber resources. This disincentive has had the effect of increasing timber harvest of currently suitable owl habitat and younger forests on non-Federal lands which are not presently affected by the presence of an owl. With regard to younger forests in particular, this concern or fear has accelerated harvest rotations in an effort to avoid the regrowth of habitat that is useable by owls.

For those non-Federal lands which are not currently affected by incidental take restrictions for spotted owls, the Service proposes to provide a new incentive to landowners to voluntarily manage their lands in a manner which aids in owl conservation without increased regulatory liability for the landowner. In particular, the Service desires to encourage landowners to restore or enhance former owl habitat which has been previously altered and is of little current value to the owl. The Service is also interested in encouraging owners of current suitable owl habitat to maintain that habitat and to forego premature cutting as the only perceived means of avoiding future incidental take restrictions for the owl.

The Service would offer to work directly with a non-Federal landowner through a written conservation or cooperative agreement for the purpose of managing, restoring or enhancing forest habitat so as to contribute to the survival and recovery of the owl. Working with the affected landowner, the Service would first establish an environmental baseline for the property to confirm that no Endangered Species Act-based spotted owl restrictions currently apply to the land. The Service might provide such other conservation advice or assistance as is feasible and available. The agreement would be of sufficient duration so as to enhance the conservation of the owl or to provide some benefit to the owl while still allowing economic use of the property during the term of the agreement.

At the end of the agreement, or at any time thereafter, the landowner would be free to use his or her property as desired without restrictions under the Act for the spotted owl. This would be the case even if an owl established residence or dependency upon the property at some point during or after the terms of the agreement. During the life of the agreement, the landowner also would be authorized to incidentally take any spotted owl which was otherwise in accordance with the use of the property under the agreement.

The Service believes that an incentives program of this sort will encourage primarily the development of dispersal habitat under restoration and enhancement agreements and will slow down the harvest of suitable owl habitat under habitat maintenance agreements. Under any of these approaches, there is a potential benefit for the spotted owl. Most owls using dispersal habitat are not likely to remain dependent upon that habitat as part of a resident pair or as a single. Instead, they are likely to use the area as a corridor for moving from one block of suitable habitat to another. Under these circumstances, any incidental take that might otherwise occur through land use activities on the property is likely to be inconsequential or very limited in impact or duration.

In addition, the opportunity for subsequent immunity from incidental take restrictions should provide an incentive to owners of suitable owl habitat to forego panic cutting and to enter into habitat maintenance agreements. By discouraging legal but potentially unsustainable harvests now, and stretching the retention of suitable owl habitat for the life of a maintenance agreement, the Service and the landowner would keep such habitat available for owl use during the pendency of the agreement.

Incidental Take of Other Listed Species

Several other Federally-listed species occur in the late-successional and old-growth forests that provide habitat for the spotted owl. The bald eagle (*Haliaeetus leucocephalus*), peregrine falcon (*Falco peregrinus*), gray wolf, grizzly bear (*Ursus arctos*), and marbled murrelet are known to occur on non-Federal lands in the range of the owl; the prohibition of take of these species incidental to timber harvest would remain in place.

The Service is concerned about the effects of harvest activities on the marbled murrelet, particularly since the range of the spotted owl significantly overlaps the range of the murrelet. Some areas of relief under this proposed rule for the spotted owl might also provide habitat that is occupied by the marbled murrelet. Since the date of the original listing of the murrelet, the Service has been acquiring as much additional data and information as possible to identify the constituent elements of suitable murrelet habitat, as well as to expand a landowner's ability to determine whether or not such habitat is occupied. Significant progress also has been made in the development of a draft recovery plan for the murrelet. The draft recovery plan should be available for public comments in two to three months. In order to aid a landowner in determining whether a property is occupied by murrelets, the Service encourages landowners to contact one of the Fish and Wildlife Service's three Ecological Services State Offices noted previously in this document, and request guidance or information on delineating suitable murrelet habitat and conducting murrelet surveys to determine presence of murrelets on a given piece of property. This will ensure that landowners who might receive relief from owl restrictions under this proposed rule are aware of the latest data on occupied habitat for murrelets.

The Service recognizes that additional incidental take of spotted owls may occur in SEAs in Washington and CCPAs in California, as HCPs or other long-term conservation agreements, e.g. local option conservation plans, are implemented and further take is authorized. However, the Service believes that the overall level of incidental take is acceptable in light of the habitat-based conservation strategy in the Forest Plan and the fact that such plans or agreements must satisfy the conservation requirements of the Act. The Service will review the effects of the proposed rule under a section 7 consultation as part of the process to complete this proposed rule.

In Washington and California, the Service believes that the relief from prohibitions for non-Federal landowners outside of SEAs or CCPAs and for non-Federal landowners with holdings of less than 80 acres of forestland in a given SEA or CCPA would not preclude the recovery of the spotted owl and will facilitate the maintenance of habitat conditions in some areas by removing disincentives that currently account for the premature cutting of habitat.

In general, the contributions of Federal, State, Tribal and private land management and conservation efforts for protection of the spotted owl and other species allow for reduction of the prohibitions on incidental take of the owl in many areas on non-Federal lands. As a result of this proposed rule, landowners would have more certainty about the conditions under which incidental take is likely to occur. Finally, the Service points to the long-term benefit to the owl of enhanced public support for the Act.

Public Comments Solicited

The Service intends that any final action resulting from this proposed rule

would be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other government agencies, the scientific community, industry, or any other interested party concerning this proposed rule are solicited. In particular, the Service seeks comments on:

(1) The distribution, abundance, and population trends of spotted owls on non-Federal lands in Washington and California as they would relate to the approaches described in this proposed rule;

(2) The boundaries of the proposed SEAs or CCPAs identified for Washington and California and suggestions for modification of these boundaries. In order to better assess available data on the region, the Service particularly would like to encourage public comment on the question of whether it is necessary and advisable for the conservation of the spotted owl to designate a Special Emphasis Area on the western side of the Olympic Peninsula, and if so, whether the present proposed boundaries of the Hoh/Clearwater Special Emphasis Area are warranted or whether they should be reduced in size or significantly reconfigured.

(3) The distribution and abundance of spotted owl populations that are outside of SEAs or CCPAs;

(4) The biological and economic implications of applying the proposed rule in Washington and California;

(5) The applicability of the definitions of suitable habitat and dispersal habitat for the spotted owl, specific to provinces if possible;

(6) The implications of the proposed rule on small-acreage (less than 80 acres), medium-acreage (80 to 5,000 acres), and large-acreage (more than 5,000 acres) non-Federal landowners and comments on how these different ownerships are addressed in the proposed rule;

(7) The scope and effect of the ''local option'' process for landowners who own 80 to 5,000 acres in SEAs in the State of Washington;

(8) The biological or economic implication of proposing a different SEA/CCPA approach where non-Federal buffers would be retained around any owl site centers located on Federal reserves in designated areas, and whether SEA/CCPA boundaries would change as a result of applying this type of approach; and

(9) Recommendations or comments on how to implement the proposed Habitat Enhancement Agreement conservation program for the owl, particularly with regards to possible provisions of such agreements, scope of duration of such agreements and land use assurances to private landowners which would be necessary to encourage voluntary participation.

Final promulgation of the proposed rule will take into consideration the comments and any information received by the Service. Any information the Service receives during the comment period may lead to a final rule that differs from this proposed rule.

The Act provides for a public hearing on the proposed rule, if requested. Requests must be received within 45 days of the date of publication of this proposed rule. Such requests must be written and addressed to: Regional Director, Region 1, U.S. Fish & Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181.

Section 7 Consultation

Review, pursuant to section 7 of the Act, will be conducted prior to issuance of a final rule to ensure that the proposed action will not jeopardize the continued existence of the spotted owl or any other listed species.

National Environmental Policy Act

The Fish and Wildlife Service is complying with NEPA in implementing the provisions of this proposed rule. The Service prepared an environmental assessment on this proposal and has decided to engage in a more intensive assessment of impacts through the preparation of an environmental impact statement (EIS). The Service is preparing a draft EIS at this time. The draft EIS will be published and available for public review and comment approximately 60 days after publication of this proposed rule. The end of the public comment period for the proposed rule will ultimately be extended to coincide with the end of the public comment period for the draft EIS.

Required Determinations

This proposed rule was reviewed under Executive Order 12866. The Service has not yet made a determination of the economic effects of the proposed rule on small entities as required under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Specific economic effects of the proposed action will be discussed in the economic analysis that is included in the Environmental Impact Statement (EIS) for the proposed action. The EIS will be published and available for public comment at a later date. This rule does not require a Federalism assessment under Executive Order 12612 because it would not have any significant federalism effects as described in the order. The collection of information contained in this proposed rule have been approved by the Office of Management and Budget under U.S.C. 3501 *et seq.* and assigned clearance number 1018–0022. The Service has determined that this proposed action qualifies for categorical exclusion under the requirements of Executive Order 12630, ''Government Actions and Interference with Constitutionally Protected Property Rights'', and preparation of a Takings Implications Assessment is not required. Regulations that authorize take of listed species, as is proposed in this special rule, are designated as categorical exclusions.

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Authors

The principal authors of this proposed rule are Gerry Jackson, U.S. Fish and Wildlife Service, Deputy Assistant Regional Director, North Pacific Coast Ecosystem, 911 N.E. 11th Avenue, Portland, Oregon 97232; Curt Smitch, U.S. Fish and Wildlife Service, Assistant Regional Director, North Pacific Coast Ecosystem, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501; and Don Barry, Counselor to Assistant Secretary for Fish, Wildlife and Parks, 1849 C Street NW, Washington, DC 20240.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

§ 17.11 [Amended]

2. Section 17.11(h), is amended by revising the ''special rules'' column in the table entry for ''Owl, northern spotted'' under BIRDS to read ''17.41(c)'' instead of ''NA''.

3. Section 17.41 is amended by adding paragraph (c) to read as follows:

§ 17.41 Special rules—birds.

* * * * *

(c) Northern spotted owl (*Strix occidentalis caurina*).

(1) *Prohibitions.* Except as provided in this paragraph (c)(1) or by a permit issued under paragraph (c)(2) of this section, the following prohibitions apply to the northern spotted owl.

(i) *Taking.* Except as provided in this paragraph (c)(1)(i), no person shall take a northern spotted owl in Washington or California.

(A) *Taking pursuant to cooperative agreements.* Any employee or agent of the Fish and Wildlife Service (Service), or of a conservation agency of the State of Washington or State of California that is carrying out a conservation program pursuant to the terms of a cooperative agreement with the Service in accordance with section 6(c) of the Endangered Species Act, who is designated by his/her agency for such purposes, may, when acting in the course of his/her official duties, take a northern spotted owl covered by an approved cooperative agreement to carry out a conservation program under the agreement in Washington or California.

(B) *Taking by designated officials.* Any employee or agent of the Service, National Park Service, Bureau of Land Management, U.S. Forest Service, Washington Department of Wildlife, or California Department of Fish and Game, who is designated by his/her agency for such purposes, may, when acting in the course of his/her official duties, take a northern spotted owl in Washington or California if such action is necessary to:

(*1*) Aid a sick, injured or orphaned owl;

(*2*) Dispose of a dead owl; or

(*3*) Salvage a dead owl which may be useful for scientific study: *Provided,* that any taking pursuant to paragraph (c)(1)(i)(B) of this section must be reported in writing to the U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, DC 20036, within 5 days. The specimen may only be retained, disposed of or salvaged in accordance with directions from the Service.

(C) *Incidental Take on Tribal Lands.* On Indian forest lands in Washington and California, as defined in 25 CFR 163.1, any person may, when acting in accordance with tribal forestry rules and regulations, take a northern spotted owl incidental to timber harvest activity if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center.

(D) *Spotted Owl Habitat Enhancement Agreement.* Any person who has voluntarily entered into a Cooperative Habitat Enhancement Agreement (Agreement) with the Service for the purpose of restoring, enhancing or maintaining forestland habitat to aid in the conservation of the spotted owl may, pursuant to the terms of that Agreement, incidentally take spotted owls on the subject lands either during or after the period when the Agreement is in effect: *Provided,* that such Agreements shall only apply to parcels of land that are free of all incidental take restrictions for the spotted owl as of the date that such Agreements enter into force and effect, and that such Agreements must be of sufficient duration to aid in the conservation of the spotted owl.

(E) *Incidental Take in State of Washington.* The provisions of this paragraph (c)(1)(i)(E) shall apply to the incidental take of northern spotted owls from timber harvest activity in the State of Washington.

(*1*) *Outside Special Emphasis Areas (SEA).* Any person may take a northern spotted owl incidental to timber harvest activity outside an SEA if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center: *Provided,* that such incidental take is not authorized with regard to an owl whose site center is located within and along

the boundary of an SEA; or a Federal reserve or Congressionally reserved or Administratively withdrawn area which is otherwise located off the Olympic Peninsula.

(*2*) *Inside SEAs—Matrix and Adaptive Management Area authorization.* Any person may take a northern spotted owl incidental to timber harvest activity within an SEA if the harvest is on non-Federal land surrounded by or located within Federal Matrix or Adaptive Management Area lands and complies with the final Federal harvest prescriptions or restrictions adopted for such lands: *Provided,* that this authorization shall not apply to any northern spotted owl whose site center is located within a Federal Reserve or a Congressionally reserved area or Administratively withdrawn area.

(*3*) *Inside SEAs—Small landowners.* Any person who owns, on February 17, 1995, no more than 80 acres of forestland within a given SEA, may take a northern spotted owl incidental to timber harvest activity within such 80 acres if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center.

(*4*) *Inside SEAs—Local option conservation plans.* (*i*) *Authorization.* Any person who owns on February 17, 1995 more than 80 acres, but not more than 5000 acres, of forestland in a given SEA may take a northern spotted owl incidental to timber harvest activity conducted on such land in accordance with a Local Option Conservation Plan approved by the Service.

(*ii*) *Application.* Each application for a Local Option Conservation Plan shall be submitted to the Service's State Supervisor, U.S. Fish and Wildlife Service, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501, on an official application (Form 3–200) provided by the Service. Each application must include, as an attachment, a plan that contains a description of the area to be covered by the proposed plan; the size of the affected land ownership(s) and the intended duration of the plan; the number of affected spotted owls and the habitat condition in the area to be covered by the proposed plan, if known; the extent to which the plan will contribute to or be consistent with the owl conservation needs identified for the SEA affected by the plan; the extent to which the incidental take of spotted owls resulting from timber activities under the plan will be complementary with the goals of the Federal Forest Plan for the affected area; the extent to which the land is adjacent to, or interspersed within, Federal Matrix or Adaptive Management Area lands and a description of the final management prescriptions delineated for any such lands, if known; the measures to be taken to minimize and mitigate the impacts of incidental take of spotted owls; the impact of the plan on affected watershed(s); what commitments the landowner(s) will provide to ensure implementation or adequate funding for the plan; what procedures will be used to deal with any unforeseen circumstances which could result in significant adverse effects to spotted owls in the affected area; any additional measures the Service requires as being necessary or appropriate for the goals of the plan to be met, e.g., reporting and review requirements; and, where the State has implemented regulations for a local option conservation plan review process that complements or is consistent with this proposed rule, whether the State has certified the plan.

(*iii*) *Approval.* After consideration of the information submitted with an application and received during a public comment period, the Service shall approve a Local Option Conservation Plan if it finds that any anticipated taking will be incidental; the applicant will minimize and mitigate the impact of such takings; the local option conservation plan contributes to or is consistent with the conservation needs of the northern spotted owl in the affected SEA and will not result in the incidental take of a spotted owl deemed essential for providing demographic support for a Federal reserve established under the Federal Forest Plan as necessary to achieve conservation objectives; the applicant will provide adequate assurances or funding for the implementation of the local option plan; and the taking will not appreciably reduce the likelihood of survival and recovery of any listed species in the wild.

(*5*) *Safe Harbor Authorization.* Any person may take a northern spotted owl incidental to timber harvest activity within an SEA if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center, and does not reduce, to less than 40 percent, the amount of nesting, roosting and foraging habitat within the median annual home range of the affected owl.

(*6*) *Sunset provision.* The Service shall periodically review and evaluate the effectiveness of the conservation measures and program for the spotted owl for each SEA. If the review indicates that the conservation goals for an SEA have been effectively achieved, the Service shall propose regulations to modify or withdraw the incidental take prohibitions in this paragraph as appropriate with respect to such SEA.

(F) *Incidental Take in State of California.* The provisions of this paragraph (c)(1)(i)(F) shall apply to the incidental take of northern spotted owls from timber harvest activity in the State of California.

(*1*) *Klamath Province Relief Area.* Any person may take a northern spotted owl incidental to timber harvest activity in the Klamath Province Relief Area (Figure 1 to § 17.41(c)) if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center: *Provided,* that such incidental take is not authorized with regard to an owl whose site center is located within and along the boundary of a Federal reserve or a Congressionally reserved or Administratively withdrawn area.

(*2*) *Potential California Conservation Planning Areas.* (*i*) *Matrix and Adaptive Management Area authorization.* Any person may take a northern spotted owl incidental to timber harvest activity within a potential California Conservation Planning Area (CCPA) if the harvest is on non-Federal land surrounded by or located within Federal Matrix or Adaptive Management Area lands and complies with the final Federal harvest prescriptions or restrictions adopted for such lands: *Provided,* that this authorization shall not apply to any northern spotted owl whose site center is located within a Federal reserve or a Congressionally reserved or Administratively withdrawn area.

(*ii*) *Small landowners.* Any person who owns, on February 17, 1995, no more than 80 acres of forestland within a given potential CCPA may take a northern spotted owl incidental to timber harvest activity within such 80 acres if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center.

(*iii*) *Natural Communities Conservation Plans.* Any person may take a northern spotted owl incidental to timber harvest activity within a potential CCPA if the harvest is conducted in accordance with a Natural Communities Conservation Plan (Plan) for spotted owls prepared by the State of California and approved by the Service. The Service shall approve any such Plan if it finds that the Plan is consistent with achieving the conservation goals for the spotted owl in the affected CCPA, is complementary to the Federal Forest Plan and is consistent with the criteria of section 10(a)(2) of the Endangered Species Act (16 USC 1539(a)(2)).

(*iv*) *Safe Harbor Authorization*. Any person may take northern spotted owls incidental to timber harvest activity within a potential CCPA if the harvest does not destroy or degrade the 70 acres of nesting, roosting and foraging habitat closest to an owl site center, and does not reduce, to less than 40 percent, the amount of nesting, roosting and foraging habitat within the median annual home range of the affected owl.

(*v*) *Sunset provision*. The Service shall periodically review and evaluate the effectiveness of the conservation measures and program for the spotted owl established for each CCPA. If the review indicates that the conservation goals for a CCPA have been effectively achieved, the Service shall propose regulations to modify or withdraw the incidental take prohibitions of this paragraph, as appropriate, with respect to such CCPA.

(ii) *Unlawfully taken owls*. No person shall possess, sell, deliver, carry, transport, or ship, any northern spotted owl taken in violation of paragraph (c)(1)(i) of this section: *Provided*, that Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(iii) *Commercial transportation*. No person shall deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of a commercial activity any northern spotted owl.

(iv) *Sales*. No person shall sell or offer for sale in interstate or foreign commerce any northern spotted owl.

(v) *Importation or exportation*. No person shall import into the United States, or export from the United States, any northern spotted owl.

(2) *Permits*. In accordance with the provisions of § 17.32 of this Part, permits are available to authorize otherwise prohibited activities involving the northern spotted owl in Washington and California.

(3) *Definitions*. As used in this paragraph (c):

(i) *Administratively withdrawn area* means lands that are excluded from planned or programmed timber harvest under agency planning documents or the preferred alternative for draft agency planning documents.

(ii) *Adaptive management area* means the 10 landscape units that were adopted in the April 13, 1994 *Record of Decision for Amendments to U.S. Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl* (USDA/USDI 1994) for development and testing of technical and social approaches to achieving specific ecological, economic, and other social objectives.

(iii) *Congressionally reserved area* means lands with Congressional designations that preclude timber harvest, as well as other Federal lands not administered by the Forest Service or Bureau of Land Management, including National Parks and Monuments, Wild and Scenic Rivers, National Wildlife Refuges, and military reservations.

(iv) *Federal Forest Plan* means the Federal forest management strategies, standards and guidelines adopted in the April 13, 1994, Record of Decision for the Final Supplemental Environmental Impact Statement for 19 National Forests and 7 Bureau of Land Management Districts located within the range of the northern spotted owl.

(v) *Federal Matrix Land* means those Federal lands generally available for programmed timber harvest which are outside of the Congressionally reserved and Administratively withdrawn areas, Federal reserves and Adaptive Management Areas as delineated in the Standards and Guidelines adopted in the April 13, 1994, Record of Decision.

(vi) *Federal Reserve* means those Federal lands delineated in the April 13, 1994, Record of Decision on which programmed timber harvest is not allowed and is otherwise severely limited. There are two types of reserves: late-successional reserves, which are designed to produce contiguous blocks of older forest stands; and riparian reserves, which consist of protected strips along the banks of rivers, streams, lakes, and wetlands that act as a buffer between these water bodies and areas where timber harvesting is allowed.

(vii) *Home range* means the area a spotted owl traverses in the course of normal activities in fulfilling its biological needs during the course of its life span.

(viii) *Nesting, roosting and foraging habitat or suitable habitat* means those areas with the following vegetative structure and composition necessary to assure successful nesting, roosting, and foraging activities for a territorial single or breeding pair of spotted owls:

(A) In the California provinces, suitable habitat consists, as a general matter, of coniferous or mixed coniferous/hardwood forests with multiple canopy layers; multiple overstory conifers greater than 16 inches in diameter at breast height (dbh); and total canopy closure among dominant, co-dominant, and understory trees of greater than 60 percent;

(B) In the Western Washington Lowlands province, the Western Washington Cascades province, and the Washington Olympic Peninsula province, suitable habitat consists, as a general matter, of coniferous or mixed coniferous/hardwood forests with multiple canopy layers; multiple large overstory conifers greater than 20 inches dbh, and total canopy closure among dominant, co-dominant and understory species of greater than 60 percent;

(C) In the Eastern Washington Cascades province, suitable habitat consists, as a general matter, of coniferous forests with stands that contain greater than 20 percent fir (Douglas fir, Grand fir) and/or hemlock trees; multiple canopy layers of multiple large overstory conifers greater than 12 inches dbh; and total canopy closure among dominant, co-dominant and understory species of greater than 50 percent.

(ix) *Northern spotted owl, spotted owl, or owl* means any northern spotted owl (*Strix occidentalis caurina*), alive or dead, and any part, egg, nest, or product thereof.

(x) *Person* has the meaning provided in 16 USC 1532(13).

(xi) *Potential California Conservation Planning Area (CCPA)* means any of the following four areas in the State of California (Figure 1 to § 17.41(c)):

(A) *California Coastal Area (Humboldt Meridian and Baseline)* (Figure 2 to § 17.41(c)) Beginning at the intersection of the California-Oregon State Line and the shoreline of the Pacific Ocean, then east along the California-Oregon State Line, then south along the east border of S33 T19NR01E, S04 T18NR01E, S09 T18NR01E, S16 T18NR01E, S21 T18NR01E, S28 T18NR01E, S33 T18NR01E, then west along the south border of S33 T18NR01E, then south along the east border of S05 T17NR01E, S06 T17NR01E, then east along the north border of S16 T17NR01E, then south along the east border of S16 T17NR01E, S21 T17NR01E, S28 T17NR01E, S33 T17NR01E, and S04 T16NR01E, then east along the north border of S10 T16NR01E, then south along the east border of S10 T16NR01E, S15 T16NR01E, then east along the north border of S23 T16NR01E, then south along the east border of S23 T16NR01E and S26 T16NR01E, then east along the north border of S36 T16NR01E, then south along the east border of S36 T16NR01E, then east along the north border of S06 T15NR02E, then south along the east border of S06 T15NR02E, S07 T15NR02E, S18 T15NR02E, then east along the north border of S20 T15NR02E, S21 T15NR02E, S22 T15NR02E, S23 T15NR02E, then north along the west border of S13 T15NR02E,

S12 T15NR02E, then east along the north border of S12 T15NR02E, S07 T15NR03E, S08 T15NR03E, then south along the east border of S08 T15NR03E, S17 T15NR03E, then west along the south border of S17 T15NR03E, then south along the east border of S19 T15NR03E, S30 T15NR03E, S31 T15NR03E, then west along the south border of S31 T15NR03E, then south along the east border of T14NR02E, T13NR02, and T12NR02E, then east along the north border of T12NR03E, then south along the east border of T12NR03E and T11NR03E, then east along the north border of S06 T10NR04E, then south along the east border of S06 T10NR04E, S07 T10NR04E, S18 T10NR04E, S19 T10NR04E, S30 T10NR04E, S31 T10NR04E, S06 T09NR04E, S07 T09NR04E, S18 T09NR04E, then southwest along the north border of the Hoopa Valley Indian Reservation, then southeast along the west border of the Hoopa Valley Indian Reservation, then south along the east border of S17 T07NR04E, S20 T07NR04E, S29 T07NR04E, S32 T07NR04E, S05 T06NR04E, S08 T06NR04E, S17 T06NR04E, S20 T06NR04E, S29 T06NR04E, S32 T06NR04E, then east along the north border of S04 T05NR04E, then south along the east border of S04 T05NR04E, then east along the north border of S10 T05NR04E, then south along the east border of S10 T05NR04E, S15 T05NR04E, S22 T05NR04E, then east along the north border of S26 T05NR04E, S25 T05NR04E, then south along the east border of T05NR04E and T04NR04E, then east along the north border of S31 T04NR05E, then south along the east border of S31 T04NR05E, S06 T3NR05E, S07 T3NR05E, S18 T3NR05E, then east along the north border of S20 T03NR05E, S21 T03NR05E, then south along the east border of S21 T3NR05E, S28 T3NR05E, S33 T3NR05E, S04 T02NR05E, S09 T02NR05E, S16 T02NR05E, then east along the north border of S22 T02NR05E, then south along the east border of S22 T02NR05E, then east along the north border of S26 T02NR05E, S25 T02NR05E, then south along the east border of T02NR05E, then east along the north border of T01NR06E, then south along the east border of S03 T01NR06E, S10 T01NR06E, S15 T01NR06E, S22 T01NR06E, then east along the north border of S26 T01NR06E, then south along the east border of S26 T01NR06E, then east along the north border of S36 T01NR06e, S31 T01NR07E, then north along the east border of S29 T01NR07E, then east along the north border of S29 T01NR07E, then south along the east border of S29 T01NR07E, S32 T01NR07E, then west along the south border of T01NR07E, then south along the east border of T01SR06E, then west along the south border of S24 T01SR06E, S23 T01SR06E, S22 T01SR06E, S21 T01SR06E, S20 T01SR06E, S19 T01SR06E, S24 T01SR05E, S23 T01SR05E, then south along the east border of S27 T01SR05E, S34 T01SR05E, then east along the north border of S02 T02SR05E, then south along the east border of S02 T02SR05E, S11 T02SR05E, S14 T02SR05E, then east along the north border of S24 T02SR05E, then south along the east border of T02SR05E, then east along the north border of S31 T02SR06E, then south along the east border of S31 T02SR06E, then east along the north border of S06 T03SR06E, S05 T03SR06E, S04 T03SR06E, S03 T03SR06E, S02 T03SR06E, S01 T03SR06E, then south along the east border of T03SR06E, then west along Ruth Zenia Road, Alderpoint Bluff Road, Zenia Bluff Road, Alder Point Road, then south along Harris Road, Bell Springs Road, and U.S. Highway 101, then west along Sebatopol Road, Bodega Highway, and California Highway 1, then north along California Highway 1, then west along Salmon Creek, then north along the shoreline of the Pacific Ocean to the point of beginning.

(B) *Hardwood Region (Mt Diablo Meridian and Baseline Except Where Township Designation Is Followed by * Which Indicates Humboldt Meridian and Baseline)* (Figure 2 to § 17.41(c))

Beginning at the Intersection of Ruth Zenia Road and the east border of T03SR06E*, then south along the east border of T03SR06E*, then east along the north border of T04SR07E* and T04SR08E*, then south along the east border of T04SR08E* and T05SR08E*,/ ****Meridian Change/ then east along the north border of T05SR08E* and T25NR12W, then south along the east border of T25NR12W, then east along the north border of S18 T25NR11W, S17 T25NR11W, S16 T25NR11W, then south along the east border of S16 T25NR11W, S21 T25NR11W, then west along the south border of S21 T25NR11W, S20 T25NR11W, then south along the east border of S30 T25NR11W, then west along the south border of S30 T25NR11W, then south along the east border of T25NR12W, S01 T24NR12W, and S12 T24NR12W, then east and south along the border of the Trinity National Forest, then east along the north border of S32 T24NR11W, then south along the east border of S32 T24NR11W, then east along the north border of S04 T23NR11W, then south along the east border of S04 T23NR11W, S09 T23NR11W, S16 T23NR11W, then east along the north border of S22 T23NR11W, S23 T23NR11W, S24 T23NR11W, S19 T23NR10W, then south along the east border of S19 T23NR10W, S30 T23NR10W, S31 T23NR10W, then east along California State Highway 162, then south along the eastern border of the East Cascades Province, then north along the shoreline of the Pacific Ocean, then east along Salmon Creek, then south along California Highway 1, then east along Bodega Highway and Sebastopol Road, then north along U.S. Highway 101, Bell Springs Road, and Harris Road, then east along Alder Point Road, Zenia Bluff Road, Alderpoint Bluff Road and Ruth Zenia Road to the point of beginning.

(C) *Wells Mountain-Bully Choop Area (Mt. Diablo Meridian and Baseline)* (Figure 3 to § 17.41(c))

Beginning at the northwest corner of S04 T34NR11W, then east along the north border of T34NR11W, then south along the east border of S03 T34NR11W and S10 T34NR11W, then east along the north border of S14 T34NR11W, S13 T34NR11W, S18 T34NR10W, then north along the east border of S08 T34NR10W, then east along the north border of S08 T34NR10W, then south along the east border of S08 T34NR10W, S17 T34NR10W, S20 T34NR10W, S29 T34NR10W, then east along the north border of S33 T34NR10W, then south along the east border of S33 T34NR10W, then east along the north border of S03 T34NR10W, then north along the west border of S35 T34NR10W, S26 T34NR10W, S23 T34NR10W, then east along the north border of S23 T34NR10W, then north along the west border of S13 T34NR10W, then east along the north border of S13 T34NR10W, S18 T34NR09W, S17 T34NR09W, and S16 T34NR09W, then north along California Highway 3, then east along the border of the Whiskeytown-Shasta-Trinity National Recreation Area, then south along the east border of S03 T34NR09W, then east along the north border of S11 T34NR09W, S12 T34NR09W, then south along the east border of T34NR09W, then east along the north border of S19 T34NR08W, S20 T34NR08W, then south along the east border of S20 T34NR08W, S29 T34NR08W, S32 T34NR08W, then west along the south border of S32 T34NR08W, then south along the east border of S06 T33NR08W, then east along the north border of S08 T33NR08W and S09 T33NR08W, then north along the west border of S03 T33NR08W, then east along the north

border of T33NR08W and T33NR07W, then south along Trinity Mountain Road, then east along California Highway 299, then south along the east border of S26 T32NR06W, S35 T32NR06W, S02 T31NR06W, then west along the south border of the southeast of S02 T31NR06W, then south along the east border of the northwest of S11 T31NR06W, then west along the south border of the northwest of S11 T31NR06W and northeast S10 of T31NR06W, then south along Mule Town Road, then west along the boundary of the Klamath Province, then north along the west border of the northeast of S20 T30NR09W, then west along the Shasta-Trinity County Line, then north along the west border of T30NR09W, then east along the south border of T31NR09W and T31NR10W, then south along the east border of S05 T30NR10W, then east along the south border of S05 T30NR10W, then north along the west border of S05 T30NR10W, then west along the south border of T31NR10W, then north along the west border of T31NR10W and T32NR10W, then east along California Highway 3, then west along California Highway 299, then north along the west border of S28 T34NR11W, S21 T34NR11W, S16 T34NR11W, S09 T34NR11W, S04 T34NR11W to the point of beginning.

(D) *California Cascades, (Mt Diablo Meridian and Baseline)* (Figure 3 to § 17.41(c))

Beginning at the Intersection of Interstate Highway 5 and the California-Oregon State Line, then east along the California-Oregon State Line, then south along the Eastern Boundary of the California Cascades Province, then north along Mule Town Road, then east along the north border of the southeast of S10 T31NR06W and southwest of S11 T31NR06W, then north along the west border of the northeast of S11 T31NR06W, then east along the north border of the northeast of S11 T31NR06W, then north along the west border of S01 T31NR06W, S36 T32NR06W, and S25 T32NR06W, then west along California Highway 299, then north along Trinity Mountain Road, then east along the south border of T34NR07W and T34NR08W, then south along the east border of S04 T33NR08W, then west along the south border of S04 T33NR08W and S05 T33NR08W, then north along the west border of S05 T33NR08W, then east along the north border of S05 T33NR08W, then north along the west border of S33 T34NR08W, S28 T34NR08W, S21 T34NR08W, then west along the south border of S17 T34NR08W, S18 T34NR08W, then north along the west border of S18 T34NR08W and S07 T34NR08W, then east along the south border of S01 T34NR09W, S02 T34NR09W, then north along the west border of the S02 T34NR09W, then west along the border of the Whiskeytown-Shasta-Trinity National Recreation Area then south along California Highway 3, then west along the south border of S09 T34NR09W, S08 T34NR09W, and S07 T34NR09W, then north along the west border of S07 T34NR09W, then east along the north border of S07 T34NR09W, then north along the west border of S05 T34NR09W, S32 T35NR09W, then west along the south border of S30 T35NR09W, then north along the west border of T35NR09W, then east along the north border of S19 T35NR09W, then north along the west border of S17 T35NR09W, then east along the north border of S17 T35NR09W, S16 T35NR09W, S15 T35NR09W, then north along the west border of S11 T35NR09W, then east along the north border of S11 T35NR09W, then north along the west border of S01 T35NR09W, then east along the north border of T35NR09W and T35NR08W, then north along the west border of S32 T36NR08W and S29 T36NR08W, then east along the north border of S29 T36NR08W, then north along the west border of S21 T36NR08W, S16 T36NR08W, S09 T36NR08W, S04 T36NR08W, then east along the north border of T36NR08W, then north along the west border of S34 T37NR08W, S27 T37NR08W, and S22 T37NR08W, then west along the south border of S16 T37NR08W, S17 T37NR08W, then north along the west border of S17 T37NR08W and S08 T37NR08W, then east along the north border of S08 T37NR08W, then north along the west border of S04 T37NR08W, then east along the north border of T37NR08W, then north along the west border of S36 T38NR08W, then east along the north border of S36 T38NR08W, then north along the west border of S30 T38NR07W, then west along the south border of S24 T38NR08W, then north along the west border of S24 T38NR08W and S13 T38NR08W, then east along the north border of S13 T38NR08W, then north along the west border of S07 T38NR07W, then east along the north border of S07 T38NR07W, S08 T38NR07W, S09 T38NR07W, then north along the west border of S03 T38NR07W, S34 T39NR07W, S27 T39NR07W, S22 T39NR07W, and S15 T39NR07W, then west and north along California Highway 3 and Interstate Highway 5 to the point of beginning.

(xii) *Province or physiographic province* means a geographic area having a similar set of biological and physical characteristics and processes due to effects of climate and geology which result in patterns of soils and broad-scale plant communities. Habitat patterns, wildlife distributions, and historical land use patterns may differ significantly from those of adjacent provinces. The seven northern spotted owl provinces in the States of Washington and California are the Olympic Peninsula Province, the Western Washington Lowlands Province, the Western and Eastern Washington Cascades Provinces, and the California Coastal, Klamath and Cascades Provinces (Figure 4 to § 17.41(c)).

(xiii) *Record of Decision (ROD)* means the April 13, 1994, *Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents within the Range of the Northern Spotted Owl* (USDA/USDI 1994).

(xiv) *Special Emphasis Area (SEA)* means any of the following six areas (Figure 5 to § 17.41(c)) in the State of Washington (references are in relation to the Willamette Meridian and baseline):

(A) *Columbia River Gorge/White Salmon* (Figure 6 to § 17.41(c))

(*1*) *Columbia River Gorge Segment* (Figure 6 to § 17.41(c)) Beginning at the northwest corner of T03NR05E, then east along the north border of T03NR05E, T03NR06E, T03NR07E, T03NR07.5E, and T03NR08E, then south along the east border of T03NR08E, then west along the north Shore of the Columbia River, then north along the west border of T01NR05E, T02NR05E, and T03NR05E to the Point of Beginning.

(*2*) *White Salmon Segment* (Figure 6 to § 17.41(c)) Beginning at the northwest corner of T06NR10E, then east Along the north border of T06NR10E, then north along the west border of T07NR11E, then east along the north border of S19 T07NR11E, S20 T07NR11E, S21 T07NR11E, then south along the east border of S21 T07NR11E, S28 T07NR11E, then south along the west border of the Yakama Indian Reservation, then south along the east border of T05NR11E, T04NR11E, then southwest along Rattle Snake Creek, then south along the east border of T04NR10E and T03NR10E, then west along the north Shore of the Columbia River, then north along the west border of T03NR09E, then east along the north border of T03NR09E, then north along the west border of T04NR10E, T05NR10E, and T06NR10E to the point of beginning.

(B) *Siouxon Creek* (Figure 7 to § 17.41(c)) Beginning at the intersection of the south border of S16 T06NR04E and the Cowlitz-Clark County line, then north and east along the Cowlitz-Clark County line, then south along the west border of S31 T07NR05E, then east along the north border of the SW of NW, SE of NW, and SW of NE S31 T07NR05E, then north along the west border of the NE of NE S31 T07NR05E, then east along the Lewis River, then south along the east border of S30 T07NR05E, then east along the north border of S32 T07NR05E, then north along the west border of the SE of SW S29 T07NR05E, then east along the Lewis River, then south along the east border of the SW of SE S29 T07NR05E, then east along the north border of S32 T07NR05E, then north along the west border of S28 T07NR05E, then east along the north border of S28 T07NR05E, then south along the east border of the NE of NE S28 T07NR05E, then west along the south border of the NE of NE S28 T07NR05E, then south along the east border of the SW of NE S28 T07NR05E, then east along the north border of the NE of SE S28 T07NR05E, then south along the east border S28 T07NR05E, then east along the channel of Swift Reservoir and the Lewis River, then south and west along the Gifford Pinchot National Forest boundary, then south along the Clark-Skamania County line, then west along Canyon Creek, then north along the west border of S03 T05NR04E and S34 T06NR04E, then west along the south border of NE of SE, NW of SE, and NE of SW S33 to 6NR04E, then north along the west border of the NE of SW S33 T06NR04E, then east along the north border of the NE of SW S33 T06NR04E, then north along the west border of the NE S33 T06NR04E and SE S28 T06NR04E, then east along the north border of the SE of S28 T06NR04E, then north along the west border of the SE of NE and NE of NE S28 T06NR04E, then east along the north border of S28 T06NR04E, then north along the west border S22 T06NR04E, then west along the south border of S16 T06NR04E to the point of beginning.

(C) *Mineral Block* (Figure 8 to § 17.41(c)) Beginning at the northwest corner of T15NR03E, then east along the north border of T15NR03E, T15NR04E, T15NR05E and T15NR06E, then south along the east border of T15NR06E and T14NR06E, then west along the south border of T14NR06E, then south along the east border of T13NR06E and T12NR06E, then west along the south border of S24, S23, S23, S21, S20, and S19 T12NR06E, then south along the east border of S24 T12NR05E, then west along the south border of S24, S23, S22, S21, S20, and S19 T12NR05E, then north along the west border of T12NR05E, then northwest along U.S. Highway 12, then west along the Tilton River, then north along the west border of T13NR03E, T14NR03E, and T15NR03E, to the point of beginning.

(D) *I–90 Corridor* (Figure 9 to § 17.41(c)) Beginning at the northwest corner of T22NR09E, then east along the north border of T22NR09E and T22NR10E, then north along the west border of T22NR11E, then east along the north border of T22NR11E, then north along the west border of T22NR12E, then east along the north border of T22NR12E, T22NR13E, T22NR14E, T22NR15E, T22NR16E, and T22NR17E, then north along the west border of S34 T23NR17E, S27 T23NR17E, S22 T23NR17E, S15 T23NR17E, S10 T23NR17E, S03 T23NR17E, then east along the north border of S03 T23NR17E, then north along the west border of S34 T24NR17E, S27 T24NR17E, and S22 TNR17E, then east along the north border of S22 T24NR17E, S23 T24NR17E, S24 T24NR17E, S19 T24NR18E, S20 T24NR18E, S21 T24NR18E, then south along the east border of S21 T24NR18E, S28 T24NR18E, S33 T24NR18E, then west along the south border of S33 T24NR18E, then south along the east border of S04 T23NR18E, S09 T23NR18E, S16 T23NR18E, S21 T23NR18E, S8 T23NR18E, S33 T23NR18E, then east along the north border of S04 T22NR18E, then south along the east border of S04 T22NR18E, S09 T22NR18E, S16 T22NR18E, S21 T22NR18E, S28 T22NR18E, S33 T22NR18E, then west along the south border of T22NR18E, T2NR17E, then south along the east border of T21NR16E, then west along the south border of T21NR16E, then south along the east border of T20NR16E, then west along the south border of S13 T20NR16E, S14 T20NR16E, S15 T20NR16E, S16 T20NR16E, S17 T20NR16E, S18 T20NR16E, then south along the east border of T20NR15E, T19NR15E, then east along the north border of T18NR15E, then south along the east border of T18NR15E, T17NR15E, then west along the south border of T17NR15E, then north along the west border of T17NR15E, T18NR15E, then west along the south border of T19NR15E, T19NR14E, T19NR13E, T19NR12E, T19NR11E, T19NR10E, T19NR09E, T19NR08E, then north along the west border of T19NR08E, then east along the north border of T19NR08E, then north along the west border of T20NR09E, T21NR09E, and T22NR09E to the point of beginning.

(E) *Finney Block* (Figure 10 to § 17.41(c)) Beginning at the northwest corner of T36NR07E, then east along the north border of T36NR07E, T36NR08E and T36NR09E, then south along the east border of T36NR09E, then east along the north border of T35NR10E and T35NR11E, then south along the east border of T35NR11E, then west along the south border of T35NR11E, then south along the east border of T34NR10E, T33NR10E, T32NR10E, then west along the south border of T32NR10E, T32NR09E, T32NR08E, and T32NR07E, then north along the west border of S34 T32NR07E, then west along the south border of the southeast of the northeast quarter of S34 T32NR07E, then north along the west border of the southeast of the northeast quarter of S34 T32NR07E, then west along the south border of the northwest of the northeast quarter of S34 T32NR07E, northeast quarter of the northwest quarter of S34 T32NR07E, northwest quarter of the northwest quarter of S34 T32NR07E, and northeast quarter of the northeast quarter of S32 T32NR07E, then north along the west border of the northwest quarter of the northwest quarter of S32 T32NR07E, then west along south border of S29 T32NR07E, S30 T32NR07E, then south along the east border of the northwest of the northeast quarter, the southwest of the northeast quarter, the northwest of the southeast quarter, and the southwest of the southeast quarter of S31 of T32NR07E, then west along the south border of T32NR07E, then north along the west border of T32NR07E, T33NR07E, T34NR07E, T35NR07E, and T36NR07E to the point of beginning.

(F) *Hoh/Clearwater (Olympic Peninsula)* (Figure 11 to § 17.41(c)) (*1*) *Hoh/Clearwater—North.*

Beginning at the Intersection of the Olympic National Park Boundary, and the north border of T30NR15W, then east along the north border of T30NR15W, T30NR14W, T30NR13W, then south along the Olympic National Forest Boundary, then east along the north border of the southwest quarter of the southwest quarter of S23 T29NR13W, then south along the east border of the southwest quarter of the southwest quarter of S23 T29NR13W, then west along the south border of the southwest quarter of the southwest quarter of S23 T29NR13W, then south along the east border S27 T29NR13W, then east along the north border of the southwest quarter of the southwest quarter of S26 T29NR13W, the southeast quarter of the southwest quarter of S26

T29NR13W, and the southwest quarter of the southeast quarter of S26 T29NR13W, then south along the east border of the southwest quarter of the southeast quarter of S26 T29NR13W, then east along the north border of S35 T29NR13W, then south along the east border of S35 T29NR13W, then east along the north border of the southwest quarter of the northwest quarter of S36 T29NR13W, the southeast quarter of the northwest quarter of S36 T29NR13W, the southwest quarter of the northeast quarter of S36 T29NR13W, and the southeast quarter of the northeast quarter of S36 T29NR13W, then south along the east border of T29NR13W and T28NR13W, then east along the north border of T27NR12W, then south along the Olympic National Park Boundary, then west along the south border of S20 T25NR10W and S19 T25NR10W, then south along the east border of S25 T25NR11W and S36 T25NR11W, then east along the north border of T24NR11W, then south and west along the Olympic National Park Boundary, then west along the north border of the Quinalt Indian Reservation, then north along the Olympic National Park Boundary to the point of beginning.

(*2*) *Hoh/Clearwater—South.* Beginning at the Intersection of U.S. Highway 101 and the Queets River Road in S34 T24N R12W, then north along the Queets River Road, then south along the east border of S34 T24NR12W, then east along the Olympic National Forest boundary, then south along the east border of T24NR11W and S01 T23NR11W, then east and south along the border of the Quinalt Indian Reservation, then west along U.S. Highway 101 to the point of beginning.

(xv) *Site center* means the actual nest tree of a pair of spotted owls or the primary roost for a non-nesting pair or territorial single.

(xvi) *Timber harvest activity or harvest* means any activity which results in the harvest or felling of trees comprising the suitable habitat of a northern spotted owl.

(4) *Information Collection.* The collection of information requirements contained in § 17.41(c) have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0022. This information is being collected to provide information necessary to evaluate permit applications and make decisions, according to criteria established in various Federal wildlife and plant conservation statutes and regulations, on the issuance or denial of permits. Response is required to obtain or retain a permit. Public burden for this collection of information is estimated to vary from 15 minutes to 4 hours per response, with an average of 1.028 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden or any other aspect of this collection of information, including suggestions for reducing the burden, to the Service Information Collection Clearance Office, MS–224 ARLSQ, Fish and Wildlife Service, Washington, DC 20240 and the Office of Management and Budget, Paperwork Reduction Project (1018–0022), Washington, DC 20503.

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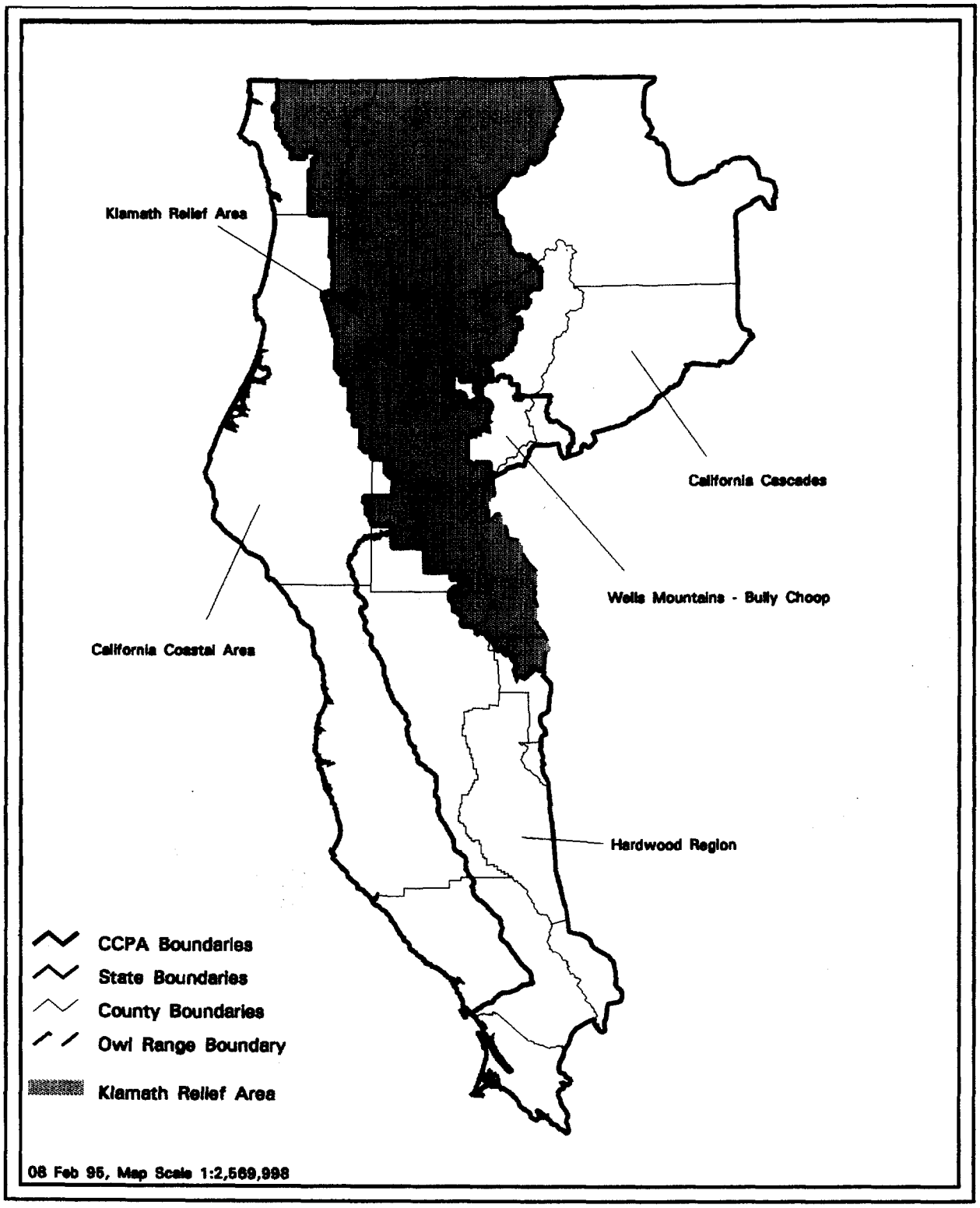

Figure 1 to § 17.41 (c) California Conservation Planning Areas (CCPAs).

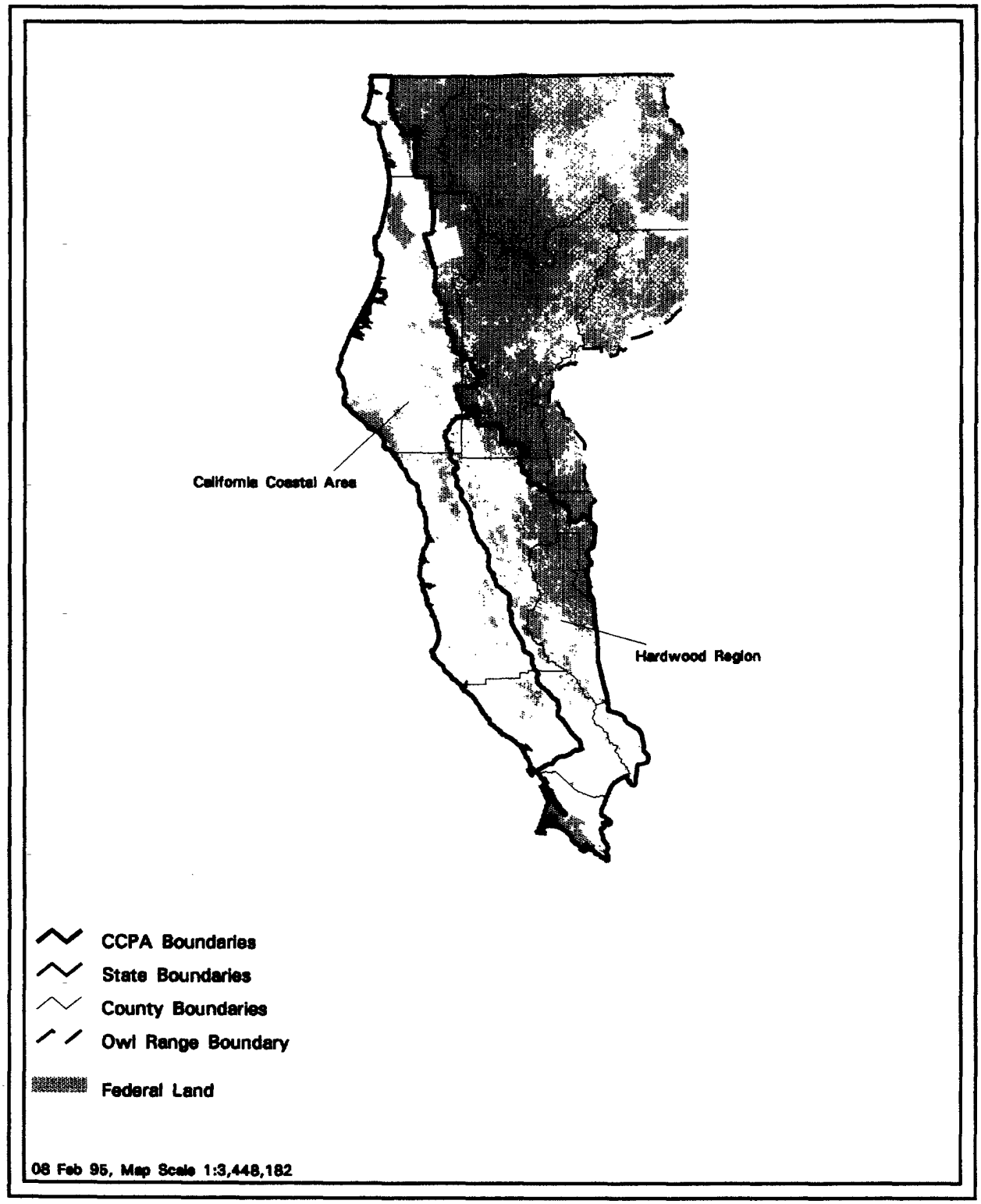

Figure 2 to § 17.41 (c) California Coastal and Hardwood Region Conservation Planning Areas.

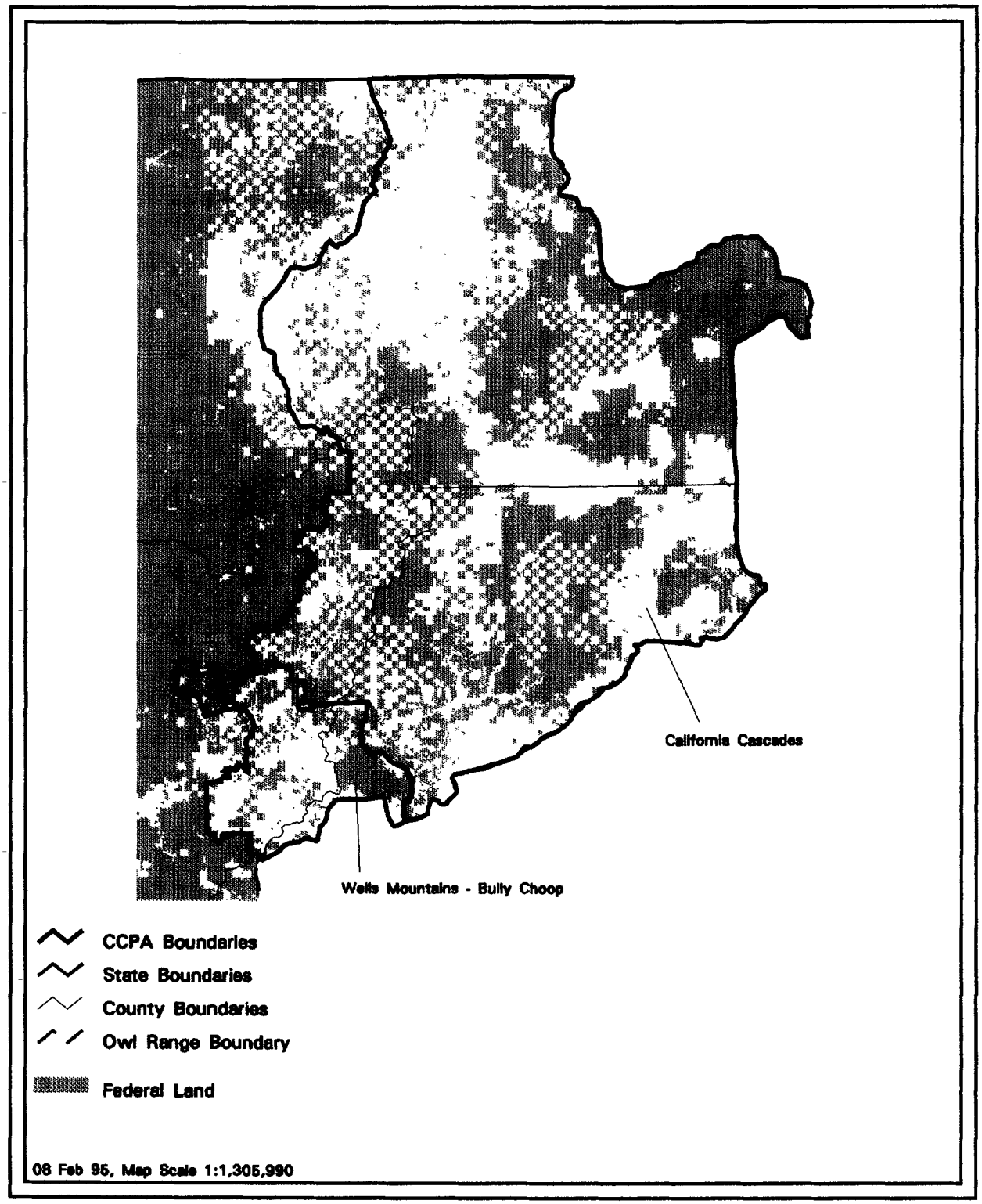

Figure 3 to § 17.41 (c) California Cascades and Wells Mountains - Bully Choop Conservation Planning Areas.

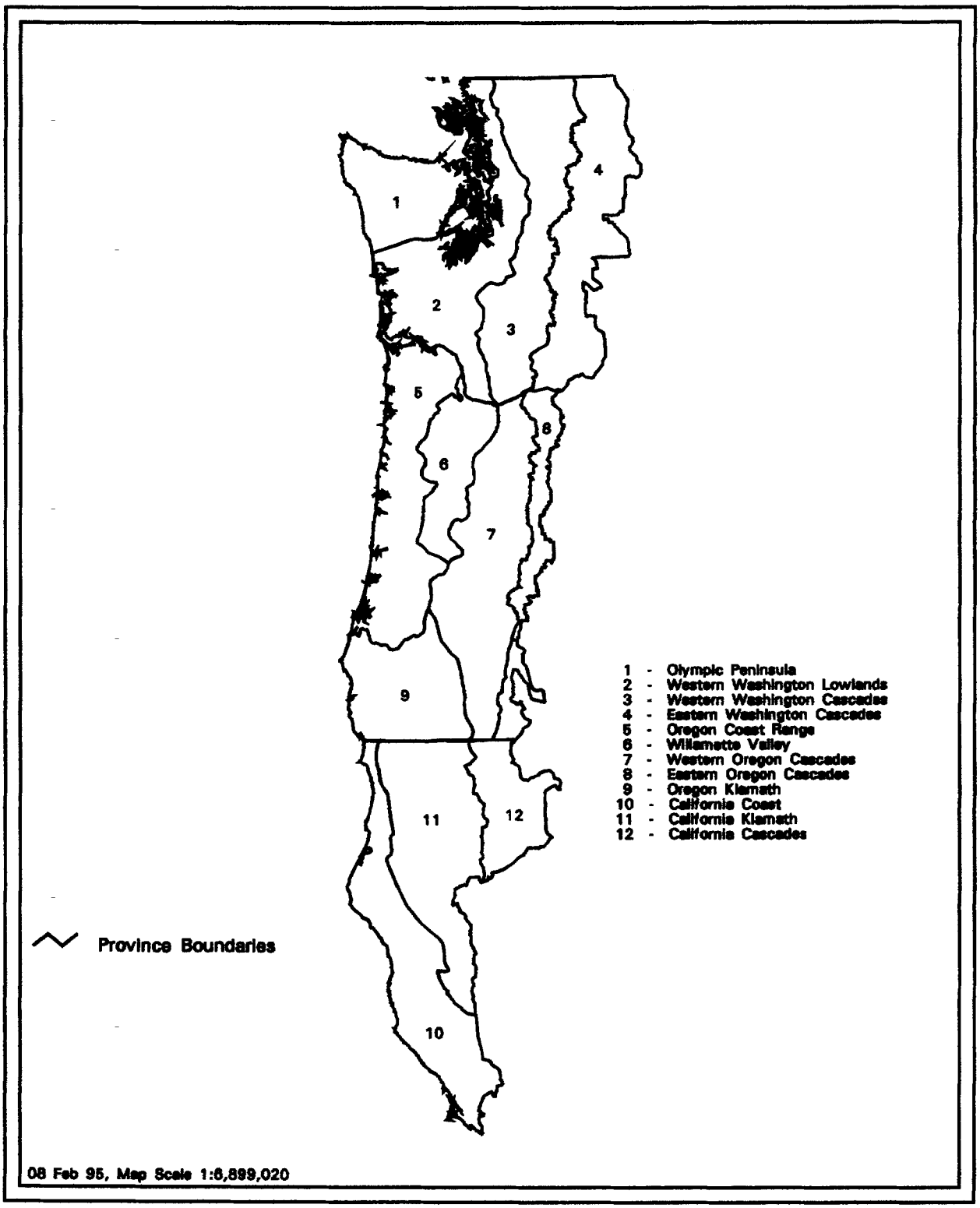

Figure 4 to § 17.41 (c) Physiographic Provinces within the range of the Northern Spotted Owl.

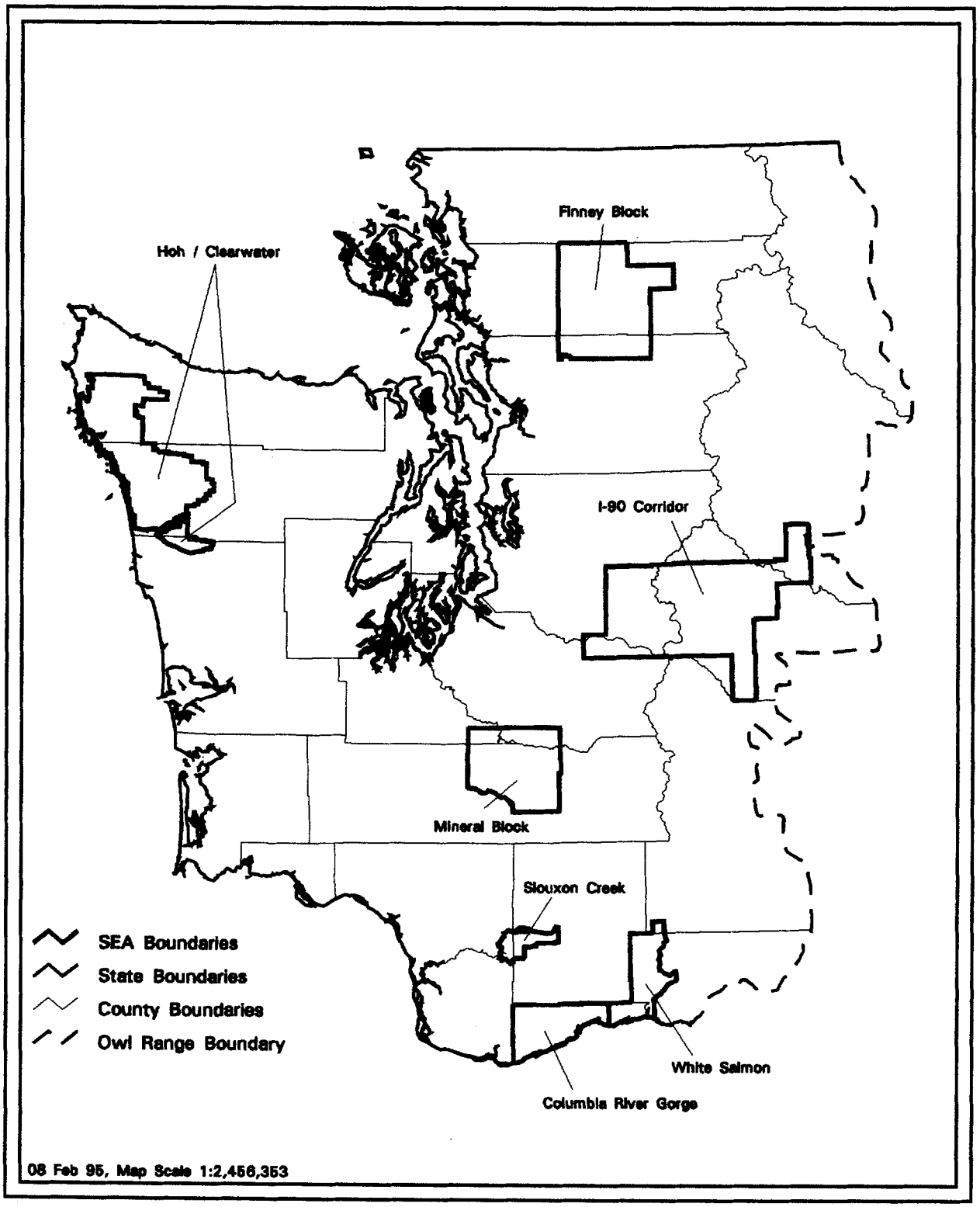

Figure 5 to § 17.41 (c) Special Emphasis Area (SEA) boundaries in Washington.

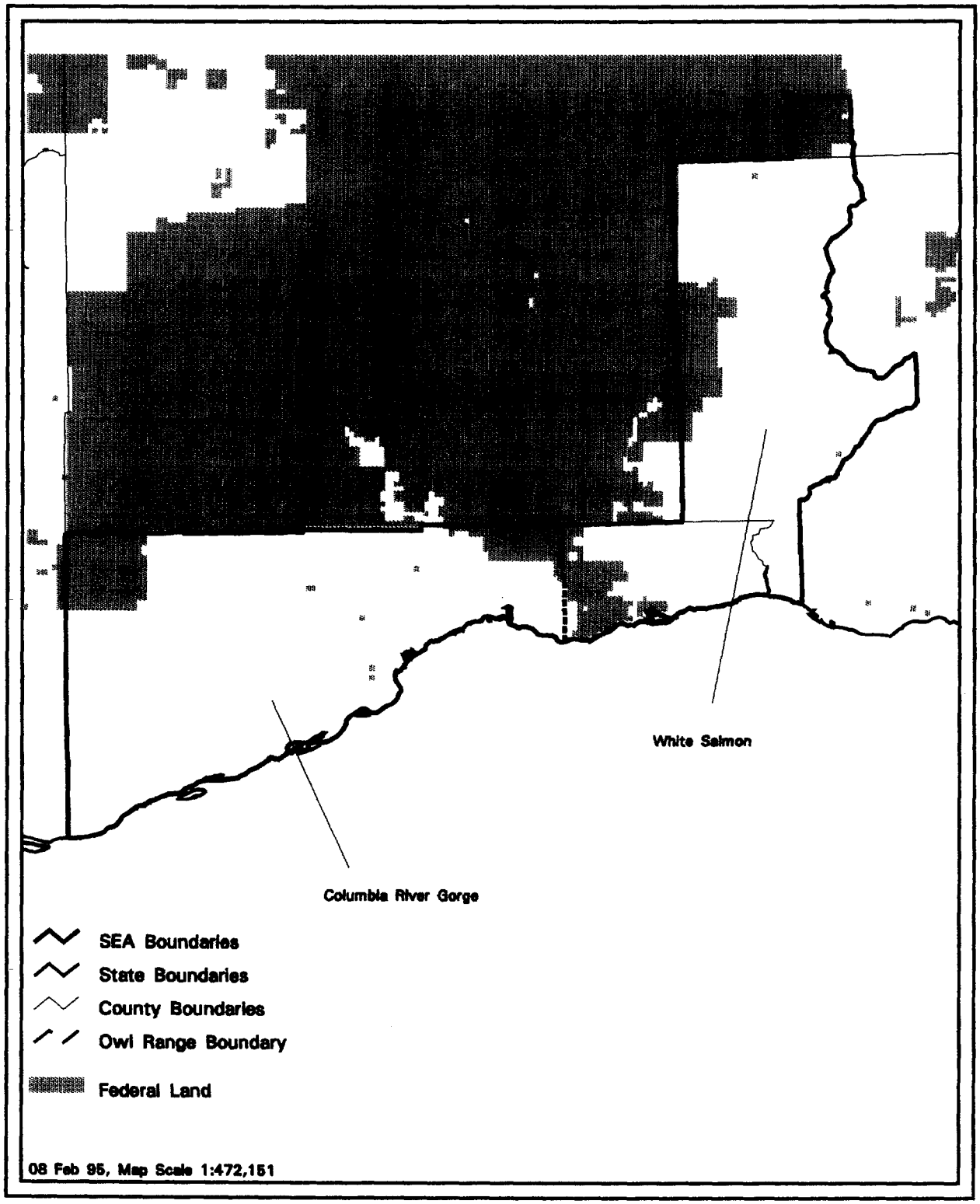

Figure 6 to § 17.41 (c) White Salmon and Columbia River Gorge SEA in Washington.

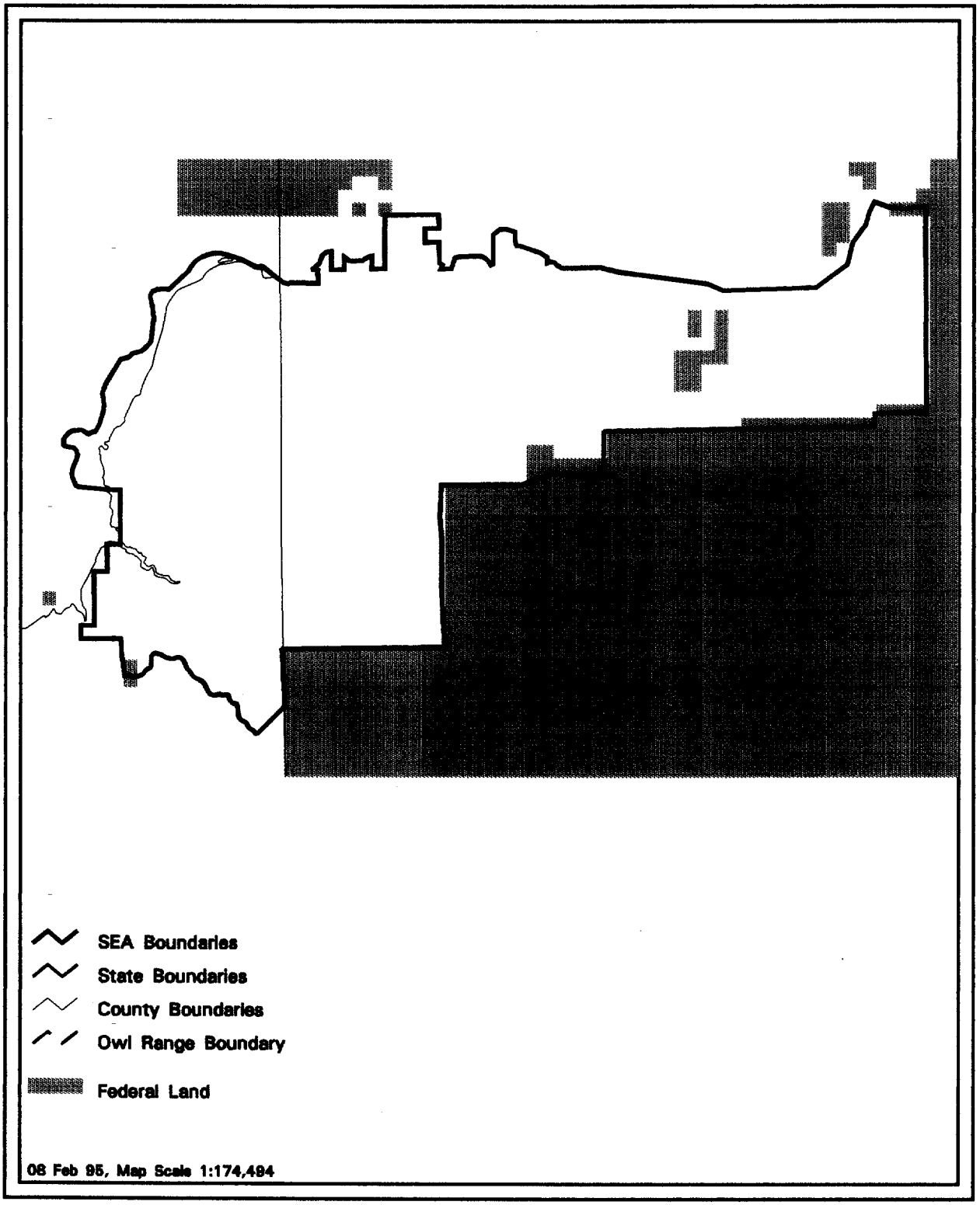

Figure 7 to § 17.41 (c) Siouxon Creek SEA in Washington.

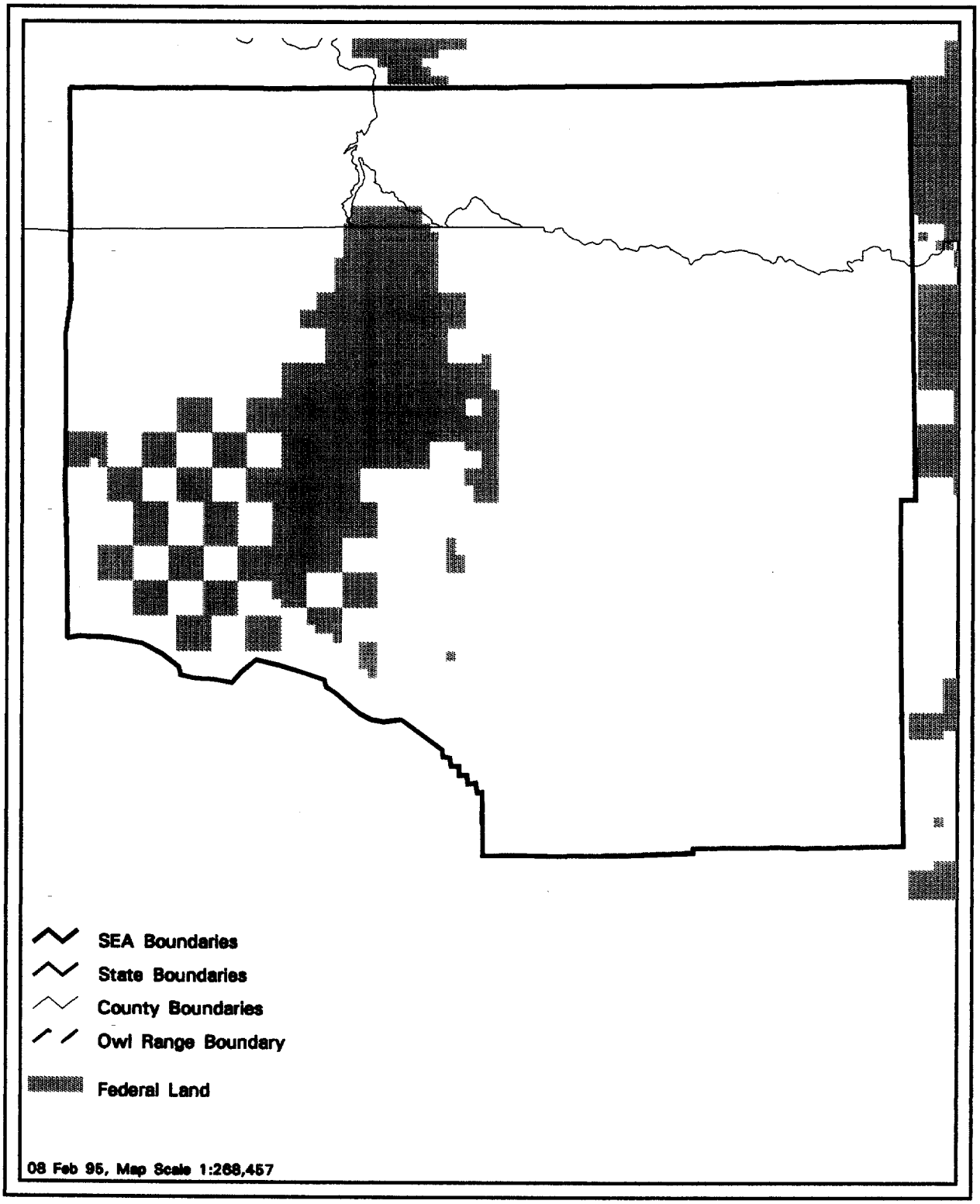

Figure 8 to § 17.41 (c) Mineral Block SEA in Washington.

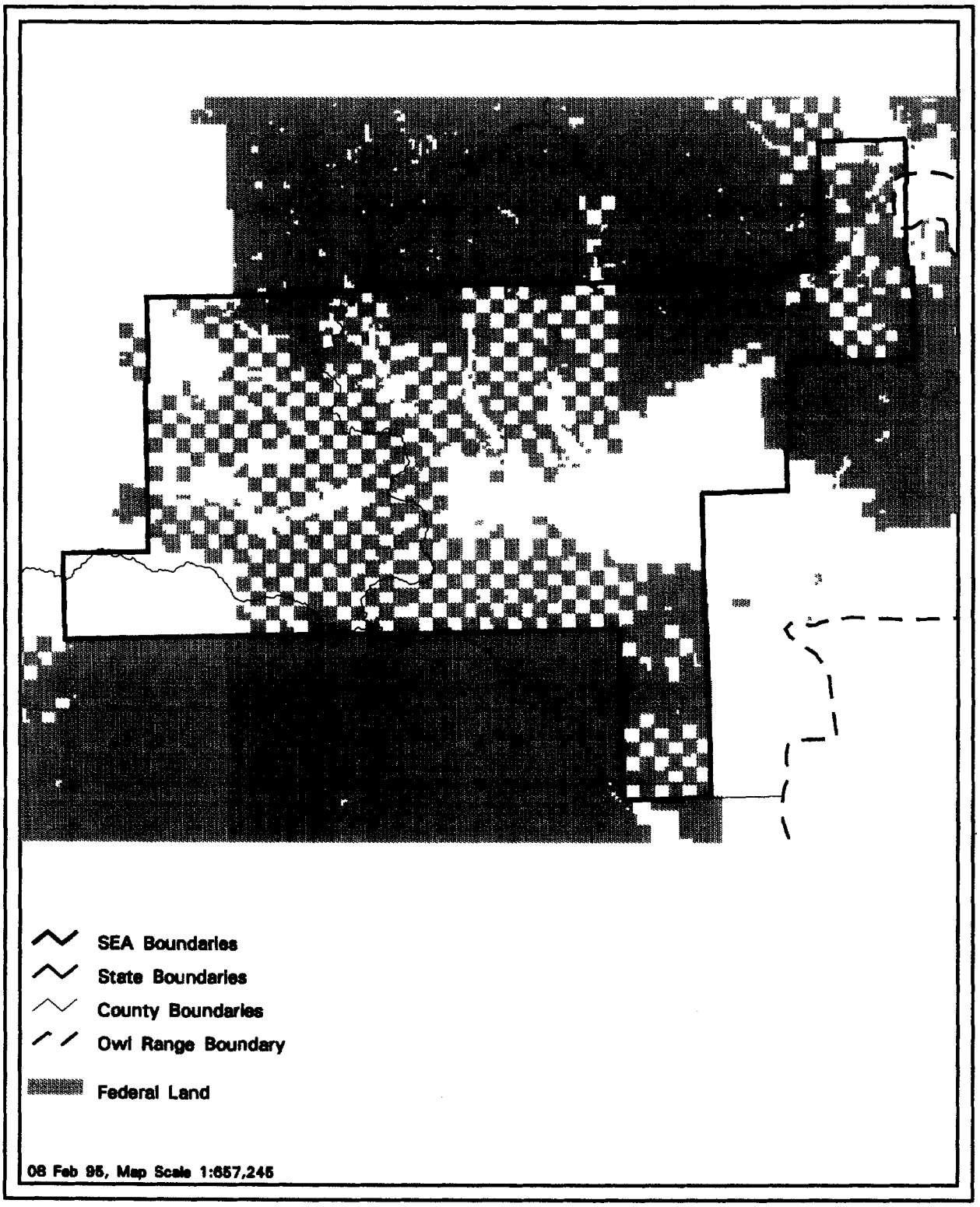

Figure 9 to § 17.41 (c) I-90 Corridor SEA in Washington.

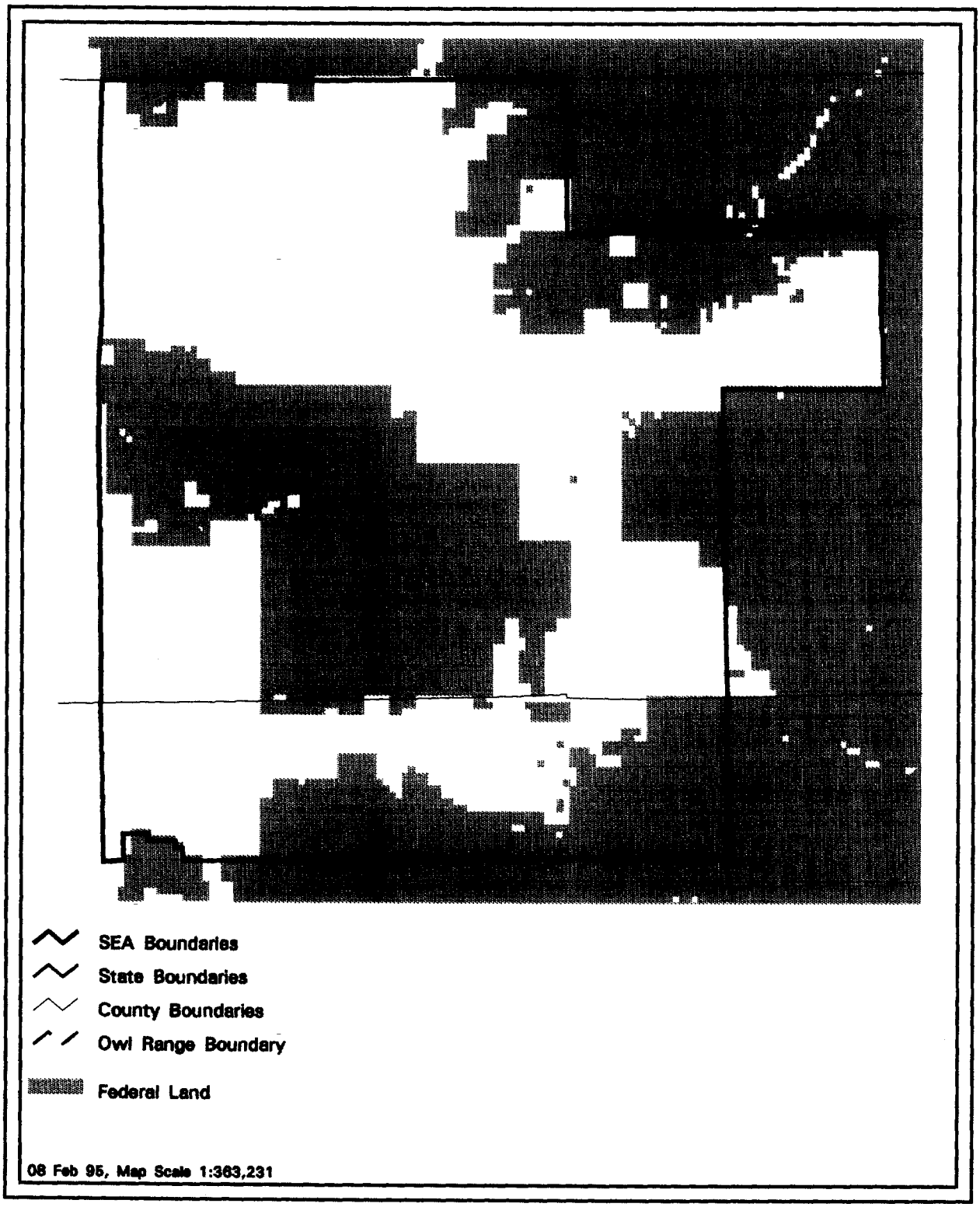

Figure 10 to § 17.41 (c) Finney Block SEA in Washington.

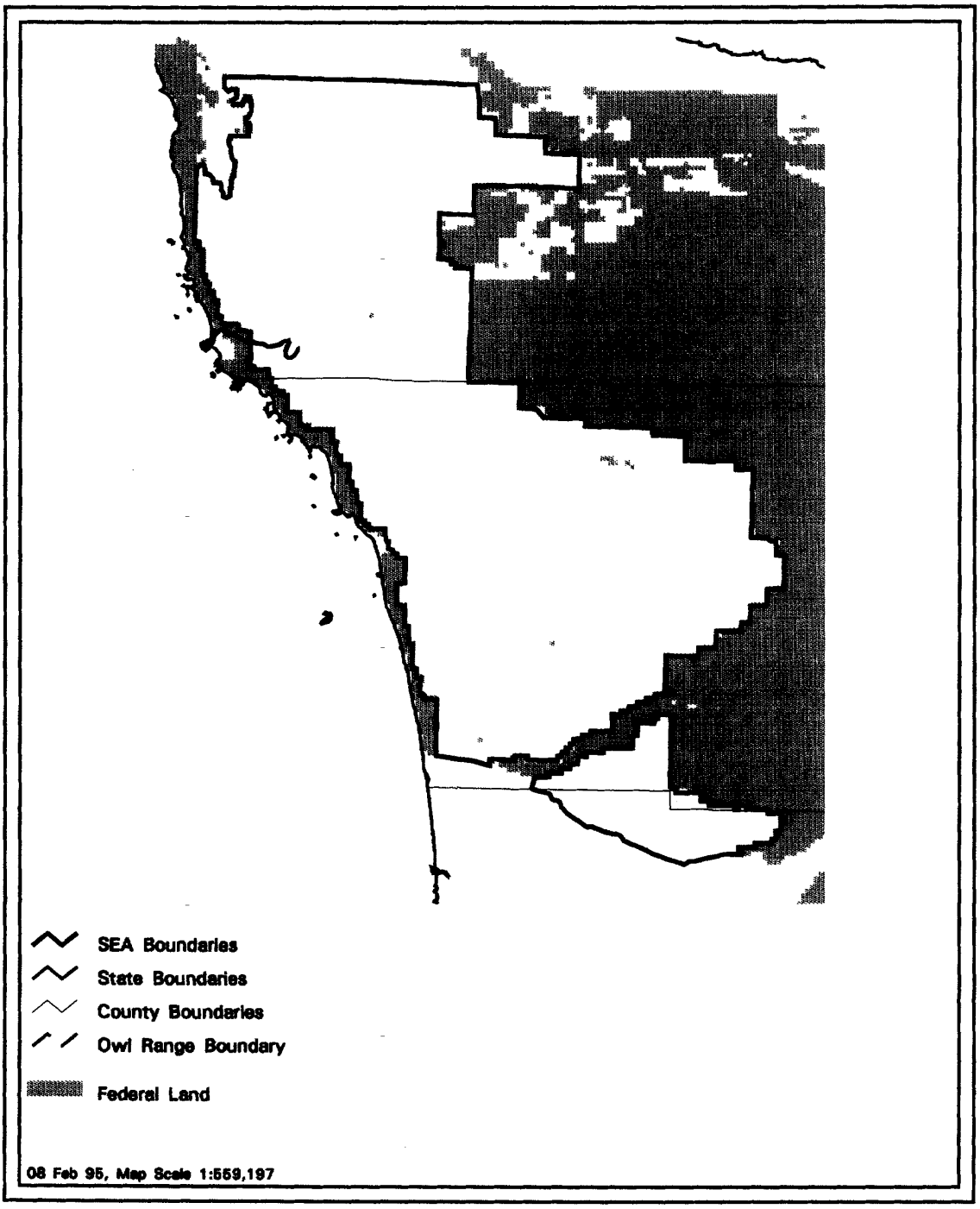

Figure 11 to § 17.41 (c) Hoh / Clearwater SEA in Washington.

Dated: February 13, 1995.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 95–3922 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–55–C

federal register

Friday
February 17, 1995

Part VII

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 201

Topical Drug Products Containing Benzoyl Peroxide; Required Labeling; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 201

[Docket No. 92N–0311]

Topical Drug Products Containing Benzoyl Peroxide; Required Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing additional labeling (warning and directions) for all topically-applied acne treatment drug products containing benzoyl peroxide. The warning advises consumers to avoid unnecessary sun exposure and to use a sunscreen when using a benzoyl peroxide product to treat acne. The directions provide information about applying benzoyl peroxide and a sunscreen, and about discontinuing use of both products if irritation or sensitivity develops. Prescription drug products will need a patient package insert to convey this information to product users. The agency is requesting public comment on whether a consumer package insert should be required to provide additional information FDA believes users of these benzoyl peroxide products should have. That information would summarize some problems that occurred when benzoyl peroxide was used in tests on mice and would mention that additional studies are currently being conducted. The final status of benzoyl peroxide in over-the-counter (OTC) drug products and the continued need for the additional labeling will be determined when these additional studies are completed and evaluated.

DATES: Written comments on the proposed regulation by May 18, 1995. Written comments on the agency's economic impact determination by May 18, 1995. FDA is proposing that the final rule based on this proposal be effective 6 months after the date of its publication in the **Federal Register**.

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

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD–810), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5000.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 7, 1991 (56 FR 37622), FDA published, under § 330.10(a)(6) (21 CFR 330.10(a)(6)), an amendment of the tentative final monograph for topical acne drug products for OTC human use in which the agency reclassified benzoyl peroxide from its previously proposed monograph status (Category I) to ''more-data-needed'' (Category III) status. This action (56 FR 37622) was based on new information that raised a safety concern regarding benzoyl peroxide as a tumor promoter in mice (Ref. 1) and a study that reported that benzoyl peroxide has tumor initiation potential (Ref. 2).

Subsequently, a drug manufacturers association submitted data and information in support of the safety of benzoyl peroxide (Refs. 3 through 6). FDA evaluated these data and information and determined that the studies show that benzoyl peroxide is a skin tumor promoter in more than one strain of mice as well as in hamsters. To date, topical studies (which have shown only tumor promotion) have been of short duration (about 52 weeks). Although animal data and human epidemiology data are available, the agency has determined that further studies are necessary to adequately assess the tumorigenic potential of benzoyl peroxide. These studies are currently being conducted (Ref. 7). The agency acknowledges that it may take several years for these studies to be completed and analyzed, and for a final determination to be made on benzoyl peroxide's safety.

Because studies have shown that benzoyl peroxide is a skin tumor promoter in animals, and the relevance of this finding to humans is unknown, the agency was concerned about continued OTC marketing during the several years it will take to resolve the safety issues raised by the studies discussed above. Because of this concern, the agency discussed this matter with its Dermatologic Drugs Advisory Committee (the Committee) on April 10, 1992 (Ref. 8). At that meeting, information was presented by representatives of FDA and industry, consumer, and professional organizations. The Committee was asked to assess the safety and efficacy data available for benzoyl peroxide, to consider the benefit-to-risk ratio, and to recommend whether the product should continue to be available for use while further safety data are developed. The Committee voted unanimously that benzoyl peroxide should remain available as an OTC drug product.

The Committee was also asked whether the OTC labeling of benzoyl peroxide drug products should be changed to include a statement concerning the ingredient's potential to cause skin tumors in animals, what is the relevance of this potential in humans, and how such a statement should be worded for consumers. The Committee recommended by a four to three vote (with one abstention) that information about what is known about benzoyl peroxide should be provided to consumers by some mechanism. Because of the lack of data, however, the Committee recommended that no warning statement concerning cancer should be included in the labeling of benzoyl peroxide products. The Committee recommended unanimously that FDA consider appropriate wording for additional labeling to highlight those areas where there may be risks and that the proposed wording be brought back to the Committee for review.

The Committee was also informed that the agency had previously recommended to industry that a lifetime animal carcinogenicity study to assess benzoyl peroxide's safety include, as part of the protocol, periods of exposure to UV light (Ref. 9). The Committee was asked its opinion on the need for such testing. Industry representatives stated to the Committee that studies already conducted by Iversen (Refs. 10 and 11) showed no evidence that benzoyl peroxide enhanced the carcinogenicity of UV light. After a lengthy discussion, the Committee concluded that the Iversen studies were insufficient to fully resolve this issue because they were not animal lifetime studies and an insufficient number of animals had been used. Further, based on the protocol, it was uncertain that the studies provided assurance that benzoyl peroxide's tumor fostering potential was conclusively assessed. The Committee recommended unanimously that a new photocarcinogenicity study should be conducted (Ref. 12). As noted above, this study is being conducted (Ref. 7).

A comment submitted after the Committee meeting (Ref. 13) from a consumer association urged the agency to move quickly to inform the American public of the possible health and safety risks associated with benzoyl peroxide. The comment did not recommend removal of this drug from the OTC market, but suggested several labeling statements that could be used. Another comment by a national manufacturers association (Ref. 14) suggested that FDA use alternative available methods, rather than labeling, to disseminate information on this subject. The association proposed: (1) Fact Sheets mailed to consumer groups and publishers of medical- and pharmacy-

related information, (2) publications in FDA Consumer, and (3) other similar and related mechanisms. The association stated that the OTC label should be maintained as an instructional tool for safe product use rather than for the dissemination of ambiguous, potentially frightening information that the consumer has little ability to make an informed decision about.

The association contended that labeling already proposed by the agency for benzoyl peroxide pertaining to ''skin irritation'' (50 FR 2172 at 2181, January 15, 1985) would take into account the hypothetical mechanism of skin tumor promotion which—although not known to occur in humans—represents the best model to date to describe the possible risk that is at issue with benzoyl peroxide. The comment concluded that the proposed warning conforms to the Committee's recommendations, i.e., avoids the term ''cancer'' yet provides information to the public, is instructional and actionable, and allows consumers to take definitive risk avoidance action by not using the product.

The agency has carefully considered the Committee's and the comments' views. The agency agrees that marketing of benzoyl peroxide should continue while the ongoing studies are being completed. The agency agrees that information should be provided to consumers and that no warning statement concerning cancer should be included in the labeling of benzoyl peroxide drug products because currently available data are inconclusive. The agency has given extensive consideration to the potential risks established to date, e.g., sun exposure, and is proposing certain labeling information that it believes should be provided to consumers now. The bases for these proposals follow.

Although the skin tumor promotion caused by benzoyl peroxide in mice and hamsters is disturbing, the overall test results are not conclusive, and the risk to humans is unknown. In recent epidemiologic studies (Refs. 15 and 16), Hogan et al. concluded that there is no indication that the normal use of benzoyl peroxide in the treatment of acne is associated with an increased risk of acial skin cancer.

Benzoyl peroxide is a widely used and effective ingredient in the topical treatment of acne. As noted above, the Committee recommended unanimously that benzoyl peroxide should remain available as an OTC drug product while the additional studies to answer the unresolved safety questions are being conducted. When those studies are completed, the monograph or nonmonograph status of benzoyl peroxide will be resolved.

FDA has determined that the results of available animal studies do not provide a sufficient basis to restrict OTC marketing of benzoyl peroxide products at this time. However, the agency has tentatively determined that consumers who choose to use products containing this ingredient need to be informed about an additional condition related to this use, i.e., to avoid unnecessary sun exposure and to use a sunscreen. The agency has also determined that it would be desirable to provide users of benzoyl peroxide products some additional information about this drug based on the studies that have been and are being conducted.

The agency has considered the comments' viewpoints on how consumers should be informed about this new information and finds that the various suggestions have merit. The agency tentatively finds that the best way to directly inform users of benzoyl peroxide drug products about sun exposure and this ingredient is to provide the information in product labeling. The agency will also disseminate this information in other standard ways, e.g., the FDA Consumer and the FDA Medical Bulletin. The agency will be able to provide more detailed information in these publications than can be provided in OTC drug product labeling.

Based on the above discussion, the agency is proposing to require that the labeling of products containing benzoyl peroxide include a new warning and additional directions. The warning advises users of these products to avoid unnecessary sun exposure and to use a sunscreen. The agency believes that the warning information is important enough that it should appear in boldface type as the first statement under the heading ''WARNINGS.'' The additional directions provide information about applying the benzoyl peroxide and sunscreen. For OTC drug products containing benzoyl peroxide, the agency is proposing that the following information be used:

(1) The following statement shall appear in boldface type as the first sentence under the heading ''Warnings'': ''When using this product, avoid unnecessary sun exposure and use a sunscreen.''

(2) The following information shall appear in the ''Directions'' section of the labeling: ''If going outside, use a sunscreen. (sentence in boldface type) Allow [insert name of benzoyl peroxide product] to dry, then follow directions in the sunscreen labeling. If irritation or sensitivity develops, discontinue use of both products and consult a doctor.''

Prescription drug products will need a patient package insert to convey this information to users of the product. For prescription drug products, the agency is proposing that this same information appear in a patient package insert in accord with 21 CFR 201.57(f)(2) and new § 201.318 (21 CFR 201.318) of this chapter, which is being proposed in this document.

The agency would like public comment on how beneficial it would be to provide users of OTC and prescription drug products containing benzoyl peroxide additional information on what is known about the ingredient. This information would summarize in lay language some problems that occurred when benzoyl peroxide was used in tests in mice and would inform users of the product that additional studies are currently being conducted. The information would also state that consumers can continue to use benzoyl peroxide products while these tests are being done. The agency is contemplating requiring this information to appear in a consumer package insert because it is too extensive to appear on the immediate container or carton labeling. If implemented, the requirement would appear as follows:

The following information shall appear in a package insert under the heading ''Additional Information About'' (insert brand name of benzoyl peroxide product):

What is in (insert brand name of benzoyl peroxide product)?

The main active ingredient in (insert brand name of product) is benzoyl peroxide. People have used it for more than 25 years to treat pimples and acne. In animal tests, benzoyl peroxide was put on the skin of mice after other chemicals known to cause tumors. Benzoyl peroxide appeared to make the tumors caused by the other chemicals grow faster, but benzoyl peroxide did not cause tumors by itself. Substances that cause tumors to grow or to grow faster in animals raise questions about the possibility of a similar effect in humans. However, many such substances have had no effect on human tumors.

Does Benzoyl Peroxide Cause Tumors to Grow in Humans?

A Canadian survey looked at people who did and did not use benzoyl peroxide. The people who used benzoyl peroxide did not have any more skin tumors than those who did not use it.

No one study can answer all the important questions about the effects of a medicine. This Canadian survey did not consider the effects of using benzoyl peroxide for many years or in places where people may be exposed to other causes of skin tumors, such as locations that get more sunlight. More studies are being done now.

What Should I Do?

At this time, a group of doctors called together by the Food and Drug Administration believe it is okay to continue to use benzoyl peroxide to help clear up pimples while more studies are being done. There is no evidence that the drug causes tumors or causes tumors to grow faster in humans.

If you decide to use this medicine, you should try to avoid possible causes of tumors. Because sunlight can cause tumors in humans, you should stay out of sunlight as much as possible and use a sunscreen when you go outside.

This leaflet will be revised when more is known about the effects of benzoyl peroxide.

This labeling would apply equally to both OTC and rescription drug products that contain benzoyl peroxide. At this time, only one prescription product (a combination product containing benzoyl peroxide and erythromycin) is subject to an approved application. Other prescription products are currently marketed without approved applications. This labeling would apply to any prescription product containing benzoyl peroxide, whether marketed under or without an approved application.

The agency is especially concerned whether the benzoyl peroxide warning will be read and understood by teenagers, the largest group of targeted consumers of acne drug products, and, if read, if they will comply with the warning. An additional concern is the possibility that the proposed labeling may result in teenagers not treating acne at all, although dermatologists consider this an abnormal skin condition that should be treated. Based on these concerns, the agency invites public comment, particularly with supporting information, regarding label reading, label understanding, and making use of the information, especially with regard to the teenage population. The agency also invites comment on whether the proposed consumer package insert would provide useful information to teenagers. An alternative to the labeling approach that FDA is proposing would be to place the ingredient on prescription status until the testing is completed. At that time, the skin tumor promotion issue and the effects of sun exposure should be resolved, and a final decision can be made on the monograph or nonmonograph status of this ingredient.

Based on all information currently available, the agency considers the known benefits of the OTC availability of products containing benzoyl peroxide to exceed the possible safety risks. However, until a final determination is made on the OTC status of benzoyl peroxide, the agency tentatively concludes that additional information about the ingredient needs to be provided to consumers. The agency considers the labeling being proposed in this document to be in accord with the provisions of sections 201(n) and 502(a) of the act (21 U.S.C. 321(n) and 352(a)).

The agency acknowledges that there currently is a lack of information on possible interactions between products containing benzoyl peroxide and products containing a sunscreen (or sunscreens). There are numerous benzoyl peroxide products in the marketplace, and these products are formulated with a variety of inactive ingredients. Likewise, there are many sunscreens in the marketplace, and these products are formulated with a variety of inactive ingredients, which in some cases are different than those contained in the benzoyl peroxide products. However, the agency is unable to state whether any incompatibilities may occur when the two types of products are used sequentially. The agency believes that users should allow the benzoyl peroxide to dry before applying the sunscreen. This would not be a concern if the benzoyl peroxide is applied at bed time and the sunscreen is applied the following morning. However, some users will reapply the benzoyl peroxide in the morning before going outside. Sunscreen applied soon after the benzoyl peroxide could interact with the benzoyl peroxide product. Therefore, the agency is considering the following product labeling to inform consumers: ''There currently is a lack of information on possible interactions between products containing benzoyl peroxide and products containing a sunscreen (or sunscreens).''

The agency is aware that the prescription ingredient tretinoin, which is used for the topical treatment of acne, states in its labeling (Ref. 17) that ''Use of sunscreen products and protective clothing over treated areas is recommended when exposure [to sunlight] cannot be avoided.'' However, the labeling does not provide any directions about the time or method of applying he sunscreen. The same manufacturer also markets benzoyl peroxide acne drug products. Thus, the manufacturer may have information in its files about the use of a sunscreen following topical acne drug products containing benzoyl peroxide. Manufacturers of both benzoyl peroxide and sunscreen products are invited to comment on the appropriateness of a waiting period between application of the two products and to submit any information available in their files on sequential use of these types of products.

Because the agency is encouraging manufacturers of benzoyl peroxide products to voluntarily implement the labeling in this proposal as soon as possible (see discussion below), manufacturers may wish or need to add additional information in their labeling about application intervals as appropriate for their specific product.

References

(1) Slaga, T. J. et al., ''Skin-Tumor Activity of Benzoyl Peroxide, A Widely Used Free Radical-Generating Compound,'' *Science*, 213:1023–1025, 1981.

(2) Kurokawa, Y. et al., ''Studies on the Promoting and Complete Carcinogenic Activities of Some Oxidizing Chemicals in Skin Carcinogenesis,'' *Cancer Letters*, 24:299–304, 1984.

(3) Comment No. RPT, Docket No. 81N–0114, Dockets Management Branch.

(4) Comment No. RPT 00002, Docket No. 81N–0114, Dockets Management Branch.

(5) Comment No. SUP00002, Docket No. 81N–0114, Dockets Management Branch.

(6) Comment No. SUP00003, Docket No. 81N–0114, Dockets Management Branch.

(7) Comments No. C31, PR1, and PR2, Docket No. 81N–0114, Dockets Management Branch.

(8) Transcript of 34th meeting of FDA's Dermatologic Drugs Advisory Committee, April 10, 1992, Bethesda, MD, pp. 10–22, 112–117, 146–149, 177–184, 234–236, and 262–266, OTC vol. No. 07BP, Docket No. 92N–0311, Dockets Management Branch.

(9) Comment No. MM4, Docket No. 81N–0114, Dockets Management Branch.

(10) Iversen, O. H., ''Carcinogenesis Studies with Benzoyl Peroxide (Panoxyl gel 5%),'' *Journal of Investigative Dermatology*, 86:442–448, 1986.

(11) Iversen, O. H., ''Skin tumorigenesis and carcinogenesis studies with 7, 12-dimethylbenz [a] anthracene, ultraviolet light, benzoyl peroxide (Panoxyl gel 5%) and ointment gel,'' *Carcinogenesis*, 9:803–809, 1988.

(12) Transcript of 34th meeting of FDA's Dermatologic Drugs Advisory Committee, April 10, 1992, Bethesda, MD, pp. 277–279, OTC vol. No. 07BP, Docket No. 92N–0311, Dockets Management Branch.

(13) Comment No. C6, Docket No. 81N–114A, Dockets Management Branch.

(14) Comment No. C7, Docket No. 81N–114A, Dockets Management Branch.

(15) Hogan, D. J., T. To, and E. R. Wilson, ''Drug and Non-Drug Risk Factors Associated With Facial Skin Cancer,'' A report to the Nonprescription Drug Manufacturers Association/the Nonprescription Drug Manufacturers Association of Canada on the Saskatchewan Study, Comment No. 4, Docket No. 81N–114A, Dockets Management Branch.

(16) Hogan, D. J. et al., ''A Study of Acne treatments as Risk Factors for Skin Cancer of the Head and Neck,'' *British Journal of Dermatology*, 125(4):343–348, 1991.

(17) ''Physicians Desk Reference—1993,'' 47 ed., Medical Economics Co., Montvale, NJ, pp. 1736–1737, 1993.

Manufacturers of all drug products containing benzoyl peroxide are

encouraged to voluntarily implement this labeling as of the date of publication of this proposal, subject to the possibility that FDA may change the wording of the statement, or not require the statement, as a result of comments filed in response to this proposal. Because FDA is encouraging that the proposed labeling statement be used on a voluntary basis at this time the agency advises that manufacturers will be given ample time after publication of a final rule to use up any labeling implemented in conformance with this proposal.

FDA has examined the impacts of the proposed rule under Executive Order 12866 and the Regulatory Flexibility Act (Pub. L. 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, and other advantages; distributive impacts; and equity). The agency believes that this proposed rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the proposed rule is not a significant regulatory action as defined by the Executive Order and, thus, is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. The proposed rule is estimated to generate a one-time label modification, the cost of which will not be significant. Similarly, the costs incurred by small businesses are estimated to be insufficient to warrant a regulatory flexibility analysis. FDA believes that small marketers use relatively simple and inexpensive packaging and labeling. Hence, labeling change costs to small firms are not expected to be substantial. Accordingly, the agency certifies that the proposed rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

The agency invites public comment regarding any substantial or significant economic impact that this rulemaking would have on manufacturers of drug products that contain benzoyl peroxide. Comments regarding the impact of this rulemaking on benzoyl peroxide containing drug products should be accompanied by appropriate documentation. A period of 90 days from the date of pubication of this proposed rulemaking in the **Federal Register** will be provided for comments on this subject to be developed and submitted. The agency will evaluate any comments and supporting data that are received and will reassess the economic impact of this rulemaking in the preamble to the final rule.

The agency has determined under 21 CFR 25.24(c)(6) 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.

Interested persons may, on or before May 18, 1995, submit written comments to the Dockets Management Branch (address above). Written comments on the agency's economic impact determination may be submitted on or before May 18, 1995. Three copies of all comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document and may be accompanied by a supporting memorandum or brief. Comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 201

Drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 201 be amended as follows:

PART 201—LABELING

1. The authority citation for 21 CFR part 201 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507,508, 510, 512, 530–542, 701, 704, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 358, 360, 360b, 360gg-360ss, 371, 374, 379e); secs. 215, 301, 351, 361 of the Public Health Service Act (42 U.S.C. 216, 241, 262, 264).

2. New § 201.318 is added to subpart G to read as follows:

§ 201.318 Labeling for benzoyl peroxide-containing topical preparations; required statements.

(a) Studies have shown that skin tumors were fostered in laboratory animals exposed to benzoyl peroxide and tumor initiators. It is also known that excessive sunlight can cause skin cancer in humans. Animal studies are in progress to investigate whether benzoyl peroxide is a tumor promoter or initiator in the absence and/or presence of sunlight. While these studies are being conducted, and until the results of the studies have been assessed, FDA concludes that the labeling of topical drug products containing benzoyl peroxide should inform users of the product that some harm may result from exposure to sunlight in conjunction with the use of products containing benzoyl peroxide. Accordingly, a warning and additional directions must appear in the labeling of prescription or over-the-counter (OTC) drug products that contain benzoyl peroxide.

(b) Any OTC drug product containing benzoyl peroxide for topical administration shall bear the following statement in its labeling:

(1) The following statement shall appear in boldface type as the first sentence under the heading ''Warnings'': ''When using this product, avoid unnecessary sun exposure and use a sunscreen.''

(2) The following information shall appear in the ''Directions'' section of the labeling: ''If going outside, use a sunscreen. (sentence in boldface type) Allow [insert name of benzoyl peroxide product] to dry, then follow directions in the sunscreen labeling. If irritation or sensitivity develops, discontinue use of both products and consult a doctor.''

(c) Requirement for a patient package insert for any prescription drug product containing benzoyl peroxide for topical administration. Each topical benzoyl peroxide product restricted to prescription distribution, including any benzoyl peroxide in fixed combination with other drugs, shall be dispensed to patients with a patient package insert containing the information in paragraph (c)(2)(iii) of this section. This requirement applies to any topical benzoyl peroxide drug product that is the subject of a new drug application approved either before or after October 9, 1962, and all identical, related, or similar drug products as defined in § 310.6 of this chapter, whether or not the subject of an approved new drug application.

(1) *Distribution requirements.* For topical benzoyl peroxide drug products, the manufacturer and distributor shall provide a patient package insert in or with each package of the drug product that the manufacturer or distributor intends to be dispensed to a patient. The patient labeling shall be provided as a separate printed leaflet independent of any additional materials provided with the product.

(2) *Patient package insert contents.* A patient package insert for a topical benzoyl peroxide drug product is required to contain the following information:

(i) The name of the drug.

(ii) The name and place of business of the manufacturer, packer, or distributor.

(iii) The following statement: WARNING: ''When using this product, avoid unnecessary sun exposure and use a sunscreen.'' (sentence and word WARNING in boldface type)

(iv) The following information shall appear in the ''Directions'' section of the labeling: ''If going outside, use a sunscreen. (sentence in boldface type) Allow [insert name of benzoyl peroxide product] to dry, then follow directions in the sunscreen labeling. If irritation or sensitivity develops, discontinue use of both products and consult a doctor.''

(v) The date, identified as such, of the most recent revision of the patient package insert.

(3) *Requirements to supplement approved application*. Holders of approved applications for topical benzoyl peroxide drug products that are subject to the requirements of this section must submit supplements under § 314.70(c) of this chapter to provide for the labeling required by paragraph (c) of this section. Such labeling may be put into use without advance approval of the Food and Drug Administration provided it includes only the information included in paragraph(c) of this section.

(d) Any drug product subject to this section that is not labeled as required and that is initially introduced or initially delivered for introduction into interstate commerce after (insert date 6 months after date of publication of the final rule in the **Federal Register**) is misbranded under section 502 of the Federal Food, Drug, and Cosmetic Act and is subject to regulatory action.

Dated: January 31, 1995.

William K. Hubbard,

Interim Deputy Commissioner for Policy.

[FR Doc. 95–4007 Filed 2–16–95; 8:45 am]

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federal register

Friday
February 17, 1995

Part IX

Department of Education

International Education Exchange Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.304A]

International Education Exchange Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995

Purpose of Program: To support international education exchange activities between the United States and eligible countries in civics and government education and economic education.

Eligible Applicants: Independent nonprofit educational organizations that-

(a) Have expertise in international achievement comparisons, and are experienced in—

(1) The development and national implementation of curricular programs in civics and government education and economic education for students from grades kindergarten through 12 in local, intermediate, and State educational agencies, in schools funded by the Bureau of Indian Affairs, and in private schools throughout the Nation with the cooperation and assistance of national professional educational organizations, colleges and universities and private sector organizations;

(2) The development and implementation of cooperative university and school-based inservice training programs for teachers of grades kindergarten through 12 using scholars from such relevant disciplines as political science, political philosophy, history, law and economics;

(3) The development of model curricular frameworks in civics and government education and economic education;

(4) The administration of international seminars on the goals and objectives of civics and government education or economic education in constitutional democracies (including the sharing of curricular materials) for educational leaders, teacher trainers, scholars in related disciplines, and educational policymakers; and

(5) The evaluation of civics and government education or economic education programs; and

(b) Have the authority to subcontract with other organizations to carry out these provisions.

Deadline for Transmittal of Applications: April 17, 1995.

Deadline for Intergovernmental Review: June 16, 1995.

Applications Available: February 23, 1995.

Available Funds: $3,000,000.

Estimated Range of Awards: $1,300,000 to $1,700,000.

Estimated Average Size of Awards: $1,500,000.

Estimated Number of Awards: 2.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, and 86; and (b) The regulations in 34 CFR parts 98 and 99.

Priorities: Under 34 CFR 75.105(c)(3) and 20 USC 5951(c)(2)(B) the Secretary gives an absolute preference to applications that meet one of the following priorities. The Secretary funds under this competition only applications that meet one of these absolute priorities:

Absolute Priority 1—International Education Exchange Program in Civics and Government Education.

Absolute Priority 2—International Education Exchange Program in Economic Education.

To meet one of these two priorities, each applicant must propose to carry out the following activities, in either civics and government education or economic education:

(a) Provide eligible countries with—

(1) Seminars on the basic principles of the United States constitutional democracy and economics, including seminars on the major governmental and economic institutions and systems in the United States, and visits to such institutions;

(2) Visits to school systems, institutions of higher learning, and nonprofit organizations conducting exemplary programs in civics and government education and economic education in the United States;

(3) Home stays in United States communities;

(4) Translations and adaptations regarding the United States civics and government education and economic education curricular programs for students and teachers, and in the case of training programs for teachers translations and adaptations into forms useful in schools in eligible countries, and joint research projects in such areas;

(5) Translation of basic documents of United States constitutional government for use in eligible countries, such as *The Federalist Papers*, selected writings of Presidents Adams and Jefferson, and the Anti-Federalists, and more recent works on political theory, constitutional law and economics;

(6) Research and evaluation assistance to determine—

(i) The effects of educational programs on students' development of the knowledge, skills and traits of character essential for the preservation and improvement of constitutional democracy; and

(ii) Effective participation in and the preservation and improvement of an efficient market economy;

(b) Provide United States participants with—

(1) Seminars on the histories, economies, and governments of eligible countries;

(2) Visits to school systems, institutions of higher learning, and organizations conducting exemplary programs in civics and government education and economic education located in eligible countries.

(3) Home stays in eligible countries;

(4) Assistance from educators and scholars in eligible countries in the development of curricular materials on the history, government, and economies of such countries that are useful in United States classrooms;

(5) Opportunities to provide on-site demonstrations of United States curricula and pedagogy for educational leaders in eligible countries; and

(6) Research and evaluation assistance to determine—

(i) The effects of educational programs on students' development of the knowledge, skills, and traits of character essential for the preservation and improvement of constitutional democracy; and

(ii) Effective participation in and improvement of an efficient market economy; and

(7) Educational programs which draw upon the experiences of emerging constitutional democracies that are created and implemented for United States students; and

(c) Assist participants from eligible countries and the United States in participating in international conferences on civics and government education and economic education. The primary participants in these conferences shall be leading educators in the areas of civics and government education and economic education, including curriculum and teacher training specialists, scholars in relevant disciplines, and educational policymakers, from the United States and eligible countries. Also, provide a means for the exchange of ideas and experiences in civics and government education and economic education among political, educational, and private sector leaders of participating eligible countries.

Note: For this program, the term ''eligible country'' means a Central European country, an Eastern European country, Lithuania, Latvia, Estonia, Georgia, the Commonwealth

of Independent States, and any country that formerly was a republic of the Soviet Union whose political independence is recognized in the United States.

Selection Criteria: In evaluating applications for grants under this competition, the Secretary uses the selection criteria in 34 CFR 75.210(b). Under 34 CFR 75.210(c), the Secretary is authorized to distribute an additional 15 points among the criteria to bring the total to a maximum of 100 points. For this competition, the Secretary distributes the additional points as follow:

(3) *Plan of Operation* (34 CFR 75.210(b)(3)). Twelve points are added to this criterion for a possible total of 27 points.

(4) *Quality of Key Personnel* (34 CFR 75.210(b)(4)). Three points are added to this criterion for a possible total of 10 points.

For Applications or Information Contact: Dr. Joseph C. Conaty, U.S. Department of Education, 555 New Jersey Avenue NW., Room 610, Washington, D.C. 20208–5573. Telephone: (202) 219–2079. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8.a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 20 USC 5951.

Dated: February 13, 1995.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 95–4060 Filed 2–16–95; 8:45 am]

BILLING CODE 4000–01–P

federal register

Friday
February 17, 1995

Part X

Department of Education

Postsecondary Education: William D. Ford Federal Direct Student Loan Program; Notice

DEPARTMENT OF EDUCATION

William D. Ford Federal Direct Loan Program; Solicitation of Applications

AGENCY: Department of Education.

ACTION: Notice of Solicitation of Applications.

SUMMARY: The Secretary of Education invites applications from schools to participate in the William D. Ford Federal Direct Loan (Direct Loan) Program for the 1996–1997 academic year, which is the academic year beginning July 1, 1996. This notice relates to the Federal Direct Stafford/Ford Loan Program, the Federal Direct Unsubsidized Stafford/Ford Loan Program, and the Federal Direct PLUS Program, collectively referred to as the Direct Loan Program. On December 29, 1994, the Department of Education published a notice in the **Federal Register** (59 FR 67579) inviting schools to apply to participate in the third year of the Direct Loan Program. That notice included the Secretary's application and selection procedures. However, the version of the application form included with the notice did not contain an expiration date issued by the Office of Management and Budget. The form contained in the appendix to this notice contains this date. Any school wishing to apply to participate in the Direct Loan Program after the date of publication of this notice must use the application form included as an appendix to this notice. If a school has already submitted an application to the Secretary using the form published on December 29, 1994, the school does not have to reapply. Along with the revised application form, the Secretary is republishing the application and selection process for the convenience of schools.

APPLICATION DEADLINE: The deadline date for the transmittal of applications is November 1, 1995.

FOR FURTHER INFORMATION CONTACT: Byron K. Belser, U.S. Department of Education, 600 Independence Avenue SW., Room 3022, Regional Office Building 3, Washington, DC 20202–5400. Telephone: (202) 708–9406. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The Omnibus Budget Reconciliation Act of 1993, enacted on August 10, 1993, established the Direct Loan Program under Title IV, Part D of the Higher Education Act of 1965, as amended (HEA). See Subtitle A of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66). Under the Direct Loan Program, loan capital is provided directly to student and parent borrowers by the Federal Government rather than through private lenders.

Background

The HEA directed the Secretary to phase in the Direct Loan Program. The HEA provided that the student loan volume made under the Direct Loan Program should represent five percent of the total student loan volume in academic year 1994–1995, the first year of implementation, and 40 percent for the second year of the program (academic year 1995–1996). For academic year 1996–1997, the HEA directs the Secretary to exercise his discretion in the selection of schools so that the loans made under the Direct Loan Program will represent 50 percent of the new student loan volume for that academic year unless the Secretary determines that a higher percentage is warranted by the number of institutions of higher education that desire to participate in the Direct Loan Program that meet the eligibility requirements for participation. See section 453(a)(2) and (3) of the HEA.

Schools participating in the Direct Loan Program transmit and receive loan origination information electronically to and from a Direct Loan Servicer and receive Federal funds electronically. The Secretary provides PC software and mainframe specifications, as well as technical assistance, to schools to facilitate their implementation of the Direct Loan Program.

The standards for institutional participation in the Direct Loan Program for the 1995–1996 and subsequent academic years were published as final regulations on December 1, 1994 (59 FR 61664). See 34 CFR 685.400, and § 685.402. These final regulations were developed after the Secretary received input from the financial aid community and other members of the public through a negotiated rulemaking process and numerous other opportunities for public comment.

Application and Selection Process

The Secretary is directed to increase the loan volume under the Direct Loan Program to 50 percent of the total student loan volume for the 1996–1997 academic year, unless the Secretary determines that a higher percentage is warranted by the number of institutions of higher education that desire to participate in the Direct Loan Program and meet the eligibility requirements for participation.

The Secretary will accept applications from schools to participate in the Direct Loan Program through November 1, 1995. The Secretary will select schools to participate in the Direct Loan Program periodically throughout 1995 and will notify the institutions that are selected individually. The Secretary will publish a final list of the schools selected to participate in the Direct Loan Program after he has evaluated all of the applications received on or before November 1, 1995. The Secretary encourages potential participants to submit applications early. This will provide a school with more time to plan for its transition into the Direct Loan Program and to begin the transition process. Further, a school will be able to take advantage of training opportunities and prepare any campus materials it may choose to use in the Direct Loan Program.

A school that has been selected to participate in the Direct Loan Program for the 1995–1996 academic year, and an eligible school that applied to participate in the program for that year but was not selected, need not submit an application for the 1996–1997 academic year. If an eligible school that applied but was not selected for participation in the second year does not wish to be considered for participation in the third year, it should notify the Secretary.

Solicitation of Applications for Participation in the Direct Loan Program—1996–1997 Academic Year

Purpose of Program

To provide loans to enable students and parents of students to pay the students' costs of attendance at a postsecondary school. Under the Direct Loan Program, loan capital is provided directly to student and parent borrowers by the Federal Government rather than through private lenders.

Eligible Applicants

Colleges, universities, graduate and professional schools, and vocational and technical schools that meet the definition of an eligible institution under section 435(a) of the HEA.

Deadline for Transmittal of Applications

November 1, 1995.

For Information Contact

Byron K. Belser, U.S. Department of Education, 600 Independence Avenue SW., Room 3022, Regional Office Building 3, Washington, D.C. 20202–5400. Telephone: (202) 708–9406. Individuals who use a telecommunications device for the deaf

(TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Application Form and Instructions

The Secretary has developed an application form for a school to use to apply to participate in the Direct Loan Program. A copy of the application form is included as an Appendix to this notice. On this form, the signature of the President or Chief Executive Officer (CEO) of the institution is required. In addition, the school must designate an official at the school to receive Direct Loan materials.

If a school is applying as part of a consortium, it must indicate the exact names of all schools in the consortium and the name of the destination point (school or outside entity) for the consortium.

In order to be considered for participation in the 1996–1997 academic year, a school must complete the application and submit it to the address below as soon as possible, but no later than November 1, 1995.

A school may mail or fax the application to: U.S. Department of Education, Office of Postsecondary Education, ROB–3, Federal Direct Loan Task Force, Room 4025, 600 Independence Avenue SW., Washington, DC 20202–5162, FAX: (202) 260–6718, (202) 260–6705, or (202) 260–6706.

(Catalog of Federal Domestic Assistance Number 84.268, William D. Ford Federal Direct Loan Program)

Dated: February 14, 1995.

David A Longanecker,

Assistant Secretary for Postsecondary Education.

BILLING CODE 4000–01–P

Form Approved
O.M.B. No. 1840-0664
Expiration Date: 2/28/98

1996-97

William D. Ford Federal Direct Loan Program Participation Application

Section I: School Information

Please see instructions on back of application.

I-A. School Name: _____

I-B. FFEL Code: _____ I-C. IRS EIN: _____

Official Information

	President/CEO/Other	Designated Official to Receive Direct Loan Materials
I-D. Name	☐ Dr. ☐ Ms. ☐ Mr. _____	☐ Dr. ☐ Ms. ☐ Mr.
I-E. Title:	_____	
I-F. Address:	_____	
	_____	
	_____	
I-G. Telephone Number:	_____	
I-H. FAX Number:	_____	

I-I Signature of President or CEO: _____ Date: _____

Section II: School Participation

II-A. Would you like to participate in both the Direct Loan Program and the FFEL Program? Yes ☐ No ☐

II-B. Do you have any delinquent outstanding debts to the federal government? Yes ☐ No ☐

If yes, please indicate the name of the agency or agencies. _____

If you are not applying as a consortium, then you do not need to complete Section III.

Section III: School Consortium Information

Note that all schools in the consortium must file an application and must complete Section III.

Destination Point: _____ **FFEL # of Destination Point** _____

NAME OF SCHOOL _____ **FFEL # OF SCHOOL** _____

_____ _____

_____ _____

_____ _____

Continue on a separate sheet of paper if necessary.

William D. Ford Federal Direct Loan Program Application Instructions

I-A School Name - Enter the name of your school as it appears on the Federal Family Education Loan (FFEL) Program Participation Agreement (PPA). If the name of the school has changed since the PPA was signed, enter the school's new name, which should be currently on file with the Department.

I-B FFEL Code - Enter the six-digit school identification number under which your school receives its FFEL funds and FFEL default rate notifications. Note that only one FFEL code per application will be accepted. Institutions that receive funds from the Department under more than one FFEL code and are consequently notified of more than one default rate must apply for the Direct Loan Program under separate FFEL numbers.

I-C IRS Employer Identification Number - Enter your school's nine-digit IRS employer identification number (EIN). This is the tax identification number the IRS issues to businesses.

I-D Printed Name - Please print the name of the president or chief executive officer authorizing your school's application for the Direct Loan Program and whose signature is in the signature block. Also enter the name of the official designated to receive Direct Loan materials.

I-E Title - Enter the titles of persons indicated in I-D.

I-F Address - Enter the address of the president or chief executive officer who is authorizing the school's application for the Direct Loan Program. If the address of the school has changed since the PPA was signed, enter the new address, which should be currently on file with the Department. Also enter the address of the official designated to receive Direct Loan materials.

I-G Telephone Number - Enter the telephone number of the president or chief executive officer who is authorizing your school's application for the Direct Loan Program. Also enter the telephone number of the official designated to receive Direct Loan materials.

I-H FAX Number - Enter the FAX number of the president or chief executive officer who is authorizing your school's application to the Direct Loan Program.

I-I President/CEO Signature - The signature of the president or chief executive officer authorizes the school's application to the Direct Loan Program. This signature is necessary for a school to be considered for acceptance into the Direct Loan Program. By signing this application you certify that the information provided on the form is true and correct.

II-A Type of Participation - If your school wishes to offer new loans only through the Direct Loan Program, check the "No" box. If your school wishes to offer some students new loans through the FFEL Program and some of its new loans through the Direct Loan Program, check the "Yes" box.

II-B Delinquent Debts - Check the box that indicates whether your school owes a delinquent debt to any federal agency. If yes, provide the name of the agency or agencies.

III Consortium Information - For a school to be part of a consortium it must possess a six-digit school identification number under which it has received its FFEL funds and FFEL default rates. Schools that are part of a consortium will participate in the Direct Loan Program in the same manner as the other Direct Loan schools, except that the communication between the Secretary and the schools in consortia is through a single destination point.

In the space provided, please indicate the name (and FFEL number, if the destination point is a school) of the destination point for your consortium. In the additional space provided, list the names and corresponding FFEL numbers of all members of your consortium.

Applications should be sent to:–

U.S. Department of Education
Office of Postsecondary Education, ROB-3
Direct Loan Task Force, Room 4025
600 Independence Avenue, SW
Washington, DC 20202-5162

FAX (202) 260-6705

Paperwork Reduction Notice

The time required to complete this information collection is estimated to average 0.2. hours (12 minutes) per response, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to : U.S. Department of Education, Washington, DC 20202-4651. If you have any comments or concerns regarding the status of your individual submission of this form, write directly to: **U.S. Department of Education, Office of Postsecondary Education, ROB-3, Direct Loan task Force, Room 4025, 600 Independence Avenue, SW, Washington, DC 20202-5162**

[FR Doc. 95–4059 Filed 2–16–95; 8:45 am]
BILLING CODE 4000–01–C

federal register

Friday
February 17, 1995

Part XI

Department of the Interior

Bureau of Indian Affairs

Blackfeet Irrigation Project O&M Rate Increase, Montana; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Blackfeet Irrigation Project O&M Rate Increase, Montana

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of rate change.

SUMMARY: The Bureau of Indian Affairs is increasing the Blackfeet Irrigation Project's operation and maintenance assessment rate to $11 per assessable acre for the 1995 irrigation season and subsequent seasons. The $3 increase to the current rate of $8 per acre will help offset cost increases for personnel, supplies, materials and services.

DATES: This rate is effective for the 1995 irrigation season and will remain in effect until modified.

FOR FURTHER INFORMATION CONTACT: Area Director, Billings Area Office, Bureau of Indian Affairs, 316 North 26th Street, Billings, Montana 59101. Telephone number: (406) 657–6315.

SUPPLEMENTARY INFORMATION: The authority to issue this document is vested in the Secretary of the Interior by 5 U.S.C. 301, and the Act of August 14, 1914 (38 Stat. 583, 25 U.S.C. 385), and has been delegated to the Assistant Secretary—Indian Affairs pursuant to Part 209 Departmental Manual Chapter 8.1A and Memorandum, from Chief of Staff, Department of the Interior, to Assistant Secretaries, Heads of Bureaus and Offices, dated January 25, 1994.

The operation and maintenance assessment per assessable acre is based on the estimated normal operation and maintenance cost of the Project for one fiscal year. Normal operation and maintenance is defined as the cost of all activities involved in delivering irrigation water, including, but not limited to, labor, materials, equipment and services for irrigation canals, dams, flow control gates, pumps and other facilities.

The Notice proposing this increase to the Blackfeet Irrigation Project's operation and maintenance assessment rate was published on November 16, 1994, (59 FR 59244). A 30-day comment period was allowed. The Bureau received 13 comments from water users and other interested persons.

While all 13 comments opposed the rate increase, most recognized that the Project experiences delivery problems and requires better maintenance. The rate increase established herein will allow for the performance of this and will enable the Project to deliver water as required. The commentators failed to identify other means of achieving these goals without raising the operation and maintenance assessment rates. The BIA has therefore determined to proceed with the rate increase as established herein. The BIA will respond to each commentator further by letter.

Without this rate increase, critically needed maintenance cannot be completed, and the project's ability to deliver water will be diminished.

Dated: February 8, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95–4056 Filed 2–16–95; 8:45 am]

BILLING CODE 4310–02–P

federal register

Friday
February 17, 1995

Part XII

Department of Education

Telecommunications Demonstration Project for Mathematics; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995; Notice

DEPARTMENT OF EDUCATION

[CFDA No. 84.286]

Telecommunications Demonstration Project for Mathematics; Notice Inviting Applications for New Awards for Fiscal Year 1995

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: The purpose of the Telecommunications Demonstration Project for Mathematics is to support a grant to a nonprofit telecommunications entity, or partnership of such entities, to carry out a national telecommunications-based demonstration project to improve the teaching of mathematics.

Eligible Applicants: Nonprofit telecommunications entity or partnership of such entities.

Deadline for Transmittal of Applications: April 12, 1995

Deadline for Intergovernmental Review: June 12, 1995

Estimated Available Funds: $2,250,000

Estimated Range of Awards: $2,250,000

Estimated Average Size of Awards: $2,250,000

Estimated Number of Awards: 1

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months

Budget Period: 12 months

Applicable Regulations

The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR part 75 (Direct Grant Programs).

(3) 34 CFR part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(6) 34 CFR part 81 (General Education Provision Act—Enforcement).

(7) 34 CFR part 82 (New Restrictions on Lobbying).

(8) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(9) 34 CFR part 86 (Drug-Free Schools and Campuses).

Description of Program: The Telecommunications Demonstration Project for Mathematics is authorized by Part D of Title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6951–6952).

The Secretary is authorized to award a grant to a nonprofit telecommunications entity, or a partnership of such entities, to carry out a national telecommunications-based demonstration project to improve the teaching of mathematics. The project must be designed to assist elementary and secondary school teachers in preparing all students for achieving State content standards. The project must be conducted at elementary and secondary school sites in at least 15 States.

Application Requirements: Each nonprofit telecommunications entity, or partnership of such entities, that desires a grant must submit an application that——

(1) Demonstrates that the applicant will use the existing publicly funded telecommunications infrastructure to deliver video, voice and data in an integrated service to train teachers in the use of new standards-based curricula materials and learning technologies;

(2) Assures that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, State or local nonprofit public telecommunications entities, and a national mathematics education professional association that has developed content standards; and

(3) Assures that at least 25 percent of the benefits available for elementary and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I of the Elementary and Secondary Education Act of 1965, as amended.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. These are the criteria for evaluating discretionary grants contained in the Education Department General Administrative Regulations (EDGAR).

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria.* (1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purpose of Part D of Title III of the Elementary and Secondary Education Act of 1965, as amended, including consideration of——

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of Part D of Title III of the Elementary and Secondary Education Act of 1965, as amended.

(2) *Extent of need for the project.* (20 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in Part D of Title III of the Elementary and Secondary Education Act of 1965, as amended, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (15 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective;

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or handicapping condition; and

(vi) For grants under a program that requires the applicant to provide an opportunity for participation of students enrolled in private schools, the quality of the applicant's plan to provide that opportunity.

(4) *Quality of key personnel.* (10 points)

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraph (b)(4)(i)(A) and (B) will commit to the project; and

(D) How the applicant, as part of its non-discriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(ii) To determine personnel qualifications under paragraphs (b)(4)(i)(A) and (B), the Secretary considers—

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and cost effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (15 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(Cross-reference: See 34 CFR 75.590 Evaluation by the grantee.)

(7) *Adequacy of resources.* (5 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact, upon receipt of this notice, the Single Point of Contact for each of those States and follow the procedures established in those States under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on June 10, 1994 (59 FR 30214–30216).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, area wide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.286, U.S. Department of Education, FB–10, Room 6213, 600 Independence Ave., SW., Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, 600 Independence Avenue, SW., Attention: (CFDA# 84.286), Washington, DC 20202–4725.

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Room #3633, Attention: (CFDA# 84.286), General Services Administration, National Capital Region, 7th and D Streets, SW., Washington, DC 20202–4725.

Note: Upon receipt of your application, the Department's Application Control Center will assign your organization an identification number which will be returned to you via receipt. Please refer to this number in any future correspondence concerning your application.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Although the Department of Education requires applicants to submit an original and two copies of an application, it has been our experience that the entire review process can be completed faster if applicants voluntarily submit an original and five copies of the application package. The additional copies would be used during the review process.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Applicant Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the closing date of the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9495.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424) and instructions.

Part II: Budget Information—Non-Construction Programs (Standard Form 524A) and instructions.

Special Budget Instructions

The Department is participating in the Administration's Reinventing Government Initiative. As part of that initiative, the National Performance

Review urged the Department to ''eliminate the continuation application process for budget years within the project period'' and replace it with ''yearly program progress reports focusing on program outcomes and problems related to program implementation and service delivery.'' The Department is implementing this recommendation for as many programs as possible beginning in fiscal year 1995. This will require all applicants for multi-year awards to provide detailed budget information for the total grant period requested. The Department will negotiate at the time of the initial award the funding levels for each year of the grant award. A new generic budget form, included in this package, requests the information needed to implement this initiative.

By requesting detailed budget information in the initial application for the total project period, the need for formal noncompeting continuation applications in the remaining years will be eliminated. An annual report will be used in place of continuation application to determine progress, thereby relieving grantees of the burden to resubmit assurances, certifications, etc.

Part III. Application Narrative

Additional Materials: Public Reporting Burden.

Assurance—Non Construction Programs (Standard Form 424B).

Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transaction (ED 80–0014, 9/90) and instruction.

Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

For Further Information Contact: Adria White, U.S. Department of Education, 555 New Jersey Avenue, NW., Room 502, Washington, D.C. 20208–5644. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: 20 U.S.C. 6951–6952.

Dated: February 14, 1995.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

BILLING CODE 4000–01–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application	Preapplication
☐ Construction	☐ Construction
☒ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address (give city, county, state, and zip code):

Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration

D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 2 8 6

TITLE: Telecommunications Demonstration Project for Mathematics

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE_____

b NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

BILLING CODE 4000–01–C

Instructions for the SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been give an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—''New'' means a new assistance award.
—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.
—''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18, To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BILLING CODE 4000–01–M

U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS

OMB Control No. 1875-0102

Expiration Date: 9/30/95

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

BILLING CODE 4000-01-C

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing the reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202–4651; and the Office of Management and Budget, Paperwork Reduction Project 1875–0102, Washington, DC 20503.

Instructions for ED Form No. 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A—Budget Summary—U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1–11.

Lines 1–11, columns (a)–(e):
For each project year for which funding is requested, shown the total amount requested for each applicable budget category.

Lines 1–11, column (f):
Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)–(e):
Show the total budget request for each project year for which funding is requested.

Line 12, column (f):
Show the total amount requested for all project years. If funding is requested for only year, leave this space blank.

Section B—Budget Summary—Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1–11 of Section B.

Lines 1–11, columns (a)–(e):
For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1–11, column (f):
Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave the column blank.

Line 12, columns (a)–(e):
Show the total matching or other contribution for each project year.

Line 12, column (f):
Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only year, leave this space blank.

Section C—Other Budget Information—Pay Attention to Applicable Program Specific Instructions, if Attached

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.
2. If applicable to the program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.
3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.
4. Provide other explanations or comments you deem necessary.

Instructions for Part III—Application Narrative

Before preparing the Application Narrative an applicant should read carefully the description of the program and the selection criteria the Secretary uses to evaluate applications. The narrative should encompass each function or activity for which funds are being requested and should include the following:

Abstract: Attach a *one-page*, double-spaced abstract following the Federal Assistance Face Sheet, Standard Form 424. This is a key element in all proposed narratives and should include statements about: (i) The need for the project; (ii) the proposed plan of operation; and (iii) the project's significance/intended outcomes.

Narrative: Describe the proposed project in light of each of the selection criteria in the order in which the criteria are listed in this application package. Provide a description of the applicant entity or partnership, describe the school sites where the demonstration will take place, and address each of the application requirements contained in this notice. Include any other pertinent information that might be useful in reviewing the application.

The Secretary strongly requests the applicant to limit the Application Narrative to no more than 25 double-spaced, standard typed pages (on one side only), including appendices, although the Secretary will consider applications of greater length.

Public Reporting Burden: Collection of information necessary to obtain an award under the Telecommunications Demonstration Project for Mathematics affects nine or fewer applicants. Thus, under 5 CFR 1320.4(a), the Assistant Secretary informs potential respondents that the collection of information in this application is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1990.

Assurances—Non-Construction Programs

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd–3 and 290 ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real

Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988: (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.) (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of authorized certifying official

Title

Applicant organization

Date submitted

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, ''New Restrictions on Lobbying,'' and 34 CFR Part 85, ''Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants).'' The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. Lobbying

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form—LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. Debarment, Suspension, and Other Responsibility Matters

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. Drug-Free Workplace (Grantees Other Than Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202–4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

Drug-Free Workplace (Grantees Who Are Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202–4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

_____

Name of applicant

_____

PR/award number and/or project name

_____

Printed name and title of authorized representative

_____

Signature

_____

Date

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR part 85, for all lower tier transactions meeting the threshold and tier requirements stated at section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliable was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms ''covered transaction,'' ''debarred,'' ''suspended,'' ''ineligible,'' ''lower tier covered transaction,'' ''participant,'' ''person,'' ''primary covered transaction,'' ''principal,'' ''proposal,'' and ''voluntarily excluded,'' as used in this clause, have the meanings set out in the Definitions and Coverage this section of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled ''Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions,'' without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name of applicant

PR/Award number and/or project name

Printed name and title of authorized representative

Signature

Date

BILLING CODE 4000–01–M

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known*:

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity
(if individual, last name, first name, MI):

b. Individuals Performing Services *(including address if different from No. 10a)*
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
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BILLING CODE 4000–01–C

Instructions for Completion of SF–LLL, Disclosure of Lobbying Activities

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF–LLL–A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks ''Subawardee'', then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., ''RFP–DE–90–001.''

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF–LLL–A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork, Reduction Project (0348–0046), Washington, DC 20503.

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DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

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federal register

Friday
February 17, 1995

Part XIII

The President

Proclamation 6770—National Poison Prevention Week

Federal Register
Vol. 60, No. 33
Friday, February 17, 1995

Presidential Documents

Title 3—

The President

Proclamation 6770 of February 15, 1995

National Poison Prevention Week, 1995

By the President of the United States of America

A Proclamation

Children are the future of our country, and protecting them is America's most sacred responsibility. All of us—government leaders, citizens, parents—are bound to do whatever we can to keep them safe and healthy. Simple safety measures—such as using child-resistant packaging correctly, locking cupboards, keeping prescriptions and cleaning supplies out of the reach of a child's hands—all can protect our most precious resource from the dangers of poison and other hazardous substances.

The U.S. Consumer Product Safety Commission (CPSC) has made great progress in safeguarding our young people by mandating child-resistant packaging for medicine and dangerous chemicals. And the invaluable work of the Nation's poison control centers has saved countless lives, both young and old. These public health efforts have reduced childhood poisoning deaths from 450 in 1961 to 62 in 1991.

However, according to the American Association of Poison Control Centers, nearly 1 million children each year are exposed to potentially poisonous medicines and household chemicals. Every year we lose children to poisoning—and almost all of these poisonings are preventable. This week—and every week—we must rededicate ourselves to informing everyone of the importance of prevention and to educating all caregivers about ways to prevent childhood poisonings.

To encourage the American people to learn more about the dangers of accidental poisonings and to take more preventive measures, the Congress, by Public Law 87–319 (75 Stat. 681), has authorized and requested the President to issue a proclamation designating the third week of March of each year as ''National Poison Prevention Week.''

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim the week beginning March 19, 1995, as National Poison Prevention Week. I call upon all Americans to observe this week by participating in appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of February, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.

William J. Clinton

[FR Doc. 95–4274
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